

# Co-creating Trade Policy

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Towards Collaborative Approaches  
to Designing International Trade Policies  
Involving All Stakeholders

## Imprint

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## Abstract

The '*Cocreating Trade Policy*' project was proposed to the *Schöpflin Foundation* by the *Institute for Participatory Design* as part of the Schöpflin Foundation's engagement in the promotion of a fair and sustainable economy and democracy. The aim of this project was to find ways to advance solution-oriented and design-oriented, transparent and participatory procedures in the realm of trade agreements, in order to find better solutions that meet the needs of citizens, societies, economies and environments. The project consisted of field research and the drafting of a proposal for the prototype of a participatory procedure.

Local municipalities and national governmental bodies are often far more progressive in participatory processes and open governance methodology than the EU Commission. Our approach thus aims to apply leverage to the fundamental paradigms of EU procedures. These need to be redesigned so as to enable both better international trade agreements and high democratic and participatory standards.

Through our field research we learned that there is no or very little procedural design in the negotiation procedures for trade agreements. Neither is there much understanding and awareness of the power that lies in the design of procedures and the effect they have on both results and public opinion. By developing a generalised model for trade negotiation procedures, we identified various technical and methodological possibilities for improving and enhancing common trade negotiation procedures.

What we identified very clearly is that the current system and institutional setup of trade negotiations is a strong, hermetic system, with a very high coherence of procedure, methodology, mind-set and mode of relating, embedded in a free trade paradigm. Change and transformation to this system will only happen if outside pressure and inside conditions create windows of opportunity, which enable new concepts to enter institutional thinking and procedures. These new ideas are not generated inside the institutions, but rather in what we call a 'public realm of ideas' where a variety of societal actors devise, innovate and draft solutions, ideas and concepts for change.

This understanding led us to the conclusion that, while it is still possible and important to introduce the concept of procedural design to the EU institutions, to achieve the goal of this project it is more advisable to focus on fostering a public realm of ideas and to give it structure, impact and public recognition on a European scale.

Our proposed project – namely the European Days of Democratic Innovation (EDDI) – aims to achieve precisely this objective.

# 1 INTRODUCTION

## 1.1 Trade negotiations: good procedures for designing trade?

At present, the EU is struggling in particular with democratic deficits as well as with deficits in terms of transparency and proximity to its European citizens. While this is true for all policy fields, it is particularly apparent in the negotiations on CETA, TTIP and other agreements currently underway such as JEFTA, for example. It can therefore be argued that the free trade agreements are facing an uphill struggle not because European citizens are opposed to trade *per se* but because they question a) the ideological orientation towards neoliberal free-trade and deregulation, and b) the procedures leading up to these agreements which are neither transparent and participative, nor do they offer satisfying answers to normative questions of how we want to live and trade in future as a society in cooperation with other societies. This gives rise to fears that hard-won citizens' rights, consumer standards and democratic principles, i.e. values that form the very foundations of the European idea, are being dismantled. Instead of being seen as powerful instruments for designing a better future for citizens in all participating nations, many citizens have the notion that trade agreements might merely be instruments for maximizing profits and extending the power of the few at the expense of entire societies and environments; and this delegitimises otherwise good intentions.

This creates a deep divide between the reality of the free-trade negotiations and the ideal of transparent, democratic and participatory processes resulting in good, innovative agreements supported by a majority of citizens. This divide manifests itself in attacks on the agreements as a whole and in challenges to them, both by progressive forces and by populist Eurosceptics. The latter welcome any opportunity to expose the alleged double standards, bureaucracy and lack of transparency of the elites as an opportunity fundamentally to call into question the European project.

Efforts are already being made and proposals put forward to change the principles, criteria, rules and legislation by which trade mandates and trade negotiations are conducted. The Alternative Trade Mandate (S2B-Network, 2013), for example, aims to establish core principles and subsequently a framework of social and democratic demands as general and legally binding guidelines for trade negotiations. Meanwhile the trade policy democratisation group – part of the S2B (Seattle to Brussels) network – is proposing a far greater involvement of national and regional parliaments and of the citizens they represent as well as fundamental transparency in all trade negotiation processes (S2B-Network, 2017).

While these are very important contributions, they all argue from within the established paradigms and procedures of trade negotiations by lobbying for solutions to political and technical questions of international trade rather than creating an open space for a multi-perspective collaboration on policy innovation and design.

With the 'Cocreating Trade Policy' project we endeavour to take a different approach. We want to apply leverage to the fundamental paradigms of EU procedures in order to redesign them. Thus, we aim to contribute to the establishment of procedures



within the EU that – both in general and in particular with reference to the preparation of trade agreements – prioritise the development of solutions while meeting high democratic and participatory standards. The hypothesis behind this approach is that by focusing on the development of transparent and participatory, design-oriented political and administrative procedures, the result is more likely to be good and legitimate solutions and future ideas on how trade should be organised to create a world in which we all want to live.

## 1.2 Basic assumptions of our project

In the first instance this project aimed to change the mode of how EU international trade policies are made by challenging the procedures by which trade negotiations are undertaken. Later in the project though our focus shifted towards a general critique of negotiation procedures as a methodological paradigm for international policy making. Our project did not follow an academic approach. Instead it took the form of a design project, the intention being to formulate new procedural insights and project ideas in what might be termed a real-life lab. To this end we started with general basic assumptions, which we tested in iterative feedback loops through desk research, internal discussions and in a series of interviews conducted over the course of the project. In the following section we will present the assumptions on which we ultimately based our subsequent work.

### 1.2.1 Trade

Trade negotiations are commonly seen as a means to enable free trade by eliminating trade barriers. However, in this project we understand trade as a human activity of exchange of goods and services. Our assumption is that trade is something human-kind will always do. We see it as an activity that can bring both good and harm to people, societies and ecosystems depending on *how* the exchange is undertaken and *how* we frame it normatively. We cannot envisage a political system – current or future – that will not have to consider *how* the exchange of goods and services is organised. In contrast to theories and opinions in which trade per se is viewed as the core of injustice, inequality and ecologic devastation<sup>1</sup>, for the purposes of this project we will define trade as the basic activity of exchanging goods and services. We will therefore strip the term ‘trade’ of any ideological or political connotations. We need to do this in order to focus on *how* trade is being conceptualised, designed and organised through policy making and other cultural practices.

If we talk about free trade, the exchange of goods and services is framed by a certain political ideology. This ideology defines *how* trade is being conceptualised, designed and organised, corresponding to a liberal economic paradigm promoting e.g. open markets, deregulation and the externalisation of the social and environmental

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<sup>1</sup> Compare Shaikh, Anwar (2016): *Capitalism: Competition, Conflict, Crises*. Oxford University Press, New York, for a thorough discussion of theoretical positions of how capitalism generally is a source of competition and conflict.

costs of the trading parties. The same could be said of course for trade as part of an 'economy for the common good' (Felber, 2015). In this case the ideology defines how trade is conceptualised, designed and organised by policies corresponding to ideas and theories of an *Economy for the Common Good*, as defined by Christian Felber.

### **1.2.2 Normative visions and innovation**

If we believe that the exchange of goods and services will not come to a halt, and if we further assume that the impact of trade on people, societies, economies and ecosystems is defined not by the act of exchange (trade) itself but by the design of *how* trade is undertaken, we open up a field for innovation: suddenly trade is an action we can consciously design and regulate, e.g. through policies. If we think about the *how* of trade, we open up the debate to normative claims concerning the needs of people, societies, economies and ecosystems. We then do not need to base our design on ideologies, because ideologies preclude solutions and answers as to the *how*. Ideologies cut out the part of the opinion-making process where people from different backgrounds and perspectives come together to deliberate on and cocreate a common vision about where to go next as a (global) society. By positioning our endeavour on a meta-level to the presumptions rooted in already existing ideologies<sup>2</sup> we can engage in open processes through which we first define our problems and needs (those of people, societies, economies and ecosystems) and then find normative answers to how we as humans (and traders) want to live together on this planet. On this basis, we can then cocreatively design the necessary solutions, in the form of policies, for example.

### **1.2.3 Power**

It has been argued by many partners in our discussions on this project that the ideas outlined above might be a naive notion of trade, the business of trade negotiations, and of politics in general. Trade, they argue, is closely linked to power held by those who profit from (free) trade. And, they argue, those who profit from (free) trade will do all in their power to ensure that administrations and governments maintain the current practices of pursuing free trade agreements. Also, the political and administrative elites have no interest in changing this system, because supporting the free-trade ideology is the backbone of political careers in Brussels, Washington and other capitals around the world. The entire system is streamlined – right down to the job descriptions – to promote a free-trade ideology, so questioning and debate will have to take place outside the institutions. Therefore, it has been argued in our discussions that no one from within the institutions has a real interest in changing the methods used to

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<sup>2</sup> We will always carry our world views and paradigms with us and all we think and deliberate upon is based on presumptive ideas. But in every sound participatory process, participants will reach a meta-level on which we can compare, criticise and consciously alter ideologies through a commonly shared realisation of where our perspectives of thinking derive from and on what assumptions and collective experiences they are based.

design trade policies and they will do everything to prevent any fundamental systemic change. Indeed the very opposite is true: seen from the inside, the system of free trade agreements is working perfectly well. From within the institutions, success is defined by ratifying as many agreements as possible to create open and deregulated markets. This is seen as a good and meaningful contribution to the world's economic development and prosperity. If measured against these self-defined criteria, institutions such as the EU Commission are very successful: the system works, it is stable, and – again from this perspective – any irritations are not created by the system of trade negotiations itself, but rather by external, i.e. societal, forces that do not comprehend and fully understand the importance and complexity of the negotiations and agreements. The fact that those in power are ignorant of ethical considerations or lack an understanding of whom they are actually accountable to is clearly revealed in a quote by Cecilia Malmström, the EU Commissioner for Trade. In 2015 she told *The Independent* that '*[she] [does] not take [her] mandate from the European people*'. (Hilary, 2015).

It must be said however that since then the EU Commission has made some efforts to be more transparent and inclusive. The Directorate-General for Trade's website publishes minutes of negotiations and openly invites interested parties to public dialogue and briefing sessions. These improvements were implemented in the later stages of the TTIP and CETA negotiations; but in subsequent negotiations on other trade deals (EU-Japan, EU-Mercosur, EU-Vietnam) secrecy returned. Nevertheless, Cecilia Malmström's tone has changed quite considerably. In an interview with the German news magazine, *Der Spiegel*, she said: '*We have worked to make our trade negotiations more transparent and to negotiate value-based agreements. We have listened to concerns, for example by carrying out a reform of the investment protection system and setting out to create a multilateral investment court.*' (Müller und Pauly, 2017). This can be seen, on the one hand, as an honest recognition of civil society's concerns; or on the other as a public relations strategy to keep the system running smoothly by incorporating critique into the controlled routines of the negotiation processes. It does show, however, that the Commission felt the need to react to public opinion during the TTIP and CETA negotiations.

Returning to the question of power, there are two relevant responses. The first is based on general political theory; the second on the actual political process of increasing pressure on the political and administrative systems by civil society.

According to political theory, it should be recalled and stressed that it is the people of a democratic state who are sovereign. If the people agree to change politics and if they manage to mobilise fellow citizens and ideas, then they have the power to change things. And they do and have done this, even when confronted with powerful players. In his documentary film, '*Bowling for Columbine*', Michael Moore made the point that we do prohibit drugs by law, even though they are big business, because society wants to ban drugs from public life. Similarly, the US government could prohibit guns, as many other countries in the world do. In Germany, *Fukushima* prompted the elected government to decide to phase out nuclear power against the will of a very powerful and influential nuclear industry and after years of pressure

from civil society. But there are also many historic examples, such as the abolition of slavery, which demonstrate that power can be broken by the sovereign if there is sufficient political will. That does not mean that battling against strong interests or even illegitimate power is easy, nor that there are no strong forces, processes and influential adversaries to overcome. Resistance against power is a complex political and societal process. Nevertheless, it is possible for the sovereign to change the political direction, even against powerful elites. It has been done, and it has to be done again, if necessary.<sup>3</sup>

Interestingly enough, Donald Trump of all people is a – not so positive – example of someone who, in the name of his voters, is dramatically changing the political agenda, abandoning the free trade paradigm by promoting protectionism and terminating trade agreements. So, the problem, it seems, is not powerful people and institutions, but rather the lack of collective interest in change; the lack of a shared opinion on the need for change; and the level of vision and mobilisation of alternative ideas about trade. It seems that the sovereign is not ready or able to restrict the power of political institutions or, to put it more benevolently, to set the guidelines by which the powerful institutions are authorised to act in a democratic system, so that Cecilia Malmström and other Commission executives, for example, might acknowledge the European people as their superior and foremost constituent. Here again it seems that currently civil society in the EU member states will gather greater momentum on the anti-European side, as it tries to shatter EU institutions in order to strengthen national sovereignty. The more progressive sides of civil society on the other hand appear unable to propose attractive political ideas that offer alternatives to the current political situation.

This brings us to the second response to the argument of underestimating power, namely that power is usually self-preserving in the face of changing external circumstance. Even if it is the case that strong economic and administrative players will use their power to prevent any major change to how we design trade policies, they will certainly notice that their instrument to achieve trade agreements (e.g. the EU Commission and DG Trade) are under increasing political pressure from civil society. On one side, pressure is being applied by progressive forces trying to influence or completely stop free-trade negotiations, as we have seen with TTIP and CETA. On the other side, pressure is being exerted by massive right-wing populist movements questioning the EU institutions in general. *Brexit* is just one manifestation of this. In order to maintain power, the elites have to grant concessions. They have already done this by small increments. The TTIP protests led the institutions to publish negotiation protocols and strengthen public consultation loops.

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<sup>3</sup> One of the main problems with the EU in particular is, however, that the EU does not have a sovereign. It has a multitude of sovereigns represented by a weak Parliament and a strong Council consisting of the national governments. In order to use the power of a sovereign over the power of illegitimate influence and an ideology of the powerful, it would therefore be necessary to appoint a sovereign of the EU and to create a strong public sphere for the sovereign to shape public opinion.

German local and municipal administrations have undergone a similar process. After the major civil upheaval and protests concerning the massive and controversial Stuttgart 21 infrastructure project, mayors all over Germany embraced various forms of civil participation processes to avoid similar protests against their projects. While they first tried the same strategic approach as the EU Commission by being more transparent with information, they soon discovered that only a real change in attitude towards citizens and honest and relevant participation lead to better results and less protest. In Germany's municipal administrations, this process has led to a broad acceptance of informal participation processes that now accompany formal planning procedures, setting standards to include public participation in almost all major political projects.

Having put forward these two responses against the argument of overwhelming power in the field of trade policies, we would like to present a third response. This is concerned more with the potential for rather than the barriers to institutional transition. Based on over 16 years of professional work within the field of public participation, we have experienced again and again that those who seem to be in power turn out to be human beings with their own perspective, backgrounds, needs, worries and questions when they engage in direct participatory processes. By starting to work in engaging collaborative settings, trust can be built and conflicts solved, thus helping everyone to gain a broader overall perspective and see new emergent solutions. Interestingly enough, civil society pressure groups are often more afraid of losing influence in cooperative and participatory settings than political, administrative or economic leaders and managers. From our experience we suggest that it is worthwhile to assume and hope that people in EU institutions and lobby groups are not that different from those who work in national ministries, local city administrations or national lobby groups. Power struggles, conflicts, criminal forces, hatred and political self-interest are everywhere, and at every level they are always acted out by human beings. One should never underestimate these forces, but one should also stand up to them. Working in open and transparent participatory processes with a focus on collaboration and innovation fulfils the needs of many and brings together different perspectives. These processes reframe conflicts and struggle, and foster understanding and empathy for diverse perspectives. They are a learning environment for understanding democratic processes. There are powerful mechanisms and methodological solutions within participatory processes to prevent them from being hijacked by powerful and manipulative players. These include, among others, full transparency, open group control of procedures and personal networks to build strong communities. So, we believe that it might be worth trying to work cooperatively by bridging the gulf that divides *them* from *us*, the powerful from the powerless, civil society from the institutions etc. We assume that our society today works more like a heterogeneous, network-like structure, where everyone incorporates different roles and agendas and operates from very diverse experiential backgrounds. We will have to find ways to bring all these aspects together, to cocreate trade policies that are useful for society as a whole.

### 1.2.4 Transformation

This brings us to our last underlying assumption concerning change, transition and transformation. There is a range of diverse theories of change and transformation.<sup>4</sup> For our purposes we will use examples from the multi-level perspectives approach by Geels and others<sup>5</sup> to discuss this issue.

Participatory design processes (i.e. those involving innovation to tackle social and political problems) have, for some time now, been tested in various fields with some considerable success. These processes can be seen as niche experiments e.g. for rural development, ecological projects, small infrastructure projects in communal, regional and national policy-making and planning. While being tested in niches, they have not only shown that they are a viable approach to get results – including in antagonistic situations – but also that their methodology is sufficiently flexible for it to be refined when it comes to the design of more complex and larger processes. They also have shown that they can compete with and outperform older paradigms in politics on how to achieve results. There are currently many innovative and collaborative approaches to policy-making that respond to problems faced by politics, administrations and the economy alike: they are more likely to achieve broad acceptance through participation and they are better suited to achieving better outcomes in terms of the quality of results.

Regimes are slowly shifting towards these paradigms, approaches and methodologies: they certainly do so in Germany, e.g. in urban planning, but also in relation to broader political issues, as in open government projects or participation.<sup>6</sup> This is because the political and societal landscapes have changed and pressure has been applied at government level for more openness, transparency and inclusivity and to find better solutions to complex problems at a much swifter pace than ever before. These kinds of problems cannot and will not be sufficiently solved using the former paradigms of political procedures. As stated above, we believe that there will be more and more pressure and a growing necessity to change policy design procedures at the EU and global levels (UN, WTO etc.) for example.

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<sup>4</sup> E.g. Abson, D. J., et. al., 2017; Folke, C. et.al., 2010; Polanyi, K. 1944 or Wright, E. O., 2013.

<sup>5</sup> The MLP (multi-level perspectives approach to sociotechnical transitions) works with a model of three levels of change: niches, regimes and landscapes. Niches 'form the micro-level where radical novelties emerge. (...) Niche-innovations are carried and developed by small networks of dedicated actors, often outsiders or fringe actors. (...) The sociotechnical regime concept accommodates the broader community of social groups and their alignment of activities. (...) The *sociotechnical landscape* forms an exogenous environment beyond the direct influence of niche and regime actors (macro-economics, deep cultural patterns, macro-political developments). (...) The multi-level perspective argues that transitions come about through interactions between processes at these three levels: (a) niche-innovations build up internal momentum, through learning processes, price/performance improvements, and support from powerful groups, (b) changes at the landscape level create pressure on the regime and (c) destabilisation of the regime creates windows of opportunity for niche-innovations. The alignment of these processes enables the breakthrough of novelties in mainstream markets where they compete with the existing regime.' (Geels, Frank W. & Johan Schot (2007): Typology of sociotechnical transition pathways. Research Policy, 36 (2007), 399–417, p. 400)

<sup>6</sup> E.g. <https://www.bmi.bund.de/SharedDocs/pressemitteilungen/DE/2017/08/ogp-aktionsplan.html>, <https://www.netzausbau.de/mitreden/beteiligungsverfahren/de.html>

We already see this happening in the field of climate change. The quality of the climate discourse has dramatically changed and improved over the last 10 years. While former conferences simply consisted of hundreds of delegates in conference halls, following formal protocols, now most of the ideas, projects and new approaches are discussed in informal open workshop formats, enhancing the formal conference procedure by creating semi-formal public spheres. The results show the success of this approach of slowly adopting participation methods and procedures, open and transparent interaction, and design orientation.

As pressure builds at the landscape level, regimes are forced to pick up the innovations at the niche level. We are confident that this will also happen to governments and transnational institutions. The need to open up to more transparent, innovation-oriented and design-oriented forms of collaboration to tackle complex issues in transparent and participatory procedures is bound to reach large transnational and global institutions.

We do not expect proponents of the status quo to applaud this and to engage enthusiastically in transformation. On the contrary: as with any transition process we expect many to defend their old ways of acting within the confines of exclusive procedures of control, power and a lack of transparency. But as the pressure from the political landscape increases, regimes will have to react. In some cases this will take the form of denial and rear-guard action; those who chose this path will be on the losing side of the transition. And then there are those at the regime level who embrace transition and are already anticipating opportunities as a result of change. These actors will open windows of opportunity and their actions will prevent a complete failure of the institutions.

## 2 COCREATEING TRADE POLICY: THE PROJECT

The ‘*Cocreating Trade Policy*’ project was proposed to the *Schöpflin Foundation* by the Institute for Participatory Design as part of the Schöpflin Foundation’s engagement in the promotion of a fair and sustainable economy and democracy. *The Institute for Participatory Design* as the operative partner is an independent think-tank, which has conducted the research, design and strategy of this field report.

### 2.1 Intention and aim

The primary concern of this project is to find ways to advance solution-oriented and design-oriented, transparent and participatory procedures which can provide substantive contributions to trade agreements. These contributions should produce better results – in terms of finding good solutions for the needs of citizens, societies, economies and environments – than those reached at present through the current methods of conducting trade negotiations.

To this end we carried out the following steps:

- desk research and analysis of European procedures and design paradigms as well as of negotiation procedures with regard to EU free trade agreements;
- a stakeholder analysis, tailored to the project, in the area of European trade policy, trade agreements and policy-making;
- solutions or project proposals for the implementation of next steps in promoting alternative and better trade policy design procedures;
- prepared a draft design of a participatory prototype procedure promoting the above goals.

### 2.2 Generative process

An attempt to reform the EU’s political procedures would be a massive transformative process that would affect many areas. At present, it is not quite clear as to where and how this work could most beneficially be started. It would certainly be a major endeavour. We therefore considered it advisable to extend the depth and scope of this project in a generative process, where one step follows from the findings and results of the previous steps, thus leaving a great deal of room for development, learning and iterative adaptation.

The primary concern, however, is therefore to prove that solution-oriented, transparent and participatory processes can make substantive contributions to trade agreements that are similar, if not better, than those reached by bargaining consultations and negotiations, and which, moreover, boost the citizens’ trust in the relevant institutions and their actors by making these truly transparent and accountable.

As part of this generative process, the aim is to develop and invent solutions in a participatory and design-oriented manner with a view to sketching positive futures for common trade.



### 2.3 Design research

We chose the design research form rather than an academic study in order to make our own reflections and development process transparent to readers. In line with the design-oriented methodology for our field research, we chose a variety of methods such as interviews, desk and literature research, collaborative workshop formats and subsequent development and discussion sessions. We chose this approach to generate our own perspective on existing knowledge in the field of trade negotiations while simultaneously advancing our procedural design ideas. In this way we were able to adapt our development process at each step of the way as our understanding of the issues grew. As such this design research is also a documentation of our team's generative trans-disciplinary design process.

## 3 PROCEDURES OF TRADE NEGOTIATIONS: AN ANALYSIS

*'To a man with a hammer, everything looks like a nail.'*

Mark Twain

Procedures reflect our values and mindsets. How we do things and the tools and methods we use affect the results we obtain. There is a direct reciprocal link between ontological mindsets, normative claims and political ideology on the one hand and methodology, strategy and procedural design thinking on the other. If we aim for more transparent, inclusive and just solutions in international trade policies, we will have to look at the requirements of the mindsets and attitudes and ask ourselves what kind of procedures they promote and what kind of results they will amplify.

### 3.1 Paradigms and modes of relating

The so-called *ZIB* debate<sup>7</sup> in Germany elaborated on the differentiation between two modes of interaction in international relations: *bargaining* and *arguing* (Müller, 1994, Gehring, 1996). While the former is based on utilitarian and rational choice epistemology, the latter is grounded in Habermas' theory of communicative action. Using this differentiation as a base, we developed a matrix of interaction modes and their underlying paradigms and attitudes. We then use this matrix as a tool for analysing negotiation procedures.<sup>8</sup>

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<sup>7</sup> Refers to the German Journal on International Relations (Zeitschrift für Internationale Beziehungen, ZIB) where this debate took place.

<sup>8</sup> See also: Roschka, Jakob (2017): Internationale Verhandlungen als Orte von Gestaltung und als gestaltbare Verfahren. Bachelorarbeit, Universität Münster. This bachelor thesis was also a result of our 'Cocreating Trade Policy' project.

In order to accommodate this project’s goals we had to extend the matrix in two directions. On one side we added a *force* mode. By way of example, this mode can currently be observed in relations between Kim Jong Un and Donald Trump. In terms of trade negotiations, *force* is only present as a rather subtle and behind-closed-doors subtext to international trade negotiation procedures. The mode is still available in conflict and antagonistic situations, but more as a regressive fall-back option. On the other side we added a further interaction mode – namely *design* – which has slowly been establishing itself as a new paradigm in local and national participation, and in policy design projects which we believe will also become more relevant in international affairs. The *design* mode is a paradigm in which actors interact with each other by collaborating to find good and innovative solutions to a joint problem. In this context they see themselves rather as mutual *advisors* and *cocreators* in workshop-like situations, in which policies are developed in a similar manner to the development of innovative products or services designed to serve a common interest and which are centred around the needs of the ‘users’ (Brown and Katz, 2009, Mintrom and Luetjens, 2016).

<b>MODE</b>	<b>FORCE</b>	<b>BARGAIN</b>	<b>ARGUE</b>	<b>DESIGN</b>
<b>Metaphor</b>	battle	market	parliament	workshop
<b>Methods</b>	trapping, applying pressure, frightening	bargaining, tactical concessions	arguing, persuasion, reasoning	drafting, planning, prototyping
<b>Attitude</b>	adversarial	competitive	cooperative	collaborative
<b>Theoretical Frameworks</b>	realism	rational choice, utilitarianism, liberalism	linguistic turn, communicative action, critical theory	design-turn, field-process-theory, actor-network-theory

**figure 1:** Differentiation of four modes of interaction as paradigms in negotiations

We would also like to highlight the *bargain*, *argue* and *design* modes. Bargaining and arguing are both language-based forms of interaction used to relate to each other and to reach agreements. Bargaining is an attitude where actors are focused on their own interests, knowing that in order to achieve their goals they need to reach agreements with others. A good bargain of course leaves everyone happy. But it is also possible and an acknowledged achievement in this mode to reach an agreement at the cost of others if one's own interests are served. Current trade negotiations are mainly based on this mode. The methodological approach to this mode is well described for example in 'Getting to Yes' (Fisher et al., 1991), also known as the Harvard Method. Here each of the parties is thought to have bargaining space, while there is only a small zone within which both parties meet and can reach an agreement. This is called *ZOPA*, Zone Of Possible Agreement. Both parties will have evaluated, however, their *BATNA* (Best Alternative To a Negotiated Agreement). Based on this understanding, negotiating parties try to bargain as long as they find a solution as part of which everyone stays in their bargaining space; has to make as few concessions as possible; gains as much as possible; and reaches a result that is better than their *BATNA*. Even though both parties deliberate with each other, they are on opposing sides, compete with each other, and act in their own interest first. One consequence of this interaction mode, for instance, is that negotiation mandates are (and must be) kept secret, so as not to allow the opponent to know what kind of compromises and deals one would be willing to accept and at what price.

The rationale behind the *argue* mode is different. The underlying understanding is that through sound deliberation and understanding of the other party's position, some form of cooperation can be achieved which serves the interests of both sides. Negotiations are to generate opinions, compromises and, ideally, consensus about the outcome. The aim of such consultations is to arrive at the best possible outcome for one's own side and, ideally, to have both parties leave the negotiation table content and with successes under their belts. When this attitude underlies the negotiations, parties are more often found to speak of common goals and results that serve both sides.

We use the term '*design*' to describe the last mode of interaction and we see here a major shift between the modes of bargaining and arguing on the one hand, and designing on the other. Because even though designing is a mode for relating to each other with a view to finding solutions, it is strictly speaking not a negotiation process; and the result is not an agreement, but more a design process – and the result is a *design*. Nonetheless, we would like to try and explain the *design* mode in the light of and using the terminology of negotiation processes.

The *design* mode is increasingly being expanded beyond the product and services sector and applied to areas such as organisational and municipal development as well as to the social and political spheres. Methodologies in this paradigm include, for example, the Design Thinking approach expounded by the *d.school* in Stanford and the *Hasso Plattner Institute* in Potsdam; and Human-Centered Design expounded by the *IDEO innovation agency*<sup>9</sup>. Similar approaches had also already been applied, for

example, by the Bauhaus Movement. Together with participatory approaches and the understanding of multi-stakeholder cooperation, these approaches to collaborative solution-finding can be applied to political problem-solving processes, wherein these processes are thought of as processes of democratic innovation. Over the past 16 years, the Institute for Participatory Design has pioneered this approach with municipalities and regions of all different sizes in Germany. In our view, these approaches are becoming ever more relevant and popular, especially at the present time, as they meet several requirements for a constructive way of dealing with our current challenges: they are highly transparent and innovative; they allow for unforeseen, 'emergent' solutions; they can react particularly well to complexities and rapid change; and they are able to integrate into a single process people who bring with them different backgrounds, experiences, attitudes and logics.

*Design* as a mode of relating focuses on finding a common goal and then on developing solutions to reach that goal. This calls for a completely different logic and methodology from former negotiation processes. *Design* differs fundamentally from the *bargaining* and *arguing* modes:

- it works not only deliberatively but also collaboratively, i.e. actors do not only talk to each other, sitting around a table – they also work with each other: they write, plan, sketch, conceptualise and prototype, for example;
- the focus is firstly on a common goal rather than on goals all the parties try to achieve for themselves. Once the common goal is defined, the task is to innovate good policy solutions for all participating parties.

All modes of interaction have their own history of ideas and legitimacy in a given context. However, we base this project on the assumption and vision that the challenges of a networked, dynamic, complex and complicated world necessitate less consultation and negotiation overall and instead require new kinds of flexible management and, in particular, more cocreative and participatory design approaches.

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<sup>9</sup> Brown, Tim (2009); IDEO (2015); Mintrom, Michael & Joannah Luetjens (2016).

## 3.2 Understanding process and procedure

The *Institute for Participatory Design* has developed a terminology and conceptual framework for working with cocreative design processes and transformation processes. For clarification purposes we set out below a brief explanation of the basic terms and concepts.

In order to understand procedural design, it is important to understand the generative dynamics of design processes and to see the zoom levels of procedures as well as the elements connected to these levels. We will start with the most basic level and elements (Rohr et al., 2017).

### 3.2.1 Methods

A method is a way of doing something. Everything done in order to achieve a given intention can be described as a method. In our understanding a method is the smallest element of a process. Methods can be for example:

- Brainstorming
- Concept drafting
- Interviews
- Internet research
- Clustering
- Voting

Even an informal talk in a break can be understood as a method, if it is undertaken in order to achieve a given intention as part of the overall process. We visualise methods by small dots, aligning themselves to method sequences.



**figure 2:** Sequences of Methods

### 3.2.2 Formats

Formats are distinguishable events. Formats consist of recognisable sequences of methods. In the same way that everyone can distinguish a game show from a mystery series, so everyone can distinguish a conference from a workshop or a negotiation round. We recognise formats since they follow a similar internal logic. Often this logic is reflected in the sequence of methods used to conduct the format. While a classical conference consists mainly of talks, presentations and panel discussions, a negotiation round mainly consists, for example, of the setting of framework conditions or the discussion of positions and amendments to the wording of the draft agreement. We visualise formats as larger bubbles containing sequences of methods.

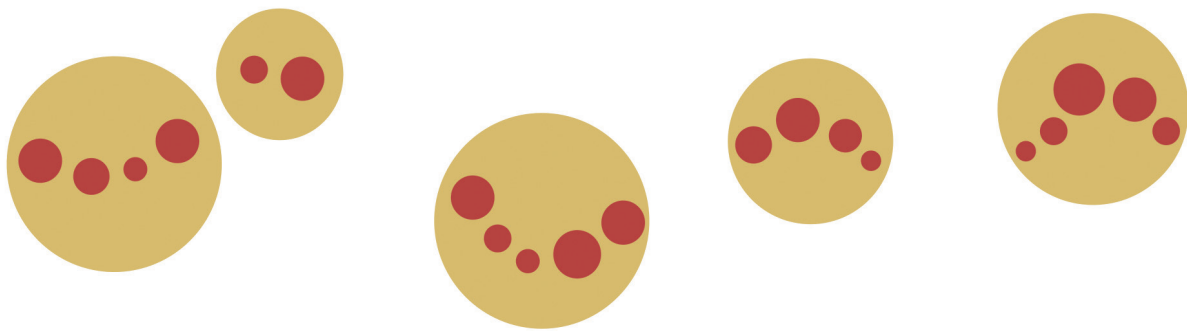


figure 3: Formats with sequences of methods

### 3.2.3 Procedures

Procedures consist of formats and all necessary intermediate steps needed to bring all events and steps of a workflow into a logical and strategic routine. Procedures can be consciously designed. They can be formal or informal. Procedures are often fixed as regulations with clear guidelines, rules and directives of how certain results have to be achieved in a certain field. They also regulate what and who has to be considered and included in a procedure in order to get to legitimate results. We work with procedures in planning, management and policy to achieve our results.

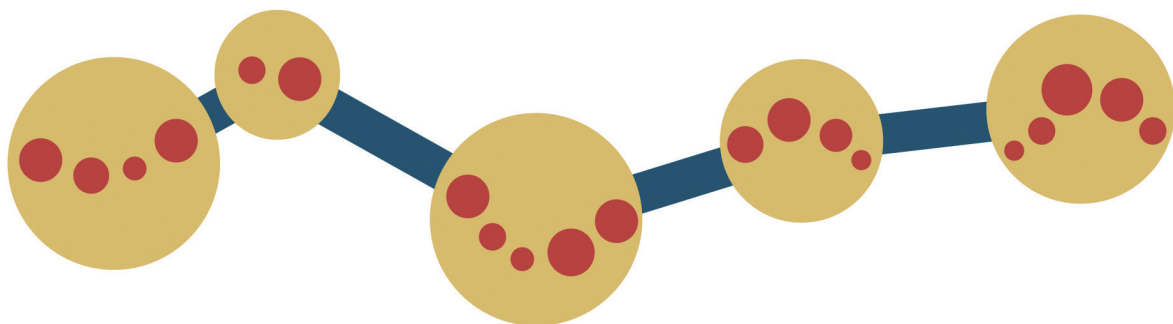


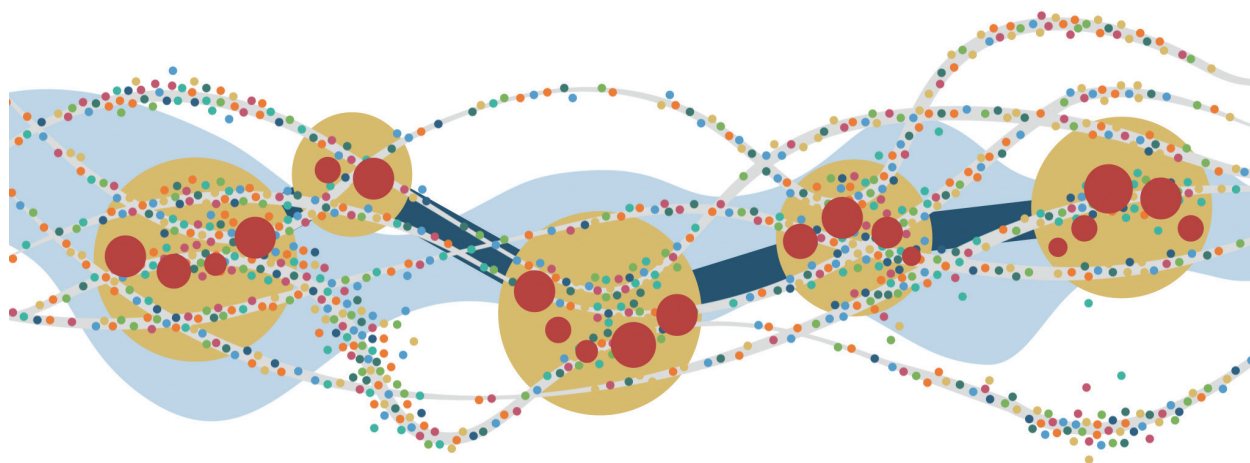
figure 4: A procedure connects formats

### 3.2.4 Process

In contrast to other theories of management or governance, we make a strong distinction between procedure and process. Often these terms are used as synonyms, thus blurring the perception of two very different qualities in the understanding of how design and transformation come about. We define the process as a dynamic unfolding in space and time. The process is what is always there. It includes everything that has an effect on what will happen and what will manifest itself during its course.

For example, the process of the TTIP negotiations includes everything from the history of world trade, WTO regulations, the history of trade between Europe and the US, the current political developments in each region, the public protests, the state of economic theory, the state of the institutions and their personnel on both sides and much more. All these factors and forces influence what can or cannot happen during the process. They all have an impact on what is possible and what is not possible in relation to the outcome of the negotiations. Negotiators will have to deal with the effects of all these factors, without being able to alter or control them all. The process sets the framework conditions, which are in a constant state of dynamic transformation and evolution. The procedure however will only include the technical course of what the institutions will plan and set up for the negotiations to succeed.

We believe it is vital to understand the process in order to design a sound procedure to work with and in the respective process. We visualise the process as an organic and sometimes chaotic flow of influential forces surrounding our formal and informal procedures:



**figure 5:** Open generativity of processes

### 3.3 Procedural design

On the basis of these definitions and conceptual constructs, it now becomes clear what procedural design has to involve in order to facilitate successful procedures.

First of all, procedural design has to understand the process it is dealing with. A good procedural designer therefore has a thorough understanding of forces and factors influencing the procedure to come. He or she understands the historic background, conflicts, and previous attempts to find solutions. He or she knows the framing conditions; the rules and regulations; the actors and their intentions and agendas; and the budgets in terms of time, finance and personnel. He or she knows about the professional content and expertise; the positions and the perspectives; and most importantly the type of result which would be seen as progress and an achievement. A procedural designer needs to know the process he or she is dealing with.

On a more technical note he or she needs to understand the craftsmanship of procedural design, i.e. the management of time, people and resources, the formats and methods necessary to achieve results in the given time and with the persons involved; and above all he or she needs to understand the logical flow of information and the patterning of solution finding, innovation, transformation and agreement, in order to allocate formats and methods in line with the necessary generative build-up towards the final results.

A procedural design will have an overall architecture for conducting negotiations for example, which can then be broken down into small manageable steps and their corresponding methods. Depending on the intention and the results to be achieved, procedures can either be very strict and controlled or very open, agile and flexible.

The following example is a visualisation of a procedural design with focus on three aspects: the bottom line shows a classic *GANTT* chart of the type used in project management; the middle line shows the flow of formats and methods; the top line depicts an 8-step model of the flow of information through intermediary results to finally reach the intended result.





### 3.4 A basic model of trade negotiation procedures

When we first started this project, we imagined that we would be able to glean information on how negotiation procedures are designed from textbooks on governance, international relations and negotiation management; or even that we might find something like a blueprint for the design of negotiation procedures. But it proved difficult to find information concerning the conscious design of procedures for this purpose. Similarly, our interview partners were unable to help us find sufficient information and claimed that perhaps there is none available. Due to this lack of official information, we decided to put together a blueprint model for ourselves. We will briefly describe our main insights below, followed by the general model we derived from our understanding.

#### 3.4.1 Organisational versus procedural thinking

What we did find in the course of our field research were organisational charts of how institutions organisationally interact with each other during negotiation procedures. In other words, if there are visualisations about the negotiations at all, they mostly depict how the institutions, their departments and representatives are to interact formally; they do not show the dynamics of negotiations in a procedural way.

We deduced from this observation that there is organisational thinking around negotiations but no procedural thinking. The preparation of negotiations is a question of organisation and management, i.e. there seems to be a design of roles, hierarchies and responsibilities. There is of course also the planning and drafting of mandates, positions and the respective strategies for achieving the intended results. But it seemed to us that there is little or no understanding of the inherent architecture and design of the procedures themselves by which negotiations are conducted. There is no science of procedures or a formal *procedurology* taught at governance schools; nor is there a methodological toolset that institutions can use to manage negotiations.<sup>10</sup>

#### 3.4.2 There is no procedural design

We were convinced that there must be internal documents, draft procedures or workflow information governing negotiations, but we were unable to get hold of any such information or indeed establish whether or not it actually exists. Indeed we were ultimately left with the impression that no one seems openly and consciously to design procedures concerning trade negotiations (or negotiations in general) or that if they do, they see it as part of project management routines, not as a professional task in its own right. An interesting point was made to us by Ralf Kuhne, an MEP from the Socialists and Democrats Group who sits on the Committee on International Trade. He suggested that procedural decisions are not part of a design or regulated

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<sup>10</sup> Raban D. Fuhrmann promotes a *procedurology* in his thesis: Fuhrmann, Raban D. (2009): *Procedurale Politik. Auf dem Weg zu einer politischen Verfahrenstheorie*. Dissertation, Universität Witten/Herdecke gGmbH.

management system, but rather form part of the actual negotiation material. Questions of when, how and with whom and the actual subject matter of the negotiations are all part and parcel of the actual negotiations by the parties. This rings true and would indeed make negotiations a particular type of generative process. Nevertheless, the apparent total absence of regulations and rules or even methodological knowledge of how to design trade negotiations is, at the very least, an observation worth noting. It seems that – when it comes to international negotiations and consultations – procedural design is at most a marginal technological issue or consists of subconsciously performed routines and traditions.

### **3.4.3 There is no regulated place for the power to design negotiation procedures**

Some procedural regulations concerning the ratification of trade agreements are set out in the appendices to the Lisbon Treaty. Some might be contained in internal regulations in the Commission and the DGs. Others seem simply to be a matter of cultivated knowledge. There is no formal body, defined role or institutional workflow by which the design of a trade negotiation is officially organised and conducted. Often this responsibility seems to be referred to working groups or to those managing the negotiation logistics. It would seem, therefore, that the power for procedural design lies with those who conduct the negotiations, whereas in terms of democratic legitimacy it should surely lie with those who have the mandate to control the political process (the Council, the Parliament etc.). However, these authorities do not use their power – strategically or consciously – to design the procedures.

### **3.4.4 Power of decision versus power of design**

When looking at political processes, we differentiate between the power of decision and the power of design. Those who hold the power of design determine the content, scope and direction of a policy; while those with the power of decision decide upon proposals and concepts already drafted by someone else. Only if both powers come together can real power for change emerge. This means that those who are legitimised, e.g. by vote, and who have the power of decision should also have the power to set the content on which they decide.

The mandate for negotiating a trade agreement is formally given by the Council to the Commission, yet it is the Commission which takes the initiative for scoping exercises and can recommend the start of negotiations to the Council. However, the mandate is not necessarily written by the Council itself; instead it may be written by a high level working group, for instance. The Commission conducts the negotiation procedure and in the course of that procedure, it drafts the agreement. The agreement is then presented by the Commission to the Council and the Council asks the Parliament for approval so that the agreement can be ratified by the Council and the member states. The European Parliament – the only EU body with direct legitimacy from European citizens – has no formal influence on the content of the agreement nor on the negotiation procedure. This means that the Council and Commission together

hold a lot of power to decide and to design. In terms of political legitimacy this seems a grey area, since neither the content of the mandate nor the content of the recommendations is drafted by a body with direct democratic legitimacy.

The European Council has the power to mandate negotiations to the Commission and they can set a general political agenda, but the Council does not hold the power to draft agreements or to design the negotiation procedures. The power of design (the ability to make innovations and to draft proposals and concepts) however, lies with those drafting the mandate, designing the procedure and negotiating the agreement. This, in the case of the EU, is the Commission and more precisely the Directorate-General for Trade; and even here, this responsibility is further delegated to working groups or small expert teams, without any legitimacy from and accountability to a sovereign body. We could not find any formal documents, treaties or regulations which the Commission is legally bound to follow when it designs and conducts trade negotiations. The only regulations we could find were the appendices to the Lisbon Treaty, regulating the final ratification process between the EU and the member states. It seems that trade negotiations are conducted in a legal and democratic limbo. Interestingly enough, those who hold agenda-setting power, e.g. the power to draft mandates, and those who hold the power to design a procedure seem strangely unaware of their power. They do not seem to use it consciously in order to facilitate a process of political innovation. It is important to make everyone associated with trade negotiation processes aware that the design of content and procedure is a key area for fostering fundamental transformation by setting normative goals and emerging innovations. But in order to use this power to design, those who actually work on the design of procedures will have to become aware of their options and have to incorporate open, agile, collaborative and innovation-oriented methodology and a professional tool-set for designing negotiation procedures.

### **3.4.5 Free trade paradigm**

Procedures reflect our values and shape the quality of their outputs. A mono-linear, mechanical and functional procedure, for example, will lead to a clear functional result, but not an organic, complex result. A creative, agile and prototype-oriented procedure, meanwhile, will lead to emergent innovations but not a controlled, regulated outcome. A procedure built on the idea of deregulation and free trade will give rise to negotiations that are a bargaining opportunity in a market where everyone wants to get the best deal for themselves. Thus the results of bargaining with this mind-set would be akin to shopping trophies to be shown off at home, and not something new built by way of a collaborative team effort for everyone's benefit – which would be the result if a more workshop-oriented and design-oriented procedure were to be deployed. This is why it is so important to reflect on the set of values, normative ideas, attitudes and theoretical paradigms on which a procedure is built. It is also important because in order to achieve a certain quality of results, the procedure has to be designed with this desired *quality* firmly in mind. Also, there is a direct correlation between the mind-set and incorporated paradigm of the negotiators and the design

or non-design of trade negotiation procedures. There needs to be a reciprocal transformation in mind-sets and procedures; this will influence the quality and content of the results of the negotiations.

At the moment, everything about trade negotiations is streamlined in accordance with and narrowed down to the *free trade paradigm*. Trade is not seen as something we design in accordance with our common normative goals. It is already presupposed that the normative goal is free trade. That leaves no room in the negotiation process for the exploration of a common normative vision or to innovate on new ways of mutual trade. The negotiations themselves are currently not the place for new ideas, concepts, innovations or paradigms to emerge. *But they could be!* In fact, together with WTO debates, they are the only procedure that could be used for innovation processes concerning international trade as long as no other procedure is formalised for this in any sector of society. As we found in our field research, the *free trade paradigm* is deeply embedded in the whole regime of the EU Commission: beginning with job descriptions and career opportunities right through to the top level where success is measured in the number of free trade agreements being ratified. So, the question is, where is the space in which trade can be discussed in a way that paradigms are compared, debated and maybe even a new paradigm established? We see this possibility only in an open public realm of ideas, which is already where all innovations, even as part of the free trade paradigm, originate. For instance, the Investment Court System (ICS) was proposed through public consultation<sup>11</sup> and slowly found its way into the official mandates and negotiation procedures. It is not an invention from the inside of the EU institutions; and certainly not from the inside of a trade negotiation procedure. Instead the concept, disputed as it is, was introduced from this broader public realm of ideas, where ideas of any kind are developed by a variety of unconnected stakeholders with diverse interests. The interesting question though is why exactly this idea and not any other found its way into the negotiation procedures. Is it because of power and influence or is it because it is consistent with the free trade paradigm already underlying the trade negotiation procedures? Whatever the answer, it is important to note that innovations are developed in the public realm of ideas where diverse societal stakeholders offer, discuss, develop and iterate ideas, concepts and solutions. This leaves us with two questions. Firstly, how can we organize innovations in the public realm of ideas in more open and democratic design and development processes? Secondly, how we can make the path of an innovation from the realm of ideas towards an official position more visible, transparent, democratically legitimized and less reliant on already existing paradigms so as to create room for change and transformation?

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<sup>11</sup> See: [http://europa.eu/rapid/press-release\\_IP-15-5651\\_en.htm](http://europa.eu/rapid/press-release_IP-15-5651_en.htm); [http://trade.ec.europa.eu/doclib/docs/2015/january/tradoc\\_153044.pdf](http://trade.ec.europa.eu/doclib/docs/2015/january/tradoc_153044.pdf)

One could argue that free trade is the dominant mind-set in this public realm of ideas and that the institutions only act upon this mainstream mind-set. Or one could say that even though the public opposes the free trade paradigm, the institutions carry it out on behalf of powerful players external to the institutions, e.g. European trade associations and economic lobby groups which are able to single out and promote concepts from the public realm of ideas. Whatever the case may be, the content and ideology of trade is not produced by the institutions during the negotiation procedures but by those outside bodies and actors from the public, economic, scientific or political spheres who happen to have – in one way or another – the greatest influence on the institutions. That means that a good procedural design will have to establish strong and transparent links between this public realm of ideas, where all concepts, innovations and mind-sets are innovated in the first place, and the trade negotiations procedures, where these ideas are put down in writing as policy agreements. This would ensure that the whole process of generating ideas becomes open and transparent.

### **3.4.6 Bilateralism and multilateralism**

It can be argued that it is more important to establish better procedures for multilateral and global trade agreements, rather than putting effort into the reform of bilateral agreements. Some of our interview partners suggested that bilateral agreements can be seen as a weak substitute for failed global efforts on behalf of the WTO and that it would be better to come back to some general international agreement.

For our project proposal we believe that bilateral agreements should always be made with multilateral solutions in mind. In other words we believe that bilateral agreements should strive to be examples of good policy design, which can then be transferred and adapted to fit other bilateral or even multilateral agreements. This will only be possible if such agreements are based on values and principles that are applicable to other regions as well. It is likely that in a multifaceted, postmodern and complex world the idea of having a single regulatory policy body for every context, as is the case with the WTO, is outdated and impossible. Rather than having a centralised trade regime, it might be worth pursuing a diversified and decentralised system of solutions that synchronise with each other. That said, a multitude of single unconnected and non-consistent bilateral trade agreements would be complicated and require considerable resources. Future procedural design should be sufficiently pragmatic to facilitate agreements at an international level, leaving room for bilateral variations; or the designs should facilitate bilateral agreements while always conveying and adding to a poly-lateral system of value-based international policies.

The above considerations mean that we now need an international public debate to generate further ideas. The debate must incorporate diverse and multiple perspectives that work towards a *common understanding* of what we, as a global community<sup>12</sup>, want to achieve in terms of trade.

### 3.4.7 Formal and public streams

While there is an institutional formal stream of trade negotiations, there is also always a parallel public stream of discourse, critique and innovation. Both draw their ideas from the open public realm of ideas; but they split into two separate streams the moment the actual negotiations start. From this point forward there is little interaction, participation or common solution-finding between the two streams. Every stream follows its own logic and has its own process, but there is no conscious linkage fostering the potential of both streams. Events and debate and innovations in the public stream therefore have little direct impact on the institutional stream, while the latter does not reach out to learn from it. There are currently some efforts being made to be transparent and to include public consultation events as part of the negotiation procedures, but they exist mainly at the level of informative participation, rather than deliberative or collaborative participation.

The *DG Trade* website<sup>13</sup> offers a submenu entitled 'Trade Policy and You'. On this page one can find DG Trade's efforts towards greater transparency and participation. Here they offer consultations with 'stakeholders' – mainly *institutional* bodies like NGOs, trade unions or businesses and the broader public – comprised of presentations, workshops and civil society dialogue meetings. Looking at the schedules and participant lists of these meetings it is obvious that these events are mainly presentations and short discussions. The civil society dialogue meetings for instance are two-hour events including a presentation and a discussion. Participants are officials from all manner of lobby groups. One might ask what kind of productive dialogue can possibly happen in these kinds of meetings. DG Trade also issues questionnaires, surveys and evaluations of certain negotiation projects, allowing the public to participate in providing information, but not in terms of open debate or innovative policy design. Judging by the information on DG Trade's website, it seems that in terms of public participation there is a long way to go. It would also seem that many communities and small governmental bodies are far more progressive than the EU Commission when it comes to open governance methodology.

In order to connect the institutional stream and the public stream there has to be a procedural design that establishes linkages between public debate and official negotiation. This would lead to greater public understanding and thus to higher legitimacy of agreements; it would lead to better innovation and design of the content and thus to higher quality results; and it would lead to stronger proximity and trust between the EU institutions and EU citizens. However, this would require the EU Commission to take a totally new flexible and open governance approach; it would also require a thorough procedural design.

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<sup>12</sup> Michael Hardt and Antonio Negri propose a similar concept in their book 'Multitude' where they write: 'Insofar as the multitude is neither an identity (like the people) nor uniform (like the masses), the internal differences of the multitude must discover *the common* that allows them to communicate and act together.' See Hardt, Michael & Antonio Negri (2005): *Multitude: War and Democracy in the Age of the Empire*. Penguin Books.

<sup>13</sup> <http://ec.europa.eu/trade/trade-policy-and-you/>

### 3.4.8 A generalised trade negotiation procedure

Based on our findings we developed a model for a generalised trade negotiation procedure that reflects the phases, formats and methodologies broadly followed by most trade negotiations.

It is our understanding that there is a public realm of ideas in which concepts, ideas, theories and mind-sets are devised, developed and debated in an informal and open manner. The public realm of ideas is a melting pot of attitudes, worldviews and emerging solutions to relevant public concerns. Here all players can add their views, concepts and innovations: political parties, the media, the scientific community, intellectuals, businesses and so on. Certain ideas and counter-ideas are born in this realm. If ideas are heard and recognised and if they are broadly accepted or adopted by institutions and become part of formal procedures and policies, it is due either to the distribution of power, money, resources and influence in the public sphere or to external events which create windows of opportunity for change (e.g. Fukushima as a window of opportunity for the German transition in energy policy).

Every negotiation procedure has an initiation phase in which the institutional stream begins to constitute itself. During this initiation phase informal consultations commence; there are working groups and professional experts laying out the main intention and scope; and there are first drafts for recommendations and mandate proposals. If the scoping process and the informal and exploratory consultations look like they will lead to a successful outcome, the formal procedure begins by government officials instructing institutional negotiators to set to work. The negotiation phase consists mainly of *negotiation rounds* where the negotiating parties from both sides sit together to work on parts of their mandates. Usually they work on certain detailed subjects while working on draft texts for the pending agreement. Methodologically, it works such that they start by agreeing on everything where there is common ground, leaving in brackets those text passages that are problematic. They then start eliminating the bracketed issues by discussing them until, finally, they have a proposed agreement with no remaining brackets. This will then become the proposal for the ratifying bodies, which in the ratification phase follow a set ratification procedure (for the EU this is set out in the appendices to the Lisbon Treaty).

Throughout this process, the public stream of debate continues in parallel. Here, voices opposed to free trade can grow ever stronger. There is media coverage, interviews, protests and open debate; but all this tends to be about those involved in the negotiations, rather than actually with them.

According to the *bargaining* mind-set, there are good and strong reasons to be secretive and to refrain from public statements. At the same time, however, this is highly problematic, seen from the modes of *arguing* and *designing* – as well as in terms of democratic legitimacy, transparency, participation and progressive governance. If trade negotiations are to become places where two or more nations set a normative vision of how they want to trade with each other and then to find the best possible solutions and innovations on how to achieve this normative vision, then the bargaining mode and indeed all the procedures described in the *Generalised Trade*



Negotiation Procedure Model (see diagram below) are not at all suited to meet the requirements of transparency, public collaboration and participation, innovation management, and cocreative policy design.

This is why we believe fundamentally new approaches concerning the interaction modes as well as the design of procedures need to be devised in order to reach bilateral and multilateral agreements on how to trade with each other.

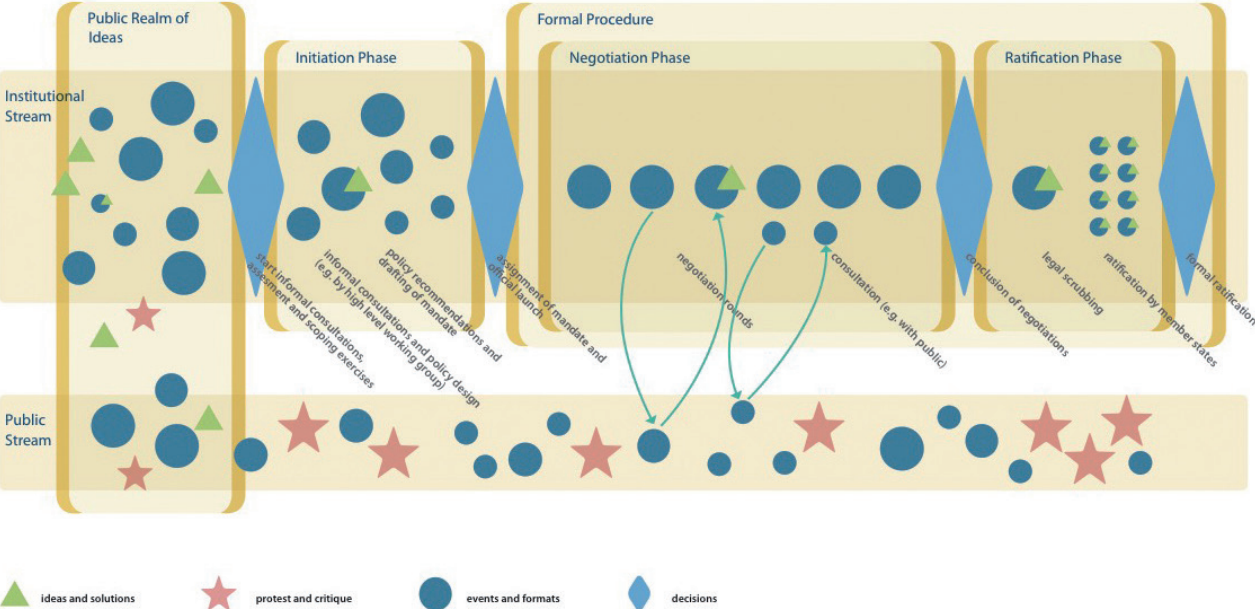


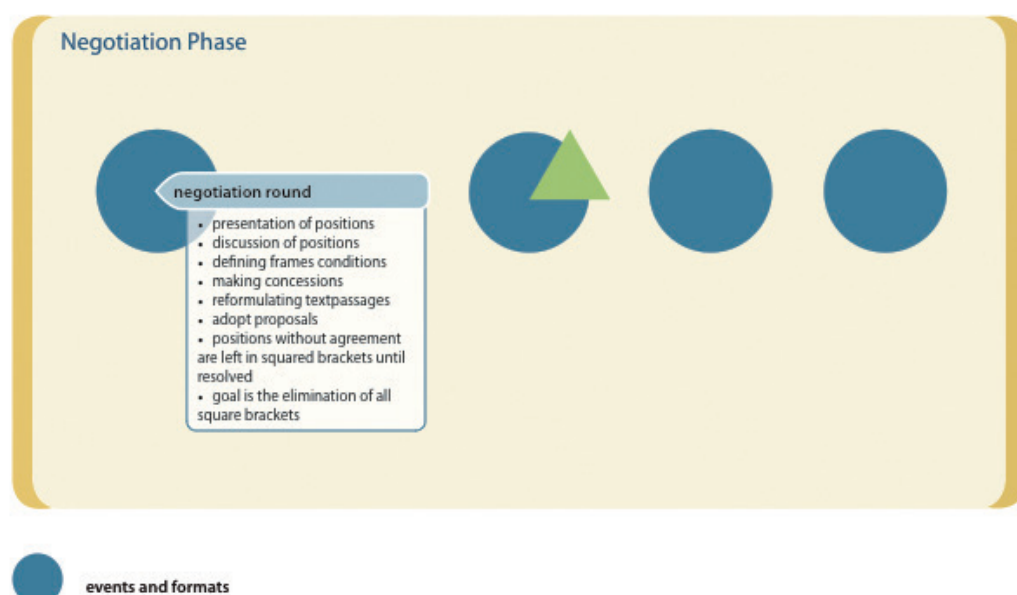
figure 7: Generalised Trade Negotiation Procedure

## 4 LEVERAGE POINTS TO REFORM AND TRANSFORM TRADE NEGOTIATION PROCEDURES

From a professional point of view of procedural design there are a couple of approaches to reforming trade negotiation procedures. The goal here is to make the procedures more inclusive, transparent and participative in order to generate higher quality results, greater legitimacy, and a deeper level of democratic governance.

### 4.1 Version 1: the shallow reformist approach

*The general negotiation procedure and its formats stay the same; methods used as part of the formats are changed.*



**figure 8:** Methodological setup of current negotiation rounds to be redesigned

To enable more innovation and thus higher quality agreements, a good start would be to change the methodological toolset and the interaction mode used during the negotiation rounds. Rather than sitting around a table discussing the contents of brackets in the *bargaining* mode, it would be helpful if delegates were to relate to each other with a more open, collaborative and policy design-oriented mind-set. Rather than bargaining, they could use methodologies to help them draft visions and scenarios, followed by work on solutions of how best to reach those common goals and intentions. To this end they could incorporate innovation-based and design-based methods such as scenario techniques, *SWOT* analysis, design thinking, collaborative policy design and many others. The shallow reformist approach focuses on micro-

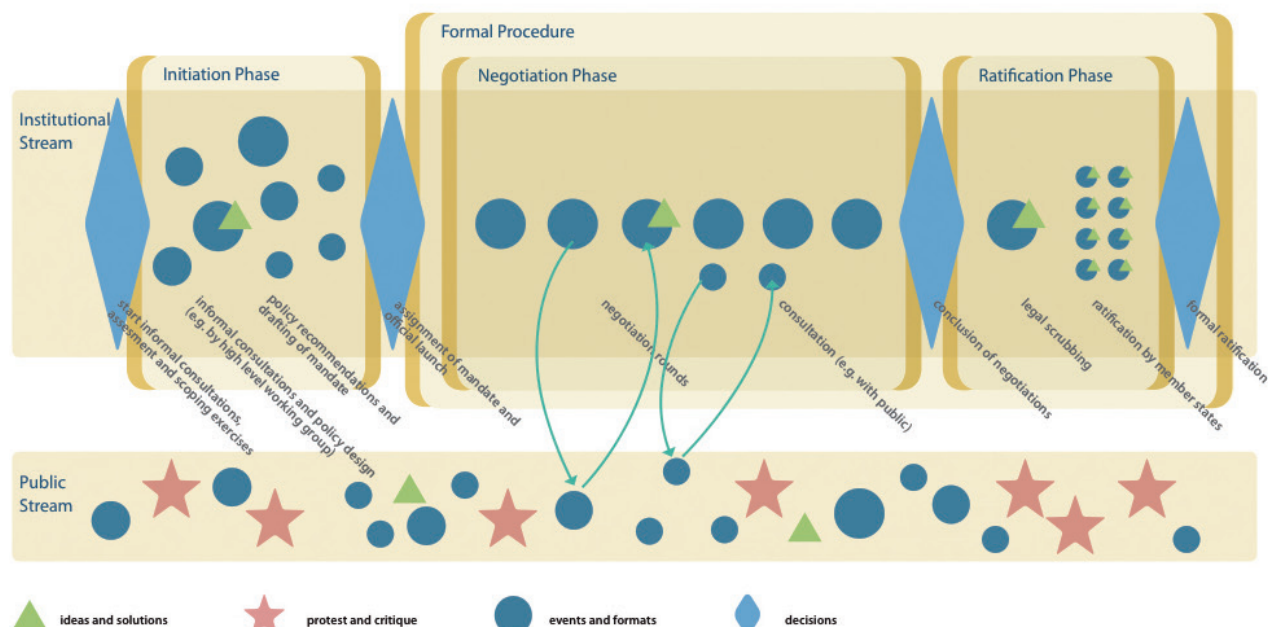
managing the format of the negotiation in such a way that attitudes and methods change towards a more open, collaborative setting. Changing the methodology of the negotiation rounds would include the toolsets for managing, leading and facilitating good productive meetings; this is already something that is done in the corporate world and other administrative settings.

The problem with this first approach is that it is unlikely that negotiators would be open to these kinds of methods without changing their whole paradigm, mind-set and interaction mode. Since negotiators are in their position because they have already served their employer well inside a certain mind-set and because they are successful at bargaining, it would require either hiring people with different skillsets from those usually promoted by the institutions; or the institutions and others would need to start training programmes on the use of new governance, leadership and *cocreation* methods.

The general idea for the shallow reformist approach, however, would be to include more brainstorming, planning and policy design approaches in the negotiation rounds themselves. Through the change in methodology and interaction mode, the *negotiation round format* would change towards a *policy design round*, or a *trade policy design workshop*.

#### 4.2 Version 2: the medium reformist approach

*The general negotiation procedure and its formats stay the same, methods in the formats are changed, and there will be serious and sound enhancements to bind the institutional stream to the public stream.*



**figure 9:** Current model of two parallel almost disconnected streams

This version would enhance the first approach by adding stronger and better linkages between the institutional stream and the public stream respectively. Rather than half-hearted and hidden public dialogue meetings or questionnaires, the general formal procedure could incorporate events that allow for deep and meaningful interaction with the public stream. This could include broad public consultation and debate during the initiation phase, during which intentions, goals, possibilities and risks would be discussed and normative visions could be laid out as to how a nation or the EU wishes to trade with another nation or region. The results of this broad public debate would then have to serve as the foundation for drafting the mandate. The public could also vote for or at least give informal legitimacy to the commencement of formal negotiations. Results of the public participation could also serve as guidelines for conducting the procedure itself, i.e. the public participation could lead to ethical principles and procedural guidelines to which the formal procedure is then formally bound. The formal procedure would have to include a deep participation process, for example by directing difficult issues under negotiation to a constant accompanying line of citizen conferences and workshops where solutions to these problems could be devised e.g. on the question of investment protection.

#### **4.3 Version 3: the deep reformist approach**

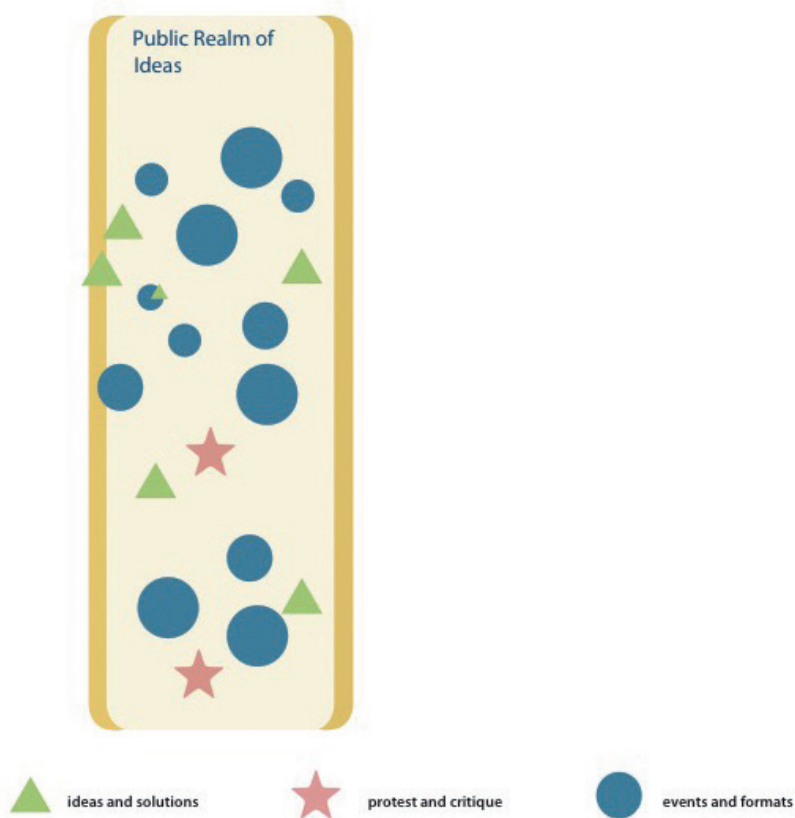
*The third option would be a further development of the second approach and would involve a complete redesign of the general procedural framework for trade negotiations.*

For this option, there would have to be a transparent and regulated framework for trade negotiation procedures. This regulated framework would have to be sufficiently flexible so that it could be adapted to each trade agreement procedure to ensure openness and generativity; but the framework would also have to establish transparent and legitimised principles and regulations by which the Commission would generally set up trade negotiations. The following questions, for example, would need to be addressed: who would have the power to design the procedure and by which democratic mechanisms would they be elected or chosen; who would have the power to write the mandates and how would this process be made transparent and inclusive of the needs of the sovereign; how would the procedure be organised into logical and coherent phases with mandatory feedback loops with the broad public; and what would be the steps in the legitimisation process, e.g. by national parliaments. Knowing that the negotiators also need freedom and a high degree of responsible self-determination in their actions in order to achieve good results, it would strengthen their position immensely if they had strong legitimacy, a clear, transparent procedural framework and protocol with a clear distribution of roles and tasks as well as the general support of the public at large whom they serve.

These procedural frameworks and regulations could be developed in EU-wide participatory processes and, in order to be fully legitimate, would have to be put forward by the political sphere, e.g. the EU Parliament.

#### 4.4 Version 4: the transformative public realm of ideas approach

The first three versions do not seem very likely to be implemented by the administrative institutions, if there is no strong impetus or pressure for change and transformation from the public realm of ideas, i.e. as a result of political innovation, civil society engagement, scientific research, or economic realities. The current system and institutional setup of trade negotiations is a strong, hermetic system, with a very strong coherence of procedure, methodology, mind-set and interaction mode, embedded in a free trade paradigm. Therefore, major transformation will most likely not come from within the administrative institutions but from outside them. Here, niche actors who expound progressive, modern and open governance approaches as well as new normative scenarios and solutions to concrete problems faced in trade, are developing new mindsets, concepts and attitudes for the public realm of ideas. Given the right set of conditions this sphere of ideas could then become an abundant source of new approaches for institutions struggling under the pressure of transformative events at the landscape level.



**figure 10:** The public realm of ideas has always been the place for new ideas, mind-sets, critical debate and niche innovation. By helping the generative processes in this realm to better structure and organise themselves, one can support shifting frozen institutional setups towards transition.

The transformative public realm of ideas approach will not therefore simply focus on the reform of institutional procedures; most effort will be focused on the following three tasks:

1. Mobilising diverse *innovative* niche-actors who are already developing solutions and scenarios for improved international trade by bringing them and their ideas together to develop a strong sense of commonality and shared vision;
2. designing strong networked *informal* procedures of policy design and policy recommendations as well as procedures for the development of trade projects and measures which can be implemented through actors in the field, so as to put strong pressure on political and administrative institutions to move towards progressive governance;
3. lobbying for and promoting transformative innovations for international trade policies.

The public realm of ideas is already there and will always be there. There are already numerous actors and stakeholders engaged in inventing social and political solutions and exploring new ways of doing things. It is in the nature of the public realm of ideas that actors are fragmented, diverse and in ever changing constellations. It is also a characteristic that they often have divergent perspectives, come from different societal sectors and pursue very different approaches with different methodologies. Without this generative, chaotic and creative structure the public realm of ideas would not function as a constant source of emergent ideas. And yet, some questions do need to be answered here. Is there a qualitative difference in how well the public realm of ideas functions? How innovative are the emerging ideas at any given point in time? And how well do these ideas respond to current questions and challenges?

The transformative public realm of ideas approach would therefore aim to foster the highest possible quality of the public realm by stimulating creative richness and an abundance of both visionary and tangible solutions to the relevant and actual needs and problems of contemporary society. For the purposes of this project the realm will have to be structured and networked in such a way that it becomes a cocreative and collective incubator. This incubator will then need to generate robust proposals on how to design better procedures and achieve better common solutions regarding the question of how trade is being conceptualised, designed and organised through policy-making and other cultural practices.

## 5 STAKEHOLDER ANALYSIS

### 5.1 Clustering stakeholders

During our research we carried out a stakeholder analysis and grouped institutional stakeholders into the categories set out below. We believe that in a participatory prototype procedure we would have to reach and include these major stakeholder subgroups:

<b>POL global</b>	<b>global political organisations</b>
<b>POL EU legislative</b>	<b>EU legislative</b>
<b>POL EU executive</b>	<b>EU executive</b>
<b>POL EU consultative</b>	<b>EU consultative institutions</b>
<b>POL nat. legislative</b>	<b>national legislative</b>
<b>POL nat. executive</b>	<b>national executive</b>
<b>INT NGO</b>	<b>civil society interest groups, non-governmental organisations (NGOs)</b>
<b>INT economic</b>	<b>economic interest groups and think tanks</b>
<b>INT governmental</b>	<b>subnational governments and administration</b>
<b>ACA liberal</b>	<b>free-trade friendly academics</b>
<b>ACA heterodox</b>	<b>'heterodox' economists</b>
<b>ACA sociologists</b>	<b>academic researchers in international relations, negotiation theory, communication</b>
<b>ACA procedural pioneers</b>	<b>pioneers, procedural research, public mediators</b>
<b>SOC VIPs</b>	<b>Non-organised public, well known persons</b>
<b>SOC civil society</b>	<b>organised civil society</b>
<b>SOC foundations</b>	<b>foundations and sponsors</b>

**figure 11:** Table of stakeholder groups

## 5.2 Reaching stakeholder

During our research we conducted a number of interviews and organised an internal development workshop. For both activities we tried to get in contact with proponents from all stakeholder groups via email and telephone and personal connections. The return rate on email and telephone was very low however. We believe this is due to the following reasons:

- members from EU institutions and lobby groups are extremely busy and, as some interview partners confirmed, get many invitations to all kind of events. There is almost a market for attention in Brussels. So, people have to filter offers and often do not find the time even to reply in a minimal way;
- this in turn means that invitees only follow up those invitations which can offer incentives – such as making contact with powerful networks, meeting important people or getting other professional benefits;
- a personal connection is the best door opener to getting someone's attention in the field of trade negotiation.

As for the design of the next step, this has to be taken into account, by either:

- inviting a broad range of people and thus giving everyone the opportunity to attend while anticipating that only a small number will do so. This approach would be sufficient to legitimise the results of the project (since everyone is given the opportunity to be heard) but is not sufficient in terms of the quality of the results (which requires a diversity of perspectives);
- participation through seeking out participants (*aufsuchende Beteiligung*), which could entail pop-up participation at the institutions in Brussels;
- setting incentives to attend (which is not recommended since this would reinforce the *bargaining* mode of attendees).



## 6 PROPOSALS FOR PROCEDURES: THE BIG PICTURE

All that we have said so far concerning the procedures used in trade negotiations is not an isolated problem exclusive to the trade negotiations sphere. The lack of procedural thinking in the area of governance; the necessity for regimes to adapt to landscape changes; the need for creative spaces inside formal procedures; and the predominance of certain attitudes, paradigms and interaction modes – these are all issues and challenges present in almost all fields of the governance arena (and beyond). As we have seen through this project’s field research, the space for innovation and creative procedure is more likely to be found in the somewhat anarchic space of the public realm of ideas. Here civil society, lobby institutions and scientific, media and political players interact in a mainly open and unorganised discourse and search for ideas and solutions. It is not clear exactly how new ideas and paradigms that emerge from the public realm of ideas gain the greatest momentum and then go on to be picked up by political and administrative institutions which then, in turn, use these ideas to redesign their organisational setups, their routines and processes, their attitudes, the design of formal procedures, and of course the goals and content of those procedures. Research into transition and transformations suggests that various conditions play a role in determining which ideas ultimately succeed. This research suggests that a mixture of conditions is at play here, including the number of ideas available for a given problem; the pressure resulting from external events; and the power of the actors promoting and allocating resources to certain solutions – and of course a fair amount of chance is also involved.<sup>14</sup>

Current procedures need to be reformed. Efforts could be made to reform the micro-methodological setup in terms of the methods applied by, for example, negotiators and the formats they use: this is the ‘Shallow Reformist Approach’. Efforts could also be made to reform the procedural design itself. This could include: changing the methods; inventing new formats and a consistent approach to the flow of information; reforming the management of transparency; and enhancing the formal procedure by way of informal and adjoining procedures and formats. This is the ‘Medium Reformist Approach’. And reforms could also be made to the overall design of strong, focused and solution-oriented participatory processes, so that public and institutional streams become deeply interlinked: this is the ‘Deep Reformist Approach’.

While these reform efforts are necessary, the way to approach them is in fact through institutional reform, and more specifically through institutional transition towards more transparent, design-oriented and solution-oriented, participatory and collaborative forms of governance. This can be achieved by internal organisational development, training and consultation in procedural design and by starting a transformation process, which addresses the institutional culture of all EU institutions – and

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<sup>14</sup> <http://ec.europa.eu/trade/trade-policy-and-you/>

primarily the EU Commission, in the case of EU trade negotiations. For this to happen, there needs above all to be a willingness from the inside to take on board this kind of transformation. This will come either from the realisation that a new governance paradigm will be better suited to reaching effective solutions for current and future problems; or it will be as a result of external pressure. And that external pressure is already growing in the form of nationalism and populism, progressive critique and more disruptive events such as the US withdrawal from the free trade liberal paradigm, Brexit, and increasing migration.

As always, it would be preferable to manage a smooth transition driven by genuine interest, understanding and the need for change from within the institutions – rather than such a transition being the result of pressing crises. Reformist approaches demand good consultancy offers. But, based on the analysis of this project we see little or no chance to change anything by merely presenting a well-meaning proposal from the outside. If we want institutions to adopt new paradigms and approaches to their work, then the proposals they receive from outside the institutions (i.e. the public realm of ideas) must provide solutions to the institutions' problems as seen from the inside. While 'those on the inside' continue to perceive that there is no problem, all proposals, ideas and approaches offered to them will not succeed and all efforts will result in failure and frustration.

We do feel however that proposals should be prepared and made available if interest in them increases. That is why one of the next steps following on from this project will be to draft proposals and offers to EU and other institutions for coaching, training and consulting in the field of participatory procedural design.

In contrast to our initial intentions, however, we have decided against offering, as a next step, any direct procedural design or proposal directed exclusively at the institutions to be implemented by them. Such alternative procedural designs to trade negotiations would be a very interesting and promising task, but they would have to be developed in a collaborative process with the actors inside the institutions, in other words with the Commission and DG Trade and those stakeholders relevant for the success of a new formal procedural framework. It is only by designing alternative procedures with the stakeholders themselves and using a collaborative approach that we see the possibility for them to be implemented successfully.

What would be possible however is to design an informal procedure for the public realm of ideas which meets the criteria formulated in chapter 4.4 and which provide more structure and a good process for the existing dialogue and idea-generation process for international trade.<sup>15</sup> The broad problem with the public realm of ideas – on an international level – is that it lacks sufficient informal structure to create a

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<sup>15</sup> We have made similar proposals on a national level with the introduction of a third chamber of collaboration, the Bundeswerkstatt. See Rohr, Jascha (2013): *In unserer Macht, Aufbruch in die kollaborative Demokratie*. Drachen Verlag, Klein Jasedow.

meaningful and recognisable impact. While the public realm of ideas and its process is relatively visible at local and national levels, it has little common and recognisable process at the international level. But this is precisely where it is needed if we are to address normative questions of how we want to live (and trade) together. There is little common process for public idea generation on international trade at a global or EU-wide level. There are occasional events and conferences as well as publications. There is international co-operation between lobby groups, businesses and NGOs. But these international debates are mostly confined to small professional communities and barely recognised by the general public. If they are recognised at all by the public, they are mostly discussed from a national standpoint. There are few open shared processes and discourses that demonstrate and encapsulate a vibrant and transparent public realm of ideas. This is certainly the case when it comes to international trade, where there are no such fora to address the questions posed in the introduction to this paper, questions such as *how* we want to conceptualise, design and organise trade in order truly to address the problems and needs of citizens, societies, economies and ecosystems.

We have therefore come to the conclusion that the public realm of ideas needs better informal procedures to generate new ideas, concepts, attitudes and paradigms as responses to our problems and needs. It also needs support to build better open and transparent structures for public recognition and impact.

We need to design informal procedures of deliberation and collaboration, which generate both more visibility and innovative political proposals and solutions. Actors from all fields of society need to be able to share their perspectives, knowledge and experience and find spaces in which productive collaboration and open innovation can take place. As a result of these processes, new collectives and associations<sup>16</sup> could be formed as new agents of a public sphere. The ideas, proposals and policies proposed out of the public realm of ideas constituted in this way would have a very high degree of legitimacy since they would be based on open, transparent and multi-perspective procedures with a high degree of participation and involvement by all stakeholders. In contrast to solutions and agreements worked out exclusively inside the governmental institutions by opaque, closed and single-perspective procedures, they would again have a very high degree of justification. Moreover, they would – we hope – offer better quality solutions to the questions currently being tackled exclusively inside the institutions. Solutions and ideas that are recognised and perceived as legitimate by a large number of European citizens will also offer new approaches and support to struggling governmental and administrative institutions. The ideal would

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<sup>16</sup> Michael Hardt and Antonio Negri (2005) discuss the concept of a new political subject, which they call the multitude. Bruno Latour offers the idea that collectives of diverse actors need to constitutionalise themselves in order to face the challenges of the anthropocene. See Latour, Bruno (2017): *Kampf um Gaia: Acht Vorträge über das neue Klimaregime*. Suhrkamp, Berlin.

be that these institutions would also form a vital part of these informal procedures in the public realm of ideas and therefore would embrace the solutions generated here rather than oppose them.

Below we set out a proposal for a public participation procedure as a first step to fostering an international (EU-wide) public realm of ideas with a capacity to collaborate on solutions and to make proposals with and to the EU institutions.

The proposal addresses the realm of ideas on the European Union and its capacity to make innovative policy proposals with regard to all political fields, i.e. not just on trade. In line with the findings of this project, we believe that it makes sense to address trade from a broader perspective of how Europeans want to live in general, and how they think their common EU legislation should work for them. We expect to work on general principles spanning all political fields, which can then be applied to concrete policy measures for individual fields – such as international trade, for example. We call this proposal EDDI: the European Days of Democratic Innovation.

## **7 EDDI: EUROPEAN DAYS OF DEMOCRATIC INNOVATION**

Cocreating A Better Europe

### **7.1 Main idea**

We believe that, above all, this proposal must address two key issues:

1. Europe needs to establish a strong and collaborative public realm of ideas that is open to all actors across Europe, individuals and organised groups alike, and;
2. Europe needs to establish a strong informal exchange of ideas and concepts of *how* we want to live together in Europe and what kind of relations we want to have with the rest of the world.

A public realm of ideas from which new paradigms and mind-sets as well as concrete and tangible proposals and measures can emerge needs formal and informal structures and procedures to enable dialogue, discourse and above all joint problem-solving. EDDI will provide just such a structure and will establish a focus on design-oriented and solution-oriented collaboration.

Europe needs to address normative questions as to which direction we want to take as an intercultural community, and how we can succeed in our attempt to head in this intended direction. Only if this common basis is found can we think about how to change our procedures and how to proceed with, for example, trade negotiations or trade design, social and environmental challenges, and with solutions for any other policy field. Norms and principles are needed as a basis for the European discourse and as guidelines for solution-finding and policy innovation.

The European Days of Democratic Innovation take their inspiration from the US *Code for America* program<sup>17</sup>, also known as the *national day of civic hacking*, which involves a hackathon where young coders and information technologists invent digital solutions for US civil society.

The core idea behind EDDI is that during a short timeframe of five consecutive days, events organised on the ground by local groups and institutions from all walks of life take place. These events provide time and space for design-oriented and innovation-oriented collaboration on key European issues and concerns. They also provide the time and space to devise policy proposals, projects and co-operation initiatives to cocreate a better Europe.

## 7.2 Intention and goals

Initially the European Union was an economic project. The founding idea was that good economic collaboration between all European nations would also lead to peace, stability and intercultural understanding. Under the influence of the legacy of WWII and the crimes against humanity committed by the fascists, the idea of European well-being and peace driven by a strong and free economy was powerful.

Today we need to start a discourse on *why* we still want to be in a union and *how* we wish to organise how we live together in the future. Economic and trade-related questions will therefore play a central and important role for EDDI, but we believe that in order to create new paradigms, mind-sets and interaction modes, the field of economy and trade has to be framed by larger and more general ideas of our common good on this continent. These general ideas and visions, formulated as norms and principles, will contribute to 'landscape change' and thus put additional pressure on, or open invitations to, governments to change accordingly. As a good example of a co-operative and cocreative mode of working together, the results and proposals from EDDI will not generate additional positions; instead they will offer solutions and assistance to governments on how to make the changes we need.

The main intention of the EDDI project therefore is to start changing the general European paradigm and mind-set which underpins the way in which we live together by establishing an open organisational and procedural framework for transparent and solution-oriented public collaboration.

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<sup>17</sup> <https://www.codeforamerica.org>.

Several goals need to be achieved to meet this objective:

- EDDI needs to establish a design-oriented or cocreation-oriented interaction mode. Rather than arguing or bargaining, we want to make an offer that allows people to relate to each other by sharing knowledge, experience and curiosity in order to design new ideas and solutions;
- we would like to show that the EU does not have to be an abstract, bureaucratic institution remote from citizens' realities and daily lives. This means that we have to identify concrete questions and areas for which innovative ideas can be created in the course of EDDI;
- we will have to gain the best possible media coverage, thus increasing awareness of the public realm of ideas created by EDDI;
- the formats and methods have to be chosen in such a way that results become both visionary and tangible; they should be simple and easy to replicate.

### **7.3 Strategic considerations**

The success of EDDI will depend on a number of strategic considerations:

- There should be links to and cooperation with official institutions such as national governments, ministries and EU institutions. The more links we can build the better. As a minimum there would need to be sympathetic tolerance of the programme, e.g. in the form of patronage or by staging key events at the institutions in Brussels. To achieve an even greater degree of connection, it would be good – and indeed highly desirable – if official bodies such as the Parliament, the Council or the Commission were to agree to acknowledge and subsequently embed the results into their procedures and to inform the public about the proceedings of EDDI.
- Representatives of governmental and administrative institutions should be invited to participate, face-to-face, with all other participating parties, so that they too can experience the attitude of open innovation workshops and contribute their insights and ideas.
- EDDI could offer these representatives a certain degree of 'public acclaim', as they would be seen as being innovative, open and transparent and above all close to citizens' interests without having to descend to populism.
- Official bodies should not be granted the power to define the procedures or content of EDDI, other than in an open process where all parties are involved.

## 7.4 Participants

EDDI will consist of three participant groups:

- Initiators and persons in charge:  
There needs to be an organising team for Europe and for every nation or language group. This group has to be constituted before EDDI begins. This organising body will also have to put together subgroups such as an international jury, a body of trainers, an online helpdesk etc.
- Event-organisers:  
EDDI is based on the idea that every person and institution can hold their own event as long as they stick to the general principles and formats of EDDI. To this end they will receive support from the organising team. All institutions and people in Europe shall be allowed to initiate events, including the governmental institutions of the EU. It would be advisable to find organising groups representing all sectors and backgrounds of society: media, civil society, business, science, administration and also cities as well as rural municipalities, industries, and single-issue groups with social and environmental backgrounds. The focus however should always be on being open to anyone to attend and to offering true collaboration. This can be achieved through a set of rules and principles as well as by an application procedure or by requesting transparency from the participants of an event.
- Participants:  
Everyone in the European Union can participate by attending one of the events. There is no requirement to be a European citizen. As with all participatory processes, the intentions of which are democratic dialogue and good quality results, the criteria for participation are personal involvement in and commitment to the subject of the event.

## 7.5 Procedure, formats and methods

The procedure of EDDI consists of five phases. The actual days of democratic innovations are comprised of three format types. Below is a short overview:

### 7.5.1 Phase 1: Preparation

In the preparation phase, the organising team has to be established and the project management has to be set up. There are some important main tasks to achieve:

- Website and webtool: the setting up of an online platform and a web-tool to support all local events is important to facilitate communication between the events during the actual Days of Democratic Innovation. The webtool needs to be able to support the general procedure, the overall framing, communication and flow of information as well as the enhancement of the local offline events by, for example, collecting results, sharing questions and solutions, or providing information from other groups working on the same subjects.
- Forming a strong support network, consisting of volunteers in all countries, media co-operation, official co-operation, sponsors, local event organisers.
- Preparing materials for training and for conducting the events. A good example of such materials can be seen on the 'Code for America' website <https://www.codeforamerica.org/how>.
- Forming a group of European VIPs working on an open agenda framework. This framework needs to be established to structure content and fields of interest, e.g. by formulating main subjects (e.g. international trade) and related questions as design challenges ('How can we...?'). Based on a general framework of this kind, local events can better plan the content of their events.
- The preparation phase ends with a conference for the organising body and the event organising institutions and with a training programme for those facilitating the local events, or multipliers from all countries and language groups.

### 7.5.2 Phase 2: Local Organisation

When the logistic mainframe and the organising team is up and running, the second phase commences. This involves local event organisers starting to prepare their own local events. While this is happening, further networking and community organising can be done. This is also the time when media coverage should be built up. In addition to the open agenda framework, groups should be asked to provide easily accessible background information available for everyone working on the same topics; this information needs to be peer-reviewed to minimise fake information. It is to be expected that a number of training sessions and workgroup meetings will take place during this phase. At the end of this phase everything should be in place to put into practice and run the EDDIs.



### 7.5.3 Phase 3: EDDIs

The European Days of Democratic Innovations stretch across a working week of five consecutive days. The week consists of three format-types:

#### 1. Opening and closing event

On the first and last day there will be official opening and closing events respectively in, for example, Brussels or Strasbourg or whatever city it might be. These official events will gather some VIPs and give a framing to the whole week. Even though these are official events, we see them as interactive and engaging. People speak as private individuals and inspire rather than lecture.

#### 2. Democratic Innovation Labs

These DILs are the backbone of EDDI. They are collaborative, creative and design-oriented workshops ranging from a half day to five days in a row. There will be methodological tools for these labs ranging from Design Thinking, Field-Process-Design, Open Policy Design, Human Centred Design, Art of Hosting, Open Space Technology and many others. Labs can be hosted for a certain subject or on all subjects. Facilitators for the Labs will be trained in advance and will be provided with sufficient methodological support.

#### 3. Agoras

We believe that there should also be space for broad debate, scientific and data-driven information and evaluation. In order to achieve this, it will be possible to organise public *agoras* (assemblies) under specified conditions. We think of the *agoras* as half-day events in an open space setting.

Only the Democratic Innovation Labs will produce concepts, ideas, prototypes, projects and concrete policy recommendations which are then published on the EDDI website by the organisers of local events.

### 7.5.4 Phase 4: Evaluation and Jury

All results will be publicly evaluated and discussed on the website during the evaluation phase. For this phase, we will design a transparent, fair and productive feedback procedure. At the end of the evaluation, a selection of the best proposals will be further examined by a jury. The jury will make a selection based on pre-defined criteria. While all projects and proposals will be published on the website, the jury selection will also be published in print and publicised in the media.

### 7.5.5 Phase 5: Public Presentation

The jury selection will be presented at an official event in Brussels, if possible before the Council or the Parliament. The idea here is to attract further attention of official governmental and administrative bodies.

## **7.6 Results and implementation**

We will design the procedure and methodology of EDDI in such a way that the results will not simply be handed to other institutions for implementation; the idea is that participants and institutions should take their own share of responsibility for the implementation of the results. This means that we will ask every institution to think about ways to include results and solutions in subsequent debate and cultivation processes. So cities, NGOs, local or national governments, for example, will be asked to provide structures to include EDDI results in their procedures. As with any good participatory process, we believe that we should foster ideas that are not designed simply to be passed on by their devisors to external authorities; instead, the solutions should also include projects and co-operation initiatives that can be supported and implemented by the inventors themselves. In this way we change the landscape by adding diverse new niche solutions. One of our main focuses will be to build a continuous support system for all results.

## **7.7 Evaluation**

For the reasons already discussed above, EDDI will not address trade negotiations directly but it will provide a structured framework for public sphere debates and design-oriented and innovation-oriented interaction modes.

EDDI will focus on how we want to live together in the EU and how we want to live as a community in the world. From this foundation it will be much easier to derive consistent and viable concrete innovations and policy proposals for various fields of interest, including international trade. EDDI will also back the development of new paradigms and attitudes in politics in general. As we have seen, it is more likely that changes in the landscape, new mind-sets and the strengthening of ideas in a public realm of ideas will influence and put transformative pressure on institutions at a government level.

EDDI will focus on how trade (and other fields of interests) are being conceptualised, designed and organised through policy making and other cultural practices. The democratic innovation labs will help to define our problems and needs (those of people, societies, economies and ecosystems) and then find normative answers about how we, as a community, want to live together in the EU and in the world. It is on this basis that, during EDDI, we will cocreatively design the necessary solutions, by drafting corresponding policies, for example.

EDDI may at first appear to be a circuitous route to achieving our goals. But we believe, based on the research we have carried out as part of this project, that it represents the most realistic approach for a viable contribution to promoting long-term change in how trade agreements are made.

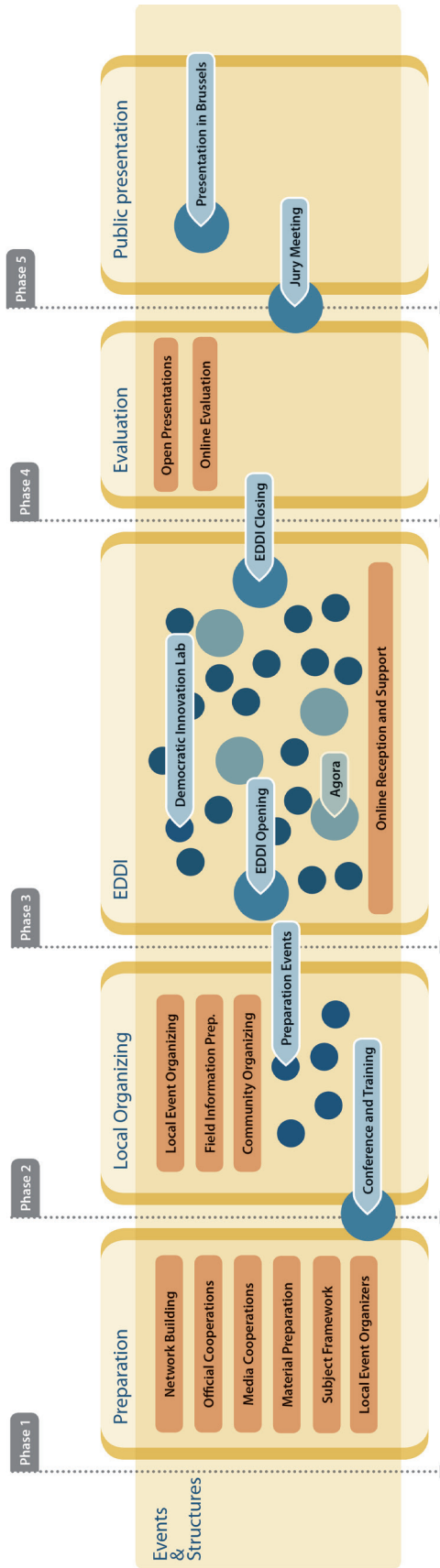


figure 12: EDDI procedure

## **7.8 Next steps**

The next steps towards achieving EDDI are:

- Preparation of simple but professional communications material for the acquisition phase: a brochure and white paper, a presentation, and a website for dissemination.
- Fundraising for the main organisation team and logistics by means of an acquisition tour to foundations, governmental and other institutions for co-operation on the basis of LOIs (letters of intent).
- Producing a detailed procedural design and setup for project-management.
- Establishing an organising team.
- Starting to build a support community.

The project can commence as soon as there is funding for the above steps; additional funding will then need to be sought in the course of the process.



## 8 APPENDICES

### 8.1 References

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