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The European Civil Society Campaign on the Financial Transaction Tax

Peter Wahl

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THE EUROPEAN CIVIL SOCIETY CAMPAIGN ON THE FINANCIAL TRANSACTION TAX

Peter Wahl

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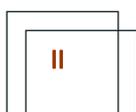
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ABSTRACT

The Financial Transaction Tax (FTT) has been a spearhead demand of civil society for some 15 years now. Initially put on the table by the UNDP in 1996 as an instrument of innovative financing for development, also its regulatory dimension surfaced after the Asian financial crisis 1997/98. While some governments were open to the idea, in particular France and Belgium, there was strong opposition from other countries such as the US and the UK and of the finance industry. Therefore, the FTT seemed to be doomed to disappear from the agenda.

The financial crash in 2008, however, was a game changer and the FTT had its come back with France and Germany as driving force behind it. After a failed attempt to get an agreement in the G20, the EU presented a draft directive, which was very close to the expectations of civil society. But as strong objections among the EU-27 occurred, in particular from the UK, a coalition of eleven countries chose the option of Enhanced Cooperation to implement the tax. The Enhanced Cooperation Procedure is part of the EU regulations and can be used for projects, which cannot be agreed among all 27 member states but have the support of at least nine member states. In February 2013 the Enhanced Cooperation Procedure was launched officially on the basis of a revised draft by the EU-Commission, which was even stricter vis à vis the financial sector, in particular through its strong and innovative provisions against tax evasion.

The resistance of the finance industry against the FTT continued. Their lobby organised a campaign in order to reach at least a watering down of the proposal. Hence, the definitive outcome of the ongoing process is still open.

For civil society the process is nevertheless a great success by now. The European campaign for the FTT can be seen as a showcase for single-issue campaigns. Over the years a sophisticated system of movement building, political alliances and mobilisation has emerged which uses a whole range of instruments. These include grass-root activities, such as demonstrations or signature collecting, interventions into the political system through petitions and other tools to put pressure on decision makers and a highly professional media work. Also inside the movement efficient structures and smooth work methods as well as a smart management of conflicts of interests contributed to a civil society campaign, which turned into a relevant factor at the centre stage of politics.

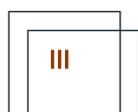


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1. A SURPRISING SUCCESS STORY

In February 2013, eleven member states of the European Union (EU) – among them the four biggest economies of the continent, Germany, France, Italy and Spain - started formally to negotiate about the establishment of the *Financial Transaction Tax (FTT)*. This is one of the rare success stories of civil society campaigning in these years. Although the tax is not yet implemented, and although some dilution in the details may not be excluded, it is very unlikely that the project as such will be stopped. The commitment of the eleven governments has gone so far, that a point of no return has probably been reached. Nevertheless, the campaign is not yet over and pressure from below has to be kept until a definitive victory can be scored.

1.1. A long pre-history

The campaigning can be divided in two main periods: the pre-crisis period from 1998 to 2008 and the post crisis-phase from 2008 onwards. The initial impulse supporting a financial transaction tax did not come from civil society but from circles within the United Nations Development Programme (UNDP). In 1996, some leading figures of the UNDP, like *Mahbub Ul Haq* and *Inge Kaul* published a book in which they presented among others, the *Tobin Tax* (Haq 1996).

Their main focus was to explore innovative sources of finance for development. After the end of the cold war, a major motivation for Western development aid had fallen apart to prevent developing countries from turning to the Soviet bloc. As a consequence development aid declined, and the long-standing goal of the United Nations (UN), according to which industrial countries should dedicate 0,7% of their GDP to development, became increasingly unrealistic. After development aid had reached its historic peak in 1992 with 62,5 bn. USD it went shrunk to 46,7 bn. USD in 1997 (OECD 2013). In this context the *Tobin Tax* was supposed to be one instrument to turn the tide in development flows.

This tax had been proposed by Nobel Prize winner James Tobin, when the Bretton Woods system entered into its final crisis in the early seventies of the 20th century. Tobin was a finance economist who realised that the end of fixed exchange rates would lead to an increase of transactions, increased volatility and the risk of speculative bubbles. From there his idea (one that is not novel by any means, as had already been suggested by Keynes in the thirties) is to throw “*sand in the wheels*”, in order to slow down currency transactions. Tobin’s interest was to preserve financial stability. But since the tax normally generates revenues; he suggested, without giving much thought to it, to use the tax income for development purposes.

The UNDP’s Tobin Tax idea spread slowly to some development Non-Governmental Organisations (NGOs). However, there was a certain reluctance to deal with it in depth, because development NGOs were not very familiar with taxation and financial markets issues. The Asian crisis in 1997-98, however, gave it a new impulse. Also, the regulatory dimension of the tax drew the attention of

some NGOs, which were interested in macro-economic issues. For example, the German NGO *World Economy, Ecology & Development - WEED* held a first seminar on the *Tobin Tax* in 1998 with the purpose to use the FTT as a regulatory tool. Ultimately, this idea did not have widespread repercussions.

1.2. The breakthrough

A real breakthrough came when the French monthly *Le Monde Diplomatique* launched an appeal to “*Disarm the Markets*” in December 1997 (Ramonet 1997). Derived from this first suggestion, ATTAC was born. ATTAC carries the taxation mandate in its name: *Association pour la Taxation de Transactions financières à l’Aide des Citoyens et Citoyennes (Association for the Taxation of Financial Transactions for the Benefit of the Citizens)*. The suggestion put forward was the establishment of an organisation, mandated with taxing financial transactions.

ATTAC became a success, first in France and then in several other countries. More than 30.000 people in France alone joined the organisation in the first three years. ATTAC played quite an import role in the *World Social Forum Movement*, which started a series of annual meetings in the Brazilian town of *Porto Alegre* starting in 2001.

During that period, political parties of the left, social democrats and Greens took the tax into their programmes. Trade unions also joined. In January 2001, the president of the US umbrella organization of trade unions *American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)* and its German sister organization *Deutscher Gewerkschaftsbund (DGB)* asked in a joint press statement for the control of financial markets including the taxation of currency transactions (DGB 2001). The cause favouring the tax was advancing, and even politicians such as the German chancellor Gerhard Schröder seemed sympathetic, without taking concrete steps towards its implementation.

However, September 11th 2001 led to a considerable loss of momentum in the endeavours for the tax. Reform issues, and in particular reforms, which might limit the power of financial capital, were no longer considered. The US Trade Minister at that time, Robert Zoellick, even drew a direct line between the protesters in Seattle and terrorists (Suter 2011).

Nevertheless, some partial successes were achieved. For instance, in 2004 the Belgian Parliament adopted a law for a currency transaction tax. However, it would only become effective if other European countries would follow suit. Also, several parliaments, among them in France and Finland, had adopted resolutions in favour of the tax. Nonetheless, these declarations were non-binding. Overall, there was a loss of momentum. The issue was confined to the development community, whereas ATTAC and the global justice movement, which had emerged in Seattle broadened their agenda. The tax as such became an item among others in the movement’s activities and lost its prominent role as a spearhead demand. It did not disappear, but there was no substantial impulse, which could have given new momentum for progress.

1.3. Hibernating in the Innovative-Sources-for-Financing-Development discourse

Those NGOs that continued to work specifically on the tax did it very much in the context of *Innovative Sources for Finance for Development*. The UN created a "Leading Group on Innovative Financing for Development", where junior officials from development ministries of some 60 countries participated (Leading Group 2013). The *Leading Group* is very open to civil society participation and offers them the right to speak in meetings and to submit papers. Here, the currency transaction tax continued to be dealt with in a package of several other proposals to generate new funds for development. The regulatory dimension of the currency tax was downplayed by some NGOs through declaring the tax as harmless for the financial industry (Stamp out Poverty 2005). Its implementation would almost not be felt by the finance industry. In terms of influence the *Leading Group* is part of the UN machinery on development, whose impact on the real world is quite limited.

Also, an attempt by the German Minister for Development and member of the Social Democratic Party, Wierczorek-Zeul, was made to keep up momentum by presenting a feasibility study in 2002. It was prepared by the Frankfurt Professor for Public Finance and former advisor of the International Monetary Fund (IMF), Paul Bernd Spahn, who was confined to the development community (Spahn 2002). The German Finance Minister, from the same party, vehemently opposed the proposal.

At the same time, a speech on International Taxation to finance global public goods (environment, climate, development etc.) emerged, where several types of taxes were promoted, among others on CO₂, sea transport, air traffic and even some unorthodox proposals like satellite frequencies (see Wahl 2005). A certain impulse came from a study, which the French president Jacques Chirac had commended, considered a financial transaction tax not only to be feasible but also desirable (Landau 2005). Nevertheless, the only real progress in the area was the implementation of an air ticket tax by France in 2005 and some similar but half-hearted measures in Brazil under president Lula (which ended up being), Chile and some other countries, whose revenues were channelled to the UN Global Fund to fight AIDS, malaria and tuberculosis, *UNITAID*.¹

A loose network comprised mainly by European NGOs from the United Kingdom (UK), Germany, France, Italy, Norway and Belgium, tried to uphold the issue of taxing financial flows. These activities had the character of hibernating in difficult times rather than being in the offensive.

¹ See *Le Monde* 16 November 2009, Accessed 18 December 2013. Available from World Wide Web: http://www.lemonde.fr/politique/article/2009/11/16/pour-lutter-contre-le-sida-m-chirac-reliance-l-idee-d-une-taxe-sur-les-profits-de-la-mondialisation_1266395_823448.html

1.4. Financial crash 2008 – a game changer

The financial crisis, which broke out in 2008, changed the entire game. Under the crash, elites began to understand that something had gone wrong. The final declarations of the G20 summits in London (April 2009) and Pittsburgh (September 2009) were relatively self-critical. The Pittsburgh Leaders Declaration among others mandated the IMF to prepare proposals “[...] *as to how the financial sector could make a fair and substantial contribution toward paying for any burdens associated with government interventions to repair the banking system.*”²

During the same weekend, a meeting of an informal European network of NGOs and trade unions was held in Brussels (*Cross Sectorial Network to Regulate Finance* – later named *Time for change finance*), which dealt with the financial crisis. When the summit declaration came in, immediate measures were discussed on how to influence the IMF to take the FTT on board. In a sign-on letter - an often-used instrument to address decision makers - it was suggested to the Fund to include NGOs in a consultation process and to allow experts, appointed by civil society, to be heard.

The Fund accepted, and made hearings with US-NGOs in Washington and via videoconferences also in Europe. It also accepted to invite an expert from the Vienna Institute for Economic Research, who already had written a study with quite some new aspects in favour of the FTT before the economic crisis (IMF 2010).

The reaction of the IMF indicated, that the tax was taken seriously. When the IMF released the report one year later, the feasibility of the FTT was acknowledged, although they gave priority to another instrument, the Financial Activities Tax (IMF 2010). Given the harsh refusal of the US of any financial transaction tax it would have been surprising, if the IMF would have had the courage to propose it as first choice.

Encouraged by the debate on financial regulation, the European civil society organised itself and revitalised and expanded the old network, which was composed of mainly development NGOs. New members joined; among them the British *Trade Union Congress* TUC, the German DGB and the *European Trade Union Congress* (ETUC) as well as big NGOs such as Oxfam. New networks emerged in some countries at the national level, such as the *Robin Hood Campaign* in the UK, the German *Campaign Tax against Poverty* and *ZeroZeroCinque* in Italy. Their membership was considerable broad. They started a strong campaign that attracted much media attention after the Pittsburgh summit.

² Leaders' Statement: The Pittsburgh Summit. September 24 – 25, 2009

The campaign also switched from the currency transaction tax to the broader concept of the FTT.

Another key event occurred in Germany during the campaign for the federal election in September 2009. The Social Democratic Party (SPD – the same party, whose former finance minister had rejected the tax) put the FTT on the agenda. Some days later, Chancellor Angela Merkel declared that she, too, would be in favour of such a tax. Behind the background of the electoral campaign, tactical motives were behind her decision: she did not want financial regulation to become a major issue in the campaign. But as a matter of fact an important EU country, whose government had been against the FTT previously, now made a U-turn and became a forerunner of the project. France also joined the proposal. This gave new impulses to the civil society campaign.

Both governments tried to convince the G20 to participate in the project. However, during the Toronto G20 summit in 2010 it became clear that the US, Canada, the UK, Australia and some emerging economies such as India were against the tax. This is perhaps the reason why, in spring 2011, Germany and France took on the lead and proposed that the FTT should be implemented in the EU if an implementation was not possible on a global level. The EU-Commission, which in the past decade had spoken out against the tax for several times, was charged to work out a proposal.

This move is of significance far beyond the FTT: it breaks with the argument that in times of globalisation financial regulation would only be possible if implemented globally. As it is practically impossible to reach a global consensus on financial regulation, the argument was always used as a pretext for inaction.

1.5. The EU roller coaster

The European Commission launched between February and April 2011 a public consultation process, where not only the finance industry could make proposals, but also the civil society (European Commission 2011a). The opportunity was used thoroughly and more than one hundred civil society statements were sent.

In the meantime, opinion polls showed that a large majority was in favour of the FTT in most EU countries. In an official opinion poll conducted by the Commission (European Commission 2011b) from spring 2011, 61% of Europeans supported a tax on financial transactions, while 26% were opposed and 13% expressed no opinion. Among the member states Austria was on top with 80% in favour. Supporters were 71% in Germany, 68% in France, 65% in the UK and 61% in Italy. Only in six countries out of 27 the supporters were below the 50% line. Five out of these were in Eastern Europe - Czech Republic, Estonia, Latvia, Lithuania and Poland - the sixth was Malta.

At the same time, the European Parliament voted a motion in favour of the FTT. Although this vote is legally non-binding, it has a certain political and psychological effect. In the following years, the European Parliament supported the process with several motions.

In September 2011, the Commission presented a draft directive (European Commission 2011c) which, to the surprise of many – only some months ago the Commission still had rejected the tax – was rather close to the ideas of the proponents of the FTT: a broad tax base including all classes of financial assets – shares, bonds and all types of derivatives – a relatively high tax rate for shares and bonds (0,1%) and 0,01% for derivatives, the latter being a point where civil society was critical about. In this framework, both seller and buyer would have to pay the tax, in case one of the parties is legally outside the EU the other has to pay the double amount (counterparty principle). The counterparty principle is an innovative instrument to fight tax evasion as it includes an element of extraterritoriality. Another far reaching component of the draft refers to the tax basis for derivatives, where the face value of the underlying was taken as a reference.³

The draft stressed the *dual use* character of the tax, i.e. its regulatory function, in which they particularly targeted high frequency trade.⁴ The revenues were estimated to be around 50 billion Euros, which is a conservative estimate. A second point, often criticised by civil society, was the exemption of spot currency transactions, which were the target of the Tobin Tax. The Commission argued that this would not be possible for legal reasons because it would undermine the free flows of capital. Nevertheless, the overwhelming majority of civil society was quite happy with the proposal and declared its full support.

Financial industries were also very surprised and immediately started to lobby against the proposal. During the first half of 2012, it became clear that there would be no consensus in the EU-27. In particular the UK, Sweden, Luxemburg, the Netherlands, Ireland and the Czech Republic were strongly opposed to the draft. As unanimity is required in this area, it seemed as if the project failed.

In the meantime in 2012, French president Sarkozy decided to implement a unilateral mini-version of the FTT in France only. It would be open for enlargement, if a broader tax would be implemented in the EU later on. Although highly motivated by his electoral campaign, the measure nevertheless showed that some parts of the elites were ready to take concrete steps. At EU level, however, it seemed as if the process had stalled.

Then, in 2012 a new idea took prominence, which the civil society strongly supported: the FTT could be implemented via the Enhanced Cooperation Procedure (ECP). This is a procedure which is foreseen in the EU rules. It allows a group of at least nine countries (which must represent at least 60% of the EU population) to implement a project even if not all the others participate. The ECP was meant to prevent blockades of decision-making by minorities. It has only been used twice in the history of the EU, as it is a complicated procedure with

³ Take as an example a bank which buys a future contract over 100 million Euro for a package of shares in order to hedge against an increase in the price of the shares. In this case the 100 million is the tax base and not the price of the future which might be some 3% of it. With a tax rate for derivatives of 0,01% the tax would be 10.000 Euro.

⁴ Automatic trade based on algorithms performing transactions in the realm of nano-seconds.

many restrictions. The first time it was used was on patent rights where negotiations took ten years. For the second case, negotiations about family law took five years. It is worthwhile to note that France and Germany were ready to use this procedure for an issue of much greater importance than patents and family legislation. All the more, because a successful implementation will increase the heterogeneity within the EU and even inside the Euro-zone, and the Euro countries Luxemburg, Ireland, the Netherlands, Malta and Cyprus were against it.

Through active diplomatic efforts, particularly by the German Finance Ministry, a coalition of the willing of 11 countries came finally together.⁵ The strong commitment of the German government had in the meantime been reinforced by a deal between two opposition parties and the government: SPD and Greens tied their consent to the so-called Fiscal Compact⁶ to the implementation of the FTT. As Merkel needed their votes, this proved an easy decision for her.

On February 13th 2013, the negotiation process among the eleven countries started. It was based on a draft of the Commission, which was very similar to the one presented for the EU-27. The revenues were now estimated at 32 billion Euros. Again to the surprise of civil society the proposal went even further in regards to tax evasion: in addition to the *home country principle*⁷ the *issuer principle* was introduced. This means, that any share, bond or derivative issued in one of the eleven countries is taxed, wherever and by whomever it is traded. This demonstrates another aspect of the FTT, which goes far beyond a simple tax. With the *issuer principle* an arch-evil of globalisation is tackled: the capability of investors to move capital through a mouse click within a split second to any corner of the planet, while the Nation-states do not have a possibility to control or to tax it. Insofar, the debate on the FTT has become the arena where some governments try to break new grounds in order to regain sovereignty over globalised financial markets.

Therefore, it is not surprising that the opponents of the FTT in the EU use the *Enhanced Cooperation Procedure* negotiations, in which they are allowed to participate (without a voting right), to gain more time and to block the project to their ability. The UK has even filed a complaint at the European Court of Justice. Nevertheless, the German government is confident that negotiations could be concluded in 2014.

Parallel to that, an unprecedented campaign of the finance industry had started, in which they released an overwhelming amount of studies and statements to the media that conjured the ruin of the entire sector. According to these studies the regulatory effect of the FTT would go far beyond of what its proponents had hoped for in their boldest dreams. For instance, according to *Goldman & Sachs (Goldman & Sachs 2013)* it would destroy the European repo markets⁸ and reduce the profits of the 40 biggest European banks by 92%. One Hedge Fund manager

⁵ Austria, Belgium, Estonia, France, Germany, Greece, Italy, Portugal, Slovakia, Slovenia, Spain.

⁶ Agreement to strengthen fiscal discipline and austerity in the management of the Euro crisis.

⁷ Each bank or fund, whose legal base is in one of the eleven countries is liable for taxation.

⁸ Sale and Repurchase Agreement. Credits among banks with a highly speculative component.

declared that the FTT would have been motivated by the Sharia (Capitalistic pig 2013).

The lobby campaign of the finance industry was fuelled by an opinion of the legal department of the European Council from September 2013, according to which the counterparty principle (see above) would violate international law (Council of the European Union 2013). For a while, the FTT seemed to be at the brink of failure. However, in the meantime, the legal department of the European Commission has – according to leaked information from insiders, presented a paper, which says the contrary. In other words, the split over the FTT runs through the EU institutions and shows the divisions and conflicts of interest inside the Union.

An important success for the proponents of the FTT was the inclusion of the FTT into the programme of the German grand coalition between Christian Democrats and Social Democrats (Koalitionsvertrag 2013). While quite some issues were controversial among the partners, the FTT was consensus from the beginning. This has stopped to a certain extent the pressure from the finance lobby and shifted the balance of power again in favour of the tax.

All in all, civil society has scored a considerable success by now. As mentioned at the beginning of this paper, it is improbable that the whole project could be completely cancelled. But the political environment for the civil society campaign had changed fundamentally. The process was now very much under the control of major governments, which leads to new and unusual challenges (see chapter 3).

2. CONCRETE GOALS OF THE CAMPAIGN

As already indicated in the previous chapter the FTT is the typical case of a “dual use” tax. On the one hand, it can have a regulatory effect on financial flows, on the other hand it generates revenues, which can be considerable even, if the number of transactions shrinks as a result of the tax. This “dual use” character is also reflected in civil society, not always without conflict.

This is also why the FTT campaign is not what it seems at first glance: a single-issue campaign. There are two implicit issues combined in one.

When the campaign for the FTT started in the late nineties, its first goal was to sensitise public opinion for the problems of the financial system and not to implement the tax immediately. In this perspective the FTT was meant to open a broader debate on financial Capitalism, which, at that time, was contested only by a few people. With the breakthrough of the appeal “Disarm the Markets!” a considerable progress in this respect was achieved. It was a success at the discursive front. Real implementation did not matter so much.

At the same time, many active members of the campaign were interested in the revenue side and did not care about financial Capitalism. A NGO which is dealing with HIV/AIDS wants to implement the tax as big as possible to guarantee cash flows as soon as possible, in order to combat the disease. *A bird in the hand is worth two in the bush* - is their logic. In certain periods of the campaign some NGOs were ready to accept very moderate tax rates in order to see some money at least. But given the resistance of the financial sector and the politicians, which at the time were almost all believers in neo-liberalism, real progress was not possible until the economic crisis. Insofar the two schools of thought of the campaign have an unequal record of success.

The campaign always tried to find a common ground by arguing that the two dimensions are not competing. And in fact, the stricter the regulatory approach, the higher are the revenues. But with the financial crisis, the regulatory dimension had a strong comeback and was even accepted at governmental and EU level. While the campaign achieved to sensitise the public opinion during its first stag, in course of the economic crisis the “regulators” among civil society even scored a complete victory and became mainstream in many countries.

On the other side, the crisis had at the same time changed the coordinates for the debate on the use of the revenues in the EU. Given the unsustainable level of public debt in most European countries and its tremendous social problems that followed the crisis, diminished the chances that even a part of the tax revenues would be used for development purposes or other global public goods like climate protection. There is the risk, that NGOs focussing on revenues will be frustrated at the end. In other words: the FTT campaign might end with a success for those who are mainly interested in regulation, while those, who look after the revenues might consider themselves as being defeated.

The campaign has acknowledged this challenge and increased its efforts to secure at least a part of the revenues for development and environment considerably. There are signs that this might not be in vain. The French government indicated that a certain percentage of the revenues might go to development. Civil society now tries to broaden this breach. But the outcome of this is still open.

3. ORGANISING STRATEGIES, INSTRUMENTS

During 15 years of its existence, the FTT campaign has accumulated a large range of organisational capacities like, technical expertise, communicative capacities and lobbying tools. A campaign infrastructure has emerged, which gives quite some clout to the campaign.

3.1. Alliances

From the beginning, the campaign tried to build broad alliances, which include development, environment and social NGOs, trade unions, faith groups, cultural groupings, social movements etc.

Also, links to political parties and in particular members of parliament - in most cases informal in order to maintain independence and partisan neutrality - are part of the alliance structures. Of course, these links exist in general to centre-left parties but in some cases to conservative parties, too. For instance, the German campaign *Steuer gegen Armut (Tax against Poverty)* had a Jesuit priest as spokesman for several years, who opened access to sectors of the Christian Democrats and later, when the government joined, also the finance ministry. In France, during the presidencies of Chirac and Nicolas Sarkozy, there were elements in the government such as Jean-Pierre Landau, former governor of the Banque de France, who advocated the FTT. Also, Philippe Douste-Blazy, former Minister for Health and later Foreign Minister, provided valuable leadership and financial resources to the UN-Leading Group, to help overcoming the difficult period for the campaign before the financial crisis. After Germany decided to implement the FTT through the Enhanced Cooperation Procedure, there was a division of labour between the MPs of the three opposition parties and the campaign, to use their respective connections to partners in key countries, in order to make these countries join.

After the economic crisis, the alliances gained considerably in broadness. Some examples from major European countries:

The Robin Hood Campaign in the UK has around 125 member organisations, among them almost all major development agencies such as Oxfam, War on Want, Save the Children and Christian Aid, the Trade Union Congress and some other trade unions, Friends of the Earth, Greenpeace, UNICEF UK, The Salvation Army, and the United Reformed Church.

In Italy, ZeoZeroCinque has around 50 member organisations, among them *ActionAid*, the big catholic development agency *MANITESE*, the two biggest trade unions *CGIL* and *CISL*, the environmental organizations *WWF* and *LEGAMBIENTE* as well as *ATTAC*Italy and the ethical bank *Banca Etica Popolare*.

The French Campaign has a different structure, with *Oxfam*, *ATTAC France* and *Coalition Plus* as core group and some 18 supporting organisations, among them the biggest trade union *CGT*, *Médecins du Monde* and *CARE*.

The German campaign *Steuer gegen Armut* had 98 member organisations as of August 2013, among them the umbrella organization of German trade unions, DGB, the big protestant and catholic development agencies (Brot für die Welt, Misereor), Oxfam, Greenpeace and Friends of the Earth Germany, ATTAC Germany and WEED. Also three cooperative and ethical banks joined.

Similar structures and patterns can be found in Belgium, Austria, Spain, Norway, Finland and Denmark. No or very weak structures exist in the smaller crisis countries like Greece and Portugal. Eastern Europe and the Baltic states are completely devoid of debates about the FTT. This is due to historic reasons. Progressive civil societies are still very weak in these countries.

An important precondition for keeping these alliances together is a political culture in which diversity and plurality are accepted as a common value by their partners. This might differ from country to country. In some cases there is tradition of cooperation, which has been used for other issues in the past. This has established routines on which the cooperation can build.

The fact that the campaign is a classical *single issue campaign* has made things quite easy. Agreement is only necessary on issues that are linked to the FTT process. Differences in other areas may exist, but they are kept aside.

This approach has to be institutionalised in the procedures for decision making. Here, the decisive principles are inclusion and consensus. All partners must have the right to participate in the decision-making process. This is why regular meetings or other forms of communication and decision-making have to be in place. If there are coordinating and executive functions, for instance in a steering committee, the membership has to be represented adequately. Finally, decisions have to be taken by consensus. This excludes the dominance of a single organisation over others and maintaining the spirit of cooperative decision-making.

This approach is also accepted at the level of the European network. It is a practice that emerged in the last 25 years, since civil society has been involved in international decision making in the UN and in international processes of self-organisation, such as the World Social Forum.

3.2. International networking

In order to share expertise and information, develop strategies, prepare activities and to coordinate action, an informal European network emerged fulfilling its task sufficiently. Prior to the crisis a core group consisting of organisations from Belgium (11.11.11), France (Attac) Germany (WEED), Italy (Campagna per la Rifoma del Banco Mondiale) and the UK (Stamp Out Poverty) was active. With the emergence of the UN Leading Group, they were also involved in these activities.

After the crisis, the network extended and intensified its work. Organisations from Austria, Belgium, Denmark, Finland, France, Germany, Italy, Netherlands, Norway, Spain and the UK participate regularly in its activities.

Although the network has an informal character, without centre, leadership, common budget or headquarters, it is very stable and has worked continuously for over ten years. For common initiatives – like the production of fact sheets, sign on letters, background papers and studies etc. - a division of labour has been agreed on. The implementation of the activities usually happens in the national level and can be modified according to its needs at the same level.

The cooperation tools mainly consist of:

- Two annual **face-to-face meetings**, usually held in Brussels. They are one-day meetings whereby the situation is being analysed. New and open questions are discussed, the basic lines of the strategy for the upcoming period are agreed on and an action plan is worked out. Usually, some twenty people from a dozen countries and some European organisations based in Brussels participate.
- Regular **phone conferences** (currently bi-monthly) are held, where recent developments and the fine tuning of the implementation of the action plan are discussed and urgent actions are prepared;
- Day-to-day **e-mail communication** exists through a common mailing list, where news, documents and proposals are exchanged;
- Activities in a **sub group** or **bilaterally** are organised. In some cases it makes sense to target one country or a certain group of countries. Therefore bilateral activities are in order. For instance, in summer 2013 the French government seemed to stagger, French and German organisations produced a common statement, which was published in *Le Monde* and other French media. The ministry saw itself obliged to react with a denial, confirming that it would stick to its initial positions.

Overall, the cooperation is very efficient. People know each other - in some cases for years – and the networks succeeded to pool experience, political skills and know-how.

The European network is connected with a very loose global network, which essentially consists of a monthly conference call. Apart from the Europeans there are participants from the US, India, South Africa, Brazil and sometimes other southern countries. However, looking at the number of participants, most interest comes from the US, where the FTT is quite well anchored in civil society and where there have been attempts to push the country to introduce such a tax for, at least, five years.

Additionally, the campaign benefits from new media and technologies of communication, information sharing and mobilisation provided by the internet.

3.3. The role of alternative and counter expertise

An important condition for the success of the campaign was the use of alternative or counter expertise. Similar to all socio-political confrontations vested interests are legitimated with arguments, free of any interest. In the finance sector the academic discourse has been characterised by the hegemony of neo-classical market orthodoxy. And from that point of view any tax on capital flows is considered to be a “negative externality” hampering the efficient functioning of the market.

Already during the first phase of the campaign, reports and studies from heterodox economists were produced and used to back up the proposals. Studies and reports, such as the Spahn Study (Spahn 2002), the Landau Report (Landau 2004) and the works of Schulmeister (Schulmeister 2008, 2010, 2013) were widely used and had some impact.

After the economic crisis, when the finance industry realised that the threat of taxation was serious, a real war of reports and studies was triggered. In particular, after the IMF had released its report for the G20, in which it stated that the FTT would be feasible, every major bank’s research department released a study, in which they “proved” that the FTT was not feasible at all, and it would be a catastrophe –not so much for the banks themselves - but for their clients of the real economy, the old age pension funds, the savings and the public bonds to name only a few.

However, major independent research institutes (DIW 2012) also released many studies and statements. Additionally, due to insiders from the finance community, such as George Soros, and after a big impact assessment of the European Commission, the balance of power had changed fundamentally and the adversaries of the FTT were in the defensive.

In those cases where a study made it to the headlines, the proponents of the FTT released critical comments, which in several cases were also published in the media.

3.4. Public Relations

Over the years the campaign has developed a wide range of tools to convey its message to the outside world.

Besides traditional print media, such as fact sheets, information brochures, reports and studies, the Internet is used broadly. The national campaigns dispose of own websites.⁹ These are not only used to dispatch information, but also in an interactive way. For instance, to collect signatures for petitions or sign on letters, which are sent to decision makers.

The German Campaign also used the possibility to act through an online petition, which is an officially provided tool of the German Bundestag. Within a few weeks some 60.000 German citizens signed a petition (50.000 minimum are required), which led to a hearing in the Bundestag on February the 7th in 2011.¹⁰

Another tool used was an appeal of economists. Around 1.000 economists signed this appeal throughout the world. A similar approach was made by 50 bankers and fund managers that signed an appeal in favour of the FTT. Taking part in this did for example, Arielle de Rothschild, Managing Director of the Rothschild Group, William Barclay former senior Vice President of the Chicago Stock Exchange, as well as eight former high-level executives from Goldman Sachs and JP Morgan (Robin Hood Tax 2013).

Particularly successful was the use of short video clips with a fictional plot, in some cases displaying plenty of irony. An impressive example is the clip of the UK campaign with the famous British actor Bill Nighy¹¹ and a similar clip of the German campaign with two very popular German actors.¹² A French version of this very successful clip has also been produced. Combined with the use of social media, these clips draw the attention of hundreds of thousands of spectators.

Cartoon films are also used, in particular for educational purposes. Especially for young people and they proved to be an efficient instrument¹³

Another spectacular Public Relations tool are the so-called *stunts*. *Stunts* are political street theatres. These display the role of activists disguised as Robin Hood and his followers and the Sheriff, who is protecting bankers, play a short scene, adapted to the needs of electronic media. The *stunt* is performed at a well-

⁹ Here some links to national campaigns in Europe:

Austria: www.steuergegenarmut.at

France: <http://www.taxerobindesbois.org>

UK: robinhoodtax.org.uk

Italy: www.zerozerocinque.it

Germany: <http://www.steuer-gegen-armut.org/home.html>

¹⁰ The session has been broadcasted by the TV of the Bundestag and is accessible under http://www.steuer-gegen-armut.org/steuer-gegen-armut/diskussion/anhoerungen/anhoerung-petitionsausschuss.html?sword_list%5B0%5D=petition

¹¹ Accessed 18 December 2013, Available from the World Wide Web: <http://robinhoodtax.org.uk>

¹² Heike Makatsch and Jan-Josef Liefers, Accessed 18 December 2013, Available from the World Wide Web <http://www.steuer-gegen-armut.org/home.html>

¹³ See examples, Accessed 18 December 2013, Available from the World Wide Web:

<http://www.youtube.com/watch?v=ou8KEsehbl&feature=youtu.be> or <http://robinhoodtax.ca>

known place, like the Big Ben in London or the Brandenburger Tor in Berlin and only takes a few minutes. The political message is visualised through costumes and or a stage prop that everybody understands. The purpose is to attract the attention of the media. And indeed, these actions often reach TV news and get photos in the mainstream print media, if they are connected to a political event related to the FTT, like a debate on the tax in the parliament. Then they are attached to the media report on the official event as a kind of critical comment. Several examples can be seen at the home page of the German campaign.¹⁴

3.5. Lobbying

As already mentioned above, the campaign also maintains permanent contacts with decision makers. The first purpose is to closely monitor the debate and the decision making process in institutions. The second purpose is to influence the process itself.

Typical tools of campaign lobbyism are:

- Informal contacts (face to face, by phone or electronic communication) to key persons. Such contacts cannot be established overnight and require certain skills;
- formal meetings with decision makers;
- inviting decision makers to public events of the campaign, for instance panel discussions to confront them with the civil society demands;
- collecting signatures and handing them over to decision makers;
- writing letters, in most cases signed by several or many organisations or prominent figures (so-called sign on letter);
- Formal petitions, foreseen by the political system of a country.

It is worthwhile to note that there is awareness among most member organisations of the campaign that lobbyism:

A) Is only efficient in combination with other instruments, in particular mobilising public opinion,

B) Has inherently some risks for democracy. Therefore transparency and accountability with regard to lobby activities is vital.

¹⁴ Accessed 18 December 2013, Available from the World Wide Web: <http://www.steuer-gegen-armut.org/home.html>

4. CONDITIONS FOR SUCCESS AND CHALLENGES

Looking into the factors that made the success story happen we find many which caused a positive feedback allowing a break through.

The first decisive factor is that, as a result of the financial crisis, parts of the elites in the industrialised countries were open to reforms. Both the G20 decision to see how the finance sector can contribute to the burden of the crisis and the determination of the German government and the readiness of France to join changed the balance of power qualitatively. But without the continuity of the grass-root work in the years before, these governments would have perhaps chosen another project.

4.1. The implicit alliance with governments and its ambiguities

An implicit alliance between those governments in favour - and later on also the European Commission – and civil society emerged, which was acting against the resistance of other countries and the international lobby front of the entire financial sector.

This configuration, however, has also some cons. Many activists used to be in permanent opposition. This is their modus operandi, from which many also drew energy. A clear concept of the “enemy” - here the good ones, there the bad ones - and the strong mistrust in governmental policies in general are psychological resources for political commitment. Once presidents of state or chancellors take over a demand from civil society there is a risk that some activists turn away from their commitment. And of course, mistrust vis-à-vis government is grounded in historical experience. There are many cases, where the acceptance of civil society proposals is tactically motivated. Nevertheless, each specific situation also needs a specific analysis. In this case, there is a broad consensus, that the EU draft directive is definitively more than just tactics.

One example for these difficulties is ATTAC France. Officially still committed to the FTT they reduced their presence in the European FTT network visibly after the European Commission had released its first draft in September 2011 (Attac France 2011). While other participants in the campaign considered the draft to be a substantial victory for civil society - without brushing its weaknesses under the carpet - ATTAC France focussed on the weaknesses and showed disappointment. The fact, that the conservative president Sarkozy was in favour of the FTT and used this in his campaign for the presidential elections was another factor influencing ATTAC France. Sometimes emancipatory organisations have tactical problems.

The activities of the French campaign were, from this moment on, mainly carried by French development NGOs. In May 2013, when the French socialist government seemed to cede to pressure from the finance lobby and tried to dilute the Commission's draft, ATTAC mobilised resistance, again. Obviously, the concept of the "enemy" had played its role here.¹⁵

There are many cases in history, where taking over single demands from below is a tactical move to prevent a more pronounced change. The breakthrough for the FTT campaign came after the financial crisis, when broad ranges of the population were angry about banks and when politicians promised to take strong actions against the financial sector. If the implementation of the FTT before the economic crisis would have been a sensational achievement, under the new circumstances, it is indeed only one measure among others. Some adversaries of the FTT have argued, that if an FTT would have been in place before 2008, this would not have prevented the crisis. The argument as such is not wrong, although, of course, this is no reason not to implement it today. Given the depth and the complexity of the crisis the effects and the range of the FTT are limited and a much broader set of measures and instruments have to be used in order to placate the financial system.

Another problem which occurred during the FTT campaign after governments had joined in, was the use of the FTT as a tactical tool for other purposes. In the German debate over the European Fiscal Compact, two opposition parties, the Social Democrats and the Greens, tied their consent to this arch-neoliberal project for fiscal discipline and austerity in the Euro-zone to an agreement with the government on the FTT. The FTT had become a negotiations chip, which helped to legitimate the support to the Fiscal Compact with a progressive cover.

This led to some discussions within the German campaign. In particular, the trade unions that opposed the Fiscal Compact, were unhappy with the *junktim* Between FTT and Fiscal Compact. The problem was solved in a pragmatic way: unlike the trade unions, most other member organisations have no mandate to express views on the management of the Euro crisis. These questions fall outside of their profile and of most mandates from normal development or environmental NGOs. Therefore, the campaign did not comment on this issue.

Finally, there is another effect of the implicit alliance between civil society and governments: for components of the FTT supporters who are not that sceptical vis-à-vis governments, the acceptance of the tax might be interpreted as a signal that the battle has been won and that there is no more need to pressure. This can turn into serious problems of mobilisation. Even after the decision to implement the FTT there are so many details and loopholes, which allow for caving out the proposal until only a façade remains at the end. Also, in this final phase of negotiations a lot of technical and legal issues appear, which require extraordinary expertise. Conflicts over technical details however, are difficult to

¹⁵ ATTAC chapters in other countries had continued to be fully active in the campaign, in particular in Austria, Germany and Norway.

be used for political mobilisation. Under these circumstances it is difficult to keep a persistent level of pressure from below. Nevertheless, without continuous pressure the final result of the campaign might run the risk to be watered down considerably. Preventing this remains a challenge as the campaign is currently in that phase.

4.2. Success – antidote against political resignation

However, all this should not be misunderstood as a justification to give up the FTT campaign and to replace it by a broader movement, for instance against finance capitalism as such. It is not possible to decide to switch from one issue to another. Long lasting campaigns have prepared a terrain, marked certain constituencies and sympathizers and created structures, if not a certain path dependency, which cannot be altered with ease. In particular, if such campaign has reached a stage, where real success is at arms length, it would be politically irresponsible to close it down. Because success, which is not very often scored by civil society, is important far beyond the campaign itself: it shows that progress is possible even against such a strong adversary as finance capitalism. Hence, success delivers an encouragement and becomes a resource for motivation. It is an antidote against frustration and resignation in any political struggle. Insofar, the FTT campaign also serves as a kind of political lighthouse in difficult times for progressive movements. This is another decisive factor for its attractiveness. This is of course, not an argument against building movements and campaigns, which go beyond the single issue of a tax. Both – single issue campaigns and efforts for broader and more radical changes - should not be regarded competing and played off against each other. As the difficulties to maintain momentum for broader movements, such as the *Social Forum Movement*, the *Occupy Movement* or the *Spanish Indignados* show, the dynamics of mobilisation and public attention do not always follow the rationale of a theoretical analysis.

4.3. Hitting the *zeitgeist*

A third important factor for the success of the FTT is the fact, that it met a certain mood or the *zeitgeist*. In the late nineties, there was a rising critical view of globalisation and its side effects, such as liberalisation, deregulation and privatisation. It became more and more obvious, that globalisation would not al be a win-win-game for all – the tide would lift all boats, big tankers as well as small canoes as its protagonists pretended. One could say “there was something in the air.” The merit of the appeal in Le Monde Diplomatique the Seattle protest and the outreach of the World Social Forum was to give voice to the diffuse feelings of dissatisfaction which had accumulated over years among many people. The FTT was part of this process. It was the flagship demand of the new Global Justice Movement.¹⁶ As a “reformist” proposal, it was acceptable for moderate NGOs and could draw the attention of mainstream media. For more

¹⁶ In the mainstream discourse the movement was called anti-globalist. But most of the activists and organisations did not consider them as „anti.“ Therefore in French the concept of „altermondialiste“ is used and in the German speaking countries „globalisierungskritisch“ (critical of globalisation).

radical streams of thinking it was an entry point to discuss broader issues of regulation of finance capitalism and neo-liberal globalisation.

This confirms an ancient insight into the dynamics of social movements: it is not enough to have the right analysis and the appropriate programme, it is also necessary to come at the right time. The FTT did come at the right time twice: first in the late nineties, and after the financial crash of 2008.

4.4. A smart combination of all tools and different levels of intervention

All the tools described in chapter 3 have been used by the campaign. They were combined in an overall strategy trying to create as much synergy effects between them and to use momentum coming from official processes and events. For instance, if there was an important decision making point on national level in a key country or at EU level, a combination of advocacy letters to MPs, the launch of a paper dealing with the issue content wise, and a public stunt accompanied by media work was organised.

Also, different levels of intervention were used and combined with each other such as:

- the grass root level, involving activists by collecting signatures during street actions,
- providing material and organising at national level,
- influencing national decision making processes through meeting with government officials up to
- networking at international level and direct contact to the European Parliament and the Commission.

Finally, the Enhanced Cooperation Procedure was a completely new terrain for the campaign. The idea to choose this option did not come from civil society. But for once, when the first signs emerged that the process could continue through this channel, the campaign studied the complicated procedure and was able to flexibly adjust its strategy to the new conditions.

5. THE ROLE OF TRADE UNIONS

Trade unions were not the initiators of the FTT campaign, but they were among the first to join. Nowadays, in almost every country where the campaign is present, trade unions are part of it. As quoted above, already in January 2001 AFL-CIO and DGB made a common statement in which they advocated the FTT.

Before that, trade unions in the service and education sector had taken over the FTT in their programmes and some of them were actively involved in campaigning. For instance, a participant in the above-mentioned press conference on September 11th 2001 in Berlin was Frank Bsirske, president of the biggest European service trade union.

In Germany, the DGB is actively represented in the leadership of the German campaign. A representative has been appointed to fully participate in the works of the steering committee. The DGB also offers its infrastructure – rooms for conferences, media department and many more to support the campaign. The British TUC is actively involved both in the UK Robin Hood Campaign and the European network.

The *European Trade Union Confederation* (ETUC) is closely connected to the European FTT network and supports the movement with expertise and insider information from EU institutions in Brussels.

A special case outside Europe is the US trade union of nurses (National Nurses United). This organisation has set up a special campaign for the FTT under the slogan *Heal America – Tax Wall Street*. Through different instruments – from mass rallies via stunts at international summits, for example at the G20 summit in Nice. They also urged to get the FTT in the US to lobby activities in the US-Congress.¹⁷ It might be worthwhile to analyse their experience in depth, in order to make it replicable for the entire trade union movement.

5.1. Space for more trade union involvement

However, as said above, labour was not initiating the campaign neither could a leading role be attributed to it. The reasons for that are manifold. There is for instance the hegemony in the Gramscian sense: dominance through consensus of the highly ideological framing of tax issues in public opinion. According to this consensus, taxes are per se an evil. Behind this is a mixture of motives, composed of fears that the working people normally have to shoulder the burden of new taxes, in particular in times of crises, and an implicit alliance between the neo-liberal anti-statism and left wing or anarchist mistrust against the statehood as such, against politicians and bureaucrats. This is why talking about new taxes runs the risk to be viewed in this biased perspective. And of course, the lobby of the finance industry and its loudspeakers in the media do everything to foster this

¹⁷ See their homepage: <http://www.nationalnursesunited.org/affiliates/entry/msc1>

view. Their statements always end with the demonstrative hint, that ordinary people, old aged pensioners, people with small savings and the real economy, in particular small and medium enterprises would have to pay the bill for the FTT, hence putting jobs at risk.

Furthermore, there are still opinions inside labour that trade unions should concentrate on jobs and immediate working conditions, while more general economic, social or political questions would go beyond their mandate or capacities.

This might be supported by another factor, which is relevant not only in trade unions, but in public general: the image of finance and taxation of being too complex and hence too difficult to communicate.

In some of those trade unions which are organising the employees of the financial sector, there is general aversion to strong regulation of finance, because they are afraid that this might put their jobs at risk.

In spite of these difficulties, there is space for labour to increase its commitment for the FTT.

5.2. What could be done?

The first step should be to deconstruct the ideology, that taxes are per se an evil. It should be kept in mind that two articles of the *General Declaration of Human and Civic Rights*, which was adopted during the French Revolution in August 1789 are dealing with taxation. Behind this, there is a fundamental issue of equality. One of the most important actors, which lead to the French Revolution, was the fact that the aristocracy and the clergy were tax exempt, and only the peasants and the *tiers état* – the bourgeoisie including the petty bourgeoisie - had to pay taxes. Article 13 already makes clear that taxes "*must be distributed evenly among all citizens considering their property situation.*" (Droits de l'homme 1789). This is the concept of tax justice.

Today, we have a similar situation as in feudal times, as the finance sector is under taxed. While buying a slice of bread or a piece of butter is taxed with the Value Added Tax, trading financial assets worth millions and millions is tax free. The financial markets are a gigantic tax free shop.

However, any modern society needs revenues to finance common goods. Therefore taxes are not an evil but a precondition for a civilised society. And if the principle of tax justice is observed, the whole society is benefitting from taxes, when the revenues are used to finance public services and common goods. Currently, there is an urgent need in European societies and particularly in the Mediterranean region, to generate revenues for social purposes like, education, health and infrastructure.

Generating new sources of public finance is all the more important, because the world is currently confronted with extraordinary challenges such as climate change and the degradation of the environment, shortage of resources, the increasing gap between poor and rich, etc. There is a huge need of financial resource to solve these problems. The market is not capable to solve them –on the contrary, as experience shows the markets are parts of the problem, not of the solution.

But the regulatory dimension of the FTT is not less important. In particular for trade unions, as finance markets are exercising permanent pressure on wages and employment. Reducing the power of finance over the economy and the entire society and, at the end, breaking it is highly relevant for trade unions.

To summarize: both the regulatory and the revenue dimensions of the tax are in favour of working people. Trade unions should argue this much stronger both towards their constituencies and the public.

In addition, the FTT is one of the most advanced projects to reform the financial system. The balance of power in this case is quite favourable: the finance industry is in the defensive and the probability that they are defeat on this terrain is high. There is a window of opportunity, which must be used.

Also, given that each movement needs a success from time to time to keep the morale, trade unions should invest more to make such a paradigmatic success possible. It will shift the balance of power and encourage further steps on the way to get finance back under democratic control.

The participation of trade unions in the FTT campaign is beneficial for all participants. The campaign benefits from the political influence, experience and resources of trade unions. Trade unions benefit from fresh ideas coming from the grass roots and they share the success of the campaign. In so far the FTT campaign might serve as a model for other struggles.

6. CONCLUSION

All in all, the FTT process gives a deep insight into the complexity of financial reform processes. Obviously, nation states tend to defend the vested interests of “their” respective financial industries under the auspices of competition against each other. This is true both on global level (G20) and inside the EU. The lobby power of the financial sector is acting across borders and can deploy an enormous pressure. This reveals a considerable deficit in democracy and gives an illegitimate influence of finance over societies.

On the other hand, as a result of the financial crisis, elites are split over the future of the financial system. There are some sectors, who are ready to break some new ground in certain areas.

Civil society, trade unions, NGOs, social movements can intervene successfully in the process, provided they have recognised the right moment in history and dispose of the necessary skills and tools to raise efficiently their voice. In that case they can become a relevant actor, who is capable to influence the balance of power in favour of further reaching changes. As a result, the FTT might become at least in eleven EU countries one of the few reforms - if not the unique – which sets some limits to the power of finance. In that sense the significance of the FTT campaign goes far beyond of a single tax as such.

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Peter Wahl studied social sciences at the universities of Mainz, Aix en Provence and Frankfurt/M. He was engaged in NGOs and social movements dealing with North South issues since the 1970ies. Since 1990 he works for the Berlin based NGO *World Economy, Ecology & Development – WEED*. His focus is on financial regulation and global financial governance. In 1999 he initiated Attac Germany and served for eight years in the board of the organization. He has published several books and numerous articles on finance and civil society strategies.

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