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Labour, new social movements and the resistance to neo-liberal restructuring in Europe¹

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Abstract

The purpose of this article is to analyse one of the very first European-level instances of trade union and social movement interaction in defence of the public sector, namely, the Coalition for Green and Social Procurement, an alliance of European trade unions and green and social non-governmental organisations (NGOs), and its campaign for an amendment of the new public procurement directives from 2000 to 2003. It will be examined to what extent this campaign was able to change the directives and counter neoliberal restructuring effectively as well as what the possibilities but also limits of trade union and social movement cooperation are as exemplified in this particular case study.

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Introduction

Driven by a discourse of competitiveness, EU integration has increasingly become dominated by economic neo-liberalism. Restructuring started with the Internal Market programme of 1985 and the liberalisation and deregulation of national markets leading towards the free movement of goods, capital, services and people. It has been further cemented through Economic and Monetary Union (EMU) with its convergence criteria of low national debt and budget deficit levels and the independent European Central Bank and its task to prioritise price stability over other objectives. The Lisbon Strategy continued these developments of an exclusive focus on the market (Bieler 2006: 9-14; Hager 2009). Although the EU's so-called Social Dimension distinguishes it from the US economic-political model, these measures can be regarded as part of the market building process (Leibfried 2005: 257, 262). Overall, van Apeldoorn speaks of the compromise of 'embedded neo-liberalism' (van Apeldoorn 2002: 158-89). Pushed by European transnational capital, this compromise is predominantly characterised by neo-liberalism, but includes some concessions in the areas of European industrial and social policies in order to broaden the basis of support beyond transnational capital.

Public sector unions face a specific challenge due to the increasing pressure on opening public sector services to private sector providers as part of ongoing EU restructuring. At the global level, the liberalisation of public service provision is discussed in the General Agreement on Trade in Services negotiations of the WTO. Within the EU, this pressure results from directives such as the Services Directive and the Directives on Public Procurement. This public service restructuring towards private and/or public-private partnership provision threatens the public service ethos

central to the European Social Model of capitalism in general (Hebson et al 2003) and trade unions' traditionally strong role in the public sector in particular.

The purpose of this article is to analyse one of the very first European level instances of trade union and social movement interaction in defence of the public sector, the Coalition for Green and Social Procurement, an alliance of European trade unions and green and social NGOs, and its campaign for an amendment of the new public procurement directives from 2000 to 2003. The draft directives, published by the Commission in May 2000 (Commission 2000a and 2000b), focused solely on the lowest price as main criterion for awarding public contracts, while green and social criteria were sidelined. Considering that public procurement, including the purchases of goods, services and public works by governments and public utilities, made up about 16 per cent of the EU's GDP or €1500 billion in 2002,² unions and NGOs considered it a crucial area for the defence of the public sector. In this article, it will be analysed to what extent this campaign was able to change the directives and counter neo-liberal restructuring effectively as well as what the possibilities but also limits of trade union and social movement co-operation are as exemplified in this particular case study.

The next section will look in more detail at how the co-operation between trade unions and social movements can be conceptualised. A liberal-pluralist conceptualisation of trade union – social movement co-operation will be rejected, because liberal theory overlooks the embeddedness of actors within the underlying power structures. It will then be argued that in order to take into account these structures in their ideational as well as material dimension, a historical materialist, neo-Gramscian approach is highly suitable for the analysis. The co-operation between the European Federation of Public Service Unions (EPSU) and social and green

NGOs is, then, investigated in two steps. Step one focuses on the Coalition's role in the policy-making process of the procurement directives within the institutional structure of the EU. Step two will relate the strategies of the Coalition to the wider material and ideational structures of European integration. It will be asked whether the Coalition was able to formulate for the public sector an alternative to neo-liberalism at the ideological level and whether it was successful to base its campaign on power resources within the material structure. Only with the second step, it is argued, driven by a historical materialist analysis, is it possible to understand fully *why* the Coalition failed or was successful. The conclusion will summarise the results of the article and reflect on the implications of this study for the possibilities of resisting neo-liberal restructuring at the European regional level.

Globalisation and the co-operation of non-state actors across borders

The current wave of world-wide protests against capitalism is frequently associated with the emergence of global civil society (GCS) – a nexus of actors and actions that has transcended the local or national context in which 'civil society' had for many decades been thought about (see Lipschutz 1994 and 2006). Optimistic assessments treat the emergence of GCS as transcending nation-state structures and providing the basis, by default, of opposition to neo-liberal globalisation through the establishment of some form of cosmopolitan social democracy (e.g. Held and McGrew 2002: 135-6; Held et al. 1999: 449-52). GCS is regarded as the political movement, which re-establishes control over global market forces and ensures that the economic gains, resulting from globalisation, are distributed in a more equal and just way. The re-regulation of the market at the international level is linked to Karl Polanyi's (1957: 130-77) idea of a double movement: after a period of laissez-faire, a phase of political

regulation follows. In general, such literature focuses on reform of the current system instead of transformation. Scholte (2005: 389-95) is the most radical of this group arguing for an 'ambitious reformism', which incorporates some transformist aspirations. As critics have pointed out, however, transnational civil society is to a large extent shaped by states (Chandler 2003: 336) and transnational civil society actors potentially strengthen national borders instead of overcoming them (Colás 2002: 172). Hence, rather than treating GCS as a separate space, there is the need 'to consider the practices of GCS in close relation to economic change, and the restructuring of states as part of shifting configurations of governance' (Amoore and Langley 2004: 94). Similarly, instead of resisting global neo-liberal restructuring, some transnational actors, such as international business associations, may actually further it (Sklair 1997). In other words, GCS movements are not automatically progressive agents of resistance against neo-liberal restructuring. The danger is then, as Amoore and Langley make clear, 'that the representation of GCS as actual and potential agent of resistance may actually divert our attention from the very power relations that we would seek to explore and question' (Amoore and Langley 2004: 99).

Moreover, these generally reformist suggestions vis-à-vis global capitalism overlook that the source of inequality and exploitation is not to be found in the lack of political authority and control, but in the way capitalist social relations are organised. They fall 'into the trap of fetishizing the political expressions of global capitalism by assuming that the political forms of rule it throws up can be transformed in isolation from the social relations that underpin this system' (Colás 2002: 160). Their liberal, empirical pluralist perspective, by abstracting GCS actors such as trade unions and social movements from the underlying structure, overlooks the different levels of

structural power resources of these actors in comparison with those of transnational business, for example, which control large production structures across borders (van Apeldoorn 2004: 148). As Bastiaan van Apeldoorn et al argue, 'pluralist theory is correct in arguing that liberal democratic states encourage a multitude of groups to organize themselves freely and to compete with each other so as to advance their own purposes. Pluralist theory is wrong, however, in implying that the competition of these interests takes place on equal terms on a politically neutral social terrain' (van Apeldoorn et al 2003: 28). Pluralist approaches acknowledge the importance of interest groups' different levels of power resources, but these resources are treated as unit properties and not as a result of how these actors relate to the wider structure. Pluralists such as Lindblom also argue that due to the importance of business for the whole society, it enjoys a privileged input into, and even control over, government decision-making. However, his Weberian definition of class as a social status group (Lindblom 1977: 223) rather than a Marxist definition based on the position of people within the production process, indicates that here too the implications of the way business groups are located within the social relations of production are not understood. This oversight by pluralist theory is ultimately the result of regarding the political and the economic, the state and market as separate, externally related areas (Burnham 1995). This overlooks that it is only through the specific organisation of the capitalist social relations of production around wage labour and private property that the state and the market appear as separate spheres in the first place. Exploitation is ensured through extra-political means and the 'free' sale of labour power by those, who do not own the means of production (Wood 1995: 29, 34). In short, an analysis of interest group interaction is important, but it must take into account the underlying power structures and different levels of resources within the capitalist social relations

of production and the asymmetries this engenders across business, trade union and social movement groups.

In recent years, there has been a growing literature on the role of interest groups in EU policy-making. Robert Geyer (2001) analyses the role of social NGOs in EU social policy with a focus on the complex institutional structure of EU policy-making as well as NGO specific staff and financial resources. Kristin Edquist (2006) expands on this by taking into account the national level of policy-making and its implications for NGOs operating in Brussels. Justin Greenwood (2007) surveys extensively organised interest politics within the EU policy process, including business, professional and labour interest groups. Nevertheless, when assessing interest groups' impact on policy-making, these studies do not take into account the different levels of structural power of these groups resulting from their varied locations within the social relations of production (for similar examples see Lenschow 2005 and Mosher and Trubek 2003). Of course, when analysing EU policy-making, it is important to look at the strategies by interest groups within the EU institutional set-up and the next section does this in relation to the public procurement directives. Nevertheless, in order to understand fully the success and/or failure of the Coalition in resisting this particular piece of neo-liberal legislation, the Coalitions' strategies need to be related to the wider ideational and material dynamics of European integration.

Hence, this article is based on a historical materialist approach able to take into account the underlying power structures as reflected in the social relations of production. Since Robert Cox's path-breaking articles in 1981 and 1983, a set of related and yet distinctive neo-Gramscian, historical materialist approaches have emerged within International Political Economy (for overviews see Bieler and Morton 2004; Morton 2007; and Overbeek 2000). They have increasingly also been applied to

understanding processes of European integration (for collections of essays see Bieler and Morton 2001a; Cafruny and Ryner 2003; and van Apeldoorn et al 2009). A neo-Gramscian perspective allows us to identify social forces as engendered by the production process as the core collective actors to be investigated in class struggle over exploitation and resistance to it (Cox with Sinclair 1996: 57-8). Importantly, the focus on exploitation implies that class struggle is not reduced to confrontations at the workplace. As a consequence of exploitation being extended to the sphere of social reproduction by neo-liberal globalisation, it also includes the struggle against these forms of exploitation by progressive environmental and social movements as well as reactionary, nationalistic groups (van der Pijl 1998: 46-8). This understanding is based on a deeper historical materialist ontology including the spheres of production and social reproduction. The latter consists of three main components: (1) 'biological reproduction of the species ...; (2) the reproduction of the labor force, which involves not only subsistence but also education and training; [and] (3) the reproduction of provisioning and caring needs' (Bakker and Gills 2003: 32). The intensification of exploitation within the conditions of globalisation increasingly includes attempts to re-privatise this sphere of social reproduction and resistance to it is also part of class struggle. It is in this sense that within the historical specificity of the capitalist social relations of production the potential co-operation between trade unions, as representatives of various working class fractions, and social movements, organising those progressive forces which resist the neo-liberal restructuring of the sphere of social reproduction, is analysed as class struggle in this article.

A neo-Gramscian historical materialist analysis starts with an investigation of the social relations of production. Importantly, production is understood as more than the physical production of goods. Rather, the production of goods is closely related to

the knowledge and institutions necessary for such production to take place. In other words, ‘the *organisation* of production is suffused with ideas, concepts and values through which humans attempt to make sense of their material conditions of existence’ (Bieler, Bruff and Morton 2009: 6). Hence, the underlying power structures within which the strategies of the Coalition are situated consist of material as well as ideational properties. This expanded understanding of production is also reflected in the neo-Gramscian concept of ‘hegemonic project’, sometimes also referred to as ‘comprehensive concept of control’ (e.g. Overbeek 1990: 26, Pijl 1984: 7-8). A ‘hegemonic project’ of economic and political transformation transcends particular economic-corporate interests and becomes capable of binding and cohering the diverse aspirations and general interests of various social classes and class fractions. Such a hegemonic project must be based on, and stem from, the economic sphere, including an accumulation strategy or growth model (Jessop 1990: 199). It must, however, also go beyond economics into the political and social sphere, incorporating issues such as social reform or moral regeneration at the ideational level, to result in a stable hegemonic political system (Cox 1983: 168). Clearly, the efforts by the Coalition cannot be expected to constitute a ‘hegemonic project’. The objective was to prevent a particular item of neo-liberal legislation, not the overall transformation of the EU model of capitalism. Nevertheless, even a strategy directed against one specific item of legislation requires a material, economic basis as well as an ideational dimension in relation to the overall formulation of criticism of the public procurement directives. Otherwise, the Coalition’s campaign may simply represent a case of ‘gladiatorial futility which is self-declared action but modifies only the word, not things, the external gesture and not the man inside’ (Gramsci 1971: 307).

On the basis of this wider understanding of production, ideas in the form of intersubjective meanings can be conceptualised as part of the overall structure. Class struggle is, therefore, also a struggle over dominant discourses. As Gramsci argued, 'it is on the level of ideologies that men become conscious of conflicts in the world of the economy' (Gramsci 1971: 162). As indicated in the Introduction, neo-liberal economics has gained a hegemonic position at the European level through the project of 'embedded neo-liberalism'. Hence, a campaign against neo-liberal restructuring must include a critical engagement with neo-liberalism as well as an alternative, in order to have any chance of success. Thus, first it has to be asked whether the members of the Coalition managed to establish a clear alternative ideology, which could become the rationale around which the public sector could be organised in a different way and for a different purpose. Importantly, ideas must not be understood as a separate explanatory variable as in pluralist approaches, nor is it sufficient to regard them as separate from the particular social relations within which they cohere, as constructivists do (e.g. Rosamond 2002). While constructivists are able to identify which intersubjective meanings are part of the overall structure, they can neither explain why a certain intersubjective meaning is part of the structure, nor who the agents are behind it (Bieler and Morton 2008: 105-10). A historical materialist approach, drawing on the work of Gramsci and his focus on the 'material structure of ideas', by contrast, makes it possible to focus on the internal relation between the material and the ideational and, thereby, provides the conceptual tools for analysing which ideas actually matter. Thus, only ideas which are connected to a particular constellation of social forces, which are internally related to the material, are significant (Bieler and Morton 2008: 117-22). Only those ideas can be regarded as 'organic', in Gramsci's words, that 'organise human masses, and create the terrain on

which men move, acquire consciousness of their position, struggle, etc.’ (Gramsci 1971: 377).

The focus on the internal relation of the ideational to the material structure requires then a closer look at the Coalition’s broader strategies. As such, trade unions by representing workers within the production process provide the link to the material power structures. According to Silver (2003: 13-16), their particular role gives trade unions structural as well as associational power. Structural power results from workers’ position within the production process and most importantly refers to the weapon of the strike, but also the possibility of mobilising their membership for large-scale demonstrations. Associational power is achieved by workers uniting in organisations such as unions or political parties. This power source can also be extended to co-operation with other social movements and their capacity to mobilise their membership for demonstrations. In relation to the Coalition’s attempts to change the public procurement directives, it is, consequently, only likely to have had a chance of success, if the possible alternatives put forward were supported by a clear material basis rooted in the economy as well as the mobilisation of the related material power resources. Hence, the second key question is whether the Coalition has been able to broaden the social basis of resistance against neo-liberal restructuring and, thereby, establish successfully a material basis for its criticism of the directives.

Of course, a focus on social class forces must not imply an economic determinist understanding of class agency. Drawing on Gramsci’s rejection of any kind of economic determinism (Gramsci 1971: 168), it is clear that production can only be regarded as determining in the first instance constraining some actions, while enabling others. As Rupert notes, ‘class-based relations of production under capitalism create the possibility of particular kinds of agency, but this potential can

only be realised through the political practices of concretely situated social actors, practices which must negotiate forms of agency – resident within popular common sense’ (Rupert 2000: 14). The capitalist social relations of production, instantiated by agency in the past, confront social class forces in the present as objective structures. These structures constrain and enable strategies, but they do not determine them. Agents always have the possibility to choose between a range of possible strategies in concrete historical circumstances. Which strategies are ultimately pursued is an issue of open-ended class struggle (Bieler and Morton 2001b: 16-29). Hence, whether trade unions and the Coalition have mobilised their members against the public procurement directives and, thus, drawn on their material and associational power resources, is an open-ended question and matter of empirical analysis.

The internal relation between the agency of social class forces and institutional structures, and here specifically the Coalition’s strategies in relation to the formal EU institutional set-up, can be similarly conceptualised by drawing on Bob Jessop’s ‘strategic-relational’ approach to the state. According to Jessop, ‘as an institutional ensemble the state constitutes a terrain upon which different political forces attempt to impart a specific strategic direction to the individual or collective activities of its different branches’ (Jessop 1990: 268). Thus, the form of the state is the framework, within which various different strategies are possible. The state in this sense ‘can never be considered as neutral. It has a necessary structural selectivity’ (Jessop 1990: 268), favouring certain strategies over others. Nevertheless, institutions never determine strategy. There are always different possible strategies, from which actors can choose. Thus, the impact of institutions on agents in their attempt to influence policy-making is inscribed ‘in the relation between state structures and the strategies which different forces adopt towards it’ (Jessop 1990: 260). In relation to our case

study, it can be argued that the EU represents a form of state, that is ‘an ensemble of power centres that offer unequal chances to different forces within and outside the [EU] to act for different political purposes’ (Jessop 2007: 37). Understood as a supranational instance of ‘multiscalar metagovernance’ (Jessop 2007: 198-224), the EU contains its own strategic selectivity. Hence, the impact of the EU institutions also depends on which strategies were chosen by the Coalition.

In sum, in contrast to pluralist approaches, this neo-Gramscian historical materialist approach allows us to analyse the efforts of the Coalition within the wider ideational and material power structures of European integration with a focus on the internal relations between the ideational and the material as well as agency and structure. The following analysis will proceed in two steps. The first step analyses interest group interaction concerning the directives within the EU institutional set-up. As Jessop argues, “‘pluralism’ is the matrix within which struggles for hegemony occur’ (Jessop 1990: 210). In a second step, the Coalition’s strategies are analysed in relation to the underlying ideological as well as material power structures of the EU. The latter makes it possible to go beyond a pluralist outline of what is going on and focuses on *why* the Coalition was successful or failed in its attempts to influence the procurement directives.

The Coalition for Green and Social Procurement and EU policy-making³

Trade unions and social movements had attempted to influence the policy-making process already at the drafting stage by the Commission (e.g. EFBWW 1997; EPSU 1998) in response to the Commission green paper on public procurement on 27 November 1996 (Commission 1996) as well as the related Communication by the Commission in March 1998 (Commission 1998). In the end, the lobbying did not

prove very successful. When the Commission published the draft directives in May 2000, little concrete reference was made to social and environmental criteria (Commission 2000a and 2000b). Unions had been successful at lobbying the DG for Employment and Social Affairs and the DG for Environment. Nevertheless, within the Commission it was the DG for the Internal Market, which was in charge of the directives, and it chose to disregard the views of the other two DGs (Interview No.1). It was in response to the draft directives that the Coalition was formed and social and environmental NGOs co-operated closely with trade unions.

The main initiators behind the coalition were EPSU for the unions and the European Environmental Bureau (EEB) for environmental NGOs. Additional coalition members were the European Disability Forum (EDF), the Social Platform and the WWF-European Policy Office (Interview No.1; Interview No.2, Interview No.3; Interview No.9). The coalition was further supported by fair trade associations (Interview No.1), the Climate Action Network Europe, the social NGO Solidar as well as the Clean Clothes Campaign (CCC) (Interview No.4; Interview No.5; Interview No.6). Importantly, there was also support by organisations representing municipalities especially prior to the second reading in the EP on 2 July 2003 (Document No.24; Document No.26). This included the Council of European Municipalities and Regions (CEMR), Eurocities as well as the Climate Alliance (Interview No.7). Finally, there were contacts between unions and the European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP), but the latter did not join the Coalition, since many of its demands were regarded as additional cost factors for public companies (Interview No.8).

The problems with the draft directives

The general criticism of the draft directives by the Coalition was ‘that the principle of the lowest price should be the criterion for awarding contracts’ (Coalition for Green and Social Procurement 2002a: 1). As a result, ‘criteria relating to the production and trading process of the product cannot be taken into account, if they are not visible in the end-production. In practice, this will exclude environmentally, socially and ethically sound public procurement for many products and services subject to public tendering’ (Coalition for Green and Social Procurement 2002c: 2). In a joint statement by four environmental NGOs, all Coalition members, the EEB, Greenpeace, Climate Action Network Europe and the WWF, in November 2001, it is argued that ‘in the life cycle of a production, it is often the PPM [Process and Production Methods] that cause the major environmental impact and public purchasers should be permitted to take this into consideration when deciding on their selection criteria but also when awarding the contract’ (EEB, Greenpeace, Climate Network Europe, WWF 2001: 3). Additionally, it was criticised that green criteria had to have a ‘direct link’ to the contract excluding wider concerns such as global warming. In general, environmental NGOs pointed out that the new directives would make it more difficult to use green criteria when awarding public contracts (Interview No.7; Interview No.9).

The focus on the end product by the directives was also problematic from a social criteria point of view. The CCC works on the labour conditions in the garment industry and the related rights of workers and here too the Process and Production Methods are an important aspect of award criteria, if one wants to ensure that local authorities only purchase ethically produced clothes (Interview No.6). Fair trade organisations had similar objections (Interview No.1). Hence, the Coalition demanded that the directives should include ‘respect for employment protection provisions and

working conditions, collective as well as individual rights, e.g. as laid down in the ILO Convention' (Coalition for Green and Social Procurement 2002b: 1). It was especially the absence of labour standards amongst the criteria, which social NGOs such as Solidar objected to (Interview No.5). This reflected the main concerns from a trade union point of view as outlined by an EPSU representative in an E-mail to a Swedish colleague: (1) the importance of a social dimension including the right for public authorities to demand compliance with collective agreements; and (2) the right for public authorities to provide services in-house, i.e. through their own companies/departments (Document No.3). The second point provided a bridge to the CEEP's concerns, which did not accept that a public tender is the only way of dealing with public services (Interview No.8). The EDF, in turn, was especially pushing for issues such as the employment for people with disability and general issues of accessibility to public services to be included amongst the criteria (Interview No.3), again something an exclusive focus on lowest costs would not make possible. In general, the Coalition demanded that companies focusing on green and social criteria should be encouraged, not penalised (Coalition for Green and Social Procurement 2002d: 1). The next section will assess to what extent the Coalition was able to push for changes in the draft directives during the policy-making stages.

The impact of the Coalition on the public procurement directives

The eventual directives, resulting from a conciliation committee meeting between representatives of the Council of Ministers and the EP on 2 December 2003 (EU 2004a and 2004b), were disappointing for the Coalition. Despite the huge efforts made, there had only been limited success. Coalition members accepted that the situation had at least not gone worse, as they had succeeded in blocking the initial

Commission drafts (Interview No.9), but the main concerns – social and green award criteria, the applicability of collective agreements - were mainly relegated to the recitals – the official commentary on directives – and an additional Commission declaration (Interview No.1). Several interviewees pointed out that the results were positive in that the directives made it possible that social and green criteria are considered. Nevertheless, they acknowledged that they had to be in direct relation to the final product and not the Process and Production Methods and that they are not obligatory for public authorities (Interview No.3; Interview No.6). Production methods and the tenderer’s policy in relation to people with disabilities had also been transferred to recitals (Document No.27).

Nevertheless, it would be incorrect to conclude from the final outcome that the Coalition had been ineffective and unsuccessful. On the contrary, it is a clear example of a tight co-ordination of a whole range of different organisations at the European level towards a joint lobbying campaign. At the centre of the organisation was EPSU, which organised the co-operation by regularly combining meetings of its Public Procurement Task Force, consisting of representatives of national affiliates, in the morning with Coalition meetings in the afternoon of the same day, thereby ensuring that internal trade union co-ordination went hand in hand with Coalition objectives (see, for example, Document No.12; Document No.18). The Coalition proved to be especially effective in co-ordinating the lobbying of the EP as well as its Legal Affairs Committee, in charge of preparing the plenary sessions. The first joint efforts were around lobbying the EP Legal Affairs Committee to delay the first EP reading of the directives until the Commission had published its Interpretative Communications on environmental and social criteria in public procurement (see, for example, Document No.1; Document No.2). EPSU combined this European level activity with a call to its

Executive Committee members to write to their countries' MEPs on the Legal Affairs Committee as well as follow up public procurement issues with their governments (Document No.7). The Coalition then turned its attention to the first EP reading of the directives on 17 January 2002 with a concerted effort of lobbying various individual MEPs (see, for example, Document No.9; Document No.10). Similarly, the EP Legal Affairs Committee was jointly lobbied prior to its meeting on 17 June 2003, preparing the second reading of the EP. Letters by the Coalition and individual members were sent to MEPs on the Legal Affairs Committee (Document No.20; Document No.21) and EPSU urged its Public Procurement Task Force colleagues to send letters to their respective national MEPs (Document No.22). Prior to the second reading of the EP, a meeting was organised with MEPs informing them about the concerns of the Coalition (Document No.23) and a whole range of Coalition members lobbied MEPs personally prior to the reading in Strasbourg (Document No.24). A public press release was further intended to focus MEPs minds in view of the second reading (Coalition for Green and Social Procurement 2003a).

While the Coalition was not very successful at influencing the decisions of the EP Legal Affairs committee, the EP itself, i.e. the decisive parliamentary body, did incorporate the Coalition's suggestions for amendments to a large extent. In its first reading on 17 January 2002, it incorporated green and social criteria as well as other Coalition concerns in the respective Article 53 of the classical directive (Document No.11). In its second reading on 2 July 2003, it reconfirmed this position and, pretty much to the surprise of an ETUC representative, fulfilled all the objectives hoped for including getting rid off the very restraining wording of the award criteria in Art.53, which should not be 'directly linked' to the benefit of only the 'contracting authority' (Document No.25). Environmental NGOs were equally satisfied with the EP, noting

in a press release that ‘today’s plenary vote showed explicit support for the use of Eco-label standards, environmental characteristics relating to production methods, employment protection provisions and disability policy in public procurement’ (EEB, Greenpeace, WWF 2003). The success in the second reading is even more impressive, if one considers that amendments required an absolute majority of MEPs at this stage. In short, the failure of the Coalition to have a more decisive impact on the directives was not a result of having been ineffective in its lobbying of the EP.

Rather, the explanation re the ultimate failure of the lobbying strategy lies in the institutional set-up of the EU, the important role of the Council of Ministers in decision-making combined with the difficulty, if not impossibility, to influence it. The Coalition did attempt to influence the Council. For example, there was a meeting with a representative of the Belgian Ministry for Economic Affairs prior to the Internal Market Council meeting on 21 May 2002 (Document No.17) as well as meetings with French and Dutch Coreper representatives (Interview No.1). This was supported by public statements putting pressure on the Council by criticising it for favouring the interests of big business (Coalition for Green and Social Procurement 2003b: 2; see also EEB 2003a and 2003b). Nevertheless, these attempts remained unsuccessful. Analysing the strategic selectivity of the EU, trade unions and NGOs are clearly disadvantaged within the institutions of the EU. Market-oriented DGs are dominant within the overall set-up of the Commission – also relevant here in relation to the unsuccessful efforts by unions to influence the drafting stage of the directives (see above) – and the Council dominates over the EP in the decision-making process. The fact that the Council has got different access points at national and European level and is functionally split into several parallel Councils implies that it is almost completely outside the influence of trade union and NGO lobbying (Bieler 2006: 179-82).

Pluralist approaches can equally well trace these lobbying efforts at the various policy-making stages. Nevertheless, in order to understand *why* the Coalition ultimately failed, it is necessary to go beyond the mapping of decision-making processes within institutions and relate the interactions to the underlying structure. As discussed above, the Coalition members should not merely be analysed as individual interest groups as viewed by liberal pluralist approaches. They must not be abstracted from their position in the social relations of production. Instead, one has to look at the way they are placed within the wider class struggles over neo-liberal restructuring in the EU and the underlying ideational and material power structures. The impact of EU institutions on the capacity of the Coalition to influence the public procurement directives is inscribed in the relation between EU institutions and Coalition strategies. Considering the particular strategic selectivity of the EU, instead of lobbying EU institutions wider campaigns based on broad support putting pressure on the EU from the outside may be more successful. In other words, analysing the Coalition's strategies within the EU from a strategic-relational point of view pushes one precisely into the exploration of the wider dynamics in order to understand fully *why* the impact of the Coalition was so limited. The next section will draw on a neo-Gramscian, historical materialist perspective in this respect.

The Coalition within the wider ideational and material power structures

As discussed in the introduction, neo-liberal restructuring in the EU is driven by a project of 'embedded neo-liberalism', mainly supported by the forces of transnational capital. To understand better the reasons for the Coalition's ultimate failure its strategies need to be assessed in relation to these underlying ideational and material power structures of European integration. As for the ideational dimension, it has to be

investigated whether the Coalition was able to engage critically with neo-liberalism and develop an alternative rationale for the traditional public sector. If so, one would expect to find that (1) the work on the directives was based on a clear understanding that the directives are part of the wider neo-liberal restructuring of the EU and, (2) resistance to the draft directives was regarded as part of a more general movement against neo-liberal restructuring of the public sector and included an alternative vision for the purpose of the latter. Coalition members generally understood the directives as part of the wider Commission agenda of neo-liberal restructuring in the EU. For EPSU, the two directives were clearly part of the general neo-liberal restructuring and the predominant focus on the market and competition. They were seen as a further attempt to restrict the room of manoeuvre of the public sector and public services for the benefit of big corporations (Interview No.1). Others regarded the directives as an expression of the drive for competitiveness reflecting the general Lisbon strategy and resulting to a large extent from lobbying by transnational capital (Interview No.2; Interview No.4; Interview No.9). Hence, Europe would not be a social Europe (Interview No.6). Yet again others considered the directives as part of the EU's focus on creating the European market and they are, thus, part of a coherent, market-oriented philosophy (Interview No.3; Interview No.7). The CEEP even feared that the directives were part of developments leading towards a further wave of privatisations in Europe (Interview No.8). Nevertheless, while the directives were clearly understood as part of a neo-liberal strategy, the Coalition did not turn its activities into a challenge of neo-liberal restructuring more generally. EPSU regarded the struggle against the draft directives as part of a general struggle against restructuring of the public sector through larger involvement by private companies in the provision of public services. At the same time, it was acknowledged that this was not necessarily

the case for social and environmental NGOs (Interview No.1). As one interviewee put it, although the competitiveness drive is realised by his organisation, in the day-to-day work they would need to concentrate on concrete issues linked to particular policy proposals (Interview No.4). The representative of the WWF-European Policy Office made clear that his organisation's participation in the Coalition was solely motivated by adding support for labelling of forest products and, therefore, it was the directives themselves they were concerned with, not a more general positioning on the private versus public sector debate (Interview No.2). Other environmental NGOs confirmed this position. Their main concern were the implications of public procurement for climate change, not public sector restructuring as such (Interview No.4; Interview No.7). Coalition members, moreover, declared themselves not active in the wider debate about the future of Europe (Interview No.6), nor did they see themselves as a part of an anti – neo-liberal movement (Interview No.9). This is further complicated by the fact that some environmental NGOs actually regard market-based instruments as a possibly positive tool to protect the environment (Interview No.1). In short, while the Coalition was united in its demands for green and social criteria as a part of the public procurement directives, they did not share a more fundamental understanding of this struggle being one component of a larger struggle against restructuring in the EU. Unsurprisingly then, an alternative vision for the purpose of the public sector was not developed by the Coalition either. The Coalition neither questioned nor challenged the existing neo-liberal power structures.

As for the material dimension of the underlying power structures, it has to be examined whether the Coalition was able to broaden the social basis of resistance and mobilise its various structural power resources to this effect. If so, one would expect to find that (1) opposition to the directives was based on a wider mobilisation of mass

participation and (2) the alliance became established beyond the immediate concerns over public procurement. There were clear signs that attempts were made to broaden the social basis of resistance. A wider strategy is best expressed in a summary document for the EPSU executive committee meeting assessing the situation in June 2001 (Document No.6). While the organisation of strikes was not considered, in the points for decision, the executive is asked to endorse high profile public events such as demonstrations and to support the joint press work with social and environmental NGOs to increase the pressure and broaden the campaign. Moreover, executive members should get involved in national debates on public procurement. The latter was further developed through repeated calls for establishing coalitions on public procurement at the national level, similar to the Coalition within the EU. In a note of the EPSU Public Procurement Task Force and Coalition meetings in March 2002, it is outlined that EPSU and NGO affiliates will receive their respective membership lists with the specific purpose to develop joint campaigns at the national level. The note also makes clear that the co-operation should go beyond a temporary coalition in relation to the public procurement directives and develop around the concept of sustainable development (Document No.13). Nevertheless, while the attempts were there to broaden the coalition, in practice this was not successful. The strategy mainly resulted in a campaign of sending letters to MEPs and lobbying national governments (Document No.7). National trade union representatives were contacted in view of a possible demonstration on 11 June 2001 in Strasbourg in relation to an EP plenary (e.g. Document No.4), and some positive support for such a demonstration was received (e.g. Document No.5). In the end, this demonstration specifically in relation to public procurement did not take place. Instead, the concerns of EPSU and other Coalition members were incorporated into a general ETUC demonstration in Liege on

21 September 2001 (Document No.8), proving much less effective (Interview No.1). As for replicating the Coalition at the national level, Interviewees conceded that this was not accomplished (Interview No.1; Interview No.2).

The nature of some coalition members can explain to some extent why it was not possible to go beyond a lobbying strategy in Brussels. NGO representatives argued that their organisations' main objective in Brussels was to lobby during all stages of the policy cycle (Interview No.2; Interview No.4). Mass mobilisations would be generally very work intensive and are thus only sparingly used (Interview No.5). The EEB, in turn, is not even an organisation with individual members, who would know of the EEB's activities, but a federation with national environmental groups as individual members. It is, thus, in no position to organise demonstrations, but relies on its members in this respect (Interview No.9). Continuing internal tensions within the Coalition also explain, why large-scale demonstrations in support of its positions could not be organised. In April 2002, a representative of the German union Ver.di criticised EPSU for allegedly privileging co-operation with NGOs at the expense of pursuing trade union core business (Document No.15). In response, an EPSU representative pointed out in what way the unions were pushing trade union concerns mainly through the ETUC, while EPSU as such would concentrate on working with the Coalition (Document No.16). Nevertheless, the Ver.di colleague developed the reasons for his critical position vis-à-vis the Coalition in July 2002. He argued that the different nature of green and social criteria would imply a slightly different interest between unions and environmental NGOs. To guarantee social aspects, it would be important for unions that social criteria are an aspect of application conditions at the very beginning, while green criteria become crucial at the awarding stage of contracts considering that it cannot be easily answered whether

green criteria are fulfilled or not (Document No.19). In turn, there was a criticism by a representative of ATTAC Germany, who had complained in a Coalition meeting about unions' strong reference to collective bargaining (Interview No.1). In general, some NGOs are critical of European level trade unions and here in particular the ETUC for preventing them from participating in the multi-sector social dialogue (Interview No.3; Interview No.6). Ultimately, the Coalition was also held together by excluding the potentially conflictual issues from the agenda and moving them into the sphere of the ETUC's responsibility. Nevertheless, they continued to simmer underneath the surface making the organisation of more large-scale demonstrations difficult.

As it was noted above, there had been plans to transform the coalition into a longer-term alliance around the topic of sustainable development. There is evidence that this idea had been further pursued at times. For example, this was indicated in an E-mail by an EPSU representative to a representative of the German union Ver.di (Document No.16). In practice, however, these longer-term aspirations could not be achieved. When the decision on the directives had been taken in the conciliation committee meeting on 2 December 2003, the main work of the coalition came to an end. The focus since then has shifted towards the implementation of the directives at the national level and has been less a matter for the European level. Unsurprisingly, the Coalition meets no longer regularly (Interview No.10). Some coalition members dropped out such as the CCC (Interview No.6), new members joined as for example the British union GMB (Interview No.1), being precisely more involved in the issue of implementation. In an E-mail exchange between an EDF and an EPSU representative, the latter agrees on the importance of some follow-up work on implementation, but his response to the idea of reviving the Coalition for this purpose

is rather lukewarm (Document No.28). There is a clear hesitation to engage again in such a broad coalition considering the large efforts required (Interview No.1). The initiative then also went to some extent to the EDF, which initiated a meeting of the coalition for 31 March or 7 April 2004 to develop a public procurement tool kit for local authorities in order to help them implement the directives with specific regard to green and social criteria (Document No.29). The result of these efforts was the publication of the guide *Making the Most of Public Money* in October 2004 (Coalition for Green and Social Procurement 2004). This is important, but it does not represent the development of a longer-term, broader strategy against neo-liberal restructuring. In sum, the Coalition was not successful at mobilising its potential power resources in the wider material structure.

Conclusion

The Coalition is a clear example of a successful initiative at developing a large, tightly co-ordinated lobbying effort by a range of trade unions and green and social NGOs in relation to specific EU directives. This success is best reflected in the high level of impact the Coalition had on the EP, especially in relation to its second reading of the public procurement directives. At the same time, it has also been shown that ultimately the impact on the eventual directives was rather small. Pluralist approaches to policy-making can outline these developments equally well. What they are unable to do, however, is to address the question of *why* the Coalition strategies failed. In order to overcome this shortcoming a historical materialist, neo-Gramscian perspectives was employed to relate the strategies of the Coalition to the wider ideational and material power structures of EU integration and here in particular neo-liberal economics and the structural power of transnational capital.

Such a broader analysis, first, indicated the weaknesses of the Coalition strategies. Within the institutional set-up of the EU, trade unions and green and social NGOs are clearly disadvantaged. By remaining almost exclusively within these structures through an emphasis on lobbying at the supranational level in Brussels, the chances of success were limited from the very beginning. By equating power with the EU state apparatus, the importance of organised opposition outside the formal institutional set-up within civil society was overlooked (Morton 2007: 90). Second, in relation to the ideational power structures, it was established that the Coalition was unable to put forward an alternative vision for the public sector, which together with a focus on sustainable development could have become the ideological basis for an alternative understanding of the function and role of the public sector. All efforts stayed not only within the EU institutional structure, but also the ideological structure of neo-liberalism. As Adam Morton makes clear, ‘the struggle over hegemony revolves around shaping intersubjective forms of consciousness in civil society’ (Morton 2007: 93). The Coalition failed to do this. Finally, the Coalition did not succeed in mobilising more broadly in support of its policies in order to challenge more successfully the restructuring of the public sector in line with the project of ‘embedded neo-liberalism’ within the EU. There were plans of large-scale demonstrations, of replicating the Coalition at the national level and of transforming the Coalition into a longer-term alliance around the theme of sustainable development. However, these initiatives did not materialise. In sum, the Coalition’s strategies did not attempt to challenge the existing ideational and material power structures. Unsurprisingly, the impact on the public procurement directives was rather limited.

Two other examples of broad coalitions to influence EU policy-making indicate that a combination of mass mobilisation together with lobbying can lead to more successful campaigns. In 2006, a broad coalition of trade unions and social movements, combining lobbying in Brussels with large demonstrations, was successful at preventing the adoption of the initial draft Services Directive (Bieler 2009: 242). Second, in 2001 and 2004 the EU Commission attempted twice to liberalise services in European ports. On both occasions, transport workers' unions were able to prevent restructuring through a combination of lobbying with internal information and mobilisation campaigns, international strikes and large demonstrations. As Turnbull states, 'by adding the argument of force to the force of argument, port unions have been able to play the information-gathering, report-writing, lobby resolution-passing game to much greater effect' (Turnbull 2007: 133). In sum, such broad-based campaigns are a better way forward against neo-liberal restructuring than a campaign, which is exclusively focused on lobbying EU institutions as in the case of the public procurement directives. Both examples indicate that European trade unions are not by default opposed to mobilising structural power resources in support for their policies. Future research should analyse the underlying factors of why trade unions were prepared to adopt a more aggressive strategy in these instances in contrast to the public procurement directives.

Interviews

Interview No.1: Deputy General Secretary, European Federation of Public Service Unions; Brussels, 4 September 2006;

Interview No.2: Director of WWF-European Policy Office; Brussels, 5 September 2006.

Interview No.3: Director, European Disability Forum (EDF); Brussels, 6 September 2006.

Interview No.4: Director, Climate Action Network Europe (CAN-Europe); Brussels, 7 September 2006.

Interview No.5: Secretary General, Solidar (until 2006); Secretary General, European Parliamentary Labour Party – Socialist Group (since 2006); London, 15/09/2006.

Interview No.6: Research Officer, Clean Clothes Campaign; telephone interview on 14 September 2006.

Interview No.7: Research Officer, Climate Alliance; telephone interview, 25 September 2006;

Interview No.8: Secretary General, European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP); Brussels, 5 March 2007.

Interview No.9: General Secretary, European Environmental Bureau (EEB); Brussels, 8 March 2007.

Interview No.10: Research Officer, EPSU; Brussels, 8 March 2007.

Documents

Document No.1: E-mail by EPSU representative to other trade union colleagues raising for the first time the possibility of a jointly signed letter with other organisations such as Oxfam, Solidar, EEB to Stefano Zappala, MEP, the rapporteur of the EP Legal Affairs Committee (8/12/2000).

Document No.2: E-mail by EEB representative to EPSU representative asking to whom the letter lobbying the EP Legal Affairs Committee for postponing the first EP vote on public procurement should be sent (18/01/2001).

Document No.3: E-mail by EPSU representative to Swedish union colleagues outlining the core issues at stake for trade unions (25/04/2001).

Document No.4: E-mail by EPSU representative to ÖTV representative, indicating co-operation with environmental NGOs and raising the issue of a demonstration in Strasbourg on 11 June 2001 (04/2001).

Document No.5: E-mail to EPSU representative, confirming support by SPS-FO/France for June 2001 demonstration in Strasbourg (27/04/2001).

Document No.6: Summary document of state of play for EPSU Executive Committee meeting on 12 June 2001 (06/2001).

Document No.7: EPSU Executive Committee Circular No.13 (2001) to all EPSU Executive Committee members, asking them to write to country MEPs on the EP Legal Affairs Committee as well as follow up public procurement issues with their governments (29/06/2001).

Document No.8: EPSU Executive Committee, 28-29 November 2001, Agenda Item 4.2 Public Procurement (11/2001).

Document No.9: E-mail by Climate Action Network Europe to EEB representative, signalling his support for a joint campaign of lobbying MEPs prior to the first reading of the directives in the EP on 17 January 2002 (09/01/2000).

Document No.10: E-mail by Fern – Fair Trade Coalition representative, welcoming Solidar as part of the coalition and supporter of letter to MEPs (10/01/2002).

Document No.11: E-mail by DGB representative to German trade union representatives assessing the EP vote in its first reading (18/01/2002).

Document No.12: E-mail by EPSU representative to EPSU Public Procurement task force inviting them for a meeting in the morning of 19 March 2002 to discuss strategy prior to the Internal Market Council meeting on 21 May to be followed by a meeting with coalition members in the afternoon of 19 March 2002 (28/02/2002).

Document No.13: Note of EPSU Public Procurement task force and Coalition meetings of 19 March 2002 (19/03/2002).

Document No.14: Letter sent to all permanent representations in Brussels in relation to the ‘generally binding’ collective agreement notion in Art.27 (02/04/2002).

Document No.15: E-mail by Ver.di representative to EPSU representative, complaining about emphasis on co-operation with social movements at the expense of core trade union business (24/04/2002).

Document No.16: E-mail by EPSU representative to Ver.di representative in response to his earlier complaint (24/04/2002).

Document No.17: Report on lobbying meeting of coalition members with representative of the Belgian Minister for Economic Affairs in view of Internal Market Council meeting on 21 May 2002 (attached to an E-mail to coalition members of 08/05/2002).

Document No.18: E-mail exchange to organise meeting of EPSU Public Procurement Task Force as well as meeting with Coalition on 11 September 2002 prior to the next

Internal Market Council meetings on 26 September and 14-15 November 2002 as well as the second reading in EP (16/07/2002).

Document No.19: FAX by critical Ver.di colleague (see Document No.15) outlining reasons for different interests of unions and environmental NGOs, being again sceptical of the coalition approach (24/07/2002).

Document No.20: Letter by EPSU representative on behalf of the coalition to Maria Berger, MEP, supporting a change of Art. 53 along the lines of the one adopted in the EP's first reading (20/05/2003).

Document No.21: Letter by EPSU Deputy General Secretary to MEPs of the EP Legal Affairs and Internal Market Committees to outline EPSU position, referring also to EPSU's membership in the Coalition (12/06/2003).

Document No.22: E-mail by EPSU representative to EPSU Public Procurement Task Force asking colleagues to send letters to their respective national MEPs (12/06/2003).

Document No.23: E-mail by EPSU representative to EPSU Public Procurement task force, informing them about a forthcoming meeting with MEPs and the issues to be raised in view of the second reading of the EP (24/06/2003).

Document No.24: E-mail by EPSU representative to the Swedish trade union representative (LO/TCO/SACO) in Brussels, confirming the support of the municipalities (CEMR) and Eurocities as well as lobbying activities of NGOs in Strasbourg prior to the decisive vote of the EP in its second reading (26/06/2003).

Document No.25: Brief ETUC summary of EP voting: both goals in relation to Art.27 and Art.53 were achieved (09/07/2003).

Document No.26: E-mail from representative of Eurocities indicating willingness to appear on coalition statements and being more 'permanently' attached to coalition (11/09/2003).

Document No.27: E-mail by MEP outlining the details of the compromise of the 2 December conciliation committee meeting (03/12/2003).

Document No.28: E-mail exchange between EDF representative and EPSU representative on continuation of coalition in relation to the implementation of the public procurement directives (03/03/2004).

Document No.29: E-mail by EDF representative calling for a meeting of the coalition for 31 March or 7 April 2004 to develop a Public Procurement toolkit for local authorities in order to help them implement the public procurement directives with specific regard to green and social criteria (16/03/2004).

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² See http://ec.europa.eu/internal_market/publicprocurement/index_en.htm; accessed 21 September 2007.

³ The analysis is based on public documents by the Coalition as well as its individual members, 10 semi-structured elite interviews with representatives of Coalition member organisations, as well as the archive by the main representative of EPSU in relation to the Coalition efforts. The latter includes copies of E-mails related to the campaign, official position papers, as well as minutes of Coalition meetings. Public documents are helpful in that they provide information about the main positions of the Coalition and its individual members. Interviews, in turn, provide an insight in Coalition formation and strategy processes as well as internal tensions and disagreements. Material from the EPSU archive, finally, is important for the confirmation of the validity of interview data and provides a direct insight into the Coalition internal processes as they occurred at the time itself. Interviewees were guaranteed anonymity as was the EPSU representative re his archive. Hence, for ethical reasons there are no direct quotes from either interviews or the EPSU archive, nor are the names of individuals revealed. Instead, it is indicated in a Harvard style system, where information was drawn from which source.