

GCAS RESEARCH PROJECT
Tim Ridley
tim.ridley@gmail.com
021 02735733

TITLE

**THE EUROPEAN UNION AND THE CONVENTION ON THE
CONSERVATION OF ANTARCTIC MARINE LIVING
RESOURCES**

The Antarctic Treaty System (ATS) is a conglomeration of international agreements which have evolved from the Antarctic Treaty (1957) to form a legal framework to manage the Antarctic whilst circumventing competing territorial claims. The Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) (1980) is an integral part of the ATS framework as the international agreement which forms the regulatory basis for conservation and harvesting activities in Antarctic waters. Demanding seas, a short season due to ice coverage and limited markets for Antarctic fish have resulted in relatively small amounts of fish being caught south of the Antarctic convergence; except for within the exclusive economic zones (EEZs) of the British, French and Argentine territories in the region. However, fishing in the region is increasing as new technologies provide for viable and safe fishing operations and as fish stocks become increasingly depleted in other parts of the world.

Each October and November signatories to CCAMLR meet at the CCAMLR Secretariat offices in Hobart, Australia to set the Total Allowable Catch (TAC) for the coming season and formulate necessary Conservation Measures to regulate harvesting activities the CCAMLR management area. There are presently 34 signatories to the Convention, with 24 parties meeting the criteria for decision-making capabilities in the Commission meetings (CCAMLR, 1980; refer also CCAMLR, 2007).¹ Of the 33 nation-state signatories, 12 are member states of the EU, of which eight are members of the Commission. Signatories to CCAMLR that are EU member states are represented at Community level by a delegation from the European Union's Directorate-General for Fisheries and Maritime Affairs (DG Fish). However, both the United Kingdom and France attend the meeting to represent their overseas territories in the region and delegates from EU member-states that are signatories to the Convention are welcome to attend. Given these multiple layers of European representation, this analysis will seek to establish how the EU interests are represented in practice. Specifically, 1) how do structural and institutional aspects of the EU shape the positions taken by its delegation; and 2) how does this arrangement impact upon CCAMLR and its decision-making process?

¹ A list of signatories is included in Appendix Two.

Framework for Analysis and Methodology

This paper opens by briefly providing contextual background information on CCAMLR and its operations. The second section introduces the EU, with special attention being placed on the implications of structural aspects of the Union and its policy process. The third section analyses the CCAMLR Commission meetings and the EU's involvement, before focusing on two recent issues that highlight the structural challenges between the decision-making processes of CCAMLR and the competencies of the EU. The fourth section summarises the findings from the previous section and places these in a broader context, noting a number of pressures for change. The fifth section finishes with some conclusions.

Much of the technical information presented in this paper has been drawn from primary documentation issued by the CCAMLR Secretariat and the European Commission. Reports from CCAMLR Commission meetings are publicly made available and provide summary of both the procedural and decision-making aspects of the Commission meetings. EU policy documentation is made publicly available the Eur-Lex and Pre-Lex portals on the European Commission's website.² Eur-Lex is a searchable database providing access to introduced EU legislation and decisions. Pre-Lex is the equivalent database for documents formulated during the policy-making process. Together they provide an official record of the Union's policy-making activities as part of the Official Journal. However, the key challenge in analysing decision-making systems is that the official documents seldom reflect the political process of decision-making. If decision-making is conceptualised as being made in a 'black box', it is necessary to identify how various pressures, interests, values and structural components collide to shape an outcome (for example refer Kingdon, 1995). Consequently, the challenge is to identify: firstly, which factors are crucial in shaping outcomes; and secondly, how these factors may shape future decisions. To gain insight into both the CCAMLR and EU decision-making forums, a series of interviews were conducted with persons who attend the CCAMLR meetings. All interviews were informal, unstructured, off the record and, largely, conducted via telephone over a period of approximately 45

² Refer Appendix One for a list of Key Website Addresses.

minutes. The purpose of the interviews was to gain a fuller appreciation of the CCAMLR decision-making process and the role that the EU delegation plays in the meetings.³

Convention on the Conservation of Antarctic Marine Living Resources

CCAMLR was negotiated following increasing international recognition of the importance of krill in the Southern Ocean eco-system and amid concerns amongst the Antarctic Treaty signatories that the harvesting of krill from the Southern Ocean could have a detrimental impact on Antarctic marine life; particularly birds, seals and fish. Pursuant to Article IX of the Antarctic Treaty, which obliges signatories to take measures that uphold the “preservation and conservation of living resources in Antarctica” (Antarctic Treaty, Article IX (f)), the signatories embarked on the negotiation of an agreement to achieve these obligations in Antarctic waters.

The resultant CCAMLR Convention was negotiated in the late-1970s and signed in 1980 by 22 original signatories, including the forerunner to the EU, the European Economic Community (EEC). The guiding rationale and spirit of the Convention is the conservation of Antarctic marine living resources, whereby the term “conservation” is defined as including “rational use” (CCAMLR, 1980, Article II). Examination of the Convention shows that it is largely concerned with the structural and procedures aspects of the Conventions decision-making and management bodies in the form of the Commission, the Scientific Committee and the administrative Secretariat.

The CCAMLR management area covers water south of the Antarctic convergence which is approximately 50-60° South. As is standard management practice in Regional Fisheries Management Organisations (RFMOs), the management area is divided into sub-areas which form the basis of both data collection and fisheries operations.⁴ However, CCAMLR fundamentally differs from standard RFMO mechanisms on two aspects – both of which are directly linked to the conservation objectives of the ATS. Firstly, it is important to note

³ A list of interviews can be found in Appendix Three.

⁴ A map showing CCAMLR management area and administrative sub-areas is included in Appendix Four.

that the Convention is both ‘precautionary’ and conservation focused.⁵ Similar to standard RFMO agreements, Article II (3) of the Convention stipulates that all activities undertaken in relation to harvesting activities must ensure the “prevention of decrease in the size of any harvested population to levels below those which ensure its stable recruitment” ((a)). However, in addition to this requirement, sub-article (b) broadens the scope to include the “maintenance of ecological relationships between harvested, dependent and related populations of Antarctic marine living resources” and sub-article (c) requires any potential changes to be natural reversible within two to three decades. The result of these obligations is that signatories wishing to harvest in the CCAMLR management area must be able to demonstrate significantly robust scientist evidence that their harvesting is not adversely affecting the ecological food web and that their activities are not detrimental to Antarctic marine life, including birds and sea mammals. CCAMLR also differs from standard RFMOs in that, as a part of the ATS, it is subject to the broader positioning and disputes relating to territorial claims over the Antarctic. All seven Antarctic claimants are signatories to CCAMLR, with the two EU member state claimants - the United Kingdom and France - both having overseas territories in the region. Molenaar argues that despite these differences, there is no evidence to suggest that CCAMLR is less effective than other RFMOs; and while these qualities make it unlike any other RFMO, CCAMLR may be best conceptualised as “something more” than an RFMO (2001, p.499) – rather than something different.

Finally, it is important to note that Article VI of the Convention specifically excludes whales and seals from CCAMLR’s ‘natural living resources’ remit (which is otherwise not defined), noting that that these species are covered under the International Convention on the Regulation of Whaling and the Convention on the Conservation of Antarctic Seals.

⁵ CCAMLR is often cited as being obliged to take a ‘precautionary approach’ (for example, refer the CCAMLR website). However, the term does not appear in the Convention, and may be better regarded as a guiding principle or spirit of the Convention.

CCAMLR Decision-Making

The scope of the Convention, its precautionary *modus operandi* and conservation objectives, result in a strong technical and scientific focus within the annual meetings. These meetings are conducted annually at the CCAMLR Secretariat offices in Hobart, Tasmania, Australia over the final three weeks of October and into the first week of November. The first three weeks of meetings are allocated for the Scientific Committee to compile data submitted from various signatories on the status of fish stocks and the general eco-system within the each of the CCAMLR sub-areas. Reports from this series of meetings form the decision-making data for the Commission meetings in the four week (usually the first week of November). The Commission is comprised of a representative from each of the CCAMLR signatories who meet the criteria laid out in the Convention. Under these requirements each of the founding 22 CCAMLR signatories are automatically granted decision-making rights by becoming members of the Commission. Additional signatories may become a member of the Commission (and hence obtain decision-making rights) by demonstrating active research or marine harvesting activities in the CCAMLR management area (CCAMLR, 1980, Article VII).

The Convention deems that matters of substance the Commission is obliged to take decisions by consensus (Article XII). As Molenaar notes, because ‘consensus’ has not been defined in the Convention, it has traditionally been “applied as meaning the absences of formal objection” (2001, p. 470). In cases where an issue is deemed as not being a matter of substance, a simple majority of representatives present and voting is sufficient. However, the established culture is for all decisions to be taken by consensus and, as of the present, there is yet to be a decision made under voting arrangement prescribed for matters not of substance.

The combination of CCAMLR’s precautionary approach, the technocratic nature of the Scientific Committee and the consensual decision-making mechanisms tend to provide those signatories who have the relevant resources and expertise to be able to formulate robust scientific evidence with a stronger negotiating position in Commission meetings. These countries include: Australia who primarily fishes to the south of their continent; New

Zealand who specialises in fisheries in the Ross Sea region; the British and French delegates who actively management fisheries in their territories of South Shetlands, South Georgia and Kerguelen and Crozet Islands, respectively; and the Southern American fishing nation of Chile. Special mention should also be made of the United States of America who less activity engages in the Commission meetings, but conducts significant fishing activities in the region and - along with the EU - is a key importer of fish to supply domestic markets. While these signatories strength is tempered by the consensual decision-making system; technical argument and broad agreement amongst this group plays an important in shaping the decisions and measures that are being considered by the Commission.

Finally, it is important to note that the CCAMLR Convention operates in concert with other international agreements including the United Nation Convention on the Law of the Sea (UNCLOS) and the United Nations Fish Stocks Agreement.

The European Union

The EU is one of the 22 original signatory to CCAMLR. The Commission of the EEC partook in the CCAMLR negotiations under its obligations of Article 38 of the Treaty of Rome (1957). The CCAMLR Convention was approved by the Council of Ministers in September 1981 (Council of Ministers, 1981) and the EC acceded to the Convention before its implementation in 1982.

Article VII of the Convention makes specific provision for the accession of a “regional economic integration organisation”, granting them the same rights and obligations as state signatories. Given the usual situation whereby both the delegates of DG Fish and EU member states are present at the Commission meetings, the Rules of Procedure of the Commission (CCAMLR, 1994, Rule 4) stipulate that the number of votes from a the member states of a regional economic integration organisation much not exceed the number of member states to the Convention, so as to not provide the EU with an additional vote.

The European Commission reports on its website that between one and three, mainly Spanish, vessels fish in the CCAMLR management area each season (European Commission, 2007).

The Structure of the European Union

Observers of nation-states are unlikely to recognise the institutions and structure of the European Union. The gradual development of the Union through the successive negotiations and treaties has resulted in a set of structural arrangements that are both esoteric and eclectic.

The Union may possibly be best conceptualised as providing an additional collective function on a variety of areas - such as a larger internal market, a single currency, greater international power and European peace - which the Member States are ill-equipped to deliver individually (for example refer Haas, 1961; Lindberg, 1963 and 1971; Sandholtz and Stone Sweet, 1998). In this manner, the Member States have chosen to “forgo the desire and ability to conduct foreign and key domestic politicise independently of each other seeking instead to make *joint decisions* or to *delegate* the decision-making in several distinct settings are persuaded to shift their expectations and political activities to a new centre” (Lindberg, 1971 cited in Tranholm-Mikkelsen, 1991) (original emphasis).

Consequently, as Peterson and Shackleton point out, the EU straddles many of the commonly accepted categories of political organisation. “It is less than a federation and more than an ordinary regime, a kind of confederation but not yet a *Gemeinschaft*, neither state nor ‘ordinary’ international organization” (Wallace, 1983; Chrysoschoou, 2000; Peterson, 2001 cited in Peterson and Shackleton 2002, p.1).

The emerging consensus “out of recent scholarship on the EU, it is that the Union has become a ‘multi-level’ system of governance” (Peterson and Blomberg, 2000, p.25). This consensus has been driven both by the failure of nation-state centred conceptualisations of the EU to accurately explain and predict European policy outcomes and by the increasing state-like behaviour of the EU itself. Multi-level governance identifies limits on the state executive control and argues that both the decision-making mechanisms and structure of

the EU favour the EU institutions and particularly the Commission (Marks *et al.*, 1996; also refer Tsbelis and Kreppel, 1998). The EU has also been engaging in state-like behaviour on the global stage. While a considerable gap remains between the EU's present capabilities and expectations placed upon it by comparing it to other state actors (Hill, 1993), Bulmer (1994, p.354-5) explains that "observation of the day-to-day activities of the European Community suggests that what is going on is less some mutation of an international organisation and more a multi-tiered system of government." Consequently, the approach adopted here is to view the EU as a non-monolithic actor consisting of a variety of institutions and actors, situated at a number of different levels and each have both capacity to influence and shape policy as well as both procedural and resource constraints limiting the degree of that influence. In this manner, while the structure of the EU may indeed be unique, the wide variety of organs within the EU system is not unconventional in policy-making system and consequently, as Peters (2001, p.79) points out, a legitimate and "important approach to this entity [the EU] is to think of it as a political system not all that dissimilar to others... the fundamental task of the political system is to make policy..."

In the case of the EU, the decision-making mechanisms revolve around four distinct institutions: the Commission of the European Communities, the European Parliament and the European Council of Ministers (incorporating COREPER) and the European Court of Justice, each of which have their origins in the 1951 Treaty establishing the European Coal and Steel Community [ECSC] or the 1957 Treaty of Rome. Over time, each has undergone a series of modifications with subsequent revisions of the Treaties. It is the unique shape of these unique institutions and their equally unique relationships with each other and the EU Member States which are defining characteristics and a central part of the EU's idiosyncratic nature and a challenge to simple labels and traditional categorisation.

All areas of EU competency and policy, including fisheries responsibilities, are laid out in the Treaties. As Bulmer explains (1994, p.364), the Treaties form the most fundamental basis of governance in the EU as "the treaties set out the decision-making arrangements and formal institutions." However, the ongoing and open-ended nature of the EU's project

means that EU institutions have always operated, and continue to operate, in a highly contested environment due to an incessant lack of universal agreement on the twin issues of what the EU is and ought to be (Peterson and Shackleton, 2002). This ongoing debate around the nature of the European project and the successive revision of the Treaties has led to areas of competency and the policy-process being highly contested. In the case of the Common Fisheries Policy (CFP), as will be discussed shortly, this led to the principle agreement on the need for a CFP being reached in 1957, however, the operational working of such a policy was not agreed upon by the member states until 1983 – after the EEC's accession to CCAMLR.

Policy areas in which the EU member states have agreed to make collective are largely managed by the European Commission. This executive-styled body is obligated to meet the tasks set out for it under the Treaties by the member states. It is comprised of a number of Directorates-General which are segregated along policy lines and specialist offices called 'Services'. The Commission is not a monolithic actor and may better be deemed a "multi-organisation" (Pollack, 1998, p.219) due to the complexity of the interrelations among its various parts. Fisheries competencies in the current Barroso Commission are managed by the Directorate-General for Fisheries and Maritime Affairs (DG Fish) under Maltese Commissioner Joe Borg.

As the final decision-taker, the European Council of Ministers plays a critical role in the EU policy process. However, despite its role as the EU's chief decision-making body, like the Commission, it would be ill-conceived to think of it as a homogenous institution. In fact, as Bulmer points out (1994, p.364) the Council has a more complex institutional structure than the Commission as it is organised "not just by hierarchies of portfolios but also by member state." The Council may most easily be envisaged as a layered triangle comprising the European Council at the apex of the triangle followed by the Council of Ministers, with COREPER and other senior preparatory groups in successive layers beneath (Hayes-Renshaw, 2002). Its structure is further complicated by the multiple configurations that the Council can take. The Council of Ministers meetings are comprised of the respective national ministers of the Member States. Consequently, there are presently nine different

Council configurations. Consequently, “[i]t is thus easier to view the Council as a loose composition of distinct national delegates than as a body orientated towards identifying the most appropriate collective policy” (Wallace and Wallace, 1996, p.57). Decisions relating to Fisheries policy, and CCAMLR in particular, are made by the respective Ministers responsible for fisheries from the member states. Decisions are taken in the Council through a system of qualified majority voting (QMV) which weighs the respective weight of the Members States’ vote according to size. While some decisions have to be taken by unanimity, the established culture and practise of the culture of the Council is to reach consensus where possible on as many issues as possible. While the Council has no authority to propose or amend policy it can obviously refuse to pass proposals it deems to be unsuitable, returning them to the Commission for modification. As Wallace and Wallace (1996, p.57) note “many participants in the Council would argue that it is precisely the task of the Council to turn the more or less bright ideas of the Commission into practical policies” or at least to second guess the Commission and to deploy counter-arguments.

The final European institution in the EU policy process is the European Parliament. This popularly-elected 785 member body is responsible for providing public scrutiny of policy process. Fisheries policy and matters are commonly formulated via the co-decision procedure which provides the Parliament joint decision-taking responsibilities, along with the Council of Ministers. The Parliament’s Fisheries committee is responsible for amending and adopting legislative proposals from the Commission and making recommendations to Parliament on their passage. It is important to recognise that the Parliament plays an important role in the shaping of fisheries policy and objective - as well as monitoring their implementation - however, the operation of fisheries policy is managed exclusively by the European Commission’s DG Fisheries and Maritime Affairs

The Directorate-General for Fisheries and Maritime Affairs

DG Fish’s responsibilities include all aspect of policy management of European fisheries operations including European fisheries policy, TACs, monitoring, supporting European

fishing communities⁶, market organisation, and the representation of European fishing interest in both bilateral and multi-lateral arrangements. Until the Commission restructuring in 2004 by Commission President José Manuel Barroso, fisheries issues were integrated in the operations of the Directorate-General for Agriculture and Fisheries due to their commonly derived competencies in the Treaty of Rome. The creation of a specific Directorate-General to manage fisheries competencies coincided with the Council of Ministers approval of the 2002 Commission proposal for an updated CFP, and the enlargement of the EU to 25 member states.

The Directorate-General for Fisheries (DG Fish) originally derives its competencies to manage European fish stocks from the Treaty establishing the European Economic Community⁷ (1957), Article 38, which is also the founding legal basis for the Common Agricultural Policy (CAP).

The common market shall extend to agriculture and trade in agricultural products. "Agricultural products" means the products of soil, of stock-farming and of fisheries and products of the first-stage processing directly related to these products.

(Treaty of Rome, Article 38.1)

While the CAP quickly developed to become one of the cornerstones of the Community, the Common Fisheries Policy (CFP) developed both more gradually and with less cohesion. Negotiations over access to fish stocks within European waters continued amongst the Treaty of Rome signatories until 1961 when the UK, Ireland, Denmark and Norway made application to join the Community. As the existing Treaty signatories had traditionally fished in the applicant states' waters, fresh impetus for the signatories to agree to an 'equal access principle' providing open fishing rights to any member state within 'Community'. The first steps towards a CFP were taken in 1970 with the creation of a regional fisheries area and the implementation of the equal access principle (with the retention of limited access to narrow strips of water near fishing communities) to Community waters. It was the emergence of the 200-miles Exclusive Economic Zone (EEZ) during the negotiation of the United Nation's Convention on the Law of the Sea that kick

⁶ A key component of the CFP since the inception of European fisheries competencies in the Treaty of Rome has been to utilise fishing operations to support coastal communities (refer Treaty of Rome, Article 38).

⁷ The Treaty establishing the European Economic Community is commonly referred to as the Treaty of Rome.

started a cohesive Community fisheries policy. In November 1976, the European Council of Ministers declared the creation of a 200-mile fishing zone in the Community (European Council of Ministers, 1976a) following a Council Regulation on a structural policy for the European fishing industry (European Council of Ministers, 1976b). Finally, in 1983 - after the negotiation and implementation of the CCAMLR Convention and the conclusion of protracted European negotiations - the Council of Ministers approved a regulation to establish a Community fisheries management system (European Council of Ministers, 1983). The policy consists of four main areas relating to the conservation and management of fish stocks, specifically: the conservation of fish stocks, market rules, regulation on structural issues such as the financing of vessels, port facilities and fish processing plans, and external policy.

Following the near collapse of European fish stocks, the first major re-think of European fishing policy was conducted in 2001 and an updated - and more conservation and sustainable focused - CFP was approved in 2002 by the Council of Ministers (European Council of Ministers, 2002) (refer also Payne, 2000).

Both the Commission Green Paper and the resultant Council Regulation on CFP are primarily focused in European domestic fish stock management and contain limited reference to the scope and role of the Community in the international arena. The sole article pertaining to external relations in the 2002 CFP is Article 30 which relates to commitments in RFMOs and the allocation of RFMO fish stocks (European Commission, 2002). The document is conspicuously silent on the Union's objectives, roles and procedures in external fisheries. It is important to recognise that the CFP, throughout all stages of its development, has largely been internally focused on the management of fish stocks in European waters. The external relations component of the EU competencies, while not explicit in the 2002 CFP regulation, are derived from the same precedents as the Common Agricultural Policy and have been upheld in the European Court of Justice (1978, Case 61/77).

Matters pertaining to CCAMLR are managed by Directorate B, External Policy and Markets, of DG Fish, in International and Regional Arrangements unit (B2). The unit presently contains six officials with one principle administer for CCAMLR.

EU positions are negotiated internally prior to the CCAMLR meetings over a period of almost a year. The present process usually involves a series of two to three technical meetings which are attended by the CCAMLR Principle Administer and the Heads of Delegation to CCAMLR from the EU member states. At the conclusion of the technical meetings, the European Commission formulates a mandate which is submitted to the European Council of Ministers for approval by the regulation procedure.

CCAMLR Commission Meetings

Signatories to CCAMLR meet once a year over four weeks in October and November to reach agreement on the TACs for the forthcoming season and to attend to business of the Convention. The first three weeks are allocated for the business of the Science Committee meetings. All data brought to this meeting is gathered and prepared by signatories who wish to undertake fishing operations in the CCAMLR management area. As allocations are allocated by sub-area and species, data from the CCAMLR species is compiled by the committee in such as manner. Data is submitted solely by the signatories, the decision-making process significantly advantages those signatories who have the resources and expertise in fish stocks management in which that they wish to harvest. Consequently, there is a strong correlation between the quality of data brought to the Scientific Committee and the level of engagement in the region. Signatories such as Australia, New Zealand, South Africa, United Kingdom, France and Chile all actively manage their local fisheries in the broader Southern Ocean region, have significant experience fishing in CCAMLR waters and are engaged Antarctic Treaty signatories.

Significant discrepancies may exist between signatories' evaluations of acceptable levels of harvesting. This is most notable between those signatories identified above, and those who might be regarded as taking a short-term interest in fisheries managements such as the Federation of Russia and other Eastern European and Asian nations. This divergence of goals is one that continues to challenge the operations of the Convention and will be

returned to later in greater detail under the subject of IUU fishing. However, at this point, it is important to note that such differences of opinion are commonly resolved in a technical manner. With significantly more sophisticated and robust scientific methods, the key, engaged signatories of CCAMLR are commonly able to override alternate proposals by, sidestepping the issue of fishing management goals and, focusing on the establishment and implementation of rigorous fishing stock management methodology.

It is important to note that the TACs set at Commission meetings does not specify individual access or allocation. The TAC is set for *all* notified vessels who wish to fish in a sub-area. Fisheries are opened when sufficient access through the sea ice is available to the vessels and are closed when the TAC has been reached for the season. This management technique encourages ‘olympic-styled’ fishing, where fishing operators have a strong incentive to gain as greater portion of the TAC as possible, and consequently, fish as early in the season as possible.

Differences between CCAMLR signatories’ capacities are further reinforced in practice when fishing in the Southern Ocean. Ice floes, fickle weather and migratory fish stocks combine to make fishing in the CCAMLR management area both challenging and demanding. Those signatories that have established more advanced fish stock management techniques have generally simultaneously developed more advanced fishing techniques. With significant expenditure involved in operating a fishing vessel in such distant and demanding waters, it is generally these vessels that are able to run viable operations. This has two effects: firstly, traditionally it has served to reinforce the cycle of engaged fisheries management; and secondly, it has provided significant motive and opportunity for IUU fishing amongst the poorer performing fisheries operators.

The link between technical/scientific competency and political influence at Commission meetings is a challenge for the EU delegation as the competencies for fish stock research fall to the EU member states. This factor weakens the EU’s position vis-à-vis the other signatories – as well as weakening its position vis-à-vis the United Kingdom and France, both of whom have gained significant technical competency from the management of their overseas territory fish stocks.

The obligations of the CCAMLR signatories under Article II of the Convention to consider affects of the wider eco-system when setting to TACs is a central component of the CCAMLR decision-making process. The complexities of food web science and significant gaps in knowledge, both reinforce the precautionary approach prescribed in the Convention and the negotiating advantage of those signatories that can bring robust scientific evidence to the table.

CCAMLR's broader eco-system approach also presents a number of challenges for the EU as it demarcates the limits of the EU's fisheries competence. Like research, environmental matters - such as, those pertaining to seabirds, sharks and Antarctic mammals - are a matter of competency for the EU member states. While delegations to Commission meetings will commonly include representatives from relevant government agencies, scientific advisors, industry and non-governmental organisations (NGOs), the EU delegation is solely comprised of representatives from DG Fish and industry delegates. Due to the scope of the Convention and EU competencies, the delegation has never included a representative from Directorate-General for the Environment, for example. Consequently, on matters outside, or at the limit of, the Union's competencies there may be not uniform European perspective. Delegates from EU member-states may voice opinions that substantively differ from the perspectives of DG Fish or other EU member states. This appears to have become more prevalent in recent years as delegations from EU member states that are non-fishing nations - but CCAMLR signatories - seek to raise environmental standards and further embed the Convention's precautionary approach. To maintain a working consensus through the Commission meetings, delegates from DG Fish and the EU member states commonly meet each morning before the Commission plenary and engage in break-out sessions if required. The EU group of countries seek to manage this issue by making and supporting proposals in tandem. For example, at CCAMLR XXV the French brought a proposal which was submitted at committee stage on the conservation of sharks in CCAMLR waters. The proposal was supported by the EU delegation; despite this matter being outside the Union's competencies.

Individuals play a critical role in the Commission decision-making process due to both their personality and institutional knowledge. By all accounts the head of the United Kingdom delegation, Mike Richardson, and the former head of the Argentine delegation, Ministro Ariel Mansi have both made invaluable contributions to the Commission meetings. Both individuals played key roles in the negotiation and formation of the CCAMLR Convention and have accumulated substantial knowledge on the Convention as well as an understanding of fisheries management science and the requirements of fisheries operations. This knowledge can be brought into play at crucial times in the decision-making process, particularly when precedent has already been set, or when decisions are being taken on established principles.

In relation to the EU delegation, the existing relationships and greater institutional knowledge particularly of the United Kingdom delegates to the Commission meetings has further strengthen their position in relation to the delegation from DG Fish, which has seen as greater turnover of representation. This resource can, of course, also be advantageous to the Union, as a multi-pronged approach may be brought to the meeting on a common European position. However, clearly the personal political strength of delegates from EU member state countries can be as much a liability as it is an asset.

Due to its unique placement within the ATS, CCAMLR contains added dimensions when compared to standard RFMOs. In addition to the conservation and political aspects already discussed there are two structural dimensions that shape the CCAMLR decision-making environment. Firstly, it is standard practise for the head of delegation to RFMO meetings to be from the respective nations' fisheries ministry. In contrast, heads of delegation to CCAMLR are commonly drawn from ministries or units that are responsible for Antarctic policy. This situation applies to many delegations including key players such as Australia, New Zealand, South Africa, the United Kingdom, France and Norway. This continuity of representation may help governments coordinate their Antarctic policy as well as cohesively build their strategic interests in the Antarctic region. The CCAMLR Convention specifically calls on CCAMLR signatories who are not signatories to the Antarctic Treaty to acknowledge "the special obligations and responsibilities of the environment of the

Antarctic Treaty area” (CCAMLR, 1980, Article V (1)), and binds them to requirements under Articles I, IV, V and VI of the Antarctic Treaty (Articles III and IV). As Molenaar notes, this calls “for cooperation between bodies under the CCAMLR Convention and other bodies in the ATS, in particular the Committee for Environmental Protection” (Molenaar, 2001, p.473). The present competencies of the EU do not provide sufficient scope for the Union to formally engage in such activities.⁸ However, the flip-side of this arrangement is that there is a high degree of consistency in staff and representation from the EU in CCAMLR and other RFMOs. This centralisation of institutionalised knowledge may provides the EU with a ready over view of RFMOs, and the network of exisiting relationships may prove advantageous as CCAMLR becomes increasingly focused on fish stocks that migrate between RFMO management areas.

The combination of the CCAMLR decision-making process and the competencies of the EU places DG Fish in a potentially challenging position at Commission meetings. The technical knowledge which brings political strength both on fish stocks and the broader environmental consequences of fishing activities both fall outside the remit of the European Commission. Furthermore, established key players in the CCAMLR forum include EU member states who may not always share the same objectives as DG Fish. The key issue is the broader ‘living marine resources’ scope of the CCAMLR Convention. It is interesting to note that the EU opposed the inclusion of this term in the negotiation of the SEAFC Convention to manage straddling fish stock in the South-East Atlantic Ocean favouring the narrower term of ‘fishery resources’ (refer Miller and Molenaar, 2006) – a definition which firmly provides exclusive competencies for the European Commission.

Incidents and Accidents

In 1999, at the 18th Commission meeting, the representative from DG Fish issued notification, on behalf of the Portuguese vessel *Lugalpesca*, to conduct exploratory fishing

⁸ It is interesting to note that the EU competencies, however, did require the drafting of an additional sub-article of the Environment Protocol relating to liability arising from national activities undertaken in the Antarctic (Belgium, Finland, France, Germany, Italy, The Netherlands, Poland, Spain, Sweden, and the United Kingdom, 2004)

activity in the forthcoming season. The notification proved contentious due to the fact that Portugal was not, nor is presently, a signatory to the Convention. The argument presented by the DG Fish delegation was that, fisheries is a Union competency, and consequently, any EU member state was eligible to engage in notified fishing activity under the Convention. This position was challenged by both the Commission Secretariat and other members on a number of grounds. Firstly, Molenaar (2001) reports that negative sentiment for this proposal stemmed from concerns of the European Commissions' (in)ability to ensure compliance of EU–non-CCAMLR signatories. And secondly, the position presented by DG Fish has the affect of exempting EU member states who are not signatories to CCAMLR, but wish to fish in the CCAMLR management area, from paying annual subscriptions. Under such circumstances, a financial incentive exists for EU member states who are signatories to CCAMLR to withdraw from the Convention. The official report of the meeting records the EU position as:

...the European Community and its Member States reiterated that Member States of the Community had transferred to the European Community their competencies on fisheries. By virtue of this exclusive Community competence, the European Community is entitled and obliged to regulate internal or external fishing activities of its Member States. Vessels flying the flag of a Member State in all regional fisheries organisations, as well as in the UN Convention on the Law of the Sea (UNCLOS), are considered to be Community vessels, whether or not a specific provision to this effect is included in the respective Conventions.

As a Contracting Party of CCAMLR, the European Community, and consequently all its Member States and all Community vessels, are bound by CCAMLR's conservation and control measures, irrespective of whether those Member States are Members of CCAMLR or not. In that regard, the European Community has responsibilities.

(CCAMLR, 1999, 9.42 and 9.43)

In this case, Portugal was granted the right to conduct exploratory fishing in the final moments of the meeting after sustained pressure from the Union's delegation (CCAMLR, 1999, 9.34-41) (refer also, Molenaar, 2001). New Zealand, Australia, Chile, Argentina, South Africa and Russia as well as the Secretariat voiced their disapproval of the notification and urged Portugal to join the Convention as swiftly as possible (9.48 - 9.52).⁹

⁹ Kaye reports that Portuguese vessels had already been fishing intermittently in the CCAMLR management area and was identified at the Commission meeting in 1996 (CCAMLR-XV pp. 25-26 and p.141) (Cited in Molenaar, 2001).

The issue never reached a climax as on 21 January 2000 the Executive Secretary of the Commission was informed by DG Fish that the *Lugalpesca* would not conduct exploratory fishing activities due to technical issues. Despite a noticeable lack of objections from the United Kingdom and France in the Commission meetings, it is widely thought that diplomatic pressure brought upon the European Commission from these member states in European forums led to a change in position by the European Commission.¹⁰

The issue was directly raised again at Commission Meeting XXII (2003) when the European Commission again sought to notified a Portuguese-flagged vessel, the *Santo Antero*. Again, objections were raised by signatories (CCAMLR, 2003, 8.23 and 8.24). While a divergence of opinion remains between DG Fish and many Commission members, the matter was resolved at the European level during European Council of Ministers discussions in 2006. COREPER discussions between the European Commission and the respective EU member states fisheries ministries concluded that the EU treaty arrangements provided the necessary scope for all (now 27) EU member states to be represented by the European Commission at CCAMLR and for EU members states to be able to, under Community law, fish in the CCAMLR management area.

The issue briefly flared again during the 2006/07 season when a Polish contracted vessel flagged to Malta entered CCAMLR management waters and engaged in harvesting activities without re-flagging. Following complaints by several CCAMLR signatories, the vessel was promptly flagged to Poland. It seems that while DG Fish has obtained necessary approval from the Council of Ministers on this matter, it does not want to bring the issue onto the Commission agenda at present.

The increasing commercial value of Antarctic fisheries, improved technology and Antarctic fishing techniques, and depletion of other global fish stock has seen increased Illegal, Unregulated and Unreported (IUU) fishing activities in CCAMLR management waters. Like elsewhere in the globe, the perpetrators are purportedly selected Asian and Eastern

¹⁰ At the same meeting, the European Commission drew the Commission's attention to Scientific Committee reports totalling catch statistics by flag state; without indicating which flag states are members of the EU. The Commission agreed that the Scientific Committee be advised that all catch statistics for CCAMLR Flag States which are also members of the European Community should be listed by Flag State grouped under the heading 'European Community' (CCAMLR, 1999, 8.11). The European Commission raise the issue again the following year (CCAMLR, 2000) and also requested the catch documentation relating to EU member states be submitted directly the DF Fish (CCAMLR, 2000, 17.1).

European nations. IUU fishing may occur within CCAMLR management area via a number of avenues. Firstly, there simply may be cases of over-fishing or fishing outside of season dates by notified vessels. In such cases, onboard observers are reportedly turning a 'blind eye' to such practises. There is increasing concern within CCAMLR that signatories intent on IUU fishing are contracting observers with appropriate sympathies or as part of reciprocal arrangements. Secondly, evidence suggests that increasing numbers of non-reported vessels are seeking entry in CCAMLR managed waters, particularly later in the summer when the official season has closed following the completion of the TAC by notified vessels. Both methods pose significant challenges to the current management regime and the later in particular raises safety issues due to the general poor condition, ill equipped nature, and inappropriate design of vessels conducting IUU fishing.

IUU fishing has further segregated those signatories who have traditionally conducted significant amounts of fish stock research in CCAMLR management waters (and have significant influence in the CCAMLR Commission meetings) on the one hand, and those who have shorter term fishery interests in region, on the other. The issue of IUU fishing has been trying for the EU due to the significant number of Spanish nationals contracted to IUU fishing operations. This has been embarrassing for the EU, and proved awkward to enforce as Community regulations on IUU fishing and jurisdiction of European nationals have to be adopted into EU member state law and a case brought before the respective national's court. The EU has taken a strong stand on IUU fishing at CCAMLR and regularly brings forward information on IUU fishing operations obtaining by the Markets unit of DG Fish. This information may be used to build a case for the blacklisting of a vessel in CCAMLR waters and to apply political pressure of the country which the vessel is flagged to.

In 2006, sufficient evidence was gathered that a Russian flagged vessel was fishing without the appropriate notification or permitting in the CCAMLR management area.¹¹ The issue rose to a head when the Russian delegation blocked otherwise unanimous consensus, and in the face of significant evidence, at CCAMLR XXV for the vessel to be blacklisted. A

¹¹ It is important to note that boats of several nationalities, including other CCAMLR signatories, have been caught IUU fishing in CCAMLR management waters. Russia is singled out in this example due to the issue over it blocking consensus.

broad consensus was build amongst Australia, New Zealand, South Africa, Norway and the European Union, and Moscow was demarched over the incident. Interestingly, it appears that the EU member states while fully supporting the demarche, allowed the issue to be managed at EU level. This example further underscores the complexities of the EU arrangement and the delicacy of issues of competency between the European Commission and the EU member states. Recent regulations adopted by the Council of Ministers have approved new procedures for reporting IUU fishing in the CCAMLR area to the European Commission, as well as catch documentation information, and provided it scope for greater involvement (European Council of Ministers, 2006).

Implications and Future Prospects

Outside of trade arrangements, participation in Regional Fisheries Management Organisations (RFMOs) is one of the few forums where the European Commission exclusively represents the interest of the EU member states in an international setting. Ongoing manoeuvring evidenced in this paper between the European Commission and the Union member states with respect to the fisheries competencies of European occurs within a broader debate on both the value of the Union to its member states and, more specifically in this case, what are the appropriate principle for subsidiarity in the case of external relations.

External relations portfolios are among the most desirable for an institution such as the European Commission which is intent on expanding its own policy remit; and are among the most contentious on the question of subsidiarity. With an appreciation that the institutional arrangements of the EU result in the European Commission ideally wishing to broaden its competencies: CCAMLR presents an ideal forum. There are, however, significant constraints to the wishes of the European Commission being met. Firstly, Britain and France provide a very real check on DG Fish in the CCAMLR forums due to their superior technical expertise in Antarctic fish stock management and the key role that their delegates have played within CCAMLR over the years. Secondly, the broader ‘living marine resources’ remit of the Convention, and the EU’s narrower ‘fishing management’ competencies create a mix-mash of obligations and capabilities which leads not only to the representation of EU

member states in the CCAMLR meetings, but their ability to shape the decision-making process on various issues. Thirdly, as research is solely a competency of the EU member states, it is difficult for DG Fish to wield the political influence expected of it due to its size and the scope of its activities - despite being expected to do so by many of the other CCAMLR signatories. It may be more accurate to attribute what some see as a lower level of engagement in CCAMLR meetings to the present limits of its competencies, and the active check of its competencies by its member states, rather than its general commitment to the agreement.

There are signals that fundamental changes will take place within CCAMLR that may affect the existing power balance between the Commission and the member states. Firstly, 2007 will see the retirement of the United Kingdom representative Mike Richardson and the Argentine representative, Ministro Ariel Mansi, seems unlikely to return to Commission meetings as nears the end of his career. These events mark a changing of the guard in CCAMLR and will provide opportunity for individuals to assume key positions with the Commission decision-making culture, and for signatories to explore new possibilities to address old interests.

Secondly, Council of Ministers Regulations such as 41/2006 (European Council of Ministers, 2006) and the decision to support DG Fish's position on the fishing rights EU–non-CCAMLR signatories show a gradual racheting up of the Commission's responsibilities vis-à-vis the EU member states at CCAMLR. Similar trends may be observed in other areas that having a bearing on External Relations, and one would expect this process to continue – albeit very gradually.

Thirdly, as a number of commentators note, for example Molenaar (2001), CCAMLR broader 'living marine resources' paradigm is increasingly entering the RFMO vernacular following the Fish Stock Agreement and following high-levels of concern of global depletion of fish stocks. Consequently, there is a very real possibility that this issue will be forced onto the European agenda, with external EU fisheries management competencies having to be explicitly developed for these new regimes.

There has been very little research work done on the EU's relationship with CCAMLR, despite it presenting an interesting case study for both observers of the EU in the global context and those interested in RFMOs. Consequently, there remains a great deal to be done. This paper has established an operational gap between the remit of the CCAMLR Convention and the competencies of the EU. This both limits the scope for greater EU involvement in CCAMLR and introduces greater complexities in formulating a European consensus than other RFMOs. There is also evidence to suggest that signatories to CCAMLR are not fully aware of the specific competencies of the EU in vis-à-vis its member states. Consequently, there remains institutional space for the EU to fill in the CCAMLR decision-making process, should it be able to. Areas for further research include establishing the exact scope of the EU's fisheries competencies in CCAMLR, and more detail studies of both how the EU formulates a common position and how the various levels of European representation shape CCAMLR decisions. The first goal requires a substantial knowledge of the European Treaties and legal system and the later two require frank, on-the-record interviews as the official documentation does not exist, or reflect these factors. This paper notes that there are a number of factors for change including the change of representative to the Commission in 2007, the gradual racheting up of DG Fish's responsibilities vis-à-vis the EU member states and the implications of the United Nations Fish Stock Agreement. Each of these factors indicate the opportunity for DG Fish take a more central position in CCAMLR in the future.

Appendices

APPENDIX ONE

Abbreviations

ATS	Antarctic Treaty System
CAP	Common Agricultural Policy
CFP	Common Fisheries Policy
CCAMLR	Conventions on the Conservation of Antarctic Marine Living Resources
DG Fish	Directorate-General for Fisheries and Maritime Affairs
EEC	European Economic Community
EEZ	Exclusive Economic Zone
EC	European Community
EU	European Union
IUU (fishing)	Illegal, Unregulated, Unreported (fishing)
QMV	Qualified majority voting
RFO	Regional Fisheries Organisation
UNCLOS	United National Convention on the Law of the Sea

APPENDIX TWO

Signatories to CCAMLR

Commission Members (decision-making status)

- Argentina
- Australia
- Belgium (EU)
- Brazil
- Chile
- The European Community (EU)
- France (EU)
- Germany (EU)
- India
- Italy (EU)
- Japan

- Korea, Republic of
- Namibia
- New Zealand
- Norway
- Poland (EU)
- Russia
- South Africa
- Spain (EU)
- Sweden (EU)
- Ukraine
- United Kingdom (EU)
- United States of America
- Uruguay

Non-Commission Members

- Bulgaria (EU)
- Canada
- China, People's Republic of
- Cook Islands
- Finland (EU)
- Greece (EU)
- Mauritius
- Netherlands (EU)
- Peru
- Vanuatu

APPENDIX THREE

List of Key Website Addresses

CCAMLR

www.ccamlr.org

European Commission

http://ec.europa.eu/index_en.htm

Eur-Lex Portal

<http://eur-lex.europa.eu/en/index.htm>

Directorate-General for Fisheries and Maritime Affairs

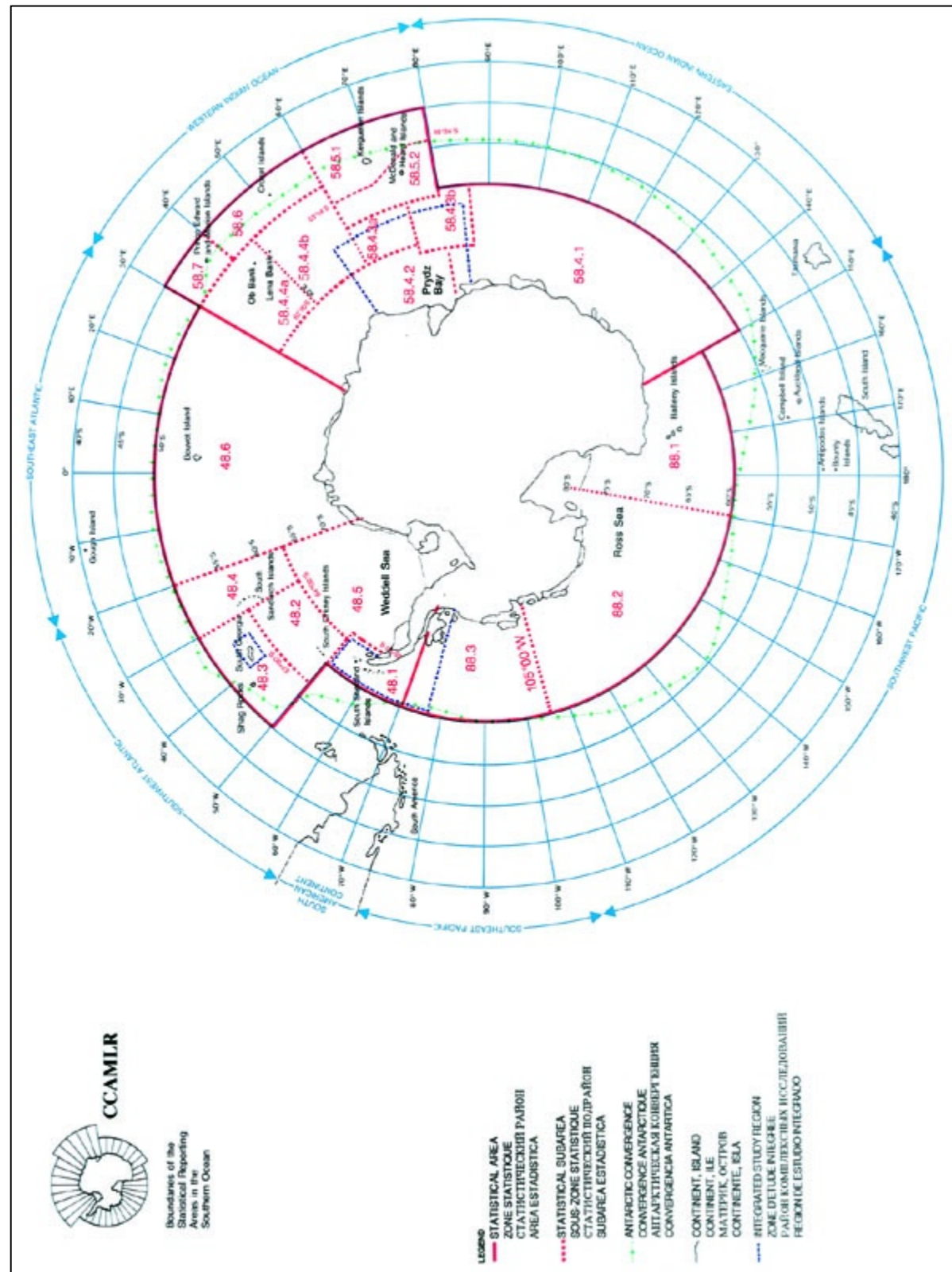
http://ec.europa.eu/dgs/fisheries/index_en.htm

Pre-Lex Portal

<http://ec.europa.eu/prelex/apcnet.cfm>

APPENDIX FOUR

MAP IDENTIFYING CCAMLR MANAGEMENT AREA & ADMINISTRATION SECTORS



CCAMLR, 2007

APPENDIX FIVE

INTERVIEWS

Mr Matthew Bartholomew - *Senior International Advisor, Ministry of Fisheries, New Zealand*
Telephone Interview
Monday the 12th of February 2007

Mr Roberto Cesari - *Head of Delegation to CCAMLR, Directorate-General for Fisheries, European Commission, Belgium*
Telephone Interview
Monday the 12th of February 2007

Dr. Alan Hemmings - *Environmental Consultant, Australia*
Telephone Interview
Tuesday the 13th of February 2007

Mr Greg Johansson - *Deep Water Fishing Manager, Sanford Limited, New Zealand*
Telephone Interview
Thursday the 8th of February 2007

Mr Karsten Klepsvik - *Head of Delegation to CCAMLR, Royal Ministry of Foreign Affairs, Norway*
Telephone Interview
Monday the 12th of February 2007

Mr Denzil Miller - *Executive Secretary, CCAMLR Secretariat, Australia*
Interview
Tuesday the 15th of August 2006; Hobart, Tasmania, Australia

Mr Denzil Miller - *Executive Secretary, CCAMLR Secretariat, Australia*
Telephone Interview
Thursday the 8th of February 2007

Mr Mike Richardson - *Head of Delegation to CCAMLR, Antarctic Division, British Foreign Office*
Interview
Wednesday the 15th of November 2006

References

- Antarctic Treaty (1959)
The Antarctic Treaty.
Available online at www.ats.aq/uploaded/treaty_original.pdf
- Belgium, Finland, France, Germany, Italy, The Netherlands, Poland, Spain, Sweden, and the United Kingdom (2004)
EU ATCP
ATCM XXVII, WP 034
A copy is available online at www.ats.aq
- Bulmer; Simon (1994)
The Governance of the European Union: A New Institutional Approach
Journal of Public Policy. Vol. 13 pp. 351-80.
Cambridge; Cambridge University Press
- CCAMLR (1980)
Convention on the Conservation of Antarctic Marine Living Resources.
CCAMLR Secretariat; Hobart, Australia
Available online at www.ccamlr.org
- CCAMLR (1994)
Rules of Procedure of the Commission.
CCAMLR Secretariat; Hobart, Australia
Available online at www.ccamlr.org
- CCAMLR (1999)
Report on the Eighteenth Meeting of the Commission.
CCAMLR Secretariat; Hobart, Australia
Available online at www.ccamlr.org
- CCAMLR (2000)
Report on the Ninetieth Meeting of the Commission.
CCAMLR Secretariat; Hobart, Australia
Available online at www.ccamlr.org
- CCAMLR (2003)
Report on the Twenty-Second Meeting of the Commission.
CCAMLR Secretariat; Hobart, Australia
Available online at www.ccamlr.org
- CCAMLR (2006)
Report on the Twenty-Fifth Meeting of the Commission.
CCAMLR Secretariat; Hobart, Australia
- CCAMLR (2007)
Convention on the Conservation of Antarctic Marine Living Resources website.
Available online at www.ccamlr.org
- European Commission (2002)
Proposal for a Council Regulation on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.
Commission of the European Communities, COM(2002) 185 Final
- European Commission (2007)
Directorate-General for Fisheries and Maritime Affairs website.
http://ec.europa.eu/fisheries/cfp/external_relations/rfos/ccamlr_en.htm

- European Council of Ministers (1976a)
Council Resolution of 3 November 1976 on certain external aspects of the creation of a 200-mile fishing zone in the Community with effect from 1 January 1977.
 Official Journal of the European Communities, C 105, 07/05/1981
- European Council of Ministers (1976b)
Council Regulation (EEC) No 101/76 on 19 January 1976 laying down a common structural policy for the fishing industry.
 Official Journal of the European Communities, L 020, 28/01/1976
- European Council of Ministers (1981)
Council Decision of 4 September 1981 on the conclusion of the Convention on the conservation of Antarctic marine living resources.
 Official Journal of the European Communities, 81/691/EEC
- European Council of Ministers (1983)
Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fisheries resources.
 Official Journal of the European Communities, L 024, 24/01/1983
- European Council of Ministers (2002)
Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.
 Official Journal of the European Communities, L 358/59.
- European Council of Ministers (2006)
Council Regulation (EC) No 41/2006 of 21 December 2006 fixing for 2007 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required.
 Official Journal of the European Communities, L 015 , 20/01/2007
- European Court of Justice (1978)
Judgment of the Court of 16 February 1978. - Commission of the European Communities v Ireland. - Sea fisheries. - Case 61/77.
European Court reports, 1978, p. 00417
 Official Journal of the European Communities
- Haas; Ernest (1961)
International Integration: The European and Universal Process
International Organization. Vol. 15, No. 3.
 Cambridge, Mass.; World Peace Foundation and MIT Press
- Hay-Renshaw; Fiona (2002)
The Council of Ministers.
The Institutions of the European Union.
 Edited by John Peterson and Michael Shackleton.
 Oxford, Oxford University Press
- Hill; Christopher (1993)
The Capabilities-Expectations Gap, or Conceptualizing Europe's International Role.
Journal of Common Market Studies, Vol. 31, No. 3, pp. 305 - 328.
 Oxford, Blackwell Publishers
- Lindberg; Leon (1963)
Political Integration: Definitions and Hypotheses.
The Political Dynamics of European Economic Integration.
 Stanford, Stanford University Press

- Marks; Gary, Liesbet Hooghe and Kermit Blank (1996)
European Integration from the 1980s: State-Centric v. Multi-level Governance.
Journal of Common Market Studies, Vol. 34, No. 3 September 1996.
 Oxford, Blackwell
- Miller; Denzil G. M., Erik J. Molenaar (2006)
The SEAFIC Convention: A Comparative Analysis in a Developing Coastal State Perspective.
Ocean Yearbook, 20.
 Martinus Nijhoff Publishers; The Netherlands
- Molenaar; Eric J. (2001)
CCAMLR and Southern Ocean Fisheries.
The International Journal of Marine and Coastal Law. Vol. 16, No. 3 pp. 465-499.
 Kluwer Law International.
- Nugent; Neill (2001)
The European Commission.
 Basingstoke, United Kingdom, Palgrave
- Payne; Dexter C. (2000)
Policy-making in Nested Institutions: Explaining the Conservation Failure of the EU's Common Fisheries Policy.
Journal of Common Market Studies. Vol. 38, No. 2, pp. 303-324.
 Blackwell Publishers; Oxford
- Peters; B. Guy (1994)
Agenda-setting in the European Union
Journal of European Public Policy 1:1 (June 1994).
 London; Routledge
- Peterson; John and Michael Shackleton (2002)
The Institutions of the European Union.
 Oxford University Press, Oxford
- Pollack; Mark A. (1998)
The Engines of Integration? Supranational Autonomy of Influence in the European Union.
European Integration and Supranational Governance.
Edited by Wayne Sandholtz and Alec Stone Sweet; Oxford University Press ; New York, Oxford University Press
- Sandholtz; Wayne and Alec Stone Sweet (1998)
European Integration and Supra-national Governance.
 New York, Oxford University Press
- Tranholm-Mikkelsen; Jeppe (1991)
Neo-functionalism: Obstinate or Obsolete? A Reappraisal in the Light of the New Dynamism of the EC.
Millennium: Journal of International Studies: Vol. 20, No. 1.
 London, London School of Economics,
- Treaty of Rome (1957)
Treaty establishing the European Economic Community.
 Available online at Eur-Lex.
- Tsebelis; George, Amie Kreppel (1998)
The History of Conditional Agenda-Setting in European Institutions.
European Journal of Political Research. Vol. 33:1. January 1998. pp. 41-71.
 Dordrecht, Kluwer Academic Publishers

UNCLOS, 1982

United Nations Convention on the Law of the Sea.
United Nations; New York
Available online at www.un.org

Wallace; Helen and William Wallace (1996)

Policy-making in the European Union: 3rd Edition.
Oxford, Oxford University Press