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**Between smoking guns and substantive arguments: how the STOP-TTIP  
coalition influenced Dutch politics**



**Picture: ANP**

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Between smoking guns and substantive arguments: how the STOP-TTIP coalition influenced Dutch politics

“Voor Rob, Joop, Aat en Joos”

## **Executive Summary**

In July 2013, the EU and the US began negotiating a comprehensive trade and investment treaty: TTIP (Transatlantic Trade and Investment Partnership). This was the beginning of a hefty public debate on the – supposed – contents of the agreement, such regulatory cooperation and ISDS. In the Netherlands, this debate was also held extensively, not in the least due to extensive media-coverage and public protests by a coalition of NGOs and civil society organisations called STOP-TTIP. After months of discussions, then-minister for Foreign Trade and Development Cooperation Lilianne Ploumen announced a ‘reset’ of Dutch trade policy. How come the STOP-TTIP coalition was so influential on the Dutch trade policy?

In this undergraduate dissertation, an answer to that question has been given. A case study approach was chosen as a method, supplemented by four in-depth semi-structured interviews with relevant stakeholders. A literature review on the field of interest group research constitutes the foundation of the dissertation.

The main findings of this research suggest that the STOP-TTIP coalition in the Netherlands was able to control the debate in the Netherlands on several important themes at the hand of an organised campaign. A combination of powerful frames, lobbying tools, and message alignment created a ‘perfect storm’ for the campaign. Furthermore, the coalition has succeeded in creasing the salience of trade policy – a highly technical topic. As a result the recommendations of the dissertation have suggested that it is of importance for the Dutch administration to find a corresponding narrative that addresses the issues of the STOP-TTIP coalition - not in the least because the coalition will continue to address key trade policy issues. In terms of the coalition campaign, the high salience of trade related issues could prove a fertile ground for the attainment of more policy preferences in trade policy.

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## List of Abbreviations

ACTA	Anti-Counterfeiting Trade Agreement
BHB	Breed Handelsberaad
BIT	Bilateral Investment Treaty
BRICS	Brazil, Russia, India, China, South Africa
CCP	Common Commercial Policy
CETA	Comprehensive Economic and Trade Agreement
CSD	Civil Society Dialogues
DAG	Domestic Advisory Groups
DG	Directorate-General
EC	European Commission
ECI	European Citizens Initiative
EESC	European Economic and Social Committee
EP	European Parliament
EU	European Union
FAC	Foreign Affairs Council
GATT	General Agreement on Tariffs and Trade
GDP	Gross Domestic Product
GMO	Genetically Modified Organism
ICS	Investment Court System
IMF	International Monetary Fund
INTA	International Trade
ISDS	Investor-State Dispute Settlement
ITM	Informal Technical Meetings
MAI	Multilateral Agreement on Investment
NATO	North-Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
NTB	Non-Tariff Barrier
OECD	Organisation for Economic Cooperation and Development
OPC	Online Public Consulstation
SDG	Sustainable Development Goal
SOMO	Stichting Onderzoek Multinationale Ondernemingen
TBT	Technical Barrier to Trade
TFEU	Treaty on the Functioning of the EU
TNI	Transnational Institute
TPC	Trade Policy Committee
TTIP	Transatlantic Trade and Investment Partnership
USA	United States of America
WPTQ	Working Party on Trade Questions
WTO	World Trade Organisation
ZML	Zondag Met Lubach





## 1.0 Introduction

In July 2013, the European Union (EU) and the United States started negotiations for a Transatlantic Trade and Investment Partnership (TTIP). Upon completion, it could be the largest and most comprehensive bilateral free trade and investment treaty to date. The aim of the treaty is to remove trade barriers and enhance regulatory compatibility. In addition, the European Commission (EC) has expressed that TTIP represents a “strategic vision” of creating jobs, transatlantic relations, global leadership and high international standards (Barnier, 2014). In 2013, former trade commissioner for the EC Karel de Gucht said: *“If we are ambitious, and we reach a comprehensive agreement, we could see a growth boost for Europe in the region of 120 billion euro... and an increase in the US economy of around 90 billion. That would likely translate into millions of new jobs for our workers.”* (de Gucht, 2013)

The TTIP agreement would be of a global economic scale. The EU and US economies make up just under half of the total global GDP and 60 per cent of the foreign investment stock (Council of the European Union, 2013; European Commission 2018). The USA is the EU’s largest trading partner (European Commission, 2017). The EU is vice-versa the USA’s most important export market and its second most important import market (Ružeková, 2016). The economic ties between The Netherlands and the US are also evident: the US is the 6<sup>th</sup> exporting nation for the Netherlands in value-added trade; in 2014, the Netherlands exported 19 billion euro’s in goods to the US, importing 27 billion euro’s; that same year, the Netherlands exported 17 billion euro’s in services, importing 21 billion euro’s (SER, 2016). Together, the EU and the USA’s markets are of major influence on most exporters. Therefore, a deal on standards and regulatory compatibility is expected to have a globally dominant effect (Eliasson, 2015).

As stated above, TTIP is a free trade agreement with the aim to remove trade barriers and enhance regulatory coherence. In essence, this means cutting red tape, opening the two markets to each other’s businesses, and setting up new rules to make it easier to export, import and invest. However, it is also acknowledged that the agreement is geostrategic. Former US ambassador to the EU, Athony Gardner, has said: *“We need this deal to help solidify further the transatlantic alliance, to provide an economic equivalent to NATO, and to set the rules of world trade before others do it for us. There are many reasons why this agreement is not only important, it is vital.”* (Euractiv, 2014). In another interview, Gardner further stresses the geostrategic importance of the agreement by saying: *“If TTIP crashes, it*

*will be great news for Putin*”, who will regard failure to come to an agreement as a partition in US-EU relationships (NRC, 2016). The treaty negotiations have taken place over several rounds, which started in July 2013. The 15<sup>th</sup> and last negotiation round was held in October 2016.

With the election of Donald Trump as president of the USA just a month later, and his negative attitudes towards multi-lateral trade agreements – Trump has continuously expressed his opposition towards the Trans-Pacific Partnership agreement with 11 nations in the Pacific region, even calling it “rape” (Washington Post, 2018) – the negotiations have stalled. As of July 2018, after attempts by European Commission president Jean-Claude Juncker to “diffuse a trade battle” on steel and aluminium exports, the US and the EU have started negotiations on a trade deal again (The New York Times, 2018). It has been noted that these negotiations to some extent mirror the TTIP negotiations, however, at the time of writing – fall/winter 2018 – it remains to be seen to what extent this is true (The New York Times, 2018).

Outrage over the (supposed) contents and effects of the trade deal fuelled a public debate to heights previously unknown. Starting in March 2014, the collective campaigning efforts of over 500 European civil society organisations under the “STOP-TTIP” moniker resulted in a European Citizens Initiative (ECI) in July of that year (STOP-TTIP, 2016a). Their goal, armed with over three million signatures collected across Europe, to stop TTIP and the Comprehensive Economic and Trade Agreement (CETA) with Canada. On October 10 2015, an estimate of between 150.000 and 250.000 protesters amassed to oppose multiple trade agreements in Berlin (Euractiv, 2015). The same day in Amsterdam between 3.000 and 7.000 activists joined the cause. One protester notes: “*We are here because I find it strange that, if TTIP passes, corporations can dictate their norms to Europe. That they can threaten and even coerce governments through the ISDS investment mechanism*” (NRC, 2015a). In September 2017, the Polish government threatened to block the CETA agreement over the dispute-settlement mechanism in the treaty (Financial Times, 2017). By late October 2016, Belgian opposition from the Wallonian regional parliament almost annulled the agreement, but was resolved after the Belgian Prime-Minister and the regional parliament agreed upon a four-page annex that made support for the deal possible (The Guardian, 2016). CETA was eventually signed and entered into force by late September 2017, though elements of dispute-settlement and financial services are excluded until ratified by the member-states (Europa.nu, 2017). The opposition is based on several treaty elements and presuppositions, the two most prominent being the fear of lowering product safety standards and less domestic policy sovereignty. The following paragraphs elaborate on these key issues.

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Firstly, the STOP-TTIP campaign considers trade agreements to lower safety standards and to be empowering to multinational cooperation (De Ville and Siles-Brügges, 2015). This is because modern trade agreements are increasingly about non-tariff barriers (NTB's), moving beyond traditional mercantilist and protectionist instruments (Garcia-Duran and Eliasson, 2017). A comprehensive trade agreement tries to converge the barriers between standards and regulations of different nations (or regions) allowing a product or service to be blocked from a market. These NTB's provide an effective measure but are costly to consumers and businesses. The USA and the EU differ greatly in their regulations on a number of contested issues, such as genetically modified organisms (GMO's), hormone treated beef, chlorine-washed chicken and animal testing, among others. STOP-TTIP campaigners say that TTIP will, through improved regulatory coherence, open the European market to such products (Bauer, 2016).

Secondly, TTIP is considered to be an attack on national sovereignty through the inclusion of an investor-state dispute-settlement (ISDS) mechanism in the treaty, and because trade agreements are, by nature, negotiated behind closed doors. ISDS is a way for an investor to access a de-politicised form of legal reimbursement in the case a host country transgresses the investment treaty. In the critics view, ISDS is "(...) portrayed as a secret parallel justice for big multinational firms circumventing legitimate domestic courts (...)" (Reinisch, 2017, p.249), consequently, making the case for the lack of democratic legitimacy in (negotiating) the agreement.

The mixture of these elements, in addition with sentiments of anti-Americanism provided a powerful and successful narrative for the STOP-TTIP campaign (Steiner, 2016). Furthermore, by mobilising the Internet, social media and their local networks, a previously highly technical topic of trade negotiations became subject to public scrutiny and debate within a matter of months. At one point in Germany, for example, 85% of the online content on TTIP was generated by the STOP-TTIP campaign (Bauer, 2015). In the Netherlands, late-night show 'Zondag met Lubach' made several items on TTIP and CETA, airing over the course of 2015. Making waves in the public debate and spiking Google inquiries for 'TTIP' (see figure 1.), former Dutch minister for trade Lilianne Ploumen appeared on the last show of the season reassuring the host that "*we will not lower our standards*" (Nu.nl, 2015; Zondag met Lubach, 2015).

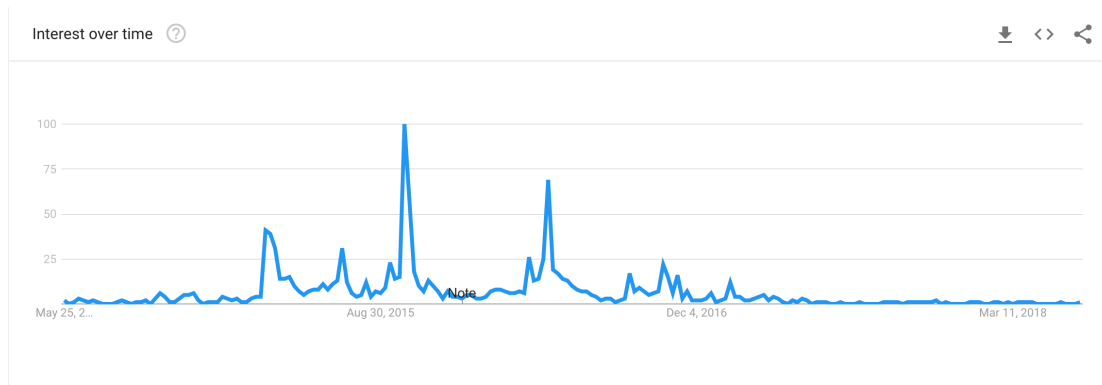


Figure 1. Google Trends survey for 'TTIP' search term from May 25 2014 until June 2018 in the Netherlands. Normalised value: 0 is no interest, 100 is highest interest of set period. First spike in interest around March 2015 when the first Lubach show on TTIP aired. Second spike in October 2015 when Lubach did a second show on TTIP/CETA.

Besides the Lubach show, Minister Ploumen appeared frequently in newspapers and town-hall style meetings to assure the public of European standards protection and uphold the positive effects of the trade agreements. However, the minister struggled to get influential interest groups such as Milieudefensie, Foodwatch, SOMO, Transnational Institute (TNI) and Greenpeace on board. They campaigned to influence public opinion such as publishing op-eds in newspapers and even leaking secret TTIP documents. The groups emphasise the role the Netherlands plays as a host country for mailbox companies. In a joint report, NGO's write that not only investment capital flows through the mailbox companies, but they also function to exploit the Dutch investment treaties in which an ISDS clause is incorporated. As a result, the Netherlands is the second largest home state for arbitration cases after the USA (Both ENDS, 2015).

Two years of campaign fireworks on TTIP have left a blurry cloud of smoke that requires closer examination. The trade agreement was supposed to be the most ambitious and comprehensive trade agreement ever, interlinking the two largest economies of the world, resulting in millions of jobs, providing a blueprint for future trade agreements, and was ought to be of geostrategic importance. Three years of negotiations have born no agreement, and the election of Trump has kicked the treaty into the long grass. In particular, the role of grass-roots civil society organisations demands a more specific analysis. How were they able to lift a trade negotiation on highly technical issues out of the dull white-collar back offices on to the plate of the broad public? In this dissertation an attempt will be made to explore what narratives and institutional mechanisms civil society organisations have employed to influence the TTIP negotiations. The central research question is, therefore:

*Why was the Dutch civil society campaign so influential in the TTIP negotiations?*

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Several sub-questions can be inferred from this central research question. These aid not only in structuring the research, as they do in structuring the report for the reader. Firstly, it requires a closer look at the role of the EU and the Netherlands in trade negotiations and trade policy. The first sub-question is: *How does the EU conduct trade negotiations? What is the role of the Netherlands in EU trade negotiations?* This question will not only shed light on the process of trade negotiations, but can also improve our understanding of how EU trade policy has historically developed. From this naturally flows the role of national administrations.

Secondly, one would ask exactly what TTIP is and what it contains that has led to such controversy. The second sub-question is: *What is TTIP? What are the main elements of discussion within the TTIP debate?* This question will provide insight in the contents of the trade agreement, and stipulate a foundation for the third question.

Lastly, the strategies – be it discursive or operational – of the civil society groups that tried to influence the TTIP negotiations must be unravelled. The final question shall be: *What strategies did the Dutch civil society TTIP campaign implement to achieve an impact upon the TTIP debate in The Netherlands? How successful were these strategies?* Buried within this question is an identification process of the narratives and institutional mechanisms civil society groups have applied to, to influence the TTIP debate. This question will be answered at the hand semi-structured in-depth interviews.

### 1.1 Structure

The structure of this dissertation will be discussed next. Firstly, the reader is introduced to the subject in the introduction. In the Literature Review, secondly, the reader will be guided through the most relevant concepts of interest groups studies, in an attempt to provide the foundational underpinnings and boundaries of the research. The aim of the literature review is, ultimately, to provide the reader with an understanding of the most fundamental conceptions in the contemporary academic literature on interest group studies within a EU context.

Thirdly, in the methodology section, the research approach of this dissertation will be discussed. The aim is to discuss and analyse why and what modes of research were chosen, and why others weren't.

Following the methodology, the research questions will be answered within a case study framework. Data gathered in qualitative in-depth interviews will then be presented to give further insight in the STOP-TTIP campaign. After this section, finally, flowing from the analysis and summarisation of the data, an answer to the research question will be provided in the conclusion. Recommendations are made subsequently

## **2.0 Literature Review**

In the last chapter the context for this dissertation was set out. It introduced why the topic is relevant and how it aims to answer the central research question: ‘How did the Dutch civil society campaign influence the TTIP negotiations?’ This question is answered at the hand of the literature on interest group influence studies. This field studies which groups influence policy-making, how they do it and to what extent. Some groups are successful in their efforts, other are not or to a lesser extent. Why does this happen? How come some ‘win’ and others ‘lose’? What factors come into play? What does this mean for the democratic legitimacy of policy outcomes, if they are systematically skewed towards the likings of a few interest groups whilst others constantly lose (Dahl, 1989)? These are questions that interest group studies aim to answer.

As with many new research fields, it suffers from a plethora of notions and ideas, which has not always resulted in a fully formed picture of reality. Moreover, the field has lacked cooperation and communication between researchers. Many scholars have, as of late, made a collective effort to help clear some of the academic fog. In an influential article trying to align that state of affairs, Beyers, Eising and Maloney (2008) describe the fragmented research field of interest group studies as ‘Balkanised’ (p.1105). For example, Berkhout and Lowery (2008) study interest group population at the European level. Others (Eising, 2008) are interested in developing a theoretical analytical framework from different research backgrounds such as Comparative Politics, International Relations, Policy Analysis and Democratic Theory, in an effort to distinguish research gaps and controversies. Yet others (Beyers, 2002, 2004; Mahoney, 2007) study interest group lobbying strategies. However, many scholars have found it difficult to explain interest group influence. The aim of this chapter is to guide the reader through the most relevant concepts and notions in the field. This section will discuss, firstly, the interest group as an actor (2.1). Secondly, the notion of ‘influence’ will be clarified (2.2). Then a discussion of lobbying in coalitions (2.3), issue salience (2.4) and influence strategies (2.4) will follow. The topic of framing will be discussed next (2.6) as well as the importance of the institutional context for framing (2.7). A conclusion will follow, linking this section to the research questions.

### **2.1 What is an interest group?**

Different terminologies for the interest group exist, such as: civil society, non-governmental organisations, interest associations, international non-governmental organisations, pressure

groups, lobby organisations, etc. Are these groups all the same? Or do they differ from one another? To answer these questions one must look at what interest groups are. According to Beyer, Eising and Maloney (2008), an interest group must feature three elements: organisation, political interest and private status. Organisation means that for instance unorganised waves of public opinion are excluded. For example, general opposition to the repeal of the dividend tax can be analytically diversified from a trade union lobbying and campaigning against it. Political interest means that the group pursues some sort of policy or decision-making outcome. In the previous example, the trade union has a decision-making preference that the dividend tax is not abolished. Lastly, private status means that the interest group is not a political party seeking office or a public institution subject to the state. Following Klüver's (2013) line of reasoning, the original term of 'informality' is replaced with 'private status', since informality does not necessarily exclude public institutions nor political parties. To conclude: an interest group is an aggregate of preferences of individuals with an aspiration to influence public policy without the will to run for office, nor are they funded by or subject to the state.

An important aspect of interest group studies is the effort to discern different interest groups by typology. This stems from the hypothesis that business interest groups are more successful in influencing policy than public or civil interest groups (Olson, 1965; Mahoney, 2004; Persson, 2007). However, the literature is not homogenous on this issue. Lately, Klüver (2013) has argued that group type does not matter for group success. By contrast, Dür, Bernhagen and Marshall (2015) argue that group type does in fact matter.

The first to point to the differences between business and non-governmental interests is Olson (1965), who spoke of concentrated interests and diffuse interests respectively. Diffuse interests are non-governmental organisations; concentrated interests represent businesses and trade unions. This delineation along group type is followed by Klüver (2013) who specifies between companies and associations. She notes: "Whereas associations are membership organisations which have individuals, companies, or public institutions as members, companies are corporate actors which do not have a members" (p.6).

Other organisational characteristics are for example the amount of resources an interest group has. Studies looking at resource endowment have taken different types of resources as starting points and have thus led to indecisive results. Studies have looked at not only money, but also "legitimacy, political support, knowledge, expertise and information." (Dür, 2009, p. 1214). Klüver (2010) and Eising (2009) argue that resource endowment has a positive effect on access to European institutions. On the contrary, Baumgartner et al. (2009) and Mahoney



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(2008) find no correlation. Del Felice (2012) has written that although the distinction between diffuse and concentrated interests is ‘useful’, it ‘does not consider the effects of joint actions and coalitions’ (p.310).

In a review article, Baroni et al (2014) show that this definition along the lines of organisational characteristics is just one of two modes. The other mode defines interest groups at the hand of their observable, policy related activities and thus looks at behavioural characteristics. Furthermore, the way as to how scholars scheme the groups is different, possibly relating to the differences in research focus. But this, again, makes drawing comparisons and conclusions difficult. Baumgartner and Leech (1998, p.22) write that the result of typifying interest groups is nothing less than a barrier to the accumulation of knowledge in interest group research.

To conclude, the interest group is an actor that has the aspiration to influence policy. The literature is inconclusive as to whether group types matter for the successful exercising of influence. However, the literature does settle that there are different types of interest groups, in different forms and shapes and sizes, with typologies largely depending on the context the research takes place in.

### **2.2 What is influence?**

As early as 1961, Dahl established that influence in politics can be regarded as who ‘wins’ and who ‘loses’ on a certain issue. This he called, the ‘first face of power’ (Dahl, 1961). The ‘second face of power’ refers to the ability of an actor to set the agenda, and keep undesirable issues off it (Bachrach and Baratz, 1962). Thus, influence is the ability of an actor to shape a political decision in line with its preferences (Dür, 2008c).

Furthermore, in Mancur Olson’s seminal work, ‘The Logic of Collective Action’ (1965) it was described how actors (organisations) can represent their preferences (interests) in a polity. Organisations represent the interests of their members, and advancing the interests of the members is therefore the core purpose of an organisation. For example, workers are represented in labour unions. If this union fails to defend the collective interest of the workers, it loses its *raison d’être*. This ties in with Dahl’s theory of pluralism (1961) in which coexisting, yet competing interests vie for influence on policy-making. However, benefits from organising interests might be endangered in the face of diffuse interests. This is called the collective action problem (Olson, 1965). The collective action problem is the problem that arises when diffuse (competing) interests vie for action on a collective issue. This means that action is not taken on an issue because too many interests have too many

solutions to an issue. In light of this problem, it is therefore theorised that concentrated interests - interests that are 'on the same page' on how to deal with an issue – are better at influencing policy than diffuse interests. Conversely, smaller organised interests that represent a narrow set of interests are theorised to be better at influencing policy than larger organised interests.

Following Klüver (2013), several pathways exist in understanding whether influence has been exerted or not. First, one must establish the causal relationship between influence and the convergence of a policy preference in the policy. This convergence might just be the result of luck. However, if the policy output can be linked to the policy preferences and attributes of the interest group, one might be able to denote a significant – causal - link between the actor and the policy output. In that case, one does not speak of luck, but of influence. Therefore, influence is the causal relationship between policy preferences - which can be linked to the attributes of interest groups - and the policy output.

In short, influence is the ability of an actor to shape a political decision in line with its preferences (Dür, 2008c).

### **2.3 Influence as an exchange relationship**

Another crucial notion to discuss is the idea that influence constitutes some sort of exchange relationship between actors (Bouwen, 2002; Hall and Deardorff, 2006). Bouwen (2002) is the first to present this idea in full. In his work, it is argued that actors that are trying to influence policy have to bring something to the table of the European Institutions. The institutions demand 'goods' from the actor. Bouwen defines this 'good' as information. However, an important addition to influence as an exchange relationship is Klüver's (2013) idea that interest groups not only have information to offer, but also other tradable 'goods' such as citizen support and economic power. These types of goods are important for the European decision-making process: it has been reasoned that the EU stimulates the creation and maintenance of interest groups for legitimacy and information (Bouwen, 2002; Mahoney and Beckstrand 2011). In return, according to Bouwen (2002), the interest group gets a seat at the table. Therefore, studying influence as an exchange relationship between actors can also be referred to as 'the logic of access'.

Looking at influence at the hand of access has led to a large body of work on the sum aggregate of interest groups in certain 'positions' in a political entity (see for example Wonka et al., 2010; Berkhout et al. 2015). In other words, this research tries to map the total sum of the European Union interest group population. They examine the density and diversity of

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interest groups in a political system, as well as divide them across categories such as political issue, policy domain and economic sector (Berkhout et al., 2015). This particular body of research has argued that the density of interest groups has an effect on several issues, such as the strategy and the influence of interest groups; the breadth of political engagement of interest groups; and the opportunities for entry of new organisations to the interest group system (Berkhout et al., 2015, p. 464).

### **2.4 Lobbying in coalitions**

Naturally, these works lead to the understanding that exerting influence i.e. lobbying, is not a lonesome endeavour (Sabatier, 1998). As Baumgartner et al. (2009, p.22) put it: “in spite of journalistic accounts suggesting that much lobbying involves a single corporation attempting to get a single favour or contract with no broader implications for others, such ‘lone ranger’ lobbying is far from the norm”. Lobbying not only happens in long-standing coalitions, coalitions also form over specific issues on an ad-hoc basis. Coalitions try to “pull” the European institutions into the same direction on a specific policy issue (Klüver, 2013). As said, these coalitions can be long-standing and intentional, but also opportunistic and coincidental (Baumgartner et al., 2009). It is stressed that the aggregate of ‘goods’ that the interest groups bring to the table - not the amount of interest groups on an issue - is what will eventually sway the institutions and determine a policy outcome. For example, a coalition may be large in size but the sum of their ‘goods’ (information supply, citizen support, economic power) might not suffice to influence a policy. By contrast, a smaller coalition with the right amount of ‘goods’ to bring to the table, could have a decisive influence on a policy outcome.

### **2.5 Influence in a salient case**

Furthermore, drawing large numbers of interest groups to an issue might have a positive effect if everyone’s policy preference is aimed on the same goals and a coalition can be built. What if this is not the case? What if a policy is highly contested? It is theorised that the more salient an issue is, the harder it is to influence policy-makers, for salient issues draw a large number of interest groups which in turn makes it harder to get ones voice heard (Mahoney, 2007, 2008). Issue salience is the degree to which an issue is contested, together with the scope of issue. The higher the salience, the more groups are mobilised, and the harder it is for the interest groups to influence a policy.

Several other factors come into play with salience and the degree to which an issue is contested. These include the notions of public opinion, mobilisation and the outcome of a policy. Dür and Mateo (2014) postulate a relationship between these notions. This relationship entails that since public opinion is such an important factor for public policy, interest groups will try to influence the salience of a policy, as well as try to influence the opinion that people have. Public opinion, in turn, influences on what issues interest groups become active. This can therefore lead to a “positive feedback effect (...) in which the increasing salience of an issue mobilises more groups, and more lobbying makes the issue more salient among the public” (Dür and Mateo, 2014). Mahoney (2007) notes that interest groups might try to make an issue more salient. As a result, public opinion might mobilise in favour of the interest group. Therefore, when studying influence, one must take into account whether or not an issue was salient, and in what way this has had an impact on the policy-makers.

How do interest groups try to influence a policy?

## **2.6 Influence strategies**

Interest groups employ several ‘tactics’ to influence the decision-making process. Roughly, these tools are categorised into insider strategies, outsider strategies, decision-maker selection, and structural power (Klüver, 2013). Inside lobbying strategies are meeting with decision-makers; writing position papers; taking part in public consultations; and writing letters to officials. With this strategy there is formal and informal contact with decision-makers and the exchange of policy-relevant ‘goods’ (Coen, 2007). Outsider strategies are defined as publishing press releases and reports; media advertisements; holding information events; and organising protesting activities (Kollman, 1998). These strategies put pressure on decision-makers via the public arena.

Outsider strategies do not only have as a goal to influence policy-makers, they also aim to shape public opinion - although public opinion is shaped by a plurality of factors such as social conditions and media. Strangely, attempts to shape public opinion often have a contrary effect (Page, Shapiro and Dempsey, 1987). This means that public opinion does not sway in favour of the policy preference, but in disfavour. Despite this evidence, it is still assumed that outside strategies have an effect on public opinion (Fordham and Kleinberg, 2012; Dür and Mateo, 2014). The relationship between outside lobbying and public opinion is further expressed in the connection between interest groups and its members. Listening to the wishes of interest group members is theorised to lead to successful campaigning, which successfully influences policy-makers (Dür and Mateo, 2014). With issues of high salience, there is nearly a “one to one translation” of public opinion preference into policy (Stimson, Mackuen and

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Erikson, 1995, p. 557). In other words, policy-makers and decision-makers ‘listen’ to ‘the people’ when a matter is urgent and pressing. Conversely, issues that go under the radar of the general public are often issues on which there might not even be a public opinion (Burnstein, 2010). In this regard, the interest group serves as a link between its members and decision-makers (Agnone, 2007), and will try, with the help of aforementioned influence strategies and its organisational capacity, to mobilise their members, and subsequently public opinion.

Decision-maker selection is a strategy in which interest groups try to elect officials (politicians, bureaucrats, judges) that better represent their policy preferences (Fordham and McKeown, 2003). This is done by contributing to political campaigns, influencing public opinion, and by putting pressure on political principals who appoint officials (Dür, 2008). Dür (2008) argues that although this strategy is more inconspicuous in EU politics than in US politics, the effects of it must certainly not be overlooked.

Lastly, the structural power of interest groups is not so much a strategy as it is more a *fait accompli*. Interest groups – with their economic capacity of business investments and job creation - have a presence within a political system, which means that politicians are likely to take into account the preferences of such interest groups (Lindblom, 1977; Bernhagen and Bräuninger, 2005). So although some interest groups are not actively engaging in lobbying activities, their mere existence as an entity weighs on the decision-making process of a polity. Research has shown that the strategies differ according to the institutional context (Beyers, 2004; Woll, 2012), the group type, and the issue type (Binderkrantz and Krøyer, 2012).

These classic types of strategies are lately complemented by the use of social media. It is argued that social media lobbying must be disentangled from the previous typical strategies, and must be seen within the context of media lobby campaigns (Beyers, 2004; Binderkrantz, 2005). This is due to the “mediatisation” of politics, which leads stakeholders to vie for media attention and exposure (Binderkrantz, 2012). Hence, social media lobbying is a strategy with the aim to establish a presence in that particular sphere. Saxton and Guo (2011) argue that strategic content can engage stakeholders in meaningful relationships, and ‘ultimately foster increased accountability and public trust’. Furthermore, Lovejoy and Saxton (2012) point to the increased use of social media as a tool for advocacy. Chalmers and Shotton (2016) focus on the use of social media as a strategy for influence. In their paper they make two key assumptions: since lobbying is essentially “spinning” (i.e. framing, see 2.7) a debate to your liking through media outlets, social media is another venue where this spinning can take place (Chalmers and Shotton, 2016, p.378). Another assumption is that because EU policy-making is highly technical, there is a large demand for technical expertise (‘goods’) from stakeholders

(Maloney, 2009). This professionalisation leads to a greater emphasis on developing, shaping and maintaining a public image (Chalmers, 2013). Hence, Chalmers and Shotton (2016) theorise that social media are an important tool for these ‘public relations’ (p.378). For this dimension of ‘strategy’, Berkhout (2013) coins the term “logic of reputation” (Berkhout, 2013, p. 232).

## **2.7 Framing**

Shortly mentioned above is the issue of framing. Studying the concept of framing allows for the discernment of the specific arguments proclaimed by the TTIP campaign. Framing, thus, will help understand why some arguments were used and how they were ‘packaged’. Eventually allowing for a better understanding of the strategies and the effectiveness of the TTIP campaign.

Recently, many studies have looked into the concept of ‘framing’ as a strategy of influence. This is to say that interest groups “strategically communicate and promote arguments and issue-definitions in order to influence policy decisions in the desired direction” (De Bruycker, 2017, p.775). A much cited definition is that by Entman (1993, p.52) who notes: “To frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described.” This relates back to the exchange relationship that EU institutions and actors share. Framing is therefore a strategic and intentional communication practice.

According to Baumgartner and Mahoney (2008), framing can be divided in macro-level and micro-level framing. From the macro-level perspective, frames can be seen as the ‘building blocks’ for constructing a policy debate: it features a collective definition of what is at stake, and how the policy debate can be defined and understood (Daviter, 2011; Dudley and Richardson, 1999). It is a two-way street in which both sides of the policy debate promote their own frames, and at the same time provide structure to the conflict and to mobilisation patterns (De Bruycker, 2017). In a large study, Baumgartner et al. (2009) found that policy debates in the US cannot be reframed and that the dominant frame remains stable. It is noted that this does not mean that framing by interest groups is futile: the frame might have an effect on public visibility or in convincing policy elites, but macro-level framing studies are not the preferred tool to discern framing success (De Bruycker, 2017).

It can be done, however, in micro-level framing studies that take the interest group as the focal point for analysis. This way, the frame is the tool that the interest group employs to attain their policy goals. In these studies, one can look at the interest group and discern

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whether it has achieved policy-preferences through their framing strategies. Van Aelst et al. (2015) and De Bruycker and Beyers (2015) note that these studies can be problematic because most policies are passed without a bombastic public debate. This means, in other words, that it is hard to measure the exerted influence on a given policy when the salience was low and hence has led to a low mobilisation of interest groups.

To account for this feature, it is possible to look at the individual level of influence. A dominant frame in the minds of individual citizens and policy elites is seen as an intermediate step in influencing policy, or getting a frame to dictate on a policy debate scale.

Pre-disposition and receiver characteristics play a large role in the cognitive reception to frames (McLeod and Shah, 2014; Nelson et al., 1997). Furthermore, late-adopted information is more relevant than early-adopted information, as is receptivity to negative frames (fear, economic loss) than positive frames (Kensinger, 2011). Simply put, people suffer from confirmation bias and cognitive dissonance when they are intellectually challenged (Nickerson, 1998). This means that people are particularly tuned to adopting information that is simple, consistent and confirmative to their existing beliefs. In fact, people construct filters to stop contradictory information from challenging the beliefs that they have. Thus, opponents of a policy are best advised to frame messages attuned to the beliefs of the public and to wrap them in a negative frame.

Practically, to understand which frames matter one can differentiate between two types of framing: issue-specific versus generic frames; and emphasis versus equivalence frames.

Studying frames from a bottom-up approach is issue-specific. Then “issue-specific frames serve as descriptive devices to unveil what is at stake in an issue and how this evolves through time and space.” (De Bruycker, 2017, p.777). Issue specific frames are for example, morality, innocence, fear etc. Again, studying frames across policy areas is then hard. Generic frames are frames that are applicable to multiple policy debates. Some define these frames as ‘self’-, ‘other’-, ‘public’- and ‘ideal’-regarding frames (Boräng and Naurin, 2015). Others define generic frames as ‘economic’ or ‘public’ (Klüver, Braun and Beyers, 2015).

Emphasis frames are frames that emphasise one aspect of an issue over others (Druckman, 2004). The effect of the frame on the lobby is however hard to measure, because emphasis frames are often endogenous to the interests at stake. For example, environmental groups tend to emphasise the environmental impact of policies, producers will emphasise the impact of policies on their products or their production process. Some have therefore pointed to equivalence frames as a means to understand argumentation patterns of interest groups

(Druckman, 2004; de Bruycker, 2017). Equivalence framing is essentially ‘spinning’ an issue in a very narrow emphasis frame. Some examples are opportunities vs risks, gains vs losses, positive consequences vs negative consequences (de Bruycker, 2017).

## **2.8 Influence in an institutional context**

Briefly mentioned above is the (presumed) effect the institutional context has on the interest group. For example, some argue that the EU’s institutional structure strengthens concentrated interests to the detriment of diffuse interests (Schneider and Baltz, 2004). Others argue that the EU stimulates the creation and maintenance of interest groups for legitimacy or information (Mahoney and Beckstrand 2011). In other words, “the institutional context defines the opportunities for getting in touch with decision-makers” (Klüver, 2013, p.10). This also means that interest group engagement and success varies with different EU institutions. Why do the EU’s institutions engage with interest groups? What is ‘in it’ for them? And how, as a result, do the institutions shape the behaviour and strategies of interest groups? This is an important feature to investigate, because it further increases the understanding of what the environment is that interest groups operate in. In other words, to grasp the success of a European STOP-TTIP campaign, one must begin with the understanding of the context of the campaign.

Interest groups want their policy preferences attained in policies. They do this by exchanging their ‘goods’ (citizen support, information supply and economic power) with the European institutions (Bouwen, 2002; Klüver, 2013). The European institutions that are the focal point of European legislation are the European Commission, the European Parliament and the European Council (Council of the European Union). At the hand of rational-choice theory, these institutions can be understood as rational, goal-oriented and purposeful actors (Downs, 1957). This means that a rational actor can be analysed by understanding their motives for action; i.e., that it has weighed the costs and benefits of an action at the hand of the available information.

According to Woll (2008) and Klüver (2013), the European Commission, the European Parliament and the European Council (Council of the European Union) pursue different objectives to be a ‘successful’ institution. The European Commission aims to successfully pass policy proposals. The desire of the European Parliament, as well as European Council (Council of the European Union), is to be re-elected. In the parliament this goes for individual members of parliament, and for the Council this goes for the national governments. The institutions’ toolbox to attaining their objectives consists of: acquiring policy-relevant information; obtaining citizen support; and gaining support of actors of economic power.



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Bouwen (2009) points to the eagerness of the European Commission to interact with interest groups for their need of information, since information is so crucial to fulfilling its institutional role. Moreover, European policy-making is 'highly complex' and the size of the European Commission's administration is 'notoriously small': smaller than the administrative staff of the city of Rotterdam (Bouwen, 2009). The European Commission's competence to propose legislation (or agenda-setting) has made it a primary 'target' for those who want to influence policy (Woolcock, 2014). Pollack (1997) has argued that the EC often finds an ally in associations (such as NGO's and citizen groups), when seeking to expand its competences and legitimacy.

Kluger-Rasmussen (2011) discusses that the European Parliament's need for information is essential for gauging the impact of legislation on certain sectors. Furthermore, the technicality of policy proposals requires specific expertise. Often Members of the European Parliament (MEP's) do not have this know-how, and therefore reach out to interest groups. The institutional role that the EP fulfils – amending and voting on legislation – and constraints of time, add to the desire for information. It can be said that the lack of EU lobbying rules, the lack of accountability of MEP's to their constituents, and the nature of the institutional processes, makes the legislative-procedure in the EP exceptionally vulnerable to interest group influence. Amendments and committee reports have been proven to be written largely by association members, and some estimate the amount of amendments directly coming from interest groups to be as high as 80% (Hix and Hoyland, 2010; Judge and Earnshaw, 2008).

In contrast to the Commission and the Parliament, the European Council can rely on their respective national ministries expertise (Franchino, 2007). Saurugger (2010) argues that the influencing of policy proposals on a European level, flows through the national ministries, who regularly consult interest groups. On a European level, lobbyists can achieve the most by trying to influence permanent representations in Brussels, or members of preparatory bodies of the European Council.

The jury is out on whether companies (business interests) or membership-based associations profit the most from this structure. Companies are shown to have better access to the EU institutions than citizen groups (Beyers, 2002). Others have argued that in fact associations are particularly good at exploiting the institutional context (Mazey and Richardson, 1993). Dür et al. (2015) show that companies are often defending the status quo, whilst associations find an ally in the Commission and the Parliament when pushing for policy change. However,

they also find that companies are more influential in areas where the EP has limited capabilities.

## 2.9 Conclusion

In this chapter, the fundamental notions underpinning interest group studies have been laid out. The purpose of this chapter was to introduce the reader to influential ideas in an effort to gain a better understanding of the academic field. To conclude, an interest group is an aggregate of preferences of individuals with an aspiration to influence public policy without the will to run for office, nor are they funded by or subject to the state. Influence can be seen as the ability of an actor to shape a political decision in line with its preferences. Next, concepts of influence as an exchange relationship between actors who exchange certain ‘goods’ for influence, and access were discussed. Influence can also be studied at the hand of the density and diversity of interest groups within a polity.

Interest group studies are further exemplified by the idea of coalition building, in which not the sum of the interest groups matter, but the aggregate of ‘goods’ the coalition can bring to the table. Exerting influence is expected to be harder in salient cases: the higher the scope and contestation of an issue, the more interest groups the issue draws, the harder it is to have the interest group’s voice heard. The exercise of influencing, i.e. lobbying, can be done at the hand of several strategies such as insider strategies, outsider strategies, decision-maker selection, and features of structural nature. It has been argued that the concept of framing plays a large role in influence studies, a tool through which interest groups strategically communicate and promote arguments and issue-definitions in order to influence policy decisions in the desired direction. Framing has been explained at the hand of macro-level and micro-level framing, and insight was provided in types of frames. It has been argued that the institutional context matters in studying why some interest groups succeed in influencing policies, and some don’t. The rationality behind the inclusion of interest groups in the European Union institutional context has been argued to depend on which institution engages the actor.

Concluding, what can be said about the STOP-TTIP campaign in light of this body of literature? The central question of this dissertation is: *Why was the Dutch civil society campaign so influential in the TTIP negotiations?*

Established in this chapter is that influence is the ability of an actor to get what they want on a certain political issue. This is in essence an exchange relationship: what resources (‘goods’) does it take for an actor to get what it wants, and successfully shape a political decision in its

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favour? Moreover, what resources are demanded from an interest group to ‘get a seat at the table’? These resources can be called upon from inside a policy cycle by policy-makers and insider strategies can be used to influence the politicians or civil servants, but the resources can also serve as a pressure tool to seek influence from the outside. Outsider strategies such as publishing press releases and reports, media advertisements and organising protest activities are then used to put pressure on decision-makers from the public arena. An important feature of outsider strategies nowadays is social media. Social media lobbying is essentially media lobbying: getting your voice heard in the media as an interest group are good for depicting and maintaining a professional public image, and can enhance the chances of success of your campaign. Two factors herein are key. Firstly, making issues more salient – that is to say that the issue is contested and of broad scope – provides an opportunity for the interest group to mobilise public opinion around its position. The second factor for being vocal on an issue is that mobilised public opinions are hard to ignore for decision-makers. Furthermore, the STOP-TTIP campaign was a broad campaign, counting over 500 European civil society organisations. It is theorised that the aggregate of ‘goods’ such a coalition of interest groups brings ‘to the table’ can have a deciding influence on policy-makers. This chapter has in addition discussed the concept of framing, which means that one feature of an issue is intentionally and strategically highlighted over other elements of the issue. Which for this dissertation begs the question, how was TTIP portrayed by the STOP-TTIP campaign? Which features of the TTIP deal were stressed over others?

### **3.0 Methodology**

Central to any research is the question how one goes to gather its data. What research tactics does one employ? Which aren't chosen, and why? This chapter will answer those questions. Firstly, the research method is described. Secondly, a discussion of the case study will follow. Thirdly, the literature review will be discussed. Fourthly, interest group research methods will be discussed. After this, fifthly, in-depth interviews are discussed. In the sixth subsection, the sample-size will be discussed. Finally, this section will conclude with a discussion of the ethics of interviewing.

The TTIP debate on both sides of the Atlantic has led to insightful literature in the recent years. However, as many academics note (e.g. Dur and de Bievre 2007, Eliasson 2015), there is in large part an absence of the assessment of influence of interest groups on trade policy in the EU, in particular the influence of interest groups on the outcomes of trade negotiations. The goal of this dissertation is therefore to discover the positions, tactics and instruments of several interest groups; to understand if, in what way and how said interest groups have influenced the TTIP negotiations; and consequently to contribute to the emerging literature in this field.

#### **3.1 Research Methods**

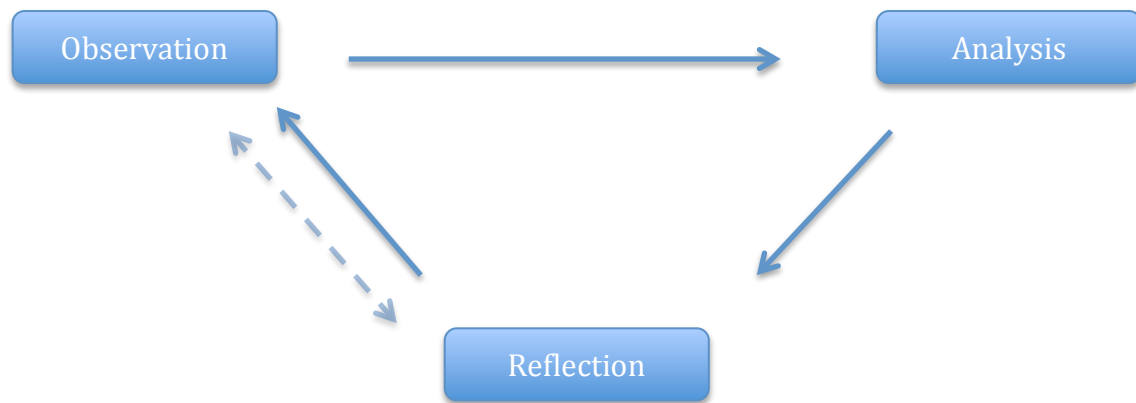
This dissertation will take the form of qualitative research conducted through desk research. A case study approach is employed. The case study is the STOP-TTIP campaign. Features of the case study will, firstly, be a discussion of European Union trade policy and the role of member-states - specifically the Netherlands – therein. Then an investigation into TTIP will answer questions of what TTIP is, and its major bones of contention. Furthermore, data collected by means of semi-structured in-depth interviews will constitute the empirical process-tracing dimension of the case study. The interviews will give an understanding of where and how influence was exerted. These methods will be helpful in answering the research questions. The research focuses on why the TTIP campaign was successful in the Netherlands. Case studies are particularly helpful in answering such a question. Reasons for this are explained below.

### 3.2 Case Studies

Case study research is a means of research with which one can aim to understand a certain phenomenon (i.e. 'case') better. A qualitative case study method is one in which a phenomenon (the case) is explored within its context using a variety of data sources (Baxter and Jack, 2008). Another important concept in case study research is that one does not start with theoretical notions and hypothesis beforehand (Gillham, 2000). In fact, it is the task of the student to observe that which is deemed to be meaningful and relevant, and engage with these observations in an intellectual analytical exercise. Qualitative methods can therefore be characterised by the observations and involvement of the student in its relevant academic field and the effort to truthfully gather data free of hypothesis and constructs (Yin, 1984).

Case study research is rooted in a constructivist ontological philosophy. This is to say that reality (the world as we know it) is shaped by social constructions – one's social environment constitutes one's identity (Risse, 2004). It therefore recognises a degree of subjectivity: one's truth is only relative. This need not necessarily mean that a researcher always produces a biased product. Unbiased research begins with the acknowledgement of the plurality of the ideas. Gillham (2000, p.28) calls this "detached honesty", where one aims to "decentre" themselves, recognising their 'place within the scheme'. Moreover, it must be acknowledged that absolute objectivity is never quite feasible, because new knowledge is always subconsciously absorbed within the framework of old knowledge (Gillham, 2000).

In essence, the case study is an open investigation, looking for evidence, in an effort to explain a phenomenon. But evidence (i.e. 'facts') cannot stand for its own (Gillham, 2000). The researcher must interpret the evidence, and infer meaning from it. There are advantages and disadvantages to case study research. Case studies are especially useful when not a lot is known about a subject, and when one is looking to understand the motives of a person. The case study is therefore fit for purposes of understanding underlying reasons and processes. The discovery of evidence is not a one-way street. Qualitative research is constituted by continuous reflective process in which formulations, ideas and axioms are not only defined, but also revisited and redrawn (see figure 2.).



**Figure 2. Qualitative research**

The case study is limited in that it is not designed to make generalisations. Case study research focuses on one specific phenomenon, and the answers can constitute a stepping-stone for large-n studies. Though by themselves - case studies are difficult to transpose to other cases (Yin, 1994).

### **3.3 Literature Review**

As noted, a qualitative case study research is centred on the continuous collection and reflection of data. Key concepts and notions of data can be presented in a Literature Review. A literature review is handy for “authors about to embark on a project” (Webster and Watson, 2002, p. XIV). Following Webster and Watson (2002), two types of literature reviews angles can be taken. The first is to ‘synthesize and analyse’ a large body of research and build a theoretical model from this. The second angle is when an ‘emerging topic’ is in need of a more theoretical foundation. This dissertation regards the Literature Review as a mix of these angles: the Literature Review helps to give direction to the dissertation from earlier works of scholars, but it also helps to underpin the investigation into a recent phenomenon namely, the STOP-TTIP campaign in the Netherlands. A Literature Review is constructed from several sources and discusses concepts (Webster and Watson, 2002).

### **3.4 Methods to measuring influence**

According to Dür (2008), three methodological approaches exist to measure interest group influence: process-tracing, assessing attributed influence, and determining the degree of preference attainment.

Process-tracing is a frequently applied approach (i.e. Princen, 2007; Orach et al., 2017). This approach can identify the intervening causal process between independent variables (Dür, 2008). In the study of interest group influence, one looks at “groups’ preferences, their influence attempts, their access to decision-makers, decision-makers’ responses to the influence attempts, the degree to which groups’ preferences are reflected in outcomes and groups’ statements of (dis-)satisfaction with the outcome”(Dür, 2008, p.562). In this type of research, studies are able to assess whether the influence exercised has had an independent

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effect. The downfalls of process-tracing studies are that they are often single-issue studies and as a consequence hard to generalise, limiting external validity. It also relies on observable actions of actors, whilst lobbying often takes place behind closed doors. Furthermore, empirical evidence is often gathered by means of interviews, which can ‘consciously or unconsciously’ misrepresent a situation (Dür, 2008).

Another method is the attributed influence method, which relies on the self-assessment (or peer assessment) of influence by means of surveys. Dür and De Bièvre’s (2007a) study is one such an example. It has as the advantage that it captures all channels of influence and can be applied on a large scale. However, self-assessments face bias and exaggeration, but also understatement in fear of counterlobbies and losing access. Therefore, one can speak of the perceived influence rather than the actual influence (Polsby, 1960).

A final *modus operandi* is measuring preference attainment (see Schneider and Baltz, 2003). With this approach, political preferences, policy proposals, and actors are placed on a spectrum. By comparing the outcome of the policy with the initial positions of the actors, one can conclude who are the winners and losers of the decision-making process. There are several advantages to this method. Firstly, even if lobbying happened behind closed doors, one is able to see an effect on the policy outcome. Secondly, preference attainment studies can be done on a large sample. Thirdly, this method does not suffer from factors of perceived influence and bias as laid out above with attributed influence.

Several problems persist with preference attainment (Dür, 2008). Firstly, the ‘black-boxing’ of where the influence is exercised. Preference attainment might establish that influence has been exerted, but the method is not able to define through which channels. Secondly, gathering the positions of influence actors can be difficult. One method is to a priori assume the policy preference. A downfall of which is that it is only applicable in general left-right (pro-contra) axis, and it does not account for differences within a certain policy group (Klüver, 2013). Another method of position drawing is asking each interest group what their policy position is. Again, this is a method that is highly restricted by factors of scope, policy-shift over time (Laver and Garry, 2000), and the (strategic) misrepresentation of preferences (Dür, 2008).

Lastly, it can be said that attainment of a policy preference in the policy output could simply be due to luck. Countering this point, Nagel (1975) establishes that the causal link between policy preference of the actor and the output of the policy-making process is what distinguishes luck from influence. Klüver (2013, p.8), furthermore, writes that convergence of

policy preferences into policy output is not sufficient to draw this causal relationship. She notes that if the analysis of actor properties suggests a systematic pattern (“statistically significant effect”) towards the policy outcome, one can presume influence.

### **3.5 In-Depth Interviews**

A practical picture will be painted at the hand of in-depth semi-structured interviews. Wester (2000) notes several advantages and disadvantages to in-depth interviews. An advantage is that the interviewer can inquire in an effort to understand the motives of certain behaviour. In-depth interviews also have the advantage to push the interviewee on specific topics, which may lead to previously unknown ideas and insights. These interviews, however, have the disadvantage of being susceptible to interpretation. This may have contradictory or even abject effects, and the research may be skewed as a result.

The in-depth interviews will be conducted in a partly structured format: each interview will be prepared carefully; questions will be specified towards the interviewee’s expertise; and questions will be open-ended. This will leave room for further investigation and analysis. Conducting the research in a case study framework is important: there is not necessarily the need to judge the ideas and statements as true or false, rather as a landscape of assertions. This will allow the student to remain as unbiased as possible, and treat all ideas as equal.

The interviews will be recorded and transcribed after the interviews. This will provide for more focus and attention on the interviews than in the case of transcription in situ. This will also be a handy tool for processing the information, instead of rewinding and re-listening sections of the interviews time and time again. The transcriptions of the interviews can be found in the annex. The transcriptions have been edited to leave out small talk and stutters. Opportunity was provided to the participants to edit their contributions to the data section in case the translation was not up to par, or when the text did not convey the intentions of the interviewees properly. Upon request, topics at hand during the interviews were deleted.

### **3.6 Sample**

The interviewee’s that were chosen on the basis of their role in the STOP-TTIP campaign and on their participation in institutional mechanisms to influence trade negotiations and/or policy. The first interviewee is Jurjen van der Bergh, who was the campaign coordinator for STOP-TTIP in the Netherlands. Another interviewee is Marieke van Doorn, the current coordinator of the STOP-TTIP campaign, which is now called HandelAnders!. In addition, a researcher from SOMO, a participant in the STOP-TTIP coalition (Stichting Onderzoek Multinationale Ondernemingen – The Centre for Research on Multinational Corporations),



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Bart-Jaap Verbeek, was interviewed. The last interviewee was the Director for International Trade Policy and Economic Governance at the ministry of Foreign Affairs, Ronald Roosdorp.

This selection was made at the hand of desk research information. Jurjen van der Bergh was selected because of his coordinating role in the STOP-TTIP coalition campaign. Marieke van Doorn was selected because she could provide contrast to the choices that were made then, and the choices and ideas the coalition has now. Together they are instrumental in gaining insight in the ways of campaigning. Bart-Jaap Verbeek was selected on the basis of his expertise on trade agreements and because of his involvement in the STOP-TTIP coalition. As a researcher and participant, he will be able to paint a clearer picture of what campaigning in coalitions means for an individual organisation. The policy officer was on the ‘receiving’ end of the campaign, and could shed light on, for example, what the Dutch government did to counteract the campaign and what they felt were difficult issues to communicate within TTIP.

### **3.7 Ethics and Interviewing Ethics**

All good research that involves human subjects must in some way adhere to good ethics by being sensitive to the rights of others. Human dignity and civility are therefore never waived when looking for truth (Bulmer, 2008). Researchers take into account that their actions have an effect on their subjects and take several measures to ensure integrity. The ethical principles underpinning this dissertation following Bulmer (2008) are: informed consent of participants; respect for privacy of participants; protection of (stored) data; protection of subjects and the researcher from harm; and lastly, truthful and civil interaction with subjects, free of deceit and lying to obtain truths.

Therefore, all interview material will be gathered in line with the Student Ethics Form to which the researcher has subscribed (see appendix 1). All interviewees are made aware of their rights and special consideration will be taken in ensuring the protection of personal data, privacy and integrity – names will only be published if explicitly said so. These principles comply with the Informed Consent Form, which all interviewees will read and sign (see appendix 2.) The transcripts of the interviews will be made available in appendix 3. Furthermore, as a sign of good faith and cooperation, interviewees will be handed a copy of the dissertation for review before submission.

### **3.8 Limitations and potential risks**

If the case study is done in sufficient manner, plenty of insights can be derived at the conclusion. However, the success of the case study relies on the insights given by the interviewees. Therefore, two clear limitations can be observed at this stage. Firstly, it will

require planning to get the interviews this research needs. The researcher is therefore dependent on the agenda's and will-to-participate of the interviewees. Secondly, even if the interviewees are keen to have a conversation, this does not necessarily mean that the information that they provide is of use to the dissertation. Therefore, in sum, the approaching and selecting of the interviewees should be done with due diligence, to stay clear from aforementioned pitfalls.

Furthermore, conducting long-term research projects can be a rocky road. Time-constraints and irresponsible project-management can have a detrimental effect on the research. The researcher is aware of its shortcomings of project-slacking, and must heed the timelines stipulated beforehand.

### **3.9 Conclusion**

The final result that is this dissertation will be a product made up of mixed research methods: a qualitative case study supplemented by in-depth semi-structured interviews to constitute a form of process-tracing. Quantitative research methods were not chosen as a mode of research, for although they might offer valuable tools to gather and process vast amounts of data, they often prove to be insufficient in probing and illustrating the aims and origins of certain behaviour. A mixture of quantitative research in a case study framework and in-depth interviews is therefore appropriate.

#### 4.0 European Union Trade Negotiations

This dissertation examines the role of the Dutch TTIP campaign in trade negotiations. In order to understand this role, and pathways for their influence, it is important to get a better understanding of what EU trade negotiations are, how they are conducted, and what the role of the member states in these negotiations is. Since EU trade negotiations take place within the framework of EU trade policy, this chapter will also look closely at the development, and competence, of EU trade policy. This chapter is therefore structured as follows. Guiding this chapter is the first sub-question of the dissertation, which states: *How does the EU conduct trade negotiations? What is the role of the Netherlands in EU trade negotiations?*

This question is two-fold and this chapter will develop accordingly. Firstly by examining EU trade negotiations, and secondly by identifying the role of the Netherlands in EU trade negotiations. What will be discussed is, firstly, the development of the EU's trade policy competence (4.1.1). Secondly, the nature of the EU's trade policy will be put in perspective (4.1.2). Concluding the first part of this sub-question is an analysis of how EU trade negotiations practically play out (4.1.3.1) and what role interest groups play in this process (4.1.3.2). The second part of the sub-question will discuss the role of member-states (4.2.1), and effectively the Netherlands (4.2.2), in EU trade negotiations.

The European Union (EU) and trade are inseparable characteristics when one talks of the EU. Its Single European Market counts 500 million consumers (Europa.eu, 2018). This makes the EU one of the three largest global economic players, next to China and the US. Its market's size, amongst others, makes the EU a popular trading partner (Orbie et al., 2017). As a result, the intertwining of two large economies – the EU and the US – at the hand of The Transatlantic Trade and Investment Partnership (TTIP) would be of global importance. But TTIP, and the STOP-TTIP campaign, has put a new spotlight over the EU's trade policy. Limited room for transparency, and the role of technical judicial instruments such as the ISDS (Investor-State Dispute Settlement) have put large question marks over the way the EU conducts its trade negotiations. Moreover, EU trade policy is a largely technocratic and opaque affair. Most work in trade negotiations is done by the Commission's and member states' civil servants, without much democratic influence (Woolcock, 2014). Before embarking on the contents of the TTIP and its bones of content, it is important to sketch why the EU wants to conclude such bilateral trade agreements. As it seems that due to the deadlock in the multilateral trade system – the World Trade Organisation (WTO) – agreements such as TTIP, will be of growing importance.

#### **4.1.1 European Union Trade Policy Competence**

European Union trade policy competence has developed over years and has suffered the accompanying critiques. To understand these developments and critiques, one must go back to the creation of EU trade policy. The creation of EU trade policy begins essentially with the adoption of the 1957 Treaty of Rome, which established the European Economic Community (EEC). In this treaty, the ‘Common Commercial Policy’ was adopted. This is the EU’s legislative framework of goals, powers, and limitations on the subject of trade negotiations and policy. However, the common commercial policy was not provided with an “exhaustive definition” (Woolcock, 2014, p. 390), which meant that new issues on the international trade agenda led to discussion between the member states and the European Commission over competence (i.e. who get’s to decide on what area’s of trade).

Over the course of the adoption of international trade agreements in the Kennedy Round (1964-1967) on tariffs (GATT agreement); the Tokyo Round (1973-1979) on technical barriers to trade, subsidies and countervailing duties, and public procurement; and the Uruguay Round (1986-1994) on intellectual property: the member states accepted the Commission’s role of negotiator out of pragmatism (Woolcock, 2014). But these new trade issues and the transfer of power towards the EC, has led to critiques of illegitimacy and transparency (Meunier, 2003). This is partly because the new trade issues are less about trade and tariffs, and more about non-tariff barriers (NTB’s), such as services, investments and standards. Many of these issues are more penetrating into people’s daily lives than just tariffs - which fuels the argument that the transition of trade authority to the EU did not go with the according democratic checks and balances (Meunier, 2003).

In 1997, the treaty provisions were changed in the Treaty of Amsterdam: disputes over competence due to the ‘new trade issues’ on the developing international trade agenda and the creation of the World Trade Organisation (WTO) in 1995, led to too much strain on the Commission (Poletti and De Bièvre, 2013). Especially after amendments as laid out in the 2009 Treaty of Lisbon, not only the role of the member states, but also the role of Parliament and the Council have changed (see 4.3 on Trade Negotiations). Thus, since 2009, trade and investment is effectively a European Union competence as laid out in article 206 and 207 of the TFEU (Treaty on the Functioning of the European Union). This means that the European Commission negotiates trade agreements on behalf of the member states, which the European Council authorises. In general, a qualified majority is required to pass an agreement, but if subjects such as audio-visual (films), education and healthcare are included, the agreement

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has to pass by unanimous decision (article 207 (4) TFEU). Qualified Majority Voting, or QMV, is a way of supermajority voting in which a legislative proposal is only passed on the two conditions that (a) 55% of the member states support it, and (b) the supporting member states make up at least 65% of EU citizens (article 238 (3a) TFEU).

Furthermore, when EU trade agreements are regarded as ‘mixed’ agreements, they must also be ratified by the parliaments of the member state (Wouters and Raube, 2017). In March, 2017, the Court of Justice of the European Union established in the so-called ‘Singapore opinion’, that portfolio investment and ISDS (Investor-State Dispute Settlement) - which are both elements of bilateral treaties such as TTIP - fall under “mixture” (a mixed competence: both EU and member state competence).

### **4.1.2 European Union Trade Characteristics**

Historically, the EU has tried to develop its trade policy at the hand of the multilateral trade agenda (Young, 2004). This meant that the integration and development of the Common Commercial Policy went hand-in-hand with the issues that were on the agenda in international trade rounds and the WTO. In the late ‘90s, the EU preferred to “manage globalisation” through multilateralism, yet it continued to negotiate several bilateral free trade agreements (Meunier, 2007). However, global efforts to develop the multilateral agenda under the WTO framework came to a halt at the 2001-2006 Doha Round. These talks began after the failure to launch the 1999 Seattle round due to opposition by developing countries and NGO’s (Woolcock, 2014) (see 4.1.3.2 for more on the role of interest groups in EU trade policy). As a result of differences over agriculture subsidies between the EU-US; an opposing coalition in the form of the G20 countries; and the move of other WTO members such as China, Japan and the US to open free trade agreement negotiations; the EU began to re-evaluate a pursuit of bilateral free trade agreements.

Up until then, the Commission had seen bilateral agreements in the light of its neighbourhood and development policy, and concluded multilateral agreements to ensure the attainment of its economic goals (García-Durán Huet and Eliasson, 2017). But the deadlock in the international mechanisms resulted in the highlighting of bilateral free trade agreements with the aim to promote multilateralism. In other words, the EU’s trade strategy as of 2006 with the focus on bilateralism is a “stepping stone” and “prepares the ground” for breakthroughs in the multilateral system (Woolcock, 2014; García-Durán Huet and Eliasson, 2017, p.3).

The EU's trade policy knows a bipartite character (Bollen, De Ville and Orbie, 2016). On one side of the coin, the EU institutions pursue liberalising policies within bilateral and multilateral mechanisms, such as the opening of the internal single market to new countries and products. This is done at the hand of free trade agreements (FTA's) such as TTIP, CETA and the EU-Japan Economic Partnership Agreement finalised in December 2017 (The Independent, 2017). On the other side of the coin, the Commission and the Council pursue unilateral policies of protectionist nature. For example, the EU has had anti-dumping measures against Chinese solar panels from 2013 until September 2018 (Reuters, 2018). These policies do not exactly see eye to eye and scholars have attempted to 'square the circle' (Garcia-Duran and Eliasson, 2017). How does the EU promote two different policies, within the same policy space? It has been argued that the EU's trade policy is a composite of several sub-systems (Young and Peterson, 2014). This means that preferences of interest groups, government actors, and the EU's legal framework (which determines the roles and powers of the actors), along with the relative bargaining power of the trade power and the EU; all determine how the EU at times pursues neo-liberal open-market policies, and other times protectionist policies.

The EU's trade policy has overall been shown to have elements of protectionism, liberalism and neo-liberalism, nonetheless much debate remains on the role the Commission has drawn to itself over the years and what this has meant for protectionist-minded stakeholders, democratic legitimacy and the role of member-states (Young, 2004; Meunier, 2007; Young and Peterson, 2014; Siles-Brügge, 2013; Bollen, De Ville and Orbie, 2016). Lately, it has been shown that the EU's trade policy mentioned more "altruistic goals" after the Treaty of Lisbon (Wouters and Raube, 2017, p.6), such as fair trade, good governance, and social and environmental protection.

The fact that these goals have been part of the institutional lingo has not resulted in a significant change in policy. In fact, liberalising forces within the EU's institutional mechanisms on trade have been shown to be particularly strong (Siles-Brügge, 2011; De Bièvre and Erhardt, 2011). These events have resulted in the high politicisation of EU trade policy, and it can be said that the STOP-TTIP campaign is a result of this (Gheyle, 2016).

This politicisation of European trade policy is not a new phenomenon. Already in the late 90's did the pursuit of so-called deep integration in the international trade system become contested (see also section 4.1.3.2). Deep integration is the "effects" (Young, 2017, p.453). This is because deep integration implies that domestic policy space is sacrificed for the

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liberalisation of international trade, without the according political accountability mechanisms since states are hesitant to transfer power to transnational institutions (Rodrik, 2011). However, as stated above, the deadlock in the multilateral trade system and the changing nature of trade and investment agreements from tariffs to NTB's, have resulted in a focus of integration through bilateral mechanisms. As a result, many NGO's and civil society organisation protested in the '90s against the pursuit of this deep integration in the fear that national autonomy and policy space in public health and environmental regulations would become deterred by, for example, investment arbitration and WTO rules (Young, 2017). The ambitious agenda of the TTIP and many other bilateral investment and trade agreements has reinvigorated these concerns.

### **4.1.3.1 EU Trade Negotiations in practice**

European Union trade negotiations are a complex affair. Before an agreement is adopted (i.e. ratified) by the member states, it goes through numerous rounds of input from working groups, administrations, and politicians in multiple levels of EU institutions. Roughly, following Woolcock (2014) and as laid out in the Treaty of the Functioning of the EU article 206, 207 and 218, the process is as follows. After consultations with the European Parliament, the member states, and interest groups, the European Commission produces a draft mandate to start trade negotiations. This mandate is discussed in the Trade Policy Committee, a senior-level working group made up of member state officials that advises and aids the Commission and the Council on trade affairs. The Foreign Affairs Council in its trade configuration, in which the member states' respective trade ministers are represented, then adopts the draft. This signifies the start of negotiations.

The European Commission negotiates with the help of the Trade Policy Committee. The Directorate General (DG) in charge of the actual negotiating is DG TRADE. This is the 'ministry' that is part of the European Commission's administrative body with a specific field of expertise. Its respective Commissioner is politically responsible for the DG. The parties that are involved negotiate over several rounds, in which they present position papers, aims and ambitions, offers to each other's positions, partial agreements or partial denials, and acceptances or rejections (Gutu, 2016). The process of negotiations continues until both sides arrive at a consensus, for each topic at hand.

Moreover, the member states by voice of the European Council are able to 'steer' the negotiations and take a close interest in the progress of the talks. This is a dynamic phase in the negotiating process where Council (member states), Commission (DG TRADE) and the auxiliary Trade Policy Committee come together to solve most political issues (Adriaensen,

2016). Interestingly, according to Woolcock (2014), the Trade Policy Committee can decide on issues by qualified majority voting, yet often seeks consensus. This means two things. Firstly, member states don't like to be outvoted and in isolation on an issue, and are therefore eager to settle on consensus. Secondly, if a member state cannot come to consensus on a matter or is unhappy with the way the Commission is dealing with it in the Trade Policy Committee, it may opt to 'politicise' that issue, demanding further discussion in the Council.

Key initial chapters of the potential agreement are often passed to member-states to agree upon (see 4.2.1 for more on the role of member-states in EU trade negotiations). The final text is then voted on by qualified majority vote in the Council, after the Parliament has given its 'consent'. A qualified majority vote only applies in the case an agreement solely covers the EU's 'exclusive' competence. However, many contemporary comprehensive trade agreements cover a wide range of topics, which often member states have authority over (Adriaensen, 2016). In the case of such a 'mixed agreement', the Council must adopt the agreement unanimously, and each member state must pass the agreement in its respective parliament. These features make the EU a notorious negotiating partner and striking a deal with the EU is said to be a "quite excruciating" process (De Bièvre, Gstöhl and Van Ommeren, 2018).

Moreover, the fact that the EU's trade policy is founded on the consent of 28 (soon 27) member states, adds to the EU's notorious hard stance. As De Bièvre (2018, p.3) has recently put it: "EU negotiators are held on a tight leash by the ultimate ratifying actors of any deal, all EU member states, which in turn have to take their domestic constituencies of interest groups and civil society into account." As a result, the trade negotiators have little room for manoeuvrability, which they make up for in bargaining power. This is known as the 'paradox of weakness' (Meunier, 2005; Dür, 2007; De Bièvre, 2018). This is an important element within the context of the TTIP. The EU's trade negotiators have to take into account that the TTIP is a highly contested topic, and getting all the member states on board for the agreement would prove difficult if issues are not overcome. However, this can be quite hard as trade negotiations take place in secrecy. The EU, and member states, can struggle to get interest groups to back their deal, as they are limited in publishing the available information. Giving away the red lines of member states on different issues reduces one's bargaining power.

As stated above, the role of the European Parliament has changed after the Treaty of Lisbon (Woolcock, 2014). Before the treaty, the EP had little say over the Common Commercial Policy (Van Den Putte, De Ville and Orbie, 2015). For example, the parliament could only



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veto a final trade agreement, merely after the member states and the involved counterparties had agreed on the content (Van Den Putte, De Ville and Orbie, 2015). Woolcock (2014, p.399) argues that this final veto power proved too much of a ‘nuclear option’ to be used by the EP. Currently, the EP has a veto option in earlier stages of the agreement. This has meant a considerable shift in the balance of power, as the Commission often consults with the EP’s INTA Committee to enhance the chances of adoption in the EP. Furthermore, it has made the EP another target ‘venue’ for EU interest group lobbying.

The INTA Committee is updated on trade negotiations in a secret setting to reduce the chances of leaking. Although left and green members of parliament are critical of their information supply in this setting, and more free-market oriented members aren’t, it has been noted that this precaution prevents the committee to be “cohesively and effectively” involved in trade negotiations (Richardson, 2012, p.10). In addition, while after the Treaty of Lisbon the role of the EP has changed considerably, it does not yet have the ‘normative, legal and political’ power for substantial influence on EU trade policy (Van Den Putte, De Ville and Orbie, 2015, p.15).

The EP has, nevertheless, been successful at blocking a major trade agreement as the result of its new competences: the 2012 Anti-Counterfeiting Trade Agreement (ACTA) (see 4.1.3.2 for more on ACTA).

### **4.1.3.2 The Role of Interest Groups in European Union Trade Negotiations**

Little to no formalisation of interest group consultation used to be in place in EU trade policy (Woolcock, 2014). However external and internal factors have led to institutionalisation of interest group representation (Orbie, Van Den Putte and Martens; 2018). External factors are for example the 1999 ‘Battle of Seattle’, in which NGO’s were able to lead the Commission to make efforts on the provision of a forum on EU-level. Del Felice (2012) and Hopewell (2015) argue that the ‘Battle of Seattle’ was a ‘coming-out party’ for organisations mobilising against the effects of free trade and economic globalisation, furthermore laying an organisational foundation for the STOP EPA campaign in 2006 against the Economic Partnership Agreements between the EU and states in the ACP (Africa, the Caribbean, and the Pacific) coalition. Moreover, it was due to the 1998 Multilateral Agreement on Investment talks that the Commission was pushed to institutionalise interest group (namely civil society) consultations (Kröger, 2008). The protest against the Multilateral Agreement on Investment, the ‘Battle of Seattle’, the STOP EPA campaign, as well as the anti-ACTA campaign (below), have focussed on issues of transparency, secrecy, e (Slob & Smakman, 2007)conomic

globalisation, corporatism, liberalisation and Investor-State Dispute Settlement (ISDS) (Tieleman, 2000; Del Felice, 2011; Dür and Mateo, 2014; Hopewell, 2015; Young, 2017).

Another external example is the 2012 ACTA-agreement. This Anti-Counterfeiting Trade Agreement established new transnational enforcement measures in the area of intellectual property rights (Dür and Mateo, 2014). The anti-ACTA campaign focussed its attention on the trumping of the rights of copyright holders over the rights of citizens, and a provision that made Internet service providers liable for its user's infringements (Dür and Mateo, 2014, p.5). Issues of transparency also caused suspicion amongst members of the EP as well as the anti-ACTA campaign (Woolcock, 2014, p.399). The EP was finally put under such pressure by the anti-ACTA lobby - at the hand of outside lobbying that successfully increased the salience of the issue - (Dür and Mateo, 2014, p.2), that a majority voted against the agreement. This was the first major trade agreement to be rejected by the EP (Woolcock, 2014).

Internally, the Commission, according to Slob and Smakman (2007), Bouwen (2004) and Potjomkina (2018), recognises the need for influence groups in trade negotiations for reasons of quality and democratic legitimacy. Interest groups often have specific knowledge on specific issues and the incorporation of interest groups in negotiations can mean a politicisation of trade issues. This means that trade issues are not only settled more specifically as well as broadly, but interest groups are additionally able to familiarise these issues to a more general public. The critique of democratic deficit was not diminished as the incorporation of interest groups was not formalised and knew features of favourism (Kröger, 2008). Thus, the Commission has made attempts to create formal platforms of representation.

Scholars have attempted to understand what the factual influence of interest groups in EU trade policy is. Furthermore, there have been efforts to analyse what the incorporation of interest groups means for the consultative system. For example, Kröger (2008, p.33) found that many consultative forums although strong for deliberation, do not provide an actual vote, and therefore one must "put a strong question mark behind the rhetoric of participatory democracy". Furthermore, it has been argued that businesses are better at influencing EU trade policy than non-profit actors (Dür and De Bièvre, 2007). Others, such as Potjomkina (2018, p.3), have labelled the European system for stakeholders in trade as "disjointed", "weak" and "confusing".

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Before discussing the effects and meanings of interest groups in EU trade negotiations, it is important to sketch some of the mechanisms for interest group participation in EU trade policy and trade negotiations. These include the European Economic and Social Committee (EESC), Domestic Advisory Groups (DAG's), Civil Society Dialogues (CSD's), Online Public Consultations (OPC's) and the Expert groups on EU Trade Agreements. Some of these 'mechanisms' are older and formal, others are new and it remains to be seen what the effects are on interest groups influence in EU trade policy and trade negotiations.

An example of an older and more formal mechanism is the European Economic and Social Committee (EESC). It is an official advisory body that constitutes a "platform for consultation and dialogue between the core EU institutions and 'organised civil society'" (Hardacre and Andrien, 2011, p.128). The EESC forms opinions and advices on EU economic and social policy, and must be consulted before decisions in these areas are taken. The EESC may not have more than 350 members and member states get seats according to their population size. Furthermore, seats are assigned for a five-year period and are split into three categories: workers, employers and interest groups (farmers, consumers, NGO's etc.). Although "often forgotten by most stakeholders", the EESC has a "privileged position" due to their advisory role on legislation (Hardacre and Andrien, 2011, p.132).

A recent mechanism is the Domestic Advisory Groups (DAG's) that are created as a part of the 'new generation' trade agreements that often include a chapter on Sustainable Development. Examples of 'new generation' trade agreements are the EU-Japan Economic Partnership Agreement and the CETA-agreement between the EU and Canada (both 2017). DAG's are national advisory groups made up of labour, environment and business stakeholders that monitor said Sustainable Development chapter (Orbie et al., 2017; Potjomkina, 2018). The national DAG's have meetings with their respective counterparts of the partner country. Moreover, the two national DAG's meet with the representatives of their governments in a transnational mechanism to discuss the national proceedings agreed on in the Sustainable Development chapter.

The oldest institutionalised dialogue mechanism in EU trade policy is the Civil Society Dialogues (CSD) (Kröger, 2008). It counts close to 500 members and is regarded as a universal mechanism for engagement, consultation and transparency. It was established in 1998 in the context of the lack of participatory mechanisms in the MAI's. Eventually, the first CSD was held during the 1999 Seattle talks. The CSD's were aimed at providing a structured, regular and face-to-face dialogue between civil society organisations and the Commission,

including experts of DG TRADE (Slob and Smakman, 2007; Kohler-Koch and Quittkat, 2013).

A novelty mechanism is the Online Public Consultations. The Commission started to focus on this form of ‘e-participation’ (electronic participation) after the failed ratification of the EU Constitution in 2005 (Bauer, 2015). The OPC’s are preliminary tailored consultations through which the European Commission can ask for opinions from anyone. The consultations are often topic specific. Some are open to individual citizens as well as interest groups - others target the specific expertise of interest groups in a particular field.

Lately, the Commission has started the Group of Experts on EU Trade Agreements (2018). This mechanism is intended to serve as a senior forum for groups with EU-level representation with the aim to help the Commission and DG TRADE develop its trade policies, as well as monitoring and advising on trade topics. It counts 28 members with a broad representation basis such as trade unions as well as NGO’s that were selected via a selection procedure (Register of Commission Expert Groups, 2018). The Group meets bimonthly with its first meeting held in February 2018 (EUMonitor, 2018).

It is noteworthy to reiterate that the creation of these mechanism come after public backlash. The protests against the MAI have resulted in the creation of the CSD’s in EU trade policy. The failure to ratify the EU constitution in 2005 led to the creation of E-participation through the OPC’s. Furthermore, the DAG’s and the incorporation of SD chapters in trade agreements are a result of the continuous push from the EP for binding clauses on human rights and environmental standards to support more value-oriented trade after the adoption of the Treaty of Lisbon in 2008 (Devuyst, 2013; Bahar 2018).

Several problems pertain these mechanisms but to describe these in detail would be beyond the scope of this dissertation. This section shall therefore focus on the general criticism on these mechanisms and the theoretical dilemma’s for interest group participation. In general, Potjomkina (2018, p.22) worded that the key dissatisfaction is that the “multiple overlapping mechanisms (...) do not ensure continuity, similar possibilities of contribution to all stakeholders, on all topics, in all trade deals”. This is to say that the system is disjointed due to the numerous informal and formal access points that do not necessarily translate into influence on EU trade policy for stakeholders. Furthermore, the selection procedures for interest group participation are often vague. Conversely, mechanisms are said to suffer under the large amount of participants, which makes it difficult for groups to have their voice heard.

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In short, the European mechanisms for the inclusion of interest groups in trade shows potential but they should be strengthened in terms of continuity, equal opportunity, accountability, balanced representation and support for participants (practically and financially) (Orbie et al. 2017; Potjomkina, 2018; Orbie, Van Den Putte and Martens, 2018).

Specifically, interest groups and civil society in particular are affected by participation in these mechanisms. A noteworthy critique comes in the form of ‘co-optation’ and insider, outsider, and insider-outsider reactions (Jaffee, 2012; Orbie et al. 2017). Co-optation can be understood, within the context of policy-making, as “a process where states aim to divert the goals or demands of civil society (groups) to serve different, less transformative agendas” (Orbie et al. 2017, p.6). This is done at the hand of ‘co-opting’ actors ‘within’ the policy-making process, and, whether spontaneously or unknowingly, let these actors participate and cooperate in the agenda of the state actors. Co-optation therefore presents a risk to interest groups that try to defend their interests through participation in formalised or less formalised mechanisms.

Three potential reactions arise in regard to co-optation. The insider reaction, by which actors participate in mechanisms to protect their interests. Alternatively, there is the outsider reaction - in light of the notion of governmentality, which assumes that control can be exerted from outside formalised structures - by which actors vie for their interests from outside the mechanisms (Kurki, 2011). Lastly, the insider-outsider reaction, which is a hybrid form of participation within mechanisms as well as protesting from the outside. These reactions apply within the context of European trade policy as well. For example, Orbie et al. (2017, p.15) find that although it is too early to signal co-optation for participants in Sustainable Development mechanisms in the ‘new generation’ of free trade agreements, the participants are well aware of “walking a tightrope between legitimising free trade and obtaining results for the cause they represent”.

### **4.2.1 The Role of Member States in European Union Trade Negotiations**

European Union member states have delegated external trade policy-making to the EU in two ways (Damro, 2007). First, as was discussed, by delegation of negotiating capacity and proposal rights to the European Commission within the framework of the Common Commercial Policy. Secondly, by the delegation of authority to the European Council to monitor and work with the Commission. This means that member states in the form of their national parliaments have no involvement in the actual trade negotiations that the Commission conducts with the partner country. However, Member states are on a European level represented in the European Council (Council of Ministers). The body of the European

Council in which foreign affairs are discussed between the foreign affairs ministers of the member states, is the earlier mentioned Foreign Affairs Council (FAC). As was discussed, the EU sees its trade policy as a toolbox for its foreign affairs strategy.

Thus, the FAC meets twice a year in its trade configuration (FAC Trade). This means that instead of the foreign affairs ministers, the ministers of trade come together. Member states regularly decide that a different minister should be represented in the FAC, some member states opt to be represented by officials of the Permanent Representation (European offices in Brussels which help discuss, prepare and negotiate policy on behalf of the member state) (Adriaensen, 2016). The (rotating) presidency of the Council, and its subsequent agenda-setting power, give member states an opportunity to plan and determine the FAC Trade agenda on the long-term (Adriaensen, 2016). This agenda is drafted in conjunction with the Commission, who has informational dominance when trade negotiations are discussed.

Member states are represented in two formal channels: the TPC (Trade Policy Committee) and the WPTQ (Working Party on Trade Questions). Informal Technical Meetings (ITM) provide another platform.

The Trade Policy Committee (TPC) discusses all features of trade negotiations: from mandate to ratification. The TPC can meet in two formations. The first of which is the monthly ‘Full Members’ formation, in which senior officials represent the member states, and directors-general (heads of the relevant DG) represent the Commission. The second formation is the weekly deputy-level. In the latter, trade policy is discussed ‘in-depth and comprehensive’. In ‘Full Members’, politicised issues are on the agenda. In practice, the TPC functions as an information channel to the Commission on the preferences of the member states, and vice-versa – from the TPC to the member states in the Council (Van Gestel and Crombez, 2011). The Council presidency sets the agenda of the TPC. Some smaller member states do not have the resources to assign an exclusive official to the TPC, making them less specialised on trade issues (Adriaensen, 2016). This means that smaller member states must rely more on the work done by their deputy.

The Working Party on Trade Questions (WPTQ) is a working party that deals with the framework of the Common Commercial Policy (CCP) of the EU. The WPTQ provides a platform for deliberation between the Parliament and the member states.

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Informal Technical Meetings (ITM) take place two or five times a month, and deal with highly detailed trade issues. The difference between the ITM and the TPC is that ITM's take place outside the Council's framework, which means that the Commission has "full discretion" on deciding upon the agenda (Adriaensen, 2016). The composition of the ITM changes depending on the agenda. Expert officials respective to the topics that are on the agenda represent member states. Due to a lack of translation facilities, travel reimbursement, and capacity; some member states are not in the position to be represented by an expert, and are represented by their Permanent Representation. Because of its informal nature, no reports or attendance lists are published. It can be assumed, hence, that for the successful defence of national interests, attendance is essential (Adriaensen, 2016).

Other working parties on very specific issues, or for example foreign policy, come together less regularly. The latter gathers when a trade negotiation has a strong geo-strategic character, such as in the case of TTIP (Adriaensen, 2016). These specific working parties do not make important policy-decisions; rather, they function to update the relevant officials on elements of the trade negotiations. Though the FAC is the official platform for adopting trade legislation, most brokering and negotiating is done in working groups supporting the FAC and the Commission, such as the Trade Policy Committee. Adriaensen (2016) therefore notes that participation in these working groups is important, because member states can defend their interests on this administrative level on a daily basis. As a result, the national administrations as well as the Permanent Representations are important 'venues' for interest group lobbying (Moravcsik, 1993; Mazey and Richardson, 2006; Beyers and Kerremans, 2012). This means that interest groups try to influence the EU policy and for example trade negotiations by lobbying their national administrations, in the hope these positions will be presented on an EU level.

### **4.2.2 The Role of the Netherlands in European Union Trade Negotiations**

This dissertation examines why the TTIP campaign was so influential in Dutch politics. As is argued above, the multi-level nature of European trade politics allows for several 'venues' for influence. It is therefore important to understand the specific role the Netherlands has in European trade politics, and to what extent the country influences EU policy.

After the Second World War, the Netherlands has practiced liberalising trade policies within an international framework. Not only by participation within European efforts such as the European Coal and Steel Community in 1951, but also regionally at the hand of the Benelux area with Belgium and Luxembourg. Already by 1949, the Benelux area abolished quantitative trade restrictions and established a common import tariff (Kol and Mennes, 1992). However, the aforementioned international developments during the course of the

twentieth century meant that the Netherlands' domestic trade policy was "limited in scope" (Kol and Mennes, 1992, p. 262). After the crisis, the Netherlands has continued to pursue liberalising policies (Bollen, De Ville and Orbie, 2016), as the country owes a third of its jobs and national income to foreign trade (Ministry of Foreign Affairs, 2018).

In 2007, the Balkenende IV government noted that the Netherlands is able to defend its interests "with more weight" through the European Union, and explicitly mentioned trade agreements as an instrument (Ministerie van Algemene Zaken, 2007, p.10). Furthermore, a pillar of the then-administration's international development policy was the will to provide developing countries with better market access by lifting trade hindrances (Ministerie van Algemene Zaken, 2007, p.14). The cabinet of Rutte II (2013) further implemented this pillar by not only taking trade policy out of the portfolio of the ministry of economic affairs, but also by creating a new position of minister for foreign trade and development cooperation. This cabinet stated that the EU is a "multiplier" for the Netherlands' interests in the international arena and in relation to other countries ("Wat de Wereld Verdient", 2013, p. 39). Furthermore, this policy brief makes specific references to social security, exterminating poverty and the attainment of Sustainable Development Goals (SDG's).

With this background, the minister for foreign trade and development cooperation Lilianne Ploumen acknowledged a shift in the international trade agenda by 2016: from tariffs and quota's, to non-tariff issues such as norms, values and standards (Ploumen, 2016, p. 1). In her position paper, the minister argued that this shift demanded a "reset" of EU trade policy, in particular trade agreements, which meant an emphasis on the attainment of sustainable goals agreed on within international agreements such as the WTO Nairobi Package in December 2015, the Paris Climate Accord in December 2015, and SDG's agreed on in the United Nations '2030 Agenda' in September 2015. The latest Rutte III cabinet (2017) has taken the SDG's as the cornerstones for its foreign trade and development cooperation policy (Ministry for Foreign Affairs, 2018).

The Netherlands has an open economy, focussed on trade and exports. It is therefore in the country's 'national interest' to omit international trade and investment barriers (Economische Zaken, 2007). In particular, the Netherlands is one of the first European countries to pursue bilateral investment treaties (BIT's) with developing countries (Skinner, Miles and Luttrell, 2010). Although the Netherlands puts emphasis on the development of the multilateral trade agenda, the country concludes BIT's to attract and protect investment flows. At the time of



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writing, the Netherlands has concluded 95 BIT's of which 91 are into force (Rijksoverheid, 2016).

Translating the influence of these policy positions on a European level is difficult, especially due to a lack of literature. As the previous section on the role of member states in EU trade negotiations shows, a practical picture of the processes can be made, but this does not answer the question of how 'well' a member states 'performs' in these mechanisms and subsequently in influencing EU trade policy. Following Bollen (2016), the literature on the understanding of *why* a member state has certain preferences in EU trade policy, and to what extent these positions influence EU trade policy, is almost non-existent.

As Adriaensen (2016) shows, some institutional characteristics can be set in understanding member state performance of national trade administrations. These include quality and quantity of trade ministry staff (human capital), state-society inclusion and relations (public actors), and inter-ministerial coordination. However, as Bollen (2016) argues, several factors must be looked at to get a better understanding of *why* member states have certain trade policy preferences. These factors include the influence of political changes in member states on trade preferences, the extent to which societal actors shape national trade preferences, the influence of national debates on national trade preferences, and how ideological preferences of members of the European Parliament and the political background of European Commissioners shape European Trade policy. Since this research is yet to be completed - and it would be beyond the scope of this dissertation to conduct this research -, the factual influence of the Netherlands on European trade policy and trade negotiations, beyond the observations described above, remains a 'black box'.

However, in a recent evaluation report on Dutch coalition forming in the EU between 2008 and 2012, the Dutch government has made several noteworthy analyses on their role in Europe (Buitenlandse Zaken, 2014). In the report the administration mentions that coalitions and influencing happens on an ad-hoc basis: partners are chosen on their alignment to the Dutch' preferences. Furthermore, the report stresses the importance of Germany and France on the EU decision-making for the Netherlands in the given time-period: the Dutch profited when Germany allied with the country, or, in other cases, lost when a German-French axis formed. The Netherlands has sought renewed cooperation within EU context with the Benelux countries: position papers or memorandums were sometimes issued together – which had but 'subtle' effect on the negotiating processes.

### 4.3 Conclusion

In the effort to understanding why the STOP-TTIP campaign – a campaign on trade issues – was so influential in Dutch politics, this chapter has tried to uncover how European trade policy is made, how trade negotiations are conducted, and what the role of member states in European trade policy is. This was done at the hand of the first sub-question of this dissertation: *How does the EU conduct trade negotiations? What is the role of the Netherlands in EU trade negotiations?*

The chapter has developed accordingly, by firstly describing the development of the EU's trade competence and the characteristics of EU trade policy. Subsequently, the practices of EU trade negotiations were described and the role that interest groups have in them. Then, the role of member states was made clear with subsequently an effort to understand the role of the Netherlands in EU trade negotiations.

In conclusion it can be said that the EU's trade policy effectively began with the Treaty of Rome in 1957. The lack of an “exhaustive definition” in the Common Commercial Policy and ‘new issues’ on the international trade agenda have led to a gradual shift of competence from member states to the EU. As a result, the EU conducts trade negotiations on behalf of the member states. Furthermore, it was discussed that the issues on the multilateral agenda have not only led to issues of competence, but have also meant that these issues shape the EU's trade policy. Though the EU has been mainly concluding bilateral free trade agreements due to the deadlock in the multilateral system since 2007, its policy has always been that the bilateral agreements serve as a means to open up the negotiations in the multilateral bodies. The EU's trade policy has known a strong bipartite character of liberalisation and protectionism. The way the Commission has drawn competence to itself, as well as the particular strong liberal forces aiming for deep integration within the EU's institutional mechanisms have resulted in a politicisation of EU trade policy.

Next, it was discussed how the EU conducts trade negotiations and where the focal points of information, expertise and political cooperation lie. The EU is a notorious trading and negotiating partner not only for its market size as well as the consensus the Commission must reach with 28 (soon 27) member states. Furthermore, it was discussed how the balance of power shifted towards the EP after the Treaty of Lisbon. This Treaty has made the EP a new venue for lobbying as it gave the EP more say of the EU's trade negotiations. Yet, despite these changes, the EP lacks substantial influence on the EU's trade policy.

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In the section that follows, the role of interest groups in EU's trade negotiations is discussed. It was sketched at the hand of historical processes such as the 'Battle of Seattle' how the contemporary role of interest groups has come about. The section argues that although the formalised mechanisms for interest group influence are noteworthy attempts to improve the state of play for different stakeholders, the mechanisms suffer from lengthy critiques on continuity, representation, access, accountability and the risks of co-optation. The result of the previous sections therefore answers the first part of this chapter's guiding sub-question: *How does the EU conduct trade negotiations?*

The last section of this chapter discusses the role member states have in EU trade policy. The available working groups and committees in which the member states can be represented were described as to paint a practical picture of opportunities. An important venue of high-level representation is the Foreign Affairs Council, another important venue is the auxiliary Trade Policy Committee. It can be deduced that although the member states do not have a seat at the negotiating table, they are able to fight for their interests in the mechanisms. Therefore, participation in the mechanisms is seen as crucial to defend a member states' interest.

Lastly, the trade policy of the Netherlands was drawn from to understand how the different administrations have seen trade policy through the years. An important shift was the focus on the so-called Sustainable Development Goals, which are now the cornerstones of the Netherlands' foreign trade and development policy. These two sections conclude the second part of the sub-question guiding this chapter: *What is the role of the Netherlands in EU trade negotiations?* To answer this question is to say that the role of the Netherlands in EU trade negotiations is defined by its internal policies, which steer the Netherlands' preferences on the international stage. To translate these preferences successfully in EU trade negotiations, the Netherlands must participate in the mechanisms available on EU-level that in turn influence the negotiations. It remains to be seen how well the Netherlands is able to present and defend its interests in the Council and through the various working groups constituting European trade negotiations, because factors of national political climate, institutional capacity and the role of societal actors come into play when judging a member states' ability to influence (Adriaensen, 2016)

## 5.0 TTIP: Transatlantic Trade and Investment Partnership

The Transatlantic Trade and Investment Partnership (TTIP) led to massive amounts of backlash in the public sphere. Several hundreds of thousands amassed to protest the TTIP on October 10 2015 in Berlin (The Guardian, 2015). But why did so many amass to protest? What is this TTIP acronym? And why did it appear everywhere: in newspapers, talk shows and debate halls? Therefore it is important to delve more deeply in what the TTIP is, and what the motives for a TTIP were. Furthermore, what are the contents of the TTIP and the surrounding debate? In addition, who exactly are the major players in the debate? This chapter will aim to answer these questions at the hand of the second sub-question of this dissertation, namely:

*What is TTIP? What are the main elements of discussion within the TTIP debate?*

Firstly, a synthesis of the TTIP and its content will be described (4.1.1). Then the motives for a TTIP will be constructed at the hand of several historical processes (4.1.2). These sections answer the first part of this sub-question: *What is TTIP?* After this section, the final part of the sub-question will be answered in the paragraphs detailing what and who STOP-TTIP is (4.2.1) and what the major bones of contention in the TTIP debate are (4.2.2). This latter section will develop thematically and will also describe several consequences of the TTIP debate on a European as well as a Dutch level.

### 5.1.1 What is TTIP?

The Transatlantic Trade and Investment Partnership (TTIP) is a ‘trade and investment’ deal between the European Union and the United States of America (European Commission, 2015). Specifically, it is a bilateral free trade agreement that aims to lower or remove tariffs and cut red tape. Although tariffs between the two parties are generally low, some products such as shoes, automobiles and food have high tariffs (Eliasson, 2015). Therefore, the TTIP agreement has a specific eye for cutting red tape such as technical barriers to trade (TBTs) and other non-tariff barriers (NTBs) (Eliasson, 2015). NTBs - like tariffs - aim to protect a domestic market from products, services or investments from other markets, and come in the form of rules or regulations such as quotas, subsidies, and technical barriers that determine the ‘standards’ a product must adhere to (WTO.org, 2018). Thus, NTB’s can make a product or service particularly expensive, difficult to provide, or difficult to sell for both consumers and producers, effectively banning such unit from the market. Because the EU and the US together make up just under half of the total global GDP, account for 60 per cent of the

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foreign investment stock, and are estimated to account for 80 per cent of global rules and regulations (Council of the European Union, 2013; European Commission, 2018; Ahearne et al., 2006); a bilateral free trade and investment agreement is expected to have a globally dominant effect (Eliasson, 2015).

The negotiations for the TTIP started in July 2013. Up until October 2016, fifteen rounds of negotiations have taken place in which the parties have discussed several topics. A total of 24 chapters cover the contents of the TTIP, these include, for example: trade and custom duties, services, public procurement, regulatory cooperation, technical barriers to trade, food safety and animal and plant health, engineering, pharmaceuticals, textiles, sustainable development, investment (European Commission, 2016). On some issues, such as the access of small and medium-sized enterprises, the negotiations have reached a final stage. Whilst on others, such as textiles and clothing, the parties have struggled to make progress (European Commission, 2016).<sup>1</sup>

Considerable progress was made in 2015 and 2016 under then-President Obama – who in April 2016 deemed a finished agreement possible “by the end of the year” (The Independent, 2016). In fact, the desire to finish the TTIP was mounting in the wake of the presidential elections in November 2016, when in the electoral race Donald Trump made his detest of free trade agreements known by defining them as “rape” (Washington Post, 2018). On the United State-Korea Free Trade Agreement (KORUS-FTA), Trump was quoted saying that it is a “horrible deal”, adding that it “should’ve never been made” (Washington Post, 2017). The election of President Donald Trump in November 2016 eventually led to the halt of the TTIP negotiations. As of July 2018, after attempts by European Commission president Jean-Claude Juncker to “diffuse a trade battle” on steel and aluminium exports, the US and the EU have started negotiations on a trade deal again (The New York Times, 2018a). It has been noted that these discussions mirror the topics that were on the agenda for the TTIP; however, at the time of writing – fall/winter 2018 – it is unclear to what extent this is true (The New York Times, 2018b).

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<sup>1</sup> The textile and clothing industries are highly concentrated in the four largest member states of the EU, with production (value added) chains running throughout the Union. These include luxury products as well as low to medium-priced bulk products (just-style, 2017). Therefore, many interests are at stake. One issue on the table is the degree of flammability. The EU and the US each have a different definition of flammability and thus producers must adhere to different rules in the two markets. If the EU and the US can find either common ground on their definition of flammability, or they acknowledge each other’s rules for flammability (Mutual Recognition (MR), see 5.2.1 for more on MR and regulatory cooperation), the implications for the industry would be severe (European Parliament, 2015). Therefore negotiations on some topics are incredibly lengthy.

To summarise this section, the TTIP is a bilateral free trade and investment treaty designed to lift tariffs and NTBs between the EU and the USA. Although progress was made on several topics in the treaty, the negotiations were halted in November, 2016.

### **5.1.2 Why a TTIP?**

In this section the reasons for a creation of the TTIP will be explored. This begins with the understanding of the close-nit cooperation between the EU and the US. Both are not only highly developed and advanced economies, together they also make up the most wealthy and highly educated populations on the planet (Cooper, 2014). As stated above, the EU and US are an economically dominant force on the world stage. Moreover, the US is the EU's largest trading partner, as is the EU the US' most important export market and second most important import market (European Commission, 2017; Ružeková, 2016). Besides this economic interdependence, in terms of security and defence, the regions are each other's vital allies as is exemplified by military cooperation in the form of the North Atlantic Treaty Organisation (NATO). Of the twenty-eight members in NATO, twenty-two are European member states. So what exactly is the added value of a TTIP if in terms of economy and security the two parties already cooperate so closely?

The answer lies in the tumultuous ending of the previous century, with wars in Yugoslavia (1991-2001) and the Gulf (1990-1991), as well as in trade disputes during the Uruguay Round (1986-1994). These issues reignited the will for more 'atlanticist' cooperation and several attempts were made (De Ville and Siles-Brügge, 2015). Examples of these are the Transatlantic Declaration (1990) on cooperation in areas of security, culture and economy; the New Transatlantic Agenda (1997) establishing mutual recognition agreements for several sectors; and the New Transatlantic Market and the Transatlantic Economic Partnership of 1998 (Pollack and Schaffer, 2001; Pollack, 2005; De Ville and Siles-Brügge, 2015b). These examples succeeded to varying degrees because they were either too comprehensive or lacked comprehensiveness - or because an actor involved blocked ratification or stalled negotiations (De Ville and Siles-Brügge, 2015b). Why did these attempts fail to a more or lesser extent, whilst it can be argued that the global context was prone for cooperation (Smith, 2006)? Analysis of these failures points to the lack of an international framework that can function as an arbiter in case of disagreements (Lütz, 2011), lack of mutual trust (De Ville and Siles-Brügge, 2015b) and high decision-making thresholds such as domestic ratification and opposition (Pollack, 2005). Furthermore, De Ville and Siles-Brügge (2015b) argue that the nature of mutual recognition and regulatory cooperation adds a major hurdle.

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After the year 2000, several working parties as well as committees were set up to identify and overcome the issues that were in the way of a transatlantic treaty (Lütz, 2011). It is argued that little progress was made in these forums and the little progress that was made in these years was “eclipsed” by the election of the G.W. Bush administrations in 2001 and 2004 (De Ville and Siles-Brügge, 2015; Heron and Quaglia, 2015). However, in November 2011, a new opportunity for transatlantic cooperation was established during a summit with then-president of the European Council Herman van Rompuy and then-president of the USA Barack Obama. In this meeting, it was agreed that a High-Level Working Group would be tasked to identify the opportunities for the strengthening of EU-US relations in terms of trade and investment (Heron and Quaglia, 2015). In 2013, in its final report, the High-Level Working Group found that a comprehensive free trade agreement would be the best option (High-Level Working Group, 2013). In February 2013 then-president Obama presented the TTIP in his State of the Union. Talks began that year in July 2013.

What factors have determined the success of the start of the TTIP negotiations - whilst at the end of the last century and the beginning of this century, attempts did not come to fruition? Following Heron and Quaglia (2015), Felbermayr and Larch (2013), and De Ville and Siles-Brügge (2015a) three important contextual factors can be determined. The first is the ‘anaemic growth’ that both regions have suffered since the 2008 financial and sovereign debt crises and lack of political room for structural reform. In this light, the TTIP is regarded as an instrument to increase economic growth at a relatively low political cost. Secondly, as was discussed in the chapter on EU trade policy, the deadlock in the multilateral system has led to renewed attention for deeper market integration and liberalisation through bilateral tools. The TTIP is such a bilateral mechanism; with additionally the aim to be such a norm setting agreement that it would help break the deadlock on a multilateral stage. Lastly, the rise to power of the BRICS-countries (Brazil, Russia, India, China and South-Africa) have not only had a presumed effect on the geopolitical and economic position of the EU and the USA, the rise of these countries has had an effect on the relative power the BRICS-countries exercise individually - as well as in G20 formation - in international institutions such as the World Bank and the International Monetary Fund (IMF). The TTIP is a way to reinforce the influence and competitiveness of the EU and the USA on the increasingly multipolar world order.

### 5.2.1 What is STOP-TTIP?

Before the contentious issues in TTIP are discussed, it is important to set the stage: who are the opponents of the TTIP in the Netherlands? What is STOP-TTIP? And what tactics did they use to get their message across? This section will answer these questions.

The STOP-TTIP campaign is a pan-European coalition of over 500 interest groups that oppose the TTIP between the EU and the USA, and the Comprehensive Economic and Trade Agreement (CETA) between the EU and Canada. Already in the fall of 2013 civil society organisations start to oppose the TTIP by staging protests and writing position papers against the incorporation of an Investor-State Dispute Settlement (ISDS) investor arbitration mechanism in the TTIP (Eliasson and Garcia-Duran Huet, 2018). By January 2014, the Commission responded to the critics by pausing the negotiations and starting a public consultation on ISDS (see 5.2 for more on ISDS and the consultation). This marked the start of the STOP-TTIP coalition, who first discussed the idea with a small group in March 2014, and eventually announced that a European Citizen's Initiative (ECI) was founded to stop the TTIP and CETA agreements in April 2014 (STOP-TTIP, 2016a). The creation of the ECI had the aim to collect signatures to repeal the mandate for TTIP and to halt the conclusion of the CETA. The STOP-TTIP coalition targets both the TTIP and CETA for two reasons. Both are comprehensive trade and investment treaties that include chapters on largely the same topics, such as regulatory cooperation and investment arbitration (ISDS). These are issues that the coalition objects heavily to. In addition, the inclusion of an ISDS-like mechanism in CETA has given rise to the main argument that the EU can be faced with claims by US firms, since many US firms have a daughter or shell company in Canada that in turn can appeal to the investment arbitration mechanism in CETA.

It is important to describe the role of the ECI in detail early on, as it proved an important campaign tool for the STOP-TTIP coalition to not only put pressure on the Commission, but also to gather opposition groups behind their cause. An ECI is a legal instrument through which citizens can call upon the Commission to take action on an issue. In this case, the civil initiative called upon the Commission and the member states to repeal the negotiating mandate for TTIP negotiations and not to ratify the CETA (STOP-TTIP, 2016a). The benchmark is one million signatures gathered in one year. In addition, minimum thresholds must be met in seven member states (European Citizens Initiative, 2018). If the conditions are met, the Commission must consider follow-up action and a hearing must be held in the European Parliament. Eventually, the ECI gathered three million signatures. After the establishment of the citizens committee in April 2014, the ECI was registered in July.



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However, in September of that year the Commission rejected the application on legal grounds: the negotiating mandate was not a legal act and could thus not be repealed. Furthermore, the Commission reasoned that it cannot vote on the ratification of CETA and the ECI can therefore not be applied (DemocracyInternational, 2016). The STOP-TTIP coalition continued the ECI regardless and appealed to the EU General Court in September 2014. In March 2017, the Court ruled that the Commission had no legitimate reason to reject the ECI (EurActiv, 2017).

Returning to the Netherlands, it would make sense to presume that the STOP-TTIP coalition acts as a kick-off for the Dutch campaign: many participants of the Dutch coalition (see below on TTIPAlarm) are also part of the European STOP-TTIP coalition (STOP-TTIP, 2016a). However, in this point of the research it is unclear to what extent one can speak of a visible coalition in the Netherlands at the end of 2014 and the beginning of 2015. Yet, what is evident is that a clear line can be drawn from the second Zondag met Lubach tv-show on TTIP and the so-called TTIPAlarm (see more on Lubach below). This show in March 2015 featured the #TTIPAlarm as a handle to mobilise concern on social media over the contents of TTIP and CETA. The TTIPAlarm was eventually adopted by the coalition who created a designated TTIPAlarm Twitter account in August 2015. This TTIPAlarm coalition then began to campaign for a protest in Amsterdam on October 10, 2015 as part of the European-wide 'day of action'. Who exactly are the participants in the coalition?

The TTIPAlarm coalition steering committee consists of FNV (Trade Union); SOMO (Stichting Onderzoek Multinationals – The Centre for Research on Multinational Organisations); Greenpeace; TNI (Transnational Institute); Milieudefensie and Foodwatch (TTIPAlarm.nl, 2016). Except for FNV, the participants of TTIPAlarm coalition are also part of the European STOP-TTIP coalition (STOP-TTIP, 2016b). This group was joined in protests by political parties such as the SP (Socialistische Partij – Socialist Party), the Partij voor de Dieren (Party for the Animals), and GroenLinks (Greens). Interestingly, member of the European Parliament for the European S&D (Progressive Alliance of Socialists and Democrats) as well as member of the Dutch PvdA (Partij van de Arbeid – Labour Party), Agnes Jongerius, was a frequent attendee of the protests and expressed her critical stance towards TTIP and CETA. This is remarkable since the PvdA was part of the coalition government at the time and provided the ministerial seat for Foreign Trade and Development Cooperation in the person of Lilianne Ploumen. In other words, Agnes Jongerius openly criticised an agreement that her own party and minister were negotiating.

Like the several politicians and political parties campaigning with the opponents, in April 2016 the TTIPAlarm gained the support of several farmer organisations, which include: LTO Varkenshouderij (Dutch Federation for Agriculture and Horticulture – Pig Farmers), NVV (Nederlandse Varkenshouders Vakbond – Dutch Trade Union for Pig Farmer), Dutch Dairymen Board, Vereniging Biologisch-Dynamisch Landbouw en Voeding (Association for Biodynamic Agriculture and Food). This “unusual coalition” raised brows in some media (NOS, 2016), as coalition members such as Greenpeace and Milieudefensie typically have rival interests to those of the farmer organisations. On October 11 2016, LTO Varkenshouderij and NVV quit the coalition due to differences of opinion on the pursuit of financial compensation as a result of the trade agreements – nonetheless, these two organisations indicated that they subscribed to the core goals of the coalition (fair trade and a level playing field) and were content with the actions that were held up until that point (NieuweOogst, 2016). How exactly has the STOP-TTIP coalition tried to campaign?

As the promotion of the ECI and the e-participation of the ISDS consultation (see below) show, the internet and social media have played a large role in the campaign. In fact, the campaign efforts were mostly focussed on social media (Bauer, 2015; Bauer, 2016; Eliasson and Garcia-Duran Huet, 2018). Bauer (2015) found that 80% of the anti-TTIP messages were spread via Twitter; in Germany, negative online media reporting between June and December 2014 was 20 times higher than positive reporting, which was ‘reinforced’ by online paid ads from interest groups like Foodwatch and Greenpeace Germany. Interesting research by Nordheim et al. (2018) on the TTIP messages on Twitter shows that from the second half of 2013 negative tweets dominate, which goes hand in hand with the mobilisation of opponents. This is important because it is evidence of the hypothesis that ‘affective publics mobilise and connect through expressions of sentiment’ (Papacharissi, 2014).

Moreover, the campaigning efforts began mostly in Germany and Austria which show in Google search queries for TTIP: both countries account for more than double the interest than other EU countries (Bauer, 2015). Further substantiating this are the ties that run from German campaigning organisations Campact and Forum Umwelt und Entwicklung (Forum for the Environment and Development) – who were the first to initiate an anti-TTIP campaign in Germany – and the STOP-TTIP coalition: not only does Forum Umwelt und Entwicklung host the coordination centre of the coalition, Campact has financed numerous interest groups in Europe such as the Irish Uplift and Swedish Skiftet, who are both part of the STOP-TTIP coalition (Bauer, 2015; STOP-TTIP, 2014b).

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In the Netherlands, attention was drawn with several protests and the #TTIPAlarm handle on Twitter. On October 10 2015 a European day of action was held, which drew between 150.000 and 250.000 protestors in just Berlin (Euractiv, 2015), and according to NU.nl, 7.000 protestors in Amsterdam (NU.nl, 2015). In May 2016 protests were held in multiple cities in the Netherlands on the initiative of Milieudefensie in cooperation with local political parties and Greenpeace, who leaked 248 pages of classified TTIP documents earlier that month (Greenpeace, 2016). Furthermore, numerous position papers, op-eds and studies were published by the coalition. For example, in January 2015, SOMO, Both ENDS, Milieudefensie and TNI published a report on the ‘harm Dutch investment treaties do to the public interest’, called “Socialising losses, Privatising Gains” (Both ENDS, 2015). In June 2018, Foodwatch, TNI, SOMO, Platform Authentieke Journalistiek (Platform Authentic Journalism), vrijschrijft.org (scriptumlibre – foundation for free information and the protection of privacy), FNV and Milieudefensie published a pamphlet on the ‘facts and fiction’ of the CETA (Van Beek et al., 2018).

Attempts have been made by the Commission’s side to control the debate, yet, from the very early stages of negotiations this proved to be difficult. In November 2013, October 2014 and October 2015, different communication strategies were employed by the Commission and the member states to influence public opinion in the desired pro-TTIP direction, however, to no avail (Van Ham, 2016). For example, the Commission launched a designated Twitter account in 2013, the @EU\_TTIP\_Team. Although this account makes it to the top 10 lists of most active Twitter users in the TTIP debate in 2013, 2014 and 2015, analysis shows that the launch of this account came too late as it missed to discuss in an early phase (Von Nordheim et al., 2018). Moreover, the account loses influence over time as interest groups such as Foodwatch and Greenpeace surpass it in terms of activity.

### **5.2 What are the bones of contention in the TTIP?**

The public debate on TTIP is centred on several key topics that are exemplifications of larger frames and sentiments. While proponents of the TTIP made efforts to dominate the debate in terms of the economic benefits and, later, the geostrategic importance of the agreement (Van Ham, 2016), the STOP-TTIP opponents were able to successfully shift the attention to several key elements (Eliasson, 2016; Bauer, 2016; Garcia-Duran and Eliasson, 2017; Eliasson and Garcia-Duran Huet, 2018; De Bièvre, Gstöhl, and Van Ommeren, 2018). This section is therefore not a representation of the contentious issues inside the TTIP negotiations between the EU and the USA, but rather a reflection of the elements in the TTIP that opponents such

as European STOP-TTIP and Dutch TTIPAlarm fought against, and were able to control the debate on, as well as consequences stemming from legal and political developments.

### *Safety standards*

The first of these arguments is the notion that the TTIP will lower food safety standards. This argument is derived from the idea that the USA has lower food safety standards than the EU, and the fear that mutual recognition will be part of the agreement (Garcia-Duran and Eliasson, 2017).<sup>2</sup> Mutual recognition may result in the admission of unpopular US products to the EU market, such as chlorinated chicken, hormone-treated beef and genetically modified organisms (GMO's). These products were characterised by the STOP-TTIP opponents as 'Frankenfoods' (De Bièvre, Gstöhl, and Van Ommeren, 2018). Moreover, the STOP-TTIP opponents have described the TTIP as a 'Trojan horse' for the products: secretly incorporated inside the TTIP framework unbeknownst to the general public (euobserver, 2015; Volkskrant, 2016).

In the Netherlands, the chlorine chicken acted as a powerful image for the lowering of safety standards and was especially familiarised to the greater public by tv-show Zondag met Lubach (ZML - Sunday with Lubach) in March 2015. ZML is a late-night satirical show airing on the Dutch public broadcasting service NPO 2 (Channel Two). In the program, host Arjen Lubach discusses several events of the week in sections of around ten minutes, in a style comparable to US tv-shows the Daily Show and the Late Show: satirical and in-depth. In the first show that discussed TTIP, Lubach covered some of the presumed effects the TTIP might have. Some of the subjects included chlorine-washed chicken, 'fracking' for shale gas and shale oil, and ISDS. In October 2015, Lubach again aired a show that spoke about TTIP. After discussing the low public support for TTIP and the mounting political opposition from, amongst others, municipalities, this episode also discussed CETA and how ISDS in CETA can be used by US multinationals to sue the Netherlands.

On December 27 2015, Lubach aired the last TTIP/CETA episode and had then-minister for trade and development cooperation Lilianne Ploumen as a guest. On TTIP she tried to reassure Lubach by saying that the EU will not lower their standards and that the chlorine

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<sup>2</sup> Mutual recognition is a type of regulatory acknowledgement: when a product is 'safe' to be sold in one country, the partner country agrees that this product may also be sold in the domestic market (Nicolaidis and Schaffer, 2005). Practically, it means that the testing of the foreign product is done at the hand of the laws and regulations of that foreign country, and that the partner country acknowledges that these procedures suffice for the product to enter the domestic market.

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chicken is not going to enter the EU. She also stated that she wanted to do away with ISDS and propose a new form of arbitration. Ploumen also discussed the renegotiation of the dispute settlement chapter in CETA, and provided explanations on mutual recognition, reiterating that standards will not be lowered. Finally, Lubach pointed Ploumen on the lack of transparency and the secrecy in the negotiations. Ploumen rebutted by saying that a lot of documents have been made available. The fact that Lubach discussed TTIP three times meant a lot for the visibility of the TTIP: in a recent panel study Boukes (2018) found that watching ZML led to a better understanding of TTIP amongst participants; and that TTIP caused “clear spikes on the public agenda and had a lasting influence on the political agenda” (Boukes, 2018, p.18). It has furthermore been reported that Ploumen subscribes to this notion, as she had tried to put TTIP on the public agenda but newspapers refused to publish an op-ed that she had written (Metro, 2017).

### *ISDS*

The argument of lower food safety is linked to the second argument, which rejects a mechanism of investor-state dispute settlement (ISDS) in the TTIP. The STOP-TTIP opponents consider ISDS to be a detriment to EU sovereignty as it provides companies of both partner countries a judicial mechanism ‘outside’ of the national judicial mechanisms (Butler and Subedi, 2017). The ISDS is a type of investment arbitration for an investor to access a de-politicised form of legal reimbursement in case a host country transgresses the investment treaty (UN, 2017).<sup>3</sup> In the eyes of the STOP-TTIP opponents, ISDS is “(...) portrayed as a secret parallel justice for big multinational firms circumventing legitimate domestic courts (...)” (Reinisch, 2017, p.249). As a result, an ISDS mechanism in TTIP can be used as a doorway through which US multinationals can impede the national ability to govern, as the mechanism can force a nation to reimburse a firm as a result of a democratically adopted policy (see footnote 3 on Vattenfall). Reimbursements can turn out to be extremely high, in line with the investments that a firm has made. Critics of ISDS argue that it can have a deterrent effect on national rule and policy space, even causing a nation to re-evaluate a policy. This is referred to as ‘regulatory chill’. It is interesting to note that the fear of accepting an ISDS that favours the will of ‘big corporate’ - like the fear that mutual recognition will be part of the TTIP - is built upon the idea that the EU and US have an asymmetrical power relation (da Conceição-Heldt and Meunier, 2014). As a result, it is

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<sup>3</sup> A famous example is the case of Vattenfall versus Germany. After the 2016 Fukushima nuclear disaster, Germany began a hasty phase-out of their nuclear plants. Vattenfall owns reactors in Germany that were closed after this decision. As a result, Vattenfall has demanded compensation for their financial losses through an ISDS-like mechanism under EU law (Reuters, 2018).

believed that the EU will succumb to US demands on important issues such as mutual recognition and ISDS (Garcia-Duran and Eliasson, 2017).

On ISDS in TTIP, the European Commission launched an online public consultation in March 2014. In total, 149.399 were received by the Commission, of which 97% of replies rejected ISDS and came from a small number of campaign groups that set up online template tools to increase participation (Bauer, 2015). These responses were near identical in content due to the platform-triggered templates that were offered by STOP-TTIP campaigners such as Friends of the Earth Europe (Bauer, 2015). This amount of respondents is relatively high. By contrast, several other public consultations in 2014 received between 137 and 5908 respondents (Bauer, 2015, p.126). After this backlash – which then-Commissioner for trade Karel de Gucht called ‘an outright attack’ (Järvinen, 2014) –, the Commission has proposed a “reformed, more transparent, and more independent” Investor Court System (ICS) (De Bièvre, Gstöhl, and Van Ommeren, 2018, p.3).

With this ICS, Dutch then-minister for Foreign Trade and Development Cooperation Ploumen has argued that the largest issue in TTIP and CETA is therefore “dead and buried”(NRC, 2015b). Nonetheless, this ICS is regarded as “old wine in new bottles” by environmental group and participant in the STOP-TTIP campaign Milieudefensie (Milieudefensie, 2016). Another development on this issue is the adoption of a mandate in March 2018 in the European Council for the European Commission to negotiate a permanent Multilateral Investment Court (MIC), which would replace the ad-hoc dispute settlement courts in bilateral investment treaties (Europese Raad, 2018). However, opponents of dispute settlement mechanisms, for example SOMO, a research group part of the STOP-TTIP coalition, aim for the complete removal of such mechanisms in trade and investment treaties and consider the MIC an “ISDS 2.0” (SOMO, 2018).

Several important legal cases have been brought to the Court of Justice of the EU (CJEU), that have had implications for the ratification and the nature of investment treaties (which include a type of ISDS). Within this context falls the letter of several national members of parliament whom, as early as 2014, wrote then-Commissioner for Trade Karel de Gucht, in an effort to convince him to consider comprehensive free trade agreements such as CETA and TTIP as a ‘mixed’ agreement (see 3.1.1 on European Union Trade Policy competence) (Tweede Kamer, 2014). ‘Mixity’ gives member states’ national parliaments the right to veto a trade agreement, therefore, member states often ask for this ‘mixity’ (Van Der Loo, 2017). However, it was after the conclusion of the EU-Singapore Free Trade Agreement (EUSFTA)

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in June 2015, that the Commission asked the opinion of the Court of Justice of the EU on the ‘mixity’ issue (Herbert, Smith and Freehills, 2017). The Singapore opinion ruled that comprehensive free trade agreements that include portfolio investment and ISDS are not of exclusive competence to the EU. In other words, free trade agreements that include this type of investment arbitration and ISDS mechanisms are considered ‘mixed’ agreements, and must thus be ratified by the national parliaments of the member states.

It is theorised that this, in fact, strengthens the ‘credibility and effectiveness’ of the EU’s trade policy, as the Singapore Opinion also mentions clear guidelines of what falls under the EU’s exclusive competence (in the form of Common Commercial Policy) (Van Der Loo, 2017). As a result, the EU can now distinguish investment and ISDS from their trade agreements, making it easier to pass the agreements - as they do not have to be ratified in national parliaments. Nevertheless, what is crucial is that this ruling provides the member states with a legal tool to block agreements that include the unpopular investment sections in trade agreements.

A second legal case fuelling the argument against the ISDS, is the so-called ‘Achmea’-ruling (CJEU, 2018). In this ruling, the CJEU stated that a reimbursement of Dutch healthcare group Achmea under an ISDS mechanism in a 1991 bilateral investment treaty between Czechoslovakia and the Netherlands - which carried over to Slovakia - is void under EU law. This means that all intra-EU investment treaties are not allowed to incorporate a dispute settlement mechanism. As a result, the opponents of dispute settlement are given a stronger foundation for their argument against it: if ISDS-like instruments are not allowed between EU member states, why would they be allowed in investment treaties with other parties?

These rulings are foundational in understanding a political consequence of the TTIP debate. As was stated, the STOP-TTIP debate aimed both at TTIP and the CETA free trade agreement with Canada. In 2016, the Commission proposed to the European Council that the CETA should be treated as a mixed agreement (European Commission, 2016). The proposal was adopted, and resulted in a near torpedoing of the CETA by several of Belgium’s sub-national parliaments (Wallonia in particular) (Young, 2017), who are required to give their consent under Belgian law. In the Namur Declaration, the regional parliament argued for more impetus from national and subnational parliaments in all stages of trade negotiations involving mixed agreements, as well as timely and accessible information to foster public debate for all actors involved (Wouters and Raube, 2017). Furthermore, the Walloon parliament rejected to approve the CETA on exactly the issues the STOP-TTIP campaign had

drawn public attention to: the handing over of sovereignty to multinationals. This led to irritations on the part of the Canadian government in the form of trade minister Chrystia Freeland who said: “It is now evident that the European Union is incapable of reaching an agreement, even with a country with European values such as Canada, even with a country as nice and patient as Canada” (HuffingtonPost, 2016). Under international pressure and renewed negotiations from the Canadian side, the European Commission, as well as the European Council, the Walloon parliament conditionally approved CETA (Trouw, 2016).

### ***Transparency***

Again, this argument ties in closely to another issue: transparency. ISDS court rulings take place ‘behind closed doors’, just like the TTIP negotiations between the two partner countries. Although it seems evident that negotiations take place behind closed doors: to protect the partner’s red lines and bargaining power; and although the EU’s transparency policy for TTIP goes ‘beyond the legal minimum’ thusly naming the talks ‘the most transparent trade negotiations ever in EU history’ (Coremans, 2017); the opponents have called for full disclosure of negotiations mandates and all other documents (Giegold, 2015). Furthermore, the limited access of the European Parliament’s International Trade (INTA) Committee to documents, and the lack of access to position papers and the negotiating mandate, fuel the argument of objectionable secrecy in the negotiations without the necessary democratic controls.

On the issue of transparency, the Commission started to release more documents throughout 2014. But it was especially the new Commission, elected in November 2014, which made efforts to publish more documents and factsheets on the content of the agreement as well as the EU’s position papers in an struggle to ‘demystify’ some of the opponents’ criticism (Coremans, 2017). As stated above, though the Commission adopted a new transparency policy, opponents of the TTIP demanded full disclosure: labelling the new policy and the promised transparency as a “sham” (Giegold, 2015).

### ***Capaldo study***

Another issue worth mentioning briefly is the effect the ‘Capaldo study’ had on the Dutch debate. The ‘Capaldo’ study is a study into the economic effects of the TTIP by Italian Jeronim Capaldo (Tufts University) that got considerable traction after it was picked up by several Dutch news outlets such as RTL, Nu.nl, FTM (Follow The Money) and De Correspondent. In the study, Capaldo uses a different economic model than the Computable General Equilibrium (CGE) model to calculate the effects of free trade agreements on the economies of the parties. In the study, Capaldo, at the hand of the United Nations Global



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Policy Model (GPM), shows that the TTIP will not lead to greater employment and growing economies – which the Commission’s studies have argued to be the case –, but in fact less jobs and shrinking economies (Capaldo, 2014). Academic debate has arisen since on the vices and virtues of both models (see for example De Ville and Siles-Brügge, 2015; Lavoie, 2016; Michell, 2016; CPB, 2016), however, it is important to stress that in the wake of the debate on the economic effects of the TTIP, the Capaldo study was embraced by STOP-TTIP opponents like FNV (Federatie Nederlandse Vakbeweging – Workers Union) to support their fear for the loss of jobs (De Correspondent, 2015).

### *Participatory mechanisms in trade in the Netherlands*

In June 2016, Ploumen pleaded for the ‘reset’ of free trade at the Organisation for Economic Cooperation and Development (OECD) (Government.nl, 2016). In her speech, she argued that free trade should focus more on tackling inequality and free trade policies should have a specific eye for benefits for the poor. Furthermore, Ploumen argued in favour of a new consultation forum in the Netherlands, the ‘Breed Handelsberaad’ (BHB – Comprehensive Trade Consultation) (AD, 2016). In the BHB, the Ministry for Foreign Trade and Development Cooperation, together with several unions, NGO’s and other interest groups, participate on a regular basis to discuss Dutch trade policy. Furthermore, the Dutch administration has reasoned that the BHB was created as a means to consult more often and more structural (Tweede Kamer, 2017). The BHB held its first meeting in January 2017 and has held numerous meetings over the course of the years (Rijksoverheid.nl, 2018).

## **5.3 Conclusion**

This section has tried to answer the second sub-question of this dissertation: *What is TTIP? What are the main elements of discussion within the TTIP debate?* This chapter developed accordingly by answering the initial part of the sub-question first. It was discussed that the Transatlantic Trade and Investment Partnership (TTIP) is a bilateral free trade agreement that aims to lower tariffs, in particular non-tariff barriers (NTB’s), on a plethora of topics. Moreover, some insight was given in the developments over the course of the negotiations. Discussion have taken place of several rounds and considerable progress has been made, yet the election of President of the USA Donald Trump have led to the halt of TTIP. The historical processes underlying the start of the TTIP were discussed in the next section. It was established that several attempts of transatlantic cooperation have been made the previous decades, though some proved unfruitful. Presumably, the successful start of the TTIP negotiations in 2013 were a result of the economic setbacks as a result of the 2008 crisis; the deadlock in the multilateral trade arena; and rise of the BRICS countries that

threaten the geopolitical and economic positions - as well as a loss of institutional influence - of the EU and the USA. These section thus answer the first part of the second sub-question: *What is TTIP?*

The next section answers the last part of the sub-question: *What are the main elements of discussion within the TTIP debate?* This section begins with a closer look at the STOP-TTIP campaign and its components. The STOP-TTIP campaign was a coalition of eventually over 500 interest groups that effectively started their coalition in the form of the European Citizens Initiative (ECI) to gather signatures in an attempt to put a halt to both the TTIP and the CETA. In the Netherlands, it is unclear when exactly the cooperation begins but it is clear that tv-show Zondag met Lubach (ZML) provides impetus for a Dutch day of action that takes ZML's TTIPAlarm handle as their name. This coalition consists of a smaller steering group surrounded by unconventional allies such as agricultural organisations. The social media strategy of the STOP-TTIP coalition left a clear mark on the web and the Commission's attempt to dominate the debate has proven to be unsuccessful.

The next section discussed the major bones of contention in the TTIP discussion. The first key element is the fear for the lowering of safety standards by which American 'Frankenfoods' such as the chlorine-chicken could enter the EU market. This is due to the fright of an incorporation of mutual recognition. It was shown that Zondag met Lubach played a pivotal role in the Netherlands and that then-minister for Foreign Trade and Development Cooperation Lilianne Ploumen responded to the claims made in the show. After that, the threat to democracy and national sovereignty posed by the ISDS mechanisms was discussed at the hand of 'regulatory chill'. The public consultations showed the mobilisation members of the STOP-TTIP coalition were able to muster in an attempt to influence an ISDS-like mechanism in the treaty. It was shown that although the Commission has proposed a revised ISDS, opponents demand the complete abolition of the incorporation of ISDS-like mechanisms in treaties. Furthermore, the importance of 'mixity' was discussed at the hand of several court rulings and how this has provided ammunition for the STOP-TTIP opponents as well as lead to political crisis as a result of the Namur declaration.

Finally, it was discussed how transparency was a major issue in the debate: in the TTIP-negotiations, as well as in ISDS. In reply to this, the Commission has published a considerable amount of documents and factsheets in an effort to 'demystify' some of the arguments of the STOP-TTIP opponents. Furthermore, two sections were devoted to the role

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the Capaldo study played in the Netherlands and policy changes as a result of the ‘reset’ of trade policy by Lilianne Ploumen.

## 6.0 Data

In this chapter, the findings derived from the four in-depth semi-structured interviews will be presented. The data represented acts as a process-tracing influence measurement technique (see 2.4 on measuring influence). Guiding this chapter was the third and final sub-question of this dissertation, namely: *What strategies did the Dutch civil society TTIP campaign implement to achieve an impact upon the TTIP debate in The Netherlands? How successful were these strategies?*

This chapter will not conclude with a conclusion, as that would - at least to some extent - answer the main question of this dissertation. This, however, shall be preserved for the final concluding chapter.

Common themes were identified and the findings will be presented as such. The interviewees are: Marieke van Doorn, campaign coordinator of the HandelAnders coalition; Bart-Jaap Verbeek, researcher for SOMO; Ronald Roosdorp, Director for International Trade Policy and Economic Governance at the Dutch ministry of Foreign Affairs; and Jurjen van den Bergh, campaign coordinator of the Dutch STOP-TTIP coalition. The themes are: comments on the origins, objectives and structure of the TTIP coalition; comments on the issues at play in the campaign; comments on strategies and tactics; comments on the effects of the campaign on EU trade policy and Dutch trade policy; and finally comments on the lesson for future campaigns as well as the STOP-TTIP coalition. The interviewees are: Marieke van Doorn, campaign coordinator of the HandelAnders coalition; Bart-Jaap Verbeek, researcher for SOMO; Ronald Roosdorp, Director for International Trade Policy and Economic Governance at the ministry of Foreign Affairs; and Jurjen van den Bergh, campaign coordinator of the Dutch STOP-TTIP coalition. The full interview transcripts can be found in the annexes.

### 6.1 Comments on the STOP-TTIP Coalition

#### *Foundations of the coalition*

The beginning of the Dutch STOP-TTIP coalition can somewhat be attributed to the so-called Seattle2Brussels network. As Jurjen van den Bergh (Jurjen van den Bergh, December 27, 2018, ll.74-78) says: “There was also cooperation on a European level through the so-called Seattle2Brussels network. The name says it all for initiates: there was a WTO summit in Seattle and people decided to try to put WTO policy on the agenda in Europe as well. And this was a club – a bit of a sporadic relation – who met once or twice a year in Brussels to discuss their strategy.” This group, after the Treaty of Lisbon, understood the consequences

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and opportunities of a European trade policy competence: “this is a key moment in European trade policy. There were a couple of people at the Seattle2Brussels, who understood, right away, what the implications of that were.” (Bart-Jaap Verbeek, December 10, 2018, ll.95-97). And: “they understood directly that this was the moment - the opening - to influence investment protection treaties and ISDS, because at this moment the Commission kind of takes it away from the member states and they have to develop their own model.” (Bart-Jaap Verbeek, December 10, 2018, ll.100-104). However, the influence of this European network on the local campaigning efforts must not be overestimated Jurjen van den Bergh says: “the coordinators that were part of this from out of the Seattle2Brussels network, they’ve really tried their hardest to draw maps and think about who had to talk to who, and work together. I thought that went well but it wasn’t exactly a paragon of an extremely oiled campaign machine.” (Jurjen van den Bergh, December 27, 2018, ll.260-263).

On the Dutch coalition, it was mentioned that a form of partnership was in place by the end of 2014, but this coalition required deeper coordination and cooperation (Jurjen van den Bergh, December 27, 2018, ll.14ff, ll.72-74). The coalition consisted of several interest groups that already do a lot of work on trade policy such as SOMO, Transnational Institute and Both ENDS, but it lacked the “deep commitment” of large campaign organisation Greenpeace and trade union FNV (Federatie Nederlandse Vakbeweging – the Netherlands Trade Union Federation) (Jurjen van den Bergh, December 27, 2018, ll.58-64). This Dutch coalition was then shaped to a “core-group of NGOs who” worked “together with those grass-roots clubs” (Jurjen van den Bergh, December 27, 2018, ll.64ff). The goal of the central coordination had “the aim to make TTIP, as well as other trade agreements, at the very least more social and sustainable and (...) to change the narrative in such a way that trade deals would be seen as an impassable route for a more social society” (Jurjen van den Bergh, December 27, 2018, ll.35-39, l.48).

### ***Roles in the campaign***

The different interest groups had different roles in the campaign, but this is not usually the way campaigning works. Jurjen van den Bergh noted that: “a classic campaign consists of the identification of a core issue and then, together, you start to narrow down your message” (Jurjen van den Bergh, December 27, 2018, ll.86-89). However, in this case, due to the variety of subjects in the TTIP, every coalition participant had a hook on which they could put their messages: “because of all the issues every single one has: the fact that supreme courts don’t decide anymore; the fact that human rights are in jeopardy; the fact that labour rights are trampled upon; the fact that food safety is under pressure; the fact the farmers are forced

to apply more industrial agriculture; the fact that fossil fuels – the discontinuing of the usage of fossil fuels is under pressure. All these aspects got one place in the campaign. So there was no message discipline, it was a case of strategy and alignment” (Jurjen van den Bergh, December 27, 2018, ll.89-95). Yet, coalition campaigning can be hard because a plurality of participants means that a plurality of interests are vying for “spotlight” attention as well as that dealing with different organisations can take long (Jurjen van den Bergh, December 27, 2018, ll.22-28, ll.132-133, ll.296-301). Although it was a difficult process, the success of the campaign lies in: “a factor of goodwill and good alignment at the moment when someone had something (...) then the space for that was created so they could put it forward” (Jurjen van den Bergh, December 27, 2018, ll.123-126). In practice, this would mean that: “when Foodwatch had a scoop, then Milieudefensie wouldn’t do something as well in that week. And when there was a natural hook that we had to reply to - either from the Commission or from the government - then we would rotate in the sense that when something was primarily about farmers – something that would be salient in the farmers coalition - that they could say: “we can make a case out of this”” (Jurjen van den Bergh, December 27, 2018, ll.126-131).

SOMO, the research organisation, had an entirely different role than the campaign organisations. Bart-Jaap Verbeek said: “we feed the public debate at the hand of solid research” (Bart-Jaap Verbeek, December 10, 2018, l.70). This research consists of studies and reports that sometimes question the status quo, which is exemplified by the research that SOMO conducted on ISDS in 2011, before this was a matter of public debate (Bart-Jaap Verbeek, December 10, 2018, l.63, ll.78-87). However, it was acknowledged that SOMO works together with the larger more grass-roots campaigning organisation to spread their message. Bart-Jaap Verbeek noted: “Milieudefensie put their logo on it, but they don’t participate in the content of the report. But when they put their logo on it, they can spread it to their 40.000 members. They have a lot bigger reach. And they organise these protests and all these things and it’s a really good thing that they are participating, so everyone has their own role in the campaign” (Bart-Jaap Verbeek, December 10, 2018, l.60, ll.206-213).

## **6.2 Comments on the issues in the debate**

### ***ISDS***

It seems “clear from the beginning” that the biggest ‘hook’ for the campaign were the issues concerning, and resulting from, ISDS (Bart-Jaap Verbeek, December 10, 2018, ll.127ff). The core principles of ISDS, according to SOMO, are unjustifiable: that private lawyers assess government policy privately and that “you give a massive instrument to corporations who can

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then put tremendous pressure on government policy” (Bart-Jaap Verbeek, December 10, 2018, ll.278-292). It was furthermore noted that the Netherlands plays a peculiar role in ISDS: “Dutch investment treaties are used by foreign firms - who are situated here with a letterbox [Letterbox company, a shell company used for tax deduction in a country whilst the primary commercial activities are carried out in another] – and through this letterbox they file their ISDS claim” (Bart-Jaap Verbeek, December 10, 2018, ll.79-82). Moreover Marieke van Doorn states that ISDS is a Dutch innovation, a type of post-colonial instrument to secure the investments in the former colony of Indonesia (Marieke van Doorn, December 5, 2018, ll.397-400).

Ronald Roosdorp also noticed that ISDS and regulatory cooperation were hot topics in the debate (Ronald Roosdorp, December 19, 2018, ll.43-44). However, the “primary focus” and “offensive interests” of the Netherlands was on other topics in the TTIP such as “the water sector, the dredgers, the foodstuffs sector, the agricultural sector, traffic of services, public procurement” (Ronald Roosdorp, December 19, 2018, ll.71-77). The Dutch administration has “never turned against investment protection simply because it is a pretty standard part of treaties” (Ronald Roosdorp, December 19, 2018, ll.70-71).

### *Zondag met Lubach and chlorine-chicken*

The issue of ISDS has been popularised by the tv-shows of Arjen Lubach, whose role is undeniable according to the interviewees. Jurjen van den Bergh says: “From the very start, 90% of the people were against ISDS – which was an insanely high amount. And that’s due to Lubach, combined with the substantive campaign that we put around it” (Jurjen van den Bergh, December 27, 2018, ll.341-343). Marieke van Doorn says: “He played a really big role. Apparently, it used to be very hard and pushing and pulling and struggling with no movement, until Arjen Lubach. And this is the role that a show can apparently play. So this is when it really took off.” (Marieke van Doorn, December 5, 2018, ll.326-328). Bart-Jaap Verbeek notes: “What really helped in the Netherlands was Arjen Lubach”, and: “it really went off after Arjen Lubach” (Bart-Jaap Verbeek, December 10, 2018, ll.222-230). Furthermore, his role was of importance for the public, which in turn “feeds back into the campaign as well” (Bart-Jaap Verbeek, December 10, 2018, l.234). In this sense, according to Ronald Roosdorp, it was Lubach who helped put the technical topic of trade on the plate of a larger audience: “Arjen Lubach has done really a fine job of capturing it and has had a contribution to this” (Ronald Roosdorp, December 19, 2018, ll.354-358). According to Ronald Roosdorp, Arjen Lubach has also helped to put to chlorine-chicken on the agenda (Ronald Roosdorp, December 19, 2018, ll.82-85). Marieke van Doorn notes that as a

campaign you need such a “smoking gun”, further adding that it is easier to campaign against an issue, as it really ‘sticks’ with an audience (Marieke van Doorn, December 5, 2018, l.332, 35). However, Jurjen van den Bergh finds that the chlorine-chicken, in fact, played but a “marginal role” in the campaign (Jurjen van den Bergh, December 27, 2018, ll.149-151). His view is that the chlorine-chicken came over from the German TTIP discussion and was primarily used by the proponents of the TTIP to paint the STOP-TTIP campaigners as scaremongers (Jurjen van den Bergh, December 27, 2018, ll.150-155). Moreover, “we as a campaign, when the campaign got bigger, never waved it around that much” (Jurjen van den Bergh, December 27, 2018, ll.159-160). Bart-Jaap Verbeek also nuances the issue of the chlorine-chicken, which he felt although worked well for the public image of the TTIP, and to get the attention and interest of the public, was “put too bluntly at times” (Bart-Jaap Verbeek, December 10, 2018, ll.181-184).

### **6.3 Comments on the strategies and tactics of the STOP-TTIP campaign**

#### ***Target groups***

Bart-Jaap Verbeek sees the European Citizens Initiative as a connection point for people to the campaign (Bart-Jaap Verbeek, December 10, 2018, ll.170-171). Jurjen van den Bergh notes that the campaign has targeted the broad audience of the so-called “interested newspaper reader” (Jurjen van den Bergh, December 27, 2018, l.345). He says: “when you’re talking about target audiences: the target audience was broad - every citizen that wants to reduce inequality between the poor and rich; that wants their food to be produced properly and sustainable; that wants to put limits to the damage we do to our environment as a result of our economic growth – this target group - which is about 65 to 70 per cent of the Dutch public” (Jurjen van den Bergh, December 27, 2018, ll.364-373). The coalition has tried to reach this audience by “being very substantive and value-oriented” (Jurjen van den Bergh, December 27, 2018, ll.364-372). Social media was used to ‘hype’ protests and coalition members would work together to create these hypes (Jurjen van den Bergh, December 27, 2018, ll.308-311). Ronald Roosdorp regards social media as a type of “armchair activism”, further noting: “if you have an opinion on anything you don’t like you can say it with a single push of a button. I think if you analyse it then you’ll notice that it’s all mostly ‘retweets’ amongst themselves so it looks like there’s a lot of traffic but it’s people retweeting each other” (Ronald Roosdorp, December 19, 2018, ll.321ff). Furthermore, an important aspect of the coalition were the natural ‘hooks’ the participating interest groups could put their messages ‘on’. Besides the example stated earlier, this would mean that the recipients were targeted on a multitude of issues, Jurjen van den Bergh stressed: “All these combinations made the recipient of the message think, after four times: “Ok so now it’s about my food, and



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my milk, and it's about my environment, and it's about my meat – I don't believe it [the TTIP] anymore” (Jurjen van den Bergh, December 27, 2018, ll.112-115).

### *Messages*

The coalition was very mindful to adhere to the right audience, firstly because some proponents of the TTIP have tried to paint the campaign as scaremongers, but when Trump was elected the proponents have tried to put the campaigners in the same “corner” as Trump. Jurjen van den Bergh says: “So the moment people were moving on the next point so easily like: “Haha, you guys are just like Trump against TTIP, what a worthless opinion” – we changed gears to a much more sharp communication strategy in which we said to the [political] middle: “Now you have the choice: either you get eaten very slowly by the people from the right who have zero trust in you and who are jeopardising your entire trade project; or you join us and you make reasonable concessions to the free trade that you advocate”” (Jurjen van den Bergh, December 27, 2018, ll.390-394). Further specifying: “we’ve made quite a decisive choice that the coalition that manifested itself in the Netherlands was a coalition that resisted these trade deals out of progressive and internationalist values” (Jurjen van den Bergh, December 27, 2018, ll.352-354). Bart-Jaap Verbeek adds to that: “we were always very open: we are in favour of international cooperation, we are in favour of trade and investments, we see that it brings the world a lot of good, but it has to be regulated in such a way that everyone profits. And to minimise the costs, this has always been our story” (Bart-Jaap Verbeek, December 10, 2018, ll.523-526).

Moreover, the coalition is and was mindful not to be associated or co-opted with a group that “can be described as right-nationalistic or ethno-nationalistic populists”, such as the PVV (Partij voor de Vrijheid – Freedom Party), Forum voor Democratie (Forum for Democracy) and Geenstijl (provocative newsblog) (Jurjen van den Bergh, December 27, 2018, ll.348-349). This is a group of “about 15%” “that say: “We have to isolate ourselves, we are selling our country etc. etc.”” (Jurjen van den Bergh, December 27, 2018, ll.369ff). The coalition has tried and still tries to refrain from this group for several reasons. One is that, according to Marieke van Doorn, this reduces the chances of being influential on the administration: “When you are described as someone who sits on the lap of Geert Wilders, no minister will be willing to talk to you. I am exaggerating a bit of course, but this is really how it works” (Marieke van Doorn, December 5, 2018, ll.520-522). Furthermore, it harms the messages that the coalition is trying to convey: “There is no more unity in your message when – from all these different angles – you plead for internationalism with boundaries, but on the other side there’s a group that problematizes that internationalism” (Jurjen van den Bergh, December

27, 2018, ll.362-364). This fear is not purely hypothetical, as Bart-Jaap Verbeek says: “this naturally happened to Trump. And we noticed that with our partner organisation in the US with whom we cooperated a lot. Because you – what they did for several years by working on their critique and their narrative, and they mobilised people for that, and in one fell swoop they were hijacked by Trump and his agenda” (Bart-Jaap Verbeek, December 10, 2018, ll.518-522).

### *Influencing policy-makers*

Besides messages, the coalition has attempted to reach and influence policy-makers directly. On this matter, Jurjen van den Bergh says: “the Dutch system works pretty well”, and “in general you have reasonable access”(Jurjen van den Bergh, December 27, 2018, l.482, 502). The ministry invited the coalition several times for talks but, in the eyes of Jurjen van den Bergh, “less frequent and on a lower level” than other actors such as the American Chamber of Commerce, LTO Nederland (Land- en Tuinbouw Organisatie Nederland – Dutch Federation for Agriculture and Horticulture) and VNO-NCW (employers federation) (Jurjen van den Bergh, December 27, 2018, ll.482-502). Put it also noted that the campaigners have very good access to the parliament. Marieke van Doorn said: “(...) we are, in particular, very busy with the BuHaOS [Foreign Trade and Development Cooperation parliamentary committee] committee. By mail, by phone call, through their employees, but that is all behind the scenes. All lobbying.” (Marieke van Doorn, December 5, 2018, ll.234ff). In one anecdote, Bart-Jaap Verbeek puts it even more directly by stating that he and Jurjen van den Bergh were in direct contact with a member of parliament during a debate, having the chance to influence on a resolution that was eventually adopted (Bart-Jaap Verbeek, December 10, 2018, ll.608-612).

The ‘Breed Handelsberaad’ (BHB – Comprehensive Trade Consultation) provides a venue for direct access to policy-makers. On the BHB, it is said: “it’s like a roundtable and we discuss the trade agenda. It’s more like a little chat club. (...) it is more for show – ‘BZ’ [Buitenlandse Zaken – Foreign Affairs] is showing it off like: “look at us having conversations with stakeholders”” (Bart-Jaap Verbeek, December 10, 2018, ll.385ff). Ronald Roosdorp has a different opinion, he says: “I think it’s a really good thing and I think it works in the sense of transparency. The parties feel involved a lot more when it comes to the developments in negotiations - so they aren’t confronted at the end: “This is the text, go have a look”. They come up with ideas that we haven’t thought of – so I am very positive. I am also very positive that it’s made up of a mixture of parties and I think we are having very mature discussions there – also amongst each other” (Ronald Roosdorp, December, 19, 2018, ll.281ff). In another remark, Bart-Jaap Verbeek says: “The agenda is already determined, and

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it's especially set by Brussels. And the Netherlands responds to it but I am under the impression that you're in this running train, and you can participate and you can have discussions, but I don't feel we can divert the course of the train, or slow it down, or whatever. I don't feel that's possible" (Bart-Jaap Verbeek, December 10, 2018, ll.438-412).

### *Influencing the model-BIT*

In the BHB, a new Dutch model text for Bilateral Investment Treaties was discussed. The coalition has tried to influence on the model-BIT at the hand of the Dutch public consultation (Marieke van Doorn, December 5, 2018, ll.19-217). The public consultation was able to gather 1600 reactions, with a plurality ("99%") against an inclusion of an ISDS-like mechanism in the model-BIT. On this issue, Ronald Roosdorp stressed the amount of automatically generated replies the consultation received: "the NGO's have participated manifold, but we also see a lot of automatically generated replies. There were about 19 or 20 unique responses of the 1670 that we received." Further stating: "1670 is quite few I think. If we had this consultation two or three years ago we would have ran into the tens of thousands" (Ronald Roosdorp, December, 19, 2018, ll.261ff). Because the model-BIT was also up for discussion in the parliament, the coalition has approached the members of the parliamentary committee for Foreign Trade and Development Cooperation "who then ask questions to the minister" (Marieke van Doorn, December 5, 2018, ll.213ff). On this issue, she feels the members of parliament require the expertise of the interest groups: "Politicians especially, they have very little help. The ministry, they have plenty of people, and jurists, and they might have less need, but they do like it that they are warned of the technical issues that might be asked. But yes, especially, members of parliament appreciate it" (Marieke van Doorn, December 5, 2018, ll.230-233). Bart-Jaap Verbeek subscribes to this notion as well, however he puts forward that the ministry is also in need of expertise: "And the ministry told us fairly, especially on this theme [investment policy reform], the most expertise is at the NGO's and not with the firms" (Bart-Jaap Verbeek, December 10, 2018, ll.430-431). The coalition was able to influence the parliamentary committee in such a way that they not only set up a round-table on the model-BIT but also invited critical experts that were provided by the coalition (Marieke van Doorn, December 5, 2018, ll.218-225). However, although it is acknowledged that the coalition can get its message across, the playing field is regarded as "uneven". Marieke van Doorn stressed: "We do lobby work towards the government, that they don't give away the rules, that they keep their governing power for the public good, and not for the good of the firms. But the firms, each company has like 25 lobbyists to plead for the opposite", and: "the lobbyists of the firms line up at the door of these policy-makers, and we are there like once a month" (Marieke van Doorn, December 5, 2018, ll.168-165, 156ff).

The BHB was set-up in light of the ‘reset’ of Dutch trade policy by Lilianne Ploumen. What other influence and changes has the coalition brought about?

#### **6.4 Comments on the effect of the campaign on EU Trade Policy and Dutch Trade Policy**

##### *Effects on EU trade policy*

In hindsight, Jurjen van den Bergh makes a disappointing observation. He felt the campaign got little follow-up on European level, as well as globally in an organisation like the OECD (Organisation for Economic Cooperation and Development). He stated: “I’ve gone as a part of the official delegation of the Netherlands to the OECD (...) I could tell my story again there on behalf of the coalition. (...) it was a genuinely shocking experience. I mean when you put the question before such a room: “You can choose the dark path of the Front National [French populists] and the PVVs, or you can realise that trade policy can’t be purely neo-liberal anymore”. And that got so little response - in the official sessions. After the drinks the younger employees of the embassies and the trade departments would come to me and ask: “Geez, can you point me to the stakeholders in my country that see this the same way?” But in the plenary sessions everything was focussed on: “We have to reimburse the losers of globalisation to some extent, but besides that it’s full steam ahead because everyone in the world is getting less poor anyways”” (Jurjen van den Bergh, December 27, 2018, ll.438ff). And in the European context he stressed: “Cecilia Malmström held a speech as well and they basically couldn’t come further then the same answer I heard two months earlier at the OECD” (Jurjen van den Bergh, December 27, 2018, ll.433-434). Also, the revamping of ISDS in the form of ICS, and the proposal of a Multilateral Investment Court was described by him as: ““ISDS is dead, ICS is still under review at the European Court, but we are going to place our full bets on a Multilateral Investment Court” – which is like an ISDS in ‘overdrive’ – “if the citizens don’t want it close to home, then we’ll just impose it on the entire globe””(Jurjen van den Bergh, December 27, 2018, ll.440-443).

On the issue of ISDS/ICS, however, some credits are due. According to Bart-Jaap Verbeek: “She [Ploumen] took the initiative, together with other social-democratic leaders around Europe, to reform ISDS. The Commission said they did it themselves but I am sure that pressure came from that corner” (Bart-Jaap Verbeek, December 10, 2018, ll.246-248). And: “I mean she was able to get some things done and I think she deserves some credit for that. Because a lot of the time it was like “Ploumen wants TTIP” and “She’s keeps pursuing trade agreements”, she really brought something about, especially on ISDS” (Bart-Jaap Verbeek,

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December 10, 2018, ll.239ff). However, he does not consider ICS a true reform, as it does not touch upon the principles of ISDS (Bart-Jaap Verbeek, December 10, 2018, ll.278ff).

### *Effects on the model-BIT*

After the ministry proposed the new model-BIT, various interests were invited to give their opinion on the text within the BHB framework: “summer of last year we had a round-table with all the NGO’s and we’ve discussed the text article-for-article. They had good contributions and we’ve changed things (...)” However: “the conclusion they drew was: “Our members are not going to take this so we want to annul all these treaties”. So they have a positive contribution, and we change things – but they still say: “we can’t defend this”. Well. Ok. That’s possible.”(Ronald Roosdorp, December, 19, 2018, ll.282-286). On this issue, Jurjen van den Bergh argues that the model-BITs included too little of what the coalition fought for: “there’s a very clear accommodation of tax deals in it; there’s very little ‘right to regulate’, and these were for us the most important elements that should be in a fair trade policy” (Jurjen van den Bergh, December 27, 2018, ll.476-478). Roosdorp later added: “I don’t think we would have written a model-text for investment treaties if it weren’t for the discussion on TTIP. Probably, the treaties would not have been changed and remained the way they were. So in this sense I see a large benefit from the debate” (Ronald Roosdorp, December, 19, 2018, ll.368-371). In his final remarks he acknowledges the influence of the debate on the thinking of the administration, but also finds it a pity that the NGOs and the administration cannot come together on this issue. He stated: “I think it is also a bit of a shame - that I think: “Jeez, we have really shifted in our thinking” and our regulations. And you get some appreciation for that from the NGO’s – I feel it and they tell me that, but when push comes to shove they remain against and that’s a pity. But oh well, that’s just the case” (Ronald Roosdorp, December, 19, 2018, ll.375-379). In a different remark he stressed: “We went to the small halls. We had the Commissioner come over. But in all honesty, the NGO’s were very rigid in their cognitive framework. I mean back then – and still – there wasn’t room to come together and I doubt if that was the purpose” (Ronald Roosdorp, December, 19, 2018, ll.167-170).

### *Effects on Dutch trade policy*

In sum, the proposed ‘reset’ has been a disappointment to the coalition, Jurjen van den Bergh said: “the reset suggested that the message arrived, but I’ve always said about that reset: “If you want a reset, you’d have to turn off your computer first.” And she didn’t do that. If you accept CETA and then you’re going to reset your trade policy – while in CETA you don’t

adopt the principles that we've fought for, then you're not actually resetting" (Jurjen van den Bergh, December 27, 2018, ll.470-474).

Ronald Roosdorp stressed that the Dutch administration has learned some important lessons from the TTIP debate. These were in terms of transparency, though the principle of negotiations behind closed doors are subscribed to by Ronald Roosdorp: "every form of negotiation whether it's my CAO [Collective Arbeidsovereenkomst – Collective Labour Agreement], or the sale of my house - I am not going to share that with everyone. So every negotiation implies some form of confidentiality", is a fight "you almost can't win" (Ronald Roosdorp, December, 19, 2018, ll.139-147). This is because some parties will always have the distrust that there are matters or "side letters"<sup>4</sup> that are kept out of publications (Ronald Roosdorp, December, 19, 2018, ll.143-145). However, he does subscribe to the publication of documents, though "you have to watch out how far you take this" because he believes the Commission nor the member states had something to hide (Ronald Roosdorp, December, 19, 2018, ll.110-112, 148).

## **6.5 Comments in hindsight on the campaign and future campaigning**

### ***Future campaigning***

Though the European coalition did not exactly work like an oiled machine, Jurjen van den Bergh has stated that: "in a next battle, on another big theme, people will be able to find each other better and then you could talk with each other in an earlier phase about strategy" (Jurjen van den Bergh, December 27, 2018, ll.284ff). It seems that this is already happening, as Marieke van Doorn said: "Yesterday I was in a European 'call' with all national campaigns. We call each other every week" (Marieke van Doorn, December 5, 2018, ll.103ff). The coalition, which has now transformed from a 'negative STOP-TTIP' to a more 'positive HandelAnders' (Trade Differently) frame, is preparing a new campaign for support of the UN Binding Treaty, a reciprocal form of ISDS in which states can also sue firms when they don't comply to national regulations (Marieke van Doorn, December 5, 2018, ll.108-114). The same members of Dutch STOP-TTIP coalition are represented in the HandelAnders coalition and they plan to use the UN Binding treaty as their hook to rekindle the campaign which now requires the deep cooperation of older members again, as Marieke van Doorn stated: "I really noticed that when I started, when there wasn't a coordinator for four months, and it wasn't a salient issue, not on the political agenda, and people are simply gone. You really have start

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<sup>4</sup> Accompanying statement or contract to an official document that further details intentions or clauses that are purposefully kept out of the official publication.

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building again from minus ten degrees, which is a real shame” (Marieke van Doorn, December 5, 2018, ll.538-541). The UN Binding Treaty acts as an alternative to ISDS, but ISDS will remain the target in other trade agreements as a common denominator, Marieke van Doorn stressed: “all these JEFTA, and what have you - all these acronyms, you can’t explain them all to a public. So this is the reason we started the ISDS campaign. In all these agreements, this is the biggest problem” (Marieke van Doorn, December 5, 2018, ll.264-266). Bart-Jaap Verbeek adds: “we have to tell a more positive story. (...) Because we have to make agreements on trade and investment – we should definitely not want unregulated trade and investment” (Bart-Jaap Verbeek, December 10, 2018, ll.548-550).

### *Lessons from STOP-TTIP campaigning*

Jurjen van den Bergh is proud of the previous coalition and what was achieved: “we showed with our campaign that the citizens actually understand it perfectly clear. And that it’s incredibly relevant and vital, especially – to cite Tomáš Sedláček [Czech economist and lecturer]: now that capitalism has lost its only opponent in communism, you have to be able to have a substantive debate on what a fair capitalists system is. And we are not having this debate and it is my prediction that this will be the beginning of the downfall of neoliberalism. If you don’t dare to question yourself, you get less and less support. That’s why I am proud of this campaign because it’s a subject that wasn’t up for discussion, namely: “economic growth is holy”, and we were able to put it up for discussion” (Jurjen van den Bergh, December 27, 2018, ll.456-465). Furthermore, he added that future campaigners should stick to their narrative despite the odds: “It’s also a call for campaigners: don’t presuppose stupidity in the audience. And don’t be tempted by politicians who simplify their message to simplify your message as well, because – as I said – one of the factors for success for this campaign – just let the other side keep going on about being friends with Trump and scaremongering and that you’re uninformed. People see in your counteractions whether this is true or not” (Jurjen van den Bergh, December 27, 2018, ll.532-537).

According to Ronald Roosdorp, there was no other way than to communicate reactively to the TTIP debate. He noted: “the problem is that the symbols that the NGO’s used are so much more powerful than simply saying: “This leads to economic growth and employment”. This latter thing is the case but it doesn’t win ‘the hearts and minds’ of the people. There are very few people who relate their own job to the fact that we are an open economy and that we make a large portion of our money abroad. If you don’t draw this connection then you get very few proponents” (Ronald Roosdorp, December, 19, 2018, ll.91-96, 206). However, although trade negotiations are becoming increasingly difficult because of “the bigger pallet”

of trade issues (Ronald Roosdorp, December, 19, 2018, I.245), it does provide for an opportunity to explain trade policy better: “The most important lessons for us were in the fact that besides tariffs and quota’s you have to make agreements on sustainability. (...) It has become a value-dossier in which we say: “This is important”. My current minister says – and rightly so – is really focussing on gender issues in trade agreements. So it has become very broad. Trade agreements are the only real foreign policy instrument of the EU; there are no other instruments. So you see that things that we can’t settle in another way, end up in a trade agreement. In Europe I think it would be best to reiterate this if you want to win the interest and the support of people back. Rather than say: “we created 10.000 extra jobs”” (Ronald Roosdorp, December, 19, 2018, II.230-236).



## 7.0 Discussion

This chapter will present the findings of the case study and the data that was presented in the previous chapter. The case study and interview data collection was guided by the three sub-questions of the dissertation. These were:

*How does the EU conduct trade negotiations? What is the role of the Netherlands in EU trade negotiations?*

*What is TTIP? What are the main elements of discussion within the TTIP debate?*

*What strategies did the Dutch civil society TTIP campaign implement to achieve an impact upon the TTIP debate in The Netherlands? How successful were these strategies?*

The data of these chapters will now be examined in light of the literature review. Firstly the STOP-TTIP coalition and collective action will be discussed (6.1). Secondly, access, salience, and the STOP-TTIP coalition will be put in perspective (6.2). Thirdly, the strategies of the STOP-TTIP coalition will be outlined at the hand of insider and outsider strategies (6.3). Fourthly, different frames in the TTIP debate will be reviewed (6.4).

### 7.1 Collective action

In the literature review, it was discussed how groups face the ‘collective action problem’ in the wake of multiple answers to an issue (Olson, 1965). It is therefore reasoned that interests that have a narrow interest, can organise more easily than large organised interests. Although research suggests that trade policy generates concentrated costs and benefits for concentrated interests (importers, exporters), and generates diffuse costs and benefits for a diffuse interest (general public) (Frieden and Rogowski, 1996), it is evident that in the case of the STOP-TTIP coalition, the collective action problem was overcome. It can be reasoned that this is due to contemporary trade agreements not being about tariffs and quotas anymore (Garcia-Duran and Eliasson, 2017), and therefore penetrate deeply into people’s daily lives. Bilateral and multilateral comprehensive trade and investment agreements have thus become highly politicised instruments. The interviews confirm this line of reasoning: the multitude of topics that the TTIP entails, provide ‘hooks’ to which the campaigners could put their messages and specifically target the interests of their supporters base.

## 7.2 Access, salience and the STOP-TTIP coalition

The literature establishes the exchange relationship between interest groups and policy-makers: interest groups ‘trade’ information, citizens support and economic power for access (Bouwen, 2002; Klüver, 2013). Moreover, when lobbying in coalitions, the sum aggregate of these ‘goods’ can play a defining role in the access and influence a coalition has (Baumgartner et al., 2009; Klüver, 2013). However, in the interviews it was put forward that such a coalition may form spontaneously, but requires discipline and alignment. In the Dutch STOP-TTIP coalition, the space for individual messages of participants to adhere to their membership base was coordinated and created. This is an important feature to put emphasis on within the context of salient cases and the specific role that the interest group plays between its members and decision-makers (Agnone, 2007; Dür and Mateo, 2014). Highly salient issues have a profound effect on policy-makers: there is a near one-to-one ratio between public opinion preference and policy (Stimson et al., 1995). The specific messaging of the STOP-TTIP coalition participants attuned to their respective members, increases the salience of an issue, in turn feeding back on public opinion and drawing interest group that start to lobby for their preferences in turn increasing the salience and public opinion: a feedback loop (Dür and Mateo, 2014). In the interviews this was put forward within the context of the Arjen Lubach tv-shows on TTIP, who increased visibility of the TTIP and in turn had an effect on the mobilisation of the campaign.

In the same light, it can be hard for interest groups to mobilise on issues that are of low public salience and thus no apparent public opinion exists (Burnstein, 2010). This was subscribed to in the interviews: the coalition had a hard time mobilising before Arjen Lubach paid attention to TTIP. In the case study, moreover, it became apparent that then-minister for Foreign Trade and Development Cooperation Lilianne Ploumen had tried to have a public debate on the TTIP but was unable to due to the low salience of the topic. Not until after the ‘Zondag met Lubach’ TTIP episodes did a public debate came into full swing.

## 7.3 STOP-TTIP strategies

In the literature review it was noted that outsider strategies such as protests and demonstrations are expected to have a specific mobilising effect on public opinion and salience. The interviews showed that social media played a role in the ‘hyping’ of such demonstrations and events. The use of outsider strategies by the STOP-TTIP coalition has been made evident, however, their use of insider strategies have resulted in interesting data. Firstly, the instrument of e-participation was employed on several occasions as a mobilisation tool, as well as a potential influence tool. The European Citizens Initiative petition; the

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European public consultation on ISDS; and the Dutch public consultation on the new model-BIT; are examples of such occasions. Secondly, the interviews showed that STOP-TTIP coalition members have particularly good access to the members of the Dutch parliament, albeit through several means. This became apparent in the interviews on several cases. In one example, the parliament was successfully lobbied to hold a round-table on the model-BIT, and the coalition effectively influenced the composition of the round-table. In another example, two coalition members were asked for their opinion on a resolution text moments before its adoption in the parliament. The need for expertise in the parliament was underlined in the interviews, yet - although it was acknowledged by one interviewee that the ministry is particularly skilled and have less need for outside expertise - it was confirmed by another participant that on the issue of investment treaties, the most expertise lies with the NGO's.

It was not discussed in the literature to what extent the Dutch parliament has a need for outside know-how, however, the literature on the European Parliament does establish this need. It was noted that EU institutions stimulate the creation and maintenance of interest groups for legitimacy and information (Bauer 2002, Mahoney and Beckstrand 2011). Drawing a direct parallel between the 'opportunity structures' of the Dutch parliament and the European Parliament would be too presuming; nonetheless, the examples given above certainly point to some common features of influencing 'venues' in the two institutions.

### 7.4 Framing in the TTIP debate

The interview data, the literature review and the case study have resulted in interesting information on the notion of framing. Framing is the deliberate highlighting, strategic communication, and promotion of specific issue-definitions in order to influence decision-making in the desired direction (De Bruycker, 2017). Different modes of framing analysis can help to understand the success of a frame better. In this dissertation, the study of the micro-level frame has resulted in noteworthy results. In such an example, one asks the question whether the frame of, for instance, the chlorine-chicken as a means to illustrate the macro-frame of succumbing to US demands and the lowering of food standards, has resulted in the achievement of a policy-preference. In the interviews it was noted that the images of the STOP-TTIP coalition were particularly strong. This had an effect on the target audience who, as the case study showed, presumed an asymmetrical power relation between the EU and the USA. Although one interviewee played down the usage of the chlorine-chicken as 'marginal', the image was too powerful. The literature establishes that this could be the case due to the profound cognitive perceptibility that humans have to negative frames. One interviewee said

that it is easier to campaign ‘against’ something because this ‘sticks’ with an audience, supporting the above.

However, another micro-level frame is worth discussing, this time from the side of the TTIP proponents. The interviews provided information on the attempts – according to a coalition member – of the TTIP proponents to paint the STOP-TTIP coalition as scaremongers. Furthermore, the frame that the coalition was anti-trade and anti-internationalists was presented after the election of President of the USA Donald Trump. This frame was unsuccessful as the coalition had a specific strategy not to be put in this ‘ethno-nationalist’ corner, as well as using this frame against the proponents.

Another aspect of framing deserves attention within the context of the STOP-TTIP campaign: emphasis framing. This type of framing is often endogenous to the interests that are represented in a lobby. For example, an employers union will often emphasise the detrimental or beneficial effects of a certain policy. In this light, the specific ‘hooks’ of the STOP-TTIP coalition participants to put their messages ‘on’ in an effort to reach their respective membership acted as a natural emphasis frames. It was explicitly detailed by the interview data how the space for these emphases was created.

### **7.5 Insights on interest group influence in EU trade policy and Dutch trade policy**

The formation of a pan-European STOP-TTIP coalition falls in line with the history of the politicisation of trade issues. This politicisation spans several decades, to the contestation of trade topics in the 1999 Battle of Seattle. It is noteworthy that the ties that were created then in the form of the Seattle2Brussels network, serve as a foundation and accommodative network to the STOP-TTIP coalition. It seems that this network has succeeded in its mission to put trade issues on the agenda in Europe.

Furthermore, the arguments of the coalition against comprehensive free trade and investment treaties have seemed to transcend classical protectionist/pro free trade dichotomies. The interviews have showed that the coalition was successful in reaching a broad audience, putting the ‘holy’ subject of economic growth up for discussion and drawing attention the unsustainable and unsocial effect of European trade policy. This message has had a clear effect on the ‘thinking’ in the Dutch trade policy ministry, as was acknowledged by the Dutch administration. The importance to explain the choices in trade policy at the hand of more than just tariffs and quota’s was stressed. It remains to be seen to what extent this is true, as different political parties in future elections will all have different preferences, emphases and

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thus effects on Dutch trade policy. However, according to the Dutch administration, this broadening of the pallet will not make future trade negotiations easy.

The incorporation of interest groups in an institutionalised mechanism for consultation and influence is seen more positively on the side of the administration than on the side of the STOP-TTIP coalition. The mechanism is regarded as having a positive effect on transparency, but the ability to fundamentally change the speed or direction of the Dutch trade policy 'train' is doubted. However, it is clear that on the issue of the new model-BIT's the coalition members were able to vocalise their issues in the institutionalised mechanism. The Dutch administration acknowledges that the participation of coalition members has resulted in changes in the model-BIT. As of yet, no signs of co-optation and the corresponding reaction dilemma's (i.e. insider/outsider/insider-outsider) can be signalled.

## 8.0 Conclusion and recommendations

This chapter will provide the answer to the main research question and will specify the main conclusions of the research. Before doing so, this chapter will discuss key steps in the research. Furthermore, recommendations will be given and what future steps can be taken to progress this research.

This dissertation had the aim to provide an answer to the main research question: “*Why was the Dutch civil society campaign so influential in the TTIP negotiations?*”

To answer this question, firstly, an answer had to be given to how the European conducts trade negotiations and what the role of the Netherlands therein is. Subsequently, light had to be what the TTIP is and what its major bones of contention were. In-depth interviews with the relevant stakeholders answered the question which strategies the STOP-TTIP campaign used to influence the TTIP negotiations. Not completely unimportant was the literature review in providing for a basis of cognition in an effort to understand interest groups and influence.

## 8.1 Conclusion

To conclude, answering the main research question of this research, it can be said that the Dutch civil society campaign was so influential in the TTIP negotiations due a complex set of factors. Not only the types of messages and frames the STOP-TTIP coalition employed were decisive factors, also the multifaceted political and cultural factors of the Dutch and European political ecosystem defined the opportunities and boundaries for influence. To be more precise, it was the combination of different substantive lobbying strategies and tactics, as well as the increased salience of this particular trade policy issue at the hand of powerful ‘smoking guns’ that created the perfect storm for the coalition campaign. The role of Arjen Lubach and his tv-show must not be overlooked, nor should it be overestimated: Lubach acted as a catalyst to fire-up the TTIP debate, but it was the STOP-TTIP campaign that provided the context for the debate to take shape in. It was through their organised campaign that successfully targeted, messaged and mobilised the respective audience to eventually sway public opinion against the TTIP and CETA. Furthermore it is important to stress how the coalition was, and is, able to reach policy-makers relatively easily, albeit that the institutionalised mechanisms in place as a result of the campaign play an important role in this.

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Future steps of research should pay close attention to the ‘opportunity structure’ for influence in the Dutch political ecosystem. Especially the factual influence of ruling political parties and the parliament on Dutch trade policy could be an important stepping-stone to further unwrap Dutch influence on a European level. In this light, it can be interesting to follow the development of new institutional mechanisms for interest group influence such as the Dutch Breed HandelsBeraad and European-level the Group of Experts on EU Trade Agreements for features of co-optation and factual influence.

### 8.2 Recommendations

Dutch trade policy has been notably affected by the STOP-TTIP coalition campaign. However, the contentiousness of bilateral trade and investment agreements and in particular investment arbitration (ISDS/ICS) can lead to the continuous politicisation of such agreements. The public outcry over TTIP provides for ample basis for the coalition to keep pursuing reform. However, on the side of the Dutch administration and European institutions, considerable effort must be made to reshape the economic narratives of said agreements.

Because the tide is turning for, in particular, the political middle: trade wars, protectionism and mercantilism have regained political wind globally. Authoritarian rule has settled not only in China and Russia, but also within the European family (Hungary). In terms of trade policy, the political middle must realise that their old narrative is a narrative of the previous century. European trade policy – and trade and investment agreements as the only real foreign policy instrument - can be a fair and equitable tool through which European values such as the rule of law and sustainability can be effectively promoted. The fact the STOP-TTIP coalition is now reshaped into a HandelAnders (Trade Differently) coalition with a more positive message provides opportunities left and right to further substantiate this narrative.

## 9.0 References

- AD.nl. (2016, September 14). *Ploumen: Betrek vakbonden en milieclubs vooraf bij handelsverdragen*. Retrieved December 22, 2018 from ad.nl:  
<https://www.ad.nl/economie/ploumen-betrek-vakbonden-en-milieclubs-vooraf-bij-handelsverdragen~a5d6c8ff/>
- Adriaensen, J. (2016). *National Administrations in EU Trade Policy: Maintaining the Capacity for Control*. London: Palgrave MacMillan.
- Agnone, J. (2007). Amplifying Public Opinion: The Policy Impact of the U.S. Environmental Movement. *Social Forces* , 1593-1620.
- Ahearne, A., Pisani-Ferry, J., Sapir, A., & Véron, N. (2006). The EU and the Governance of Globalization. *Working Paper, No. 2006/02* , na.
- Börang, F., & Naurin, D. (2015). "Try to see it my way!" Frame congruence between lobbyists and European Commission officials . *Journal of European Public Policy* , 499-515.
- Bachrach, P., & Baratz, M. S. (1962). Two Faces of Power. *The American Political Science Review* , 947-952.
- Bahar, G. (2018). *EU competences on trade policy: Opinion 2/15 and prospects for future EU trade agreements*. Istanbul: Economic Development Foundation.
- Barnier, M. (2014, June 12). *European Commission*. Retrieved May 1, 2018 from Press Release Database: [http://europa.eu/rapid/press-release\\_SPEECH-14-464\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-14-464_en.htm)
- Baroni, L., Carroll, B. J., Chalmers, A., Maria Muñoz Marquez, L., & Rasmussen, A. (2014). Defining and Classifying Interest Groups . *Interest Group and Advocacy* , 3 (2), 141-159.
- Bauer, M. (2015). Campaign-triggered mass collaboration in the EU's online consultations: the ISDS-in-TTIP case. *European View* , 121-129.
- Bauer, M. (2016). The political power of evoking fear: the shining example of Germany's anti-TTIP campaign movement . *European View* (15), 193-212.
- Baumgartner, F. R., & Leech, B. L. (1998). *Basic Interests: The Importance of Groups in Politics and in Political Science*. Princeton: Princeton University Press.
- Baumgartner, F. R., Berry, J. M., Hojnacki, M., Kimball, D. C., & Leech, B. L. (2009). *Lobbying and Policy Change: Who Wins, Who Loses, and Why*. Chicago: University of Chicago Press.
- Baumgartner, F., & Mahoney, C. (2008). Forum section: the two faces of framing individual-level framing and collective issue definition in the European Union . *European Union Politics* , 435-449.



Between smoking guns and substantive arguments: how the STOP-TTIP coalition influenced Dutch politics

- Baxter, P., & Jack, S. (2008). Qualitative Case Study Methodology: Study Design and Implementation for Novice Researchers. *The Qualitative Report* , 544-559.
- Berkhout, D., Carroll, B., Braun, C., Chalmers, A., Destrooper, T., Lowery, D., et al. (2015). Interest organizations across economic sectors: explaining interest group density in the European Union . *Journal of European Public Policy* , 462-480.
- Berkhout, J. (2013). Why interest organizations do what they do: Assessing the explanatory potential of 'exchange' approaches. *Interest Groups & Advocacy* , 227-250.
- Berkhout, J., & Lowery, D. (2008). Counting organized interests in the European Union: a comparison of data sources. *Journal of European Public Policy* , 15, 489-513.
- Bernhagen, P., & Braüninger, T. (2005). Structural Power and Public Policy: A Signaling Model of Business Lobbying in Democratic Capitalism. *Political Studies* , 43-64.
- Beyers, J. (2002). Gaining and seeking access: The European adaptation of domestic interest associations. *European Journal of Political Research* , 41 (5), 585-612.
- Beyers, J. (2004). Voice and Access: Political Practices of European Interest Associations. *European Union Politics* , 211-240.
- Beyers, J., & Kerremans, B. (2011). Domestic Embeddedness and the Dynamics of Multilevel Venue Shopping in Four EU Member States. *Governance* , 263–290.
- Beyers, J., Eising, R., & Maloney, W. (2008). Researching Interest Group Politics in Europe and Elsewhere: Much We Study, Little We Know? *West European Politics* , 1103-1128.
- Binderkrantz, A. (2005). Interest group strategies: Navigating between privileged access and strategies of pressure. *Political Studies* , 694-715.
- Binderkrantz, A. (2012). Interest groups in the media. Bias and diversity over time. *European Journal of Political Research* , 117-139.
- Binderkrantz, A. S., & Krøyer, S. (2012). Customizing strategy: Policy goals and interest group strategies. *Interest Groups & Advocacy* , 115-138.
- Bollen, Y. (2016). Unpacking Member State Preferences In Trade Policy – A Research Agenda. *EU Trade Policy at the Crossroads: between Economic Liberalism and Democratic Challenges* (p. na). Vienna: Unpublished.
- Bollen, Y., De Ville, F., & Orbie, J. (2016). EU trade policy: persistent liberalisation, contentious protectionism. *Journal of European Integration* , 279-294.
- Both ENDS. (2018). *50 jaar ISDS*. Amsterdam: Both ENDS.
- Both ENDS. (2015). *Socialising losses, privatising gains*. Amsterdam: Both ENDS.
- Boukes, M. (2018). Agenda-Setting With Satire: How Political Satire Increased TTIP's Saliency on the Public, Media, and Political Agenda. *Political Communication* , 1-26.

- Bouwen, P. (2002). Corporate lobbying in the European Union: the logic of access. *Journal of European Public Policy* , 9 (3), 365-390.
- Bulmer, M. (2008). The Ethics of Social Research. In N. Gilbert, *Researching Social Life* (3rd Edition ed., pp. 146-161). London: SAGE.
- Burnstein, P. (2010). Public Opinion, Public Policy, and Democracy. In K. T. Leicht, & J. C. Jenkins, *Handbook of Politics: State and Society in Global Perspective* (pp. 63-79). New York: Springer.
- Butler, N., & Subedi, S. (2017). The Future of International Investment Regulation: Towards a World Investment Organisation? . *Netherlands International Law Review* , 43-72.
- Capaldo, J. (2014). The Trans-Atlantic Trade and Investment Partnership: European Disintegration, Unemployment and Instability. *Global Development and Environment Institute Working Paper No.14-03* .
- Chalmers, A. (2013). Trading information for access: Informational lobbying strategies and interest group access to the European Union. *Journal of European Public Policy* , 39-58.
- Chalmers, A. W., & Shotton, P. A. (2016). Changing the Face of Advocacy? Explaining Interest Organizations' Use of Social Media Strategies . *Political Communication* , 374-391.
- CJEU. (2018). *Het arbitragebeding in de tussen Nederland en Slowakije gesloten overeenkomst over de bescherming van investeringen is niet verenigbaar met het Unierecht*. Luxembourg: Court of Justice of the European Union.
- Coen, D. (2007). Empirical and Theoretical Studies in EU Lobbying . *Journal of European Public Policy* , 333-345.
- Cooper, W. H. (2014). *EU-U.S. Economic Ties: Framework, Scope, and Magnitude*. Congressional Research Service. Washington D.C.: Congressional Research Service.
- Coremans, E. (2017). From Access to Documents to Consumption of Information: The European Commission Transparency Policy for the TTIP Negotiations. *Politics and Governance* , 29-39.
- Correspondent. (2015, May 29). #TTIP: Waar is de voorspelde banengroei op gebaseerd (en klopt die wel)? Retrieved December 22, 2018 from decorrespondent.nl: <https://decorrespondent.nl/2880/ttip-waar-is-de-voorspelde-banengroei-op-gebaseerd-en-klopt-die-wel/318354125760-3e516b7f>
- CPB. (2016, May 10). *Literatuuronderzoek over de economische gevolgen van TTIP*. Retrieved December 22, 2018 from cpb.nl: <https://www.cpb.nl/publicatie/literatuuronderzoek-over-de-economische-gevolgen-van-ttip>

Between smoking guns and substantive arguments: how the STOP-TTIP coalition influenced Dutch politics

- Dür, A. (2009). Interest Groups in the European Union: How Powerful Are They? *West European Politics* (6), 1212-1230.
- Dür, A. (2008). Measuring Interest Group Influence in the EU. *European Union Politics* , 559-576.
- Dür, A., & de Bièvre, D. (2007). Inclusion without Influence? NGOs in European Trade Policy. *Journal of Public Policy* , 79-101.
- Dür, A., & Mateo, G. (2014). Public opinion and interest group influence: how citizen groups derailed the Anti-Counterfeiting Trade Agreement. *Journal of European Public Policy* , 21, 1199-1217.
- Dür, A., Bernhagen, P., & Marshall, D. (2015). Interest group success in the European Union: When (and why) does business lose? *Comparative Political Studies* , 951-983.
- da Conceição, E., & Meunier, S. (2014). Speaking with a single voice: internal cohesiveness and external effectiveness of the EU in global governance. *Journal of European Public Policy* , 961-979.
- Dahl, R. A. (1961). *Who governs?: Democracy and Power in an American City*. Yale: Yale University Press.
- Dahl, R. (1989). *Democracy and Its Critics*. Yale: Yale University Press.
- Damro, C. (2007). EU Delegation and Agency in International Trade Negotiations: A cautionary comparison. *Journal of Common Market Studies* , 883–903.
- Daviter, F. (2011). *Policy Framing in the European Union* . Basingstoke: Palgrave Macmillan.
- De Bièvre, D. (2018). The Paradox of Weakness in European Trade Policy: Contestation and Resilience in EU CETA and TTIP negotiations. *The International Spectator, Italian Journal of International Affairs* , 1-17.
- De Bièvre, D., & Eckhardt, J. (2011). Interest Groups and the Failure of EU Anti-Dumping Reform. *Journal of European Public Policy* , 338-359.
- De Bièvre, D., Gstöhl, S., & Van Ommeren, E. (2018). Overcoming ‘Frankenfoods’ and ‘secret courts’: the resilience of EU trade policy. *College of Europe Policy Brief*, #9.18 , 1-6.
- De Bruycker, I. (2017). Framing and advocacy: a research agenda for interest group studies . *Journal of European Public Policy* , 775-787.
- De Bruycker, I., & Beyers, J. (2015). Balanced or biased? Interest groups and legislative lobbying in the European news media . *Political Communication* , 453-474.
- de Gucht, K. (2013, October 10). *European Commission*. From Spokesperson Service: [http://trade.ec.europa.eu/doclib/docs/2013/october/tradoc\\_151822.pdf](http://trade.ec.europa.eu/doclib/docs/2013/october/tradoc_151822.pdf)

- De Ville, F., & Siles-Brügge, G. (2015). The Transatlantic Trade and Investment Partnership and the Role of Computable General Equilibrium Modelling: An Exercise in ‘Managing Fictional Expectations’. *New Political Economy* , 653-678.
- De Ville, F., & Siles-Brügge, G. (2015). *TTIP: The Truth about the Transatlantic Trade and Investment Partnership*. Cambridge: Polity Press.
- Del Felice, C. (2012). Transnational activism and free trade. Exploring the emancipatory potentials of global civil society. *Voluntas: International Journal of Voluntary and Nonprofit Organizations* , 302-327.
- Democracy International. (2016, April 1). *EU Reform - European Citizens Initiative*. Retrieved December 20, 2018 from democracy-international.org: <https://www.democracy-international.org/european-citizens-initiative-reform>
- Devuyst, Y. (2013). European Union Law and Practice in the Negotiation and Conclusion of International Trade Agreements. *Journal of International Business and Law* , 259-316.
- Directorate General for Trade. (2017). *Client and Supplier countries of the EU28 in Merchandise Trade*. European Commission. Brussels: European Commssion.
- Druckman, J. (2004). Political preference formation: competition, deliberation, and the (ir)relevance of framing effects. *American Political Science Review* , 671-686.
- Dudley, G., & Richardson, J. (1999). Competing advocacy coalitions and the process of “frame reflection”: a longitudinal analysis of EU steel policy. *Journal of European Public Policy* , 225-248.
- Eising, R. (2008). Interest Group in EU policy-making. *Living Reviews European Governance* , 4, 1-32.
- Eliasson, L. J. (2015). international Standards: past free trade agreements and the prospects in the transatlantic trade and investment partnership. *Baltic Journal of European Studies* , 5 (1), 1-18.
- Eliasson, L. J., & Garcia-Duran Huet, P. (2018). TTIP negotiations: interest groups, anti-TTIP civil society campaigns and public opinion. *Journal of Transatlantic Studies* , 101-116.
- Entman, R. (1993). Framing: toward clarification of a fractured paradigm . *Journal of communication* , 51-58.
- Euobserver. (2015, October 15). *TTIP protesters warn of Trojan Horse*. Retrieved November 10, 2018 from euobserver.com: <https://euobserver.com/economic/130705>
- Euractiv. (2015, October 9). *Biggest anti-TTIP rally to hit Berlin*. Retrieved December 20, 2018 from euractiv.com: <https://www.euractiv.com/section/trade-society/news/biggest-anti-ttip-rally-to-hit-berlin/>

## Between smoking guns and substantive arguments: how the STOP-TTIP coalition influenced Dutch politics

- Euractiv. (2017, May 11). *Stop TTIP' petition is legitimate, top EU court rules*. Retrieved December 20, 2018 from euractiv.com: <https://www.euractiv.com/section/economy-jobs/news/stop-ttip-petition-is-legitimate-top-eu-court-rules/>
- EURACTIV. (2014, Juli 16). *US Ambassador: Beyond growth, TTIP must happen for geostrategic reasons*. Retrieved May 3, 2018 from Euractiv.com: <https://www.euractiv.com/section/trade-society/interview/us-ambassador-beyond-growth-ttip-must-happen-for-geostrategic-reasons/>
- Europa.nu. (2017, September 25). *CETA: Handelsverdrag EU-Canada*. Retrieved Juli 4, 2018 from europa.nu: [https://www.europa-nu.nl/id/vjnlb69cmcnj/ceta\\_handelsverdrag\\_eu\\_canada](https://www.europa-nu.nl/id/vjnlb69cmcnj/ceta_handelsverdrag_eu_canada)
- European Citizens Initiative. (2018, December 17). *Basic Facts*. Retrieved December 20, 2018 from ec.europa.eu: <http://ec.europa.eu/citizens-initiative/public/basic-facts>
- European Commission. (2016, July 14). *EU negotiating texts in TTIP*. Retrieved November 5, 2018 from trade.ec.europa.eu: <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1230>
- European Commission. (2018, April 16). *Policies, Information, Services: Countries and Regions: United States*. Retrieved November 5, 2018 from ec.europa.eu: <http://ec.europa.eu/trade/policy/countries-and-regions/countries/united-states/>
- European Union. (2018, December 20). *europa.eu*. Retrieved December 21, 2018 from About the EU: [https://europa.eu/european-union/about-eu/figures/economy\\_en](https://europa.eu/european-union/about-eu/figures/economy_en)
- Europese Raad. (2018, March 20). *Multilateraal investeringsgerecht: Raad geeft Commissie mandaat voor onderhandelinge*. Retrieved December 21, 2018 from consilium.europa.eu: <https://www.consilium.europa.eu/nl/press/press-releases/2018/03/20/multilateral-investment-court-council-gives-mandate-to-the-commission-to-open-negotiations/>
- Felbermayr, G. J., & Larch, M. (2013). *The Transatlantic Trade and Investment Partnership (TTIP): Potentials, Problems and Perspectives*. CESifo Forum. Munich: Ifo Institute – Leibniz Institute for Economic Research at the University of Munich.
- Financial Times. (2017, September 7). *Poland threatens to block part of EU-Canada trade deal*. Retrieved September 3, 2018 from ft.com: <https://www.ft.com/content/9c83f060-9321-11e7-a9e6-11d2f0ebb7f0>
- Fordham, B. O., & Kleinberg, K. B. (2012). How Can Economic Interests Influence Support for Free Trade? *International Organization* , 311-328.
- Fordham, B. O., & McKeown, T. J. (2003). Selection and Influence: Interest Groups and Congressional Voting on Trade Policy. *Political Science* , 519-549.

- Franchino, F. (2007). *The Powers of the Union: Delegation in the EU*. Cambridge: Cambridge University Press.
- Frieden, J. A., & Rogowski, R. (1996). The Impact of the International Economy on National Policies: An Analytical Overview. In R. O. Keohane, & H. V. Milner, *Internationalisation and Domestic Politics* (pp. 25-47). Cambridge: Cambridge University Press.
- Garcia-Duran Huet, P., & Eliasson, L. J. (2017). Squaring the circle: Assessing whether the European Union's pursuit of bilateral trade agreements is compatible with promoting multilateralism. *Journal of Self-Governance and Management Economics* , 7-32.
- Garcia-Duran, P., & Eliasson, L. J. (2017). The Public Debate over Transatlantic Trade and Investment Partnership and Its Underlying Assumptions . *Journal of World Trade* (1), 23-42.
- Gheyle, N. (2016). Politisering Van TTIP : Een Lont in Het Kruitvat. *Internationale Spectator* , 1-7.
- Giegold, S. (2015, August 31). *The promised 'transparency' around TTIP has been a sham*. Retrieved December 21, 2018 from theguardian.com: <https://www.theguardian.com/commentisfree/2015/aug/31/transparency-ttip-documents-big-business>
- Gillham, B. (2000). *Case Study Research Methods*. Bloomsbury: Bloomsbury Academic.
- government.nl. (2016, June 1). *Ploumen: time for a free trade 'reset'*. Retrieved December 22, 2018 from Government of the Netherlands: <https://www.government.nl/latest/news/2016/06/01/ploumen-time-for-a-free-trade-'reset'>
- Greenpeace. (2016, December 21). *Trade Leaks*. Retrieved December 22, 2018 from trade-leaks.org: <https://trade-leaks.org>
- Gutu, I. (2016). The TPP and TIPP Trade Agreements: The international negotiation process. *CES Working Papers, Volume VIII, Issue 1* , 81-92.
- Hall, R. L., & Deardorff, A. V. (2006). Lobbying as Legislative Subsidy. *American Political Science Review* , 69-84.
- Hardacre, A., & Andrien, N. (2011). Other EU Institutions and Bodies. In A. Hardacre, & E. Akse, *How the EU institutions work and how to work with the EU Institutions* (pp. 126-143). London: John Harper Publishing.
- Herbert, Smith, Freehills. (2017, May 23). *The European Court of Justice Renders Its Opinion on the EU-Singapore Free Trade Agreement: Investment Chapter is not within EU's Exclusive Competence*. Retrieved December 21, 2018 from hsfnotes.com: <https://hsfnotes.com/arbitration/2017/05/23/the-european-court-of-justice-renders-its->

## Between smoking guns and substantive arguments: how the STOP-TTIP coalition influenced Dutch politics

opinion-on-the-eu-singapore-free-trade-agreement-investment-chapter-is-not-within-eus-exclusive-competence

- Heron, T., & Quaglia, L. (2015). The New Political Economy of Transatlantic Economic Cooperation: Divergent Preferences, Regime Complexity and the Changing Distribution of Global Economic Power. *EUSA Fourteenth Biennial Conference* (p. na). Boston: EUSA Fourteenth Biennial Conference .
- Hix, S., & Høyland, B. (2011). *The Political System of the European Union* (3rd ed.). Basingstoke: Red Globe Press.
- Hopewell, K. (2015). Multilateral trade governance as social field: Global civil society and the WTO. *Review of International Political Economy* , 1128-1158.
- HuffingtonPost. (2016, October 21). *Chrystia Freeland Walks Out Of CETA Talks With Belgian Holdouts*. Retrieved December 21, 2018 from huffingtonpost.ca: [https://www.huffingtonpost.ca/2016/10/21/chrystia-freeland-ceta-belgium-wallonia\\_n\\_12587152.html?guccounter=1&guce\\_referrer\\_us=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce\\_referrer\\_cs=RsZzkTYLAizJ6wCEyjbwtw](https://www.huffingtonpost.ca/2016/10/21/chrystia-freeland-ceta-belgium-wallonia_n_12587152.html?guccounter=1&guce_referrer_us=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_cs=RsZzkTYLAizJ6wCEyjbwtw)
- Järvinen, H. (2014). EU commissioner on ISDS consultation: 'An outright attack'. *EDRI* .
- Jaffee, D. (2012). Weak Coffee: Certification and Co-optation in the Fair Trade Movement. *Social Problems* , 267-285.
- Judge, D., & Earnshaw, D. (2008). The European Parliament: Leadership and 'Followership'. In J. Hayward, *Leaderless Europe* (pp. 245-268). Oxford: Oxford University Press.
- Kensinger, E. (2011, October 1). *What We Remember (and forget) About Positive and Negative Experiences*. Retrieved January 3, 2019 from American Psychological Association: <https://www.apa.org/science/about/psa/2011/10/positive-negative.aspx>
- Klüver, H. (2010). Europeanization of lobbying activities: When national interest groups spill over to the European level. *Journal of European Integration* , 32 (2), 175-191.
- Klüver, H. (2013). *Lobbying in the European Union: Interest Group, Lobbying Coalitions and Policy Change*. Oxford: Oxford University Press.
- Klüver, H., Braun, C., & Beyers, J. (2015). Legislative lobbying in context: towards a conceptual framework of interest group lobbying in the European Union. *Journal of European Public Policy* , 447-461.
- Kluger-Rasmussen, M. (2011). Lobbying the European Parliament: A Necessary Evil. *CEPS Policy Brief No.242* , 1-7.
- Kohler-Koch, B., & Quittkat, C. (2013). *De-mystification of participatory democracy: EU-governance and civil society*. Oxford: Oxford University Press.
- Kol, J., & Mennes, L. B. (1992). Trade Policy in the Netherlands. In D. Salvatore, *National Trade Policies* (pp. 261-273). Westport: Greenwood Publishing.

- Kollman, K. (1998). *Outside Lobbying: Public Opinion and Interest Group Strategies*. Princeton: Princeton University Press.
- Kröger, S. (2008). Nothing but consultation: The place of organised civil society in EU policy-making across policies. *European Governance Papers (EUROGOV) No. C-08-03*, 1-45.
- Kurki, M. (2011). Governmentality and EU Democracy Promotion: The European Instrument for Democracy and Human Rights and the Construction of Democratic Civil Societies. *International Political Sociology*, 349-366.
- Lütz, S. (2011). Back to the Future? The Domestic Sources of Transatlantic Regulation. *Review of International Political Economy*, ii-xxii.
- Laver, M., & Garry, J. (2000). Estimating Policy Positions from Political Texts. *American Journal of Political Science*, 619-634.
- Lavoie, M. (2016). A macro-financial assessment of the UN Global Policy Model.
- Lindblom, C. E. (1977). *Politics and Markets: The world's political economic systems*. New York: Basic Books.
- Lovejoy, K., & Saxton, G. D. (2012). Information, Community, and Action: How Nonprofit Organizations Use Social Media. *Journal of Computer-Mediated Communication*, 337-353.
- Mahoney, C. (2008). *Brussels versus the beltway: Advocacy in the United States and the European Union*. Georgetown: Georgetown University Press.
- Mahoney, C. (2007). Lobbying Success in the United States and the European Union. *Journal of Public Policy*, 27 (1), 35-56.
- Mahoney, C. (2004). The power of institutions: State and interest group activity in the European Union. *European Union Politics*, 5 (4), 441-466.
- Mahoney, C., & Beckstrand, M. (2011). Following the Money: EU Funding of Civil Society Groups. *Journal of Common Market Studies*, 49 (6), 1339-1361.
- Maloney, W. (2009). Interest groups and the revitalisation of democracy: Are we expecting too much? . *Representation*, 277-287.
- Mazey, S., & Richardson, J. (1994). *Lobbying in the European Community*. Oxford: Oxford University Press.
- McLeod, D., & Shah, D. (2014). *News Frames and National Security*. Cambridge: Cambridge University Press.
- Metro. (2017, Maart 17). *OOK POLITICI BENIEUWD: WIE GAAT LUBACH NU AANPAKKEN?* Retrieved December 21, 2018 from [metronieuws.nl: https://www.metronieuws.nl/nieuws/showbuzz/2017/03/ook-politici-benieuwd-wie-gaat-lubach-nu-aanpakken](https://www.metronieuws.nl/nieuws/showbuzz/2017/03/ook-politici-benieuwd-wie-gaat-lubach-nu-aanpakken)



Between smoking guns and substantive arguments: how the STOP-TTIP coalition influenced Dutch politics

- Meunier, S. (2007). Managing Globalization? The EU in International Trade Negotiations . *Journal of Common Market Studies* , 905-926.
- Meunier, S. (2003). Trade Policy and Political Legitimacy in the European Union. *Comparative European Politics* , 67-90.
- Meunier, S. (2005). *Trading voices: the European Union in international commercial negotiations*. Princeton: Princeton University Press.
- Meunier, S., & Nicolaidis, K. (2002). Revisiting Trade Competence in the European Union: Amsterdam, Nice, and Beyond. In M. Hosli, A. Van Deemen, & M. Widgrén, *Institutional Challenges in the European Union* (pp. 173-201). London: Routledge.
- Michell, J. (2016). Evaluating the UN Global Policy Model.
- Milieudefensie. (2016, February 17). *Laat je niet voor de gek houden, ISDS-claimsstelsel in TTIP nog springlevend*. Retrieved December 21, 2018 from milieudefensie.nl: <https://milieudefensie.nl/actueel/isds-ttip-springlevend-ics>
- Ministerie van Algemene Zaken. (2007). *Samen Werken, Samen Level*. The Hague: Ministerie van Algemene Zaken.
- Ministerie van Buitenlandse Zaken. (2014). *Strategie bij benadering: Nederlandse coalitievorming en de multi-bi benadering in het kader van de EU-besluitvorming (2008-2012)* . The Hague: Rijksoverheid.
- Ministry of Foreign Affairs. (2018). *Investing in Global Prospects*. The Hague: Ministry of Foreign Affairs and Development Cooperation.
- Moravcsik, A. (1993). Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach. *Journal of Common Market Studies* , 473-524.
- Nagel, J. H. (1975). *The descriptive analysis of power*. New Haven: Yale University Press.
- Nelson, T., Oxley, Z., & Clawson, R. (1997). Toward a psychology of framing effects. *Political Behavior* , 221-246.
- Nickerson, R. (1998). Confirmation Bias: A Ubiquitous Phenomenon in Many Guises . *Review of General Psychology* , 175-220.
- Nicolaidis, K., & Schaffer, G. (2005). Transnational Mutual Recognition Regimes: Governance without Global Government. *Law and Contemporary Problems* , 263-317.
- NieuweOogst. (2016, October 16). *LTO Varkenshouderij en NVV stappen uit TTIP-coalitie*. Retrieved December 20, 2018 from nieuweoogst.nu: <https://www.nieuweoogst.nu/nieuws/2016/10/11/lto-varkenshouderij-en-nvv-stappen-uit-ttip-coalitie>

- NOS. (2016, April 21). *Ongewone coalitie: boeren en milieuactivisten samen tegen TTIP*. Retrieved December 20, 2018 from nos.nl: <https://nos.nl/artikel/2100522-ongewone-coalitie-boeren-en-milieuactivisten-samen-tegen-ttip.html>
- NRC. (2016, October 16). *Als TTIP klapt, is dat geweldig nieuws voor Vladimir Poetin*. Retrieved May 05, 2018 from <https://www.nrc.nl/nieuws/2016/10/12/als-ttip-klapt-is-dat-geweldig-nieuws-voor-vladimir-poetin-4794859-a1526214>
- NRC. (2015, October 10). *Protesten in Europa tegen vrijhandelsverdrag TTIP*. Retrieved June 06, 2018 from nrc.nl: <https://www.nrc.nl/nieuws/2015/10/10/protesten-in-europa-tegen-vrijhandelsverdrag-ttip-a1412456>
- NU.nl. (2015, October 10). *Grote opkomst bij anti-TTIP demonstratie in Amsterdam*. Retrieved December 21, 2018 from nu.nl: <https://www.nu.nl/ttip/4142671/grote-opkomst-bij-anti-ttip-demonstratie-in-amsterdam.html>
- nu.nl. (2015, December 27). *Minister Lilianne Ploumen geeft Arjen Lubach TTIP-garanties*. Retrieved May 05, 2018 from nu.nl: <https://www.nu.nl/ttip/4189168/minister-lilianne-ploumen-geeft-arjen-lubach-ttip-garanties.html>
- Olson, M. (1965). *The Logic of Collective Action*. Harvard: Harvard University Press.
- Orach, K., Schlüter, M., & Österblom, H. (2017). Tracing a pathway to success: How competing interest groups influenced the 2013 EU Common Fisheries Policy reform. *Environmental Science and Policy*, 90-102.
- Orbie, J., Martens, D., Oehri, M., & Van den Putte, L. (2017). Promoting sustainable development or legitimising free trade? Civil society mechanisms in EU trade agreements. *Third World Thematics*, 1-21.
- Orbie, J., Van Den Putte, L., & Martens, D. (2018). Civil Society Meetings in EU Free Trade Agreements: The Purposes Unravelling. In H. Gött, *Labour Standards in International Economic Law*. Cham: Springer.
- Page, B. I., Shapiro, R. Y., & Dempsey, G. R. (1987). What Moves Public Opinion? *The American Political Science Review*, 23-44.
- Papacharissi, Z. (2014). *Affective publics: Sentiment, technology, and politics*. New York: Oxford University Press.
- Persson, T. (2007). Democratizing European Chemicals Policy: Do Consultations Favour Civil Society Participation? *Journal of Civil Society*, 223-238.
- Ploumen, L. (2016). *Reforming EU trade policy: protection, not protectionism*. The Hague: Rijksoverheid.
- Poletti, A., & De Bièvre, D. (2013). The political science of European trade policy: A literature review with a research outlook. *Comparative European Politics*, 1-19.

Between smoking guns and substantive arguments: how the STOP-TTIP coalition influenced Dutch politics

- Pollack, M. A. (1997). Delegation, agency, and agenda setting in the European Community. *International Organization* , 99-134.
- Pollack, M. A. (2005). The New Transatlantic Agenda at Ten: Reflections on an Experiment in International Governance. *Journal of Common Market Studies* , 899-919.
- Pollack, M. A., & Schaffer, G. (2009). *Transatlantic Governance in the Global Economy*. Lanham: Rowman & Littlefield Publishers.
- Polsby, N. W. (1960). How to Study Community Power: The Pluralist Alternative. *Journal of Politics* , 474-484.
- Potjomkina, D. (2018). *Multistakeholderism in the EU's Trade Governance*. Institute for European Studies. Brussels: Policy Paper 2018/01.
- Princen, S. (2007). Advocacy Coalitions and the Internationalization of Public Health Policies. *Journal of Public Policy* , 13-33.
- Reinisch, A. (2017). The EU and Investor-State Dispute Settlement: WTO Litigators Going “Investor-State Arbitration” and Back to a Permanent “Investment Court”. *European Yearbook of International Economic Law* , 8, 247-300.
- Reuters. (2018, August 31). *EU ends trade controls on Chinese solar panels*. Retrieved September 10, 2018 from reuters.com: <https://www.reuters.com/article/us-eu-china-trade/eu-ends-trade-controls-on-chinese-solar-panels-idUSKCN1LG1QM>
- Richardson, L. (2012). The Post-Lisbon Role of the European Parliament in the EU's Common Commercial Policy: Implications for Bilateral Trade Negotiations. *EU Diplomacy Paper* , 1-32.
- Rijksoverheid. (2016). *IBO Overzicht Nederlands*. The Hague: Rijksoverheid.
- Rijksoverheid. (2013). *Wat de Wereld Verdient: Een nieuwe agenda voor hulp, handel en investeringen*. The Hague: Rijksoverheid.
- Rijksoverheid.nl. (2018). *Breed Handelsberaad*. Retrieved December 22, 2018 from rijksoverheid.nl: <https://www.rijksoverheid.nl/onderwerpen/handelsverdragen-europese-unie/breed-handelsberaad>
- Risse, T. (2004). Global Governance and Communicative Action. *Government and Opposition* , 288-213.
- Rodrik, D. (2011). *The globalization paradox: democracy and the future of the world economy*. New York: W.W. Norton.
- Ružeková, V. (2016). Prospects for the EU-US Trade Relations in the Light of the TTIP. *Studia commercialia Bratislavensia* , 9 (34), 211-212.
- Sabatier, P. A. (1998). The advocacy coalition framework: revisions and relevance for Europe. *Journal of European Public Policy* , 5 (1), 98-130.

- Saurugger, S. (2010). The social construction of the participatory turn: The emergence of a norm in the European Union. *European Journal of Political Research* , 471-495.
- Saxton, G. D., & Guo, C. (2011). Accountability Online: Understanding the Web-Based Accountability Practices of Nonprofit Organizations. *Nonprofit and Voluntary Sector Quarterly* , 270-295.
- Schneider, G., & Baltz, K. (2003). The Power of Specialization: How Interest Groups Influence EU Legislation. *Rivista di Politica Economica* , 1-31.
- Siles-Brügge, G. (2011). Resisting Protectionism after the Crisis: Strategic Economic Discourse and the EU-Korea Free Trade Agreement. *New Political Economy* , 627-653.
- Siles-Brügge, G. (2013). The power of economic ideas: a constructivist political economy of EU trade policy. *Journal of Contemporary European Research* , 597-617.
- Skinner, M., Miles, C. A., & Luttrell, S. (2010). Access and advantage in investor-state arbitration: The law and practice of treaty shopping. *The Journal of World Energy Law & Business* , 260-285.
- Slob, A., & Smakman, F. (2007). A Voice, Not a Vote. Evaluation of the Civil Society Dialogue at DG Trade. *ECORYS* , na.
- Smith, M. (2009). Transatlantic Economic Relations in a Changing Global Political Economy: Achieving Togetherness but Missing the Bus. *The British Journal of Politics and International Relations* , 94-107.
- SOMO. (2018, March 28). *Same old, same old: the EU pushes ISDS 2.0*. Retrieved December 21, 2018 from [somo.nl](https://www.somo.nl/old-old-eu-pushes-isds-2-0/): <https://www.somo.nl/old-old-eu-pushes-isds-2-0/>
- Steiner, N. D. (2016, January 20). Public Support for TTIP in EU Countries: The Correlates of Trade Policy Preferences in a Salient Case. *SSRN Electronic Journal* , 1-35.
- Stimson, J. A., Mackuen, M. B., & Erikson, R. S. (1995). Dynamic Representation. *American Political Science Review* , 543-565.
- STOP-TTIP. (2016, June 10). *About STOP TTIP*. Retrieved June 20, 2018 from STOP TTIP: European Initiative Against TTIP and CETA: <https://stop-ttip.org/about-stop-ttip/>
- STOP-TTIP. (2016, 05 30). *STOP-TTIP Alliance*. Retrieved 08 20, 2018 from STOP TTIP: European Initiative Against TTIP and CETA: <https://stop-ttip.org/supporting-organisations/>
- The Guardian. (2016, October 27). *Belgian politicians drop opposition to EU-Canada trade deal*. From [theguardian.com](https://www.theguardian.com/world/2016/oct/27/belgium-reaches-deal-with-wallonia-over-eu-canada-trade-agreement): <https://www.theguardian.com/world/2016/oct/27/belgium-reaches-deal-with-wallonia-over-eu-canada-trade-agreement>

## Between smoking guns and substantive arguments: how the STOP-TTIP coalition influenced Dutch politics

- The Guardian. (2015, October 10). *Berlin anti-TTIP trade deal protest attracts hundreds of thousands*. Retrieved November 5, 2018 from theguardian.com:  
<https://www.theguardian.com/world/2015/oct/10/berlin-anti-ttip-trade-deal-rally-hundreds-thousands-protesters>
- The Independent. (2016, April 25). *TTIP: Barack Obama says trade deal should be signed by the 'end of the year'*. Retrieved November 5, 2018 from independent.co.uk:  
<https://www.independent.co.uk/news/business/news/ttip-obama-says-trade-deal-should-be-signed-by-the-end-of-the-year-a6999456.html>
- The New York Times. (2018, June 26). *Trump's Trade Truce With Europe Has a Familiar Feel: It Mirrors Obama's Path*. Retrieved June 27, 2018 from The New York Times:  
<https://www.nytimes.com/2018/07/26/us/politics/trump-trade-european-union.html>
- The New York Times. (2018, June 25). *U.S. and Europe Outline Deal to Ease Trade Feud*. Retrieved November 5, 2018 from nytimes.com:  
<https://www.nytimes.com/2018/07/25/us/politics/trump-europe-trade.html>
- Tieleman, K. (2000). The failure of the Multilateral Agreement on Investment (MAI) and the absence of a global public policy network. *UN Vision Project on Global Public Policy Networks*, 1-28.
- Trouw. (2016, October 21). *Even is Wallonië groter dan Rusland*. Retrieved December 21, 2018 from trouw.nl: <https://www.trouw.nl/home/even-is-wallonie-groter-dan-rusland~ae721076/>
- Tweede Kamer. (2014). *Letter in the framework of the political dialogue: the role of national parliaments in free trade agreements*. The Hague: Commissie Europese Zaken.
- Tweede Kamer. (2017). *Vragen gesteld door de leden der Kamer, met de daarop door de regering gegeven antwoorden*. Tweede Kamer der Staten Generaal. The Hague: Tweede Kamer.
- Van Aelst, P., Melenhorst, L., van Holsteyn, J., & Veen, J. (2015). 'Lawmaking and news making: different worlds after all? A study on news coverage of legislative processes in the Netherlands. *The Journal of Legislative Studies*, 534-552.
- van Beek, B., Beunder, S., Knottnerus, R., Mast, J., Van Ons, R., Verbeek, B.-J., et al. (2018). *Ceta, Feiten en Fabels*. Amsterdam: Foodwatch, Milieudefensie, SOMO, FNV, Vrijsschrift, Transnational Institute.
- Van den Putte, L., De Ville, F., & Orbie, J. (2015). The European Parliament as an international actor in trade: from power to impact. In S. Stavridis, & D. Irrera, *The European Parliament and its International Relations* (pp. 52-69). Abingdon: Routledge.

- Van der Loo, G. (2017, May 1). The Court's Opinion on the EU-Singapore FTA: Throwing off the shackles of mixity? *CEPS Policy Insights no 2017/17* .
- Van Gestel, W., & Crombez, C. (2011). The Role of Oversight Committees in Closed Rule Legislation. *Journal of Theoretical Politics* , 1-35.
- Van Ham, P. (2016). Communicating TTIP: Challenges for the European Union . *Clingendael Policy Brief* .
- Volkskrant. (2016, April 4). *Tienduizenden Duitsers demonstreren tegen 'paard van Troje' TTIP*. Retrieved November 10, 2018 from volkskrant.nl:  
<https://www.volkskrant.nl/economie/tienduizenden-duitsers-demonstreren-tegen-paard-van-troje-ttip~b764562d/>
- Von Nordheim, G., Boczek, K., Koppers, L., & Erdmann, E. (2018). Reuniting a Divided Public? Tracing the TTIP Debate on Twitter and in Traditional Media . *International Journal of Communication* , 548-569.
- Washington Post. (2018, April 13). *A timeline of Trump's complicated relationship with the TPP*. Retrieved May 05, 2018 from The Washington Post:  
[https://www.washingtonpost.com/news/worldviews/wp/2018/04/13/a-timeline-of-trumps-complicated-relationship-with-the-tpp/?utm\\_term=.43991c4cd982](https://www.washingtonpost.com/news/worldviews/wp/2018/04/13/a-timeline-of-trumps-complicated-relationship-with-the-tpp/?utm_term=.43991c4cd982)
- Washington Post. (2017, April 28). *Trump: 'We may terminate' U.S.-South Korea trade agreement*. Retrieved November 5, 2018 from washingtonpost.com:  
[https://www.washingtonpost.com/politics/trump-we-may-terminate-us-south-korea-trade-agreement/2017/04/27/75ad1218-2bad-11e7-a616-d7c8a68c1a66\\_story.html?utm\\_term=.5e6fb7dc9f6d](https://www.washingtonpost.com/politics/trump-we-may-terminate-us-south-korea-trade-agreement/2017/04/27/75ad1218-2bad-11e7-a616-d7c8a68c1a66_story.html?utm_term=.5e6fb7dc9f6d)
- Webster, J., & Watson, R. T. (2002). Analyzing the Past to Prepare for the future: writing a literature Review. *MIS Quarterly* , xiii-xxiii.
- Woll, C. (2008). *Firm Interests: How Governments Shape Business Lobbying on Global Trade*. Cornell: Cornell University Press.
- Woll, C. (2012). The Brash and the Soft-spoken: Lobbying Styles in a Transatlantic Comparison . *Interest Groups & Advocacy* , 193-214.
- Wonka, A., Baumgartner, F. R., Mahoney, C., & Berkhout, J. (2010). Measuring the Size and Scope of the EU Interest Group Population. *European Union Politics* , 463-476.
- Woolcock, S. (2014). Trade Policy: Policy-making after the Treaty of Lisbon. In H. Wallace, M. A. Pollack, & A. R. Young, *Policy-Making in the European Union* (7th ed., pp. 388-406). Oxford: Oxford University Press.
- World Trade Organization. (2018, 02 5). *Technical Barriers to Trade*. Retrieved 11 05, 2018 from wto.org: [https://www.wto.org/english/tratop\\_e/tbt\\_e/tbt\\_e.htm](https://www.wto.org/english/tratop_e/tbt_e/tbt_e.htm)

Between smoking guns and substantive arguments: how the STOP-TTIP coalition influenced Dutch politics

- Wouters, J., & Raube, K. (2017). Rebels without a cause? Parliament and EU Trade Policy after the Treaty of Lisbon. *Working Paper No. 194* , 1-16.
- Yin, R. K. (1984). *Case study research: design and methods*. Michigan: Sage Publications.
- Yin, R. K. (1994). *Case study research: design and methods*. Michigan: Sage Publications.
- Young, A. R. (2004). The Incidental Fortress: The Single European Market and World Trade. *Journal of Common Market Studies* , 393-414.
- Young, A. R. (2017). The politics of deep integration. *Cambridge Review of International Affairs* , 453-463.
- Young, A. R. (2017). The politics of deep integration. *Cambridge Review of International Affairs* , 453-463.
- Young, A. R., & Peterson, J. (2014). *Parochial Global Europe: 21st century trade politics*. Oxford: Oxford University Press.

## 10.0 Annexes: Interview Transcripts

### 10.1 Marieke van Doorn

Interview Marieke van Doorn

December 05 2018 – The Hague

09h15 – 10h08

Translated by author

1 *For the purposes of recording I just want to reinstate that the interview will be recorded and*  
2 *that any time you are free to say: I don't want to do this anymore.*

3

4 Yes

5

6 *There are a couple of things I would like to discuss with you. Some general things, some*  
7 *things on the TTIP coalition, on the subject that were important for you (...) when I say 'you'*  
8 *I mean you as in 'your' organisation, and the strategies and tactics that were foundational to*  
9 *your campaign. So first of all, I would like to know what your role is in the TTIP campaign.*

10

11 Yes. So since the beginning of the year I am the coordinator of the campaign. Since,  
12 February. I took over from Jurjen van den Bergh who you have contacted as well. In October,  
13 before I started, he stopped, or he started his own business "De Goede Zaak" [The Good  
14 Cause], an online platform, very cool. And when I started we were not so vocal. Yes. TTIP  
15 was off the table, nothing was really happening, so the TTIP movement was quite silent. So  
16 this was my objective, to try to reform the TTIP movement towards the modern environment  
17 and get them in 'stand-by' mode again, because there are some things coming, for example  
18 the CETA ratification, for example the Dutch model texts for bilateral investment treaties, for  
19 example the Europe-wide ISDS campaign against ISDS. You have heard of ISDS, right?

20

21 *Yes, of course.*

22

23 Nice. So, this is what we did. Every month with an increasingly bigger group of people, and  
24 try to come together to see what is up and how we can support each other. Also within a  
25 European context, and with other national campaigns, the same mechanism but then we meet  
26 once every 3 months in Brussels. Or Berlin, but mostly Brussels.

27



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28 *I am very curious to know how this works, later on, but just quickly on your goal, your*  
29 *mission, it was to pull to campaign out of the 'swamp'?*

30

31 Yeah, rather to reinvigorate it and update it to what is needed right now. At the time it was a  
32 negative frame, STOP-TTIP, or TTIP alarm, or block the TTIP, something that we don't  
33 want. The network was earlier on ready that they said we want to campaign, although this is  
34 hard in terms of campaigning, instead for something that we don't for something that we do  
35 want. Because, actually it is easier to campaign against something, it really 'sticks' with  
36 everybody.

37

38 *Yeah this is a recurring theme in the literature as well.*

39

40 Yeah, so they [the platform/campaign] understood that if you position yourself in the political  
41 landscape, also, if you remain in this 'anti' corner, you are fine with the SP [socialist party],  
42 with the Partij voor de Dieren [Party for the Animals, animal rights environmentalists], even  
43 with the PVV [Freedom Party, social conservative populists], which they actually found very  
44 bad. SP, Partij voor de Dieren are friends of the campaign, but we didn't want to end up in  
45 that PVV corner.

46

47 *A more activist corner?*

48

49 Yeah, but because the PVV is also against it, but for different reasons, because they don't  
50 want anything that comes out of Brussels. You don't want to be placed in that nationalist,  
51 populist corner. They found that very uncomfortable. So, they were looking for a way to  
52 campaign in favour of something. So that is what is what we now call the 'HandelAnders!'  
53 campaign. So we are reshaping from STOP-TTIP to HandelAnders! campaign. Because we  
54 want to signal that we are not against trade, we are not nationalists, we are not against  
55 international trade, but we are for a different style of trade, which is more sustainable and fair.

56

57 *So this also a coalition?*

58

59 Yeah it's the same coalition but it is just a different name.

60

61 *How was this coalition formed?*

62

63 The TTIP coalition was already there, with the height in 2015, which was a little bit ‘sagged  
 64 in’ and they were rethinking how to go forward, because there was a lot of interest and a lot  
 65 of momentum, a lot of people that were worried about international trade politics, which was  
 66 so cool, I think. It has really been democratised, from what diplomats used to do behind  
 67 closed doors to the streets. It is really nice, a real democratisation movement, from out of  
 68 society, that’s something that I find really interesting. From back home I am D66 [social-  
 69 liberal democrats], so they [the campaign] were looking for a way to stay out of that  
 70 nationalist populists corner, but also to go wider than just the activists ‘anti’ corner. The  
 71 parties that are in control are more to the centre so you have to, well so GroenLinks [Greens]  
 72 was also supportive, but we really had to look for how we could get the middle parties. Look,  
 73 a party like the VVD, we won’t ever be able to get them to participate, but CDA [Christian  
 74 democrats, centre-right], D66, Partij van de Arbeid [Labour], Christen Unie [Christian Union,  
 75 cultural conservatives, centre-left on social issues and the environment], how could we get  
 76 them to participate?

77

78 *So how you do you try to get their support?*

79

80 So, firstly, by spreading a different message in the campaign. I mean, we have the same goals  
 81 - we want trade to be fairer, that multinationals cant have a separate parallel legal system, but  
 82 we don’t call it STOP-TTIP anymore, we call it Handel Anders! And then we come with  
 83 alternatives as to how we do like to see it. So, what it is like now, its not working, in our  
 84 opinion, but this way, this how we could do it instead to give perspective to policy-makers.  
 85 They are always like: “you always say this is bad, but how then do you want us to do it?”  
 86 Haha.

87

88 *Haha. Yes. And...*

89

90 Yes, so we kind of stole the example from Austria. They also had a STOP-TTIP campaign.

91

92 *Yeah, Germany and Austria both had really big campaigns.*

93

94 Yes, and in Austria they reshaped it to ‘Anders Handeln’, so we kind of copy-paste it actually.

95

96 *So on a European level there is cooperation? Still?*

97

98 Yes, absolutely.

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99

100 *Because at one point it was a campaign with over 500 civil society and NGO's. Is there still*  
101 *coordination on that level?*

102

103 Yes, yes, yes, absolutely. Yesterday I was in a European 'call' with all national campaigns.

104 We call each other every week.

105

106 *Every week?!*

107

108 Yes, because we are working together on a new campaign against ISDS and in favour of the  
109 UN Binding Treaty. Are you familiar with that? United Nations are negotiating with member  
110 states to get a "binding treaty on business and human rights". So you finally get reciprocity,  
111 because with ISDS, states get sued by companies. Like, "hey you are infringing my  
112 investments with this new fun climate regulation". But with the UN Binding Treaty, states  
113 can sue firms as well, when firms are polluting or are not respecting human rights. There is  
114 finally more balance, more reciprocity.

115

116 *So this is within the UN framework?*

117

118 Yeah, exactly, but this is a big lobby process, which the Netherlands says its in favour of, but  
119 Europe is not exactly taking the lead in the negotiations. So we try to move the Netherlands to  
120 move the EU to do this, so it's really indirect.

121

122 *One of the issues is still ISDS and you are really vocal about this.*

123

124 Yes, because in all those trade agreements, this is the biggest concern. In TTIP it was a  
125 concern, in CETA it is also still a big concern. And CETA is still at the court, the European  
126 Court [of Justice], who will give a preliminary ruling in January. It's actually called ICS  
127 [Investment Court System] but it's almost the same.

128

129 *It was my understanding that there were some considerable changes in ICS compared to*  
130 *ISDS.*

131

132 Yes, there are some reforms. It's a little bit more transparent when it comes to the election of  
133 judges, but the system, the principle, is still the same. That - next to your national legal

134 system that fits within the 'rule of law' and the rechtsstaat [rule of law] - you have an  
135 arbitration system that is simply a business model for firms. Who think 'hey I can cash here'.  
136

137 *Yes, to get their investments back.*

138

139 Yes, they think 'I can make bizarre investments because I can get them back through a court  
140 if I am not allowed to'[make the investments].

141

142 *Ok. Right. So how does this play out on a European level? Do you say: 'this week we do this  
143 message', or there is a timeline towards the new actions next year...*

144

145 Yes I can show you my agenda, so you have an idea of what we discuss.

146 Yes there is definitely a timeline. We are going to do a Europe-wide petition, where we ask  
147 people in the streets the sign up, to push administrations to vote against ISDS and work in  
148 favour of that UN Binding Treaty. That petition will go live January 22. And then we will  
149 launch it [the petition] in the national campaigns. Also here in The Hague we are going to do  
150 something... And it's really exciting... haha!

151

152 *I think it's really special that this... this campaign is really a professional organisation, with  
153 a structure and a plan, despite the grass-roots mobilisation stamp that it has.*

154

155 Yeah, but that last thing you say is in fact true. I always feel like Calimero, that works half  
156 steam, because I work about 3 days a week for the coalition. We do lobby work towards the  
157 government, that they don't give away the rules, that they keep their governing power for the  
158 public good, and not for the good of the firms. But the firms, each company has like 25  
159 lobbyists to plead for the opposite. So the playing field is always uneven.

160

161 *Does this really feel this way? Then we are purely speaking of the volume, right?*

162

163 Yes, yes, but it is very uneven, in terms of FTE's [Full-time equivalent], yes yes absolutely.

164 No no, but of course it doesn't say anything about the quality of the message. Hahaha.

165

166 *Right! Do you have the feeling you can get your message to the policy-makers well enough?*

167

168 Yes we are able to, but the lobbyists of the firms line up at the door of these policy-makers,  
169 and we are there like once a month.

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170

171 *I am curious then, in your communication with policy-makers, if you discuss things that you*  
172 *don't put up on, for example, your social media channels. Are there specific messages, how*  
173 *do you try to get them across, is this a deliberate choice? This is a big question, I apologise.*

174

175 Yeah yeah exactly like things we put in a note and send it to them or stuff that we put in the  
176 newspaper.

177

178 *Can you give an example?*

179

180 Yes. So if we are talking Dutch bilateral investment treaties, they made a new model text  
181 recently.

182

183 *Yes, and there was a public consultation.*

184

185 Yes. Exactly. There was a public consultation and Jurjen van den Bergh did a lot for it, to  
186 mobilise the public, to say like, 'hey guys say something about this', with his company "De  
187 Goede Zaak" [The Good Cause].

188

189 *1600 reactions right?*

190

191 Yes! It is really fun. So, then the question is, what happens with this public consultation?  
192 Because 99% of the participants came through Jurjen on "De Goede Zaak". So we know what  
193 people answered, they said 'stop ISDS', but ISDS is still in it [the model text]. So what we do  
194 is, the members of parliament that are in the commission for Buitenlandse Bandel and  
195 Ontwikkelingssamenwerking [Foreign trade and development cooperation]. BuHaOS is its  
196 name. We send them a letter, saying, "yes, we had a consultation, and this was a really good  
197 thing, participation mechanism, fantastic, but what happened with it? There were some  
198 adjustments but the biggest point, ISDS, was not taken out of it [the model text], this old  
199 system of parallel arbitration." So we put this in front of the members of parliament and they  
200 then ask questions to the minister. And she has to explain herself. We made an analysis of the  
201 text with a couple of experts from our network, and by the way, we sent that to the minister,  
202 like 13 pages or something of legal nit-picking, if you ask me.

203

204 *Yes, I think I saw it somewhere.*

205

206 Ok good. And we also give that to the parliament's commission, but also the minister, so that  
 207 she is able to give the right answers because it's all very technical. So over there, really  
 208 behind the scenes, also because we know - who, in the Dutch audience, has ever heard of the  
 209 Dutch model BIT [Bilateral Investment Treaty] [inaudible] And who the fuck cares? Haha.  
 210 To mobilise on that, to make it a public interest, it's not possible.

211

212 *Do you notice a need for information and knowledge from the policy-makers?*

213

214 Well, yes. Politicians especially, they have very little help. The ministry, they have plenty of  
 215 people, and jurists, and they might have less need, but they do like it that they are warned of  
 216 the technical issues that might be asked. But yes, especially, members of parliament  
 217 appreciate it. Also at my party, D66, democracy and rule of law are an important point, so  
 218 they appreciate it. We have, for example, offered a proposal to a few members of parliament,  
 219 saying 'do a round-table on the model BIT text' in the parliament, so you can invite experts  
 220 from academics, and civil society, and firms, so they can come. And we slid in names of  
 221 experts from firms, for example dairy farmers, who are part of our network, who are very  
 222 critical, and say something there. So also SER, Sociaal Economisch Raad, [advisory council  
 223 on social-economic issues], Mariette Hamer, is invited because they once designed this  
 224 yardstick, which is a lobby product of this TTIP group actually, a yardstick to check trade  
 225 agreements.

226

227 *Yes, that is a really big report.*

228

229 Yes, and some people of the worker unions are invited, and they had some scientist, and the  
 230 people from the network knew that they weren't independent scientists, three out of four were  
 231 also ISDS lawyers, so it's in their interest that the system is kept in place because it's really  
 232 good cashing in, those trials. So we sent a letter again, saying 'hey guys those scientists are  
 233 not independent, maybe you should do something'. So now they are going to do something  
 234 and in this way we are, in particular, very busy with the BuHaOS committee. By mail, by  
 235 phone call, through their employees, but that is all behind the scenes. All lobbying.

236

237 *In this regards this is something that is still very much salient in the parliament?*

238

239 Yes, but that wasn't the case. They were actually planning to not even discuss the model text.  
 240 Yes, so you have to get it on the agenda first, and now that it is on the agenda, it is a salient  
 241 issue, because there is so much misery in it.

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242

243 *In terms of the public – the masses are such a derogatory term – are there issues that you try*  
244 *to pitch?*

245

246 So, yes, we are going to try to shine a light on ISDS. Look, with TTIP everyone thought it  
247 was too complicated - a weird acronym, you can't sell it. But it turns out it is possible. So  
248 with this lesson from 2015, and with CETA it also worked out well, so we will try to do it  
249 with ISDS as well.

250

251 *CETA and TTIP were kind of thrown on one pile, wasn't it?*

252

253 Yes. We did this on purpose, although we knew that CETA was better than TTIP. We did this  
254 on purpose because TTIP was so toxic, in the public opinion. So we often glue them together  
255 on purpose, even though there are differences.

256

257 *The European Union has recently completed several bilateral investment deals, in an ardent*  
258 *fashion with numerous parties.*

259

260 Japan, Singapore, Vietnam, New Zealand, Australia.

261

262 *Yes, exactly. Do you make a choice, in saying, not also these?*

263

264 Yes but we just can't – all these JEFTA, and what have you - all these acronyms, you can't  
265 explain them all to a public. So this is the reason we started the ISDS campaign. In all these  
266 agreements, this is the biggest problem. But now, of course, since the decision by the ECJ on  
267 the EU-Singapore agreement, the Commission was so clever to separate Investment Treaties  
268 and Trade Treaties. Have you heard of this decision?

269

270 *No I didn't know.*

271

272 So basically this arrest on EU-Singapore agreement, it was last year in 2017.

273

274 *I read about a different arrest, in the Netherlands Achmea case?*

275

276 Yes this also a nice one, but that is a different case, because that is on BIT's within the EU.

277

278 *Yes, and the ECJ decided that ISDS clauses in these BIT's are against European law?*

279

280 Yes, for us this a nice boost, because if it is not allowed within the EU, why would you allow

281 it outside the EU? So this Singapore case said that the ISDS in those agreements is not

282 compatible with EU law. Thus, the national parliaments must decide on those agreements.

283 And this is exactly what the Commission wanted to get rid off after the rope pulling between

284 Wallonia and CETA. Do you remember?

285

286 *Yes the Namur declaration.*

287

288 'Exactement'. So they wanted to get rid of that, and then they thought: "if we cant do it with

289 ISDS, then we'll separate trade treaties, so we can do those as EU and we don't need the

290 parliaments, and we'll see with those investment treaties which include an ISDS if we'll be

291 able to pass those silently through the national parliaments." So that is an important

292 development. But ISDS is still...

293

294 *The common denominator*

295

296 Yes! So these new treaties are often separated after this arrest, so you have a Trade agreement

297 - which no one in the national parliaments gets to see - and investment agreements.

298

299 *So what makes the TTIP such a lively agreement?*

300

301 So I wasn't the coordinator back then, but I did do a campaign for Ondernemers van Nu

302 [Contemporary Entrepreneurs]. Which is a really cool group of entrepreneurs, which are

303 really working with sustainable transport and sustainable undertaking. And they were hearing,

304 and seeing in the papers, that this TTIP would be so good for firms. And they were like 'well

305 maybe for a couple of big multinationals', but not for us. Many of these entrepreneurs don't

306 even export but they do have to deal with the negative consequences for nature and man. So

307 they wanted to raise their voice as firms and entrepreneur-land, and that's how I end up with

308 this TTIP and trade work. So we arrived with the entrepreneurs at TTIP demonstrations, and

309 in the beginning they were looking at us like, you are the enemy. And we were like, no we are

310 your friend! And we dressed up with ties and stuff so you could see we were not the typical

311 activists, but we had exactly the same message. So we could really lobby with that. We were

312 invited next to VNO-NCW [employers federation], at the side of the employers, in this room

313 at the SER or at Buitenlandse Zaken [Foreign Affairs ministry] and on the other side you have



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the activists. And even though we sat at the same side as the employers, we had exactly the same message as the activists on the other side.

So, what I understood then, why TTIP stuck so well, is because namely Arjen Lubach. He played a really big role. Apparently it used to be very hard and pushing and pulling and struggling with no movement, until Arjen Lubach. And this is the role that a show can apparently play. So this is when it really took off.

*He used a couple of striking examples.*

Yes, you really need a ‘smoking gun’. And we are looking for it now with CETA, because CETA is already active to a large extent, even though it isn’t ratified yet, it is working temporarily. So we are looking for a smoking gun, because the CETA is working temporarily, that we get like tar sand from Canada through our ports. But we haven’t found it yet, because we don’t know exactly what comes in our ports. So you really need one of these exemplary things to show, preferably in terms of food safety, or energy.

*GMO’s.*

**Hands over laptop with agenda** So here’s Lucille, from the Seattle to Brussels Network.

*Ah alright. Seattle to Brussels plays a very central role everywhere.*

So this is what we did yesterday. So you get the idea. And she made a big campaign overview of all the things that we need to do, and a timeline.

*So you are all sharing information?*

Yes, and dividing tasks and information.

*And also in terms of messaging? Like this week we want this and next week we want that.*

Well we are not that far yet, but perhaps in the future. And it is also, very – you need to do that nationally.

*Because what is salient here...*

350

351 Is not important in Spain, or Denmark, or Germany. So we try – they do have messages on  
352 large narratives, and we decide how we translate them and when we can use them to our best  
353 advantage.

354

355 *So this is basically decided on a European level?*

356

357 Yes, but it is also us. We are there on the European level as we are represented in the  
358 European steering group.

359

360 *Yes ok. Right. And this ‘smoking gun’ in TTIP was the...?*

361

362 Chlorine-chicken.

363

364 *Right, by Lubach.*

365

366 And apparently it wasn’t even in it [the TTIP]. Haha. But it was such a good smoking gun.

367

368 *Yes it has to do with Mutual Recognition or Regulatory Convergence, which was understood*  
369 *that the EU would agree to, whilst the EU rather has harmonisation, or something.*

370

371 Yes, I remember Marietje Schaake [Dutch Member of the European Parliament for D66] was  
372 always so mad about chlorinated chicken. She used to say: ‘but we got it out of the  
373 agreement!’

374

375 *Yes it is funny, because Ploumen’s [former minister of Foreign Trade and Development*  
376 *Cooperation] message was always like: “we don’t want it, it’s not coming. Why would we*  
377 *allow a product on the market if no one wants to buy it?”*

378

379 It’s funny you drop her name because Ploumen announced, after all the protests, in her last  
380 year – which is kind of opportune – a reset of Dutch trade policy. But we don’t really see it  
381 now, this reset. So this is something that we really want to communicate with the ministry and  
382 the parliament, you know: ‘where’s this reset?’

383

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384 *However, you were saying - Foreign Affairs is in essence re-examining all their national*  
385 *BIT's and planning to renegotiate them – and because of this they held the public*  
386 *consultations on the model text for ISDS.*

387

388 Yes, so this model text has been improved compared to the previous version from, like, 1994,  
389 I believe. But ISDS is still part of it, and there are still super soft sustainable goals clauses in  
390 it, that are not legally binding I mean. So, letter box firms are kind of going to be tackled a  
391 bit, which is a good thing. At least, the intention is good but we'll have to see how it plays  
392 out. But the biggest problem is the ISDS. ISDS really is a system that the Netherlands  
393 invented - it is our innovation.

394

395 *Yes, we are world-champion ISDS cases, I believe.*

396

397 Yes, also that. But the idea was founded in the time we were trading with Indonesia, the  
398 former colony. Because they thought, they're independent but we have to protect our  
399 investments. So it really is a post-colonial instrument. It's kind of the Zwarte Piet [inaudible]  
400 But lets not start that discussion. Hahaha.

401

402 *No, no, and you don't want to mingle in it either. Let's go back to the messages, which*  
403 *instruments did you use, or do you want to use. Because for policy-makers you have a very*  
404 *specific approach: lobbying. How do you do this for the public? For example, do you have a*  
405 *specific message for more provincial regions and another for more urbanised area's?*

406

407 No, no, not really, but the network that we had during the height of the TTIP campaign, that  
408 was all over the country, has diminished a bit. See we were able to get the networks in the  
409 'Randstad' [urbanised area of Amsterdam, Utrecht, Den Haag, Rotterdam] on stand-by mode,  
410 and we are setting up the lines with the local coordinators in for example Wagingen,  
411 Amstelveen – that's actually also in the Randstad – I can't really recall, but we have like  
412 seven groups that were active during the TTIP campaign that we've approached in advance.  
413 Saying that we are going to do another ISDS campaign, do you want to participate, we really  
414 want to get as much as possible autographs for the petition, which is a really nice instrument  
415 to hit the streets with. To say: 'look our government is still handing over rights to firms  
416 instead of obliging firms to obey the law.

417

418 *What makes that a nice instrument?*

419

420 The petition? Well the petition is just nice because you can hit the streets with it. So you can  
 421 go to a market square with a stall, or a festival, and you can talk to people about it, and then  
 422 you can take pictures, and you can post those on social media. So, in this way you can -  
 423 online and offline - get your message out to the public. So, also for example, call upon your  
 424 politicians in light of the European elections to stop giving these privileges to big firms.

425

426 *And when you get the autographs in, you have something tangible to hand-over?*

427

428 Exactly. You can hand those to the minister and we want to organise a protest sometime,  
 429 maybe after the summer. It depends how some things work out. So in a year, we want to get  
 430 19.000 autographs. Which is also a criterion if you would organise an official European  
 431 Citizens Initiative, you need a certain amount of autographs per country for it, and 19.000 is  
 432 the bar for the Netherlands.

433

434 *The official ECI was rejected by the ECJ at the time right?*

435

436 Yes. We are going to come back on that one, but that's not really for public consumption. No  
 437 one cares about that, except for policy-makers.

438

439 *So ISDS is for public consumption, and your way to rekindle the campaign?*

440

441 Yes, and a lot of people are really excited to do something again. Especially because of the  
 442 sentiment around this cabinet's decision to abolish the 'dividendbelasting' [dividend tax], and  
 443 the idea that this cabinet is governing for big corporate instead of the public good, could  
 444 really help us to put ISDS on the map again. To say 'listen you say you are governing for the  
 445 public good, nice, but get rid of all these privileges for firms'.

446

447 *So corporatism is also a central theme?*

448

449 Yes, but we have to be careful because we are really talking about big multinationals, and  
 450 there are also a lot of smaller entrepreneurs, 'MKB'ers' [small to medium enterprises] who  
 451 are also suffering from this system because their competitors are being privileged, in this way.

452

453 *Do you use specific tools, like social media? And newspapers?*

454

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Both. Within the network we have couple of sub-groups, who we put forward with their custom message. So the farmers have their message, the worker unions have their message, the students have their message, the jurists have their message, MKB'ers have their message. So for example, lately we had a first 'test-run' with the farmers, because they see that big firms in Canada or the US use ISDS to undermine regulations on I&R - which is identification and registration of cows – here, in the Netherlands. Because in Canada and the US, they regulate it differently, or at least not so strict as we do it in Europe. And in Europe, farmer gets fined very quickly, with very high fines, when you forget to register a newborn calf in the computer. Because you have to register its whole life what it eats and which drugs it gets, and they don't have to do this in Canada so this is unfair competition. But, because they have to do it here, these farmers and firms unite and together they bring a case to an ISDS and they say: 'we can't enter your market with this I&R regulation'. So our farmers are afraid that the regulations and their positions are in peril here. So lately, we wrote an op-ed in Trouw, which was a bit more directed at the Christen Unie than the larger audience, but at least it was placed in the newspaper.

*So your message is specifically directed at a target audience? Especially Christen Unie?*

Yes. Especially Christen Unie and the PvdA. And we try to engage D66 and CDA, but we don't have our hopes up. But yes, Christen Unie and PvdA we really hope they support us, because earlier, they were very critical of ISDS. Christen Unie for sure, but they are in the government now, so maybe they will tone down a little. But they are principally against ISDS, which is nice. PvdA still has Ploumen in the parliament, and that is really inconvenient for us. She will never let her party vote against CETA, because that was really her thing. However, PvdA is really - as a Labour party - on the bandwagon against privileges for firms.

*Are you talking of the actual parties, or are you also trying to get the people of that political colour? So in Trouw, historically...?*

Yes, the Trouw constituency is really Christen Unie [sic]. And leading up the elections in the European Parliament, you can try to get parties to have something on trade agreements in their election programs. What the substance of that is... yes, but we are working on that already.

*You are trying to proceed with the politicisation.*

491 Yes, and when you get election debates - that the number 6 on the list of the CDA will get a  
492 hard question, like: 'hey if you're in the European Parliament will you support the UN  
493 Binding Treaty?' And then they would have no idea what this is. Hahaha. That would be  
494 really fun. Hahaha.

495 So this is really directed... But the petition, and the launch of the petition, during that year,  
496 we really want to do a big demonstration, and several get-togethers with speakers on the  
497 subjects so we can make it more lively.

498

499 *Supplemented by custom messages directed from the sub-groups, with their own frame?*

500

501 Yes. Absolutely.

502

503 *Are there issues or angles or messages that you want to stay away from?*

504

505 Well, we really want to stay out of the PVV corner, that is really the only thing we try to stay  
506 away from. If we are associated with PvdD, or SP, also fun, or GroenLinks, fine, and  
507 preferably a bit more 'mainstream', so PvdA, Christen Unie, maybe D66, maybe CDA – that  
508 will be though – haha. So they also have sympathy for the cause that we stand for. We do not  
509 want to be associated with the PVV, because that happens quickly. You cannot be critical of  
510 trade policy, even though it is constructive - you are a nationalist right away. It is very  
511 annoying.

512

513 *Was this different before?*

514

515 No.

516

517 *Is this because of the standpoints of the PVV, or also because you will lose support with the*  
518 *people that you want to reach with your message?*

519

520 Yes, both. When you are described as someone who sits on the lap of Geert Wilders, no  
521 minister will be willing to talk to you. I am exaggerating a bit of course, but this is really how  
522 it works.

523

524 *I don't know if you can answer this. But how did the coalition come about?*

525

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526 So this coalition has excited for a really long time, but, yes, I am not the right person to ask  
527 that. Roelien [Knottnerus] used be in the network, she was also the coordinator, in like the  
528 '90s. She does all the legal stuff now. She has told me that she did stuff with this coalition  
529 with the WTO and stuff. This is a theme on which a lot of organisations have been working  
530 together for a long time, but with really high highs and with really deep lows. So the TTIP  
531 spike was really high, and now we are little bit more in a valley. And we are climbing out.  
532 Hahaha.

533

534 *Maybe around the Seattle, or MAI's, Doha round?*

535

536 Yes something like that but I am unsure. I know the participants have been working together  
537 tightly and more loosely through the years, and approaching the next year and the year after  
538 that we really want to mould this in a more structural shape to ensure continuity. I really  
539 noticed that when I started, when there wasn't a coordinator for four months, and it wasn't a  
540 salient issue, not on the political agenda, and people are simply gone. You really have start  
541 building again from minus ten degrees, which is a real shame.

542

543 *And then? You just start calling people?*

544

545 Yes but you need something that is actual. You have to create that, otherwise people are like:  
546 'I've got better stuff to do'. Other organisation like Greenpeace and Milieudefensie say that  
547 they're busy doing stuff on Groningen [earthquake's in the region due to gas extraction], so  
548 they're like: 'call me when CETA is back on the political agenda of the parliament, then we  
549 are game, but not right now'. I understand this though.

550

551 *So no messages that you are afraid to get out?*

552

553 No, it is our challenge, in fact, to stick to a central message: ISDS has to go. Come up with  
554 something else. UN Binding Treaty is a good alternative, fine.

555

556 *Hmm. Alright. I think that's all for me. Is there anything you want to...?*

557

558 Well I can talk about this for hours. Hahaha.

559

560 *Hahaha. Yes me too. Thank you very much.*

## 10.2 Bart-Jaap Verbeek

Interview Bart-Jaap Verbeek

SOMO – Stichting Onderzoek Multinationale Ondernemingen (The Centre for Research on Multinational Corporations)

December 10 2018 – Amsterdam (SOMO Offices)

13h05-14h00

Translated by author

1 *I am starting the recording. Again, you agree to this recording and, for the recording that's*  
2 *running now, that if you don't feel like doing this anymore then you are free to say it at any*  
3 *time. Firstly, I want to know more about your role in the TTIP campaign, which is part of a*  
4 *more general section, then I would like to know more about the coalition, then on the subjects*  
5 *you (...) pulled from – you as an organisation I mean – and ultimately more on your*  
6 *strategies, what type of messages you conveyed. So, firstly, what was your role?*

7  
8 Yes, so as I said earlier, I have not been part of the campaign for that long, so I – actually I  
9 come from a scientific background and I did research on the role of civil society, kind of what  
10 you are doing now. Also into the influence of corporations, and how the discussion is being  
11 held in such a way that only a select group of experts and business can play a part. Because  
12 that's how technical a subject like this gets at one point. So I looked more closely at ISDS,  
13 this investment protection and how it shaped on a European level and what the interests  
14 behind it are. So in this way I already had a lot of contact with Brussels, as well as in the  
15 Netherlands, and with civil organisation that work on this theme. So I already knew a lot of  
16 people – we organised some things together, seminars in Nijmegen at one point, and it wasn't  
17 really salient back then. So this is how I was involved. Last I year I was with Milieudefensie,  
18 and I just started in November 2016 on the TTIP campaign. With the team that was doing  
19 trade.

20  
21 *With Freek Bersch [TTIP campaign leader for Milieudefensie]?*

22  
23 Yes exactly. So I started in November and in October they basically pulled the plug from  
24 TTIP.

25  
26 *After Trump, yes?*

27



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28 Yes. And in October it was the moment when CETA was being signed – with the crisis in  
29 Wallonia.

30

31 *Yes, exactly, the Namur Declaration.*

32

33 Yes so I just started after all this. That was a moment where we were like: “Ok, so what’s up  
34 next?” Because TTIP wasn’t really there anymore, it was clear that it wasn’t going to go  
35 anywhere as long Trump is in office – rightly so. And with CETA the game was basically  
36 over for us: the treaty was done, it has been signed. However, there was a moment in  
37 February when the European Parliament had to vote on it, so we did a campaign then. But at  
38 that moment we were searching for a way to go forward with the trade campaign. And  
39 Milieudefensie is a different type of organisation than SOMO. Milieudefensie are real  
40 campaigners, with a lot of capacity for action. So just when I started we had the biggest  
41 protest ever on trade, here at Museumplein when like 8.000 people showed up. The year  
42 before, or two years before, only 30 people were there, so this shows how much was  
43 accomplished. So yes, this is the role that Milieudefensie had, and we were trying to decide  
44 what we wanted to do, and basically we decided that Milieudefensie should retreat a bit from  
45 the trade work. So recently they brought a case against Shell, did you hear about this?

46

47 *Yes the oil thing in Africa? Right?*

48

49 No, that Shell is not obliging to the Paris climate agreement. Basically, their investment  
50 strategy is not in line with the climate goals and on the basis thereof they started this case. So  
51 that’s the new route for that team, basically they don’t have a trade team anymore. And for  
52 me, I wanted to keep working on trade so that’s how I ended up at SOMO. And SOMO has a  
53 really different role, they are a lot smaller, they are not a campaign organisation, we are a  
54 research organisation. So this our role in the campaign, we do the research on what the issues  
55 are in trade agreements. What is their impact on the environment? On workers? On human  
56 right? That sort of stuff. So our name really says it all, we do research into multinationals.  
57 What is their role? What is their strategy? How do they influence decision-making processes?  
58 And this has always been the approach of SOMO in the trade campaign. And this gives us  
59 some room as well – we don’t really focus on big public campaigns – but we do try to follow  
60 big processes and we look at what kind of research is needed. For example a big success story  
61 for us was the discussion on the repeal of the dividend tax. And this shows exactly what we  
62 do as SOMO – I know this isn’t so much about trade but...

63

64 *That's fine, I am interested in everything.*

65

66 Yes, so suddenly it was published that the new coalition agreement mentioned the repeal of  
 67 the dividend tax. And SOMO jumped right on top of that and they did all the calculations:  
 68 what does this cost a year? That we would basically treat foreign governments to some cash,  
 69 because they could still deduce their dividend tax. So these types of things, we feed the public  
 70 debate at the hand of solid research. We have submitted a lot of WOBs [Wet Openbaarheid  
 71 Bestuur – Freedom of Information act], so actually before and we laid bare this huge lobby  
 72 that Unilever and Shell have been lobbying for years, while all the civil servants were saying:  
 73 this is the stupidest idea ever. So this is our role, we do a lot of research, we don't run  
 74 campaigns, but we do join in. The Tax Justice network is here in-house, and that's a campaign  
 75 network and they set-up a petition on the repeal of the dividend tax. SOMO participates but  
 76 we are not a campaign organisation. So this our role in the trade campaign as well, and some  
 77 nice examples are these **[hands over flyers and booklets]**, this one is from 2011, and this is  
 78 like a staple publication on how Dutch investment treaties are used by foreign firms - who are  
 79 situated here with a letterbox [Letterbox company, a shell company used for tax deduction in  
 80 a country whilst the primary commercial activities are carried out in another] – and through  
 81 this letterbox they file their ISDS claim, and this is 2011 so this is before the ISDS discussion  
 82 started. So we also try to put the spotlight on things that politics take for granted. Like “trade  
 83 agreements are good for our economy and jobs and employment”, this sort of things, we go  
 84 do the research, “is this really the case?” What are the negative effects? And often we come to  
 85 a different conclusion. And then we hope to influence the public and the political debate.

86

87 *Cool. Do you know when TTIP came on your radar for the first time?*

88

89 Yeah, so I wasn't there but I think it was right at the moment when the European Commission  
 90 got their mandate for the negotiations, July 2013. I think that this is the moment – well,  
 91 SOMO is part of the Seattle to Brussels network, have you heard of them?

92

93 *Yes, they keep popping up everywhere.*

94

95 Yes. It's quite interesting – and I looked at this myself – there is this moment, after the Treaty  
 96 of Lisbon, that the Commission gets competence for the negotiation of investment protection  
 97 and ISDS. And this is a key moment in European trade policy. There were a couple of people  
 98 at the Seattle to Brussels, who understood, right away, what the implications of that were.  
 99 And those are, maybe, two, three, four, persons. SOMO was part of the steering group of the

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Seattle to Brussels network – it was a really small network back then - and they understood directly that this was the moment - the opening - to influence investment protection treaties and ISDS, because at this moment the Commission kind of takes it away from the member states and they have to develop their own model. So this is where they wanted to influence on. And they started out with some small publications and reports and [inaudible] and stuff and I think SOMO was part of it.

*They are a really old organisation right? I mean they started out around the whole 1998 [1999] Battle of Seattle thing and a year later [previous] the Multilateral Agreement on Investment, and this is where I always see their name as well.*

Yes, that's right. I always kind of disrespectfully call them the 'Dino's' of the trade campaign. There's a couple of older people – indeed in the '90s – who were running campaigns against the WTO. And they know really [super] well, and understand – the finesses – of trade politics but also the legal implications. And they know how to make the strategies to influence that.

*Yes so the start of the campaign was when the Commission got the mandate in 2016 [2013]?*

Yes, it was in 2013. A couple of people of that group picked up on it – they were working on it for a longer time, since Lisbon – and they understood directly that this was going to be huge, because trade with the US – the biggest trade partner, the biggest economy, and all these claims – it was clear right away that this was going to be the hook.

*The ISDS?*

Yes, the US are always top of the list in ISDS claims, and the Netherlands proudly second.

Hahaha.

*Haha. Yes I was about to say that.*

Yes so this was really the moment, and they made several publications with some clubs from Brussels. Especially Corporate Observatory Europe did a really good job. They laid bare the lobby – so how much contact did the European Commission have with all sorts of companies.

*Before the negotiations?*

136

137 Yes before the negotiations started and this already was a shocking image, and this threat of a  
138 claim war – that all these American corporations are going to come for our rules... You have  
139 to imagine, most of these treaties are between West-European countries and former colonies.

140

141 *Yes, it's like a sort of post-colonial instrument.*

142

143 Yes, all those investments go one way, so we never had anything to do with ISDS claims,  
144 because there's no investor from Zambia here.

145

146 *Yes, this is the crux.*

147

148 And this is totally different if you start negotiating with America, because [inaudible] is here.  
149 So you are increasing the chance that you are going to have to deal with claims. Especially  
150 this Dutch construction - that companies aren't actually here but on the basis of this letterbox  
151 can go file a claim... So that's really the start... And how this happened with the Dutch  
152 campaign I am unsure. It was probably in 2015 when it started here.

153

154 *I don't know if you know this, but were there developments over time in terms of the concern*  
155 *for TTIP or did they just build the campaign and that they created momentum or that there*  
156 *were phases in the negotiations were they thought 'we've got to do something'?*

157

158 Yes, but I think especially on ISDS it was clear from the beginning, because, for several years  
159 they had been doing stuff with that... And... I have to think... At one point there was a  
160 European Citizens Initiative, which was, I think 2014. 2014 – 2015, it took a year. And that  
161 was really the instrument on which many people could connect to the campaign. I wonder to  
162 what extent it was clear that this was going to be a European campaign? Or that this grew  
163 over time? I believe the initiative came out of Germany.

164

165 *Yes, Campact and Attac.*

166

167 Yes it was really in Germany and Austria. But yes, that is when a lot of other groups joined  
168 the campaign – before, these smaller groups were mostly working on ISDS – and then  
169 suddenly the bigger environmental groups joined. Greenpeace, Friends of the Earth, the  
170 Consumer unions – this is when the chlorine-chicken suddenly popped up – and this worked  
171 really well for the public image. By creating this shock-image. And to be honest I thought that

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was put too bluntly at times, but it did work very well to convey the concerns we had on TTIP better and get people interested. “What’s this chlorine-chicken? Are we going to get all this American trash here?”

*Yes I am really interested in this, but before we move on, I would like to discuss the coalition some more. From what I know, at the end of 2013 [March, 2014] this coalition came about, how did this coalition help to spread your message?*

Yes, they helped a lot I would say. Because we are not a campaign organisation we need those other organisations to convey our story. I mean in these campaigns everyone has its role, and since we work primarily in the back of the campaign with our research on the impact of investment treaties. And we also made these kinds of booklets [**hands booklet**] with Platform voor Authentieke Journalistiek [Platform Authentic Journalism] ‘Feiten of Fabels’ [Facts or Fiction; seven claims on TTIP], so a couple of claims, oh see this already 2015, 2014 actually, and we made two of these kinds of booklets, and we check several of these assertions that are made. We also use ‘WOB’s’ – these Freedom of Information acts – and it is often clear what the Dutch views on this are and what kind of interactions they had with businesses.

*Yes I have seen this one pop up several times [Socialising Losses, Privatising Gains Report]. So these publications are put out there in the network?*

Yes, so SOMO and TNI [Transnational Institute] are really the research organisations and I mean, Milieudefensie put their logo on it but they don’t participate in the content of the report, but when they put their logo on it they can spread it to their 40.000 members. They have a lot bigger reach. And they organise these protests and all these things and it’s a really good thing that they are participating, so everyone has their own role in the campaign... But yes... So how this worked exactly on a European level I am unsure. SOMO was part of the Seattle to Brussels steering group, so I assume SOMO co-decided to set up the campaign and they thought: “Ok, so what is our role going to look like?” Because inherently SOMO always focuses more on the Dutch government and the Dutch context, while TTIP was really focussed on Brussels, and other groups like CEO [Corporate Europe Observatory] and TNI who were closer to the European Commission with discussions, stakeholder forums.

*Yes, and the European Commission favours this type of EU representation instead of the more local activists. They want them to unite in for instance Friends of the Earth Europe.*

208

209 Yes, from our point of view we never really did anything towards the Commission, that is  
 210 something for our overarching organisation. So in this way... What really helped in the  
 211 Netherlands was Arjen Lubach, in 2015 I think, to be honest in January 2014 we did a  
 212 workshop – discussion night – in Crea [cultural student centre] here, this was the first public  
 213 debate in the Netherlands on TTIP. I happened to be one of the speakers, and someone from  
 214 SOMO was also present. This was a year before Arjen Lubach, and the room was totally  
 215 packed, and this was a signal for me were I thought “hey this is going to be really big in the  
 216 Netherlands”. The topic was mainly on ISDS but it really went off after Arjen Lubach, you  
 217 know for the people at home and he really did a brilliant job. And then the ball starts rolling  
 218 and the media picks up on it, and it’s this huge thing, Nieuwsuur [News Hour – late night in-  
 219 depth news show], you start seeing it everywhere, and then you see that this is affecting  
 220 people which feeds back into the campaign as well.

221

222 *Yes, Ploumen started to be very visible as well, she felt – maybe from her PvdA [Social*  
 223 *Democrats] background – she felt she had to react to the fears.*

224

225 Yes I don’t think she did a bad job. I mean she was able to get some things done and I think  
 226 she deserves some credit for that. Because a lot of the time it was like “Ploumen wants TTIP”  
 227 and “She’s keeps pursuing trade agreements”, she really brought something about, especially  
 228 on ISDS.

229

230 *In what way?*

231

232 She took the initiative, together with other social-democratic leaders around Europe, to  
 233 reform ISDS. The Commission said they did it themselves but I am sure that pressure came  
 234 from that corner. Because you have to imagine that in 2012, 2013, in a couple of big  
 235 European countries the social-democrats came into power. So it was Ploumen in 2012, I  
 236 think, who became minister; in France it was Hollande; in Germany it was Sigmar Gabriël  
 237 who became vice-chancellor and minister of economic affairs. And there was a conference in  
 238 Europe for social-democratic leaders, and they created a pamphlet in which they stated “we  
 239 have to reform ISDS” and this is where the Investment Court System came from.

240

241 *Yes ICS, this reformed ISDS.*

242

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243 And the European Commission held a consultation on ISDS, which received a lot of  
244 responses.  
245  
246 *Yes. 150.000 respondents.*  
247  
248 Yes. And they all basically said “we don’t want ISDS”, and this was a big campaign thing as  
249 well.  
250  
251 *98% [97%] were template responses right?*  
252  
253 Yes I think it was Campact who did that, they made an online tool where you could send a  
254 form to the consultation with a mouse click... So, yes...  
255  
256 *Yes, it’s interesting that this idea came from the social-democrats.*  
257  
258 Yes, they do accept the basic principles of ISDS, but they want some more transparency, a  
259 little bit more reform.  
260  
261 *And you, what do you think?*  
262  
263 Well we don’t think it’s a reform. I mean we support initiatives for reform on transparency –  
264 which I think is obvious - we are talking about the public cause. Government policy that gets  
265 assessed by private lawyers - so this has to be transparent. But these reforms, they don’t touch  
266 upon the basic principles of ISDS, which we think are not justifiable. That you give just one  
267 class of actors far-reaching rights, without any reservations.  
268  
269 *Yes, and without democratic controls.*  
270  
271 No. And you put the national legal system on a side-track, and sure you can have this  
272 discussion when you are talking about developing countries, but undoubtedly not when you  
273 are talking about the US or Canada, you really don’t need it at all. The advantages are very  
274 uncertain, there has been a lot of research on this. And you give a massive instrument to  
275 corporations who can then put tremendous pressure on government policy, and we don’t think  
276 that is justifiable. You see how firms use ISDS as means to extort to get what they want. And  
277 the costs that come along, this is government spending, public funds, and the taxpayer has to  
278 cough it up. Just because a firm doesn’t get his way. And you see this happening – and some

people take this lightly – it’s called regulatory chill. So governments don’t pursue certain policies because of the fear of these claims. And people always act like it is some sort of scaremongering and not a big deal, whilst it turns out – it’s hard to show this on systematic basis – but every single time information pops up which shows that governments are downgrading policies.

*Can you give an example?*

Yes sure, so, this happened late this summer, France had a really green minister of environment, Nicolas Hulot.

*Oh he stepped down right?*

Yes, him. And now we know why he stepped down. He did a proposal for a climate policy in which – so basically it said: “all future oil and gas projects have to be banned. No more new projects that drill to oil and gas.” Then, that proposal went to the French Council of State [Conseil d’Etat – Raad van State] and now it turns out, after a WOB by a French environmental organisation, that the Council of State got bombarded with threats from the French workers union, and from a Canadian energy company Vermillion - they are also in the Netherlands - who said “if you pass this climate law we are going to file a claim under the Energy Charter Treaty”.

*Oh right the European... Vattenfall used the Energy Charter against Germany.*

Yes, so this letter popped up after this WOB and the French Council of State downgraded the proposal a little – I mean, you can’t really prove that they [the Council of State] did that because they [the interest groups] threatened them, but it shows how a company thinks. “Ok so there’s this new law that we don’t like, “ – and then probably there’s this lawyer that starts waving around with this treaty: “look we can do something because of this”. And Hulot stepped down because he was frustrated that he couldn’t pursue his climate ambitions because of this entire backlash. And this is a perfect example of how it works.

*Yes, but it’s true what you say that this how people think of regulatory chill, like it’s not a big deal.*



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314 Yes but the thing is you can never really prove it with a methodological, systematic  
315 assessment. But for me this is enough evidence. There was also this other study that looked at  
316 Canada – all the local administrations have a lot of power still – and a researcher did  
317 interviews with climate civil servants – and he did like 80 interviews – and it was  
318 painstakingly clear that the civil servants take into account that there might be claims when  
319 they developed new ideas on climate policy that they always have NAFTA in the back of  
320 their head. So, yes, when this is always in the back of your head, you are also going to take it  
321 into account. [Inaudible] someone from the legal department that says: “listen up, guys take  
322 into account that we might get a claim through this proposal, it’s probably in violation of  
323 NAFTA” – “oh, oh, we are going to adjust it a bit.” This is how it works.

324  
325 *I didn’t know that.*  
326

327 So we are working on  
328  
329  
330  
331  
332  
333

334 **\*\*\*Section removed at request\*\*\***  
335  
336  
337  
338  
339  
340

341 So it’s pure blackmailing. I mean this is how corporations use it. So you can have all these  
342 nice stories about: “this is good for the protection of our company, it’s good for employment”.  
343 But we see time and time again that they abuse it. Especially in instable countries where  
344 administrations are tuned to the pressures from corporations. And we work together a lot with  
345 partner organisations in developing countries and they have examples of companies that  
346 misbehave and then the administrations want to do something about it and then they use this  
347 [ISDS] to avoid their responsibilities. Sometimes I feel as if policy-makers and academics are  
348 loosing their touch with reality. They are so stuck in their presuppositions and policy-papers,

349 and sometimes have so little eye for what's going on in these countries. And how these  
 350 treaties play a part in this.  
 351  
 352 *Yes, even though the examples are there. Maybe this is a nice bridge to what your position in*  
 353 *the TTIP campaign was. Because, did you try, consciously, to influence policy-makers? Did*  
 354 *you send them your reports or did you call them up?*  
 355  
 356 I believe so yes. Especially SOMO yes. We have had a lot of talks with civil servants at  
 357 Foreign Affairs.  
 358  
 359 *So you have a doorway inside...?*  
 360  
 361 Yes. Well, now they have the Breed Handelsberaad [BHB – Comprehensive Trade  
 362 Consultation], this is held, like, once a month and we participate in it. So it's an organised  
 363 structure in which stakeholders gather at the ministry and talk to civil servants. So the NGO's  
 364 are there and Unilever and VNO/NCW and the unions – it's like a roundtable and we discuss  
 365 the trade agenda. It's more like a little chat club really, but, well – I am not under the  
 366 impression that - I don't know – it's cute – it's more for show – 'BZ' [Buitenlandse Zaken –  
 367 Foreign Affairs] is showing it off like: "look at us having conversations with stakeholders".  
 368  
 369 *Yes this institutionalised mechanism.*  
 370  
 371 Yes, and we had to sign a non-disclosure agreement. That we couldn't publish anything that  
 372 was discussed there, so it's all bit shady.  
 373  
 374 *The reports are all nicely published on the Foreign Affairs website, though.*  
 375  
 376 Yes, well, except one of them, which was quite interesting to me, is the one on the reform on  
 377 the model BIT's [Bilateral Investment Treaty]. And I have asked them so many times to  
 378 throw it online, but they don't want to... So... It's because they discussed a confidential  
 379 document there, most stuff they discuss are open-access documents so it's not that sensitive.  
 380 But, this is what Ploumen started in 2016 when she discussed the reset and one of the things  
 381 was the increased transparency and inclusion of the stakeholders. This is when she set-up the  
 382 BHB.  
 383  
 384 *Yes, so you don't have the feeling – I mean, I am noticing some scepticism here.*

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385

386 Yes, I participated in it [the BHB] for Milieudefensie, and now with another colleague for  
387 SOMO. But the agenda is already determined, and it's especially set by Brussels. And the  
388 Netherlands responds to it but I am under the impression that you're in this running train, and  
389 you can participate and you can have discussions, but I don't feel we can divert the course of  
390 the train, or slow it down, or whatever. I don't feel that's possible. So I think we have to  
391 discuss internally if we want to continue to participate. But it's always good to have to  
392 contacts, because this is also our role you know. We don't just shout from sidelines, we try to  
393 have a proper dialogue with the ministry.

394

395 *Did you have the feeling, to bring this back to the TTIP campaign, that you had access at the*  
396 *time?*

397

398 Yes – so again I wasn't there at the time -, but I did really have the feeling, but maybe not –  
399 well, yes I do think we did. Especially on this ISDS and the issues that we have with  
400 investment protection, we were really able to put this on the agenda and think of influence on  
401 the reform procedure after that – also due to Ploumen...

402 Ehm... It was funny... So, one time I suggested to file for a WOB to get to know who the  
403 ministry talked to on the reforms of the investment policy – and one person told me: "I  
404 wouldn't do that because I think the people the ministry talked the most to are us". Hahaha.  
405 So if you want to show like: "see, you only talked to business" - but this wasn't the case. And  
406 the ministry told us fairly, especially on this theme, the most expertise is at the NGO's and  
407 not with the firms. Business has a bigger stake in that they want to make sure that all these  
408 barriers go away and that their investments are protected, but if you are talking about the  
409 wording of the law and the textual proposals, they don't really care that much. So yes, I do  
410 think that, especially on investment protection - and in the campaign we worked together a lot  
411 with the unions and the farmer organisations, and Foodwatch. They were a really important  
412 player back then. Especially on the regulations on the 'Voorzorgsprincipe' [Precautionary  
413 Principle], so in Europe we have a different way of testing products than in America, it's  
414 called Precautionary Principle. So Foodwatch did a really good study into that and this is  
415 where all the worries on production standards come from.

416

417 *Is this like this story on mutual recognition? I mean mutual recognition, precautionary*  
418 *principle, and harmonisation are like the three instruments if I understand correctly, right?*

419

420 Well, Precautionary Principle is the opposite of what they call a ‘Scientific Approach’ –  
 421 which is a misleading term. So in Europe you can only put your product on the market if you  
 422 proved that the product is safe. So on the basis of precaution we say no to a product and in  
 423 America it’s the other way around. You can put a product on the market unless it can be  
 424 proved it’s unsafe, so then the burden of proof is on the administrations. And here the burden  
 425 of proof lies with the firms themselves. This is simply a cultural difference on how to deal  
 426 with it, but this means that a lot of products enter the American market that later turn out to be  
 427 bad for public health. But then consequently a firm does get sued and the CEO [Chief  
 428 Executive Officer] gets thrown into jail, probably. I mean the measures are a lot stricter, but  
 429 you end up with this consumer market that’s flooded with products whose safety is  
 430 questionable and this is a lot less in Europe.

431  
 432 *So this is where the chlorine-chicken story comes from?*

433  
 434 Yes, exactly. But on this it is also the question – I mean, we have different methods in  
 435 Europe, and they are probably not pure and clean either – I mean how we treat our animals is  
 436 also not... Haha.

437  
 438 *Yes, we blow our chickens up with antibiotics.*

439  
 440 Yes. Haha. So this was always my objection to the whole chlorine-chicken story, I mean, as if  
 441 everything that comes from America is worse than from Europe. I mean, we have been  
 442 lowering our standards for years, especially when it comes to animal welfare and the bio-  
 443 industry. So well, this is how all these organisations, also in the Netherlands, play their part.  
 444 But I believe Foodwatch doesn’t do anything anymore, they were really doing well. And the  
 445 farmers’ organisations, because this is unfair competition for them. In America they have  
 446 lower standards when it comes to work and animal welfare and the environment, so they can  
 447 produce things at a much lower rate than us. So when all this stuff comes over here without  
 448 tariffs then it’s unfair competition. That was a really strong story, and it still stands. The same  
 449 with CETA – the Canadian agricultural sector is comparable to the America’s sector. I mean  
 450 they have massive plots there, because their country is huge. So they have a massive  
 451 production and lower standards so the farmer here are at a risk, I think. Though the trade  
 452 volumes are a lot lower with Canada than the US, but the problems in the US are ten times  
 453 bigger.

454  
 455 *Yes, so this is where their fear comes from.*

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456

457 Yes, it was a good topic for the farmers. It was funny at the protests on Museumplein that  
458 there was a small group of farmer that rolled up with their tractors in the procession. And it  
459 was good to see all these different stakes – all these different stakeholders, which all have  
460 their concerns – and this is what united them together and I thought that was charming. You  
461 know, a farmers organisation that joins up with an environmental organisation - which are  
462 each other's enemies, because environmental policies are bad for the farmers and vice-versa.  
463 Then they all had united concerns and I thought it was charming to see how this, organically,  
464 happened.

465

466 *And the messages that they send to their members is specified to this groups – that is*  
467 *important to me I guess. But, for example, did you have a different 'approach' to the media,*  
468 *because – like you said you were more in a passive, strongly scientific role – did the media*  
469 *pick this up or does, for instance, Milieudefensie play a bigger part in that?*

470

471 I think so yes. SOMO themselves don't have that much media attention, but what happens a  
472 lot is that our reports are adopted – we also work a lot on commission – so then the media  
473 attention goes to that. But yeah, I am unsure about that.

474

475 *You don't have your own membership base right? You are a 'Stichting' [Foundation].*

476

477 Yes. So our message has always been the bigger story: "Privatising Gains, Socialising  
478 Losses" – this is really our core message. So how for a small group of privileged, or  
479 corporations, 'we' are going to adjust the regulations in such a way that it is to their  
480 advantage and how 'we' are going to divert the costs to society as a whole. This has always  
481 been our role, so we never had a specific – we don't represent a specific interest. It's more the  
482 bigger political-economic story.

483

484 *Yes, but I think that would be an interest as well, surely?*

485

486 Yes.

487

488 *Was there anything you avoided to talk about, something you omitted, or an angle, that would*  
489 *be contrary to your interests? Or that you put less emphasis on?*

490

[Thinks] Well... Yes... I can... Well, what we were always afraid of, and what has been shown, is that the extreme-right hijacks our message – and this naturally happened to Trump. And we noticed that with our partner organisation in the US with whom we cooperated a lot. Because you – what they did for several years by working on their critique and their narrative, and they mobilised people for that, and in one fell swoop they were hijacked by Trump and his agenda. And I know, especially in this European network, that they were very vigilant not to participate in this nationalistic discourse. So we were always very open: we are in favour of international cooperation, we are in favour of trade and investments, we see that it brings the world a lot of good, but it has to be regulated in such a way that everyone profits. And to minimise the costs, this has always been our story. We have never said: we are against trade, or against trade agreements.

*Why is it that you are so...?*

Well firstly because we aren't like that. Secondly, because it's so easy to be put in this Trump corner. Like: "oh you are protectionists, you don't want trade, you are inward looking" – and then they start making parallels with the '30s, and then you get this battle, it just leads to nothing but trouble. So this is the risk, and it's stronger than ever, with the Thierry Baudet's and the...

*Super polarised...*

Yes so... So some concepts like 'sovereignty', we never talked about that. It's such a loaded term: "this is corroding our national sovereignty". This is exactly something that the Trumps and the Thierry Baudets score on. It's really challenging that you have to take care of your narrative. So this sort of stuff we are always on the look out for. But not enough I think, I think we should pay even more attention. Especially because we have to tell a more positive story. This is something that I started with at Milieudefensie, and I made a brochure with seven proposals for how a trade agreement – a trade agenda - can contribute to building a more sustainable and fair economy. And I want to keep working on that, I really believe in that. Because we have to make agreements on trade and investment – we should definitely not want unregulated trade and investment.

*Yes I talked to Marieke van Doorn and she said that's why the campaign is going to be "HandelAnders!" instead of "don't trade – don't trade this way".*

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527 Yes, correct, so Marieke is working on a manifest which will be our manifest for the next year  
528 I think, which are essentially the same seven principles. So that's how you spread a positive  
529 message, like: "Listen we are thinking about new solutions, we don't accept the current  
530 model, here's a proposal for a new model, let's talk about it." And in this way you prevent  
531 that you're only responding negatively, but that you're also making sure that you have  
532 pioneering role. And I think that can be something really positive.

533

534 *So you are not really busy with spreading a narrative.*

535

536 Not yet, no.

537

538 *So you are building the narrative and do the research...*

539

540 Oh as SOMO you mean. Yes, when I did the brochure at Milieudefensie and Friends of the  
541 Earth Europe did a translation in English and spread it in their network – [inaudible] so this is  
542 the phase that Milieudefensie decided to retreat from the trade themes – which I thought was  
543 a shame, that it became so idle - so I am happy that Marieke is now working on picking it up.  
544 So we'll have a manifest that will be adopted broadly - that the unions will also join. I think  
545 that is positive, and I think it's really something for a coalition - a collaboration – to do  
546 together. That is something that we as SOMO wouldn't do that quickly [inaudible].

547

548 *Does this happen a lot – forwarding the information – or do you construct a narrative*  
549 *together? How does this work?*

550

551 Yes so we are working on that now. Marieke made a proposal and we talked about it recently  
552 in a strategic session and then we give feedback and that's how you work towards a final  
553 version. So we are working on it.

554

555 *And – if I may ask – does this [the coalition] also involve financial means? Because I know*  
556 *that Campact financed other national organisations.*

557

558 So in this coalition we have a coordinator, that's Marieke van Doorn. And she's financed by a  
559 fund, Funders for Fair Trade. And that's a philanthropist organisation – I think. They finance  
560 all sorts of projects and this is one of them. And the previous coordinator, Jurjen van den  
561 Bergh, he was also financed by them. But those are the only funds really, so we have a

562 coordinator and the remainder is done by the members [of the coalition] themselves. It's quite  
563 an informal coalition. So it's unclear sometimes who is part of the coalition and who's not.

564

565 *Yes, Marieke told me she wanted to get Milieudefensie on-board, but they are really busy*  
566 *working on Groningen and they told her that they were all game when there was a campaign*  
567 *to join in on.*

568

569 Yes, so we want to work towards a more fixed structure, she probably told you that. So that  
570 the members are contributing – so you have more impact – financial impact, so you can  
571 develop your campaign materials. You're a less dependant on the capacity of the  
572 organisations that way. But this all has to crystallise some more. The thing is - look, it was  
573 easy when TTIP was still there because you had a 'target' on which you could mobilise  
574 people, you know: "this is what's going on right now". It has this feeling of urgency. That's  
575 really different now, and you start to notice that other clubs are focussing on other things, like  
576 Milieudefensie who stepped down. So we are searching on what we want to focus on. This  
577 makes it hard for Marieke as a coordinator – the previous coordinator was Jurjen van den  
578 Bergh, do you know him?

579

580 *Yes I tried to have a talk with him this week.*

581

582 So he worked in the 'Tweede Kamer' [House of Representatives] for a while for GroenLinks  
583 and he is a political reporter for Radio 1. He's really well-networked - also in The Hague. One  
584 time we were sitting on the public stand at debate in the 'Tweede Kamer' on TTIP. And  
585 Esther Ouweland from the 'Partij voor de Dieren' [Party for the Animals] wanted to propose a  
586 resolution and she took a picture of it and 'WhatsApped' it to Jurjen. I was sitting next to  
587 Jurjen and he asked me: "Hey, is this is a good resolution, you think?" So I was like: "Yes,  
588 Ok, looks about right to me." And then he 'apped' back: "Yes sure, all good!" And then the  
589 resolution was proposed and adopted, hahaha. So I was sitting there like: "What is going  
590 here?!" But this is how it goes, apparently - the lobby from the 'other' side.

591

592 *Yes, exactly, if you are talking influence...*

593

594 Although 'Partij voor de Dieren' is a small party, but yes. But these were the connections that  
595 he had there, so that was amazing. But yes, so for him it was easier because TTIP was so  
596 'hot'. And that makes it hard for Marieke: "How am I going to activate these organisations  
597 and involved and what is our strategy".



598

599 *Because the EU is negotiating one after another...*

600

601 Yes, this is why! So we are tracking 'EU-Indonesia' very intensively, other clubs do – so for  
602 example BOTH-ENDS does 'MERCOSUR', so everyone has different priorities. So yes, we  
603 are starting this campaign against ISDS, but the farmer clubs are dropping out. It's less  
604 relevant for them. They're really on top of the lowering of tariffs and the regulatory  
605 cooperation. ISDS is just less relevant for them.

606

607 *But they do have ball in that game right? When you're talking ISDS and regulations they*  
608 *have an interest, right?*

609

610 Yes, well... ISDS is more about investments and they deal with trade more. I mean, there are  
611 few American agricultural companies here. So yes, we might lose some others, but this is how  
612 it goes. It depends on what's up. ISDS is simply really hot, still. We have a couple of cases  
613 running at the European Court of Justice, you might know of them. So on CETA - that's  
614 going to be huge – they are assessing whether ICS in CETA is compliant with European law.  
615 We are expecting a decision in the beginning of next year, and if the Court says that this is  
616 non-compliant then CETA is basically off the table because they aren't allowed to do it  
617 anymore. Or they have to reform it.

618

619 *Those cards are looking quite ok for you right? After Achmea and Singapore.*

620

621 Yes, that might just be the case. And it remains to be seen what kind of solutions they come  
622 up with. They might say: "the European Court has to get a bigger role in ISDS cases". Which  
623 would be an easy solution. Or they adopt a clause that says that investors have to go to the  
624 national court first. In this way they do take the sting out of ICS, but well. Business doesn't  
625 want to go to the national courts first, and that's the whole point of ISDS.

626

627 *Are you trying to influence on this case as well? I mean not the actual court case obviously.*

628

629 Well, I can tell you that this is all due to one person who worked for ClientEarth, Laurens  
630 Ankersmit – maybe you can talk to him. He works at the 'UvA' [Universiteit van Amsterdam  
631 – University of Amsterdam] now. He just quit ClientEarth in September, this is a legal NGO,  
632 environmental NGO in Brussels. And he was the first to set up this argument against ISDS,  
633 that ISDS is in contention with EU law. He lobbied a lot – also with other clubs - in Belgium

634 and Belgium put the case before the European Court, but Laurens plugged it. So this is also  
635 the influence of NGO's. But yes, he has a PhD in law so knows what he's talking about.  
636 When the European Court comes with a decision it will [inaudible].

637

638 *Yes, and the Netherlands still has like 54 bilateral investment treaties, so...*

639

640 Yes, and those intra-EU BIT's are not allowed anymore and maybe later they aren't allowed  
641 whatsoever. That will be quite the thing.

642

643 *Interesting times. Thank you very much*

### 10.3 Ronald Roosdorp

Interview Ronald Roosdorp

Director for International Trade Policy and Economic Governance

Ministerie van Buitenlandse Zaken (Ministry of Foreign Affairs)

December 19 2018 – The Hague, Ministry of Foreign Affairs

09h30 – 10h02

Translated by author

1 *For the purposes of recording I want to reinstate that you agree to the recording and that at*  
2 *any time you are free to stop this conversation.*

3  
4 Yes that is fine. So, I am the director of ‘internationale marktordening en handelspolitiek’  
5 [International Trade Policy and Economic Governance] at the ministry of Foreign Affairs.  
6 This is the managing board that is responsible for, amongst others, trade agreements within  
7 the framework of the WTO [World Trade Organisation] but also bilateral treaties which TTIP  
8 is one of – was rather. Though it wasn’t formally ended.

9  
10 *So your role in the TTIP was to shape the agreement for the Netherlands...?*

11  
12 Well trade policy is a European competence – which means that the Commission negotiates  
13 on behalf of the member states. And the member states present their vision – contribute their  
14 effort – with the Commission. So the interests that we want to put focus on – we put them  
15 forward in Brussels and we try to make this an important issue in the negotiations – if it  
16 works properly.

17  
18 *When did the TTIP come on your radar for the first time?*

19  
20 I think when I took office in April, 2014 – they just started negotiating?

21  
22 *Yes, July, 2014 [2013].*

23  
24 They announced it in the ‘State of the Union’ I think, by Obama in January? And Barosso –  
25 the then-president of the Commission - did it as well in Europe. And then we started. Yes.

26  
27 *When did you start noticing some of the anti-TTIP sentiment?*

28

29 I think, after half a year – from the top of my head? Then the ‘NGO’s’ organised their first  
30 anti-TTIP protest at Beursplein, in Amsterdam. And I think there were 10, maybe 20 people  
31 present. Including me.

32

33 *You too?*

34

35 Yes. I always look to see that people think of something – whether it is positive or negative.

36

37 *Oh, so you didn’t do a speech?*

38

39 No, no, I just went. And I was recognised.

40

41 *And what kinds of issues were salient then?*

42

43 I think mostly the arbitration – ISDS - and the cooperation in terms of regulation. So these are  
44 two big ones yes.

45

46 *Were these also issues for the Netherlands [the government] or...?*

47

48 Well look. There is not really any other way than cooperation on the terrain of regulation.

49 You have to do something with that, because an agreement freezes – so to say – the situation  
50 of technology. I mean you know what the standards for vacuum cleaners are, for medical  
51 equipment, but at one point there will be developments. There can be cultural changes or  
52 technical changes or regulatory changes – and if you don’t let these run alongside... If you  
53 don’t organise this then it will be separate tracks and you end up with trade barriers anyhow.

54 So objectively you don’t have a choice, you have to do something with it. The thing is – and  
55 this was the frame that was put up – that this cooperation would happen in small backrooms  
56 and that democratic decision-making would be circumvented. This is not the case – we have  
57 always iterated that. Even if you would want to adapt your regulations in Europe so that it  
58 would keep relating to that of the US – in this case – then it would have to go through a  
59 normal democratic decision-making route. So that is regulations, on arbitration: weirdly  
60 enough on the demand of – I don’t know if that’s weird actually – but Germany walked  
61 behind that and some Eastern-European countries as well. I understand it very well for  
62 Eastern-Europe because they have bilateral treaties with the United States – investment

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63 protection treaties – and they preferred a European arrangement rather than a national  
64 arrangement.

65  
66 *So – if I understand correctly – the issues that were at hand in the campaign were of concerns*  
67 *to the Netherlands as well?*

68  
69 Let me put it this way: we have never turned against investment protection simply because it  
70 is a pretty standard part of treaties. But if you look at our primary focus then it was the water  
71 sector, the dredgers, the foodstuffs sector, the agricultural sector, traffic of services, public  
72 procurement. Other dossiers than what the coalition fell over. Partly though - because at one  
73 point chlorine-chicken was also part of it - but if you look at our offensive interests – things  
74 that our industry is good at – then it's the subjects I just named. And we said “it would be  
75 convenient if Dutch firms could participate in public procurements in the United States”.

76  
77 *Then what did you think of the campaign – which focussed on two relatively small matters*  
78 *whilst the interests of the Netherlands were on different issues?*

79  
80 I don't think really think anything of it. Any one person has to decide what they take from the  
81 agreement. Like I said earlier, this third issue that came about of the chlorine-chicken – these  
82 issues really only got traction after Arjen Lubach made a show on it.

83  
84 *Yes he keeps coming back. How did you respond to this?*

85  
86 Like I said, I went to the protests. I accepted every invitation to talk on these issues - it  
87 doesn't really much matter to me who invites me. So this is about it – we have tried to draw  
88 attention also in publicity but the problem is that the symbols that the NGO's used are so  
89 much more powerful than simply saying: “This leads to economic growth and employment”.  
90 This latter thing is the case but it doesn't win ‘the hearts and minds’ of the people. There are  
91 very few people who relate their own job to the fact that we are an open economy and that we  
92 make a large portion of our money abroad. If you don't draw this connection then you get  
93 very few proponents.

94  
95 *Yes, that's more an abstract frame than something that you get on your plate. You say*  
96 *yourself that your message wasn't really picked up. I know that the Commission has run*  
97 *several communication strategies in September or October of 2014 already. How has the*  
98 *Netherlands given shape to this?*

99

100 How the Netherlands shaped this...?

101

102 *Yes so how the Netherlands has shaped this new communication policy that focussed – if I*  
 103 *understand correctly – less on the jobs and growth narrative and more on a proactive*  
 104 *communication strategy in which the interests of the different sectors would get more focus, in*  
 105 *which politicians had to play a more prominent role.*

106

107 This is a bit double for me because the Commission has done good work especially in terms  
 108 of transparency and the publication of the mandate. They were very active with factsheets that  
 109 were easy to read and understandable for everyone. But this is a battle that you simply can't  
 110 win. I mean, on everything that you publish the NGO's say: "ok this is now public, but we  
 111 know for sure that there's stuff happening behind closed doors that is not made public". And  
 112 you can say: "that's not the case", but something that someone doesn't see – the truth is  
 113 always in the middle. I was not really big on – I believe this was before the summer of 2015  
 114 when documents were leaked – when the Commission said: "we are not going to publish  
 115 anything anymore". And that lasted for three months - by which in essence you acknowledge  
 116 that there are documents you don't want to publish. I wasn't really fond of that. And it was  
 117 after the summer that they said we are going to publish a report after every trade round. And I  
 118 thought it was a pity because the Commission had nothing to hide, and neither the member  
 119 states had something to hide - in contrast to what the NGO's were claiming. What went  
 120 wrong is that the Americans in the report described that they wanted more market access for  
 121 one agricultural sector and the cost of another agricultural sector. So the Americans in the  
 122 inland would get into trouble because they said this is more preferable then the other. So, it  
 123 was a typically American issue causing the Commission to say: "we are going to stop  
 124 publishing these reports". And that has shot us in the foot.

125

126 *So in these three months...*

127

128 Yes so somewhere before that summer they decided to quit that and then after the summer  
 129 they said: "we will make reports on the main lines".

130

131 *But it was Commissioner Malmström, eventually, who really got the transparency train*  
 132 *rolling right?*

133

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I think the Commission was in favour of publishing the mandates, and some member states were not in favour. But this is based on the principle that every form of negotiation whether it's my CAO [Collective Arbeidsovereenkomst – Collective Labour Agreement], or the sale of my house - I am not going to share that with everyone. So every negotiation implies some form of confidentiality. Even if you publish the mandates for trade agreements you won't win because some parties will say: "Yeah so this is now public but there must be a 'side letter' somewhere" or whatever other things that are also important. You almost can't win this fight. But it also has consequences as a precedent function for other negotiations – political negotiations, NATO declarations – so you have to watch out how far you take this. Anyways, the Commission was always in favour of this – oh there is one other thing: this has to do with cultural sensitivity. For instance, the publishing of the negotiations with Japan has not happened yet – I believe has never happened - which has to do with the fact that you are able to tell on which issues Japan has won and lost. So you kind of have this culture that you don't run around with the losses of the negotiations.

*In light of future...*

This has nothing to do with secrecy or backrooms or whatever – people are not comfortable with that.

*Pride?*

Yes, pride.

*Ok, so we are talking about transparency now, but are there also other ways in which the ministry or the government has tried to argue...*

So we have tried this at the hand of op-eds by the minister. We went to the small halls. We had the Commissioner come over. But in all honesty, the NGO's were very rigid in their cognitive framework. I mean back then – and still – there wasn't room to come together and I doubt if that was the purpose.

*Can you clarify that?*

168 People were simply against. And that's fine; I mean I don't mind it at all. This can simply be  
 169 the case. But it can be very hard – I mean you can write op-eds until the end of days, and go  
 170 to all the small halls until the end of days, but it's not going to change anything.

171

172 *Were there specific considerations as to where to post such an op-ed? To reach a certain*  
 173 *audience?*

174

175 No. I remember we did an article in Trouw, and several others. [Thinks]

176

177 *Ploumen did one in AD as well.*

178

179 Yes, you're right.

180

181 *Ok. I am just having a look... Yes. So on a European level, there was this communication*  
 182 *strategy...*

183

184 Well, strategy is a big word...

185

186 *Yes? What do you mean?*

187

188 When you're talking strategy I am thinking in terms of: "we are going to align our messages,  
 189 we are...". Look, some of the countries were pushed in this corner and the Netherlands was  
 190 one of them, although I think the discussion in Austria and Germany was much more fierce.  
 191 So you are all pushed in this same direction, and we all had to react to the same issues. And  
 192 this was always reactive. The active message was very hard to get across.

193

194 *How is it possible, as a government - with such a salient policy issue - you are able to stand*  
 195 *for it, and be successful in its passing when you are always, basically, 1 – 0 behind in score?*  
 196 *Because you say it's always reactive.*

197

198 Yes it has always been reactive and I don't think anything else would have been possible,  
 199 when you're taking into account the political and societal wind at the time. Sometimes it's  
 200 simply the case. There are more examples with which it wasn't possible to actively promote.  
 201 But look, I think it's important the trust in your own narrative and tell an honest narrative.  
 202 And I think you should always accommodate in invitations. I mean, God, everywhere I came  
 203 there, there were already STOP-TTIP signs and I could think to myself: "Is there a purpose to



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me being here”? And sometimes afterwards someone would come up to me and say: “I am glad you were here. I’ve heard a bit of a different story now. I’ll think about it.” But these were at the most two or three persons. And I would think: “It’s nice that we have achieved this”.

*And what kind of narrative did you have in these halls? Jobs and growth?*

No, because that’s not the story that appeals to people. What we’ve tried to do the past years – and I mean I am not saying we haven’t learned anything because we learned a lot from the TTIP time – the most important lessons for us were in terms of transparency. The most important lessons for us were in the fact that besides tariffs and quota’s you have to make agreements on sustainability. And that these are positive aspects. I mean, in the Netherlands we can boast a bit with our animal welfare requirements but it would be nice if this catches on in other countries as well. And that you create a level-playing field. And that the Dutch chicken farmers aren’t unnecessarily making costs because in the Netherlands the chickens have to have more living space – or in Europe rather than anywhere else and then cheap eggs come here. It has become a value-dossier in which we say: “This is important”. My current minister says – and rightly so – is really focussing on gender issues in trade agreements. So it has become very broad. Trade agreements are the only real foreign policy instrument of the EU, there are no other instruments. So you see that things that we can’t settle in another way, end up in a trade agreement. In Europe I think it would be best to reiterate this if you want to win the interest and the support of people back. Rather than say: “we created 10.000 extra jobs”. Which is very different than in the United States and in Australia. The people there are only worried about their job - not about sustainable clauses.

*Sort of like a European value awareness. This is exactly what draws me to trade policy. I totally lack an economic background and the fact that it can be used as a foreign policy instrument...*

Yes and it’s not making the negotiations easier, you should know. It’s a bigger pallet but it remains a game of give-and-take. So you might get Australia to coincide on new regulations on the butchering of Kangaroos but it might cost you on economic dossiers that lead to jobs. So you are always looking for that equilibrium.

*And this is what Ploumen started in her so-called reset of trade policy. Am I right?*

240 Yes, that you put the focus on a broad range of issues. We have also started to think  
 241 differently about investment protection. In February we'll have a debate in the Parliament that  
 242 is devoted solely to our model-text in investment treaties, which we completely changed after  
 243 the TTIP discussion.

244

245 *There was a public consultation right?*

246

247 Yes, this summer there was a public consultation. Again, the NGO's have participated  
 248 manifold, but we also see a lot of automatically generated replies. There were about 19 or 20  
 249 unique responses of the 1670 that we received. 1670 is quite few I think. If we had this  
 250 consultation two or three years ago we would have ran into the tens of thousands.

251

252 *Yes, back then they did basically the same in the European consultation. I've noticed how the*  
 253 *Sustainable Development Goals have become a cornerstone in this policy.*

254

255 So what we did in bilateral investment treaties is that we made a very big role for... Look,  
 256 there were several issues with ISDS: the transparency; the fact that judges and advocates  
 257 could be able to wear two hats; that governments were afraid to pursue policies in the fear of  
 258 claims; and basically that all the rights are at the side of the foreign investor and not a single  
 259 obligation. What we did in our new model-text, next to the existing rights – I mean this is  
 260 about what you do when your investment is expropriated and where you to want to pursue  
 261 your rights. This is the core of such a treaty. But, we've said: "you have to behave yourselves  
 262 decently abroad" and we have simply put this in the articles. So you have to oblige to the  
 263 OECD guidelines for multinational enterprises and if you don't do that, then we'll lower your  
 264 compensation. Or at least this is what the arbiters can decide.

265

266 *Yes. The NGO's are quite critical of the OECD guidelines as well as the new model-BIT. I*  
 267 *believe they don't want ISDS or ICS at all.*

268

269 Well summer of last year we had a round-table with all the NGO's and we've discussed the  
 270 text article-for-article. They had good contributions and we've changed things but the  
 271 conclusion they drew was: "Our members are not going to take this so we want to annul all  
 272 these treaties". So they have a positive contribution, and we change things – but they still say:  
 273 "we can't defend this". Well. Ok. That's possible.

274

275 *Was this in the framework of the Breed Handelsberaad (Comprehensive Trade Consultation)?*

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276

277 Yes.

278

279 *This has been going on for a year now. What are the experiences of the ministry?*

280

281 With the Breed Handelsberaad? I think it's a really good thing and I think it works in the  
282 sense of transparency. The parties feel involved a lot more when it comes to the developments  
283 in negotiations - so they aren't confronted at the end: "This is the text, go have a look". They  
284 come up with ideas that we haven't thought of - so I am very positive. I am also very positive  
285 that it's made up of a mixture of parties and I think we are having very mature discussions  
286 there - also amongst each other.

287

288 *Ok good. Good to hear. Were there other lessons you drew from TTIP? For example, there*  
289 *was a huge social media campaign, have you had ideas on how that should go differently in*  
290 *the future?*

291

292 Besides the fact - I don't want to overestimate my own reach - I have always tried to have a  
293 conversation with people on Twitter - with the NGO's. And I've often asked: "What do you  
294 mean?" Look, at one point you had this plea that 'Amsterdam is a TTIP-free city', and that is  
295 just complete nonsense. Unbelievable hogwash you can't - and what does that even mean?  
296 That everyone has to hand-in his or her iPhone at the municipality border? In this case I  
297 thought it was total demagoguery.

298

299 *That not a single bike would leave for America.*

300

301 Yes, that not a single bike would leave for America. They adopted a motion in the city  
302 council to protect the agricultural industries of Amsterdam. The only agricultural industry in  
303 Amsterdam I know is the cultivation of cannabis.

304

305 *Hahaha.*

306

307 I mean come on guys. And this was all so easy, this 'armchair activism' - if have an opinion  
308 on anything you don't like you can say it with a single push of a button. I think if you analyse  
309 it then you'll notice that it's all mostly 'retweets' amongst themselves so it looks like there's a  
310 lot of traffic but it's people retweeting each other.

311

312 *To the extent that I can infer conclusions, this campaign was very well-organised.*

313

314 And this will happen again when we will discuss our new model-text. I know already from  
315 the people that do these campaigns – and they even ask me publically on Twitter: “Can you  
316 already tell me when the [Dutch] ministerial council will discuss this issue” – this happened  
317 two months ago. I don’t feel the need to not answer that. And if they want to do a campaign...  
318 I do believe in the product that we made but if there’s no majority then that’s a pity as well.

319

320 *So this is you personally and your personal reach – but if you talk about the politicians or the*  
321 *institute that is Foreign Affairs, maybe there’s a role to play there?*

322

323 To?

324

325 *To play a more active role on social media for example?*

326

327 I think that social media are not being used optimally and it’s incredibly labour intensive. It’s  
328 used a lot just to ‘send’: “look at me being here”. Whilst what I find fun is - within the limited  
329 amount of characters you have – to have a discussion with someone. But sometimes you have  
330 to cut the discussion short because it’s too personal or vile.

331

332 *Yes, in this regard Twitter is a snake pit. [Looks at questions - pauze]*

333

334 Well what I think is really good – up until 4 years ago trade politics was an exceptionally  
335 technical endeavour, solely technical And that there is an interest now – not only I think that’s  
336 really nice, but also my colleagues.

337

338 *Yes, so this is basically the reason for my thesis. How is possible that such a technical subject*  
339 *was put in such a spotlight?*

340

341 I think – and he does this more often – Arjen Lubach has done really a fine job of capturing it  
342 and has had a contribution to this.

343

344 *I think this brings us to the end of the interview.*

345

346 Nice, good luck.

347

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348 *Is there anything you want to add or reiterate?*

349

350 Like I said, the good thing about the political and societal debate was that we started to look  
351 again at what is in these treaties exactly; how we want to communicate it; how to approach  
352 publicity; and that we have benefited from this. I don't think we would have written a model-  
353 text for investment treaties if it weren't for the discussion on TTIP. Probably, the treaties  
354 would not have been changed and remained the way they were. So in this sense I see a large  
355 benefit from the debate.

356

357 *And you hope that these lessons will be of benefit soon-ish?*

358

359 Well, of benefit... I think they are beneficial yes, but I think it is also a bit of a shame that I  
360 think: "Jeez, we have really shifted in our thinking" and our regulations. And you get some  
361 appreciation for that from the NGO's – I feel it and they tell me that, but when push comes to  
362 shove they remain against and that's a pity. But oh well, that's just the case.

363

364 *Thank you very much for your time*

#### 10.4 Jurjen van den Bergh

Interview Jurjen van den Bergh

Former TTIP Campaign Coordinator

December 27 2018 – Rotterdam

This interview was held during the course of the morning and afternoon of December 27 over Skype and phone. The interview was held in multiple phases due to technological issues and the fact that mr. van den Bergh was travelling.

11h45– 13h57

Translated by author

##### First session over Skype. 11h45 – 12h00

1 *For the recording I want to state again that you agree to the recording of this interview and*  
2 *you are free to stop it anytime you wish.*

3

4 Yes, that's fine.

5

6 *Jurjen there are a couple of things I would like to discuss, some more general things, some*  
7 *questions on the subjects and some on the strategies. This might go back and forth between*  
8 *subjects but let's just have a free conversation and we'll see where things go.*

9

10 Sure, are you ok with ending the video-connection?

11

12 *Sure, no problem. What was your role in the TTIP campaign?*

13

14 At a certain point, when the campaign was going on for about ten months, I was appointed out  
15 of the joint funds as the coordinator of the campaign.

16

17 *So you're simply that: the campaign coordinator?*

18

19 Yes. And that task description was quite succinct. I have tried to fill in my role by trying to  
20 bring the different clubs together, to enclose potential differences of opinion, and to carry out  
21 a pluralist strategy conjointly.

22

23 *What was this initial description?*

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24

25 The description was: “we need someone to coordinate our work”. In practice, the cooperation  
26 between NGO’s - just like the cooperation between people – is a combination of the interests  
27 everyone has, the interests that the other has, the sharpness of the message of the one, the  
28 combination of grass-roots with more commercial organisations. It was a very nice  
29 [connection drops] for what I am doing now. How, by listening to each other carefully, you  
30 can get different types of organisations to run a campaign together.

31

32 *So your mission was to bring the different campaigns together?*

33

34 Yes, so my mission was to operate as effectively as possible with the variety of messages with  
35 the aim to make TTIP, as well as other trade agreements, at the very least more social and  
36 sustainable and, if conveniently possible, to change the narrative in such a way that trade  
37 deals would be seen as an impassable route. [connection drops]

38

39 *The connection dropped for a second, Jurjen.*

40

41 Yes, I can hear you again.

42

43 *Yes, good. I am ending my video-feed as well, that might help things out. The last thing I*  
44 *heard you say was on the narrative?*

45

46 Yes, that wanted to change the narrative – that trade deals would be more fair, sustainable and  
47 equitable, and if possible make the public realise that these types of multilateral trade deals  
48 are an impassable route for a more social society.

49

50 *So was there already a TTIP coalition? How should I see that?*

51

52 Yes, this coalition was already there and it was there before I was coordinator. Moreover, it  
53 has a far longer history that I happen to know of a bit, because in my studies I set up a  
54 committee on the GATS, the General Agreement on Trade and Services, and a lot of the  
55 people that I worked together with as a student group, were now, whether or not in the same  
56 role, represented in the trade coalition. But this coalition was, at the time that I joined in,  
57 lacking the real commitment of the FNV [Federatie Nederlandse Vakbeweging – the  
58 Netherlands Trade Union Confederation], the deep commitment of Greenpeace and was  
59 basically a combination of clubs that do a lot on trade anyways – so Transnational Institute,

SOMO and Both ENDS, and additionally Foodwatch and a group of grass-roots organisations. And there were satellites – well, who were also part of the coalition were the farmers’ organisations. So the crop farmers trade union for example, the dairy farmers trade union – and besides that WEMOS [public health protection advocates] who were working on healthcare. And Greenpeace and FNV were coming to the meetings irregularly and we’ve shaped it to a core group of NGOs who were working together with those grass-roots clubs.

*This is at the end of 2014 I think?*

Yes, correct.

*Was there already a European coalition? Because you were officially the coordinator of the STOP-TTIP coalition?*

Yes, correct. There was also cooperation on a European level through the so-called Seattle2Brussels network. The name says it all for initiates: there was a WTO summit in Seattle and people decided to try to put WTO policy on the agenda in Europe as well. And this was a club – a bit of a sporadic relation – who met once or twice a year in Brussels to discuss their strategy.

*And then TTIP came on the agenda...?*

Yes.

*And they knew straight away, this is bad stuff?*

Yes, this is what I find very interesting about TTIP – a classic campaign consists of the identification of a core issue and then, together, you start to narrow down your message – but the TTIP campaign is an example of how - because of all the issues every single one has: the fact that supreme courts don’t decide anymore; the fact that human rights are in jeopardy; the fact that labour rights are trampled upon; the fact that food safety is under pressure; the fact the farmers are forced to apply more industrial agriculture; the fact that fossil fuels – the discontinuing of the usage of fossil fuels is under pressure. All these aspects got one place in the campaign. So there was no message discipline, it was a case of strategy and alignment. This is what is beautiful and what I think is eventually the success of the campaign.



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96 *And the fact that all these subjects were inside TTIP gave all these different organisations a*  
97 *hook to hang on to?*

98  
99 Yes, correct. And this is interesting because usually – NGO's are often afraid that their  
100 message is too technocratic and abstract, and the fascinating thing is that in TTIP they were  
101 able to narrow it down to something very small. Foodwatch is a good example, they are a  
102 relatively a-political and politically neutral civil society organisation and they were very  
103 capable to show their members: "TTIP means an overhaul of the precautionary principle;  
104 TTIP means those soft drinks that have paint diluter that you can't buy in Europe now are  
105 going to be on the shelves [in the supermarket]", this is how concrete it became. And you  
106 would hear this first from Foodwatch, and then, for example, Milieudefensie would come  
107 with the image of the chlorine-chicken, then Sieta van Keimpema of the Dutch Dairy Board  
108 would talk about her worries of hormones in milk, then Greenpeace on the fear that we would  
109 have to accept these large pipelines like for instance the Keystone XL. All these combinations  
110 made the recipient of the message think, after four times: "Ok so now it's about my food, and  
111 my milk, and it's about my environment, and it's about my meat – I don't believe it  
112 anymore". You know, I am not under the impression that this is a neutral instrument.

113  
114 *No. Ok. How did this go about – the spreading of your message? Organically - because you*  
115 *said that nicely, there was no message discipline - everyone directed at their membership*  
116 *base?*

117  
118 So, look, what I think makes the cooperation so good is – and this was quite a difficult  
119 process – what makes the cooperation so good was a factor of goodwill and good alignment at  
120 the moment when someone had something: "This is a TTIP related issue and we want to be in  
121 touch with our membership on this", then the space for that was created so they could put it  
122 forward. And for example when Foodwatch had a scoop then Milieudefensie wouldn't do  
123 something as well in that week. And when there was a natural hook that we had to reply to -  
124 either from the Commission or from the Government - then we would rotate in the sense that  
125 when something was primarily about farmers – something that would be salient in the farmers  
126 coalition - that they could say: "we can make a case out of this". I found that a very enjoyable  
127 way of working together and you might say that this is self-evident, but wherever people  
128 work you have these interests of the organisations to be in the spotlight and there was a really  
129 good comprehension of: "this fight is winnable and if we win it then we'll all benefit". And so  
130 I think they worked very disciplined in this way.

132 *Cool. Like a boxing tag-team match*

133

134 Yes, something like that. When Hulk Hogan had to enter the ring with his foldable chair then  
135 that would happen.

136

137 *Hahaha. Maybe we can go back to when TTIP came on your radar. There were a couple of*  
138 *subjects in the TTIP that were very important. How did you know which ones were salient?*

139 *We had the chlorine-chicken at one point, the Capaldo study – as a part of an economic*  
140 *argument – how should I see that?*

141

142 The majority of the examples you give were from before I really started working, although I  
143 tracked the subject as a political commentator and I spent time on it twice in my small radio  
144 column, and what I noticed was that in the opening salvos – I find that the chlorine-chicken  
145 played a marginal role in the Netherlands STOP-TTIP campaign. Interestingly it had become  
146 a symbol of the opponents. So the chlorine-chicken originates in Germany, I think Foodwatch  
147 Germany introduced it. It became really big there as a symbol of the campaign and was  
148 subsequently used by predominantly VNO-NCW [employers federation] and minister  
149 Ploumen as a sort of evidence that it was a case of scaremongering. Because somewhere in an  
150 early stage of the campaign [negotiations] they put the chlorine-chicken on a list of products  
151 that would fall outside of the scope of TTIP. And then it turned into the ammonia-chicken that  
152 would still be possible, I think - which doesn't sound that appetising to me either. But we as a  
153 campaign, when the campaign got bigger, never waved it around that much. Capaldo was  
154 indeed really important because it aided a lot in the core of our messaging because they  
155 promised the moon ['gouden bergen'] as a result of this trade deal. You decorate a whole lot –  
156 a good example is the town-hall meeting we had with Cecilia Malmström who did a tour  
157 through Europe because she noticed that there was a lot of debate on TTIP, and all the  
158 contributions of the people who were there started with: "Why do you want this? What is  
159 your point? We understand that this might gloss your term as European Commissioner. We  
160 understand that this a global project that might get someone really excited, but if we delve  
161 deeper into who you guys are, namely a group of globalists that want to improve trade,  
162 'what's the use' of this cooperation? We see what benefit the shareholders have. We see what  
163 benefit the multinationals have. What benefits will the European citizens have?" And that is  
164 something that the Capaldo study rebutted excellently. Because we are talking about marginal  
165 profits.

166

167 *Ok. Were there other subjects that you tried to put focus on?*

168

169 So what was basically the strategy - hold on a minute. [Movement and noises in the  
170 background] There are some hindrances, Jelmer.

171

172 *That's ok. We can proceed at another time if that's more convenient.*

173

174 No, no, we'll try to do this and otherwise I'll Skype you later on. [More noises in the  
175 background]

176

177 *We can talk later on if you please, it's fine.*

178

179 Ok, I'll Skype you in a moment.

180

181 **Second session over Skype. 12h24 – 12h29**

182

183 *So where were we, haha?*

184

185 You were wondering what the moment was that TTIP came on the agenda, we talked about  
186 the chlorine-chicken and I said that it was more a weapon in the hands of the trade deal  
187 proponents. Both VNO-NCW and Ploumen used it to show that the opponents were  
188 scaremongers. I think it was November or October 2014 that Ploumen published an op-ed in  
189 which she said that the chlorine-chicken won't come and that she fixed it already, that it was  
190 an example of a strong demand of her at the negotiating table. And the fact that they  
191 responded was a powerful feature of the campaign, up until then we had questions in  
192 parliament, I think we had Lubach as well, the first time Zondag met Lubach through which  
193 the larger audience – no Lubach was after the op-ed of Ploumen. It is truly my view that the  
194 discussion in terms of arguments and the numbers of the coalition led to the need for politics  
195 to respond. And they did a bad job in finding proponents. Besides the low-ranked TTIP  
196 policy-makers that came in the ring all the time, neither the firms that were really going to  
197 profit from TTIP, nor the leadership of VNO-NCW dared to pick up the gloves. This gave us  
198 the room to come with research, arguments, new studies, and new approaches. And then  
199 Ploumen – who really had something to loose as a social democrat – she felt the need to  
200 respond all the time, and that led, in our eyes, to the first time that the larger audience got into  
201 contact with it, i.e. the Zondag met Lubach show. And you have to imagine that Zondag met  
202 Lubach did not have the agenda-setting function that it has now, but it was TTIP that granted  
203 Zondag met Lubach the impact that it has now. This was the first time that citizens thought:

“Something’s not right. I don’t know what it is exactly, but something about lipstick on a pig and chlorine-chicken” and things that are anyhow not okay. Which gave us the opportunity to keep on campaigning substantively and we did that quite disciplined. Besides – one of my favourite campaigners in this whole game was Geert Ritsema of Milieudefensie and he was capable of [inaudible] and at one moment he introduced the metaphor: “TTIP is a frikandel and the more you know about what’s in it the less you feel like having one”. So those are nice things but what I also think, and this is probably also due to the campaign, was the pretty cerebral campaign in which we kept fighting with arguments and the big advantage of that was on the side of the TTIP proponents - it was a case of underestimation. They kept saying: “You are scaremongers, you are fighting with images.” But everyone who was following the discussion could see that this was not the case. Studies are published, op-eds are written, people are replying substantively to those pieces, people are reasoning, people are sitting at the table with the minister, and then your opponent says: “You are only acting out of fear”, you simply have a very nice campaign and we did this disciplined. And it was my addition to reverse this frame and to show that the fact-free reasoning was on the side of the proponents. Because the economic advantages aren’t really there; the disadvantages for the rule of law are clearly there and at one point in the discussion the German ‘Richterbund’ [Association of Judges], and the European Federation of Judges [European Association of Judges] acknowledged that. And we could say: “Listen the arguments are mounting and you are not coming with counterarguments.”

*And can you tell more on the coalition on a European level? [Connection drops]*

Jelmer, your signal is dropping, is it ok if I finish this drive and call you when I arrive in Amsterdam?

*Sure, fine. Talk to you in a bit. Safe travels.*

See you.

### **Third session over the phone. 13h27 – 13h57**

So we had some hindrances but I think we are all good now.

*I am very glad that you want to talk to me some more. I was interested in the European coalition, was this a visual front like a sticker or was there coordination on this level as well?*

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240

241 There were a couple of things. You had the European Civil Initiative. This was somewhat  
242 before I started – you’ve encountered this right? There were campaigners on this but mostly  
243 German ones. We as Dutch campaigners weren’t that much in contact with the German  
244 campaigners after the civil initiative was turned down. They did attempt to set up a campaign  
245 to personally appeal to the Members of the European Parliament [MEP]. But we as Dutch  
246 campaigners didn’t really see anything in it because the interaction between citizens and  
247 MEP’s isn’t that great. But what we did do was to have regular ‘calls’ with people that were  
248 working on campaigns. But to call this a message discipline is too much honour for what was  
249 happening there. What we were doing was, with groups of campaigners from different  
250 countries, more a round of updates: “We are doing this. What are you working on?” Think  
251 about which lines were worth pursuing in which countries to which the national campaigns  
252 could add something. One small example was in Portugal where a leftist government took  
253 office and in that sense it looked like an opportunity to say no to TTIP and CETA, but there  
254 was not so much of a campaign there. So then together you start to look at how you can add  
255 something to Portugal and this didn’t come off the ground but the fact that you think about it  
256 is, I think, beneficial. On the same issue, when Slovakia held the Presidency of the EU  
257 [Presidency of the Council of the European Union], when we held campaigns together in  
258 Slovakia. You are also going to look for people you know in Bratislava, who can help look  
259 for a location for a protest. So relatively it was practical, as well relatively it was  
260 organisational – the coordinators that were part of this from out of the Seattle2Brussels  
261 network, they’ve really tried their hardest to draw maps and think about who had to talk to  
262 who and work together. I thought that went fine but it wasn’t exactly a paragon of an  
263 extremely oiled campaign machine. Essentially by the time that TTIP bounced off and when  
264 we were in the final phase of CETA, we got together more closely. I am not negative about  
265 this – as a campaigner you want to do some things perfectly – and I think the benefit of these  
266 types of coalitions is that, just like the national campaigns didn’t convene before, they are  
267 now convening internationally. I remember that around the time of the CETA ratification we  
268 did an event in Brussels and that was actually pretty big and you could see some exchange  
269 and pride amongst the campaigners, like: “Geez, we were able to set this up together.” But in  
270 a next battle, on another big theme, people will be able to find each other better and then you  
271 could talk with each other in an earlier phase about strategy.

272

273 *But for the campaign that you were involved in, I shouldn’t seek too much behind it?*

274

Well my answer is ‘yes’ and ‘no’. I am quite ambitious and I would have liked to see us making agreements more easily: “And now you go, and then we are all going to stand behind you, and now we are going to make sure that this country is going to get the lead”. But this is very hard on a national level and especially on a European scale. This has everything to do with the structure of the coalition, because if you work for Milieudefensie, for example, then you’re also dealing with Friends of the Earth Europe, Friends of the Earth Europe have to deal with Friends of the Earth International. So these are long processes – not even to speak of what it means when you’re part of a trade union and you have to go through all the different European and International forums. And this is what I find hard about working in coalitions – and the reason why I started my own pure grass-roots organisation – because I notice that there are these very long trajectories of how you arrive at a common plan with campaigners.

*When you’re talking about your plans, for instance in social media, did you have a specific idea or a specific input? Did you have specific messages for social media than in the newspapers?*

With social media I remember we’ve used Thunderclaps [Social media marketing strategy to amplify messages] sometimes. What I found nice was - surrounding the protests - we put the different online campaigners of the different NGO’s together. On social media it was directed a lot on – and this is what social media is – the hyping of occurrences. What I remember well is at one point you have the crisis with Wallonia – when Paul Magnette [former Minister-President of Wallonia] dug in his heels – and this is really surprising, really quite extraordinary, that the media attention until the end of the crisis was only focussed on the narrative of the Commission and the government. Only the Saturday afterwards I got an item with Hans Biesheuvel [well-known entrepreneur and co-founder of ONL Voor Ondernemers, the small and medium-sized enterprises lobby] - so after the crisis was solved - in which we could reflect on what this crisis was really about. And we really used social media to spread the narrative that we think was not paid enough attention to in the regular media – I am not going to use the word “mainstream media” because it’s so tainted – so we used social media then as an alternative for the regular media. And the same is true for the TTIP leaks that were dug up by Greenpeace. Greenpeace had prepared a really good social media strategy and then the coalition really supported and followed it.

*So in this sense the NGO’s come up with their own plans.*

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Yes. I started by saying that - which I found so good about this campaign – I just told you I am quite a perfectionist and as a coordinator you can be very prescriptive. But as a coordinator I let that go very quickly because I saw that the strength of the campaign was that everyone could be in it with each owns ‘tone of voice’ and experience. And when you succeed in putting that on the right track and when you keep spirits up amongst each other and when everyone understands each other’s reasons and strategies, that’s when in my eyes coalition campaigning works best.

*Ok. Did you aim for a specific target audience? Did the NGO’s focus on their own audience or did you see an audience that was winnable?*

That’s an interesting one because after it all I did a lot of talks on that and I had some conversations with communication experts... The fascinating thing after our campaign was finished, was that a majority of Dutch citizens was against TTIP and CETA. From the very start, 90% of the people were against ISDS – which was an insanely high amount. And that’s due to Lubach, combined with the substantive campaign that we put around it. Furthermore, the NGO’s – indeed – focussed on its own target audience. In the campaigning itself we’ve essentially invested – all the time – roughly in the targeting of the ‘interested newspaper reader’, who are a broad audience really. And the surprising thing was that normally NGO’s and civil society organisations are very used to think of progressive newspapers readers, but in this case there was also explicitly a group who can be described as right-nationalistic or ethno-nationalistic populists. And we explicitly haven’t targeted this audience, but we did monitor how this group was served by the PVV [Partij voor de Vrijheid – Freedom Party] as well as Geenstijl [provocative newsblog], as well as the more in democracy interested NGO’s. And we’ve made quite a decisive choice that the coalition that manifested itself in the Netherlands was a coalition that resisted these trade deals out of progressive and internationalist values. And we’ve created that block with each other – also when we were going to organise a referendum campaign. But in this referendum campaign you could see how this is a very attractive medium for Forum voor Democratie [Forum for Democracy] for Geenstijl... And we have deliberately made a choice that these are two separate tracks.

*Why?*

There is no more unity in your message when – from all these different angles – you plead for internationalism with boundaries, but on the other side there’s a group that problematizes that internationalism. So, well, when you’re talking about target audiences: the target audience

was broad - every citizen that wants to reduce inequality between the poor and rich; that wants their food to be produced properly and sustainable; that wants to put limits to the damage we do to our environment as a result of our economic growth – this target group - which is about 65 to 70 per cent of the Dutch public. But explicitly not the 15% that say: “We have to isolate ourselves, we are selling our country etc. etc.”.

*So in what way have you tried this exactly?*

By being very substantive and value-oriented in the pieces and by always repeating these values at the same time. At a certain point this discussion on – I’ve told you before that I found the campaign of the proponents very weak and tendentious – especially after Trump was elected this became worse. People thought – there was a general debate [‘Algemeen Overleg’] in the parliament in which Ploumen had a pretty scandalous attitude and especially Kees Verhoeven [member of parliament for D66] who held a plea that you can summarise as: “The Canadians helped us in the war, thus CETA is a good thing” and: “If it wasn’t for trade then we’d be searching for potato’s in the field. You don’t want that do you?” That was about the level that the proponents were talking on. By the way, Verhoeven has really clearly lowered his tone after that and decided not to defend TTIP in such a way. But, we had something to explain. So at one point me and Freek Bersch [campaigner] of Milieudefensie, right after Trump was elected, we wrote a piece in which we explicitly explained why the coalition was against TTIP and CETA but that this had nothing to do with the arguments of Trump. On the contrary, the political middle has only a future - and that is one where they listen to the citizens on food safety, labour rights, the environment etcetera – the rule of law is not unimportant. So the moment people were moving on the next point so easily like: “Haha, you guys are just like Trump against TTIP, what a worthless opinion” – we changed gears to a much more sharp communication strategy in which we said to the [political] middle: “Now you have the choice: either you get eaten very slowly by the people from the right who have zero trust in you and who are jeopardising your entire trade project; or you join us and you make reasonable concessions to the free trade that you advocate”. And this has eventually made it to – I’ve gone as a part of the official delegation of the Netherlands to the OECD [Organisation on Economic Cooperation and Development] summit on: “how do we explain trade policy better?” I could tell my story again there on behalf of the coalition. And what is interesting perhaps for your thesis: it was a genuinely shocking experience. I mean when you put the question before such a room: “You can choose the dark path of the Front National [French populists] and the PVV’s, or you can realise that trade policy can’t be purely neo-liberal anymore”. And that got so little response - in the official sessions. After the drinks the



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382 younger employees of the embassies and the trade departments would come to me and ask:  
383 “Geez, can you point me to the stakeholders in my country that see this the same way”. But in  
384 the plenary sessions everything was focussed on: “We have to reimburse the losers of  
385 globalisation to some extent, but besides that it’s full steam ahead because everyone in the  
386 world is getting less poor anyways”.

387

388 *This is exactly the aspect what interests me in the campaign. In the light of a lack of a real*  
389 *European foreign policy besides trade policy, and all these bilateral and multilateral deals*  
390 *that aren’t even about tariffs anymore. Thus, with the incorporation of Sustainable*  
391 *Development Goals you can really make progress. And this is why it’s so cool that there was*  
392 *a campaign – in my opinion – that put this whole technical aspect of trade on the people’s*  
393 *plates and was able to show: “Listen guys, trade is really about serious things and there’s*  
394 *something to demand here”.*

395

396 This why I’m very proud of the work that we’ve achieved. But it also led to new  
397 disappointment in the motives of the political middle. Because, I remember very well, at a  
398 certain point we were at a meeting in Austria for a sort of ‘barebones’ strategy with the 20  
399 most visible campaigners in the European campaigns. And this meeting coincided with the  
400 presentation of the Commission’s new European trade policy. There was a note by  
401 Timmermans [First Vice-President of the European Commission] ‘Harnessing globalisation’?  
402 Is that correct?

403

404 *Yes, that could be. I know of ‘Managing globalisation’ but that was before this.*

405

406 It was something with ‘harnessing’, but when I’ll encounter it I’ll send it to you.

407

408 *I’ll look it up, thanks.*

409

410 Yes. And then Cecilia Malmström held a speech as well and they basically couldn’t come  
411 further then the same answer I heard two months earlier at the OECD – and at the OECD the  
412 heads of the DG Trade were present so it would come directly out of such a forum – and they  
413 just really couldn’t come further than: “Ok, we see we are loosing support, but our answer to  
414 that is: we have a globalisation fund” – which is like two million euro’s on a European scale  
415 to which countries can apply when they see there’s too big of an inequality between poor and  
416 rich. Observation two was – so that is so little on a European scale – observation two was:  
417 “ISDS is dead, ICS is still under review at the European Court, but we are going to place our

full bets on a Multilateral Investment Court” – which is like an ISDS in ‘overdrive’ – “if the citizens don’t want it close to home, then we’ll just impose it on the entire globe”. And this was such a disappointment for us, because we’re counting our blessing. Like “ok” – like you said – we were able to put it on the agenda in terms content, not about the form. We were able to parry all the attacks on our character. We were not the scaremongers of the chlorine-chicken. We were not the friends of Trump, but we were a broad coalition that was working on this from different angles – and then this is the answer of the European Commission. And it was the moment that I thought we would be able to really open up the discussion by a referendum on CETA, and that we could win such a campaign in the Netherlands. It is successively not surprising that the new [Dutch] cabinet got an insistent message from the Commission: “That referendum law of yours – we really shouldn’t want that again in trade policy”. And this is what Jean-Claude Juncker has also said, for example, with just as many words: “Referenda have made public consultations really interesting, but not in the area of European trade policy because citizens don’t understand that”. While we showed with our campaign that the citizens actually understand it perfectly clear. And that it’s incredibly relevant and vital, especially – to cite Tomáš Sedláček [Czech economist and lecturer]: now that capitalism has lost its only opponent in communism, you have to be able to have a substantive debate on what a fair capitalists system is. And we are not having this debate and it is my prediction that this will be the beginning of the downfall of neoliberalism. If you don’t dare to question yourself, you get less and less support. That’s why I am proud of this campaign because it’s a subject that wasn’t up for discussion, namely: “economic growth is holy”, and we were able to put it up for discussion.

*Although Ploumen did start this reset, I can taste the scepticism insofar as your message has arrived at the policy-makers?*

Look, the reset suggested that the message arrived, but I’ve always said about that reset: “If you want a reset, you’d have to turn off your computer first.” And she didn’t do that. If you accept CETA and then you’re going to reset your trade policy – while in CETA you don’t adopt the principles that we’ve fought for, then you’re not actually resetting. The reset was also struck down in the new model BIT’s - that are in parliament right now – and us as a coalition saw too little of a reset in it. There was still [inaudible] in it; there’s a very clear accommodation of tax deals in it; there’s very little ‘right to regulate’, and these were for us the most important elements that should be in a fair trade policy.

*Have you tried to reach the policy-makers specifically, in the campaign?*

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454

455 Yes, this is a thing in which I think the Dutch system works pretty well. I mean, you get  
456 invited by the ministry... Generally I think we were received on too low of a level. It is my  
457 firm conviction that LTO Nederland [Land- en Tuinbouw Organisatie Nederland – Dutch  
458 Federation for Agriculture and Horticulture] and VNO-NCW had a much better position.  
459 What I'd like to put forward in your scientific context is that, for example, I go to VNO  
460 reception every year and meekly meet Marijn van Vliet [Policy Officer Climate, Economic  
461 Affairs, Innovation and Sustainability of D66] and Ronald Roosdorp, Marijn van Vliet is the  
462 TTIP spokesperson for VNO-NCW [JvdB means: Marhijn Visser], and Ronald Roosdorp one  
463 of the senior civil servants at the ministry.

464

465 *Yes, we've talked last week.*

466

467 Ah ok. Yes, he's a nice guy but, hahaha, when it comes to policy I disagree with him quite a  
468 bit. I find it striking how close everyone was to each other. I don't have complaints that for  
469 example, Roos van Os [SOMO researcher], Roeline Knotnerus [TNI and SMO researcher],  
470 Geert Ritsema [former Milieudefensie campaigner], and Freek Bersch [Milieudefensie  
471 campaigner] - a lot of the people were invited in public events to talk about it. We had regular  
472 talks with the ministry but less frequent and on a lower level than the employers lobby or the  
473 'American Chamber of Commerce', for example. But in general you have reasonable access  
474 but around the decision-making on CETA, we've explicitly written the heads of the parties in  
475 parliament with the message: "Dear people, some very fundamental things about the future of  
476 our economy are being discussed here and the promised deliberations on a high level still  
477 haven't taken place yet". And that led to a sort of emergency brake procedure by the ministry  
478 a day before the general debate [in parliament] by which they invited the directors of our  
479 organisations. This was a very disappointing talk in our eyes and then we decided to send an  
480 urgent letter ['Brandbrief']: "Don't go to Luxemburg" – I think it was in Luxemburg – "to say  
481 yes in the European Council". Well, structurally we didn't have majority in parliament. What  
482 is surprising is that the opponents of CETA grew; I mean Christen-Unie has showed  
483 themselves very critical in the person of Eppo Bruins and basically never voted in favour of  
484 CETA. The same is true for the SGP [Staatkundig Gereformeerde Partij] who had objections  
485 on agricultural grounds and state policy. The progressive opposition also had issues and the  
486 PvdA was the big disappointment because they were in the cabinet with Ploumen. Even when  
487 the cabinet fell and when they had to put forward their election campaign, they had a bit of an  
488 ambiguous attitude. In the meantime this has been fixed but those seats [in parliament] are  
489 pretty useless now.

490

491 *Hmm. A lot has changed since your campaign.*

492

493 How do you notice that?

494

495 *I noticed in my studies how salient it was. That there were a lot of people that wanted to*  
496 *understand it more substantively: “How does this regulatory cooperation work? Or mutual*  
497 *recognition, and this ISDS, how does it work exactly?” Those are very technical subjects that*  
498 *are normally taken care off my civil servants in small backrooms, but now it’s a conversation*  
499 *people have at six o’clock at the diner table. That’s simply really cool.*

500

501 Yes and this was very cool to notice and it gives hope for future campaigns. It’s also a call for  
502 campaigners: don’t presuppose stupidity in the audience. And don’t be tempted by politicians  
503 who simplify their message to simplify your message as well, because – as I said – one of the  
504 factors for success for this campaign – just let the other side keep going on about being  
505 friends with Trump and scaremongering and that you’re uninformed. People see in your  
506 counteractions whether this is true or not. Personally that was pretty rough because you have  
507 to eat it all the time that people see you as inferior. But you know, we are really talking about  
508 something here so we were able to get over it. And for me, the most important lesson was that  
509 if the progressive Dutch are able to organise and the NGO’s can overcome the interests of  
510 their organisations then you’re able to win difficult discussions.

511

512 *All right, let’s end it on that note. Thank you very much.*

## **11.0 Appendices**

### **Appendix 1 Student Ethics Form**

European Studies  
Student Ethics Form

**Your name:** Jelmer Alers

**Supervisor:** Dr. Paul Shotton PhD

#### **Instructions/checklist**

Before completing this form you should read the APA Ethics Code (<http://www.apa.org/ethics/code/index.aspx>). If you are planning research with human subjects you should also look at the sample consent form available in the Final Project and Dissertation Guide.

- a. ☐ Read section 3 that your supervisor will have to sign. Make sure that you cover all these issues in section 1.
- b. ☐ Complete sections 1 and, if you are using human subjects, section 2, of this form, and sign it.
- c. ☐ Ask your project supervisor to read these sections (and the draft consent form if you have one) and sign the form.
- d. ☐ Append this signed form as an appendix to your dissertation.

#### ***Section 1. Project Outline (to be completed by student)***

**(i) Title of Project:**

**(ii) Aims of project:**

- (iii) Will you involve other people in your project – e.g. via formal or informal interviews, group discussions, questionnaires, internet surveys etc. (Note: if you are using data that has already been collected by another researcher – e.g. recordings or transcripts of conversations given to you by your supervisor, you should answer ‘NO’ to this question.)

YES / NO

**If no: you should now sign the statement below and return the form to your supervisor. You have completed this form.**

This project is not designed to include research with human subjects . I understand that I do not have ethical clearance to interview people (formally or informally) about the topic of my research, to carry out internet research (e.g. on chat rooms or discussion boards) or in any other way to use people as subjects in my research.

Student's signature \_\_\_\_\_ - date -  
\_\_\_\_\_

**If yes: you should complete the rest of this form.**

*Section 2 Complete this section only if you answered YES to question (iii) above.*

**(i) What will the participants have to do? (v. brief outline of procedure):**

**(ii) What sort of people will the participants be and how will they be recruited?**

Between smoking guns and substantive arguments: how the STOP-TTIP coalition influenced Dutch politics

(iii) **What sort of stimuli or materials will your participants be exposed to, tick the appropriate boxes and then state what they are in the space below?**

Questionnaires[ ]; Pictures[ ]; Sounds [ ]; Words[ ]; Other[ ].

(iv) **Consent:** Informed consent must be obtained for all participants before they take part in your project. Either verbally or by means of an informed consent form you should state what participants will be doing, drawing attention to anything they could conceivably object to subsequently. You should also state how they can withdraw from the study at any time and the measures you are taking to ensure the confidentiality of data. A standard informed consent form is available in the Dissertation Manual.

(vi) **What procedures will you follow in order to guarantee the confidentiality of participants' data?** Personal data (name, addresses etc.) should not be stored in such a way that they can be associated with the participant's data.

**Student's signature:** ..... **date:** .....

**Supervisor's signature** (if satisfied with the proposed procedures): ..... **date:** .....

## **Appendicle 2 Informed Consent Form**

### **Informed Consent Form**

- 1) Research Project Title
- 2) Project Description (1 paragraph)

**If you agree to take part in this study please read the following statement and sign this form.**

**I am 16 years of age or older.**

I can confirm that I have read and understood the description and aims of this research. The researcher has answered all the questions that I had to my satisfaction.

I agree to the audio recording of my interview with the researcher.

I understand that the researcher offers me the following guarantees:

All information will be treated in the strictest confidence. My name will not be used in the study unless I give permission for it.

Recordings will be accessible only by the researcher. Unless otherwise agreed, anonymity will be ensured at all times. Pseudonyms will be used in the transcriptions.

I can ask for the recording to be stopped at any time and anything to be deleted from it.

I consent to take part in the research on the basis of the guarantees outlined above.

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_