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Utilising new (alternative?) forms of power and leverage to influence international trade policy

Introduction

The wide-spread adoption of neoliberal policies which promote trade liberalisation at the expense of worker's power and living conditions is pushing trade unions to find ways to influence trade policies and trade negotiations at the national and international level. At the same time, the current terrain of neoliberal globalisation and international trade liberalisation, provides an opportunity structure which facilitates the emergence of new forms of global and national resistance that link work-related concerns to wider social issues (Moody 1997, Tarrow 2005).

While the existence of such an opportunity structure may facilitate, and even encourage, unions to take action in the trade policy field, unions also face considerable restraints to their mobilising and organising capacity, including; declining union power, lack of formal representational capacity within the multilateral trade arena, and lack of resources and expertise in relation to trade. In the face of these restraints how have unions sought to influence international and national trade policy? What sources of power and leverage have they drawn on and what factors have facilitated or constrained their capacity to act?

This paper draws on empirical data from a case study of union mobilisation against the Genral Agreement on Trade in Services (GATS) in order to identify and analyse the various sources of power and leverage which unions have utilised to take action in the international trade arena, and the factors that have impacted on the availability and use.

The analysis is informed by insights from social movement theory (McAdam, McCarthy and Zald 1996; Tarrow 1998 and 2005; Benford and Snow 2000; Meyer 2004) and recent literature which theorises about union revitalisation and new sources of power (for union revitalisations see Frege and Kelly 2004; Behrrens, Hamann, and Hurd 2004; Frege, Heery, and Turner 2004; Turner 2006; and Dörre, Holst and Nachwey 2009; and for new sources of power see Silver 2003; Chun 2005 and 2009; Webster, Lambert and Bezuidenhout 2008). It also draws on discursive approaches which emphasise the contested nature of meaning attached to issues, and the capacity of language "to make politics, to create signs and symbols that can shift power balances and that can impact on institutions and policy making" (e.g. Hayer 2006: 67).

1. Overview of problem

1.1 Encroachment on policy space

Trade union responses to trade liberalisation take place within the context of wider social discontent with the impacts of neoliberal economic policy at both the national and global level. While international trade has resulted in efficiency gains for some, the ongoing liberalization of trade has not been accompanied by increases in prosperity everywhere. The gap between rich and poor, both within and between countries, has

widened. This growing disparity is characterised by the erosion of social rights, labour rights and environmental standards in many countries.

Multilateral trade agreements negotiated in the World Trade Organisation (WTO) have been used to try to liberalise and deregulate public services and sensitive local industries, potentially resulting in increased unemployment, lower labour standards, reduced access to essential services and a weakening of unions, especially those representing public sector employees, which play an important role in the labour movement (Rosskam 2006). And the threat is not just at the multilateral level. The current stalling of multilateral negotiations in the WTO has led to a proliferation of trade agreements at bilateral and regional levels as countries shift forums in an attempt to achieve trade liberalisation goals (Blass and Becker 2007). However, the WTO negotiations remain significant as the benchmark for trade liberalisation.

At the heart of international trade policies stands the WTO system of legally binding trade rules designed predominantly to benefit and protect global capitalism. This system has been seen by some (see for example, Gill 2002 and Paech 2003) as part of an attempt to 'constitutionalise' property rights and market liberalisation, at the expense of human and social rights. Gill (2002: 2) for example, argues that the WTO and especially trade and investment treaties such as the General Agreement on Trade in Services (GATS) are tantamount to a form of "new constitutionalism", designed to ensure the long term power of capital by creating political and legal mechanisms designed to "lock in private property rights and extend markets".

The encroachment of trade agreements into new areas – not just the reduction of tariffs but also of so-called 'non-tariff barriers' in the domestic regulation of services, intellectual property rights, investment provisions, competition policy and government procurement – potentially limits the policy choices of governments and their ability to provide universal access to essential services and to address environmental and development challenges related to sustainable growth and full employment.

As a result, trade unions at both the national and international level have started to engage more intensively with national governments and the World Trade Organisation (WTO), and search for new ways to influence international trade policy and negotiations.

1.3 The significance of the GATS

The GATS has attracted widespread criticism from unions and other civil-society actors, because of its potentially negative social impacts on the delivery of essential services, and its potential to encroach on all areas of national regulation and domestic policy. The aim of the GATS is to progressively liberalise services in order to make them more 'tradeable', and to develop a body of rules to govern this trade (WTO 2011a).[1] This includes removing so-called 'barriers' to trade. However, unlike the trade in goods, where the barriers to trade are tariffs and non tariff barriers the so-called 'trade barriers' in services are generally national regulations such as universal service provisions, designed to ensure equitable and universal access to basic services.

In principle, the GATS applies to all service sectors at all government levels (federal, state and local), with the exception of narrowly defined governmental services, supplied "neither on a commercial basis nor in competition with other service suppliers", and measures affecting air traffic rights (WTO 2011a). Supporters of the GATS argue that this excludes public services such as health and education from GATS. However, as many

1 WTO (2011a) The General Agreement on Trade in Services (GATS): objectives, coverage and disciplines. Accessed 29.06.2011 at http://www.wto.org/english/tratop_e/serv_e/gatsqa_e.htm

public services are supplied on a commercial basis and/or in competition with other suppliers, opponents to GATS argue that they are potentially included as well (reference e.g. GATS watch). Theoretically WTO member are free to decide which services they commit to GATS and at what level, however, in practice, member states are under considerable pressure to liberalise more and more services.

Unions believe the potential of the GATS to escalate the liberalisation and commodification of essential and other basic services could aggravate social disparities. The GATS is seen to intensify and escalate the process of privatisation by pressuring member states to commercialise (commodify) more and more services, many of them fundamental to human existence, and open them up to trade; in the process subjecting them to a binding set of rules determined solely with reference to economic rather than social benefits.

However, the criticisms of the GATS extend way beyond the agreement, to the WTO itself, especially the secrecy and lack of transparency of negotiations, and the lack of democratic process and civil society involvement in decision-making. The whole multilateral negotiating process is seen to favour powerful countries and multinationals while unfairly discriminating against developing countries.

The GATS can be seen as, what Hajer (2006: 65) calls, an 'emblematic' issue, in that it is symbolic or representative of a bigger problem. Just as Acid Rain was an 'emblematic' issue for the broader environmental crisis in the late 1990s, to use Hajer's example, so the protests against the GATS are emblematic of wider social discontent with the impact of neo-liberal economic policy – including trade liberalisation.

The breadth and depth of concern over trade-related issues within civil society provides organised labour the potential allies and base of support required to support changes in trade policy. It also creates opportunities for unions to rebuild their legitimacy and capacity as broad social movement actors by transcending the constraints of narrow industrial unionism.

2. Theoretical Framework

Counter-movements do not spontaneously erupt but generally require careful construction (Munck 2004: 257, Webster et al. 2008). Therefore, organised labour's mobilisation in the international free trade arena cannot be understood simply as some kind of spontaneous or reflexive response to the negative impact of trade agreements on workers' lives. This mobilisation is part of a process that requires resources, capacity, and the development of collective power (McAdam 2006; Tarrow 2005).

Nor do such movements develop independently from the social, institutional, political, and economic context within which they are embedded (Hyman 2001). The context of the social and structural relationships within which movements are embedded shapes the structural and political opportunities available to them (McAdam 2006) both generally, and more specifically, within the particular terrain and issue field in which they are addressing their claims.

A theoretical framework drawn from social movement theory concepts of political opportunity structure, resource mobilisation, framing, and repertoires of contention can provides a useful tool to help understand the contextual and ideational factors impacting on and shaping organised labour's political action in the international trade

arena (for more on these concepts see McAdam, McCarthy and Zald 1996; Tarrow 1998; Benford and Snow 2000; Meyer 2004).[2]

2.1 Political Opportunity Structure (POS)

Political opportunity structure (POS) refers to the degree of ***openness*** of a political system or institution to the ***demands*** and ***participation*** of social forces, be they organized interest groups or social movements (Meyer 2004, Sikkink 2005). It also depends on the government or political institution's vulnerability to social protest and propensity for exclusion and repression (McAdam et al. 1996). For organised labour the POS includes, among other things, the structures of the political and institutional systems in which they are embedded, the formal and informal mechanisms and procedures for inclusion and participation which exist, the degree of policy consensus amongst policy makers and the presence or absence of allies. The POS is context specific and therefore not fixed: it will vary depending on the issue, the political field, the country context, and the targeted institution or organisation (Tarrow 1998 and Sikkink 205). The structural opportunities may be different, for example, in a campaign targeting the domestic political arena than one targeting intergovernmental institutions like the WTO. At the international level the political system includes intergovernmental institutions, as well as member state governments and other non-state actors.

2.2 Mobilisation and Organisation Capacity (MOC)

To take advantage of structural opportunities (POS) that do exist, a movement must have sufficient "people, money, knowledge, frames, skills, and technical tools to process and distribute information and to influence people", and adequate mobilisation or collective structures through which these resources can be organised and mobilised and through which people can engage in collective action (Rucht 1996: 186). For union movements this includes its formal union structure and collective networks at both the national and international levels. It can also include associated community and civil society networks, political contacts, NGOs and formal and informal international networks.

Building common cause - framing: Movements must also be able to build common cause around an issue. There must be a shared set of "collective action frames" which inspire people to become engaged, either by supplying resources or through participating in collective action. Benford and Snow (2000: 614) describe these "collective action frames" as "action-oriented sets of beliefs and meanings that inspire and legitimate the activities and campaigns of a social movement organisation". Such frames play an interpretative role by simplifying and condensing complex events and ideas in ways designed to gather support, mobilise action and demobilise opponents (Benford and Snow 2000: 614). At the minimum, people need a shared sense of grievance and the hope that they can somehow redress the problem (McAdam et al.: 1996: 5).

In order to inspire and legitimise their activities and campaigns, and challenge existing frames, movements draw on sets of interpretive ideas, discourses and storylines from the existing "cultural stock" (Rucht: 1996) of what is considered an injustice or what is a violation of rights. The resonance of particular frames and storylines will also depend on the perception and proximity of threat; in this case whether a particular trade agreement is seen as a likely and immediate threat to the existing or desired social order.

[2] This is an abreviated verison of the theoretical framework developed by the author as part of her PhD research. A more elaborated version can be found in McGuire and Scherrer et al. (2010) and will appear in McGuire, D. (forthcoming c.a. 2012).

2.3 Repertoires of contention

The nature of the political opportunity structure and a movement's mobilisation and organisational capacity, will impact on the "repertoires of contention" or strategies of intervention, available to and utilised by movement organisations and actors (Tilly 1978). Decisions about which strategies to use will also be dictated by the stock of strategies and experience available to a union movement (or from related sources such as networks and allies), and the context of the arena being targeted. Different arenas and different targets will require different frames and strategies (McCarthy et al. 1996)

2.4 Sources and manifestations of union power

Social movement theory, as elaborated above, can provide a useful framework for understanding the structural conditions in which labour movements operate, the political opportunities, resources and repertoires of contention that they draw on, and how these resources are mobilised when they engage in struggles to influence international trade agendas. But it is not sufficient to understand where the labour movement draws its power for political action in the policy arena, especially in the face of the steady decline of traditional sources of union power in the context of globalisation. This trend has been well documented in various studies of union decline over the past decade and will not be elaborated here (see for example, Voss and Sherman 2000; Clawson 2003; Cooper et al 2003; Turner 2003; Hyman 2001, for South Africa: Pillay 2008; Kenny and Webster 1999; for Australia, Peetz 1998). The following section introduces a power dimension in order to shed light on the sources of union power and their capacity to exercise that power in the trade arena.

3. Dimensions of union power

3.1 Conceptualising power

The multitude of conceptualisations of power point to the complexity of relationships between actors. We can speak of 'power over', 'power to' and 'power for'. When speaking about trade union power, Hyman (1975) for example, argues that trade unions seek to enable workers to develop 'power for' themselves so as to exert 'power over' employers, where 'power for' is 'a resource used in the service of collective power'. Traditional approaches to power tend to focus on 'power over', that is, the capacity of an actor A to influence or force another actor B, to do what they wouldn't otherwise do (Dahl 1957). However, as Dahl (2001) later clarifies, to do so, A must have a 'source' or 'base' of power, the means or instruments to evoke or exert that power and a connection to those whose behaviour they seek to alter. The amount or extent of the power exerted will depend on the likelihood that A can get B to act, while the range and scope of power will be determined by B's possible responses (Dahl 2001). Others, such as Lukes (1974 and 2005) for example, include a third, hidden dimension of power, which is the hidden ideological forces that constrain the agenda and shape people's capacity to imagine alternatives (Lukes 2005: 28). One dimension that seems to be missing from most of these conceptualisations of power is the capacity of one actor to persuade another actor to 'willingly' change their position, and acts of cooperation. This would seem to be important when looking at union mobilisation.

3.2 A power based approach to union action

A power based perspective on the role of trade unions as political actors in global governance emphasises that union power is multi-faceted and that unions have a range of forms of power to them. In fact, trade unions and their international organisations are, themselves, an expression of the collective and organisational power of workers.

And, while union power across the developed world may have declined over the past few decades, unions nonetheless remain critical economic, political, institutional and social actors (Behrens, Hamann and Hurd 2004: 14-16). Indeed, as Hyman (2001b) argues, unions cannot avoid being both political and social actors:

> "To assert effective influence on the market, trade unions must address the state, and in order to assert the relevance of an alternative 'moral economy' they must also participate in civil society"(Hyman 2001: 15).

As such, unions draw on a wide range of different but interrelated dimensions or forms of power, or power resources, to press the economic, political and social claims of workers, both within and outside the workplace. Different dimensions of power offer alternative and complimentary ways to influence decision makers and policy processes. Unions can draw on and employ different forms of power according to the context and the requirements of the issue in question.

3.2 Sources and manifestations of union power

There is a vibrant discussion in the labour research literature about sources of union power. In developing a typology of forms of union power I draw on important insights already developed by a number of key labour researchers including:

- old and new forms of associational and structural power as defined by Silver in Forces of Labour (2003);
- new forms of logistical and symbolic power, which can be used to leverage traditional sources of power, as outlined by Webster, Lambert and Bezuidenhout in their 2008 book *Grounding Globalisation. Labour in the Age of Insecurity*;
- symbolic power as further developed by Chun (2009) in her studies of recent union campaigns among low-wage service workers in the United States and South Korea; and,
- institutional power, which Dörre, Holst and Nachwey (2009) claim is a still relevant power overlooked in recent discussions of union power.

To these I add another overlooked dimension of power - discursive forms of power (or perhaps they are more accurately referred as power resources). To elaborate this, I draw on discursive approaches to power, as conceptualised by Hajer (2006 and 1993), and Barnett and Duvall (2005). Coalition building and networking are also seen as an important source of union power (see for example, Frege and Kelly 2004; Behrrens, Hamann, and Hurd 2004; Frege, Heery, and Turner 2004; Turner 2006). Frege, et al. (2004) for example, argue that coalitions can provide financial and physical resources to achieve goals and provide access to new groups, expertise, legitimacy and mobilisation. However, I see these as strengthening or leveraging associational power rather than being a separate form (for coalitions see also Turner 2003 and Tattersall 2009). I also argue that logistical power is a form of structural power exercised in the public domain (but which draws on 'symbolic' power), and that symbolic power itself is a form of productive (discursive) power.[3]

Table 1. below, summarises the forms of power available to unions, including their source and common manifestations. Due to limitations of space, in this paper I will only elaborate on discursive forms of power.

These 'ideal types' of power should not be seen as separate and competing but as interrelated and intertwined; rarely existing by themselves but combining in unexpected ways that enhance or leverage each other. Where one form of power is

[3] As defined by Barnett and Duvall (2005) and not to be confused with Foucault's use of this term.

weakened or unavailable due to structural or organisational reasons, unions frequently draw on a variety of other forms of power to strengthen or leverage available sources of power. However, is also important to keep in mind that all of these forms of power ultimately rest on, or are in some way derived from, the collective and organisational power of workers.

Table 1. Typology of union power [4]

Form of Power	Source of Power	Manifestation of Power
Associational Power	Embedded in the collective - organisation into collective organisations Includes organisation into networks and coalitions	-Trade Union /collective bargaining - Political Parties - Coalitions and alliances - Global networks
Structural Power	Embedded in the economy Market bargaining power: Restricted labour markets (scarce skills, low unemployment, available exits from labour market); Workplace bargaining power: Strategic location within production system	- Withdrawal of labour - Exit from job or labour market – Withdrawal of labour, strikes, localised stoppages etc.,
	Logistical Power: Embedded in the public domain - power of disruption/ with appeals to 'moral' claims	- Blockades and disruption – structural and communication e.g. block supply, crash internet server
Institutional Power	Embedded in past social compromises – incorporation of structural power into institutions	- Labour laws/ Societal institutions E.g. Award system in Australia, tri-partite institutions South Africa.

[4] This typology is drawn from the literature mentioned above. However, my original idea for including a power dimension in my research was based on a presentation by Edward Webster at a GLU Workshop in South Africa in 2007. Doerre et al. also include a similar typology in their article on power.

Productive Power (diffuse/indirect)	Discursive Power: Embedded in social processes: systems of knowledge, production of meaning and legitimation. Symbolic Power: Embedded in the public domain - public moral and symbolic contestation Draws on socially existing meanings, norms, custom, and social identities	- Framing: Constructing 'frames' that build solidarity/challenge existing hegemony. - Using 'expertise' and knowledge to understand, influence and challenge existing 'discourses' - Forming discourse coalitions and transnational advocacy networks - Capturing media/public support - Use of 'moral' and other symbolic references to 'frame' an issue in the public domain - Coalition & Alliance building with non-union groups that share concerns

3.3 Discursive Forms of Power - the missing dimension (?)

Discursive approaches to power emphasise the "social processes, systems of knowledge through which meaning is produced, fixed, lived, experienced and transformed" (Barnett and Duvall 2005: 55). Such an approach to power can help explain how actors, interests and preferences are constituted by discourses and how such discourses can represent both the exercise of power 'against', and a source of power 'for' movements.

According to Hajer (2006: 67) discourses can be understood as "an ensemble of ideas, concepts, and categories through which meaning is given to social and physical phenomena, and which is produced and reproduced through an identifiable set of practices" (Hayer 2006: 70). Practice here refers to "embedded routines and mutually understood rules and norms that provide coherence to social life" (ibid).

Hajer's conceptualisation of discourse recognises the capacity of language to profoundly shape our view of the world and reality, of what is believable and not believable, and what is possible and not possible.[5]

This applies to the political realm as well. In Hajer's (2006: 66) view, political conflicts cannot be reduced to simple conflicts of interest between competing groups. They include contested ideas about the meaning that people attach to particular issues, and the way this relates to their cultural understandings and their understanding of the state of society in general and politics in particular (Hajer 2006: 66). Therefore they can be impacted by language. "Language has the capacity to make politics, to create signs and symbols that can shift power balances and that can impact on institutions and policy making" (Hayer 2006: 67).

In their conceptual framework of power, Barnett and Duvall (2005) refer to discursive forms of power as "productive power". They argue that this dimension is often missing from discussions of power. They conceptualise power as "the production, in and through social relations, of effects that shape the capacities of actors to determine their circumstances and fate". They argue that power can be analysed along two dimensions: "the kinds of social relations through which power works; and the specificity of social relations through which effects are produced (specific/direct or diffuse/indirect) (Barnett and Duvall 2005: 45). They use these distinctions to generate a taxonomy of

[5] Although not mentioned by Hajer one could also include the visual as an important form of 'symbolic' language.

power, which includes four concepts of power: compulsory, institutional, structural, and productive. [2] "Compulsory power exists in the direct control of one actor over the conditions of existence and/or the actions of another. Institutional power exists in actors' indirect control over the conditions of action of socially distant others. Structural power operates as the constitutive relations of a direct and specific – hence, mutually constituting – kind. Productive power works through diffuse constitutive relations to produce the situated social capacities of actors (Barnett and Duvall 2005: 47-48).[6]

The bases and working of productive power are: "the socially existing and, hence, historically contingent and changing understandings, meanings, norms, customs, and social identities that make possible, limit, and are drawn on for action" (Barnett and Duvall 2005: 56). Symbolic power, embedded as it is in "the contested area of culture and public debates about values" (Chun 2009), can be seen as a form of discursive power. As can the construction of 'collective action frames' and identity formation used by movements to build solidarity and collective action, and the development of knowledge and expertise needed to understand and influence existing discourses in an issue field; both to challenge existing discourses and to construct new ones. Expertise is important for credibility and persuasion when making claims. Benford and Snow (2000: 621) for example, argue that "the greater the status and/or perceived expertise of the frame articulator and/or organisation they represent from the vantage point of the potential adherents and constituents, the more plausible and resonant the framings or claim".

4. Linking power and strategies - what lies beneath

Each of the strategies of intervention used by unions to intervene in the trade policy arena draws on a source, or multiple sources of power (as outlined in Table 1. above). The choice of strategy used depends not only on the aim of the union organisation/movement but also on the nature and extent of the power sources/resources available to it, and its capacity and willingness to exercise them. The range of power resources available is shaped by the political opportunity structure (POS) available in the international trade arena, the mobilising and organisational capacity (MOC) of the union organisation/movement in relation to trade, and the social context in which the action takes place. This context includes the "socially existing and hence historically contingent and changing understandings, meanings, norms, custom, and social identities" existing in society "that make possible, limit and are drawn on for action" (Barnett and Duvall 2005: P).

Different dimensions of power offer alternative and complimentary ways to influence decision makers and policy processes. Drawing on discursive power, for example, through lobbying and campaigning, can compensate for lack of institutional or associative power. Discursive strategies can foster the diffusion of alternative ideas and norms about trade.

4.1 Drawing on productive power - Lobbying and advocacy

Using this conceptualisation, lobbying and other advocacy and strategies used by unions can be considered discursive strategies (draw on discursive power) in that they use symbols and storylines to frame issues, and actors, and strategically link them to existing norms, values and ideas.

[6] I am not sure about using Burnett and Duvall's (2005) conceptualisation as it is quite complex. I may simply make discursive power the main category, which incorporates 'symbolic' power, and use conceptualisations drawn from Hajer (2006 and earlier texts) and ...?.

Claims are 'framed' in such a way that they resonate with the targeted audience. Frames designed to persuade a trade delegate or government minister to support a particular negotiating position, or raise a particular union concern, will be different to those designed to mobilise union members. Such frames are drawn from "the socially existing and, hence, historically contingent and changing understandings, meanings, norms, customs, and social identities" (Barnett and Duvall 2005: 56) available in the particular social context, or in other words, the set of existing "practices" (Hajer 2006: 70). [7]

Lobbying also requires expertise. As mentioned above, expertise is important for credibility and persuasion when making claims. No expertise - no legitimacy. In other words, unions advocating in the trade arena have to know what they are talking about. Given the complexity of trade, this is not easy. Lack of necessary expertise to analyse and understand complicated trade proposals, schedules and agreements, can constitute a severe resource problem for unions. Expertise is also needed to judge which issues will resonate with which target audience, for example, with particular trade representatives or WTO bureaucrats.

However, lobbying also draws on the 'implied' associational power that lies beneath; that is, not just the discursive power of persuasion, but also the 'promise' of potential collective support, or the 'threat' of collective disruption from the group they represent. The old adage, "its not the power of your argument but the argument of your power", still stands.[8] Where union's associational and institutional power is weakened this could also weaken their discursive power. Forming alliances with other groups concerned about the same or related issues can strengthen this power. This makes networking and coalition-building the other main strategy used by unions in the trade arena.

4.2 Networking and coalition building - strengthening associational and discursive power

Coalition building has been identified in the union revitalisation literature as one of the key strategies for rebuilding union power (see for example, Frege and Kelly 2004). There is also a growing body of literature which demonstrates the importance of coalition building for labour and civil society attempts to influence trade policy and negations (see for example, Massicotte 2003; Foster 2005; Laxer 2003; Shoch 2001; Compa 2005). A useful theoretical framework for understanding the forces driving union coalition building has been developed by Frege, Heery and Turner (2004).

They argue that union coalition building is driven by a range of push and pull factors. Unions are pushed to form coalitions by factors such as diminished resources (due to union decline) and political exclusion, pressure to broaden interest representation and their policy agenda, and the influx of new ideas and strategies from non-union activists and leaders. Coalition partners can provide access to legitimacy, expertise and resources. At the same time, unions are pulled to form coalitions by the availability of coalition partners with experience in globalisation issues and the degree of political opportunity, including “points of access”, level of state centralisation, and degree of consultation. National context, union identity and differences in the union movement and its environment can also have an impact on coalition building (Frege et. al. 2004: 145-148). Integration into networks and coalitions can also provide access to existing frames and storylines that link trade issues to existing concerns and help unions to broaden their policy front and build wider support behind their positions.

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[7] The idea of lobbying and advocacy drawing on discursive power is still being developed.

[8] I am not sure where this comes from - I have heard it used in union circles (especially the SEIU, in relation to union organising) but don't know the origin.

4.3 Dominant discourses, available allies, storylines and strategies

Union and broader civil society mobilisation against the WTO and the GATS does not take place in a vacuum. It takes place in the context of existing challenges to the dominant neoliberal globalisation discourse, which portrays trade liberalisation and deregulation as largely unstoppable and widely beneficial. In mobilising against the GATS, and the WTO more generally, unions and civil society groups drew on an existing stock of frames, storylines, strategies and network links built up through previous struggles. The breadth and depth of concern over trade-related issues, including the GATS, within civil society provided unions with the potential allies and base of support required to support their advocacy for changes in trade policy and negotiating positions.

Many of the frames, storylines and strategies that were later used in the campaigns against the WTO and the GATS originated from earlier struggles against trade and investment agreements such as the Canadian-US FTA (CUSFTA), the North American FTA (NAFTA), and the OECD's proposed Multilateral Treaty on Investment (MAI). These negotiations acted as significant politicising and awareness raising events. The failure of the MAI agreement was particularly significant, as it was hailed as a 'victory' by civil society activists (reference). For example, the GATS was initially linked to the failed Multilateral Agreement on Investment (MAI) thus activating and transferring all frames and storylines associated with it, including its likely impact on public services, especially education and healthcare, and its potential to restrict domestic policy making and regulation. As Ellen Gould from the Council of the Canadians so colourfully put it:

> "The lions are on the prowl, again. Just when victory over the Multilateral Agreement on Investment (MAI) had given us a chance to catch our breath, a new menace has been spotted in the tall grass of the World Trade Organization (WTO). The General Agreement on Trade in Services (GATS) may yet prove to be the way the world's corporate lions get their MAI." (The Council of the Canadians 2006)

Framing the GATS as the 'Next MAI' by stealth, bought the GATS to the attention of the extensive network of civil society and union activists who had been involved in the various campaigns to stop the MAI and mobilised them to take action against the GATS.

The struggles against these earlier agreements developed expertise within unions and other NGO groups, and built strong transnational links of solidarity between diverse groups. To some extent these links were highly dependent on movement 'leaders', who played an important role in deliberately spreading information, and the personal relationships of trust developed between key people in different movements and organisations. However, frames, storylines and strategies were also diffused indirectly, both through the internet and other forms of electronic communication, and also through meetings of activists and their participation in protest events. Activists adapted these frames, storylines and strategies to struggles in the domestic arena (see Tarrow 2005 on brokerage and transference of strategies).

Networks, like Our World is Not for Sale (OWINFS), played a major role, not just in diffusing information, ideas and strategies, but in incorporating different claims and demands within a single "unified demand" (Strange 2011). This was achieved largely through sign-on statements like: ' No new Round Turn around'; 'Our World is not for sale. WTO-Shrink or Sink'; and, ' Stop the GATS Attack Now!' (see OWINFS website), which functioned as statements of political unity.

These sign-on statements consist of a series of demands, usually formed between a smaller set of campaigning groups, which are then formally endorsed by other campaigning groups (Strange 2011). Each of the claims in these statements represents a separate storyline (Hajer 2006) or 'Master Frame' (Benford and Snow: date) which

mobilised specific groups of actors. Combining claims is a way of building common cause and consequently discursive and collective strength. These sign on statements were used at both the international and domestic level and appear on the websites of many of the member groups.

While such petitions may be seen as a relatively weak strategy, these global sign-on statements served a number of important purposes: they raised awareness of issues amongst existing groups; they were used to lobby other groups to support the stated claims; they united and mainstreamed demands, forming them into a common claim that couldn't be easily dismissed or marginalised by governments and other decision makers; and most importantly, they built cooperation and coalition strength (Strange 2011). While the degree of commitment implied in signing onto such statements varied, the act of drafting such statements built cooperation between groups and helped bridge differences in beliefs and claims (Strange 2011: 85). In this way they functioned both as an 'expression' of collective power, and an important strategy for 'building and strengthening' collective power.

5. The global union campaign against the GATS

5.1 Opportunities and constraints

As mentioned in the introduction, the engagement of trade unions in the field of international trade faces a number of constraints. Union movements in many countries suffer declining power due to structural, economic and political changes, which make it difficult for unions to protect workers and advance their interests through traditional means. Added to this, is the problem that unions have no formal representational capacity within the multilateral trade arena and are largely excluded from trade policy and trade negotiation processes, at both the international and national level. In addition, unions commonly lack sufficient expertise and mobilising capacity in relation to trade issues. Expertise is important. Without it unions will not be taken seriously in the policy arena or understand where to effectively intervene in the policy process.

In order to compensate for the lack of institutional power in the trade policy arena and the weakening or unavailability of traditional forms of power, unions in the cases looked at below (with one important exception), relied mainly on discursive and networking strategies.

5.1.1 Who controls the multilateral trade policy process

Multilateral trade takes place within the World Trade Organisation (WTO), which is simultaneously a negotiating forum for member states, a system of trade rules, and a tribunal to solve trade disputes (WTO 2010:9). While the formal apparatus of the multilateral trade negotiation process, including the WTO Secretariat, is situated in Geneva, the actual trade policy process itself is multileveled. Trade policy, and WTO negotiating proposals and positions, are generated at national and/or regional levels, with various levels of consultation and coordination before they are presented in negotiating meetings in Geneva.

Theoretically the multilateral trade policy process is completely controlled by the WTO member states (WTO 2010 & 2003) but in practice, serious questions have been raised about the lack of transparency and democratic process in decision-making processes, the 'arm-twisting' used to obtain consensus, the lack of neutrality of the Secretariat, the domination of decision making by a few powerful developed countries, and the capacity for less well resourced countries to fully participate in WTO processes (see Jawara and Kwa 2003 and Shaffer 2006)

5.1.2 Union access to the trade policy process

The WTO is not a tripartite organisation, nor is it based on any concept of social partnership or social dialogue. In WTO terms, global unions and their affiliate unions are just like any other NGOs or private sector interest group and therefore have no official role in WTO activities. As the WTO Secretariat makes clear:

> "The WTO is an organization of governments. The private sector, non-governmental organizations and other lobbying groups do not participate in WTO activities except in special events such as seminars and symposiums. They can only exert their influence on WTO decisions through their governments." (WTO 2003: 9).

While the WTO has increased its 'dialogue' with civil society over the years this is mostly one-sided and limited to changes designed to improve 'transparency' and communication with NGOs. One could argue that this 'openness' owes as much to legitimacy problems, in the face of sustained criticism, as it does to any real desire to include civil society in any meaningful fashion. The fact remains, that organised labour can only participate in WTO activities on an informal basis, and only in 'invited' forums such as briefings, seminars and public symposiums.

As negotiating positions and decisions about commitments to trade agreements are made by the WTO member states, organised labour must, to a large extent, try to influence the process through its influence on national governments.

However, unions generally lack any official access to the trade policy and negotiating process at the national level as well. A recent study of union capacity to influence trade policy processes at the national level by McGuire and Scherrer et al. (2010), found that only in a few cases were there institutionalised processes through which organised labour could participate in trade policy processes, and only in one of the countries they looked at, South Africa, could unions be regarded as having both the institutional opportunity, and the necessary policy expertise and mobilising capacity to take advantage of such opportunity. However, even here, capacity varied in terms of trade sectors and specific trade agreements.

In most cases, including in Australia, the national trade policy process was controlled by the executive (i.e. the head of government and its ministries), without any major involvement of the legislature, thus further limiting labour's chance of having its voice heard: Members of parliament or congress are usually more accessible to civil society organisations than the executive arm of the government (McGuire and Scherrer et al. 2010:12).[9]

5.2 Strategies of intervention and protest

The following section will provide an overview of the strategies of intervention used by the global union federations (GUFs), Public Services International (PSI) and Education International (EI) in their campaign against the GATS at the global level, and by unions in campaigns against the GATS at the national level in two countries: Australia and South Africa.

According to the theoretical framework outlined earlier, the 'repertoires of contention', or strategies of intervention and/or protest used by union movements will depend on the resources, mobilising structures and framing processes available to the actors involved. This includes the "cultural stock" which is available to unions about how to organise and protest (drawn largely from past experiences and from other sectors in the

[9] Countries included in the study are Australia, Barbados, Brazil, Germany, Malaysia, Nigeria, the Philippines, Moldova, Serbia, South Africa and South Korea.

society such as NGOs and social movements), and "the skills, orientations, and styles of the groups" within the movement (Zald 1996: 267). The nature of the political opportunity structure will also have a direct influence on the choice of strategies, especially the degree of union access to the trade policy making process, as this will determine the nature of the opportunities for influence which are available and the choice of targets to influence.[10]

5.2.1 Union strategies in the trade arena - From lobbying to direct action

Previous research (McGuire and Scherrer et al. 2010) has shown that strategies used by labour movements to influence national trade policy processes and trade negotiations in the countries studied can be grouped into four main categories:

- Formal strategies targeting the governmental and legislative arena, including participation in social dialogue and other consultative processes, legislative and executive lobbying, submissions to parliamentary enquiries, and participation in public hearings;
- Awareness raising and diffusion strategies, including monitoring and analyses of trade agreements, education, communication and information distribution, public forums, campaigns, and media strategies;
- Networking and coalition building, with pre-existing national groups and networks and informal international NGO networks, and use of international union linkages;
- Mobilization through protest and direct actions such as strikes, protests and rallies.

These categories hold more or less true for the international level, except that instead of targeting the legislative arena (as there is no international government), unions targeted the formal WTO bodies, other intergovernmental organisations, trade delegates and member governments.

5.2.2 Linking POS and trade union strategies

Where unions have established access to government through institutionalised tri-partite processes or through the legislative process (institutional power), one would expect them to use more formal strategies such as social dialogue, formal lobbying, meetings with ministers and decision makers, and submissions to parliament and public hearings. Where unions are completely excluded from the political and legislative process, one would expect to find more use of direct action strategies. Where there is limited access, one would expect to find a mixture of the strategies listed above.

5.3 Global union organisations - no formal access - excluded from the trade policy process

As outlined above, organised labour has no institutional access to the multilateral trade policy process. They do have some informal (semi-formal) access to WTO actors through invited events, briefings and meetings. They theoretically have the capacity to mobilise transnational solidarity through mobilising national affiliates but in reality, this is limited by organisational and structural problems. In other words, they have no institutional power and limited capacity to exercise traditional forms of associational power or structural power at the international level.

[10] Some of these theoretical insights have been previously published in McGuire and Scherrer et al. (2010).

In order to realise their policy goal of keeping education and other public services out of GATS, and influencing the rules of trade, EI and PSI have used three main strategies including: a) lobbying the WTO and other intergovernmental organisations (IOs), trade delegations and member states; b) networking and coalition building; c) mobilising member unions through awareness raising and dissemination of knowledge and information.

5.3.1 Lobbying the WTO and other IOs, trade delegations and member states

Lobbying the WTO:

Part of the problem with lobbying the WTO is that on one level it doesn't exist as an organisation with policies that can be changed – there is no board of directors, and the Secretariat claims to be neutral and only plays a supportive and administrative role (although this is disputed). Because it is the member states that make commitments and reach agreements on rules, GUFs like EI and PSI rely to a large extent on the national affiliates to lobby member states in achieving policy goals. Nonetheless, there are avenues for lobbying the 'official' bodies of the WTO. Union representatives met with and lobbied WTO officials such as the Chairs of General Councils and the Council on Trade in Services in Special Session (the GATS negotiating body). In addition, the GUFs (and other union organisations) have on occasion, invited WTO officials to conferences, as an additional way to find out the "state of play" of GATS negotiations and voice their concerns and demands regarding the GATS.

In the past EI and PSI have tended to focus their energy and campaigning on the WTO Ministerial Conferences as that is where agreements are actually signed. What they missed at first, was the significance of the ongoing negotiations happening in Geneva. In contrast, anti GATS NGOs have based themselves, or at least some full-time staff members, in Geneva and pursue a strategy of deliberately cultivating and meeting with trade delegations, often on a day-to-day basis. Unions eventually realised that it was in the day-to-day activities in Geneva that important issues arise – that the actual negotiations take place in Geneva and where they are signed is not so important. This resulted in two strategy shifts: meeting with and lobbying trade delegations in Geneva and working with national affiliates and NGOs to lobby WTO member states as intensely as possible during the crucial negotiations in the lead-up to the Ministerial Council. While the GUFs continue to have a presence at WTO Ministerials, they consider that it is the informal networking that takes place with NGOs and trade delegates at such events, that is the most valuable outcome of such events. The WTO Ministerial Conferences ~~are~~ also functioned as an important venue for the trade union movement to present a united front in relation to their concerns over the WTO and the GATS and to demonstrate the broad range of labour's interests, and its commitment to a fair and equitable trade regime (if such a thing is possible). This helped counter ~~counter~~ views of global union organisations as 'single issue' and 'protectionist' and opened opportunities to exercise influence. "When country representatives realise the range of issues that global unions like EI and PSI support, and that they have affiliates in more than 100 counties, representing millions of members in both north and the south, they are generally more willing to listen" (PSI 2005, interview).

Another awareness raising and lobbying avenue, which PSI and other GUFs have utilised is the annual WTO Symposium. In April each year for two and a half days the WTO throws all of its facilities open to "accredited NGOs" (which includes unions) to run workshops on virtually any topic they like. While workshops have to be agreed in terms of space and scheduling there doesn't appear to be any limitations in terms of topics. Union officials in PSI and EI saw this as an effective way for unions to influence member states or at least to educate them about union concerns regarding GATS and other WTO related issues. Member states are invited and they do take part, some actively and some

just listening – they clearly want to know what 'civil society' is thinking on these issues (PSI Interview 2005; EI Interview 2009).

Lobbying the OECD:

Mike Waghorne from PSI considers the OECD as a key organisation to target in attempting to influence multilateral trade negotiations, as to some extent it functions as the "executive board" of the WTO: "It [the OECD] has all the big players and basically sets the agenda". Its tripartite nature also makes it one of the few intergovernmental organisations within which labour has a recognised role and institutionalised access through the Trade Union Advisory Committee to the OECD (TUAC). Waghorne claims that OECD governments do listen to trade unions because most of them accept that social dialogue is important and that unions are legitimate representatives of civil society. However, he believes that unions, on the whole, have failed to understand the importance of the OECD in determining the framework and content of WTO negotiations. Nor have they fully exploited existing channels of influence they have within the OECD through TUAC. The OECD presents another avenue to lobby member states; at the annual OECD Trade Committee meetings, for example. Mike Waghorne said member state representatives attending these meetings were usually surprised by the breadth of issues that unions were concerned with in regards to the WTO and GATS, and often completely ignorant of the real impact of privatisation of services, even within their own countries.

Lobbying UNESCO

UNESCO's widely accepted legitimacy in promoting and regulating education at an international level and its embeddedness in social and human values make it a crucial ally for EI's strategy to develop an alternative 'regime' for regulating higher education. This strategy was developed as a way of maintaining positive international education initiatives, while keeping education out of GATS (EI Interview 2005). To advance this initiative EI decided to hold a GATS strategy conference at the UNESCO headquarters in Paris, in 2005. The purpose of this conference was threefold; to involve UNESCO in the GATS and education debate and broaden it from a narrow focus on trade and economic issues to a focus on more social and cultural issues, to get some idea of the 'state of play' of GATS negotiations from GATS representatives, and develop a strategic proposal by EI and its affiliates to deal with GATS in the lead up to the 6th WTO Ministerial Conference to be held in Hong Kong in December 2005 (EI Interview 2005 and 2009).

Lobbying delegations

Both EI and PSI have also introduced the strategy of directly lobbying WTO trade delegations in Geneva. Both PSI and EI participated in civil society delegations to meet with trade delegates in Geneva at critical moments in the GATS negotiations. The purpose of these meetings was twofold; to strengthen the resistance of member country delegations to increasing commitments in education and other services, and to build strategic alliances, especially with developing countries and influential countries of the south with a view to slowing down or even, derailing, the negotiating process. (EI Interview 2005; PSI Interview 2005).

The strategy for these delegations was decided at meetings of 'GATS activists'. At these meetings delegates presented previously 'agreed' questions relevant to each particular country and distributed handouts containing their views on a variety of issues including: Mode 4; domestic regulation; GATS and water; health services; GATS and Education; and the liberalisation of a range of other important services and utilities (NGO/GATS Report 2005, NGO/GATS Briefing 2005).

These meetings were frequently preceded by a GATS statement/letter e.g. 'Stop the GATS Power Play' signed by a wide group of NGOs and unions, which expressed their

concerns over issues in current GATS negotiations. For example, attempts by the European Commission and the US to establish 'benchmarks' which would force countries to increase their commitments in specific sectors, and the continuation of negotiations while the rules in significant areas were still being decided (PSI 2005a).

These statements were also sent to the Chairs of the General Council and the Council on Trade in Services in Special Session and to the WTO Director General, and circulated to unions via the Global Unions Forum on Trade and International Labour Standards (TILS) network and the PSI website. These sign on statements and the large number of accompanying signatories had a significant impact on member states. They represented the strength of civil society and union concern about the GATS, and presented a united front that could not be easily marginalised or dismissed.

Both unions and NGOs involved in these lobbying exercises saw the lobbying of trade delegates as a useful exercise. They believe it was particularly useful for presenting their positions, gaining information about the 'state of play' of current negotiations, and for identifying the major concerns of member states. This helped provide crucial information for deciding where to target future campaigning and lobbying efforts, and what divisions and areas of disagreement to strategically exploit (NGO/GATS 2005a). Because the WTO works on consensus, exploiting divisions between member states is seen as one way of bringing negotiations to a 'standstill' and providing a space for assessment of impact of GATS commitments on services.

However, lobbying trade delegations is an expensive exercise and not one that either PSI or EI considered they would be able to maintain in the long term. They believe their best hope to influence negotiations still lies in the ability of their national affiliates to get to trade negotiators before they come to Geneva (PSI Interview 2005, EI Interview 2005).

Lobbying WTO member states,

As part of their initial strategy to maintain education as a public service and keep it out of GATS EI and PSI worked with one of the WTO member states (mainly the Netherlands) on a proposal to have public services defined more clearly in the GATS treaty. However, when the Netherlands put this proposal to other member states their reaction was negative on two counts. Firstly, they felt there was general agreement (at least by major WTO member states) that public services would remain protected. Secondly, member states feared that such a request would be seen as "a goodie" that they had received, and that they would be expected to give something in return. Most of them didn't think the issue was serious enough to warrant such action (PSI interview 2005). This highlights the 'horse-trading' nature of the multilateral trade process.

Although this initial attempt to engage member states in altering the GATS rule "died" it generated a lot of material that made PSI fully aware of how important GATS was and the wider implications of its 'rule-making'. It also strengthened PSI's connection to other civil society groups concerned about GATS. For example, PSI worked with the Centre for International Environmental Law (CIEL) to produce an analysis of the scope of GATS and the threat to public services (Krajewski 2001). This document focused primarily on the meaning of GATS Article 1:3 (b) and (c) (which 'supposedly' protects public services) and suggested some legal methods to broaden the meaning of the clause, including, amendments to the GATS itself, an authoritative interpretation by the WTO, or a formal but nonbinding statement (Krajewski 2001). The Global Unions Group subsequently included a variation of this proposal into their official trade union position statement (Global Unions Group/WTC/ETUC 2005: No. 37).

Protecting public services remains a core issue of concern for global unions like PSI and EI and they continued to lobby the WTO to have the ambiguity of the term clarified (see Issue 3 of TradEducation News published in December 2004 for example and the Global

Unions Group trade union position paper). However, by 2005, unions believed the level of threat to public services had diminished for the moment, at least for education and health (this can change as negotiations change). This could be due to widespread acceptance that most WTO member countries, certainly the major OECD countries, are not as interested in making commitments in these areas, either because of uncertainty about the implications, or doubts about the potential benefits. It could be because they have been 'scared off' by growing public awareness and union and NGO initiated pressure or it could be part of the 'wait and see' nature of trade negotiations (PSI Interview 2005).

Offering technical and political assistance was another strategy used by unions and NGOs to exert influence on member states; especially developing countries that in many cases lack the capacity to conduct an analysis of potential benefits or likely implications of GATS commitments. NGOs (and unions operating in this role) are seen as useful allies in providing resources and knowledge in this area. However, such strategic alliances can be somewhat "opportunistic" and needed to be treated with caution. A common position on one GATS related issue may not extend to support for trade unions in others (PSI interview 2005).

5.3.2 Networking and Coalition building

Bridging the gap with NGOs

As the first global union to take seriously the need to work with NGOs, PSI has formed something of a "bridge" between the NGO and trade union communities. To a large extent this depended on the efforts of a single union official from PSI, with the major responsibility for trade and other intergovernmental organisations. His work with NGO groups, which started as a result of shared concerns over the policy and action of International Financial Institutions (IFIs) like The World Bank and The International Monetary Fund (IMF), increased after the advent of the WTO, and especially following his attendance at the WTO Ministerial in Seattle. Personal contacts and relationships of trust played a crucial role in building up alliances between the two groups. Although EI was initially more reluctant to work with NGOs it benefited indirectly due to the close working relationship between the two GUFs. Due to its proximity to Geneva (EI is located in Brussels), PSI did a lot of the day-to-day networking and lobbying on EI's behalf.[11]

PSI in particular, developed strong relationships with anti-GATS NGOs and other civil society groups like the World Development Movement (WDM) as part of its work in trying to strengthen the clause protecting public services in GATS. Following the failure of their initial attempt to engage member states WDM helped mobilise national affiliates to become involved in the campaign to protect public services by raising public awareness and lobbying their national governments.

NGOs are able to bring a degree of resources, personnel and expertise to bear on GATS issues that trade unions simply have neither the time nor resources to do. They can also help trade unions broaden their repertoire of strategies. This is demonstrated, for example, by the more strategic approaches adopted by PSI and EI following participation in planning and strategy meetings held by NGOs and unions in Geneva in the lead up to important sets of negotiations and WTO Ministerial meetings.

[11] This was part of a formal arrangement between PSI and EI, which was based on long-term practices of working together to protect public services. The GUFs, also jointly published extensive material for affiliates.

Coalitions with local governments

Unions also explored the possibility of forming or joining coalitions with local government authorities. EI published the example of the ATTAC supported local government campaign for GATS Free Zones, which started in France, and encouraged affiliates to initiate similar alliances (EI 2004e). As at October 2004, 560 GATS Free Zones, including 10 regions, 24 departments and hundreds of large and small cities, had been declared and ATTAC has appealed to GATS activists, including unions, to help spread this campaign to the rest of the European Union.

Sussex (2005) cites three major reasons why local and regional councils in Europe, Canada, USA, Australia and New Zealand have started taking action against GATS and other trade agreements. Firstly, GATS and similar trade agreements can have an adverse affect on the services supplied by local or regional authorities. Secondly, central governments decisions regarding GATS and other trade commitments can have negative impact on the quality of life in their territories through their impact on local labour markets, working conditions and the delivery of services. Thirdly, GATS and other such trade agreements can diminish the capacity of local or regional government to regulate services. Many of these local government campaigns have a strong focus on the preservation of public services and their exclusion from the GATS, making local governments natural allies for unions fighting for the same thing. Also local governments are often significant employers of workers in these services sectors so the potential for member involvement is significant.

5.3.3 Mobilising affiliate unions

Despite the important role played by affiliates in the GUF's strategy they initially used fairly traditional methods for involving national affiliates; mainly through union journals and newsletters, seminars and conferences. [12] There were some attempt to develop an email forum by PSI but this largely functioned as an information broadcast rather then as an interactive campaigning tool (PSI interview 2005).

In the main, EI focused attention predominantly on higher education affiliates as it regarded the GATS/WTO issue as "too complex" for affiliates in other education sectors (EI Interview 2005); though this may have been a little short sighted given the wide scope of GATS. The complexity of the GATS issue is also seen as a problem in engaging affiliates in developing countries who often lack the resources to build up the expertise needed.

The GUFS see their role as predominantly informing national affiliates about the latest developments, providing them with information, educational and advocative material, encouraging them to monitor and lobby their own government on trade decisions in the service sector, and using their status as major international bodies representing educators and public sector workers world-wide to lobby at an international level, lend weight to national lobbying and attract more wide-spread media coverage. There seems little evidence of attempts to actively engage grass-roots members directly or to coordinate national or transnational action against GATS by national unions.

5.4 National level - great variety in access and level of mobilisation against the GATS

As the following national cases show, there was great variety in the national level in terms of how the GATS was or wasn't picked up by unions as an important policy issue.

[12] PSI and EI jointly published a range of significant educational and awareness raising material, but due to space restrictions this is not elaborated here.

To some extent it depended on whether the GATS issues as 'framed' at the international level resonated with the domestic policy concerns of union leaders.

5.4.1 Australia - some consultation and limited access through legislative process - identifiable campaign against the GATS

In Australia there was an identifiable campaign against GATS, or rather a series of campaign, lobbying and awareness raising activities over a number of years .

However, as unions and civil society in Australia are to a large extent locked out of the trade policy process unions were unable to use formal strategies such as social dialogue (institutional power). Nor, were they able to employ 'insider strategies' which require friendly relationships with the ruling political power (political power), as during the time period in which the GATS campaign took place, there was a union hostile government in power in Australia. Nonetheless, unions were able to utilise opportunities provided in the parliamentary process. They lobbied members of the opposition party and independent members of parliament to raise their concerns in parliament and push for public hearings on trade agreements. This gave them the opportunity to make submissions and provide evidence at public hearings. They successfully used these hearings to 'scandalise' in the media the lack of transparency and democratic decision making in the trade negotiating process and raise public concern about the threat which both the GATS and the Australian, United States Free Trade Agreement (AUSFTA) negotiations posed to the provision of services and to domestic regulation. They also used active monitoring of trade agreements to put a 'brake' on government trade commitments, especially in services negotiations. This meant building up the necessary expertise to be able to monitor trade negotiations, responding to changes in government negotiations, and alerting other unions and civil society groups about issues of concern.

The main aim of the lobbying and campaigning against GATS was to stop the Australian government from making further offers in the GATS negotiations, initially in education and public services and later also in essential services such as water and postal services (threat to standard letter postage charge). The campaign against GATS was also heavily linked to the fight against privatisation of public services in Australia, and other forms of deregulation, such as removal of the power to regulate Foreign Direct Investment (FDI) and the audio-visual industry (local-content laws etc.). Liberalisation of services through GATS was framed as 'privatisation by stealth'. As in the global campaign, campaign and lobbying activity tended to mirror the negotiating process and increased in intensity in the lead up to services negotiating meetings and WTO ministerial meetings. Unions and civil society groups countered accusations of protectionism by framing their demands in terms of 'fair trade' rather than 'free trade' and called for a trade negotiating framework which was open, accountable, and compatible with UN agreements on labour rights, human rights, the environment etc. Much of the campaign material used campaign slogans/frames developed by international campaign groups like OWINFS such as 'WTO Sink or Shrink' or 'Stop the GATS attack now' but these were given an Australian flavour through reference to Australian examples and implications for Australian citizens. The other major frame used was appeal to democracy and citizen's rights.

The campaigning activity was most intense from 2001 to 2003, culminating in the WTO ministerial in Cancun. After that, it was overtaken to some extent by campaigning against the free trade agreement between Australia and the US (AUSFTA). This was seen as a much more immediate threat.

While the union movement as a whole has some capacity and expertise in relation to trade, this is mainly in the hands of a few key experts in the ACTU and major national unions. The (National Tertiary Education Union) NTEU in particular, has developed

specialised trade policy expertise in relation to the WTO and the GATS. However, a range of other services unions at the national and state branch levels have developed some expertise, and conducted their own lobbying and campaigns. Unions worked closely together with other civil society groups through the Australian Fair Trade and Investment Network (AFTINET), which is an alliance of unions and civil society groups, including Churches. AFTINET was formed in February 2001 in direct response to concerns over the WTO negotiations, in particular GATS (built on old anti-MAI campaign network links). The Australian union federation (ACTU) and major national unions play an active role in the coalition, and it is predominantly funded by a number of the larger unions. This alliance was a key actor in the campaign action against the GATS, and the majority of union work was actually carried out through this alliance. AFTINET provided analyses of trade agreements, produced and disseminated education materials and regular bulletins, lobbied ministers and trade officials and supplied speakers at many public events. A number of individual unions, including major national public services unions also ran campaigns, which drew on material from AFTINET and other sources, including from the Global Union Federations (GUFS). Although, support from the GUFs appears to have been mainly in the form of updates on GATS negotiations through EI/PSI publications.

There were extensive attempts to use of the media to raise public awareness and influence the discourse around issues of concern. This included media releases, articles and letters to the editor of significant newspapers, radio and television interviews and production and distribution of educational material. Email and electronic networking played a key role in disseminating information and linking up activists, both nationally and internationally. In many cases unions had a dedicated trade campaign website and sent regular email bulletins to members. The role of transnational civil society networks such as OWINFS should not be underestimated in terms of supplying policy analysis and disseminating key frames, storylines and information (e.g. the EU demands for GATS, which acted as a catalyst for challenging the Australian Government negotiating position). These were picked up and adapted to the Australian situation.

Where mass action took place it tended to be around specific events such as the WTO mini-ministerial in Sydney, the IMF international Congress, the APEC meeting or some other trade related event.

Communication about trade related issues tended to be top down with no real engagement of members at the grass roots level. Key union activists engaged in AFTINET, for example, tend to be relatively senior union officials within the federal structure of unions, which can be quite removed the State Branch level where members are engaged. Information was generally supplied to union branches and available on union websites.

5.4.2 South Africa - Formal access to the trade policy process - no identifiable campaign against the GATS

South Africa stands out as something of an exception. Here all three union federations have formal input into the trade policy making and negotiating positions through a specific tripartite institution, the National Economic and Development and Labour Council (NEDLAC). The main union federation, the Congress of South African Trade Unions (COSATU) also has direct channels of access to ministers and key decision makers through its formal alliance with the governing ANC. There are also considerable opportunities for informal access due to the high percentage of former unionists who have become members of parliament and subsequently government ministers. However, access does not always translate into influence and COSATU has still often struggled to get the government to consider its concerns, especially under the former Mbeki-led ANC government. In order to strengthen their institutional power unions

(mainly COSATU unions), have pursued a dual strategy of social dialogue through NEDLAC combined with mass action to apply pressure in support of their policy positions when dialogue breaks down.

The labour movement also has considerable capacity and expertise in relation to trade, especially COSATU (which is the largest and most powerful of the three union federations organised nationally in South Africa). This has been developed largely as a response to the legacies of apartheid. COSATU views trade policy as a crucial tool for addressing poverty and social inequality, and has a strong record of policy engagement. The federation has a specific policy unit, established in 2001, to provide the policy expertise needed to participate in tripartite negotiations in NEDLAC. This includes a dedicated policy officer for trade and economic policy. The existence of NEDLAC and the highly complex and often technical nature of trade negotiations have led to a great deal of capacity building and expertise, both within the federation office and within key affiliate unions. Affiliates are expected to supply detailed information and analysis about the impact of particular trade policies and agreements on their sectors. However, this capacity is more strongly developed in relation to manufacturing than services. The labour movement also has access to a dedicated research institute, the National Labour Economic Development Institute (NALEDI) which provides research and policy advice.

However, here there was no identifiable campaign against the GATS and no connection made, at least within the trade union movement, between the GATS negotiations and the extensive union campaigns against deregulation and privatization of public and municipal services, such as health and water. Concerns about the impact of the GATS were voiced within NEDLAC but mainly by the union representative with responsibility for services negotiations, who was from the South African Municipal Workers Union (SAMWU), a PSI affiliate. He seems to have been a bit of a 'lone voice' within the union movement.

In higher education there was considerable opposition to the GATS by the University Associations (but strictly speaking, they are not unions) and the then Minister for Education, Kader Asmal was very vocal about the threat of GATS. However, there is little evidence of a coordinated 'stop GATS' campaign, which was evident in Australia, for example. The then President of the main education union, the South African Democratic Teachers Union (SADTU) Thulas Nxesi, was also President of the global education union Education International (EI) but there appears to be little evidence of direct campaigning against GATS by SADTU. One explanation could be the lack of a strong coordinated union movement in the higher education sector in South Africa (Murphy Interview 2009) the other could be that unions didn't see GATS as a threat to higher education in SA (COSATU Interview 2 2009).

This was despite the fact that key civil society actors were campaigning and publishing material warning about the threat that GATS posed, especially to health services in South Africa (Dot Keet, for example, wrote extensive interviews about the threat posed by the WTO and the GATS). Unionists in South Africa also had access to the same information on the GATS as unionists and activists in Australia, e.g. from Canadian institutions such as the Polaris Institute and international networks such as Our World is Not for Sale (OWINFS). Activists from the Canadian Public Service Union and the Polaris Institute visited South Africa (on SAMWU's initiation) at least twice and conducted seminars on GATS for union and civil society actors (SAMWU Interview 2009) but there are clearly differences in the way issues were picked up and framed. This could partly be explained by the union movement's concentration on other trade policy areas, especially on industrial policy in relation to manufacturing as a driver of employment. This requires further analysis.

This priority is also reflected to some extent within NEDLAC, and also in key policy experts, who are located in, or drawn from, predominantly industrial unions. One could argue that GATS was not seen by the union movement or by its 'political allies' as being of sufficient threat and therefore priority. Key policy officers within COSATU accepted government assurances that essential services would not be committed in ongoing GATS negotiations (Interview COSATU 2: 2010). Indeed this was confirmed by the current Trade minister Rob Davies in a recent interview (Davies 2010: interview). There seemed to be little concern about the application of general GATS rules to services if they are privatised or offered in competition to other providers. In addition, there is less agreement between the social partners in relation to the GATS and also within the union movement itself.

One of the COSATU delegates to NEDLAC, who is recognised as the main union expert on services, expressed frustration about the failure of the Government and also COSATU itself to recognise the threat which GATS rules represent to the delivery and regulation of services in South Africa, even where this has been demonstrated – for example a possible conflict between SA's Health Act and existing commitments on GATS made within professional services which impact on the delivery of health services (SAMWU Interview 1. 2009). In other words, despite clearly stated policy positions in COSATU documents in practice, unions in South Africa failed to develop a 'coherent position' on GATS.

The 'legacy' of previous events and struggles is also clearly important. In South Africa the legacy of the struggle to end apartheid, and the key role played by unions in this process, has implications, not just for the political context but also for trade union capacity. One outcome of the need to address the legacy of Apartheid, for example, has been the development of extensive policy expertise within COSATU and affiliate unions but also the focus on the industrial sector as the main way to address unemployment. In South Africa the services sector is not seen as a major driver of employment. As a key former policy officer expressed it, it is a matter of choosing where to put scarce resources, and in this case the union movement has chosen the industrial sector and employment as the main focus (COSATU Interview 2. 2010).

6. Conclusions and implications for labour/further research

As shown above, in order to compensate for the lack of institutional power and the weakening, or unavailability of traditional forms of associational power, unions at the global level and at the national level, in Australia, relied to a large extent on discursive strategies and networking with other groups and NGOs already working on the GATS. However, where they had institutional power, such as in South Africa, unions relied more on formal avenues to put their position forward , but unions also backed this up with mass mobilisation when the government ignored their position.

6.1 Discursive strategies

As the case studies above show, despite the lack of institutional access, there are opportunities for the exercise of 'persuasion' within the WTO process, both at the international level and at the national level. Union organisations at both the global and national level, were able to find opportunities to bring pressure to bear on negotiating positions, by awareness raising, monitoring and publicising the actions and positions of governments, by providing technical assistance to developing countries, by challenging existing claims and accentuating existing divisions in negotiating positions. The highly divisive nature of trade and the degree of disagreement between negotiating groups makes it possible to 'win allies'. However, on the downside, these alliances tend to be quite precarious due to the tendency to 'trade-off' some issues against others. This was a

concern amongst those lobbying trade delegates and member state governments. They feared that services could be traded off against obtaining advantages in other trade areas such as agriculture.

Expertise played a major role in the capacity to take advantage of such opportunities. The complexity of trade makes it crucial for unions to build up policy and political expertise and to dedicate more resources to trade if they want to influence policy positions and negotiation outcomes.

6.2 Integration into coalitions, alliances and networks:

The other main source of expertise, research and mobilisation for union movements was through integration into coalitions, alliances and networks engaged in trade related lobbying and campaigning. National union federations in our study are typically affiliated to the regional and international structures of the International Trade Union Confederation (ITUC), while on a sectoral basis, national unions are integrated into the regional and international structures of the Global Union Federations (GUFs). The ITUC and a number of the GUFs do considerable work on trade, especially in relation to the inclusion of labour rights into trade agreements, but increasingly also on other issues, including information sharing and capacity building in relation to bilateral, regional and international trade agreements.

Public Services International (PSI) and Education International (EI), for example, were quite active in supporting their national affiliates in campaigns against further liberalisation of services through the GATS negotiations, although this mainly took the form of providing information and advocacy and campaigning material that can be adapted to the national situation, there was no real evidence of attempts to link campaign efforts across borders or to play a coordinating or unifying role. Although not discussed here, the ITUC has played an important role in coordinating national union efforts to influence the NAMA negotiations (Busser 2009). The demands on developing countries to substantially cut tariffs across a wide range of industries as part of these negotiations deepened national trade union engagement in trade issues and led to the formation of new transnational union coalitions such as the NAMA 11 trade union group (Busser 2009) and the sindicatos OMC trade union group (TUC 2009). Another important union network is the Global Unions Forum on Trade and International Labour Standards (TILS), which plays a major role in circulating information about trade negotiations to unions and other interested groups and also brings representatives from national union federations together to strategise about trade and lobby at WTO Ministerials (Anner 2001; McGuire 2005).[13]

In addition, many union federations (and/or key affiliate unions) are integrated into a wide range of civil society coalitions and networks at both the national and global levels (McGuire and Scherrer et al. 2010). Through these organisations, coalitions and networks, which are often interrelated or have close working relationships, national union movements are able to draw on extensive policy expertise and participate in many different discussion fora and arenas of action. This was the case in Australia for example.

The situation in South Africa was slightly different. COSATU is integrated into the ITUC (and its regional affiliate ITUC Africa), and national unions are affiliated to the relevant GUFS. However, these relationships are relatively fragile due to historical and

[13] The ITUC efforts in relation to the campaign to have a social clause incorporated into WTO trade agreements is also a significant example of union attempts to influence the trade policy process. For reasons of space it has not been included here. For a good account of this campaign see Anner (2001).

ideological reasons. COSATU and national unions from South Africa have only affiliated to global union organisations relatively recently (since the 1990s), and there are still tensions over the degree to which the interests of developing countries are included in the global union agenda (see Stevis and Boswell 2008 for a good historical account).

Unions in South Africa typically draw on additional expertise from national and regional NGOs, labour related research organisations and international civil society networks such as the Third World Network (TWN) and OWINFS, but to a much more limited extent than most other countries in the study by McGuire and Scherrer et al. (2010). COSATU has participated in the Trade Strategy Group (TSG), a civil society alliance, which worked to mobilise action in relation to trade, including the GATS (and the WTO) but has not played a major role in this alliance. The TSG is more an initiative of social movement actors and groups. In general, COSATU prefers to do most research and policy analysis in-house or through the labour research institute, NALEDI, and to retain considerable autonomy in developing its position on trade.

Integration into global networks also played a crucial role. Through use of the internet, union activists were able to plug into global networks through which they gained access to a wide variety of resources. Our World is Not for Sale (OWINFS), for example, played a key connecting role. Because many national and regional trade alliances and coalitions are also members of OWINFS, the global network effectively linked union and civil society activists across countries and across issues. In addition, its loose organisational structure and broad social justice discourse enabled OWINFS to accommodate many disparate groups and ideas (For more information on this network see www.ourworldisnotforsale.org.)

Global networks leaked negotiating positions and draft agreements, provided analysis about the likely impact of trade agreements, conducted and shared research, developed campaign material, shared information and strategies, and, in some cases, organised training and capacity building courses. This compensated for the lack of resources within the global and national trade union organisations.

As mentioned above, global networks also played a very important monitoring role by providing (sometimes 'leaked') information about trade agreements and negotiating positions of trading partners, thus making it harder for governments to keep negotiations secret, and providing valuable leverage for anti-FTA or anti- WTO campaigns. This happened, for example, during the GATS negotiations when the EU demands for services liberalisation were leaked to the global and national union movements through a global NGO network called GATSwatch.[14] In Australia, this information was picked up by unions and civil society groups and used to pressure the Australian government into revealing its negotiating position in the GATS negotiations: both its demands of other countries and its proposed commitments. At the global level it was used to raise the level of perceived threat and encourage wider mobilisation against the GATS.

6.3 Capacity and willingness of the state to repress

One of the dimensions of political opportunity structure is the willingness of the state to repress its citizens (McAdam et al. 1996; Tarrow 2005). This can exercise a major restraint on protest activity located in the public domain. Politicians and governments of all walks have shown a remarkable capacity to ignore even widespread protests, which draw on 'moral' arguments, unless they become election issues. Witness the Howard government's complete disregard of the unprecedented public protests against the Australia's engagement in Iraq (see Tattersal 2009). Collective power by itself may not

[14] see (www.gatswatch.org/requests-offers.html#outgoing)

be sufficient to bring about changes in policy unless it is connected to institutionalised power (such as voting in elections) or backed up by the power to completely disrupt (or indeed overturn) the system. In the face of the hegemony of neoliberal policies across the political spectrum in many countries, even the capacity to change policy through changing governments is reduced.

However, governments in so-called liberal democracies' have also shown an increasing willingness to suppress civil rights and exercise violence against of their own citizens when faced with disruptive protests, such as those against the WTO Ministerials and the G8 meetings (see for example, the 'Battle of Seattle' and police brutality during the Heilingdam and Toronto - G8 meetings, and protests against NATO in France and the protests against the various Economic Forums). Authoritarian governments aren't the only ones to consider shutting down telephone communications and other social networking media used increasingly to diffuse information and coordinate protest activity [see current discussions in UK for example).

While this paints quite a gloomy picture there is also the possibility that the unresponsiveness of governments to citizen's concerns and their willingness to at times violently suppress protest could lead to greater mobilisation both within and outside the labour movement thus a strengthening of organisational and collective power (see comments by Robinson 1998). To this extent, trade agreements and trade negotiating regimes may indeed open up a 'political opportunity structure' for unions, provided unions have developed sufficient organisational and mobilisation capacity to marshal this discontent and build it into a united front of resistance - across borders and narrow sectoral interests.

A note on sources and use of this article

This research draws on case study research for my PhD thesis. As such it is a work in progress and should not be cited without the permission of the author, as the analysis is not complete. I have not listed all of the sources used, however, it includes interviews with key union activists in PSI and EI, and in the labour movements in Australia and South Africa. The full list of interviews and sources is available on request.

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