

From GATS to TiSA and TTIP

Contested state formations in the field of trade in services

Euromemo, September 2015, Roskilde University

Preliminary draft

Oliver Prausmüller
oliver.prausmueller@akwien.at



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wien.arbeiterkammer.at

“GATS”-“TiSA”-“TTIP” : future governance of international trade in services as „moving target“

TTIP (2013ff.): *bilateral composition*

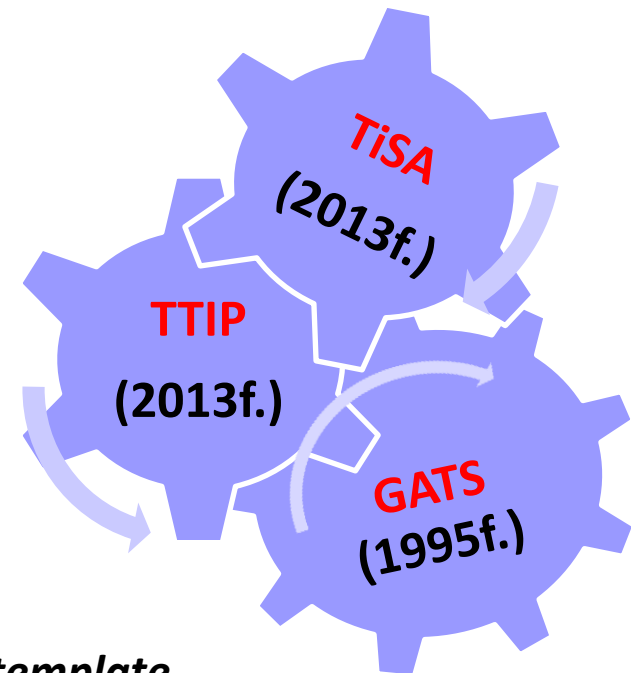
„new gold standard“, strongest framework? (e.g. in regard to dispute settlement and characteristics as „living agreement“)

TiSA (2013ff.): *plurilateral composition*

*„coalition of the willing“, „really good friend of services“
more than 20 participants: but no BRICS, Uruguay left the negotiations recently*

GATS (1995f.)

within the framework of the WTO, „classic“ multilateral template, stalled as part of the Doha-round



Putting the GATSplus-agenda in its place?

- Against this backdrop: What's in for changing “strategic selectivities” (Jessop)? **What are the prospects and limits for different liberalisation strategies in EU's external commercial policy in the area of (former) public services?**
- **spatial extension of policy disputes over contending models for the future of public services** (e.g. “residual” vs. “extended”, enhanced privatisation vs. reclaim public services) is directly linked to contending models of state restructuring (e.g. role out neoliberalisation vs. remainders of KWNS/National Keynesian Welfare State)
- What do these „re-scalings“ of rule-making procedures and **governance structures possibly mean for the prospects and limits for a post-neoliberalisation of EU's external commercial policy** (e.g. “unfreeze” / rollback liberalisation commitments / “GATS minus” vs. “GATS plus”)?



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(some preliminary) indications for various (neo)liberalisation strategies?

Lock in	Top-down	Outward-Looking
<ul style="list-style-type: none"> • autonomous liberalisation within the internal market and at the level of member states • especially in the area of „network industries“ • ... 	<ul style="list-style-type: none"> • ISDS (across all sectors; → TTIP, CETA) • Public procurement – lowering of thresholds / PPPs - service concessions? • New „techniques“: living agreement, regulatory cooperation, enhanced regulatory disciplines, ratchet effect • ... 	<ul style="list-style-type: none"> • special focus on: postal and courier services, telecommunication • Public procurement – lowering of thresholds / PPPs - service concessions? • Water, sewage, disposal services as part of environmental services • ...

Recent developments – e.g. EP resolution on the follow up of the „right2water“-initiative

- ▶ EP not only demanded to exclude water services, sanitation services and wastewater disposal services from TTIP and TiSA – but also to grant the right to water for the people of so called “third countries” – as precondition for future FTAs

“47. Stresses that the special character of water and sanitation services, such as production, distribution and treatment, makes it imperative that they be excluded from any trade agreements the EU is negotiating or considering; urges the Commission to grant a legally binding exclusion for water services, sanitation services and wastewater disposal services in the ongoing negotiations for the Transatlantic Trade and Investment Partnership (TTIP) and the Trade in Services Agreement; stresses that all future trade and investment agreements should include clauses on genuine access to drinking water for the people of the third country to which the agreement pertains in line with the Union’s long-lasting commitment to sustainable development and human rights, and that genuine access to drinking water for the people of the third country to which the agreement pertains must be a precondition for any future free trade agreements” (September 2015)

- ▶ Proper answer to an “outward-looking”-liberalisation strategy (cp. Raza 2015) of the EU and TNCS in the field of water and sewage services?



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Recent developments – e.g. Lobbying of Business Europe versus a carve out of PS and „GATS minus“

▶ Business Europe´s intervention against a full and unequivocal demand of the EP to exclude Public services from TTIP (→ EP´s TTIP resolution on July 2015) and a precedent to „unfreeze“ the lock-in effect of the GATS (and others):

“Instead of asking for carve out, there should be a reference to the need to comply with international rules” (February 2015)

“We are concerned about the request to exclude public services – irrespective of how they are provided and funded – as the EU should not put in question its own multilateral commitments” (June 2015)



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Contradictions and prospects

- **extension** of „new constitutionalist“ projects “ (e.g. bi-, plurilateral forum shifting → TTIP, TiSA) **versus fragmentation** of neoliberal consensus and multilateral fora (e.g. „unwilling“/non-TiSA-participants, GATS minus provisions)
- tightening of **strategic selectivities** (e.g. ISDS, even with „a lipstick on“; interplay with politics of austerity)
- ongoing „**coping strategies**“ (PR, coopting, ...) to deal with the legitimacy deficits of these projects (and attempts to „positivise“ them)



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