



Blaming the messenger

the corporate attack
on the movement for trade justice

Published by

Corporate Europe Observatory and LobbyControl

Written by

Rachel Tansey

Edited by

Katharine Ainger

With thanks to

Max Bank, Pia Eberhardt, Olivier Hoedeman
and Lora Verheecke

Design and layout

Holger M. Müller - holgermueller.de

September 2017



Table of Contents

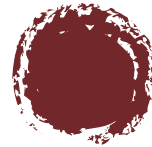


01. Introduction	05
02. Letting out the hot air: deflating the corporate arguments	07
03. Big business bites back	14
04. Political and media allies join the attack on NGOs	25
05. Conclusion	27

A stylized illustration of a horse-drawn carriage in a light beige color. The carriage has large spoked wheels and a sign on its side that reads "GET A TIP" in a hand-drawn, blocky font. The background is a textured, light beige color. The title "Blaming the messenger" is written in a large, bold, black serif font, with "Blaming" on the first line and "the messenger" on the second line. The text is centered and partially overlaps the carriage illustration.

Blaming the messenger

01. Introduction



Corporate lobbies and think tanks have gone on what appears to be a concerted attack against NGOs and others opposing corporate-serving trade and investment deals such as TTIP and CETA. Big business interests with the most to gain from the trade agreements, accuse civil society groups of manipulating the public for financial gain, being backed by Russia, as well as associating them with the far right, and going after their funding. Their attempts to shut down dissent have very worrying implications for democracy.

Controversial EU-US trade deal the Transatlantic Trade and Investment Partnership (TTIP) faced a tidal wave of criticism from the public who saw it as designed primarily for the benefit of big business, at the expense of environmental and social protections, and democratic decision-making. In part as a result of this opposition it has been put on ice, at least for now.

The corporate proponents of the trade deal, put on the back foot for once, were caught unawares by the strength of public opinion against TTIP. Similar concerns have also been expressed towards other EU trade deals, namely that with Canada (Comprehensive Economic and Trade Agreement, or CETA), currently in the process of ratification - and another with Japan. Disturbingly, but perhaps unsurprisingly, the corporate proponents of such deals have responded to these many valid concerns

by attacking the movement for a democratic, socially and ecologically just trade policy. They have used tactics to discredit and de-legitimise campaign groups and NGOs for 'misleading' an 'uneducated' public. Of greatest concern is the way that corporate interests have called for a crackdown on civil society – a kind of freezing of democratic debate over trade policy, and by implication, corporate power and the economic system as a whole.

We show in part one how the arguments and tactics used by corporate interest groups do not stand up to scrutiny. In part two, we look at some of the big business associations and corporate think tanks that have been using these leaky arguments to try to discredit or delegitimise their civil society critics. Part three examines how their political and media allies risk facilitating a more general crackdown on NGOs.

Box 1: Full disclosure

Corporate Europe Observatory is the subject of some of the attacks described in this report. While this report is an attempt to offer a well-researched and factual overview of generalised attacks on the movement for trade justice, not to mount a specific defence of our own organisation, in the interests of transparency we wish to fully disclose this context to readers. Please also note that LobbyControl has been working on trade policy in the last years and takes a critical stance on many corporate lobby demands, such as ISDS or regulatory cooperation.

When all else fails... blame the messenger

Corporate proponents of far-reaching trade and investment deals like CETA and TTIP sought to gain public support and see off the opposition by mimicking the grassroots campaigns that opposed them, including attempts to galvanise social media (see box 2). But when these failed to ignite – because they convinced no-one – these corporate groups went on the attack.

Box 2: Fake grassroots fails to mobilise for TTIP

The Alliance for Responsible Commerce (ARC) was set up by the Confederation of Swedish Enterprise (with a little help from lobby firm Kreab – see box 5). It was a PR effort to sell TTIP via social media, as a responsible project that will benefit of European small and medium-sized enterprises (SMEs). Unfortunately for ARC, many SME groups vocally disagreed, seeing TTIP as serving the interests of large multinationals that could threaten their livelihoods.¹ This view is shared in private by big business groups, who recognise that European SMEs (the vast majority of which don't export to the US) will “face increased competition”.² The front group did not achieve much support for their messages on social media.³

In another social media failure, the American Chamber of Commerce to the European Union (AmCham EU) – the voice of around 160 US companies in the EU – joined forces in July 2015 with corporate lobby groups such as the Transatlantic Business Council (comprised of over 40 EU and US multinationals), the European employers' federation BusinessEurope, and others, to create a TTIP twitter campaign in support of the talks conclusion.⁴ With less than 2000 followers two years later, it failed to appeal to public concerns (compared to, say, the 15.8k followers of Stop TTIP @eci_ttip).⁵ AmCham EU also seems to have had hopes of mobilising street protests in favour of TTIP: it promoted an action day organised by the European Liberal Youth Forum, encouraging people to „take to the streets to come out in support of TTIP and free trade”.⁶ The tiny turnout⁷, however, was hardly a match for the 250,000 people that took to the streets of Berlin in October 2015 in opposition to TTIP and CETA.⁸

In the face of their failure to convince the public of TTIP's benefits and out-compete the trade deal's critics, business lobbies like AmCham EU have increasingly taken up new, more aggressive, tactics: attempting to discredit and de-legitimise the critics themselves.

They are employing tactics inspired by the playbooks of big tobacco and big oil. The tobacco industry has been thoroughly exposed in academic literature as the original 'merchants of doubt', who

undermined the scientific consensus on the health impacts of smoking (a PR tactic since copied to such great effect by the fossil fuel industry over climate change)⁹. The corporate interests now attacking trade critics are following in the footsteps of these doubt merchants, undermining criticisms by isolating and marginalising key opponents – particularly NGOs – and trying to separate them from the public at large by making them appear beyond the realm of reasonable politics, attacking both their credibility, integrity, and sources of funding.

02. Letting out the hot air: deflating the corporate arguments

In this section we look at four of the most prevalent arguments and smear tactics used by big business lobbies and corporate think tanks to question the legitimacy, or cast doubt on the motivations, of critics of trade deals like TTIP and CETA.

These tactics are aimed at undermining the critics' credibility and detracting from the validity of their concerns. An underlying theme of the corporate detractors' has been to divide the NGOs as 'puppet masters' behind the criticisms, from the public at large, and to present their concerns as narrow and self-motivated. This obfuscates the fact that these groups are part of a wider movement for trade alternatives that benefit both people and the planet. It also deliberately ignores the fact that these concerns are shared by wide sections of society, from academics, trade unions, judges associations, and consumer groups, to SMEs, environmental and health organisations, and local and regional governments across the party-spectrum (see Box 3).

Why is it that multinational corporations, and the lobby groups and think tanks they work through, are

so desperate to win the fight, even resorting to dirty tactics? The answer is simple: big corporations will gain most from these kinds of trade and investment deals. They will gain more power over how rules are made, in the name of avoiding 'regulatory barriers to trade'.¹⁰ They will see bigger profits, as these costly 'barriers' are gradually eroded, whether or not they are social and environmental protections designed to protect those with less power from those with more. And they will enjoy a greater stranglehold on governments' ability to regulate in the public interest, as investor protection enables companies to sue governments for billions over laws that go against their 'legitimate expectations' of future profits¹¹, whether it's reversing levels of healthcare privatisation¹² or phasing out nuclear energy.¹³ With so much for corporations to gain (and so much for us to lose), it is little wonder both that there has been widespread public rejection, and that corporate lobbies have gone on the offensive.

So let's take a look at the main arguments they're using to attack critics.

A. >Critics are populists, nationalists... or just like Trump<

One of the most cynical and opportunistic tactics is lumping all those who criticise EU trade deals together, no matter how diverse their motivations or preferred alternatives. Thus far-right and nationalist voices that have criticised globalisation are being instrumentalised by TTIP's proponents to imply that all criticism is therefore in some way unsavoury, or to suggest that by criticising TTIP, progressives are actually empowering the far right. For example German neoliberal front group INSM (funded by the employers' associations of the metal and electrical industries, including the car industry)¹⁴ ran newspaper ads saying "Be careful on the Trump trail" and "Populism is dangerous" (see illustration).¹⁵ Similarly misleading, the head of the German neoliberal think tank Prometheus Frank Schäffler, wrote in right-wing magazine *Tichys Einblick* that Donald Trump, German anti-Islam far-right group Pegida, and on-line action group Campact (which campaigns for a socially just, ecologically sustainable, and peaceful society) were all "in the same boat" for being against trade deals like TTIP.¹⁶ Jürgen Maier, Director of the German umbrella federation for environmental and developmental NGOs (Forum on Environment & Development) points out the major flaw to this argument: "It is not the movement against TTIP that opens the doors for right-wing populists, but those that continue to force TTIP, CETA and their old economic policies upon an unwilling electorate."¹⁷ The movement critical of deals like TTIP and CETA, meanwhile, has taken explicit stances against nationalist and far right parties, groups and messages.¹⁸ It has put forward progressive trade alternatives that are open, democratic, and internationalist, having very little in common with the xenophobic approaches of Trump and the like. This cynical equation of the movement for just trade with nationalist right discourse also ignores the way Trump's agenda

has far more in common with TTIP – massive deregulation, over-empowered corporations – than with the movement that opposes it; not to mention that Trump is showing signs of a thaw on trade deals due to the efforts of US multinationals.¹⁹

Much of the media coverage of peaceful protests against TTIP and CETA in Germany parroted this argument and portrayed the protesters "in ways that somehow put them on the level of the anti-Muslim, anti-immigrant Pegida marches", notes LobbyControl.²⁰ Journalist for German liberal weekly *Die Zeit*, Petra Pinzler, challenged this kind of reporting by pointing out that the vast majority of demonstrators present were not racist nationalists, but trade unionists and environmental activists evoking solidarity with refugees and the poor.²¹ An academic study on the protests found that the demonstrators were generally well-informed, concerned that CETA and TTIP would undermine a fair and just world order, and active in solidarity for refugees campaigns as well as the peace, human rights and environmental movement.²²

Moreover, the criticisms of today's trade deals are resonating ever further into mainstream society: students, academics, blue- and white-collar workers, SMEs, farmers' unions, local and regional governments across the political-spectrum, even associations of judges and former high level Commission officials have spoken out against the agreements. People who, writes journalist Pinzler, "believe in cooperation, government, and global rules" but are "concerned that modern trade policy has undermined democracy".²³ Why? Because modern trade deals overwhelmingly focus on getting rid of 'non-tariff trade barriers', a catch-all term for any regulation that restricts imports: "food safety standards, public services, or regulation of the Internet".

Things that reach “far beyond the traditional sphere of business and into values, social norms, and social progress” which result from “decades of democratic governance”, writes Pinzler. It is “irresponsible to leave such decisions to trade experts.”

Media reporting in Germany has also described anti-TTIP sentiment as “anti-Americanism”²⁴ – as have think tanks funded by large corporations and business associations like Bertelsmann and ECIPE (see Table 1). Yet as Daniel Lüchow writes for the German green party-affiliated Heinrich-Böll Foundation, this is “a smokescreen rather than a valid argument. It is used to discredit the messenger (the

protesters) in order to devalue their point of view... whenever it is difficult to rebut the argument itself.”²⁵ The same can be said for the attribution of all concerns to ‘populism’ or ‘anti-globalisation’ feeling, or dismissing the discontent as Trump sympathisers. Alas, the election of Trump has made it easier for policymakers to “effectively lump CSOs [civil society organisations] with ‘economic populists’ and, to an extent, delegitimise their opposition,” notes Dr Gabriel Siles-Brügge, Associate Professor in Public Policy at the University of Warwick.²⁶ This is despite the fact that a glance at the values and alternatives of progressive civil society groups shows this generalisation to be ridiculous and indefensible.



Newspaper ad by german neoliberal front group INSM saying „Be careful on the Trump rail.”

B. >Critics spread lies and emotional fear-mongering<



There is a widespread effort by TTIP/CETA's proponents to define 'evidence' and 'facts' as only those statements and assertions that come from the pro-TTIP camp, whilst critics produce 'myths' and 'misconceptions'. Whether portrayed as well intentioned but misinformed (or economically illiterate – see C), or as pushing some nefarious agenda, the 'myths' and 'lies' spread by critics constitute fear-mongering. Emotional arguments stoke up emotional reactions in the public, the argument goes, and are therefore irrational and illegitimate.

But the 'facts' drawn on by the Commission and corporate interest groups are not neutral at all. They frequently draw on figures quantifying the 'jobs and growth' that a treaty like TTIP will create, based on computable general equilibrium (CGE) models. These are models which, academics Ferdi De Ville and Gabriel Siles-Brügge conclude, "downplay the potential deregulatory impact of an agreement" and "serve the pro-liberalisation agenda of the European Commission and other advocates of the TTIP."²⁷ The 'facts' so often used to debunk the 'myths' and 'lies' of civil society are little more than "fictional expectations", results derived from models "shrouded in uncertainty", as De Ville and Siles-Brügge put it.²⁸ Yet they are presented as reliable predictions of the outcome. Thus, economic studies using CGE models are "used to disguise the privileging of interests calling for market access gains over those concerned with social and environmental protection."²⁹ One such example is the TTIP study (and PR around it) by neoliberal think tank Bertelsmann Stiftung (see Table 1), which dramatically over-emphasised the economic potential of the US-EU trade deal, as indicated by trade union research institute IMK.³⁰ Even Professor Clive George, a senior economist from the University of Manchester who has

conducted impact assessments of trade negotiations for the European Commission, noted that the results of such studies are "highly speculative" and should be treated with caution.³¹

We also see use of 'straw man' arguments that misrepresent an opponent's position (ie making a straw man version of their argument which is easier to knock down). An example of this, noted by Belgian Social Democratic MEP Marie Arena's advisor Marta Ruiz Carnés, could be the caricature that on the day after signing these treaties there will be hormone beef and GMOs in our shops.³² These kind of easy-to-dismiss, simplistic pastiches sweep over the serious and nuanced analysis produced by consumer associations, trade unions, and NGOs. In reality their analysis concerns the risks of giving more power to multinational companies through regulatory cooperation, or dispute settlement mechanisms that put economic interests before the public interest. The German Conservative Party MP Joachim Pfeiffer has said that "outrage industry" (in German, "Empörungsindustrie") groups like consumer rights and food industry watchdog, Foodwatch, and progressive online campaigning group, Campact, "don't provide any factual input in the public debate about the TTIP". Yet an editorial of German weekly Der Spiegel concludes that the opposite is true: the anti-TTIP movement's growth owes much to "their use of arguments that are supported by studies or external expertise, which TTIP supporters have not been able to contradict".³³

Contrary to the dismissal of concerns for being 'emotional', it is also not irrational to have an 'emotional' reaction of worry or indignation in response to substantive reasons for concern (see box 3). Dr Siles-Brügge makes the point that all our actions

and argumentation are guided by emotion, economic arguments included, which are regularly intended to play on peoples' fears and anxieties.³⁴ Thus, Siles-Brügge critiques the "dichotomy often drawn between emotion and rationality".³⁵ It is also

interesting, he notes, that in a leaked Commission TTIP communication strategy from 2013, "the Commission explicitly spelled out its anxiety over the nature of public debate" and the need to repress "potential value-based, emotional concerns".³⁶

Box 3: The broad spectrum of concern over TTIP/CETA

Criticism of, and opposition to, neoliberal trade deals like TTIP and CETA, or some of their elements, is both widespread and well-substantiated. It is absolutely not the case that such criticism is the domain of NGOs only. Criticisms and concerns are shared widely among the middle classes, blue- and white-collar workers, Small and Medium Enterprises (SMEs), legal experts, students, farmers groups, local and regional politicians across the political-spectrum, and beyond – not just 'lefties' and 'greens', as pro-TTIP corporate lobbies often try to imply. These criticisms are backed up by a large quantity of in-depth academic studies.

- Numerous legal scholars have spoken out against the far-reaching privileges for foreign investors in EU trade deals. In a 2014 Commission consultation 120 academic experts from leading universities stated that "investor-state arbitration delivers undue structural advantages to foreign investors and risks distorting the marketplace at the expense of domestically-owned companies".³⁷ In October 2016, 101 law professors from 24 EU countries opposed the investor privileges in CETA and TTIP, arguing that they "will potentially lead to a large number of investor-state claims and subsequently to high legal fees and billions of damages paid out of public budgets".³⁸
- The German and the European associations of judges sounded alarm bells about granting exclusive rights and pseudo-courts to foreign investors. They called on legislators to "significantly curb recourse to arbitration in the context of the protection of international investors" because "the creation of special courts for certain groups of litigants is the wrong way forward."³⁹
- Academics have provided numerous in-depth analyses of different CETA chapters showing how the agreement undermines the precautionary principle,⁴⁰ threatens public services such as water,⁴¹ limits the policy-space of municipalities and regions for providing public services,⁴² and could lead to job losses and increase social inequality.⁴³
- Public authorities and research institutes have also come to critical assessments of TTIP and CETA. For example, the German Federal Environment Agency concluded there were "potentially significant environmental risks" from regulatory cooperation.⁴⁴
- Former high-ranking EU Commission official Pierre Defraigne,⁴⁵ Nobel Prize winner Joseph Stiglitz,⁴⁶ renowned French economist Thomas Piketty,⁴⁷ and a group of UN experts⁴⁸ are just a few of the prominent figures who have also come out against CETA/ TTIP or parts of the agreements, in particular its provisions for regulatory cooperation and investor protection.



>Critics are economically illiterate, irrational, or blinded by ideology<

Underpinning many arguments is the assumption that those who don't support TTIP-style trade deals are, quite simply, economically illiterate: critics don't understand how things really work and thus fail to respond to 'clarifications' offered by proponents by rescinding their objections. Never mind that these clarifications time and again merely assert that, for example, the deals will not undermine democratic decision-making or weaken social and environmental standards. This is part of a broader portrayal of neoliberalism as a non-ideological, natural law. It is only deviations from it that are ideological; failure to come round to the "right" way of thinking is result of being blinkered by ideological baggage. This also enables a kind of 'technocratic repression', points out Dr Siles-Brügge (who notes that he is borrowing the term from fellow academic Wesley Widmaier),⁴⁹ whereby people can be discredited by saying they're not speaking the language of trade, and don't understand the technicalities.⁵⁰ Similarly, notes MEP advisor Marta Ruiz Carnés, there is somehow the implication that opposition exists either because of a basic ideological anti trade/anti-globalisation stance or because people are ill-informed. Hence, rather than genuinely questioning the content of TTIP-style trade deals, the Commission's response to citizens' criticism has mostly focused on increased efforts to improve communication to make people understand that this is what's good for them, and so accept it.⁵¹

It is in this context that a German MEP from the Conservative party can hit out at the Austrian Chancellor's growing rejection of TTIP and CETA as irresponsible and incompatible with "serious politics".⁵² It is in this light that (then) German Minister of the

Economy Sigmar Gabriel can tell the World Economic Forum in Davos that German public opposition to TTIP comes from being "rich and hysteric".⁵³ And that The Economist can describe that same opposition as "undermining the very thing that has ensured their success", implying that "scare stories" have led the German public to oppose its own best interest.⁵⁴ Two years earlier, note, the magazine published a scathing critique of the foreign investor rights in TTIP and other agreements as „a way to let multinational companies get rich at the expense of ordinary people“.⁵⁵

Mainstream political parties on the left and right have, over decades, become comfortable in the belief that there is no alternative to neoliberal free-market globalization. But as Forum on Environment & Development director Jürgen Maier notes, an "ideology that so obviously results in many more losers than winners cannot really work in the long term, particularly not in democracies".⁵⁶ Those who have been so long and faithfully wedded to Thatcher's dogma 'There Is No Alternative' no longer know "how to think in alternatives or to discuss alternatives". But, points out Maier, "in real life there are always alternatives". Nonetheless, finding this premise being challenged from all sides has come as an irritating shock – and all sides literally means all sides. TTIP/CETA-style trade deals, and particularly aspects of them like regulatory cooperation and far-reaching investor privileges, are not only being criticised by NGOs, trade unions and left-wing or green parties, but by academics, judges, SMEs, regional governments spanning the political spectrum, and more (see box 3). Dismissing criticism as a product of blind ideology just doesn't cut it.

D >Critics are funded by dodgy sources, or are acting for financial gain<



Some of the most serious smear tactics are aimed at sowing seeds of doubt about the motivations of critics by insinuating (regardless of the total absence of evidence) that their funding comes from Russia, or painting other funding sources as dubious. As Léa Auffret of the European Consumer Organisation BEUC, one of several civil society groups that the Commission invited to its advisory group on TTIP, notes, attacking NGOs' funding or transparency is a diversion from having to address their arguments.⁵⁷ As she points out, you don't need to engage with what NGOs are saying, you just need to create doubt. Once the integrity of an NGO is in question, then even if they bring strong counter arguments and compelling evidence to the debate, some people will always think, 'But what if they are funded by Russia'?

Another tactic has been to imply that progressive campaign groups are fabricating and stirring up

people's fears about trade deals purely to get money from them. This argument is both unconvincing and desperate: there really must be easier ways to make money than going into a non-profit to brainwash the public, using the medium of arcane trade policy, into donating a few euros a month to fight imaginary foes.

Ad hominem attacks are also springing up, focusing on the person making an argument rather than addressing the argument itself. For example Politico magazine's feature on Thilo Bode, founder of Food-Watch – a German NGO that campaigns for safe, healthy, and affordable food – dubbed him the “man who killed TTIP”, who “lives from scandalization” by stirring up fears to gain more members and funding, under a “veneer of seriousness”.⁵⁸ The article simply picks a figurehead to fling mud at, rather than assess the real criticisms being made.

Box 4: Trade officials discrediting critics too

It is not only corporate interests that have used disingenuous arguments and catch-all caricatures to discredit critics. Their ideological bedfellows in the European Commission have been at it too. Trade Commissioner Malmström, speaking to journalists at a DG Trade-organised briefing in March 2015, characterised arguments against TTIP as: “We don't like trade, we don't like free trade and we don't like the US”.⁵⁹ Back in 2013, an EU Trade Spokesman condemned “Anti-trade and anti-business lobby group Corporate Europe Observatory” for “misleading and exaggerated claims” about TTIP, doing a “disservice” to a discussion that should be based on “the facts and not the spin”.⁶⁰ In response to concerns raised by Greenpeace about the EU-Japan trade deal, Commissioner Malmström said in January 2017 that “whatever it is in any trade agreement they will be against it”, dismissing the criticism as “storm in a teacup”.⁶¹ Across the pond, following the leaks of TTIP documents by Greenpeace in May 2016, then US Trade Representative Michael Froman described their interpretation as “misleading at best and flat out wrong at worst”.⁶² Former US Ambassador to the EU, Anthony Gardner, wrote in May 2017 of the “uninformed critics of free trade” and the way “Simple falsehoods peddled on social media trump complex truths”. Gardner added that making TTIP work will require “greater use of ‘third-party validators’ (people unaffiliated with U.S., EU or national bureaucracies) to spread a pro-free trade and globalization message”, particularly via social media.⁶³

03. Big business bites back



Many of the corporate interest groups that lobbied the Commission most on TTIP – representing multinational corporations that would win big from the trade deal – have turned their hand to the discredit-the-critics game. Table 1 gives an overview of some of the pro-TTIP/CETA corporate lobbies and think tanks that have helped weave a tapestry of language designed to dismiss, discredit, or delegitimise the trade deals' critics. While by no means exhaustive,

it does show what appears to be a concerted strategy from industry with repeating overlapping phrases and detractions from a variety of sources. Some of those most actively engaged in these efforts, or using particularly vehement or blatant arguments, are looked at in more detail. First, a selection of the industry groups that seek to benefit most from the trade deals, then a couple of the corporate think tanks that artificially portray themselves as rational and neutral.

Industry groups representing corporations that will benefit most from TTIP, CETA etc



Many corporate lobby groups have joined the game of 'discredit your critics' (see Table 1), including Brussels' biggest, BusinessEurope.⁶⁴ With corporate partners including Bayer, BP, British American Tobacco, Facebook, Novartis, Phillip Morris, Shell, and Volkswagen,⁶⁵ BusinessEurope was the most active lobby group on TTIP. It lobbied for TTIP to stop environmental policies being "barriers to trade" and to prevent governments "discriminating" against polluting products⁶⁶ and for TTIP to allow big business „co-write regulation“. ⁶⁷ To distract from its harmful agenda, BusinessEurope produced a video in 2015 explaining that the "protests and controversial debates about TTIP" are "not always based on facts", and promising to "clarify" the "myths".⁶⁸ Following Trump's election, BusinessEurope referred to its "priorities in a 'post-truth' society" in which citizens'

"sense of fear" has given rise to "populism or anti-trade feelings";⁶⁹ an unsubtle attempt to portray progressive criticisms of corporate-serving trade deals as akin to Trump's xenophobic protectionism (see A). Fear is a recurring theme for BusinessEurope; in its August 2016 'TTIP outlook' it said that whilst "[I] legitimate concerns" must be heard "we cannot permit fear to overwhelm us".⁷⁰ In contrast to this 'fear' and 'anti-trade' populism, it welcomes CETA as the EU's "best" and "most progressive" trade deal.⁷¹ This analysis, however, is questionable. CETA has been criticised, amongst others, by progressive MEPs from three political groups in the European Parliament who point out that our COP21 climate commitments "are deeply contradicted by CETA, which is expected to increase greenhouse gas emissions";⁷² by renowned French economist Thomas Piketty who



Bussiness Europe offices in Brussels. © Eric de Mildt

has called CETA „a treaty which belongs to another age“ which „should be rejected“ because „it contains absolutely no restrictive measures concerning fiscal or climate issues“,⁷³ as well as by hundreds of civil society groups from both sides of the Atlantic, including many trade unions.⁷⁴

Close buddy of BusinessEurope (and the fourth most active lobby group on TTIP), the European Services Forum (ESF) represents the interests of global services giants like Deutsche Bank, HSBC Group, Orange, and Prudential.⁷⁵ ESF explicitly fought against efforts by Parliamentarians to protect public services in TTIP, lobbying for the deal to allow corporations to “invest in ‘privately funded’ education and health services.”⁷⁶ ESF’s Vice President characterised polls showing lack of public support for TTIP in Germany as “citizens against opportunities”,⁷⁷ and heralded CETA as a “progressive trade agreement” that stands as a “thoughtful and democratic response to the inward looking, populist politics”.⁷⁸ But as noted by environmental law experts at ClientEarth, “CETA is not a progressive agreement. It offers businesses a great deal, including the ability to sue governments without any strings attached. There are no obligations for investors, the commitments in the environmental chapter

are not enforceable” and the exceptions clauses to safeguard public interest decision-making are “completely outdated.”⁷⁹

Another active proponent of the EU-US trade deal, chemicals lobby group CEFIC – whose members will greatly benefit from these trade deals – also went on the offensive. Comprised of petrochemical giants like BASF, BP, Dow Europe, ExxonMobil Chemical Europe, and Shell Chemicals,⁸⁰ CEFIC has a long history of fighting EU environmental and climate laws.⁸¹ It hit back at critics with its TTIP ‘mythbuster’ about chemicals regulatory cooperation, labelling civil society and health experts’ concerns about the weakening of EU chemical safety rules⁸² as ‘myths’, and contrasting them with ‘facts’ (that simply dismissed these concerns). One of the key ‘myths’ it ‘busted’ was that “EU chemical companies are not asking for harmonisation or mutual recognition” of EU and US chemicals rules. This was a concern because of fears of lowering standards. Yet analysis of internal Commission documents and CEFIC positions show how the chemicals association lobbied the Commission for precisely that! CEFIC explicitly told the EU that mutual recognition is its “long-term” or “ultimate goal”.⁸³ Rather than myth-busting, CEFIC was misleading the public.

Table 1: Corporate lobbies and think tanks, and the

Who?	Corporate Interests?	Language used to discredit critics/criticisms of TTIP/CETA
AmCham EU (American Chamber of Commerce to the European Union)	Members of the US big business lobby group include Facebook, Google, ExxonMobil, Dow, Monsanto, Syngenta, Pfizer, GlaxoSmithKline, McDonalds, Coca Cola, Phillip Morris, British American Tobacco, Goldman Sachs, and Bank of America Merrill Lynch.	<i>“misplaced fear”, “sources that masquerade as being factual”, “scare-mongering websites and tweets”, “constant army of trolls”, the “same propaganda machine that is fueling extreme populist movements”</i>
Bertelsmann Stiftung & its North American arm Bertelsmann Foundation	This think tank holds the majority shareholding in Bertelsmann SE, one of Europe’s largest media conglomerates likely to benefit from TTIP, which it vocally supports. Board of trustees includes representatives of Nestle, Allianz, AXA, and McKinsey. ⁸⁴	<i>“fear mongering”, “dissemination of misinformation”, “lost in hysteria”, “awash with such unsubstantiated claims”, “anti-Americanism”, “myths about TTIP”, “emotional and sensational”, “surplus of anxiety”</i>
BusinessEurope	Brings together all major European employers’ federations. Its privileged ‘partner companies’ include BASF, British American Tobacco, Bayer, BP, EDF, Facebook, Ford, GE, IBM, Japan Tobacco International, Microsoft, Novartis, Phillip Morris International, Shell, Total, and Volkswagen.	<i>“not always based on facts”, “common myths”, “sense of fear... giving rise to populism or anti-trade feelings”</i>
Business Alliance for TTIP	Set up by AmChamEU, BusinessEurope, ESF, TABC, etc.	<i>“misconceptions”, “myths”</i>
CEFIC (European Chemical Industry Council)	Petrochemical industry lobby group members include BASF, Bayer, BP, Dow Europe, ExxonMobil Chemical Europe, Shell Chemicals, Solvay, and Total Chimie	<i>“myths” that ‘encourage bullshit to propagate’, ‘dumbing down humanity’ NGOs “don’t practice the transparency they preach”</i>

*This table only includes footnote references for quotes and information that are not referenced elsewhere in the text.

language they use to discredit critics of TTIP/CETA*

Who?	Corporate Interests?	Language used to discredit critics/criticisms of TTIP/CETA
CEPS (Centre for European Policy Studies)	This neoliberal think tank's corporate members include Allianz, Bayer, British American Tobacco, Business Europe, Commerzbank, Deloitte, ExxonMobil, Google, ING, JPMorgan, Microsoft, Nestlé, Pepsico, PWC, REPSOL, Shell, Statoil, Total, Vattenfall, and Volkswagen. Board of directors includes Vice-Chairman of Suez-Tractebel and former Vice Chairman of Citigroup. ⁸⁵	<i>"messages of doubt, if not suspicion", "misperceptions", "caricatures", "angst" for regulatory chill", "accusations or assertions... plainly incorrect" "no objective grounds for... fear",⁸⁶ "gibberish", "endless repetition of nonsense that lingers on"⁸⁷</i>
ECIPE (European Centre for International Political Economy)	Think tank funded by Swedish business association the Confederation of Swedish Enterprise and "dozens of multinationals", with an advisory board including KPMG, CSL-Behring, ESF, and King & Spalding.	<i>"deceptive, and therefore destructive", "far-fetched myths to effectively evoke citizens' emotions", "virally (re)tweeted myths", "latent anti-Americanism", "German Angst", "ill-informed citizens", "unteachable", "unshakeable despise for TTIP", "sensation-seeking speculation", NGO "puppet masters", "myths and hate speech", "in bed with #Russia"</i>
EFILA (European Federation for Investment Law and Arbitration)	Corporate law firms with a stake in the lucrative investment arbitration industry, including White & Case, King & Spalding, and Mannheimer Swartling, plus multinationals that benefit from foreign investor privileges like Achmea and Shell.	<i>"anti-ISDS propaganda", "scare and misinform", "exploited a rather technical topic for their own pockets", anti-ISDS groups making a "handsome profit from the anti-ISDS/anti-trade/anti-globalization campaign, which they have unleashed"</i>
EFPIA (European Federation of Pharmaceutical Industries and Associations)	Big pharma lobby group members include GlaxoSmithKline, Pfizer, Bayer, Lilly, Novartis, Shire, Sanofi, Merck, and Roche. ⁸⁸	<i>"Many concerns about TTIP, though, have been based on inaccurate information and have morphed into baseless criticisms", "dispelling the myths"⁸⁹</i>

Who?	Corporate Interests?	Language used to discredit critics/criticisms of TTIP/CETA
EPICENTER	This free market think tank provides no information on funding (other than no “taxpayer funding”), but one of its six think tank founders at least has no qualms about taking funding from big tobacco giants like Philip Morris. ⁹⁰	<i>“relentless scaremongering”, “baseless and utterly untrue”⁹¹</i>
ESF (European Services Forum)	The pro-liberalisation corporate group members include Deutsche Bank, HSBC Group, Orange, Prudential, and BusinessEurope.	<i>“citizens against opportunities”, “inward looking, populist politics”</i>
Institute of Directors	UK business leader’s group, chaired by former executive director of Rupert Murdoch’s News International, board including current or former roles at EasyJet, Smiths Group, and American Express. British Chamber of Commerce in Belgium is a member, as are “FTSE board members” and “CEOs of multinational organisations.” ⁹²	<i>“scaremongering myths”, “irrelevant half-truths”, “reactionary voices of anti-globalisation”, “cacophony of scaremongering whipped up around TTIP” by unions and environmental groups⁹³</i>
Swedish Enterprise (Confederation of Swedish Enterprise)	The Swedish member of BusinessEurope unites 50 industry associations, which represent companies such as H&M, IKEA, AstraZeneca, and Ericsson.	<i>“unfounded, misleading assertions”, “misconceptions”, “myths” that have no basis in reality and distort debate”, “misunderstanding of the facts”, “intention to misinform”⁹⁴</i>
TABC (Trans-Atlantic Business Council)	The EU-US big business lobby’s founding companies include BASF, BP, IBM, ING, Philips, and PwC, and its member companies include Chevron Corporation, Exxon Mobil, Pfizer, Lilly, Telefónica, Audi, and Ford. ⁹⁵	<i>“gross exaggeration”, most criticisms “will likely prove to be unfounded”, “Trump’s victory could also serve to embolden anti-trade protesters on the continent”⁹⁶</i>
VNO-NCW	Dutch business association, BusinessEurope member. ⁹⁷ Took Shell, ING, and Unilever to discuss TTIP with DG Trade.	<i>“extremely concerned by the immense emotional and out of proportion dimension that the discussion on investment has taken in Europe”⁹⁸</i>

"Now son, do you know what you did wrong?"



CEFIC tweet that implies people who are reasonably and legitimately concerned about TTIP and chemicals safety are 'bullshit propagators' who 'dumb down humanity'? Despite analysis that demonstrably busted CEFIC's 'mythbuster'.⁹⁹



AmCham EU offices in Brussels. © LobbyControl

AmCham EU also tried to discredit critics of trade deals. AmCham EU exists to promote the interests of US big business in Europe and is a tireless advocate of TTIP, with members set to profit handsomely from the agreement, from Google, ExxonMobil, Dow, and Monsanto to Coca Cola, Phillip Morris, Goldman Sachs and more.¹⁰⁰ Some member companies have written about TTIP on AmCham EU's blog on Brussels bubble media platform Euractiv. For example, General Electric (GE) describes the "misplaced fear" about the lowering of European standards as "exasperating". Many TTIP opponents, says GE, disregard the fact that EU and US standards are often very similar and "make exaggerated claims of differentiation".¹⁰¹ This is unsurprising, says GE, because seeing oneself „mirrored in a close neighbour threatens the sense of self, and one's own perception of superiority." Unfortunately for this pseudo-psychoanalytical

argument, it's hard to see how 1378 chemicals banned for use in cosmetics in the EU, compared to just 11 in the US,¹⁰² or 82 harmful pesticides banned in the EU but not in the US, can be described as "very similar" standards, or dismissed as an exaggerated product of perceived superiority.

Ramping up the toxic rhetoric further, AmChamEU content advisor Marius Nicolescu wrote an article in February 2017 which described so-called "anti-trade supporters" basing their arguments on "sources that masquerade as being factual".¹⁰³ It is thanks to "scare-mongering websites and tweets" and "the constant army of trolls that invade any debate on trade" that the "anti-globalisation group" seems very large and powerful. Formerly fringe organisations and NGOs, it claims, realised that "nobody will take them seriously" in "any kind of meaningful meetings with

policy makers”, but if they “scream loud enough” to amass “a group of previously indifferent people” then they may prosper. And to top it all off, AmCham EU’s content adviser claims it is the “same propaganda machine that is fuelling extreme populist movements” across the US and EU. Florid language aside, the article is just hot air. If so-called ‘fringe’ groups that no policy-maker would meet were the only critics, why were several organisations critical of TTIP (eg public health group EPHA, consumers

organisation BEUC, environmental group T&E) invited into the Commission’s TTIP advisory group?¹⁰⁴ What of the many rigorous academic studies critical of the trade deals’ components, and warnings from legal experts and judges (see box 3)? Or that the anti-TTIP/CETA movement calls for an alternative trade policy that serves environmental protection, reduces global inequality, strengthens social rights and democratic oversight? Nothing like the far right’s xenophobic visions (see A).

Box 5: Lobby consultancies in the mix

Lobby consultancies also play a role in helping big business promote TTIP – and discredit its critics. Public affairs firm Hill & Knowlton (H+K) offers “powerful communications” that can create change “in the corridors of government” and “the minds of consumers”.¹⁰⁵ H+K lists dozens of corporate clients in the EU’s lobby register, from pharmaceutical giants like Novartis, GSK, and MSD, to agribusiness powerhouses Avril and EuropaBio.¹⁰⁶ It also names Business Alliance for TTIP as a client, which was set up in 2013 by BusinessEurope, ESF, the Transatlantic Business Council, AmChamEU, and other business groups, to “communicate the benefits of TTIP”.¹⁰⁷ The Alliance has released statements about TTIP “misconceptions”¹⁰⁸ and hosted a media briefing (featuring BusinessEurope, ESF, CEFIC, and Siemens) advocating that an “ambitious and comprehensive agreement is the only way forward”.¹⁰⁹ At the briefing, Siemens said the Commission “has asked us” to “dispel some of the many myths surrounding” TTIP.¹¹⁰

Lobby consultancy Kreab helps out with the communications for its client Swedish Enterprise’s front group, the Alliance for Responsible Commerce (see box 2).¹¹¹ ARC claims to promote „rational and non-emotive debate“ on TTIP, but having an “editorial team” from Kreab reveals it as the lobbying tool it really is.¹¹²

Another lobby firm of interest, for different reasons, is Red Flag, whose clients include the North American Meat Institute, British American Tobacco, and Monsanto.¹¹³ Red Flag’s niche is offering industries with a bad reputation and/or facing lobbying access restrictions (eg tobacco) “more creative, more dynamic”¹¹⁴ ways of influencing. It drummed up business via a 2016 report ‘Closing Doors: Is Industry Being Frozen Out In Brussels?’, noting the frustration of industry that “NGOs are considered ‘good’ lobbyists” but “corporate lobbyists are met with suspicion”.¹¹⁵ Its methods to help clients avoid supposed ‘exclusion’ by decision-makers involve tactics such as campaigns to activate “grassroots” third-party voices, and point them “towards strategic targets in support of our clients’ objectives”!¹¹⁶ It concludes that “a strong reputation can be a valuable tool in maintaining access to policymakers”. Others, however, have certainly figured out that the converse may be true: damaging the reputation of civil society groups might limit their access or influence.

I think (tank) therefore I am (rational and neutral)

Think tanks have been key players in the debate about TTIP, on paper and in conference rooms; a group of investigative journalists¹¹⁷ identified seven which have been particularly active. According to them, over 300 companies sponsored the activities of these think tanks, whose „seemingly scientific analyses“ helped gather support for TTIP in political circles.¹¹⁸ Like their funders, however, the think tanks are also moving to discredit TTIP critics.

Trade policy think tank the European Centre for International Political Economy (ECIPE) used disparagement, smears, and insinuation in its 2016 report ‘Manufacturing Discontent: The Rise to Power of Anti-TTIP Groups’.¹¹⁹ Throughout, the report implies that the neoliberal trade and investment regime is an inherent good, and not ‘ideological’ at all, but the indisputable natural order of things (see C). Thus campaigning against TTIP is not just illegitimate but must be either manipulative, dishonest, or conducted for nefarious purposes (eg to get more money or support).

Yet of course, as academic Ferdi de Ville puts it, the “ideological position of these think tanks corresponds with the ideas of those who are using their services”.¹²⁰ ECIPE’s Director Fredrik Erixon reportedly “proudly revealed that his think tank is funded by dozens of multinationals”, though he will not reveal names.¹²¹ Its board includes representatives from ESF, the Koch Brothers-funded American Enterprise Institute, and law firms like major ISDS industry player King & Spalding.¹²² ECIPE’s “base-funding” comes from the Swedish Free Enterprise Foundation (SFN), founded and funded by BusinessEurope’s Swedish member, the Confederation of Swedish Enterprise.¹²³

Swedish Enterprise produced a report in 2015 asserting that all studies that don’t show positive economic effects from TTIP can and should be dismissed – citing the very think tank it supports, ECIPE, as part of the “academic literature” which discredits them.¹²⁴ It co-organised a May 2016 seminar in Brussels entitled ‘TTIP – what’s really in it for businesses?’ at which Commissioner Malmström said that the Commission is “not a campaign organisation” and “can’t do the communication on our own” – it needs, she said, help from “member states and businesses alike”.¹²⁵ The Commission appealing to business for help with pro-TTIP propaganda? Six months later, ECIPE, the think tank Swedish Enterprise supports, published ‘Manufacturing Discontent’. Its author, Matthias Bauer, was formerly a coordinator at the Konrad Adenauer Foundation, the political foundation linked to Germany’s conservative Christian Democrats party (CDU). The report bemoans “deceptive communication campaigns against TTIP” orchestrated by a faction of German green and leftwing activists and politicians, NGOs and “protectionist organisations”, which used “far-fetched myths to effectively evoke citizens’ emotions” (see B). Widespread aversion to TTIP in Germany (and everywhere else) is a result of these cartoon-villains “masquerading” as pro-democracy, pro-environment, and pro-Christian civil society. They wield “mind-penetrating” force via their exploitation of online media to spread “virally (re)tweeted myths”. Also thrown in are: “latent anti-Americanism”, “German Angst”, and wild aspersions about Russia funding anti-TTIP groups (a conclusion drawn from precisely no evidence – see box 6). All this, says ECIPE, “poisoned” the public debate about TTIP and CETA.

Box 6: The power of casting aspersions: Russia pulling the strings?

Tweets encouraging people to read ECIPE's 'Manufacturing Discontent' report by its author read, "How RUSSIA supports ANTI-TTIP NGOs in GERMANY" and "#greenpeace_de and #foeeurope in bed with #Russia".¹²⁶ One would think there must be some pretty robust evidence behind these alarming allegations! In reality, the strongest evidence is merely the assertion that unidentified "Close observers of the TTIP debate" in Germany "suspect that some of Germany's declared anti-TTIP organisations are partly funded by Russian organisations". Concerning this funding, "there is no public information available on how anti-TTIP campaign organisations were supported with money originating from Russian sources." They clearly made the most of finding no links whatsoever to Russian funding! It takes impressive mental gymnastics to infer from progressive campaigning group Campact not publishing information on individual donations below €5000, that "substantial financial funding may have arrived from pressure groups... interested in systematically adverse coverage of TTIP, including Russian sources". The New York Times quotes Campact Managing Director Felix Kolb: these false accusations, he says, show "how desperate" the deal's supporters were to discredit the opposition, adding that Campact takes no money from any Russian sources.¹²⁷ Its 1.6 million members, Kolb said, make monthly donations averaging €8. The same article quotes European Council President Donald Tusk as saying that Moscow was backing "well-organized actions, propaganda, so-called NGOs" to oppose TTIP.¹²⁸ Both Commission and Council declined to comment on this quoted allegation, in response to Parliamentary questions.¹²⁹

ECIPE's report also suggests that the public's concerns about TTIP are manufactured by "vote- and donation-chasing green and left-wing" politicians, NGOs and trade unions with the "vast majority of anti-TTIP groups act[ing] on the grounds of self-interest", playing "selfishly and recklessly" on the emotions of "ill-informed citizens."¹³⁰ This unconvincing attempt to cast public interest groups' as manipulating an ignorant public due to greedy motivations, is pure misdirection to avoid having to engage with their serious arguments (see D). The report's author also cynically lumps in 'anti-TTIP' groups with "the promoters of Brexit, Donald Trump and right-wing, nationalist movements in Europe",¹³¹ and implies to attack EU trade policy gives "grist to the mills for nationalist movements" (see A).

There are numerous other disturbing elements to ECIPE's report using arguments that seek to shut down political dissent. Trade should only be left to "trusted experts" who know that trade is not to blame for any of the world's "great miseries" (ie 'experts' can only be pro-TTIP) and secrecy in the TTIP talks is the only way to protect policy-making against the "excessively critical, sensation-seeking speculation" of vested NGO interests, it claims.¹³² Also disturbing is ECIPE's rhetoric about confronting the movement's "puppet masters", and holding political parties and civil society groups accountable for "the dissemination of myths and hate speech on the Internet and beyond". Hate speech, the Cambridge dictionary defines, "expresses hate or encourages violence towards a person or group based on

something such as race, religion, sex, or sexual orientation”.¹³³ TTIP is a potential economic treaty rooted in particular economic ideology, serving particular economic interests; it is not a human being with human rights. Calls to ‘stop TTIP’ or that ‘TTIP kills’ are not hate speech. It is both incendiary, and insulting to people who are victims of hate speech to suggest that it is.

●

Last but not least, ECIPE’s report takes aim at public funding for NGOs critical of TTIP. ECIPE implies that espousing any kind of messages inspired by left-wing values should make a civil society organisation ineligible for public funds, and it suggests the Commission “seriously question” if civil society should get public support. Thus, we have an industry-funded think tank seeking to cut off the supply lines of its opponents/critics. ECIPE adds that, in light of “deceptive (social) online media campaigns”, the Commission should “monitor how CSOs engage in shaping public opinion and strictly condition access to public funds to clearly defined rules on how to engage in campaign activities”. ECIPE’s calls are dangerously close to demanding an end to public support for dissenting voices, which is a key warning sign for deteriorating democratic structures. Democracy should facilitate dissent, not cut it off.

●

Another ‘think tank’ that has gone on the attack is the European Federation for Investment Law and Arbitration (EFILA). It is comprised of corporate lawyers and law firms that are the main beneficiaries when investors sue states on the basis of trade deals (ISDS), for example, White & Case, King & Spalding, and Mannheimer Swartling.¹³⁴ EFILA also includes firms that have already profited handsomely from such cases against states, such as

financial services company Achmea and fossil fuel giant Shell.¹³⁵ Nonetheless, EFILA, which was set up in 2015 at the height of public opposition to ISDS, promises to foster “objective debate” and “merit-based discussion” of investment arbitration.¹³⁶ EFILA concludes from its “comprehensive 40 page study” that criticisms of ISDS are not supported by facts or experience which should not, it says, be a surprise to those of “a rational, unbiased, perspective” (see C).¹³⁷ EFILA’s secretary-general Nikos Lavranos alleges that ISDS critics use “effective propaganda” to “scare and misinform the general public, media, and politicians”.¹³⁸ Their motives, says Lavranos, are anything but altruistic: anti-ISDS groups have “exploited a rather technical topic for their own pockets”,¹³⁹ and are making a “handsome profit from the anti-ISDS/anti-trade/anti-globalization campaign” they’ve unleashed over Europe.¹⁴⁰

●

Three academic researchers specialised in ISDS rejected EFILA’s allegations, finding „it problematic that supporters of ISDS are often eager to accuse others of being motivated by self-interest but not themselves even though, in our experience, most ISDS supporters are members of the ISDS arbitration industry“. ¹⁴¹ The academics also criticised EFILA’s „selective“ presentation of certain critical arguments, noting that some of their claims „fl[y] in the face of the available evidence“ documented in scholarly literature. Notably, they defended the 2012 ‘Profiting from injustice’ report by Corporate Europe Observatory and the Transnational Institute,¹⁴² which had been heavily criticised by EFILA, stating that „in our view, that CEO/ TNI report has done more than any single publication to draw the attention of policy-makers and the public to the important and glaring absence of judicial safeguards in ISDS“.

04 Political and media allies join the attack on NGOs

The shift in corporate interest group tactics from trying to win public support to trying to discredit and de-legitimise their critics has had worrying knock-on effects. Generally, efforts to discredit critics have overwhelmingly targeted NGOs, portraying them as ‘puppet masters’ or scaremongers seeking more money from a fearful public. This narrowing in on NGOs is a complete misrepresentation: substantive criticisms and concerns have come from a wide array of academics, trade unions, small businesses, judges, local governments, etc (see box 3). Despite this some political figures – and parts of the media – with whom corporate-friendly, neoliberal arguments resonate, have joined in the attack morphing it into a more general crack-down on civil society organisations and freedom of speech.

In March 2017, German Christian Democrat MEP Markus Pieper (EPP) presented an own-initiative report in the European Parliament on NGOs’ financing.¹⁴³ The Pieper report advocated that NGOs should only be eligible for EU funding if they “argue by means of verifiable facts”, don’t “demonstrably disseminate untruths”, and if their objectives are not contrary to “strategic commercial and security-policy objectives” of the EU institutions. Cutting public funding to NGOs whose objectives are contrary to EU ‘commercial objectives’ is tantamount to cutting public funding to NGOs that oppose current EU trade deals like CETA, EU-Japan, and TTIP, in whole or in part. A fellow EPP MEP referenced the “EU funding NGOs that lobby against TTIP” in support of the report.¹⁴⁴ The question of who defines ‘untruths’ or ‘facts’ makes the other provisions worrying too. As noted by Friends of the Earth Europe Director

Magda Stoczkiewicz, the risk is in the “judgement that only your policy goals are the right ones”.¹⁴⁵

LobbyControl’s Nina Katzemich makes the point that widespread resistance to EU trade and investment deals should not be seized upon as a reason to clamp down on political debate. Pieper’s proposals, says Katzemich, are “anti-pluralistic, authoritarian and unacceptable”.¹⁴⁶ Without public funding for civil society organisations active in the Brussels bubble, corporate interests would dominate EU policy-making even further. Belgian Green MEP Bart Staes described the Pieper report as a “direct attack” on NGOs.¹⁴⁷ In a healthy democracy, says Staes, those who temporarily hold the power support their opponents financially; this means organised disagreement and facilitating the right to express diverging opinions.¹⁴⁸ The Pieper report, Staes argues, is attempting to muzzle critical civil society organisations by targeting their achilles heel: public funding. Both the Social Democrats (S&D) and the Greens in the European Parliament requested the EPP withdraw the report, comparing it to the Hungarian Government’s crackdown on CSOs receiving funding from abroad.¹⁴⁹ The parallel, says Staes, is in the reaction to criticism: concluding there’s nothing wrong with your policy, but with the messenger.¹⁵⁰

Champion of TTIP, Anthony Gardner, US Ambassador to the EU until January 2017, published an article in Brussels publication Politico in May 2017 setting out how to ensure an EU-US trade deal goes ahead. It echoed ECIPE’s report (see part 2) in the need to “combat active disinformation campaigns organized by NGOs to play up people’s fear for financial gain”. The former US Ambassador further

mirrored ECIPE and the Pieper report by adding that the Commission “should review the funding it provides to NGOs that attack its trade policies” and demand that NGOs provide “transparency about their sources of funding, which are usually opaque”.¹⁵¹ The suggestion that NGOs involved in TTIP campaigning are ‘usually opaque’ is quite untrue; most are fully transparent about their funding sources. It was also reported in a September 2016 Politico article that “US officials have complained that the European Commission and even the German government partly fund NGOs such as BUND and Friends of the Earth through their budgets, even though they are strong anti-TTIP activists”.¹⁵² The possibility that clamping down on European NGOs critical of TTIP has been encouraged by the US makes this picture even more disturbing.

In the same Politico article it was suggested that by whipping up hostility to create a “free-trade feeding frenzy”, NGOs campaigning against TTIP gained “unprecedented influence”.¹⁵³ German EPP MEP Daniel Caspary is quoted as claiming that NGOs use false arguments about CETA just “to keep the success story of anti free-trade protests going”.¹⁵⁴

Another story in Politico, from April 2017, took a different tack, seemingly aimed towards NGOs that don’t receive EU or public funding, but do receive funding from private foundations, such as Corporate Europe Observatory. The piece attacked the motivations of private foundations and trusts, particularly one that has provided funding to a number of NGOs critical of corporate-serving trade deals (including to Corporate Europe Observatory, which the article directly named).¹⁵⁵ The article implied that the funder had nefarious motivations for supporting these NGOs without providing any evidence of this, and quoting big business lobby groups such as CEFIC and BusinessEurope which disingenuously

lambasted NGOs for ‘fear-mongering’ and distorting the public debate.

Taken together, the attacks on TTIP-critical civil society organisations’ funding appear to have a surprising degree of confluence: they call for public funding to be cut (Pieper report), and cast doubt on donations from members of the public (ECIPE report) or from foundations (Politico article).

Many of the arguments and tactics used to discredit and delegitimise the global justice movement – specifically those campaigning for democratic, socially and ecologically just trade policies – have been promoted by uncritical media reports. In the shaping of public opinion, the press branding of groups criticising corporate-serving trade deals does matter. Consider, for example, The Economist’s portrayal of campaign group Attac as “an anti-globalisation group”¹⁵⁶ in comparison to the New York Times’ description of the same organisation as “a global movement promoting a tax on financial trades to support poor countries”.¹⁵⁷ Or compare the Canadian broadcaster CTV’s description of Corporate Europe Observatory as an “anti-trade group”¹⁵⁸ to The Ecologist’s neutral characterisation of the same organisation as a “public-interest group”¹⁵⁹ or The Independent’s “research and campaign group”.¹⁶⁰ Many people will switch off at the mention of ‘anti-globalisation’ or ‘anti-trade groups’, and therefore not pay much attention to or engage with the substantive arguments brought forth by groups thus discredited. Branding critics in this way stifles much needed debate about the kind of ‘globalisation’ or ‘trade’ that is socially desirable. The dismissal of such important discussions simultaneously – and dangerously – rejects any scrutiny of the rules that govern globalisation and international trade and opposes any analysis of the interests they serve.

05. Conclusion

An attack on the critics of TTIP and CETA threatens to become an attack on democracy, as substantive arguments made against the trade deals are met with delegitimisation campaigns funded by big business, and supported by some political figures and elements of the media. It is crucial that decisionmakers – whether they are critical of these kinds of trade deals or not – steer clear from the dangerous path of stifling dissent that some corporate interests are nudging them towards. Democracy must encourage debate and dissent, not seek to suppress it by cutting public funding to civil society groups that disagree with views held by those in power, or which are critical of particular policies.

Trade deals of the ilk of TTIP, CETA, and the EU-Japan agreement, are economic treaties that represent one very specific and very ideological incarnation of trade policy, one that is intended to serve the interests of big business. It is the daily experiences of labour precariousness, exposure to toxic chemicals, privatisation of public services, and big business cost-cutting that priorities profit over safety and health, that mean progressive criticisms of TTIP are resonating with more and more people. The current economic system is not working for the

many, but for the few, and people want to have a say in how to change this system. But trade deals like TTIP and CETA threaten to lock this system in, the only permissible voices those of ‘trade experts’ and big business.

There are however proposals for far more democratic and progressive policies to underpin trade. As Melinda St. Louis from US group Public Citizen remarks, one way to counter the discrediting strategy that lumps all critics of trade deals like TTIP, or its cousin the Trans Pacific Partnership, in with economic populists like Trump, is to focus more on proactive demands for what a people and planet friendly trade agenda would look like.¹⁶¹ Trade that embodies international solidarity, and that doesn’t let big corporations write the rules to their benefit and at the expense of social and ecological justice. The media has an important role to play in this context: to look critically at the deals themselves, and at the arguments of the opponents and supporters. This includes examining the claims made by the corporate lobbies, think tanks or political figures touting these deals, whether they be claims about their content or impacts, or claims about the people and groups criticising them.

1 See, for example, the websites of coalitions of SMEs against TTIP in Austria (<http://www.kmu-gegen-ttip.at/>), Germany (<http://unternehmenhandeln.de/>), the UK (<http://businessagainstttip.org/>), and the Netherlands (<http://www.ondernemersvannu.eu/>).

2 Corporate Europe Observatory, ‘Don’t believe the hype - TTIP is not for small companies’, *ibid*.

3 ARC’s website features a banner encouraging viewers to “Say #Yes2TTIP by sharing this site” on Facebook and Twitter. But its attempt wasn’t enormously successful: searching “I say #Yes2TTIP!” (ie ARC’s template tweet) on 23 May 2017 only found tweets from Swedish Enterprise and staff from lobby consultancy Kreab (who run its editorial team).

4 AmChamEU, Alliance for TTIP twitter campaign: @Alliance4TTIP, 9 Jul 2015, <http://www.amchameu.eu/news/alliance-ttip-twittercampaign-alliance4ttip>.

5 Twitter profiles of @Alliance4TTIP and @eci_ttip, 14 July 2017.

6 AmChamEU, Warning! TTIP may severely promote economic growth, 15 May 2015, <http://www.amchameu.eu/news/warning-ttipmay-severely-promote-economic-growth>

7 Facebook event, 16 May 2015, LYMEC TTIP Action Day, Hosted by European Liberal Youth (LYMEC), <https://www.facebook.com/events/844052689015002/>

8 Reuters, ‘Hundreds of thousands protest in Berlin against EU-U.S. trade deal’, 10 October 2015, <http://www.reuters.com/article/ustrade-germany-ttip-protests-idUSKCN0S40L720151010>

- 9 Naomi Oreskes and Erik M. Conway, *Merchants of Doubt: How a Handful of Scientists Obscured the Truth on Issues from Tobacco Smoke to Global Warming*, 2010.
- 10 Corporate Europe Observatory, 'Regulatory cooperation: big business' wishes come true in TTIP and CETA', 1 February 2017, <https://corporateeurope.org/international-trade/2017/02/regulatory-cooperation-big-business-wishes-come-true-ttip-and-ceta>
- 11 Corporate Europe Observatory and others, 'The Zombie ISDS. Rebranded as ICS rights for corporations to sue states refuse to die', 17 February 2016, https://corporateeurope.org/sites/default/files/attachments/the_zombie_isds_0.pdf
- 12 Corporate Europe Observatory, 'The creeping privatisation of healthcare', 2 June 2017, <https://corporateeurope.org/powerlobbies/2017/06/creeping-privatisation-healthcare> – see section 2. Trading health for profit, and the example of Achmea.
- 13 The Guardian, 'The obscure legal system that lets corporations sue countries', by Claire Provost and Matt Kennard, 10 June 2015, <https://www.theguardian.com/business/2015/jun/10/obscure-legal-system-lets-corporations-sue-states-ttip-icsid>
- 14 INSM, 'Who is behind INSM?', <http://www.insm.de/insm/ueber-die-insm/FAQ/english.html>, Gesamtmetall, <https://www.gesamtmetall.de/gesamtmetall-english>
- 15 INSM, 'Vorsicht auf dem Trampelpfad', 16 September 2016, <http://www.insm.de/insm/ueber-die-insm/INSM-Anzeigen/TTIP-Trampelpfad-Anzeigenmotiv.html>
- 16 Tichys Einblick, 'Freihandel – Im selben Boot: Trump, Pegida und Campact', by Frank Schäffler, 12 January 2017, <https://www.tichyseinblick.de/kolumnen/schaefflers-freisinn/freihandel-im-selben-boot-trump-pegida-und-campact/>
- 17 Jürgen Maier, 'We the people? Right-wing opposition to TTIP – some necessary comments', June 30th, 2016, <https://stoptip.org/blog/we-the-people/>
- 18 One example is the statement of the organisers of the 250,000 people march against TTIP and CETA in Berlin in October 2015. It reads: 'We fight for a world of solidarity, in which diversity is a strength. There is no place for racism and right-wing populism in our demonstration.' (German original: 'Wir treten ein für eine solidarische Welt, in der Vielfalt eine Stärke ist. Auf unserer Demonstration gibt es keinen Platz für Rassismus und Rechtspopulismus'.) Similar messages were carried on front banners during all demonstrations, which took place in September 2016 across Germany.
- 19 For example, Huffington Post, 'Four Ways Our Trade Vision Beats Trump's', by Ben Beachy, Senior Policy Advisor Sierra Club, 10 April 2017, http://www.huffingtonpost.com/entry/four-ways-our-trade-vision-beats-trumps_us_58eb9d04e4b00dd8e0f6ee0f; Corporate Europe Observatory, 'Trump: Corporate trade as usual, now with added xenophobia', 22 May 2017 <https://corporateeurope.org/international-trade/2017/05/trump-corporate-trade-usual-now-added-xenophobia>
- 20 Spiegel Online, 'The TTIPing Point Protests Threaten Trans-Atlantic Trade Deal', by Dinah Deckstein, Simone Salden and Michaela Schießl, 6 May 2016, <http://www.spiegel.de/international/world/protest-movement-threatens-ttip-transatlantic-trade-deal-a-1091088.html>. The article refers to a post from Lobbycontrol, 'Diffamierung des TTIP-Protests: Einige Hinweise zu „heimlichen Anführern"', 19 October 2015, <https://www.lobbycontrol.de/2015/10/diffamierung-des-ttip-protests-einige-hinweise-zu-heimlichenanfuhrern/>
- 21 Zeit Online, 'Steckt die Hitlerkeule wieder ein', Petra Pinzler, 16 October, 2015, <http://www.zeit.de/2015/42/freihandelsabkommentip-demonstration-berlin>
- 22 Institut für Protest- und Bewegungsforschung, 'Für Demokratie und gegen die Macht der Konzerne. Motive und Merkmale der Teilnehmenden der Demonstration „TTIP & CETA stoppen. Für einen gerechten Welthandel!" am 10 Oktober in Berlin, 2015, https://protestinstitut.files.wordpress.com/2015/11/ipb_bericht-stop-ttip-befragung.pdf
- 23 Foreign Affairs, 'How to Free Trade And Still Protect Democracy', Petra Pinzler, 6 April 2016, <https://www.foreignaffairs.com/articles/united-states/2016-04-06/how-free-trade>
- 24 ee, eg The Financial Times, 'Anti-Americanism fuels German fears over TTIP trade pact', 28 April 2016, by Stefan Wagstyl, <https://www.ft.com/content/7c8100e8-0b99-11e6-9456-444ab521a2f>
- 25 Heinrich-Böll-Stiftung Young Voices of Europe, 'TTIP and CETA – Myths Debunked', by Daniel Luchow, 25 May 2016, <http://youngvoices.boellblog.org/2016/05/25/ttip-and-ceta-myths-debunked/>
- 26 Gabriel Siles-Brügge, 'Transatlantic Investor Protection as a Threat to Democracy: The Potency and Limits of an Emotive Frame, May 2017, currently under review at the Cambridge Review of International Affairs.
- 27 Ferdi De Ville & Gabriel Siles-Brügge (2015) 'The Transatlantic Trade and Investment Partnership and the Role of Computable General Equilibrium Modelling: An Exercise in Managing Fictional Expectations', *New Political Economy*, 20:5, 653-678, DOI: 10.1080/13563467.2014.983059
- 28 Ferdi De Ville & Gabriel Siles-Brügge, *ibid.*
- 29 *ibid.*
- 30 Bertelsmann Stiftung, 'The US and the entire EU would significantly benefit from a transatlantic free trade agreement', 17 June 2013, <https://www.bertelsmann-stiftung.de/en/press/press-releases/press-release/pid/usa-und-gesamte-eu-wuerden-vontransatlantischem-freihandelsabkommen-erheblich-profitieren/>; Sabine Stephan, 'TTIP – Das Märchen vom Wachstums- und Beschäftigungsmotor', October 2014, <http://library.fes.de/pdf-files/wiso/10969.pdf>
- 31 S2B Network, 'A Brave New Transatlantic Partnership: The proposed EU-US Transatlantic Trade and Investment Partnership (TTIP/TAFAT), and its socio-economic & environmental consequences, October 2013, <https://corporateeurope.org/trade/2013/10/brave-new-transatlantic-partnership-social-environmental-consequences-proposed-eus>
- 32 Background interview with Marta Ruiz Carnés, assistant to Maria Arena, Belgian S&D MEP, 18 May 2017
- 33 Spiegel Online, 'The TTIPing Point Protests Threaten Trans-Atlantic Trade Deal', by Dinah Deckstein, Simone Salden and Michaela Schießl, May 06, 2016, <http://www.spiegel.de/international/world/protest-movement-threatens-ttip-transatlantic-trade-deal-a-1091088.html>
- 34 Background interview with Gabriel Siles-Brügge, Associate Professor in Public Policy at the University of Warwick, 12 May 2017. All opinions expressed are exclusively his own.
- 35 Gabriel Siles-Brügge, 'Transatlantic Investor Protection as a Threat to Democracy', *ibid.*
- 36 *ibid.*
- 37 Public consultation on investor-state arbitration in TTIP, https://www.kent.ac.uk/law/downloads/ttip_isds_public_consultation_final.pdf
- 38 Legal Statement on investment protection and investor-state dispute settlement mechanisms in TTIP and CETA, October 2016, <https://stop-ttip.org/wp-content/uploads/2016/10/131016-Legal-Statement-1.pdf>
- 39 Deutscher Richterbund, 'Stellungnahme zur Errichtung eines Investitionsgerichts für TTIP – Vorschlag der Europäischen Kommission vom 16.09.2015 und 12.11.2015, February 2016, http://www.drbb.de/fileadmin/docs/Stellungnahmen/2016/DRB_160201_Stn_Nr_04_Europaeisches_Investitionsgericht.pdf Statement from the European Association of Judges, (EAJ), 'On the Proposal from the European Commission on a new Investment Court System, 9 November 2015, <http://www.iaj-uim.org/iuw/wp-content/uploads/2015/11/EAJ-report-TIPP-Court-october.pdf>
- 40 Prof. Dr. iur. Peter-Tobias Stoll et al., 'CETA, TTIP and the EU precautionary principle', June 2016, Study commissioned by Foodwatch, https://www.foodwatch.org/fileadmin/Themen/TTIP_Freihandel/Dokumente/2016-06-21_foodwatchstudy_precautionary-principle.pdf
- 41 Prof. Dr. Silke Ruth Laskowski, 'Rechtliches Gutachten zu möglichen Verstößen gegen Investitionsschutzregelungen des Freihandelsabkommens CETA durch Maßnahmen der kommunalen Wasserwirtschaft, ISDS Schiedsgerichtsverfahren und Haftungsfragen', September 2016, https://www.mehr-demokratie.de/fileadmin/pdf/2016-09-23_Laskowski-Gutachten.pdf
- 42 Prof. Dr. Martin Nettesheim, 'Die Auswirkungen von CETA auf den politischen Gestaltungsspielraum', January 2016, https://www.mehr-demokratie.de/fileadmin/pdf/2016-06-02_BW_Nettesheim-CETA-Gutachten.pdf
- 43 Pierre Kohler and Servaas Storm, 'CETA Without Blinders: How Cutting Trade Costs and More Will Cause Unemployment, Inequality and Welfare Losses', September 2016, <http://www.ase.tufts.edu/gdae/Pubs/wp/16-03CETA.pdf>
- 44 Federal Environment Agency/ Umweltbundesamt, 'Environmental protection under TTIP', https://www.umweltbundesamt.de/sites/default/files/medien/376/publikationen/environmental_protection_under_ttip_0.pdf

- 45 Corporate Europe Observatory, 'International Trade, Corporate Lobbying, and the European Political Project: A Conversation with Pierre Defraigne', 22 April 2015, <https://www.corporateeurope.org/power-lobbies-economy-finance-internationaltrade/2015/04/international-trade-corporate-lobbying-and>
- 46 Global Economic Dynamics, Joseph Stiglitz: TTIP is a particularly bad agreement, 10 October 2015, <https://www.youtube.com/watch?v=sif05HRRjQg>
- 47 The Guardian, We must rethink globalization, or Trumpism will prevail, Thomas Picketty, 11 November 2016 <https://www.theguardian.com/commentisfree/2016/nov/16/globalization-trump-inequality-thomas-picketty>
- 48 OHCHR, UN experts voice concern over adverse impact of free trade and investment agreements on human rights, 2 June 2015, <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=16031&LangID=E>
- 49 Wesley W. Widmaier, Emotions Before Paradigms: Elite Anxiety and Populist Resentment from the Asian to Subprime Crises, in *Millennium: Journal of International Studies*, Vol 39, Issue 1, 2010, <http://journals.sagepub.com/doi/abs/10.1177/0305829810372693?journalCode=mla&>
- 50 Background interview with Gabriel Siles-Brügge, *ibid*.
- 51 Background interview with Marta Ruiz Carnés, *ibid*.
- 52 Financial Times, 'The transatlantic trade pact that risks more harm than good', September 4, 2016, by Wolfgang Münchau, <https://www.ft.com/content/1d31096-70ee-11e6-9ac1-1055824ca907>
- 53 World Economic Forum, Davos 2015 – Europe's Twin Challenges Growth and Stability, <https://www.youtube.com/watch?v=Q7ecDvLrsl> Watch from 31 minutes 40 seconds.
- 54 The Economist, 'Why Germans are protesting against free trade', 16 September 2016, by L.R.S <http://www.economist.com/blogs/economist-explains/2016/09/economist-explains-9>
- 55 The Economist, 'The Arbitration Game', 11 October 2014, <http://www.economist.com/news/finance-and-economics/21623756-governments-are-souring-treaties-protect-foreign-investors-arbitration>
- 56 Jürgen Maier, *ibid*.
- 57 Background interview with Léa Auffret, Trade Policy Officer BEUC, 22 May 2017
- 58 Politico, 'The man who killed TTIP: Free trade is a political nonstarter in Europe. Thilo Bode is fighting to keep it that way', 26 July 2016, <http://www.politico.eu/article/the-man-who-killed-ttip-thilo-bode-foodwatch-germany-free-trade/>
- 59 Annex 2: FINAL REPORT EU-US Trade Agreement Negotiations Background briefing for journalists, DG Trade, Brussels, 3-4 March 2015, https://www.asktheeu.org/en/request/correspondence_and_documents_abo#incoming-9879
- 60 European Commission, 'Anti-Trade lobby group CEO scores own goal on latest TTIP 'revelation'', News archive, United States | Brussels, 16 December 2013, <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1001>
- 61 Euractiv, 'Malmström clashes with Greenpeace over EU-Japan deals' 'green' credentials', Jorge Valero, 26 January 2017, <https://www.euractiv.com/section/economy-jobs/news/malmstrom-clashes-with-greenpeace-over-eu-japan-deals-green-credentials/>
- 62 DW, Criticism of TTIP 'wrong' and 'misleading' says US, 3 May 2016, <http://www.dw.com/en/criticism-of-ttip-wrong-and-misleadingsays-us/a-19230845>
- 63 Politico, 'How to revive TTIP: Under Trump, the aborted Washington-Brussels trade deal may not be in 'deep freeze' after all', by Anthony Gardner, 9 May 2017, <http://www.politico.eu/article/opinion-how-to-revive-ttip/>
- 64 Corporate Europe Observatory, TTIP: a corporate lobbying paradise', 14 July 2014, <https://corporateeurope.org/internationaltrade/2015/07/ttip-corporate-lobbying-paradise>
- 65 BusinessEurope (BE), ASG Group, <https://www.busesseurope.eu/about-us/asgroup-our-partner-companies>, accessed 14 June 2017
- 66 BE, Energy in the Transatlantic Trade and Investment Partnership, 2014, <https://www.busesseurope.eu/publications/energytransatlantic-trade-and-investment-partnership-busesseurope-position-paper>
- 67 U.S. Chamber of Commerce and BusinessEurope, Regulatory Cooperation in the EU-US economic agreement, October 2012, <https://www.corporateeurope.org/sites/default/files/busesseurope-uschamber-paper.pdf>
- 68 BE, TTIP: myths and facts, 20/10/2015, <https://www.busesseurope.eu/video-messages/ttip-myths-and-facts-what-transatlantictrade-and-investment-partnership>
- 69 BE, Business priorities in a 'post-truth' society, December 2016, <https://www.busesseurope.eu/news/business-priorities-post-truthsociety>
- 70 BE, TTIP outlook: how ambitious and comprehensive? August 2016, <https://www.busesseurope.eu/news/ttip-outlook-howambitious-and-comprehensive>
- 71 BE ASG meeting, 8 November 2016, Summary, <https://www.asktheeu.org/en/request/3379/response/11821/attach/3/2Ares%202016%20674456%20BusinessEurope%20ASG%20meeting%208%20Nov%2016%20Summary%20note.pdf>; The Parliament Magazine, EU must better communicate its success stories, by Markus J. Beyrer, 17 March 2017, <https://www.theparliamentmagazine.eu/blog/eu-must-better-communicate-its-success-stories>
- 72 CETA not the progressive agreement it claims to be, by 17 MEPS, in Euractiv, 17 Oct 2016, <https://www.euractiv.com/section/tradesociety/opinion/ceta-is-not-the-progressive-agreement-it-claims-to-be/>
- 73 The Guardian, Thomas Picketty, 'We must rethink globalization, or Trumpism will prevail', 11 November 2016, <https://www.theguardian.com/commentisfree/2016/nov/16/globalization-trump-inequality-thomas-picketty>
- 74 European and Canadian civil society groups call for rejection of CETA, 28 November 2017, <http://www.s2bnetwork.org/europeancanadian-civil-society-groups-call-rejection-ceta/>
- 75 ESF, Members, <http://www.esf.be/new/who-we-are/members/companies/>, accessed 16 June 2017
- 76 ESF Comments on INTA Draft Report Containing the EP's recommendations to the Commission on the negotiations for TTIP, 16 March 2015.
- 77 Tweet from ESF Vice Chair Ralph Kamphöner @ralphkamphoner, 4 May 2016: "...Polls on #TTIP in D are a matter of concern: citizens against opportunities", <https://twitter.com/ralphkamphoner/status/727961928560160768>
- 78 BE, ESF et al Joint statement, Canadian and European business communities call for approval and implementation of the Canada-European Union Comprehensive Economic and Trade Agreement (CETA), October 11, 2016, <https://www.busesseurope.eu/publications/canadian-and-european-business-communities-call-approval-and-implementationcanada>
- 79 Client Earth, Rule of law shunned as CETA deal approved in European Parliament, 15 February 2017, <https://www.clientearth.org/rule-law-shunned-ceta-deal-approved-european-parliament/>
- 80 CEFIC, Corporate Members (ACOM), <http://www.cefic.org/About-us/Our-Members/>, accessed 14 June 2017
- 81 See, for example: Greenpeace, 'Toxic lobby. How the chemical industry is trying to kill REACH', May 2006, https://www.greenpeace.de/sites/www.greenpeace.de/files/greenpeace_toxic_lobby_report_0.pdf; Corporate Europe Observatory and Stéphane Horel, 'A toxic affair. How the chemical lobby blocked action on hormone disrupting chemicals', May 2015, https://corporateeurope.org/sites/default/files/toxic_lobby_edc.pdf
- 82 CEFIC, 'A framework for better regulatory cooperation: Cefic Mythbuster. Chemicals in TTIP', April 2016, http://www.cefic.org/Documents/Infographics/TTIP_chemicals-in-TTIP-Cefic-Mythbuster.pdf
- 83 CEFIC-ACC Response to EU And U.S. Call of 7 September 2012 for Input on Regulatory Issues for Possible Future Trade Agreement, http://trade.ec.europa.eu/doclib/docs/2015/december/tradoc_154100.pdf; Mutual recognition was also described by CEFIC as its "ultimate goal" in a document released to CEO; GestDem 2014-1259, Batch2 Doc 30, Subject: Further specification of joint ACC-Cefic proposal for Regulatory Cooperation between EU-US, 24 January 201384 Corporate Europe Observatory, 'Thinking allowed? How think tanks facilitate corporate lobbying', July 5th 2016, <https://corporateeurope.org/power-lobbies/2016/07/thinking-allowed>; Also see <http://www.bfna.org/page/who-we-are> and Lobbypedia, Bertelsmann-Stiftung, <https://lobbypedia.de/wiki/Bertelsmann-Stiftung>. Trustees listed on <https://www.bertelsmannstiftung.de/en/about-us/who-we-are/organization/>
- 84 Corporate Europe Observatory, 'Thinking allowed? How think tanks facilitate corporate lobbying', July 5th 2016, <https://corporateeurope.org/power-lobbies/2016/07/thinking-allowed>; Also see <http://www.bfna.org/page/who-we-are> and Lobbypedia, Bertelsmann-Stiftung, <https://lobbypedia.de/wiki/Bertelsmann-Stiftung>. Trustees listed on <https://www.bertelsmannstiftung.de/en/about-us/who-we-are/organization/>
- 85 CEPS Corporate Members, <https://www.ceps.eu/current-ceps-corporate-members>, Board of Directors, <https://www.ceps.eu/content/ceps-board-directors>, accessed 2 June 2017

- 86 CEPS, 'Does Wallonia's veto of CETA spell the beginning of the end of EU trade policy?', 20 October 2016, Authors: Guillaume Van der Loo and Jacques Pelkmans, <https://www.ceps.eu/publications/does-wallonia%E2%80%99s-veto-ceta-spell-beginning-end-eu-trade-policy> Greater TTIP Ambition II Chemicals: Why and How, by Jacques Pelkmans (CEPS Senior Research Fellow) and E. Donald Elliott, <https://transatlanticrelations.org/wp-content/uploads/2015/09/Chapter-13.pdf>
- 87 De Correspondent, 'Big business orders its pro-TTIP arguments from these think tanks', Tomas Vanheste, 2016, <https://thecorrespondent.com/3884/big-business-orders-its-pro-ttip-arguments-from-these-think-tanks/179184456-59671a10>
- 88 EFPIA, Membership, <http://www.efpia.eu/about-us/membership>, accessed 15 June 2017
- 89 TTIP: Understanding the Benefits, Dispelling the Myths, Mar 5th, 2015, by Maria Trallero, <http://pharmaviews.eu/ttip-understandingthe-benefits-dispelling-the-myths/>
- 90 Corporate Europe Observatory, 'Thinking allowed?' op cit. Also see <http://www.epicenternetwork.eu/about-2/> and founding think tank Lithuanian Free Market Institute <http://en.lilr.lt/support/list-of-supporter>
- 91 Epicenter blog, TTIP: a pre-mortem, Diego Zuluaga, 11.05.2016, <http://www.epicenternetwork.eu/blog/ttip-a-pre-mortem/>
- 92 IoD, Board, <https://www.iiod.com/about/our-governance/board-members>, Chairman, <https://www.iiod.com/about/chairman>, About, <https://www.iiod.com/about>, TR, British Chamber of Commerce in Belgium, <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=56188303384-93>, last modified on: 30/03/2017 Correspondence with Trade Commissioner Malmstrom's staff re TTIP in 2015 shows IoD telling them that "We have been campaigning very hard, and very publicly in support of TTIP", <https://www.asktheeu.org/en/request/1971/response/7048/attach/6/correspondence.pdf>
- 93 The Independent, 'Don't believe the scaremongering myths - TTIP is nothing to be afraid of', Alexandra Renison (Head of Europe and Trade Policy at IoD), 18 November 2014 <http://www.independent.co.uk/voices/comment/dont-believe-the-scaremongering-myths-ttip-is-nothing-to-be-afraid-of-9868416.html>; CityAm, 'A screaming silence from free marketeers is jeopardising the vital EU-US trade deal', by Simon Walker (Director General of IoD), 4 September 2014, <http://www.cityam.com/1409850384/screaming-silence-free-marketeers-jeopardising-vital-eu-us-trade-deal>
- 94 ARC, MYTHS About #TTIP, <http://arc.trade/en/myths>
- 95 TABC, About, <http://www.transatlanticbusiness.org/about-us/history-mission/>, Members <http://www.transatlanticbusiness.org/aboutus/member-companies/>, accessed 15 June 2017
- 96 Tim Bennett, head of TABC, quoted in EU Observer, 'Roasting the messenger: How US sees critics of EU free trade', 2 March 2015, <https://euobserver.com/economic/127829>; TABC Affirms TTIP Negotiations Have Not Failed, 29 August 2016, <http://www.transatlanticbusiness.org/news/tabc-affirms-ttip-negotiations-have-not-failed/>; TABC Comments on the Future of TTIP, 10 November 2016, <http://www.transatlanticbusiness.org/news/tabc-comments-on-the-future-of-ttip/>
- 97 VNO-NCW is Netherlands BusinessEurope member <https://www.besnesseurope.eu/members>
- 98 DG Trade internal email, Subject: Flash meeting with VNO-NCW on the EU-CN IA, 24 September 2014, <https://www.asktheeu.org/es/request/1385/response/6851/attach/9/Annex%2014.pdf>
- 99 Tweet by Cefic @Cefic, 23 Sep 2016: "Good thought for the weekend! Have u read what the EU chemical industry really expects from #TTIP? #Yes2TTIP READ: <http://bit.ly/2c2ZSwN>", <https://twitter.com/Cefic/status/779213768693690369>; see also <https://twitter.com/Cefic/status/7789745149756544>
- 100 AmChamEU, Members, <http://www.amchameu.eu/about-us/members>, accessed 5 June 2017
- 101 BlogActiv, AmChamEU: 'Why TTIP Matters to Transatlantic Firms', July 25, 2016, Hendrik Bourgeois, General Counsel Europe - Government Affairs & Policy Europe, GE, <http://amchameu.blogactiv.eu/2016/07/25/why-ttip-matters-to-transatlantic-firms/>
- 102 ChemTrust, 'Regulatory cooperation in TTIP and EU chemicals policy', 14 January 2016, <http://www.chemtrust.org.uk/wpcontent/uploads/chemtrust-regcoopchemicals-2016.pdf>
- 103 Marius Nicolescu, 'Hacking into the bubble of young, informed generations to promote old-school populism', 22 February 2017, <https://medium.com/@nicolescu/hacking-into-the-bubble-of-young-informed-generations-to-promote-old-school-populismec70746a79d>; AmChamEU, Staff, Marius Nicolescu, <http://www.amchameu.eu/about-us/staff/marius-nicolescu>
- 104 DG Trade, TTIP Advisory Group members, September 2016, http://trade.ec.europa.eu/doclib/docs/2014/january/tradoc_152102.pdf
- 105 TR, H&K, <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=3183894853-03>, last modified on: 26/04/2017.
- 106 TR, H&K, *ibid.* Clients listed for 2015; total lobby expenditure: 3.000.000 € - 3.249.999 €
- 107 TR, H&K, *ibid.*, Business Alliance TTIP listed as 2015 client for 100.000 € - 199.999 € EUROCHAMBRES et al, Joint Press Release, 16 May 2013, Business Organisations Announce Alliance for a Transatlantic Trade and Investment Partnership, <http://www.eurochambres.eu/Content/Default.aspx?PageID=1&DocID=5311>, Perspectives from the American Chamber of Commerce to the EU, Interview with Susan Danger, Managing Director, AmCham EU, by H+K Brussels, November 14, 2016, <http://www.hkstrategies.com/belgium/en/perspectives-american-chamber-commerce-eu-%E2%94%82interview-susan-danger-managing-director-amcham-eu/>
- 108 TABC, Business Alliance for TTIP Statement, 30 September, 2014 <http://www.transatlanticbusiness.org/news/business-alliance-for-ttip-statement/>; AmChamEU, Press Release: Business Alliance for TTIP reiterates importance of ambitious TTIP deal, 22 February 2016, <http://www.amchameu.eu/media-centre/press-releases/business-alliance-ttip-reiterates-importance-ambitious-ttip-deal>
- 109 TABC, The Business Alliance for TTIP Encourages Continuation of Negotiations, 19 September, 2016, <http://www.transatlanticbusiness.org/news/the-business-alliance-for-ttip-encourages-continuation-of-negotiations/>
- 110 The Parliament Magazine, 'Business representatives defend TTIP', Martin Banks, 16 September 2016, <https://www.theparliamentmagazine.eu/articles/news/business-representatives-defend-ttip>
- 111 TR, Kreab, <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=1078390517-54>, last modified on: 14/06/2017. Svenskt Näringsliv (Confederation of Swedish Enterprise listed as a 2016 client, for 25.000 € - 49.999 €
- 112 Corporate Europe Observatory, 'The strange case of the shy lobbyists: why no-one will admit to lobbying for TTIP', 8 May 2015, <https://corporateeurope.org/international-trade/2015/05/strange-case-shy-lobbyists-why-no-one-will-admit-lobbying-ttip>
- 113 TR, Red Flag, <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=2041841975-08>, last modified on: 13/04/2017. Clients for 2015.
- 114 Seamus Conboy, *ibid.*
- 115 Red Flag, Closing Doors: Is Industry Being Frozen Out In Brussels? 2016
- 116 Red Flag, how we do it: GRASSROOTS, <http://thisisredflag.com/how-we-do-it/#how-3>
- 117 De Correspondent, 'Big business orders its pro-TTIP arguments from these think tanks', Thomas Vanheste, 18 January 2016, <https://thecorrespondent.com/3884/big-business-orders-its-pro-ttip-arguments-from-these-think-tanks/179184456-59671a10>
- 118 *ibid.*
- 119 ECIPE Occasional Paper, 'Manufacturing Discontent: The Rise to Power of Anti-TTIP Groups', By Matthias Bauer, Senior Economist, February 2016, <http://ecipe.org/app/uploads/2016/11/Manufacturing-Discontent.pdf>. Quotes in the section about ECIPE are, unless otherwise footnoted, from this report.
- 120 De Correspondent, 'Big business orders its pro-TTIP arguments from these think tanks', op cit.
- 121 *ibid.*
- 122 ECIPE, Advisory Board, <http://ecipe.org/about-us/people/#tab-advisory-board>, TNI and CEO, Exposed: elite club of lawyers who make millions from suing states, 27 November 2012, <https://corporateeurope.org/pressreleases/2012/exposed-elite-club-lawyerswho-make-millions-suing-states>, CEO, Thinking allowed? *ibid.*, SourceWatch, AEI, http://www.sourcewatch.org/index.php/American_Enterprise_Institute

- 123 ECIPE, <http://ecipe.org/about-us/>; SFN, <http://frittnaringsliv.se/the-swedish-free-enterprise-foundation/>; Swedish Enterprise, <https://www.svensktnaringsliv.se/english/>
- 124 See Swedish Enterprise 2015 report on Economic Implications of TTIP <https://www.svensktnaringsliv.se/fragor/frihandel/economicimplications-of-the-transatlantic-trade-and-investment-p-635085.html>
- 125 Swedish Enterprise, TTIP – what's really in it for businesses? 25 May 2016, https://www.svensktnaringsliv.se/english/ttip-whatsreally-in-it-for-businesses_649248.html
- 126 Tweets from @MatBauerEcon, 8 December 2016, <https://twitter.com/MatBauerEcon/status/806902975822254080> and <https://twitter.com/MatBauerEcon/status/806901585322405888>,
- 127 New York Times, 'In Germany, Grass-Roots Opposition to a European-U.S. Trade Deal', by James Kanter, June 9, 2015, <https://www.nytimes.com/2015/06/10/business/international/transatlantic-trade-deal-pact-europe-eu-us-germany.html>
- 128 *ibid.*
- 129 The only reference to this quote found elsewhere is in response to Parliamentary questions for further information. The Council replied that "It is not for the President of the European Council to comment on press articles". The Commission also said it could not comment, but added it "does not analyze the financing sources of civil society organizations, regardless of whether they opt for or against TTIP". Source: Parliamentary questions by Joachim Starbatty (ECR): Inquiry for written answer To the Commission, Subject: Financing of anti-TTIP campaigns, September 30 2015, E-013370-15, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2015-013370+0+DOC+XML+V0//DE>, Answer given by Mrs Malmström on behalf of the Commission, 19 January 2016, E-013370/2015, <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2015-013370&language=DE>; Inquiry for written answer To the Council (President of the European Council), Subject: PCE / PEC financing of anti-TTIP campaigns, 1 October 2015, P-013402-15, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+P-2015-013402+0+DOC+XML+V0//DE>, Answer, 7 December 2015, P-013402/2015, <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=P-2015-013402&language=DE>
- 130 Launch of ECIPE Report, 28 November 2016, Presentation by Dr Matthias Bauer, Senior Economist ECIPE, Brussels, ecipe.org/app/uploads/2016/11/2016_11_28_Presentation-Study-Launch.pdf
- 131 Bauer's presentation at the launch of the report, *ibid.*
- 132 European View *ibid.*
- 133 Cambridge dictionary, 'hate speech', <http://dictionary.cambridge.org/dictionary/english/hate-speech>
- 134 Corporate Europe Observatory, 'Lobby group EFILA's stake in investment arbitration', April 14th 2015 <https://corporateeurope.org/international-trade/2015/04/lobby-group-efila-stake-investment-arbitration>
- 135 EFILA, Current members, <http://efila.org/current-members/> accessed 11 May 2017; CEO, Thinking allowed? *Ibid.*
- 136 TR, EFILA, <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=87760774842-74>, last modified on: 23/02/2017
- 137 'Countering Anti-ISDS Propaganda with Facts: An Uphill Battle', Nikos Lavranos, 8 June 2015, <http://kluwerarbitrationblog.com/2015/06/08/countering-anti-isds-propaganda-with-facts-an-uphill-battle/>
- 138 'Profiting from Anti-ISDS Propaganda', Nikos Lavranos, 11 October 2016, <http://kluwerarbitrationblog.com/2017/03/21/thehypocrisy-of-anti-isds-groups-part-2/>
- 139 *ibid.*
- 140 'The Hypocrisy of Anti-ISDS Groups – Part 2', Nikos Lavranos, 21 March 2017, <http://kluwerarbitrationblog.com/2016/10/11/profitting-anti-isds-propaganda/>
- 141 David Schneiderman (University of Toronto), Kyla Tienhaara (Australian National University), and Gus Van Harten (Osgoode Hall Law School), Reply to EFILA, 6 July 2015, <https://gusvanharten.wordpress.com/2015/07/>
- 142 CEO and TNI, 'Profiting from injustice: How law firms, arbitrators and financiers are fuelling an investment arbitration boom', November 2012, <https://corporateeurope.org/international-trade/2012/11/profitting-injustice>
- 143 DRAFT REPORT on budgetary control of financing NGOs from the EU budget (2015/2345(INI)), Committee on Budgetary Control, Rapporteur: Markus Pieper, 16 March 2017, <http://www.europarl.europa.eu/sides/getDoc.do?type=COMPARL&reference=PE-589138&format=PDF&language=EN&secondRef=01>
- 144 Tomáš Zdechovský (EPP) MEP quoted in: Euractiv, 'Greens denounce 'Hungary-style' attack against EU-funded NGOs', 19 April 2017, <https://www.euractiv.com/section/politics/news/greens-denounce-hungary-style-attack-against-eu-funded-ngos/>
- 145 Politico Brussels Influence, 'MEP vs NGOs – Thank you for smoking – O'Reilly's Brexit crusade', 31 March 2017, <http://www.politico.eu/newsletter/politico-brussels-influence/politico-brussels-influence-mep-vs-ngos-thank-you-for-smoking-oreillysbrexit-crusade/>
- 146 Politico Brussels Influence, 'Commission sides with Greens on NGO funding – How to lobby (and how not to)', 21 April 2017, <http://www.politico.eu/newsletter/politico-brussels-influence/politico-brussels-influence-commission-sides-with-greens-on-ngofunding-how-to-lobby-and-how-not-to/>
- 147 *ibid.*
- 148 Mondiaal Nieuws, 'NGO's aan de leiband: er waait een spook van onvrijheid door Europa', Bart Staes, 15 May 2017, <http://www.mo.be/opinie/ngo-s-aan-de-leiband-er-waait-een-spook-van-onvrijheid-door-europa>
- 149 Euractiv, Greens denounce 'Hungary-style' attack against EU-funded NGOs, *op cit.*
- 150 Mondiaal Nieuws, *op cit.*
- 151 Politico, 'How to revive TTIP', Anthony Gardner, *op cit.*
- 152 Politico, 'Anti-trade campaigners slaughter their golden goose: TTIP', Hans von der Burchard, 16 September 2016, <http://www.politico.eu/article/anti-trade-campaigners-slaughter-their-golden-goose-ttip-why-ngos-germany/>
- 153 *ibid.*
- 154 *ibid.*
- 155 Politico, 'Mystic money man behind Brussels activists', Giulia Paravicini and Harry Cooper, 6 April 2017, <http://www.politico.eu/article/ayman-jallad-ayman-jallad-mystic-money-man-behind-brussels-activists-ngo-funding/>
- 156 The Economist, 'Why Germans are protesting against free trade', *ibid.*
- 157 New York Times, *op cit.*
- 158 CTVNews, 'Trudeau arrives in Europe to hail trade pact as countermeasure to isolationism', 15 February 2017, <http://www.ctvnews.ca/business/trudeau-arrives-in-europe-to-hail-trade-pact-as-countermeasure-to-isolationism-1.3286091>
- 159 The Ecologist, 'TISA 'free trade' deal to force draconian social, environmental, financial deregulation', by Pete Dolack, 17th June 2016, http://www.theecologist.org/News/news_analysis/2987818/tisa_free_trade_deal_to_force_draconian_social_environmental_financial_deregulation.html
- 160 The Independent, 'TTIP controversy: The European Commission and Big Tobacco accused of cover-up after heavily redacted documents released', by Paul Gallagher, 26 August 2015, <http://www.independent.co.uk/news/uk/home-news/ttip-controversy-the-european-commission-and-big-tobacco-accused-of-cover-up-after-heavily-redacted-10473601.html>
- 161 Background interview with Melinda St. Louis, Public Citizen (US), 22 May 2017

Blaming the messenger

