

Gateway Antarctica:

A Route for the EU's Global Political Agenda

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Melissa Clare Idiens

University of Canterbury
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List of Acronyms

ACAP	Agreement on the Conservation of Albatrosses and Petrels (2004)
ANDRILL	Antarctic Geological Drilling Project
ASOC	Antarctic and Southern Ocean Coalition
AT	Antarctic Treaty (1959)
ATCM	Antarctic Treaty Consultative Meeting
ATCP	Antarctic Treaty Consultative Party
ATNCP	Antarctic Treaty Non-Consultative Party
ATS	Antarctic Treaty System
AWI	Alfred Wegener Institute for Polar and Marine Research
BAS	British Antarctic Survey
BRICS	Brazil, Russia, China, India, South Africa
CBD	Convention on Biological Diversity (1992)
CCAS	Convention on the Conservation of Antarctic Seals (1972)
CCAMLR	Convention on the Conservation of Antarctic Marine Living Resources (1980)
CEP	Committee for Environmental Protection
CEPS	Centre for European Policy Studies
CFP	Common Fisheries Policy (1983)
CFSP	Common Foreign and Security Policy
COMNAP	Council of Managers of National Antarctic Programmes
CRAMRA	Convention on the Regulation of Antarctic Minerals Resource Activities
CSCE	Helsinki Conference on Security and Cooperation in Europe
EC	European Community
ECJ	European Court of Justice
EEAS	European External Action Service
EEC	European Economic Community
EU	European Union
EU ATCP's	European Union Antarctic Treaty Consultative Parties
EPC	European Political Cooperation
EPICA	European Project for Ice Coring in Antarctica
EUROANDRILL	European Antarctic Geological Drilling Project
EUROHORCS	European Heads of Research Councils
EUROPOLAR	European Polar Consortium Project
EPB	European Polar Board
ESF	European Science Foundation
IAATO	International Association of Antarctic Tour Operators
ICSU	International Council for Science
IIEU	International Identity of the European Union
IHO	International Hydrographic Organisation
IMO	International Maritime Organisation
IMP	Integrated Maritime Policy
IPEV	Institut Polaire Français Paule Emile Victor
IR	International Relations
IUCN	International Union for the Conservation of Nature
IUU	Illegal, Unregulated, and Unreported Fishing
LRTBP	Long-Range Transboundary Pollution Convention (1979)
MEP	Member of the European Parliament

MNAPs	Managers of National Antarctic Programmes
NAP	National Antarctic Programme
NEAFC	North East Atlantic Fisheries Commission
NPP	Netherlands Polar Programme
NWO	Netherlands Organisation for Scientific Research
REIO	Regional Economic Integration Organisation
RFO	Regional Fisheries Organisation
SATCM	Special Antarctic Treaty Consultative Meeting
SCAR	Scientific Committee of Antarctic Research
SEA	Single European Act (1987)
TEC	Treaty Establishing the European Community (Rome Treaty, 1957)
TEU	Treaty on the European Union (Maastricht Treaty, 1991)
TEFU	Treaty on the Functioning of the European Union
UNCLOS	United Nations Convention on the Law of the Sea
UNFCCC	United Nations Framework Convention on Climate Change
UNGA	United Nations General Assembly
UNSG	United Nations Security Council
WMO	World Meteorological Organisation

Abstract

This thesis endeavours to address an identified gap in literature on the European Union's (EU) scientific and political engagement in the Antarctic Treaty System (ATS). The examination of this engagement begins from the initiation of the EU's formal participation in the ATS in 1983 as a Party to the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR) mechanism, through to the EU's contemporary role in 2011, for the facilitation of European collaborative scientific research on the Antarctic continent that remains under negotiation pending decisions on funding allocations for polar research under the EU Commission's Horizon 2020 Framework Programme for Research and Innovation (2014-2020).

Particular focus is placed on analysis into the EU's role in global environmental discourse, for contextualised examination on the hypothesis of this research, which posits that the EU could upgrade its role in the Antarctic to further legitimise a strategic agenda for recognition as a global political actor in international relations. As most of the EU's participation in the process of Antarctic political deliberation was afforded as an observer to the series of Special Antarctic Treaty Consultative Meetings (SATCM XI-1 to XI-IV) which developed the Protocol on Environmental Protection to the Antarctic Treaty (1991), a significant amount of analysis will focus on EU and Member State involvement in the development of this Protocol. There is also a supplementary exploration of Europeanisation of French foreign policy over this period.

In addition to contributing to the academic literature, recommendations concerning the future of the EU's scientific and political Antarctic engagement could be used as informative and topical research for a mixed audience of European Union (EU) strategists, policy-makers and officials who are tasked with furthering the development of the EU into a global political actor. It could also be of interest to those people in the Antarctic community who might opportunistically seek to maximise the benefits of an increase in direct and indirect EU participation in the Antarctic, particularly the availability of EU funding for Antarctic scientific research.

Chapter One: Introduction

The primary goal of this thesis research is to contribute to academic literature on the EU's role as a global political actor, by examining its scientific and political engagement in the Antarctic Treaty System (ATS) to date. It operates under assumption that the European Union (EU) will continue to seek legitimacy as a political actor in the international community. Difficulties in its attempts to achieve this through changing its participation in the United Nations (UN) and Arctic Council, may lead it to seek political legitimacy in other international organisations or treaty regimes.

This research analyses the hypothesis that the EU could gain further legitimacy as a global political actor if it sought to increase its participation in the politics of the ATS. More specifically, if it actively sought to convince Antarctic Treaty Consultative Parties that it could accede to the Antarctic Treaty and its Environmental Protocol for state-like engagement in the political deliberation of the Antarctic Treaty Consultative Meeting (ATCM).

In doing so, the EU could utilise an upgraded role in the ATS as a means to strengthen future bids for upgrading EU participation where it has been previously unsuccessful, in effect utilising increased participation in the ATS as a gateway into some of the more elusive mechanisms of global and regional governance. The key to this increased interaction lies in the inherent ability of each of these regional governance mechanisms to evolve their functional requirements, for the promotion of international cooperation that seeks to address emerging regional and global challenges.

1.1 Research Contribution, Key Question, and Research Themes

Despite the unique characteristics of the ATS and the EU, both regional governance mechanisms were born of the notion that cooperation between states over a specified geographical area, would lead to peace and political stability for that region and beyond. Both mechanisms are also highly evolutionary. The ATS has evolved from a single Treaty designed to demilitarise the region and freeze territorial claims to the continent, into a system which facilitates international cooperation for science research and environmental protection during activities within the Treaty Area. The EU has evolved from a regional economic integration project into a burgeoning global actor, as European integration deepened and spilled-over into political cooperation for external representation.

While the current legal and institutional personalities of both systems have so far only allowed limited direct EU participation within the ATS, recent functional amendments from the Lisbon Treaty (2009) designed to make the EU a more coherent political actor on the international stage, could facilitate an increase in the EU's active engagement in the ATS. Therefore, it has only recently been apparent that each of these regional governance mechanisms are at a point in their evolution where it is possible that there can be a significant change in how they interact with each other.

Because the EU's formal participation in the ATS has been limited to its active engagement as a Party to the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR 1980), and a brief Invited Observer role during the development of the Protocol on Environmental Protection to the Antarctic Treaty (1991), there is very little academic literature on the EU's scientific and political engagement in the ATS. Analysis of the ATS has typically focused on the institutional mechanisms of the system, the subsequent engagement of state actors within these institutions, and geopolitics on the competing and converging interests of these state actors. By default, this left a significant gap on any critical analysis into the EU's direct and indirect influence in the process and substance of Antarctic political deliberation.

This thesis research attempts to contribute to academic literature on the EU's role as a global political actor, by analysing its scientific and political engagement in the ATS within a Constructivist theoretical framework formed through the fusion of the academic specialties of International Relations, European Studies, and Antarctic Studies. This framework was designed to illustrate how the EU can be conceptualised as a global political actor that challenges structural assumptions of actorness in international relations, in order to examine the key research question:

- How can the European Union upgrade its role in the Antarctic Treaty System to further legitimise a strategic agenda for recognition as a global political actor?

The following seven sub-questions are intended to provide contextualised analytical support for the central hypothesis, and they therefore form the broader research themes of this thesis:

- Why are institutional changes within the European Union changing the way that it participates in the international relations?
- How can the European Union be conceptualised as a global political actor?

- How has the European Union exhibited qualities of ‘actorness’ in global environmental discourse?
- What has characterised the European Union’s scientific and political engagement in the Antarctic Treaty System to date?
- How has the EU exhibited qualities of ‘actorness’ in the Antarctic Treaty Consultative Meeting?
- What evidence is there of Europeanisation in the Antarctic Treaty Consultative Meeting?
- How have the European Union and Antarctic Treaty Consultative Parties sought to utilise opportunity structures afforded by Antarctic scientific and political engagement for their own strategic agendas?

The broader literature themes of this research have been largely pursued with a purpose to conceptualise the EU as a global political actor that behaves in a state-like manner for its external activities, which traditional conceptions of International Relations theory cannot explain. Accordingly, this thesis initially set out to solely establish a Constructivist framework to determine what qualities of actor capacity (‘actorness’) the EU possessed in relation to the Antarctic. This approach establishes an argument for the EU to increase its direct participation in the politics of the ATS by becoming a Non-Consultative Party to the Antarctic Treaty (ATNCP), justified by its normative role in global environmental politics and its influence over structural perceptions of the international system.

However, over the course of this research it became obvious from interviews and personal communications that the Antarctic Treaty Consultative Meeting (ATCM) (as the formal political arena within the ATS) remained highly politicised along national lines. While the EU has gained for itself a single legal personality and potential actor capacity in the form of a new type of EU diplomacy from the Lisbon Treaty (2009), there is a consensus of opinion that the EU could only hope to challenge the Westphalian nature of the ATS in the future. Specifically, after it had already been successful at upgrading its permanent roles in the UNGA and Arctic Council. Current structural perceptions of this system indicate the EU would not be likely to garner enough support necessary for accession to the Antarctic Treaty or its Environmental Protocol, and the EU lacks an active will to construct for itself actor capacity necessary to increase its direct participation in the politics of the ATS. Meaning that any upgraded role for the EU in the ATS, is likely to remain limited to a deepened level of scientific engagement, and an indirect normative influence in the politics of the ATS.

Accordingly, this thesis adopts a Constructivist theoretical framework which in the first instance maintains the original research direction that seeks to argue for ways the EU could justify an increase in its direct participation in the politics of the ATS. And in the second instance, seeks to examine to what extent the EU's 'presence' in the politics of the ATS might only served to be advanced by an indirect institutional influence of the EU, through the Europeanisation of its member-states foreign policies with respect to the Antarctic. This phenomenon has been observed during this research, as the Europeanisation of French foreign policy during its leadership role in the development of the Environmental Protocol (1991).

1.2 Research Design and Methodology

This thesis partially follows the research methodology of Olav Schram Stokke and Davor Vidas's work on the analysis of the normative and structural nature of the ATS, in the period prior to their 1996 publication *Governing the Antarctic*. They purport that there is a causal relationship between the system's two component categories: the a) *normative* component, which consists of the norms that subjects (actors) of international law are being regulated by in a particular way; and b) *structural* components, referring to the subjects (actors) themselves, whose relations and procedures are being regulated. Vidas aptly notes that "the operation of the ATS as a system, accordingly, cannot be explained solely by interpreting its norms. These norms are being implemented as well as adapted, changed or amended through certain procedures. And, finally, these norms are produced by certain subjects, to which – in turn – they are applied".¹

This research attempts to address how the EU could rationalise and strengthen its collective diplomacy in the Antarctic, to actively construct for itself actor capability for a permanent role in Antarctic political deliberation. As any upgraded political engagement would need to be based on an active scientific presence in the Antarctic, collaborative science research is a significant area of empirical data.

The research design first establishes the EU and its current actorness in international relations within an appropriate theoretical framework, before moving on to explain how and why the EU has developed actor capacity for its external relations. The EU's 'actorness' in global environmental

¹ Davor Vidas, "The Antarctic Treaty System and the international community: an overview," in *Governing the Antarctic: the effectiveness and legitimacy of the Antarctic Treaty System*, edited by Olav Schram Stokke and Davor Vidas (Cambridge: Cambridge University Press, 1996), 40.

discourse is examined, including an overview of the EU's active engagement in the global climate change regime. The EU's utilisation of its positive normative contribution to global environmental discourse is used to shape the EU's international identity, which the EU has utilised in turn for perusing an increase in its active engagement in the Arctic Council, prescribed by its Arctic strategic interests. This actorness is later compared to the EU's active engagement in Antarctic political deliberation of the ATCM, particularly in the development of the Environmental Protocol.

Next, empirical analysis on the structure, function and operational aspects of the ATS are outlined, providing a comprehensive overview of the system. This provides an important base for contextualised examination of the EU's engagement in the wider ATS system, including a brief overview of its executive competence in the CCAMLR fisheries mechanism, and the EU's potential strategic interests in Antarctica. The observation of an indirect presence of the EU in the ATCM is analysed, through the investigation of the Europeanisation of French foreign policy during its leadership role in the development of the Environmental Protocol (1991).

National engagement of several EU members that maintain active National Antarctic Programmes (NAPs) are examined, specifically their collaborative logistics operations and scientific research programmes. The EU's role for European collaborative Antarctic research is investigated, including the key role of European science institutions that EU ATCP's participate in to opportunistically seek EU research funding support to their national programmes. Finally, the EU's opportunity for increased scientific and political engagement in the Antarctic is explored, including its potential actor capability necessary to support an upgraded role in the ATCM, are analysed to gauge to what extent the EU can challenge structural conceptions of actors in this system.

Methodology

The dominate method of research undertaken for examining the EU's scientific and political engagement in the Antarctic has come from the analysis of qualitative data. This approach was deemed the most appropriate given the significant literature gap on analysis into the EU's Antarctic engagement to date. Considering this gap, and the contemporary nature of this topic, a majority of the information for this research has been collected from primary resources as units of analysis.

Primary resources used to contribute to empirical analysis have largely come from official policy documents, including texts of the Antarctic Treaty (1959), the Single European Act (1987), the Protocol on Environmental Protection to the Antarctic Treaty (1991) and the Lisbon Treaty (2009). Official publications from the European Commission, European Council, and European Parliament, relevant to this research have also been included, alongside national statements of strategic interests, and information from official institutional websites of the Secretariat of the Antarctic Treaty and the European Union. A small number of online periodicals have also been included.

Another significant contribution to the empirical data came from the texts of interviews, conducted in a semi-structured manner across a two-year period from 2009 to 2011. Many of these interviews and personal communications were conducted while the interviewer was working within various ATS elements. First in 2009, at the Secretariat of the Antarctic Treaty in Buenos Aires, Argentina; second, at the 2010 Council of Managers of National Antarctic Programmes (COMNAP) Annual General Meeting in Buenos Aires, Argentina; and third at the 2011 XXXIV Antarctic Treaty Consultative Meeting/Committee on Environmental Protection Meeting (ATCM-CEP) in Buenos Aires, Argentina.

This interaction provided an exceptional opportunity to observe the actual workings of the ATS, which ultimately served to influence the research direction of this thesis and increase the validity of research conclusions. This method was pursued with the intention of incorporating actual practice as much as possible, rather than limit this research to purely academic perceptions on the process and substance of Antarctic political deliberation and international collaboration. Moreover, this method allowed for feedback from delegates on their perceptions of EU engagement to date, including if/where/how an upgrade for EU participation in the ATS, in their opinion, might occur in the future.

Interviewees included Yves Frenot (Manager, Institut Polaire Français Paule Emile Victor (IPEV - French National Antarctic Programme)), Dick van de Kroef (Manager, National Polar Programme (NPP), Netherlands Organisation for Scientific Research (NWO)), Giuseppe De Rossi (Head of Logistics, National Antarctic Programme of Italy (PNRA)), Heinrich Miller (Deputy Director –Research, Alfred-Wegener Institute for Polar and Marine Research (AWI - German National Antarctic Programme) and incoming COMNAP Chair), Roberto Cesari (current EU Commission Representative to CCAMLR), Johannes Huber (first Executive Secretary of the Secretariat of the Antarctic Treaty), Denzil Millar (former Executive Secretary of CCAMLR).

Interviews were pre-approved as low-risk through the University of Canterbury's Ethics Committee (see appendices I & II). These were conducted in a semi-structured manner, consisting of a set of open-ended questions that were sent to interviewees in advance, and audio recorded where possible. Interviews were transcribed and made available to participants for their review if they deemed necessary. Supplementary contributions and supporting information were also provided through personal communications with other key-informants that are in regular attendance at various meetings of the ATS institutions. These include Michelle Rogan-Finnemore (current Executive Director, COMNAP), David Walton (Emeritus Fellow, British Antarctic Survey), Maaïke Vancauwenberghe (Belgian Antarctic Programme Manager), and several other European national delegates.

Interview candidates were selected based on their respective states active engagement as EU-ATCPs, typically the larger European programmes that undertake significant levels of national Antarctic scientific and political engagement. Managers of National Antarctic Programmes (MNAP's) were initially approached due to their availability at the 2010 COMNAP AGM. However, in retrospect, had government representatives in attendance at the 2011 ATCM of the EU ATCP's also been interviewed in addition to the MNAPs, this thesis could have included a comprehensive overview of European competing and converging strategic interests in the Antarctic.

Secondary resources were also heavily drawn upon, specifically academic literature such as peer reviewed journals, books, and the texts of conference presentations.

1.3 Thesis Structure

Chapter Two literature review and theoretical framework introduces the concept of the EU as a global political actor, and draws on empirical and theoretical examples on why institutional changes within the EU are changing the way that it participates in international relations. This chapter establishes the theoretical framework of analysis for this research by predominantly drawing on International Relations and European Studies literature focused on explaining how European integration has created an entity that continues to challenge structural conceptions of actors in international relations.

This Constructivist framework introduces the concept of ‘actorness’², which analyses the EU’s ‘global presence’³, ‘international identity’⁴, and ‘actor capability’⁵ for engagement, in order to conceptualise the EU as a state-like actor in international relations. ‘Europeanisation’ theory is also introduced to complement empirical analysis in Chapter Four. This has been included as a supplementary analysis which explains how the EU and Antarctic Treaty Consultative Parties can utilise opportunity structures resulting from their Antarctic engagement for the benefit of their strategic agendas, as illustrated in Chapter Four.

Chapter Three moves past theoretical examination and explores the EU’s actorness in the Polar Regions. It begins by contextualising the conception of the EU as a global actor by exploring empirical information regarding the EU’s actorness in global environmental discourse. Specifically, its leadership role in the climate change regime. The EU’s external engagement in this area is under active construction, and has provided the EU a basis to apply for an upgraded role in the Arctic Council. The EU’s efforts to strengthen this pending application are briefly reviewed, including the introduction of the broader research theme of this thesis, which is to examine how the EU could upgrade its actorness in the ATS to further an agenda for recognition as a global actor. This includes upgrading the EU’s political engagement in the Antarctic to further strengthen and complement the EU’s efforts at achieving a permanent role in the Arctic Council.

Chapter Three also examines what the Antarctic Treaty System is and how it operates, as a basis for contextualisation of the key question analysis in Chapter Four. Participating signatories, legal instruments, permanent observers, and invited experts are examined alongside key functional requirements for participation in Antarctic political deliberation, including the necessity for physical presence in Antarctica based on scientific research. This chapter illustrates what characterises the EU’s direct political engagement in the Antarctic to date, including a brief overview of its direct engagement as an Invited Observer during the development of the Protocol on Environmental Protection to the Antarctic Treaty (1991), and its permanent formal participatory role in the Convention for the Conservation of Antarctic Fisheries Resources (CCAMLR) mechanism. This

² Bretherton, Charlotte, and Vogler, John. *The European Union as a Global Actor*. 2nd Edition (Oxon: Routledge, 2006).

³ Allen, David and Smith, Michael. "Western Europe's Presence in the Contemporary International Arena". *Review of International Studies* 16, no 1 (1990): 19-37.

⁴ Manners, Ian and Whitman, Richard. "Towards Identifying the International Identity of the European Union: A Framework of Analysis of the EU's Network of Relationships". *Journal of European Integration* 21, no 3 (1998): 231-249.

⁵ Bretherton, C, and Vogler, J. (2006).

chapter also examines how the EU's engagement in the CCAMLR forum is perceived, including both negative and positive aspects.

Chapter Four is the final analytical chapter of this thesis and it explores upgrading the EU's Antarctic scientific and political engagement. As the EU's only formal participatory role in the central arena for Antarctic political deliberation occurred during the development of the Environmental Protocol, this chapter introduces evidence of 'Europeanisation' phenomenon uncovered during the research process. This supplementary analysis focuses on the observation of Europeanisation of French foreign policy towards the Antarctic during its leadership role in the development of the Protocol on Environmental Protection to the Antarctic Treaty (1991), which in effect acted as an indirect and normative EU influence in Antarctic political deliberation at that time. Furthermore, this analysis exemplifies how the EU and ATCPs have sought to utilise opportunity structures afforded by Antarctic engagement to further their own strategic agendas.

This analysis is further supported by the introduction of a number of completed and proposed European collaborative research projects in Antarctica. The structure of key European science institutions, the European Science Foundation and its European Polar Board are examined, as critical supporting evidence on the dynamic nature of national and common strategic interests in the Antarctic. This segment also includes analysis into why three large EU-supported Antarctic research projects have failed to enough garner support to move beyond their preparatory phases. Finally, the key research question of this thesis is examined, which explores how the EU can upgrade its role in the ATS to further legitimise a strategic agenda for recognition as a global political actor, including potential advantages and disadvantages to upgraded EU Antarctic engagement .

Chapter Five concludes the research presented throughout this dissertation. It reviews the key research question and sub questions which form the broader research themes of this research in preparation for a summation of findings that contribute to academic literature on the EU as a global actor, and on the EU's Antarctic engagement. Finally, limitations of this research comment on the adequacy of the theoretical framework of analysis, and allows for recommendations for future research which can contribute to academic literature.

1.5 Delimitations and Validity Concerns

This thesis research has utilised Stokke and Vidas's normative and structural terminology interchangeably between institutional and participatory components; noting that in this instance the participant, or actor, that will be analysed with the most depth in this research is that of the EU. It is also important to note that normative and structural analysis is also a method of analysis that aptly applies to the functionality of the EU, and is mirrored within the European Studies theoretical framework outlined in Chapter Two.

A vital delimitation for this thesis is to note that the use of the term *system* in the context of the ATS has also been adopted following the methods of Stokke and Vidas. The use of the term 'system' in this thesis does not refer to the widely used distinction often made between an 'international system' and related concepts like 'international society' and 'international community'. To avoid confusion, the 'global political system' will be referred to in this thesis as either the 'international community', 'global politics', 'international relations'.⁶

Use of the term system in this study is based on the systemic analysis of the ATS; where its unique characteristics can be compared with other forms of regional governance, and where its component parts are mutually related rather than loosely associated institutions.⁷ Similarly, the use of the term *treaty system* will also be used interchangeable with the term *treaty regime* (when referring to the ATS) and does not at all assume a likeness to the typically negative use of a government regime in popular political reporting, such as the recent media on the violent protests against the Libyan regime.

For the purpose of this study, direct and indirect participation of the EU in both the wider Antarctic region and its governance mechanism, the ATS, requires delimitation. Participation of the European Commission within the ATCM and CEP meetings, in addition to its already permanent membership in CCAMLR, will constitute *direct EU participation in the ATS* and therefore the governance of the Antarctic region. The EU's direct investment into large scale European collaborative scientific research on the Antarctic continent is considered a *direct EU presence in the Antarctic*, which in the future might lead to direct participation in the ATS in a state-like manner.

⁶ Vidas, Davor. "The Antarctic Treaty System in the international community: An overview". In *Governing the Antarctic: The effectiveness and Legitimacy of the Antarctic Treaty System*, edited by Olav Schram Stokke and Davor Vidas. Cambridge: Cambridge University Press, 1996. Pg39.

⁷ *Ibid.*

Europe's extensive history of collaborative polar exploration and Antarctic scientific research is too large to be covered within the scope of this research. Therefore, there are only a select few collaborative infrastructural arrangements and research projects are introduced. It is also essential to note that this thesis research is not intended to be a comprehensive review of EU policy or legal instruments relating to the Antarctic.

Validity Concerns

As noted previously, data collected from the text of interviews forms a significant part of the primary information analysed in this research. While it adds considerably to this dissertations strength of research and contribution to academic literature, there are a number of validity concerns that arise from this method of data collection. A typical concern regarding interview by author process, is that the data provided is vulnerable to subjective interpretation bias on the part of participants and the author, including selective recall of information specifically mentioned as it was considered relevant to the research project. The limited availability of interviewees also inhibited the data collection process, and restricted collection of a wider field of information relevant to this research and its subsequent contribution to academic literature. With reference to case studies regarding European collaborative research projects in Antarctica, most interviewees firmly had their 'national' hats on and did not favour deeper EU engagement, while France (as the proponent of EUROPOLAR ERA-NET) tended to pro- European integration and open to deeper EU involvement. Furthermore, it should be noted that the contemporary nature of this research topic is a validity concern for this research, as there is little academic literature available on the EU's scientific and political engagement in the Antarctica.

Chapter Two: Conceptualising the European Union as a Global Actor

2.1 Introduction

As this thesis is grounded on the premise that the EU's active pursuit for recognition as a global political actor could be strengthened by upgrading its participation in Antarctic political deliberation, it is essential to first establish why institutional changes within the EU are changing the way that it participates in international relations. The circumstances leading to the level of European integration seen today are introduced in this chapter, including key provisions of the Lisbon Treaty (2009) created to allow for increased institutional coherence for the EU's external representation in international relations.

Furthermore, this chapter forms the theoretical framework of analysis for subsequent chapters by reviewing empirical and theoretical literature designed to establish how the EU can be conceptualised as a global political actor. Accordingly, a Constructivist framework is formulated by predominantly drawing on International Relations and European Studies literature, focused on explaining how European integration has created a *sui generis*⁸ entity that continues to challenge structural conceptions of actors in international relations.

This approach examines literature that has been fundamental in moving the analysis of the EU in international relations beyond the Positivist institutional scrutiny of the 1970s and 1980s, towards a more contemporary approach which examines the EU's pursuit of a normative role in global politics. Literature on identity, values and norms projected by the EU have been drawn upon, particularly the research of David Allen and Michael Smith on 'Global Presence'; Charlotte Bretherton and John Vogler's 'Actorness'; and Ian Manners and Richard Whitman's 'International Identity'.

'Europeanisation' theory is also introduced to complement empirical analysis in Chapter Four. This is included as a supplementary strain of analysis to explain how the EU and Antarctic Treaty Consultative Parties have utilised opportunity structures resulting from their Antarctic engagement in the past, for the benefit of their strategic agendas (not limited to the Antarctic). This acts as a good indicator of how the EU could strengthen its future engagement in the Antarctic, through a

⁸ Rosamond, Ben. "Conceptualising the EU model of governance in World Politics", *European Foreign Affairs Review*. 10:4. (2005) 463-478.

normative and indirect influence in Antarctic political deliberation, visible as the Europeanisation of EU-ATCP's foreign policy towards the Antarctic.

2.2 The European Union

The European Union (EU) encompasses a land area of approximately 4 million square-kilometres, and comprises of 27 sovereign states with combined population of 500 million people. It is the world's strongest commercial power and the biggest aid donor to the developing world.⁹ For centuries Europeans have been plagued by wars fought by sovereign rulers hungry for territory and resources, and as its geographical proximity to the Arctic would suggest, the EU's polar interests have been typically focused to the North.

Like the Antarctic, the EU itself is also considered to be a unique form of regional governance; a "hybrid intergovernmental and supranational organisation".¹⁰ However, much like the basis for the formation of the Antarctic Treaty, the earliest form of European integration outlined in the Schuman Declaration (1950), was also designed to encourage cooperation and peace by removing the competition over territory and resources.¹¹

To recognise this, France and Germany entered into an international agreement that bound their production of coal and steel under a common High Authority, eliminating the possibility of conflict by entangling industries of war. This European Coal and Steel Community (ECSC) was open to participation by other states of Europe as a means to stem the aggressive xenophobia that had plagued the continent, and act "as a first step in the federation of Europe" for a true foundation of economic unification.¹²

Since this initial step, European integration has evolved far beyond the original scope outlined at the end of World War II, increasingly unifying the nations and peoples of Europe in both the economic and political spheres, and creating the series of institutions that we now recognise as the EU.

⁹ "Welcome to the European Parliament" European Parliament Website. Last accessed, February 12, 2011. <http://www.europarl.europa.eu/parliament/public/staticDisplay.do?id=146&language=en>.

¹⁰ "Central Intelligence Agency – World Factbook: Antarctica". Central Intelligence Agency Website. Last accessed February 15, 2012. <https://www.cia.gov/library/publications/the-world-factbook/geos/ay.html>

¹¹ "Schuman Declaration" European Union Website. Last accessed, 10 January 2011

http://europa.eu.int/abc/symbols/9-may/decl_en.htm

¹² *Ibid.*

Membership to the EU is open to any European state that fulfils three basic conditions for membership:

- 1) Stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- 2) A functioning market economy and the capacity to cope with competitive pressure and market forces within the Union; and
- 3) The ability to take on the obligations of membership, including support for the aims of the Union, with administration capable of applying and managing EU laws in practice.¹³

In order to uphold these criteria, EU member-states must also be UN members. There are currently 27 EU member-states, consisting of: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.¹⁴

Phases of integration

A number of treaties have usurped and amended the original Community model, resulting in a varied progression of European institutions. The EU itself formally came into existence with the Treaty on the European Union (TEU, Maastricht Treaty 1991), but it was in fact the Treaty Establishing the European Community (TEC, Rome Treaty 1957) which laid the foundation for European integration to significantly challenge the limits of state sovereignty in international law.¹⁵ Interestingly, it was almost ten years after the fact that states began to fully comprehend the extent to which they had signed a Treaty that was “more than an agreement which merely creates mutual obligations between contracting states”.¹⁶

¹³ “Enlargement” European Union Website. Last accessed January 13, 2011.

http://europa.eu/pol/enlarg/index_en.htm

¹⁴ “The Member Countries of the European Union” European Union Website. Last accessed February 12, 2011. ; http://europa.eu/about-eu/member-countries/index_en.htm .

¹⁵ The Treaty Establishing the European Community (TEC, 1957). Last accessed February 01, 2012, <http://eur-lex.europa.eu/en/treaties/index.htm>

¹⁶ Craig, Paul. P and de Búrca, Gráinne. “The Nature and Effect of EU Law: The Direct Effect of Treaty Provisions,” in *EU Law: Text, Cases, and Materials* Fourth Edition (Oxford, Oxford University Press, 2008) 272-274.

In 1964, the European Court of Justice (ECJ) presided over a legal case between chemicals company *Van Gend en Loos and the Netherlands Inland Revenue Department*, which ruled that legal Community created under the Rome Treaty “constitutes a new legal order of international law for the benefit of which the states have limited their sovereign rights, albeit within limited fields, and the subjects of which comprise of not only Member States but also their nationals”.¹⁷ While this concept of ‘direct effect’ means little for the EU’s participation in the ATS, it is often cited as a key example of how the legal personality of European Community was moving beyond what its member states thought they had committed. This case immortalised the evolutionary nature of European integration, and forged a path for further treaties to gradually assume more of the sovereign rights and obligations of its member-states.

As its formal title indicates, the Rome Treaty established the European Community as the legal personality of the then European Economic Community (EEC), with external representation and negotiation being undertaken by the European Commission.¹⁸ Today the European Commission still represents the EU in a number of international agreements and institutions, but under the latest treaty amendments, the EU itself has recently replaced and succeeded the European Community as the legal personality of European integration. This change gives the EU a legal basis in international law to strengthen its negotiating power, “making it more effective on the world stage, and a more visible partner for third countries and international organisations”.¹⁹

The Lisbon Treaty

These amendments are a consequence of the Treaty of Lisbon amending the Treaty on European Union (1991) and the Treaty establishing the European Community (1957), entering into force in December 2009. In addition to adding several new Protocols and Declarations to the existing legal

¹⁷ Van Gend en Loos was the first example of the concept of ‘direct effect’ of Treaty provisions within the European Community, specifically focusing on the negative obligations of the legal relationship between Member States and their nationals. The case ruling dictated that the Treaty establishing the European Economic Community (Rome Treaty, 1957) was different from a standard international treaty, as it not only conferred obligations on individuals, but also created new individual rights that national courts must protect. Craig, P.P and de Búrca, G. “Direct Effect” (2008), 273.

¹⁸ Bretherton, C and Vogler, J. (2006), 4.

¹⁹ Bretherton, C and Vogler, J (2006), 21. And,

Full Consolidated versions of The Treaty on the European Union and the Treaty on the Functioning of the European Union (the Treaty of Lisbon). *Official Journal of the European Union*, C83, Vol. 83, 30 March 2010. Available on <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:FULL:EN:PDF>

instruments of the EU, the Lisbon Treaty renames the Treaty establishing the European Community, to the Treaty on the Functioning of the European Union (TFEU).²⁰

The purpose of the Lisbon Treaty is to streamline the institutional structure of the EU as a means to legitimise its rise as a global political power in addition to economic strength. It would have been impossible for the EU to maintain executive competence in areas of common economic interest, such as agriculture or fisheries, without these policies encroaching upon the foreign policy of member-states; so a common approach to foreign policy in certain areas is an inevitable spill-over to integration.²¹

The Lisbon Treaty was created to shape the future of European diplomacy and the EU as a whole. It gives the EU an international face by creating a new High Representative for the Union in Foreign Affairs and Security Policy (who is also the Vice-President of the European Commission), to increase the impact, the coherence, and the visibility of the EU's external action.²² The European External Action Service (EEAS) has been created to provide support to the High Representative, which empowers new EU Delegations to represent the EU across the entire landscape of political, economic, foreign and security issues.²³ Comparatively, in the pre-Lisbon era EU flagged embassies could only represent the EU Commission. Most importantly, "the Lisbon Treaty enhances the EU's legal capacity to participate in international institutions of all types",²⁴ meaning that now the EU itself can be party to international agreements and institutions in policy areas that have been conferred upon it by its member states.²⁵

However, to what extent the Lisbon Treaty will actually change how the EU participates in the international political sphere is still widely debated. We are already familiar with how European integration has created new international legal norms, and it is still forging these new paths. Just like the Rome Treaty and the Van Gend en Loos Case, it could be almost a decade before we begin to see

²⁰ Treaty of Lisbon (2009).

²¹ Rosamond, B (2005).

²² Emerson, Michael; Balfour, Rosa; Corthaut, Tim; Wouters, Jan.; Maciej Kaczyński, Piotr; Renard, Thomas; *Upgrading the EU's Role as a Global Actor: Institutions, Law, and the Restructuring of European Diplomacy*, (Brussels: Centre for European Policy Studies, 2011). Available on <http://www.ceps.eu/book/upgrading-eus-role-global-actor-institutions-law-and-restructuring-european-diplomacy>

²³ *Upgrading the EU's Role as a Global Actor*, 10.

²⁴ *Ibid*, 13.

²⁵ *Ibid*, 29, And,

"Your Guide to the Lisbon Treaty"; Europa Treaty of Lisbon Website. Last Accessed April 2009.

<http://ec.europa.eu/publications/booklets/others/84/en.pdf> And,

"Coalition for the Reform Treaty briefing on the Reform Treaty – EU Institutions", European Movement Website. Last accessed on 12 February 2012,

http://www.euromove.org.uk/fileadmin/files_euromove/downloads/CRT_Briefing_on_EU_institutions.pdf

the real impact of the Lisbon Treaty, because despite granting the EU a legal personality to enhance its status in various international organisations and institutions, it achieves few automatic changes to this effect.²⁶

2.3 The EU's place in International Relations

As the Lisbon Treaty signals the start of an integrated legal regime for the EU, there is considerable debate around its significance in practical terms for the EU's participation in international relations.²⁷ The objectives of the EU's external policy under the Lisbon Treaty summarised under Article 21 provides a long list of value-based normative objectives for the EU (see Figure 1). The EU's repetitive rhetoric on the promotion of effective multilateralism through an increasingly structured multilateral order has been the prime objective of EU foreign policy even prior to the ratification of the Lisbon Treaty.²⁸

While scholars illustrate that the EU's value-based international role to date has largely developed as a counter to a hegemonic order dominated by US foreign policy that under the Bush Administration became increasingly unilateral, militarised, critical of the UN system, withdrawn of its environmental leadership role, and active in its opposition to human rights issues and international judicial concerns²⁹; the emerging multi-polar global order presents its own dramatic challenges to the EU's normative international role.

As globalisation shifts power towards Asia, giving rise to the influence of the BRICS states (Brazil, Russia, India, China and South Africa) in global politics, new questions have been posed as to the nature of normative principles (if any) this emerging multi-polarity will have.³⁰ As evident from recent UN Security Council debates and the substantive failure of the 2009 Copenhagen Climate Change Summit, the BRICS have shown different ideas for participation in global politics, supporting

²⁶ *Upgrading the EU's role as a Global Actor*, 22.

²⁷ Sutton, Alastair and Smales, David. "Lisbon signals the start of an integration legal regime". *Legal Week* 12, no 3 (Jan 28, 2010): 13.

²⁸ *Upgrading the EU's Role as a Global Actor*, 2.

²⁹ Bretherton, C and Vogler, J. (2006) 'Conclusion', pg216 and pp26 -27.

³⁰ *Upgrading the EU's Role as a Global Actor*, 2. And, Keukeleire, Stephan and Bruyninckx, Hans. "The European Union, the BRICs, and the Emerging New World Order" in, *International Relations and the European Union*, edited by Christopher Hill and Michael Smith, 397-399. 2nd Edition (Oxford: Oxford University Press, 2011).

realist notions of hard state sovereignty through the promotion of non-interference and non-binding international agreements.³¹

Particularly relevant to this thesis is the impact of this changing global order on the EU's external environmental policy and its subsequent normative role in global environmental politics, for which it also seeks to actively promote binding multilateralism. However, the EU's representative incohesion at the Copenhagen Summit led it to be sidelined during the final stages of negotiations, as the weak effectiveness of the EU troika representation and the multiplicity of voices from too many European leaders, left US President Obama to negotiate out of a diplomatic stalemate with China, India and Brazil alone.³²

EU ineffectiveness at Copenhagen further served to highlight the need for the EU to rationalise and strengthen its collective diplomacy through institutional cohesiveness, in order to provide a framework for action to face new global challenges of the emerging multipolar order.³³

New EU diplomacy

According to the recent 2011 report *Upgrading the EU's Role as a Global Actor* from the independent policy research institute the Centre for European Policy Studies (CEPS), the EU must lobby for stronger representation as a political actor in the international arena because "globalisation and the rise of new great powers, the changing nature of diplomacy with declining relative weight of bilateral inter-state affairs and the increasing demands to work out mechanisms of global governance", will force the EU and its member-states to adapt if they wish to remain relevant in global affairs.³⁴

³¹ *Upgrading the EU's Role as a Global Actor* pg19. And, Keukeleire, S and Bruyninckx, H. "The European Union, the BRICs, and the Emerging New World Order", pp397-399.

³² "*Upgrading the EU's Role as a Global Actor*"; pp 2-19.

³³ *Ibid*, pg3. And,

Hill, Christopher and Smith, Michael. "Acting for Europe: reassessing the European Union's place in international relations" in, *International Relations and the European Union*, edited by Christopher Hill and Michael Smith. 2nd Edition (Oxford: Oxford University Press, 2011), 460.

³⁴ *Upgrading the EU's Role as a Global Actor*, 14.

Figure 1. Lisbon Treaty – Objectives of the EU’s external policy.

1. The Union’s action on the international scene shall be guided by the principles that have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.

The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations which share the principles referred to in the first subparagraph. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations.

2. The Union shall define and pursue common policies and action, and shall work for a high degree of cooperation in all fields of international relations, in order to:
 - (a) Safeguard its values, fundamental interests, security, independence and integrity;
 - (b) Consolidate and support democracy, the rule of law, human rights and the principles of international law;
 - (c) Preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders;
 - (d) Foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty;
 - (e) Encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade;
 - (f) Help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development;
 - (g) Assist populations, countries and regions confronting natural or man-made disasters; and
 - (h) Promote an international system based on stronger multilateral cooperation and good governance.

Source: *Upgrading the EU’s Role as a Global Actor*, 17. Article 21, Treaty of Lisbon (2009).

Bilateral diplomacy on the part of member-states acting independently and with inconsistent discourse, is not only ineffective at a level of strategic significance, it is also an inefficient use of scarce talent and budgetary resources. Additionally, globalising trends in the international community have given rise to global regulatory policies that have in turn blurred the boundaries between traditionally national and international policy issues.³⁵ Since the EU is already well accustomed to dealing with the realities of competing and converging national and European

³⁵ *Ibid*, 19.

interests with a complex system of exclusive, shared, and national competences, it has a comparative advantage as a global actor in a multi-polar world order that is increasingly multilateral in its approach to contemporary security paradigms such as humanitarian assistance, environmental protection, and efforts to mitigate the impact of climate change.³⁶

While the EU's system of shared competences for foreign policy matters are complex, and there are still unresolved tensions on who may negotiate for the EU and member-states in certain types of situations, the CEPS report is confident that the EU's new diplomacy will retain a hybrid character indefinitely, even with the substantial restructuring of the EU's internal composition and external representation from the Lisbon Treaty. This is because shared competences that inevitably spill over into the international affairs which dictate EU foreign policy, in essence require two sources of power – with the EU and its member-states working together as a hybrid system.³⁷

However, despite the ability of this new EU diplomacy to radically change the EU's status in global institutions, the EU had little immediate success in attempts to upgrade its role in international organisations. This was particularly evident within the United Nations General Assembly (UNGA), where its status lagged behind its actual competence after the entrance into force of the Lisbon Treaty. This was because the Lisbon Treaty had little automatic effect for upgrading the EU's status in many international organisations and institutions, despite the EU already being party to hundreds of international agreements from membership gained as a regional economic integration organisation (REIO) prior to the Lisbon Treaty.

While the EU's hybrid foreign policy system is complex, and member-states and the EU will need to remain mindful to reduce any unnecessary procedural complications and expensive duplicative presences, EU member-states are already well aware of the costs of this system for their effective representation in international fora.³⁸ The CEPS report concludes that the EU will require two important prerequisites in order to realise the goal of upgrading its role as a global actor. First, “a sustained, systematic, and well organised push to progressively enhance the EU's status in organisations where this lags behind its actual competences”, and second “the steady build-up of a world class diplomatic service with competence in both traditional foreign policy matters and extensive sectoral regulatory practices”.³⁹

³⁶ *Upgrading the EU's Role as a Global Actor*.

³⁷ *Ibid*, pp6-9.

³⁸ *Ibid* 9.

³⁹ *Ibid* 13.

Assuming that the evolution of the multi-polar world order itself will shape how the EU can actually achieve upgrading its role as a global actor, the EU needs to decide on its strategic interests and potential as a global actor within this evolving world order.⁴⁰ Proponents suggest that the EU can achieve greatness of *influence* and *impact* in this rapidly changing world by playing a role that contributes “proactively, intelligently, strategically, subtly – and successfully – to the creation of a more stable, secure, prosperous and harmonious world order” by forging ‘multilateral global grand bargains’ that foster a history of collective approaches to transnational challenges such as environmental degradation, climate change, regional instabilities, and acts of terrorism.⁴¹

This thesis argues that if multilateralism in the international community remains weak at the political will of the strong state powers, and therefore the EU remains unsuccessful in its attempts for permanent membership in international fora or regional governance mechanisms where its normative influence would contribute to effective multilateralism, then it should actively begin to pursue membership in other political arenas. For example, those mechanisms which complement policy areas where the EU already has established a level of actor capacity in its own right, such as environmental protection. Here an upgraded EU role may have a smaller perceived threat to national sovereignty than institutions which deal within the realms of tradition foreign policy and diplomacy; in effect acting as an interim step for achieving the broader strategic goal of upgrading the EU’s role as a global actor.

While such mechanisms would not show a visible lag in the adoption of EU competences, and would therefore be of supplementary interest to the EU at this point in time, they would serve to strengthen this broader strategic goal by further legitimising an EU presence within the international community along policy issues which have already begun to shape the EU’s international identity. The Antarctic Treaty System (ATS) could be one such mechanism. By employing this tactic, the EU could utilise its inclusion in these mechanisms as a legitimate basis to strengthen future bids to upgrade its status within some of the more elusive mechanisms of global governance that delve further into traditional foreign policy issues. Accordingly, this thesis adopts a key theme of the CEPS report, as it also seeks to establish an argument for how the EU could rationalise and strengthen its collective diplomacy within a specific institutional arrangement. In this instance the institutional arrangement is that of the ATS.

⁴⁰ Emerson, Michael and Maciej Kaczyński, Piotr “Looking afresh at the external representation of the EU in the international arena, post-Lisbon”, *Centre for European Studies (CEPS) Policy Brief*, No.212/July 2010. Available from <http://www.ceps.eu/book/looking-afresh-external-representation-eu-international-arena>

⁴¹ Howorth, Jolyon. "The EU as a Global Actor: Grand Strategy for a Global Grand Bargain". *Journal of Common Market Studies* 48, no 3 (2010): 455-474.

Before this chapter establishes a clear theoretic framework for analysis on how the EU could upgrade its direct engagement in the ATS, more specifically for a permanent participatory role in the Antarctic Treaty Consultative Meeting (ATCM), it will briefly review one instance where the EU has been successful in its attempts to upgrade its role as a global actor after the Lisbon Treaty has entered into force. This example investigates the EU's attempts to upgrade its status within the United Nations, which provides an insight into a global mechanism that is largely concerned with issues of traditional foreign policy and security, and for which the EU's representation visibly lagged behind its actual competence after the ratification of the Lisbon Treaty.

Chapter Three introduces a second example that explores the EU's attempts to gain a formalised role within the Arctic Council, which provides an insight into a regional mechanism that is largely concerned with foreign policy and security issues of a more contemporary nature, and for which the EU's participation does not lag behind its actual competence. Both of these practical examples provide important comparative contextualisation for analysis on how the EU could rationalise and strengthen its collective diplomacy within the institutional arrangement of the ATS.

The United Nations

Despite the intention for the Lisbon Treaty to strengthen the EU's negotiating position in international relations, 'the law of unintended consequences' saw the EU's representation in the United National General Assembly (UNGA) actually weaken by the interaction of the Lisbon Treaty and the UNGA Rules of Procedure.⁴² This is because the EU's position in UNGA debates is no longer posited by the member-state representing the rotating Presidency of the Council of the European Union. Instead, it is now the shared role of the High Representative and the President of the European Council. As the EU itself only held 'ordinary' observer status at the UN until recently, the new EU representatives could only intervene after all 192 full UN Members had spoken.⁴³

This weakened position is what led the EU Members to table a Resolution in the UNGA in September 2010, which was to invoke the EU's status as a REIO in order to upgrade its participation in the UNGA, subsidiary working groups and UN conferences, to that of an 'enhanced' Observer.⁴⁴

⁴² *Upgrading the EU's Role as a Global Actor*, 6.

⁴³ *Ibid.*

⁴⁴ *Ibid.*

Unfortunately for the EU, a majority voted to defer for further “open, transparent, and inclusive negotiations” before decisive action could be taken on a draft resolution “that effectively would have created a new category of non-State observer with a unique complement of rights and privileges”, rather immediately pass UNGA Draft Resolution A/64/L67.⁴⁵

Member States revisited this debate in May 2011 and after much lobbying on the part of the EU⁴⁶, passed UNGA Resolution A/RES/65/276, adopting a set of modalities for the enhanced participation of the EU.⁴⁷ Days prior to the UNGA Plenary Session, the European Parliament adopted its own resolution, also stressing the need the need for the “comprehensive reform of the UN Security Council....reiterat[ing] the view that an EU seat in an enlarged UNSC remains a central, long-term goal of the European Union”, “stressing that the EU – by enhancing cooperation, improving institutions and engaging all stakeholders – should play an active and leading role in global governance reform to make international institutions and organisations more legitimate, effective and conducive to shared responsibility, while strengthening its position, pursuing its objectives and priorities and promoting its principles, values and interests to shape this process” in a bid to further reinforce the EU’s role in the multilateral system.⁴⁸

2.4 The EU as a global actor – theoretical framework

Attempts to define what the EU is in order to analyse its place in the process of international relations is a difficult task. It is not a state in the traditional sense, nor an international organisation; yet it is both an actor and an arena, “a system of international relations in itself”.⁴⁹ Hill and Smith conclude in their updated 2011 publication *International Relations and the European Union*, that the EU can be thought of as a “parastatal entity”, as it exists alongside traditional nation-states to handle tasks that they might otherwise struggle to deal with.⁵⁰ They suggest that the EU’s place in

⁴⁵ United Nations General Assembly Official Record A/65/PV.88. Speech by Ms Bethel (Bahamas/CARICOM Representative). 65th Session, 88th Plenary Meeting. Tuesday 3rd May 2011.

⁴⁶ For an account of the political dynamics regarding the EU’s upgraded role in the UNGA, see Emerson, Michael and Wouters, Jan, “The EU’s Diplomatic Debacle at the UN: What else and what next?,” *Centre for European Policy Studies (CEPS) Commentary: Thinking Ahead for Europe*, 1 October 2010. Available from <http://www.ceps.eu/book/eu%E2%80%99s-diplomatic-debacle-un-what-else-and-what-next>

⁴⁷ United Nations Resolution A/RES/65/276*. 65th Session, Agenda Item 120, 10th May 2011.

⁴⁸ European Parliament Report A7-0181/2011 “on the EU as a global actor: its role in multilateral organisations”. Committee on Foreign Affairs, 29th April 2011.

⁴⁹ Hill, Christopher and Smith, Michael, “International Relations and the European Union: Themes and Issues” in, *International Relations and the European Union*. Edited by Hill, Christopher and Smith, Michael. 1st Edition (Oxford: Oxford University Press, 2005), 3.

⁵⁰ Hill, C and Smith, M (2011), 467.

International Relations (IR) literature can be examined within three lenses: first, the EU as a system of international relations in itself; second, the EU as a participant in the wider process of international relations; and third, the EU as a power.⁵¹ Other scholars prefer to keep its definition as *sui generis*, instead focusing on ways in which the EU's actual participation and substance can be examined to gauge qualities of 'actorness' within the process of international relations, in order to conceptualise its role as a global actor.⁵²

Therefore, when studying the EU as a global actor there is often a cross-disciplinary trend of analysis which merges approaches from Political Science, International Relations, International Law, Economics, History, and other social sciences, to explore the EU's integration, the internal processes of policy-making, and its subsequent international relations with non-members.⁵³ This European Studies approach offers the necessary theoretical convergence that can be utilised to accurately gauge the EU's participation and substance in the international system – and therefore its role as a global actor – by studying its 'presence'⁵⁴, 'actorness'⁵⁵, and 'international identity'⁵⁶ in addition to its participation within the realms of traditional high politics of security, defence and foreign policy, and low politics of the economy and society.

Accordingly, this thesis adopts a key methodological assumption from the earlier 2005 research of Hill and Smith, which asserts that "a methodological pluralism is therefore required when seeking to explain and understand the EU's role in international relations".⁵⁷ No single approach, whether as broad as realist, rationalist, or constructivist, or as specific as intergovernmentalism, geo-politics, or 'presence', can provide for an adequate analysis of the role of the EU's place in international relations.

This chapter segment establishes a theoretical framework for the subsequent analysis of the EU's participation in the ATS, by first examining literature on the EU within IR theory as a singular approach. The EU's existence is explained with two classical IR theories, Federalism and Neo-

⁵¹ Hill, C and Smith, M (2011), 459.

⁵² Bretherton, C and Vogler, J. (2006), 2.

⁵³ Hill, C and Smith, M (2005), 3. And,

Smith, Michael E. "Implementation: making the EU's International Relations Work" in, *International Relations and the European Union*. Edited by Hill, Christopher and Smith, Michael. 1st Edition (Oxford, Oxford University Press, 2005), 135.

⁵⁴ Allen, David and Smith, Michael. "Western Europe's Presence in the Contemporary International Arena". *Review of International Studies* 16, no 1 (1990): 19-37.

⁵⁵ Bretherton, C and Vogler, J. (2006).

⁵⁶ Manners, Ian and Whitman, Richard. "Towards Identifying the International Identity of the European Union: A Framework of Analysis of the EU's Network of Relationships". *Journal of European Integration* 21, no 3 (1998): 231-249.

⁵⁷ Hill, C and Smith, M (2005), 3.

functionalism, which examine the reasons behind and the process of European integration. A Constructivist approach is deemed an appropriate framework of analysis for this dissertation, as it is a more contemporary strain of IR theory that adds social constructs to the analysis of actors in international relations. This framework allows for the examination of the EU as behaving in state-like manner for its external activities, which challenges traditional structural conceptions of international relations.

Secondly, this framework is enhanced by the introduction of European Studies theories which attempt not to define what the EU is as an actor, but to define the EU's place and value in international relations by analysing its 'presence', 'actorness' and 'international identity'. The review of literature creating the theoretical framework of this thesis culminates in a brief introduction of Europeanisation theory, which is utilised in subsequent chapters to determine to what extent the EU's current influence and substance in the international arena of the ATS is enough to upgrade its role as an actor in its own right, or whether its new institutional coherence might only serve to further exert its influence through an impact on the foreign policies of its member-states with respect to the Antarctic.

International Relations and the EU

Given that the recognition of an actor in International Public Law focuses on the inter-state system, its formal concept of actorness is discussed in terms of the notion of legal personality; "Legal actorness confers a right to participate, but also to be held responsible by other actors, and to incur obligations".⁵⁸ In 1648, the Treaty of Westphalia formerly inaugurated the modern state system by laying down the assumption that sovereign territorial states are the subjects of International Law, and therefore only a state could make treaties, join international organisations, and be held accountable by other states.⁵⁹

By the mid-twentieth century these Westphalian assumptions were being challenged, with the first formal recognition of international legal personality for a non-state actor emerging from a 1948 International Court of Justice (ICJ) ruling which recognised the UN (as an intergovernmental organisation) as having an international legal status. While the ruling noted that this legal personality was not equivalent to that of a state, it nevertheless formed the future basis for the

⁵⁸ Bretherton, C and Vogler, J. (2006), 13.

⁵⁹ *Ibid*, 14.

recognition of the international legal personality of other non-state actors, including the European Community (EC), allowing them to also be the subjects of international law in areas of legally established competence.⁶⁰

International Relations (IR) is a broader academic field of study that attempts to explain how the world works and what we observe of the international system, and is more apt at defining the EU's place in the world aside from simple legal definitions. IR can be focused to analyse the EU's participation and substance within the international arena when its competence in areas of high politics is typically limited in favour of retaining the political agency (read: sovereignty) of its member-states.⁶¹ Over the years IR scholars have attempted to use a range of theories to explain why European integration has occurred and still exists, and to characterise the EU's internal and external relations.

However, as many of these studies have focused on explaining the EU's international relations within classical schools of IR that were initially created to account for the behaviour of states, they too often focus on comparing the activities of the EU in relation to an international system which bases relationships between states on the competition over military power and material resources; an approach which neglects to accurately account for the true extent of the EU's international relations and foreign policy.⁶²

Federalism and Neo-functionalism are two IR schools that were adapted from broader theories to specifically account for the unique circumstances that encouraged European integration, both of which focused on an end point of a fully fledged Union complete with an amalgamated security community in mind. Federalism as a school of thought focuses on 'high politics' of the political order including security, defence and foreign policy. It is akin to the broader IR theory Realism in that it identifies the main problem of international relations is that it is an arena in a constant state of anarchy, as state actors seek to survive under conditions of mistrust, reciprocal threats, rivalry, and violence.⁶³ Based on the experience of the two world wars, federalists held a deep mistrust of diplomacy and the balance of power as traditional remedies for an anarchical system, so they sought

⁶⁰ This recognition for a state-like international legal personality has now transferred to the EU in the post-Lisbon Treaty period, but it is important to note that its participation in international relations has moved beyond recognition as an intergovernmental actor. Bretherton, C and Vogler, J (2006), 14.

⁶¹ Hill, C and Smith, M (2011), pp465-466.

⁶² Hill, C and Smith, M (2011) pp477-478.

⁶³ Andreatta, Filippo "The European Union's International relations: A Theoretical View" in, Hill, Christopher and Smith, Michael *International Relations and the European Union*, 2nd Edition (Oxford, Oxford University Press, 2011) pp23-28.

to remove aggressive nationalism by fusing states and their instruments of violence into a secure union with common defence and foreign policy.⁶⁴

Neo-functionalism as school of thought focuses on 'low politics' of economics and civil society, including issues of citizen welfare. Like federalists, neo-functionalists believe that the motor for integration in this instance also focuses on security, but rather than being the security of states as political actors, neo-functionalists argue that the inability of nation-states to provide for the welfare of their citizens would lead to unification as the most efficient form of security for individuals and their societies.⁶⁵ Full integration in this instance would stem from functional, technical, and political spillovers from institutions that were created to possess jurisdiction over states for the benefit of their citizens. As political spillovers follow economic and social integration, analysis of foreign policy within the neo-functionalist framework is supplementary given its traditional distaste of power politics.⁶⁶

While both schools were formulated to be general models of behaviour in world politics, they are criticised for being highly 'Eurocentric' as their emphasis focused too much on explaining events in Western Europe that would ultimately lead to the creation of a super-state with a political community that would be superimposed over existing ones. Once it became obvious that full integration was not inevitable, scholars shifted theoretical debate on European integration towards interpretation within the broader paradigms of IR literature: Realism, Liberalism, and eventually Constructivism. These theories give more importance to the continued existence of states in the international system than the schools of federalism and neo-functionalism, and their broader application can account for more empirical variables on the EU as a participant in wider process of international relations.⁶⁷

For the purpose of analysing the potential for the EU to upgrade its role as a global actor by increasing its participation in the politics of the ATS, establishing framework of analysis within the Post-Positivist Constructivist IR approach is preferred over mainstream Positivist Realism and Liberalism. Unlike Realism, Constructivism is not a theory in itself; instead it is an approach which encompasses a broad range of social theories under the Post-positivist English School of International Relations, which uses social constructs to explain the significance of shared norms and

⁶⁴ Andreatta, F (2011). pp23-28.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

values for an International Society.⁶⁸ Post-positivists critique Positivists (recognised as being the American School of International Relations) for trying to apply an objective scientific method of analysis to the social world, as they end up focusing too much on analysing the notions of power and security as causal concepts, when the constitution of these notions should be focused on.⁶⁹

Constructivism challenges the rigidity of mainstream Positivist debates by emphasising the importance of social constructs and cognitive factors to the behaviour of actors in the international system. Constructivists posit that while states may be rational actors, decisions around forming collective foreign policy are hindered by cognitive constraints of the decision makers, and are therefore based on a 'bounded rationality'.⁷⁰ These constraints include limitations to time for information gathering and processing, leading to decisions that are less than fully rational as they are made from imperfect information.⁷¹ Alexander Wendt is credited with Constructivism's early development, though there are many diverging strands.

While Constructivism echoes the mainstream analysis of states in international relations under conditions of anarchy, there is a clear break from Realism because "anarchy is what states make of it" as it is social construct that can be perceived in different ways depending on to what extent these states are obedient to the 'political culture' of the international system.⁷² Because EU's participation in the international system transcends Realism's perception of constant anarchy, as the EU seeks to modify this condition through the promotion of binding multilateralism, "European integration could represent an experiment in the construction of a different type of international order, in which conflict could be replaced by cooperation and suspicion by mutual trust".⁷³ Wendt argued that this happens because actors will obey the rules of the system for three reasons: coercion, interest, and legitimacy. Over time states can develop norms of peace and cooperation (echoing Liberal IR theory), leading to a shared sense of community, which in turn reinforces peaceful interactions.⁷⁴

⁶⁸ Bull, Hedley. *The Anarchical Society: A Study of Order in World Politics*, Third Edition with forwards by Andrew Hurrell and Stanley Hoffman. (New York, Columbia University Press, 2002).

⁶⁹ Wendt, Alexander, "Anarchy is what states make of it: the social construction of power politics", *International Organisation*, 46, 2, Spring 1992.

⁷⁰ Andreatta, F (2011) pp 35-37.

⁷¹ *Ibid.* And,

Wendt, Alexander, *Social theory of international politics* (Cambridge, Cambridge University Press, 1999).

⁷² Wendt, Alexander. E. "The agent-structure problem in international relations theory", *International Organization*, Vol.41, Issue 03. June 1987.

⁷³ Andreatta, F (2011), 37. And, Hill, C and Smith, M (2011), 460.

⁷⁴ Wendt, A.E.(1987), And Andreatta, F (2011) 36-37.

For the purpose of this thesis research, a Constructivist IR approach has been outlined to establish a framework of the EU's 'global presence', 'actorness' and 'international identity'⁷⁵ so that the its place and substance in the process of international relations can be gauged to identify areas where the EU could seek to upgrade its role as a global actor. By utilising this Constructivist framework, this thesis examines the EU's potential to become a Contracting Party to the Antarctic Treaty, for which it might construct for itself a role for political engagement in the ATCM, in areas that align with its perceived international role as a 'normative power' in global environmental politics. As the EU's participation in this area is based on a conferred legal competence in policy areas which align with its international identity, it is also apt to analyse how identity can be constructed through the promotion of shared norms and values.⁷⁶

While this approach does not discount the interest the EU would have in the resources of the Antarctic (for example fisheries, bioprospecting resources, fresh water, and minerals), because this thesis examines how the EU could increase its actorness in the ATS to further legitimise itself as a global political actor, inclusion of the EU's potential interest in securing Antarctic resources is a supplementary consideration of the subsequent analysis chapters. Before this empirical analysis is introduced in Chapter Three, the next segment introduces the concepts of presence, actorness, and international identity that construct the EU's recognition as 'normative power' within global environmental politics.

Global Presence, International Identity and Actorness

In the early 1990s, when the end of the Cold War encouraged the emergence of Post-positivist Constructivist approaches to international relations, David Allen and Michael Smith moved beyond positivistic comparative political science analysis of the external capacity of the EC's institutions, to develop the notion that the Western Europe's tangible and intangible *presence* in the international arena was a means to determine its role and impact in global politics.⁷⁷ This was an early attempt to analyse the EC through "the place it occupies in the perceptions and expectations of policy makers", for which an EC presence could have a subtle influence with tangible outcomes.⁷⁸

⁷⁵ Manners, I and Whitman, R. (1998).

⁷⁶ *Ibid.*

⁷⁷ Manners, Ian; "Global Europa: Mythology of the European Union in World Politics"; *Journal of Common Market Studies*, Vol.48.No. 1. 2010; pp67-87.

⁷⁸ Allen, D and Smith, M (1990).

Richard Whitman later built on this notion by suggesting that the EU could have an 'international identity', which would characterise its presence and capabilities, in addition to its external relations and foreign policy. Whitman's concept "was not a synonym for "foreign policy" or "external relations", but [...] a position from which to commence conceptualising the global role of the European Union as being greater than the sum of its parts".⁷⁹

Previous to this emerging analysis, social theory had been largely absent from the analysis of the EU in global politics, yet the study of human action, social institutions and social identity are critical to understanding the international identity of the European Union (IIEU), and thus the EU's place in global politics.⁸⁰ Ian Manners joined Whitman to argue that "the notion of international identity is an attempt to think about how the EU is constituted, constructed, and represented internationally. The relationship between the EU and the rest of the world is therefore crucially determined by the nature of this international identity".⁸¹

This international identity is shaped by constantly evolving elements, including the EU's constitutive history and principles; the way that it is perceived; and the way that the EU represents itself, and in turn, how others represent it. In this instance, Manners and Whitman are careful to note that this IIEU is not mono-dimensional (either national or European); it reflects the hybrid nature of EU institutions with contestations of complex, multiple and relational identities.⁸² Most importantly for this thesis, Manners and Whitman view the IIEU to be an identity that exists in contrast to the Westphalian norms of sovereignty and territoriality.⁸³

In keeping with post-Cold War Constructivist analysis of the international system, which moved analytical focus away from actors that justified their roles in global politics from the competition over power and resources, Manners introduced the concept of 'normative power' as one part of the IIEU.⁸⁴ His intention was to quantify the essence of the EU's role in global politics through its active promotion of nine normative principles, including peace, freedom, democracy, human rights, the rule of law, equality, social solidarity, sustainable development, and good governance; based on the prominence given to these ideals within the EU's external relations during the 1990s and beyond.⁸⁵

⁷⁹ Manners and Whitman (1998), 46. And , Ian and Whitman, Richard. "The 'difference engine': constructing and representing the international identity of the European Union". *Journal of European Public Policy* 10, no 3 (2003): 380-404. And, Manners, Ian; "Global Europa: Mythology of the European Union in World Politics"; pg76.

⁸⁰ Manners, I and Whitman, R (2003).

⁸¹ Manners, I; Whitman, R (2003), 383.

⁸² Manners, I; (2010), 76.

⁸³ Manners, I; Whitman, R (2003), 382.

⁸⁴ Manners, I; (2010), 77.

⁸⁵ Manners, Ian. "The Normative Ethics of the European Union". *International Affairs* 84, no 1 (2008): 45-60.

In Manners' opinion, "the concept of normative power emphasises normative justification in world politics".⁸⁶

Conceptualising the EU as a normative power in world politics remains relevant in the 21st century, and involves understanding legitimising principles, persuasive actions, and the socialising impact of actors on the normative component of global politics.⁸⁷ This normative component refers to the rules that govern the subjects of international law, which determines how actors participate in international relations. Because the EU can be considered both an arena and actor in itself, this normative institutional socialisation occurs both internally with external ramifications for the projection of member-states foreign policies, and externally for the EU's projection of its own constructed values and norms within the wider international system.⁸⁸

Internally, EU member-states do not transfer ultimate foreign policy control to EU institutions, but in practice they do tend to adopt a "logic of appropriateness" towards EU institution rules because they fear being considered as untrustworthy or inappropriate partners.⁸⁹ As EU institutions encourage the development of common platforms, national foreign policies can be influenced (only when there is no explicit encroachment on vital national interests), and eventually draw national positions closer in a process called 'Europeanisation'.⁹⁰ Externally, as internal national positions become socialised, a consistent bias towards a common position in certain areas creates an external role for the EU, in turn creating an international identity.⁹¹

As the EU's normative power encapsulates its presence, capabilities, and other parts of its international identity, "the EU changes the normality of international relations.... [by] chang[ing] the norms, standards, and prescriptions of world politics away from the bounded expectations of state-centricity".⁹² For example, the EU's promotion of the normative principle of binding multilateralism has scope to influence the operation of the international system itself, and we have seen the EU attempt this via its role in global environmental politics, albeit somewhat unsuccessfully at the Copenhagen Summit.

⁸⁶ Manners, I; (2010), 76.

⁸⁷ *Ibid.*

⁸⁸ Andreatta, F; (2011), 36. And, Checkel, Jeffery T. "International Institutions and Socialisation in Europe: Introduction and Framework", *International Organisation*, 59, Fall 2005, pp801-826.

⁸⁹ Hall and Taylor (1996) in Andreatta, F; (2011), 36.

⁹⁰ Andreatta, F; (2011), 36.

⁹¹ Smith, M.E (2004a) in Andreatta; F; (2011), 37.

⁹² Manners, Ian; (2008), 45. And, Manners, I; (2010), 77.

It is apparent from International Relations literature that the debate over the EU's place and substance in global politics relevant to this thesis, typically involves examining the creation of an external role for the EU in two ways, both of which are somewhat intertwined. Allen and Smith's concept of 'presence' is used to assert that "the EU already possesses a distinctive international role with a distinctive substance to its policy".⁹³ This explanation for the EU's external role mirrors neo-functionalism, as it is purely as a result of spillovers from internal policy cohesion. While presence is an important consideration, it is rather limiting on its own, and as we have already seen many scholars seek to build on this concept.

In the late 1990s, Charlotte Bretherton and John Vogler revived Gunnar Sjöstedt's Constructivist notion of 'actor capability', in an attempt to create a new conceptual category that could analyse to what extent the EU had acquired and exhibited qualities of an international actor in global politics.⁹⁴ Their concept of 'actorness' suggests that the EU's external role can be actively *constructed*, rather than simply occur as a result of policy spillovers.⁹⁵

Here the creation of an external role for the EU is also dependant on the internal development of common policy positions, but in this instance the EU's external activities and participation in international relations are not an unintended consequence – they are purposefully shaped by examining and utilising three key elements of opportunity, presence, and capability, in order to construct a suitable role for the EU as a global actor.⁹⁶ Bretherton and Vogler delimit these three key elements as follows:

- "Opportunity denotes factors in the external environment of ideas and events which constrain or enable actorness. Opportunity signifies the structural context of action.
- Presence conceptualises the ability of the EU, by virtue of its existence, to exert influence beyond its borders. An indication of the EU's structural power, presence combines understandings about the fundamental nature, or identity of the EU and the (often unintended) consequences of the Union's internal priorities and policies.

⁹³ Allen and Smith (1990) in Manners, Ian; and Whitman, Richard; "Towards Identifying the International Identity of the European Union: A Framework of Analysis of the EU's Network of Relationships"; *Journal of European Integration*. Vol.21, No.3,1998. pp231-249.

⁹⁴ Bretherton, C and Vogler, J (2006), 17.

⁹⁵ *Ibid*, 24.

⁹⁶ *Ibid*, 2.

- Capability refers to the internal context of EU external action – the availability of policy instruments and understandings about the Union’s ability to utilise these instruments, in response to opportunity and/or to capitalise on presence”.⁹⁷

Bretherton and Volger are particularly interested in “the process through which such qualities [of actorness] may be constructed”, as this is an approach which is not limited to examining behavioural patterns of the EU’s external relations.⁹⁸ Instead, it allows for the consideration of many factors including the internal processes of the EU, and “the external environment of ideas and events that permit or constrain EU action”.⁹⁹ The inadequacy of a behavioural approach to examining EU ‘actorness’ is also noted by other European Studies scholars who suggest that “the EU’s international performance to date....could well prove to be utterly irrelevant to its future behaviour” given radical changes to the nature of the international system itself.¹⁰⁰

One of the biggest challenges in this respect is for the EU is to assert its place and substance within a developing multi-polar global order, with the rise of new global powers (the BRICS) whose influence threatens to undermine the EU’s promotion of stronger international law within normatively founded multilateralism.¹⁰¹ If the EU’s objective is to mitigate the risks of an “ominously dangerousnewly emerging multi-polarity”, its systemic influence will be dependent on its ability to organise coherent (between EU institutions) and cohesive (between member states) external actions across multiple sectors of foreign policy – which requires strategic coherence for its external representation.¹⁰²

Bretherton and Vogler note that the most important basic requirement for the concept of actorness is the ability to formulate external policy, which results in the capacity to respond to opportunities and constraints afforded by the external environment in which the EU is present.¹⁰³ Actor capability “denotes the political will to create a European actor capable not only of responding to external expectations but actively contributing to the construction of understandings and practices which in turn shape the expectations of others, [and] can be studied at three distinct levels – shared commitment to a set of overarching values, the ability to provide overall strategic direction for EU

⁹⁷ *Ibid*, 24.

⁹⁸ *Ibid*, 2.

⁹⁹ *Ibid*.

¹⁰⁰ Howorth, J (2010), pg459.

¹⁰¹ *Upgrading the EU’s Role as a Global Actor*, pp13-20.

¹⁰² *Upgrading the EU’s Role as a Global Actor*, 20.

¹⁰³ Bretherton, C and Vogler, J; (2006), 6 and pp217-218.

external activity, and the everyday requirements of policy-making and implementation, including the availability of policy instruments”.¹⁰⁴

The capacity for an actor to behave actively and deliberately in relation to other actors in the international system remains a key part of this concept of actorness.¹⁰⁵ Since the EU has no statement of strategic intent with respect to the Antarctic, aside from where the EU has executive competence in the Antarctic fisheries mechanism through the EU’s Common Fisheries Policy (CFP), it is difficult to gauge any current active and deliberate behaviour on the part of the EU to pursue actor capacity in the politics of the ATS. Furthermore, the EU’s direct participation in the ATCM to date was limited to an *ad hoc* Observer role during the development of the Protocol on Environmental Protection to the Antarctic Treaty.

Despite the EU’s limited direct presence in the ATCM to date, over the course of this research an EU normative influence on the politics of the ATS has been observed, which has afforded the EU an indirect presence in the ATCM in addition to its limited direct participation in the 1990s. This presence can be largely attributed to the Europeanisation of its member-states foreign policies with respect to Antarctic issues. It is not the same as a neo-functionalist spill-over to integration or policy convergence that result simply as part of the EU’s existence, but instead implies an active and purposeful effort on the part of EU elites to exert and EU influence externally, “to shape perceptions, expectations and behaviours of other actors in international relations”.¹⁰⁶ Europeanisation of foreign policies of EU member-states with respect to the Antarctic is not at all unique to the politics of the ATS.

Bretherton and Vogler’s concept of actorness does not reference Europeanisation in their recognition of internal processes which contribute to an EU ‘presence’ that contributes to the construction of an external role for the EU, even though it has striking similarities with their criteria for actor capability (as outlined in the following segment).¹⁰⁷ This can be attributed to the fact that Europeanisation is a process which can be utilised to exert EU influence in areas where it cannot have a direct participatory role.¹⁰⁸ For the purpose of the empirical analysis of this thesis research as covered in the subsequent chapters, Europeanisation theory is considered a complementary (but

¹⁰⁴ *Ibid.*

¹⁰⁵ Gunnar Sjöstedt in Bretherton, C and Vogler, J (2006), 17.

¹⁰⁶ Reference Featherstone and Wong.

¹⁰⁷ Bretherton, C and Vogler, J; (2006), 17.

¹⁰⁸ Lenschow, Andrea. "Europeanisation of Public Policy". In *European Union: Power and Policy-Making*, edited by Jeremy Richardson. (Oxon: Routledge, 2006), 57.

not comparative) strain of analysis as it can be used to explain an EU influence in the politics of the Antarctic when its actual role as an actor remains visibly limited. Accordingly, this thesis also investigates to what extent changes from the Lisbon Treaty merely serve to enhance the internal policy coherence of the EU as an institution whose influence in the ATCM will remain mainly felt through the foreign policies of its member states.

Europeanisation

According to Kevin Featherstone, the usage of the term Europeanisation in social science literature has increased significantly in the past two decades, with application in four broad categories: the maximalist interpretation of Europeanisation as a historical process and as a matter of cultural diffusion, and the minimalist interpretation as a process of institutional adaptation and adaptation of policy and the policy process. The latter two being the most closely linked to the operation of the European Union.¹⁰⁹

Andrea Lenschow's thorough investigation of Europeanisation literature has identified that the concept itself has caused considerable confusion and disagreement in both content and scope.¹¹⁰ As Europeanisation introduces a new element to older European Studies rather than establish a new school of thought, its varied application means the concept lacks a single and precise definition.¹¹¹ However, Lenschow notes that "all definitions conceive of Europeanisation as a process rather than a status", and as a process it is an independent variable which leads to unspecified outcomes¹¹² such as policy convergence or divergence, but they are not synonyms for this process.¹¹³

In contrast to federalism and neo-functionalism, Europeanisation does not assume that a supranational centre will undermine the role of national capitals.¹¹⁴ Instead, the process of Europeanisation can serve to reinforce the role of the nation-state despite a key assumption that membership within the European Union has an important and frequent impact on the foreign

¹⁰⁹ Featherstone, Kevin; "Introduction: In the Name of 'Europe'"; Featherstone, Kevin (Ed); Radaelli, Claudio. M (Ed); The Politics of Europeanisation; Oxford University Press, Oxford, 2003; pg5.

¹¹⁰ Lenschow, A (2006), 57.

¹¹¹ *Ibid.*

¹¹² *Ibid.*

¹¹³ Radaelli, Claudio M. "Whither Europeanisation? Concept stretching and substantive change". European Integration online Papers 4, no 8 (2000). Available from <http://eiop.or.at/eiop/texte/2000-008a.htm>

¹¹⁴ Wong, Reuben. "The Europeanisation of Foreign Policy". In *International Relations and the European Union*, edited by Christopher Hill and Michael Smith, 2nd Edition. Oxford: Oxford University Press, 2011.

policies of its member-states.¹¹⁵ As this thesis research is only concerned with the Europeanisation of foreign policy, the interaction of only three of the five forces are relevant, following the analysis of Reuben Wong.¹¹⁶ Wong develops an operational theory of Europeanisation which includes the interaction of top-down policy convergence, bottom-up national projection, and horizontal identity reconstruction, in order to understand the extent of the influence, opportunities and constraints on the construction of EU member-state's foreign policies.¹¹⁷

Top-down policy convergence, or national adaptation, refers to the impact of the EU on the institutional structures, policies and politics of its member-states at the national level.¹¹⁸ Robert Ladrech's 1994 assertion that "Europeanisation is an incremental process reorienting the direction and the shape of politics to the degree that EC political and economic dynamics becomes part of the organisational logics of national politics and policy-making", remains apt today.¹¹⁹ Here a process of change comes from cross-national policy convergence between member-states as they adapt national policies in response to demands from the supranational EU-level.¹²⁰

Bottom-up national projection refers to the impact member-states have on EU institutions, policies and politics, as ideas, preferences and models are uploaded from the national level.¹²¹ In this instance the EU not only puts pressures on member-states to conform, it also affords member-states the chance exploit new opportunity structures when there is no model to guide their activities.¹²² "the Europeanisation of foreign policy thus leads to a negotiated convergence between national and the supranational levels".¹²³ Horizontal identity construction refers to broadest interpretation of the process of Europeanisation, for which convergence results in the development of a European identity and European interests that exist alongside, and begin to inform and shape national identities and interests.¹²⁴

¹¹⁵ Wong, R (2011), 168.

¹¹⁶ *Ibid.*

¹¹⁷ *Ibid.*, pp150 – 168. And, Lenschow, A (2011), 57.

¹¹⁸ Wong, R (2011), 151.

¹¹⁹ Ladrech, Robert. "Europeanisation of Domestic Policies and Institutions: The Case of France". *Journal of Common Market Studies* 32, no 1 (1994). .

¹²⁰ Wong, R; pg157. And,

Radaelli, Claudio M. "Europeanisation: Solution or Problem". *European Integration online Papers* 8, no 16 (2004). Available from <http://eiop.or.at/eiop/texte/2004-016a.htm>

¹²¹ Wong, R (2011), 157.

¹²² Lenschow, A. (2006), 62.

¹²³ Wong, R (2011), 168.

¹²⁴ *Ibid.*, 157.

The interaction of all three of these interrelated forces of Europeanisation result in foreign policy which is the product of complex negotiations, where “at the domestic level, actors pressure their national executives to pursue policies at the European level that are favourable to their interests. At the European level, the Member State governments push for European policies that satisfy domestic pressures, while minimising their adverse consequences at the domestic level”.¹²⁵ Member-states tend to be cost-sensitive in these negotiations as they seek to minimise the costs of compliance to new EU policies and regulations, and maximise benefits.¹²⁶ Wong predicts that the impact of the EU on its member-states foreign policies is likely to increase following the ratification of the Lisbon Treaty, as EU institution staff and member-state officials become further entwined under resources accorded to the new EEAS.¹²⁷

While there is no literature on the influence of the EU through the Europeanisation of its member states foreign policies with respect to the Antarctic, there is an observable connection which is particularly prominent in the 1990s development of a comprehensive environmental protection regime as a complementary Protocol to the Antarctic Treaty. Wong’s operational theory of Europeanisation has developed several key criteria to measure to what extent an EU-member states foreign policy has been Europeanised over time, appropriate to the three forces outlined above. Of Wong’s criteria, only three key questions are applicable in the development of the Antarctic environment regime, which are contextualised in Chapter Four.

Accordingly, this thesis research has adopted three of Wong’s key questions in order to identify Europeanisation of France’s foreign policy with respect to its prominent role in the development of the Environmental Protocol to the Antarctic Treaty (1991), asking if “national convergence and/or adaptation of national policy to EU norms and directives taken place? (national convergence); Has the state benefited from the ‘cover’ of the EU? (national projection); what kinds of European norms have arisen among national officials and how do they apply to foreign policy? (identity reconstruction)”.¹²⁸

¹²⁵ Putnam (1988) in Borzel, Tanja A. "Pace-setting, Foot-dragging and Fence-sitting: Member State Responses to Europeanisation". In *Environmental Policy in the European Union: Actors, Institutions and Processes*, edited by Andrew Jordan, 162-182. London: Earthscan, 2005.

¹²⁶ Borzel, Tanja. A (2005), 164.

¹²⁷ Wong, R (2011), 168.

¹²⁸ Wong, R (2011), 157.

2.5 Combined analytical framework

The succeeding chapters of this thesis are analysed within a Constructivist theoretical framework in order to conceptualise the EU as a global political actor with state-like capacity for external relations. Under this framework, the EU's constitutional processes would allow it to accede to the Antarctic Treaty and its Environmental Protocol should it actively decide to do so. Just as the EU's upgraded role in the UNGA required significant lobbying (even in the instance where its representation lagged behind its actual competence), the EU would also need to actively convince ATCPs to reconceptualise their structural perceptions of the ATS, in order to allow for EU accede in accordance with its own constitutional processes.

Accordingly, this thesis analyses the EU's scientific and political engagement in the Antarctic to date within a Constructivist framework that examines its actorness in the ATCM, to support an argument for the EU to upgrade its role in Antarctic political deliberation that could be utilised to further legitimise its agenda for recognition as a global political actor in the wider international community. Before this analytical framework is employed, the EU's direct engagement in the ATS is examined, specifically its permanent membership (and executive competence) in the CCAMLR fisheries mechanism.

By analysing the potential for the EU to upgrade its political engagement in the ATS as a state-like actor, the Constructivist framework first allows for the examination of EU 'actorness' in the ATCM to date, to determine if any upgrade for direct political role in the ATCM is possible. EU 'actorness' in the ATCM is first examined through its *ad hoc* participation as an invited observer in the ATCM during the development of the Environmental Protocol. The opportunity and capacity for this non-permanent direct participation (or political presence) is examined, to determine if these conditions still exist today and could be utilised for a more permanent EU role. Next the EU's actorness in the CCAMLR fisheries mechanism is analysed, including perceptions of its actorness by other non-EU members. This provides some insight into issues which could be both problematic and beneficial if the EU was to pursue any upgraded political engagement in the ATS.

Investigation into the development of the Environmental Protocol resulted in the observation of an additional phenomenon, not included in the original research design of this thesis. This explores the Europeanisation of French foreign policy towards the Antarctic over this period, as France's leadership role during the development of this Protocol coincided with its particularly prominent

institutional role within the then EC. This in effect acted for an indirect EU institutional presence through a normative influence in the substance of Antarctic political deliberation at this time, and in turn provided the EC the opportunity for an active role construction for actor capacity and direct external relations in the ATCM. Accordingly, the analytical framework of this thesis includes examination into the process of Europeanisation with respect to the Antarctic, in order to determine if this EU institution influence or indirect presence is likely to characterise the limited extent of any attempt to upgrade the EU actorness in Antarctic politics.

Finally, the EU's scientific engagement is examined through its financial support of European collaborative research projects in Antarctica. In this instance, four large European collaborative scientific research projects in the Antarctic are examined in Chapter Three, including EPICA, EUROPOLAR ERA-NET, ERICON AURORA BOREALIS, and EUROANDRILL. This engagement acts as a physical EU 'presence' in Antarctica, which in turn typically affords a political 'presence' in Antarctic political deliberation. However, despite these projects being operated under an EU banner, they do not exist as an EU Polar Programme and therefore do not translate into a political presence for the EU in the ATCM. But they do in fact serve to reinforce the national physical and political presence of the participant EU ATCP's.

The EU actively translates its support of this polar research into a tool that legitimately reinforces its political engagement in global environmental discourse. Moreover, the EU has sought to utilise this engagement to support its bid to become permanent observer in the Arctic Council, albeit unsuccessfully. This research argues that this method of scientific diplomacy could also be utilised by the EU to construct a permanent political presence in the ATCM as a Contracting Party to the Antarctic Treaty, legitimised by its physical presence in Antarctic, just as state actors behave in the ATS.

2.6 Conclusion

To form the Constructivist theoretical framework of analysis of this thesis, this chapter has sought to review empirical and theoretical academic literature on the EU's international relations to examine two sub-questions. This literature review explored why institutional changes within the EU are changing the way that it participates in international relations, to form a broader research theme which outlined how the EU can be conceptualised as a global political actor. Primarily, this chapter has illustrated that the process of European integration is changing the way that the EU conducts its

external relations, and has created an entity capable acting in a state-like manner for its external relations. This behaviour has in turn had an effect for challenging the normative and structural conceptions of international relations. Furthermore, as a consequence of European integration, and the utilisation of opportunity structures afforded by EU membership, member states have created an institution which has an effect in shaping their national policy development and external relations.

Chapter Three: The European Union's 'Actorness' in the Polar Regions

3.1 Introduction

Aside from the EU's permanent membership in the Antarctic fisheries mechanism, the EU's direct engagement in the ATS to date has been limited to *ad hoc* participation as an Observer to the Special ATCM (SATCM) sessions that developed the Environmental Protocol to the Antarctic Treaty. Because this presence occurred as a consequence of the EU's conferred competence for external relations on issues of the environment, this chapter initially takes a broader scope to examine how the EU has exhibited qualities of actorness in global environmental politics. The EU's political engagement in the climate change regime is introduced, as the EU utilises its polar scientific research to legitimise its normative role as global actor in environmental discourse.

As the EU actively continues to pursue an (as yet unsuccessful) permanent role in the Arctic Council based on its actorness in global environmental politics, this chapter queries if this approach could be redirected to upgrade the EU's direct engagement in the Antarctic. In doing so this chapter poses the act as a route to achieve its strategic agenda in the Arctic. In order to contextualise analysis in Chapter Four, an empirical analysis of the structural and functional elements constituting the ATS is introduced.

Next, this chapter examines what has characterised the EU's political engagement in the ATS to date. Specifically, the EU's its *ad hoc* Observer role in the ATCM during the development of the Environmental Protocol, and the EU's permanent membership to the CCAMLR fisheries mechanism. Finally, perceptions of the EU's actorness in CCAMLR are analysed to investigate what issues might hinder and complement any future upgraded role for EU political engagement in the ATCM.

3.2 The EU's 'actorness' in global environmental politics

As introduced in Chapter Two, the EU's place in the process of international relations as an actor in its own right is the most notable in areas of 'low politics' of the economy and civil society, however, it has also already established for itself "a pre-eminent role in the global politics of the

environment”.¹²⁹ Despite difficulties its prominence in this area has due to mixed competences, the EU’s role extends beyond simple participation as it actively facilitates global environmental diplomacy for the propagation of environmental norms, the promotion of sustainable development, and leadership attempts to encourage a common global approach to the problem of climate change.¹³⁰

While the Treaty of Rome (TEC, 1957) was notably absent of any reference to the environment, from the early 1970s the EC produced a number of environmental action plans which have developed into numerous legislation on wide-ranging issues such as water quality, marine pollution, waste control, air quality, nuclear radiation, dangerous chemicals, pesticides, noise pollution, genetic modification, animal welfare, forestry and energy conservation.¹³¹ The initial stimulus of these policies stemmed from the desire to remove trade distortions from differing national standards with complementary measures introduced to promote the protection of the environment.¹³² Additionally, a number of highly publicised environmental disasters and accidents encouraged European action in a process pushed by ‘green leader’ states Denmark, Germany and the Netherlands.¹³³ By the Single European Act (SEA, 1987), environmental protection was codified into treaty text as part of the Community’s explicit objectives.¹³⁴

There were three main drivers for the externalisation of the EU’s environmental policies into the international arena, which still exist today. First, pressures to respond to transboundary issues (such as acid rain in the 1980s) and environmental problems which are within the EU’s conferred competence; second, the implications of EU environmental policies which clash with its trade markets (for example national bias towards the protection of vehicle manufacturing industries

¹²⁹ Vogler, John “The challenge of the environment, energy and climate” in, Hill, Christopher and Smith, Michael, *International Relations and the European Union*, 2nd Edition, (Oxford: Oxford University Press, 2011), 349.

¹³⁰ Bretherton, C and Vogler, J; (2006), 89.

¹³¹ John Vogler (2003), ‘The External Environmental Policy of the European Union’, in Olav Schram Stokke and Øystein B. Thommessen (eds.), *Yearbook of International Co-operation on Environment and Development 2003/2004* (London: Earthscan Publications), 65–71. Also,

“Multilateral Environmental Agreements to Which the EC is a Contracting Party or a Signatory”. European Commission Website. Last Accessed February 12, 2011.

http://ec.europa.eu/environment/international_issues/pdf/agreements_en.pdf

¹³² Bretherton, C and Vogler, J. (2006), 90.

¹³³ Vogler, John “ (2011), 352. And,

Jordan, Andrew (Ed); *Environmental Policy in the European Union: Actors, Institutions, and Processes*; 2nd Edition (London: Earthscan, 2005).

¹³⁴ McCormick, John, *Environmental Policy in the European Union* (Palgrave: Hampshire, 2001), 56. And, Single European Act (1986), *Official Journal of the European Communities*, L169, 29 June 1987. Available on <http://eur-lex.europa.eu/en/treaties/index.htm>

threatened by emissions regulations); and third, the increasing demands of pressure groups and the European public for action on issues such as genetically modified food and climate change.¹³⁵

Deliberation over environmental legislation within the EU remains an extensive and difficult task as policies often encroach upon key activities of the EU particularly on agriculture, fisheries, industry, taxation, energy, transport, aid, and scientific research, making internal policy coherence and external representation challenging.¹³⁶ While more than 80 percent of domestic environmental policy is initiated as a result of EU directives rather than by member states, external competence is often shared at differing proportions depending on the issue and area of activity the policy falls within.¹³⁷

EU actorness in environmental diplomacy implies that it must have the capacity to act actively and deliberately in relation to other actors in the international system.¹³⁸ The EU has repetitively and expressly shown its ambition for environmental leadership by setting the pace for international environmental policy as a leading proponent of international action.¹³⁹ While the EU was an ‘environmental laggard’ in early global regulatory development, namely in relation to a slow response on ozone layer depletion, it did construct for itself an early leadership role in development international climate change politics.¹⁴⁰

The actual development of the European Union as a negotiating actor in environmental politics, and its first role within a major multilateral environmental negotiation, also emerged in the late 1970s as a result of the then EC’s competence regarding atmospheric pollution. In order for the Commission to negotiate during the Long Range Transboundary Air Pollution (LRTAP) Convention (1979), as part of the Helsinki Conference on Security and Cooperation in Europe (CSCE), the conceptual category of an REIO was created so that the EC could be recognised as a participant alongside its other member-states.¹⁴¹

¹³⁵ Vogler, J (2011), 353.

¹³⁶ Bretherton, C and Vogler, J. (2006), pp90-92.

¹³⁷ Vogler, J (2011), 352.

¹³⁸ Vogler, John (2003).

¹³⁹ “International Issues” European Commission Directorate-General Environment Website. Last Accessed 13 January 2011. http://ec.europa.eu/environment/international_issues/index_en.htm.

¹⁴⁰ Wurzel, Rüdiger K. W. and Connelly, James (eds). *The European Union as a Leader in International Climate Change Politics*. (Oxon: Routledge/UQCES Contemporary European Studies, 2011), 3.

¹⁴¹ Bretherton, Charlotte, and Vogler, John. *The European Union as a Global Actor*. 1st Edition, (London: Routledge, 1999) pp90-92.

Prior to the construction of the REIO concept, the EC did not have third party support necessary to be party to convention negotiations despite having clear external competence to do so, as traditional perceptions maintained that only states had international legal personalities in international law, and were therefore the only actors able to maintain rights and contracting responsibilities.¹⁴² EC participation was only granted when the Soviet Union withdrew its opposition based on the agreed formulation of the new REIO participant category, as it eventually hoped that its Council for Mutual Economic Assistance (Comecon) would be afforded the same status.¹⁴³

The EU today remains the only existing example of an REIO, and since the LRTBP Convention, the acceptance of REIO provisions for participation have been repeated in a raft of varied international conventions, not limited to environmental issues.¹⁴⁴ In practice it has developed it to mean that the EU can become a party to any international convention without any of its member states also being party. Under REIO provisions created in the Vienna Convention (1985) the EU also enjoys voting rights as any other member-state.¹⁴⁵

While third parties are often critical of EU ‘double-dipping’ in instances where the EU and its member states are both parties, so long as the number of votes does not exceed the number of states that participate in negotiations, the EU cannot exercise its voting rights on behalf of all 27 EU Member States in addition to those states themselves and vice versa.¹⁴⁶ This is another example of how the development of the EU itself has challenged and contributed to the evolution of structural conceptions and acceptance of non-states actors in international relations.¹⁴⁷

The development of the REIO pattern for EU participation in multilateral negotiations provides a crucial example of how important external conceptions and recognition are for the development of EU actorness. Its external presence is not simply as a result of a spill-over of its internal processes, it is “the relationship between the internal development of the EU and third-party perceptions and expectations of the EU’s external role”.¹⁴⁸ Additionally, the opportunity for EU actorness was afforded and enhanced by other events in the international system. In 1979, the development of the REIO status was facilitated by the détente process, and the 1990s ending of Cold War inhibitions

¹⁴² Macrory and Hession (1996) in Wurzel, Rüdiger K.W. (Ed); Connelly, James (Ed). 2011.

¹⁴³ Bretherton, C and Vogler, J; (1999) pp90-92.

¹⁴⁴ Ibid.

¹⁴⁵ Vienna Convention on the Law of Treaties, Vienna, 23 May 1969, United Nations, Treaty Series, vol. 1155, p. 331. Available on http://treaties.un.org/doc/Treaties/1986/03/19860321%2008-45%20AM/Ch_XXIII_03p.pdf

¹⁴⁶ Ibid.

¹⁴⁷ Bretherton, C and Vogler, J; (1999), pp29-30.

¹⁴⁸ Vogler, J. (2003), 69.

coincided with an emerged awareness of global environmental issues, providing a platform on which the EU could begin to construct an international identity.¹⁴⁹

Because environmental issues overlap on a wide scope of policy areas and activities, the Community's external representation is based on mixed competences between the EU and its member states. Therefore, EU's capability to negotiate on behalf of the Community in differing external fora, is developed on an ad hoc basis depending where competence for external representation rests. In these instances, the EU's capability for actorness is afforded by a mandate authorised by the Council of the European Union, and executed by the European Commission (in accordance with the constitutional processes of the EU).¹⁵⁰

Climate Change

In the years since, the EU has made strong claims to international leadership for sustainable development, and for the most part it has been considered a 'power' for global environmental diplomacy through its facilitation of the construction of the climate change regime.¹⁵¹ It has achieved this prominence by mediating between the developed and the developing worlds, and as a worthy opponent of US government environmental policy – particularly as US abdication of climate politics during Kyoto Protocol negotiations provided the opportunity for EU actorness, while also leading the US to become the 'other' in the construction of the EU's international political identity.¹⁵²

The EU's normative influence in the climate change regime is critical to the EU's construction of its international identity, which has in turn reinforced the EU's actorness in global environmental discourse.¹⁵³ This international identity has provided the EU the opportunity and capability for further engagement elsewhere, as the EU's mixed competence for environmental management and conservation affords further presence in the international community and representation in international fora, in addition to its member states.¹⁵⁴ The EU's climate leadership is provided for in

¹⁴⁹ Ibid. And, Bretherton, C and Vogler, J. (2006), 90.

¹⁵⁰ Consolidated versions of the Treaty on the European Union and the Treaty on the Functioning of the European Union, *Official Journal of the European Union*, C83, Vol.53, 30 March 2010. Available on <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:FULL:EN:PDF>

¹⁵¹ Vogler, John. "Climate Change and EU foreign policy: The negotiation of burden sharing". *International Politics*. Vol.46, No.4, 2009. 469-490.

¹⁵² Vogler, J (2011), 350.

¹⁵³ Vogler, J. (2009), 470.

¹⁵⁴ Vogler, J. (2009), 470.

the Lisbon Treaty, with Article.191 specifically noting that Union environmental policy shall pursue the objective of contributing to measures at the international level to combat climate change.¹⁵⁵

In 2009, European Studies scholar John Vogler reaffirmed the concept of role construction for EU actor capacity by noting that “the idea that the EU has a unique leadership role in global climate politics is assiduously fostered by the Commission, the Council and leading Member States”.¹⁵⁶ Consistent with this comment, the post-Lisbon Treaty European Commission structure now has a dedicated Commissioner and a Directorate General (DG CLIMA) specifically responsible for climate change.¹⁵⁷ However, “profound changes to the structure of the international system” have begun to work themselves out in the political dynamics of the climate regime.¹⁵⁸

Attempts to negotiate a binding multilateral accord for inception after the Kyoto Protocol’s expiration have been as yet unsuccessful, as the BRICS threaten to dilute the normative prescriptions of multilateral global order through a hard sovereign stance for a non-binding international accord, which jeopardises the EU’s progress as a global actor.¹⁵⁹ In an attempt to curb the impact of hard sovereignty on binding multilateralism and ensure the EU maintains its momentum for active engagement as an actor in the international community, the EU actively seeks to “increase awareness of the significance of climate leadership as a critical aspect of the EU’s international identity as an actor”.¹⁶⁰ It does so at the internal and external levels through establishing networks that facilitate dialogue and cooperation between the member states and third partners at a diplomatic level, and by investing a significant amount of funding into nonpartisan scientific research intended to support its normative prescriptions for the climate change regime.

The EEAS’s Green Diplomacy Network (established in 2003) is an initiative that was designed to have an important role for increasing the EU’s coherence, consistency and effectiveness for the promotion of dialogue and the EU’s external actions on environment issues to its third parties across the globe; particularly those relating to climate change, desertification, biodiversity and renewable energy.¹⁶¹ The network consists of officials from EU institutions, national Ministries of Foreign Affairs

¹⁵⁵ Article. 191, Consolidated versions of the Treaty on the European Union and the Treaty on the Functioning of the European Union (the Treaty of Lisbon).

¹⁵⁶ Vogler, J. (2009), 470.

¹⁵⁷ “Climate Action: What We Do”. European Commission Directorate-General Climate Action (DG CLIMA) Website. Last accessed 02 January 2012. http://ec.europa.eu/dgs/clima/mission/index_en.htm

¹⁵⁸ Vogler, J. (2011), 373.

¹⁵⁹ *Ibid.*

¹⁶⁰ Vogler, J. (2009), 470.

¹⁶¹ *Ibid.*

and their diplomatic missions that deal with international environment and sustainability issues.¹⁶² It is representative of the EU's active pursuit for recognition as an actor in global environment politics, with the network's facilitation of dialogue between the EU member states acting as a form of elite socialisation, as organisational meetings prior to the UN Climate Change Conference of the Parties (COPs) as part of the UN Framework Convention for Climate Change (UNFCCC), gauge the positions and actions of the member states in preparation for projected unity on the international stage.¹⁶³

Vogler also posited that the negotiation of climate policy exemplifies that EU foreign policy-making demonstrates that "institutional factors and normative entrapment can over-ride or modify hard bargaining based upon national economic interests....[where] counteracting the pursuit of short-term energy and economic gains is not only a sense of genuine alarm over the growing evidence on the likelihood and impact of climate change, but also increasing awareness of the significance of climate leadership as a critical aspect of the EU's international identity as an actor".¹⁶⁴ In keeping with this notion, the EU maintains that the emergence of new problems from the impact of climate change has been the main catalyst for its interest in the Arctic region.¹⁶⁵

The EU's strategic interest in the Arctic

As the EU begins to assert more of its political weight in international relations, it naturally turns towards creating strategic policy directed at relations within in its own backyard. Given its geographical proximity to the Arctic, its relations towards states in this region are not by any means new. Three EU member states, Denmark (Greenland), Finland, and Sweden have territories in the Arctic, and Iceland is in the process of EU accession negotiations.¹⁶⁶ Norway is part of the European Exclusive Economic Area, and Canada, Russia and the United States are strategic partners of the

¹⁶² "EU Green Diplomacy Network". European External Action Service Website. Last accessed 03 January 2012. http://eeas.europa.eu/environment/gdn/index_en.htm

¹⁶³ "The EU Green Diplomacy Network: Background and Chronology". European External Action Service Website. Last accessed December 2011. http://eeas.europa.eu/environment/gdn/docs/gdn_more_en.pdf

¹⁶⁴ Vogler, J, (2009), 470.

¹⁶⁵ Airoldi, Adele. "The European Union and the Arctic: policies and actions". *Report written for the Nordic Council of Ministers*. Copenhagen, 2008. Available on www.arcticgovernance.org/the-european-union-and-the-arctic-policies-and-actions.4721242-142902.html.

¹⁶⁶ Greenland itself is not an EU member state, but is part of the Exclusive Economic Area. "Enlargement: Iceland" European Commission Website. Last accessed October 10, 2011. http://ec.europa.eu/enlargement/candidate-countries/iceland/relation/index_en.htm

EU.¹⁶⁷ The EU, Norway, Russia and Iceland also equal partners in the EU's Northern Dimension Policy (1999) for the promotion of cooperation in the European Arctic and sub-Arctic.¹⁶⁸

Despite these close relations, the geostrategic dynamics of the High North are changing as rapid melting of the Arctic ice cap is opening up new international trade routes, new fisheries, and potential access to the regions vast reserves of oil and gas - estimated at up to a fifth of the world's untapped hydrocarbon deposits - with possible consequences for international instability over security interests.¹⁶⁹ Furthermore, the EU is particularly attracted to the Arctic's potential for energy, food, and transport security, citing specific benefits from the sustainable development of hydrocarbon extraction, fisheries resources, merchant shipping, and tourism activities, as key factors for its further involvement in the region.¹⁷⁰ Despite this resource interest, the EU is explicit in its assertion that its main goal for the region is "to prevent and mitigate the negative effects of climate change as well as support adaptation to inevitable changes" in the Arctic environment, while supporting the vulnerable indigenous population.¹⁷¹

In order to realise these interests, the EU has sought to upgrade its strategic engagement in the High North. The EU has formalised its interests and proposals for action in the EU Commission Communication 'The European Union and the Arctic Region' COM (2008)763/4, as the first stage in the development of a cohesive and sustainable EU Arctic Policy.¹⁷² The development of this policy has been widely supported across the EU institutions, with a number of conclusions, communications, and resolutions emerging from the European Parliament, European Commission, and Council of the European Union, over the last few years. These include, 2008 Commission resolution on 'Arctic governance'¹⁷³; December 2009 'Council conclusions on Arctic Issues'¹⁷⁴; January

¹⁶⁷ European Commission, "Communication from the Commission to the European Parliament and the Council - The European Union and the arctic region", COM 2008/0763. 20 November 2008. Available on <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008DC0763:EN:NOT>

¹⁶⁸ European External Action Service, "Northern Dimension Policy Framework Document". November 2009. Last accessed January 2012. http://www.eeas.europa.eu/north_dim/docs/frame_pol_1106_en.pdf

¹⁶⁹ European Commission COM 2008/0763. And,

Backus, George A. and Strickland, James H. Climate Derived Tensions in Arctic Security. New Mexico: Sandia National Laboratories for United States Department of Energy, 2008.

¹⁷⁰ *Ibid.*

¹⁷¹ *Ibid.* And, "Arctic: The changing Arctic environment" European Commission Directorate General Environment Website. Last Accessed November 2011. http://ec.europa.eu/environment/enlarg/arctic_en.htm

¹⁷² *Ibid.*

¹⁷³ European Parliament Resolution P6_TA(2008)0474 'Arctic Governance', *Official Journal of the European Union*; C9E, 15 January 2010. Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:009E:0041:0043:EN:PDF>

¹⁷⁴ Council of the European Union, "Council conclusions on Arctic Issues", 2985th Foreign Affairs Council Meeting, 8th December 2009. Available from www.consilium.europa.eu/newsroom

2011 European Parliament resolution 'A sustainable EU policy for the High North'.¹⁷⁵ However, as yet there is no standalone formal EU Arctic Policy.

These documents outline the internal and external political implications of the EU's policies and activities relating to the Arctic, and attempt to identify actions for a more coordinated approach for its engagement in the High North, centred on three main objectives – "preserving the Arctic in unison with its population, promoting the sustainable use of its resources, and contributing to enhanced multilateral governance".¹⁷⁶ To realise these objectives, the EU has actively sought to upgrade its participatory role in the Arctic Council, "as the central international and intergovernmental organisation of the region", and the institution which sets formal Arctic agenda.¹⁷⁷

Established in 1996, the Arctic Council is a high level intergovernmental forum for the promotion of cooperation, coordination and interaction amongst the Arctic rim states, sustainable development and environmental protection of the Arctic.¹⁷⁸ The EU's mixed competence on environmental issues has afforded it ad hoc Observer status at various Arctic Council committee meetings and working groups in the past, but the EU's formal application to upgrade its role to Permanent Observer has not yet been realised.¹⁷⁹

Canada, Denmark (Greenland) and Norway have taken particular issue with the EU's banned importation of seal products, a traditional practice of their indigenous peoples. While these states insist their sealing practices are sustainable and not cruel to animals, and the EU's legislation has an exemption for traditional sealing, indigenous groups maintain the ban will significantly impact the market for their seal products.¹⁸⁰ As energy security is a major factor for the EU's further involvement in the region, Norway supports the EU's bid for an upgraded role in the Arctic Council

¹⁷⁵ European Parliamentary Resolution A7-0377/2010 'On a Sustainable EU Policy towards the High North', adopted January 2011. Available on

<http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2010-0377&language=EN#top>

¹⁷⁶ Airoldi, Adele. "The European Union and the Arctic: Main developments July 2008- July 2010". *Report written for the Nordic Council of Ministers*. (Copenhagen: Norden, 2010). Available from

<http://www.norden.org/en/publications/publikationer/2010-763>

¹⁷⁷ "Arctic Council: History". Arctic Council Website. Last accessed January 2011. <http://www.arctic-council.org/index.php/en/about-us/history>.

¹⁷⁸ *Ibid.*

¹⁷⁹ Willis, Andrew, "EU gets the cold shoulder in the Arctic", *EUobserver*, 13 May 2011.

<http://euobserver.com/24/32331>. And,

Willis, Andrew, "The eyes of the EU remain fixed on Arctic skies, despite setbacks" 9th June 2011, *EUobserver*, <http://www.norden.org/en/analys-norden/tema/the-fight-for-the-arctic/the-eyes-of-the-eu-remain-fixed-on-arctic-skies-despite-setbacks>

¹⁸⁰ Phillips, Leigh, "Arctic Council rejects EU's observer application", *EUobserver.co.uk* 30/04/2009. <http://euobserver.co.uk/885/28043>.

despite opposition to the EU seal product importation ban. One of Norway's incentives is to secure a key and reliable market for its Arctic oil and gas reserves.¹⁸¹ However, the EU's application remains stalled, with the 2011 Arctic Council Ministerial Meeting agreeing to continue to discuss the entrance of new permanent observers in the Arctic Council, while adopting new criteria for evaluating pending applicants.¹⁸²

To strengthen its negotiating position for an upgraded role in Arctic agenda setting and sustainable development, the EU has actively sought to increase its engagement with key stakeholders in the region, in addition to the Arctic states. This approach intends to demonstrate that the EU is committed to contributing to common responses on the challenges facing the Arctic region, within already existing cooperation frameworks.¹⁸³ The EU has sought to deepen its engagement with a number of regional actors, including the Nordic Council of Ministers and the Barents Euro-Arctic Council.¹⁸⁴ And the European Parliament maintains that Iceland's accession to the EU will provide a strategic opportunity to "further anchor the European presence in the Arctic Council", while contributing towards enhanced multilateral governance and sustainable policy solutions for the region.¹⁸⁵

The EU is also in the process of reconstructing internal policies in sectors where it has Arctic-relevant activity, to further assert its presence in the Arctic in a targeted manner. Since 2008, this has most notably occurred in policies relating to research, environment, and maritime issues.¹⁸⁶ The EU's development of an Integrated Maritime Policy (IMP), in particular, is an example of how EU internal policy changes begin to impinge on the Arctic and add to the external relations of the EU.¹⁸⁷ Here, the EU aims to promote international solutions to ensure the protection of biodiversity, maritime safety and security, and marine research, which ensure sustainable activities in the Arctic marine environment.¹⁸⁸

¹⁸¹ *Ibid.*

¹⁸² Arctic Council, *Nuuk Declaration: Final Report on the Seventh Ministerial Meeting of the Arctic Council*; 12 May 2011. http://arctic-council.org/filearchive/nuuk_declaration_2011_signed_copy-1.pdf

¹⁸³ Airoldi, A (2010).

¹⁸⁴ Andrew Willis, *EU Observer*. (9th June 2011).

¹⁸⁵ EU Parliament Resolution RSP/2010/2999 "on the 2010 progress report on Iceland"
<http://www.europarl.europa.eu/oeil/FindByProcnum.do?lang=en&procnum=RSP/2010/2999>

¹⁸⁶ Airoldi, A (2010), 39.

¹⁸⁷ *Ibid.*

¹⁸⁸ *Ibid.*, 40. And, "Integrated Maritime Policy: Definition and Scope". European Commission Directorate General Maritime Affairs and Fisheries (DG MARE) Website. Last Accessed 10 February 2012.
http://ec.europa.eu/maritimeaffairs/policy/index_en.htm

Sustainability is considered to be the EU's paramount criterion for its action in the Arctic, as "marine ecosystems and economics transcend boundaries, adding an obvious external dimension".¹⁸⁹ With respect to potential new Arctic fisheries, the EU has encouraged the development of a precautionary approach to regional resource management, which would adopt a temporary ban on new fisheries in the Arctic high seas, so that a regulatory framework for an ecosystem management and conservation could be agreed upon.¹⁹⁰ The EU has advocated for a mandate extension to existing management organisations, such as the North East Atlantic Fisheries Commission's (NEAFC), which could facilitate the development of such a regulatory framework.¹⁹¹

The active reconstruction of the EU's engagement in the High North are an attempt to illustrate how the EU aims to add value to Arctic political dialogue, as it can "bring its experience and political and economic weight... in support of the search for internationally agreed solutions to Arctic-wide problems – such as adaptation to climate change, air and maritime pollution, [and] safety of maritime transport".¹⁹²

Scientific research is the EU policy area in which the Arctic dimension is most visible,¹⁹³ with the EU Commission Communication *COM (2008) 763/4* emphasising the need to "maintain the Arctic as a priority area for research to close knowledge gaps, and assess future anthropogenic impacts, especially in the area of climate change".¹⁹⁴ The EU's proposals for policy action for Arctic research, stress the need for coordinated efforts which strengthen international cooperation at the EU and international levels, optimise the use of resources, and ensure the broad dissemination of information.¹⁹⁵ This research investment is designed to contribute to the formulation of EU policies in the region, in the same way that the EU utilises its research investment to support its normative policy prescriptions in the climate change regime.

The EU and its member states are major contributors to Arctic scientific research, including over 50 Arctic-related research projects supported by the EU Commission's Fifth and Sixth Framework Programmes for Research and Technology (FPs).¹⁹⁶ The European Commission estimates it has

¹⁸⁹ Airoldi, A (2010), 39.

¹⁹⁰ *Ibid.*, 40.

¹⁹¹ *Ibid.* And, European Commission COM 2008/0763, pp7-8.

¹⁹² Airoldi, A (2010), "intro".

¹⁹³ *Ibid.*, 32.

¹⁹⁴ European Commission COM 2008/0763.

¹⁹⁵ European Commission COM2008/0763, pp5-8.

¹⁹⁶ *Ibid.* And,

The specific objectives and actions of the FPs vary between funding periods. There have been seven FPs since 1984. Initially they were each five years in duration, but as of FP7, they now cover 7 year periods. FP7 is due to

invested some €200 million in Arctic research projects over the past decade alone, “to seek research-friendly solutions that require a firm basis in fact provided research”.¹⁹⁷ FP7 also provides for major scientific research investment in the Arctic, specifically support for infrastructural investment. One such project that will be examined further in Chapter Four is the Aurora Borealis research icebreaker project; the completion of which was specifically identified as a proposed policy action in the 2008 Commission Communication.¹⁹⁸

3.3 An Antarctic route for the EU’s Arctic agenda?

As the EU is increasingly active in its construction of an international environmental identity for upgraded actorness in international relations, this has formed the basis for its pursuit for a permanent role in the Arctic. This dissertation argues the same role construction can provide the EU with the capability to pursue not only an upgraded role in the Arctic to further its global political agenda, but would also extent to the Antarctic.

In this instance science research remains a premise for active engagement, as the EU and EU ATCP’s seek to take advantage of opportunity structures for their own strategic agenda in the region, where the value of science and environmental protection remain a critical diplomatic tool for each. The EU’s increased scientific engagement in the Antarctic is likely to derive in significant part from the objectives already outlined from its active polar research to date; as a means to scientifically legitimise its authority as a political actor in global environmental discourse. As Jessica M. Shadian noted in 2009:

“Political institutions such as the European Union (EU) and World Wildlife Foundation, for example, have become pivotal intermediaries for translating the discourse of scientific research into particular policy recommendations and prescriptions. While this relationship between science and policy is not a new phenomenon....in the sphere where climate change debates are taking place, whose scientific knowledge is considered legitimate, and how and what shape the results are turned into political action mark a significant shift in the classical assumptions

expire in 2013, and as FP8 is currently under negotiation, it is still unknown what funding will be available for polar research. “General Framework”, Europa Website. Last accessed 13 September 2011.

http://europa.eu/legislation_summaries/research_innovation/general_framework/index_en.htm.

¹⁹⁷ Author Unknown, “EU in the World: Promoting Arctic Cooperation”. *Commission end direct*. Issue 591.

01/04 – 07/04/ 2011. Available from <http://eu-arctic-forum.org/in-the-press>

¹⁹⁸ *Ibid*.

regarding state sovereignty and resource development and the way in which international law traditionally proceeds”.¹⁹⁹

The EU Commission’s initial attempt for permanent role in the Arctic Council coincided with debate in the European Parliament which examined the possibility of negotiations for an Arctic Treaty that could be modelled on some of the conceptual elements and prescriptions of the Antarctic Treaty; namely those relating to peace through demilitarisation, and the promotion of international cooperation for scientific research.²⁰⁰ However, this proposal contributed to misunderstandings on Europe’s views for the future of Arctic political engagement (specifically regarding the issue on abeyance of sovereign claims), which has since required the EU and its member states to visibly recalibrate their views with an emphasis on sovereign rights and interests of Arctic states.²⁰¹

Despite similarities between both polar environments, Arctic multilateral governance is inherently different from that of the Antarctic. The Arctic’s sovereignty disputes are a result of contested border delimitations of the actual states themselves; and areas beyond national jurisdiction – namely the Arctic Ocean – are not under a specific regional treaty regime like the Antarctic. Instead, jurisdiction over the region’s high seas and seabed falls under the international legal framework of the UN Convention on the Law of the Sea (UNCLOS), for which the EU, all its member states, and all Arctic states except the United States are Contracting Parties.²⁰²

Furthermore, the Arctic region is not a legal-political vacuum as some assume, as it also protected by a number of bilateral national, regional and international agreements, many of which the EU is a Contracting Party to. These include the UNFCCC; the Convention on Biological Diversity (CBD); UN Declaration on the Rights of Indigenous Peoples (2007); legal instruments of the International Maritime Organisation (IMO); the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention); the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); the Stockholm Convention on Persistent Organic

¹⁹⁹ Shadian, Jessica. M, “Revisiting Politics and Science in the Poles: IPY and the Governance of Science in Post-Westphalia” in, *Legacies and change in Polar sciences: The Historical, Legal and Political Reflections on the International Polar Year*. Edited by Shadian, Jessica. M and Tennberg, Monica (England: Ashgate Publishing Limited: 2009), 47.

²⁰⁰ Author unknown. “Interests and Roles of Non-Arctic States in the Arctic”; *Report on a Seminar presented by the National Capital Branch of the Canadian International Council and the Munk-Gordon Arctic Security Programme*. Ottawa, October 5, 2011. Last accessed 30 January 2011. www.opencanada.org/wp-content/uploads/2011/11/arctic_seminar_report_.pdf.

²⁰¹ European Parliament Resolution A7-0377/2010.

²⁰² United Nations Convention on the Law of the Sea (UNCLOS), Available on http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

Pollutants.²⁰³ Given the comprehensive overlap of the various multilateral agreements, proposals for a treaty for Arctic governance modelled on the Antarctic Treaty have been deemed inappropriate for the Northern Polar Region, as the challenges of climate change and increasing economic development in the region can be addressed by further developing, strengthening, and implementing already existing legal frameworks.²⁰⁴

In the period since the concept of an Arctic Treaty was dismissed by Arctic States as being inappropriate, there has been no visible comparison regarding the application of any prescriptions of the ATS that could be directed at addressing similar Arctic issues. Despite the differences between the Polar Regions from a legal and political perspective, there remain genuine common issue areas such as the environment and science, which have genuine relevance between the two regions.²⁰⁵ One key concept that has given the ATS its reputation as a regime for “long-standing high-quality environmental protection,” is the precautionary approach to environmental management.²⁰⁶

As noted previously, the EU already sought to champion calls for a precautionary approach to Arctic environmental management and sustainable development, exemplified in its support for mandate extension of NEAFC, which advocates for precautionary approach to marine ecosystem management and sustainable fisheries in the Arctic. However, the EU does not make any visible comparison to its direct role within the Antarctic fisheries mechanism CCAMLR, which was the first Regional Fisheries Organisation (RFO) to develop regional marine living resource harvesting activities based on a ‘precautionary principle’ and ecosystem management approach.²⁰⁷ This research argues that the EU could further legitimise its credibility for a permanent role in the Arctic Council, by making a direct and visible comparison to its active (and for the most part, positively regarded) engagement in CCAMLR.

However, it seems as though the EU has a stigma surrounding any potential direct comparison of its engagement within the ATS, which would suggest the adoption of prescriptions from Antarctic legal instruments for the Arctic region, especially after the misinterpretation of its early support for an

²⁰³ European Parliament Resolution A7-0377/2010.

²⁰⁴ *Ibid.* And, for a comprehensive and comparative overview of the legal/political regime dynamics of the Polar Regions, see Rothwell, Donald R.; *The Polar Regimes and the Development of International Law*; (Cambridge: Cambridge University Press, 1996). And,

Koivurova, Timo “Environmental Protection in the Arctic and the Antarctic: Can the Polar Regimes Learn from Each Other?” *International Journal of Legal Information*. Vol.33, No.2, 2005. 204-218.

²⁰⁵ Rothwell, Donald R, (1996).

²⁰⁶ Koivurova, Timo (2005).

²⁰⁷ Rothwell, Donald (1996). And,

Berkman, Paul Arthur, and Young, Oran R. “Governance and Environmental Change in the Arctic Ocean”, *Science*, Vol. 324, 17 April 2009. Available from www.sciencemag.org.

Arctic Treaty. This could be problematic should the EU decide to actively pursue any upgraded political engagement in the Antarctic, as a means to further its global strategic agenda. A statement supported by one former official from the ATS, that noted during an interview that the EU would be more likely to succeed in convincing ATCPs that it could accede to the Antarctic Treaty and the Environmental Protocol, *after* it had already achieved Permanent Observer status in the Arctic Council, in addition to its Enhanced Observer status in the UNGA.²⁰⁸

3.4 The Antarctic Treaty System

Despite its size, and repeated feature within mythology of ancient times, Antarctica's existence was merely speculated until the 1800s. Even though Historic Era exploration in the 1900s paved the way for human (and scientific) activities on the continent, and legitimised later territorial claims, the extreme conditions on the continent meant that much of its composition was still unknown until the 1950s.²⁰⁹ Antarctica has never experienced war, and with no permanent population, sovereign, or decision-making government, these unique characteristics have "provided an arena for one of the most ambitious (and some would suggest successful) experiments in regional governance".²¹⁰ In short, the territory and economic resources of Antarctica are under the competence of a non-sovereign international treaty regime, known as the Antarctic Treaty System (ATS).²¹¹

The Antarctic Treaty System (ATS) is a set of legal, institutional and participatory components designed to effectively manage human activities within the Antarctic (including resource activities) by regulating the conduct of signatory parties in areas of self-determined competence (see Figure 1). At its centre lies the Antarctic Treaty (1959) which establishes the Consultative Meeting (ATCM) as a forum for discussion, debate, and the creation of measures, decisions, resolutions and recommendations on issues that have also been delineated in the systems later supplementary accords. As the sole legislative mechanism of the ATS, the ATCM is the only arena where the participating signatories, permanent observers, and invited experts may meet annually to reach

²⁰⁸ Walton, David (Emertius Fellow, British Antarctic Survey), Personal Communication with Author, (Buenos Aires: 24 June 2011).

²⁰⁹ Bilder, Richard. B; "The Present Legal and Political Situation in Antarctica", in *The New Nationalism and the Use of Common Spaces: Issues in Marine Pollution and the Exploitation of Antarctica*; Charney, Jonathan. I (Ed). (USA: Allanheld, Osmun & Co. Publishers, 1982), pp167-205

²¹⁰ Scott, Karen. "Institutional Developments within the Antarctic Treaty System". *The International and Comparative Law Quarterly* 52, no 2 (2003): 473-487.

²¹¹ Herber, Bernard P. *Protecting the Antarctic Commons: Problems of Economic Efficiency*. (Arizona: Udall Centre for Studies in Public Policy, University of Arizona, 2007), 10.

consensus on Antarctic issues. There are also Special Antarctic Treaty Meetings, and Meetings of Experts which meet at *ad hoc* intervals to discuss issues at a greater depth than what can be achieved during regular ATCMs.²¹²

The simplicity of the Antarctic Treaty has meant that challenges to its founding principles have been effectively addressed by the adoption of new legal instruments and increased participation of relevant actors, avoiding amendment to the founding document or transfer of competence to a separate international body. The original regime has evolved into a regional governance mechanism that has successfully revised its functional elements to accommodate these new challenges, proving the ATS has emerged as a system with a collective value greater than the sum of its individual parts.²¹³

However, contemporary research indicates that despite the success from previous challenges to the system over resource competition, an emerging challenge is likely to form from external governance regimes whose competence will encroach into the self-determined jurisdiction of the ATS, and its associated legal instruments.²¹⁴ These clashes of competence have increasingly been referred to as forming the next challenge for the ATS to overcome.²¹⁵

²¹² Antarctic Treaty Consultative Meeting (ATCM) Rules of Procedure (2011) Available from http://www.ats.aq/e/ats_keydocs.htm.

²¹³ Stokke and Vidas, (1996), 40.

²¹⁴ Alan Hemmings provides an interesting example of regime overlap in the context of the ATS in his investigation of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) authorised southern bluefin tuna fisheries in areas under the jurisdiction of CCAMLR. Hemmings, A.D. "Regime Overlap in the Southern Ocean: The Case of Southern Blue Fin Tuna and CCSBT in the CCAMLR Area". *New Zealand Yearbook of International Law*, 3, 2006: 207-217.

²¹⁵ Rogan-Finnemore, Michelle (Executive Director, COMNAP), Personal Communication with Author, (2010).

The Antarctic Treaty System

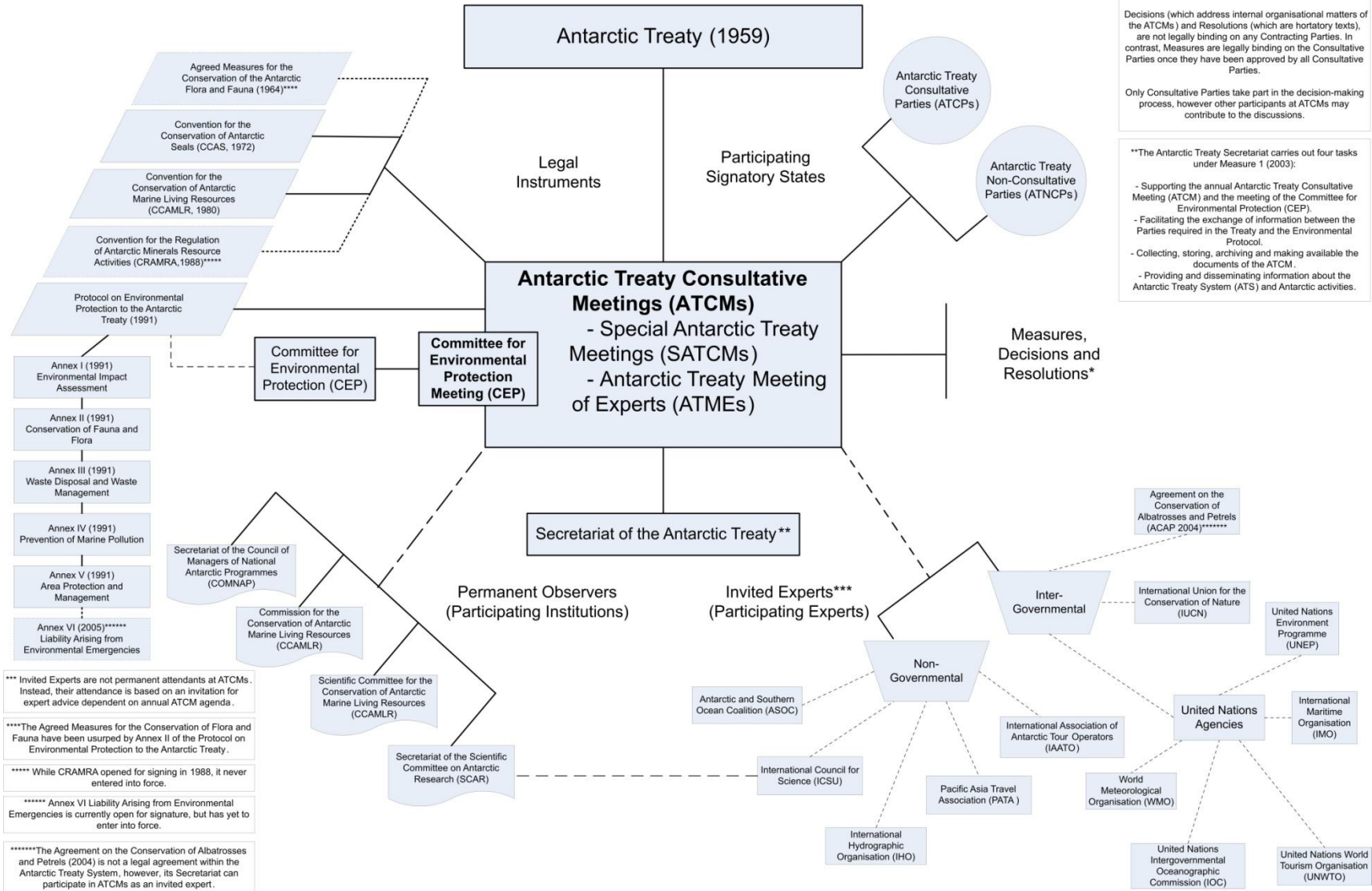


Figure 1: The Antarctic Treaty System

The Antarctic Treaty is a legal instrument which was created to (a) diffuse the threat of global political instability, caused by tensions between seven Antarctic territorial claimants, and two Cold War superpowers which perceived a potential military value in Antarctica; and (b) to continue the success of international scientific cooperation initiated by the polar research activities of the International Geophysical Year 1957-1958.²¹⁶

To achieve this diffusion, signatories to the Antarctic Treaty agreed that it is:

“In the interests of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord” and “that the use of Antarctica for peaceful purposes only and the continuance of international harmony will further the purposes and principles embodied in the Charter of the United Nations”.²¹⁷

To achieve this goal the Antarctic Treaty prohibits:

“any measures of military nature, such as the establishment of military bases and fortifications, the carrying out of manoeuvres, as well as the testing of any type of weapons”, but does not exclude “the use of military personnel or equipment for scientific research or for any other peaceful activity”.²¹⁸

The Antarctic Treaty, in effect, puts to one side the issue of territorial sovereignty by maintaining the *status quo* on the legal positions taken by claimant and non-claimant states as they were in 1959, asserting that:

“No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting, or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or an

²¹⁶ Herber, Bernard.P (2007), pp10-18.

²¹⁷ Antarctic Treaty (1959), Preamble. See Appendix III. Available on http://www.ats.aq/e/ats_keydocs.htm

²¹⁸ Antarctic Treaty (1959), Article I & II. See Appendix III.

enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force". Article IV(2), Antarctic Treaty (1959).

Scholars have credited this "unique device of de-coupling the task of management from the problem of sovereignty"²¹⁹, as the creation of a treaty system with the flexibility to successfully function during periods of international conflict. It has allowed the consensus approach of Antarctic governance to flourish even under the pressures of the Cold War, and has also been attributed in preventing the 1982 Falkland Island/ Malvinas War from moving further south to encompass the contested Antarctic territorial claims of the United Kingdom, Argentina and Chile, in the Antarctic Peninsula region.²²⁰

This flexibility is an inherent characteristic visible throughout the development of the system as it exists today. The original proponents of what we now know as the ATS, intentionally dismissed proposals for permanent institutions, instead focusing on providing a forum for intergovernmental cooperation.²²¹

In the 1990s Sir Arthur Watts, and later Olav Schram Stokke and Davor Vidas, examined to what extent these instruments "together constitute a comprehensive regime for the area with a collective value greater than the sum of its various parts".²²² Systemic analysis emerged in the early 1990s, as the scope and complexity of Antarctic activities had grown over the previous two decades, particularly through the development of new legal instruments. This growth in areas of self-determined competence arose from challenges to the principles of the Antarctic Treaty, triggering an extension of membership and the participation of new institutions and experts. The most recent of these institutional changes has led to the creation of the permanent Secretariat of the Antarctic Treaty.²²³

²¹⁹ Stokke and Vidas in Scott, Karen; (2003), 474.

²²⁰ *Ibid.*

²²¹ Scott, K (2003), 478.

²²² It is important to note that Watts used the terms 'regime' and 'system' interchangeably. Sir Arthur Watts in, Stokke and Vidas (1996), 40.

²²³ Measure 1 (2003) which charges the Secretariat of the Antarctic Treaty with four tasks: 1) "Supporting the annual ATCM and the meeting of the Committee for Environmental Protection (CEP); 2) Facilitating the exchange of information between the Parties required in the Treaty and the Environmental Protocol; 3) Collecting, storing, archiving and making available the documents of the ATCM; 4) Proving and disseminating information about the Antarctic Treaty System (ATS) and Antarctic activities". ATCM Measure 1 (2003): Secretariat of the Antarctic Treaty. Available on http://www.ats.aq/e/ats_keydocs.htm

Participating Signatories

Under Antarctic Treaty Article XIII, (1)(2), the Antarctic Treaty is open for accession:

“by any State which is a Member of the United Nations, or by any other State which may be invited to accede to the Treaty with the consent of all the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX of the Treaty. Ratification of or accession to the present Treaty shall be effected by each State in accordance with its constitutional processes.”

Signatories can attain Antarctic Treaty Consultative status, which allows them to participate and vote in the decision-making process; or they are Non-Consultative Parties (ATNCP) that participate in the deliberation process, but do not vote. As per Antarctic Treaty Article IX:2, Consultative Party status is granted to those signatories that demonstrate their interest in Antarctica by “conducting substantial research activity there”. This is typically achieved by maintaining a scientific presence in Antarctica or by undertaking a national expedition through an active National Antarctic Programme.

As at 2012, there are twenty-eight ATCPs and twenty-one ATNCPs (Figure 2).

Figure 2²²⁴
Parties to the Antarctic Treaty (1959)
 *indicates territorial claimants

Original Signatories – Permanent Antarctic Treaty Consultative Parties (ATCPs)	Later Signatories – Antarctic Treaty Consultative Parties (ATCPs)	Later Signatories – Antarctic Treaty Non- Consultative Parties (ATNCPs)	EU Member State Antarctic Treaty Consultative Parties (EU ATCPs) (date indicates accession; consultative status granted)	EU Member State Antarctic Treaty Non-Consultative Parties (ATNCPs) (date indicates accession)
Argentina*	Brazil	Austria	Belgium (1961; 1961)	Austria (1987)
Australia*	Bulgaria	Belarus	Bulgaria (1978; 1998)	Czech Republic (1962)
Belgium	China	Canada	Finland (1984; 1989)	Denmark (1965)
Chile*	Ecuador	Columbia	France* (1961; 1961)	Estonia (2001)
France*	Finland	Cuba	Germany (1974; 1981)	Greece (1987)
Japan	Germany	Czech Republic	Italy (1981; 1987)	Hungary (1984)
Norway*	India	Denmark	The Netherlands (1967; 1990)	Romania (1971)
New Zealand*	Italy	Estonia	Poland (1961; 1977)	Slovakia (1993)
Russian Federation (formerly USSR)	Netherlands	Greece	Spain (1982; 1988)	
United Kingdom*	Peru	Guatemala	Sweden (1984; 1988)	
United States	Poland	Hungry	United Kingdom*(1961; 1961)	
	South Korea	North Korea		
	Spain	Malaysia		
	Sweden	Monaco		
	Ukraine	Papua New Guinea		
		Portugal		
		Romania		
		Slovakia		
		Switzerland		
		Turkey		
		Venezuela		

²²⁴ Adapted from Herber, Bernard (2007), 12. And, ‘Parties’ Secretariat of the Antarctic Treaty Website. Last accessed on 12th February 2011.
http://www.ats.aq/devAS/ats_parties.aspx?lang=e

It is important to note that the seven Antarctic territorial claimant states, and the other five states that constitute the twelve original signatories to the Antarctic Treaty, will always permanently retain their Consultative Party status, should they choose to do so. They can, however, withdraw from the Antarctic Treaty at any time, but in practice no state has ever done so.

From the early 1970s, the debate over minerals extraction in the Antarctic caused a significant period of change for the ATCM. It not only proved to be a tipping point for the further inclusion of various new actors. The normative challenge also resulted in a numerous functional and structural amendments, ultimately forming the system that constitutes the ATS structure seen today.²²⁵ For example, the original ATCM Rules of Procedure provided no provision for upgrading the status of a Non-Consultative Party to a Consultative Party, yet by the mid-1970s it had become apparent that this would be necessary.

A proposed Antarctic minerals regime, in part, led to an exponential increase in states acceding to the Antarctic Treaty, with many of these new signatories establishing a scientific programme in Antarctica as a basis for a strengthened national participation. In 1977, Poland was to be the first in a succession of states to upgrade to Consultative Party status, although this upgraded role cannot be attributed to being driven by the minerals regime as Poland had acceded to the Antarctic Treaty in 1961.²²⁶

Those states that gained Consultative Party status after 1961, may technically only retain their subsequent voting powers so long as they continue to demonstrate an interest in Antarctica (and the principles of the Antarctic Treaty), by maintaining active scientific research programme within the Treaty Area.²²⁷ However, in practice it would require an ATCP to formally question the actions of the 'inactive' ATCP in the ATCM plenary if their voting powers were to be revoked; something that is not ever likely to occur given the highly politicised nature of such a question.²²⁸ Just as there was no provision for upgrading to Consultative Party status, ATNCP's were not eligible to be observers at ATCMs until a Revised Rules of Procedure granted participation by invitation from 1983.²²⁹

²²⁵ The term ATS was first codified by ATCPs at the 1979 ATCM X (Washington). ATCM X (Washington) Final Report (1979). Available from http://www.ats.aq/documents/ATCM10/fr/ATCM10_fr001_e.pdf

²²⁶ ATCM IX (London) Final Report 1977.

²²⁷ "Parties". Secretariat of the Antarctic Treaty Website. Last accessed 12 November 2011.

http://www.ats.aq/devAS/ats_parties.aspx?lang=e; And, Stokke and Vidas (1996), pp45-46.

²²⁸ Personal Communication, Rogan-Finnemore (2010).

²²⁹ The Rules of Procedure for the Antarctic Treaty Consultative Meeting have since been revised again on several occasions, the latest of which was approved by ATCMXXXIV (Buenos Aires) Decision 2 (2011). Revised Rules of Procedure (2011). Available from www.ats.aq/documents/recatt/Att468_e.pdf.

The 1980s also led to questions regarding the legitimacy of the ATS within the international community. The 'Question of Antarctica', which was to be a regular UN agenda from 1983 until 2005, critiqued the perceived exclusionary nature of the ATS as a whole, with particular reference to the negotiations over the proposed Antarctic minerals regime.²³⁰ Formally initiated by Malaysia, proponents claimed that the territory and resources of Antarctica should be regarded as "the common heritage of mankind", like the deep seabed, and that the ATCM's strictly limited participation meant that the negotiations lacked consultation with significant number of UN member states, particularly the developing nations.²³¹ Additionally, the proposed Antarctic minerals regime would not allow for the universally equitable distribution of benefits gained from the extraction of a common good, provided for under Article XI of the UNCLOS.²³²

Proponents of this argument advocated for bringing Antarctic governance under the UN mechanism, to establish a more universal regime in place of the ATS that would allow for greater consultation with third parties.²³³ However, over the next decade significant legal and institutional developments within the ATS (as outlined further below), and the accession to the Antarctic Treaty of some of the more vocal third parties within this debate, led the UN General Assembly to adopt a resolution in 2006, which no longer scheduled a return of the 'Question of Antarctica' in UN agenda.²³⁴ Thus, the international community signalled its support to the effective functioning of the ATS as a whole.²³⁵

²³⁰ For a comprehensive overview of the UNGA 'Question of Antarctica', refer to Beck, Peter. J, "Twenty years on: the UN and the 'Question of Antarctica' 1983-2003"; *Polar Record*, 40:214 (2004):205-212, And, Beck, Peter. J, "The United Nations and Antarctica, 2005: the end of the 'Question of Antarctica?'" , *Polar Record*, 40: 222 (2006): 217-227.

²³¹ For a comprehensive background and influences regarding the development of Malaysia's position on the Antarctic across this 20 year debate see, Tepper, Rohan, and Hayward, Marcus, "The development of Malaysia's position on Antarctica: 1982-2004", *Polar Record*, 41: 217(2005): 113-124.

²³² Vidas, Davor; "The Antarctic Treaty System and the law of the Sea: a new dimension introduced by the Protocol" in, *Governing the Antarctic*. Edited by Stokke, Olav Schram; and Vidas, Davor, (Cambridge: Cambridge University Press, 1996), 84. And, Beck, Peter J. "The UN goes green on Antarctica: the 1989 session". *Polar Record* 26, no 159 (1990): 323-325.

²³³ Tepper, R and Haward, M (2005).

²³⁴ United Nations General Assembly Resolution A/Res/60/47 2006 'The Question of Antarctica'. Last accessed 8th March 2011. Available on http://www.unep.org/dewa/Portals/67/pdf/A_res_60_47.pdf.

²³⁵ Tamburelli, Gianfranco, "Notes on the legal regimes of the Polar Regions" in, Gianfranco Tamburelli, *The Antarctic Legal System: The protection of the environment of the polar regions*, Vol.9 (Milano: Dott. A. Giuffrè Editore. 2008), 11.

Legal Instruments

In addition to the Antarctic Treaty, several subsequent international conventions contribute to the legal structure of the ATS as it exists today. These are, the Convention for the Conservation of Antarctic Seals (CCAS, 1972); the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR, 1980); and the Protocol on Environmental Protection to the Antarctic Treaty (Environmental Protocol, 1991). CCAMLR provided provisions for the creation of a Commission and Scientific Committee for the Conservation of Antarctic Marine Living Resources, and as participating institutions of the ATS they are permanent observers to ATCMs.²³⁶

Other legal instruments have been negotiated, but remain unratified and therefore not in force. Specifically, the Convention for the Regulation of Antarctic Minerals Resource Activities (CRAMRA), which would have allowed for minerals resource extraction. Despite this fact, CRAMRA is considered “the most sophisticated institutional provision of all the Antarctic legal instruments to date,”²³⁷ providing provisions for the creation of a Commission, two Scientific Committees, a Secretariat, and an Arbitrary Tribunal. The CRAMRA regime is recognised to be a mechanism that can be taken ‘off the shelf’, should ATCP’s decide to change provisions relating to the ban on minerals extraction under the Environmental Protocol by requesting a review meeting in 2048.²³⁸

The Environmental Protocol was a necessary and vital addition to the legal instruments of the ATS, and one that highlights the effectiveness of a system that can build upon itself strict provisions which complement, widen and strengthen those already outlined in the Antarctic Treaty without the need for amendment. The Protocol has created a Committee for Environmental Protection (CEP), whose annual meeting sits alongside the ATCM, and six technical annexes (five of which are in force) that outline a comprehensive set of basic principles and detailed mandatory rules for human activity in Antarctica.²³⁹

²³⁶ ATCM Decision 1 (1995) Measures, Decisions, Resolutions. Available from http://www.ats.aq/e/ats_keydocs.htm. And, Revised Rules of Procedure (2011). And, Interview, Huber (2009).

²³⁷ Scott, K (2003).

²³⁸ Protocol on Environmental Protection to the Antarctic Treaty (1991). Available from http://www.ats.aq/e/ats_keydocs.htm

²³⁹ Protocol on Environmental Protection to the Antarctic Treaty (1991).

Permanent Observers

There are four permanent observers to the ATCM, which are institutions that have a varying degree of integration within the legal instruments of ATS. The oldest of these, and the least (formally) entwined in the ATS itself, is the Scientific Committee of Antarctic Research (SCAR). Created in 1958, SCAR is a non-governmental body whose members are the national scientific academies or research councils, which are (or plan to be) active in Antarctic research. Its independence is due to the fact that it is a multidisciplinary committee of the International Council for Science (ICSU), meaning that SCAR membership is also open to ICSU Scientific Union Members and Associate Members with a varying degree of interest in Antarctic scientific research.²⁴⁰

SCAR's specific mission is "to be the leading independent organisation for facilitating and coordinating Antarctic research, and for identifying issues emerging from greater scientific understanding of the region that should be brought to the attention of policy makers. Because SCAR was created before the drafting of the Antarctic Treaty, independent institutions have been in attendance at ATCMs since the inception of this deliberative arena in 1961.²⁴¹ While the other institutions mentioned above were created at later dates and in varied circumstances, SCAR's effective participation set a precedent for their acceptance as permanent observers within the ATCM, and their inclusion provides a key example of the adaptability of the ATS as a whole.

Another of these permanent observers is the Council of Managers of National Antarctic Programs (COMNAP), which formed from a SCAR Working Group in 1988. COMNAP's membership consists of National Antarctic Programmes (NAPs) of states that have Consultative status. As its name would suggest, COMNAP delegates are the managers of these NAPs, who meet annually to "develop and promote best practice in managing the support of scientific research in Antarctica".²⁴²

The final two institutions are the Commission and Scientific Committee of CCAMLR. These are the two permanent observers that have the strongest ties to the ATS, since Parties created these institutions directly through the ATCM plenary when establishing the CCAMLR Convention in 1980. As discussed earlier, the CCAMLR mechanism is responsible for the management and protection of

²⁴⁰ "SCAR Members and Officers", Scientific Committee of Antarctic Research (SCAR) website. Last accessed 27th January 2011 www.scar.org/about/officers/.

²⁴¹ ATCM I (Canberra) Final Report 1961. Available from http://www.ats.aq/documents/ATCM1/fr/ATCM1_fr001_e.pdf

²⁴² "About COMNAP". COMNAP Website. Last accessed 30 January 2012. Available from <https://www.comnap.aq/SitePages/Home.aspx>

Antarctic marine living resources, with the greater part of its mandate concentrating on Antarctic fisheries resources. The CCAMLR Commission gives effect to the CCAMLR Convention's objectives and principles, and the Scientific Committee advises the Commission on measures developed through consultation and advanced scientific techniques.²⁴³

Membership to both of these institutions is open to any state or REIO with an interest in research or harvesting activities of Antarctic marine living resources, and demonstrates that interest by ratifying the CCAMLR Convention.²⁴⁴ The REIO provision allows for the EU's membership of the CCAMLR Commission and Scientific Committee. This participation constitutes the main extent of the EU's direct permanent participation in the ATS to date, and will be investigated in more thorough detail later in this chapter. Furthermore, CCAMLR Articles III, IV, and V, repeat the understanding of Antarctic Treaty Article IV, regarding the issue of sovereignty in the Antarctic region and the conduct of activities within the Antarctic Treaty area.²⁴⁵ Meaning CCAMLR Parties assume responsibility for Antarctic environmental protection codified within the Antarctic Treaty and the Environmental Protocol without being direct Contracting Parties to these legal instruments, in accordance with their contractual obligation to CCAMLR.²⁴⁶

Invited Experts

Since the inception of the ATCM, specialist experts have also been invited to observe and present technical information to aid in development of measures, decisions and resolutions of the plenary. These invited experts are not permanent attendants to ATCMs. Instead, their participation is based on an invitation for expert advice dependent on the annual ATCM agenda. Given this *ad hoc* participation, the invited experts as a comparative group of actors, represent a varied mix of intergovernmental and non-governmental actors.

Initially, invited experts primarily consisted of intergovernmental institutions, particularly UN specialised agencies and programmes such as the International Maritime Organisation (IMO), the World Meteorological Organisation (WMO), and the United Nations Environment Programme

²⁴³ "Scientific Committee". CCAMLR Website. Last accessed 12 February 2011. Available from <http://www.ccamlr.org/pu/e/sc/intro.htm>.

²⁴⁴ Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR, 1980). Available from http://www.ccamlr.org/pu/e/e_pubs/bd/toc.htm

²⁴⁵ *Ibid.*

²⁴⁶ Miller, Dr. Denzil (former CCAMLR Executive Secretary), Interview by Author, University of Canterbury, Christchurch. 17 December 2010.

(UNEP). Other intergovernmental invited experts were the International Union for the Conservation of Nature (IUCN), and more recently the Secretariat for the Agreement on the Conservation of Albatrosses and Petrels (ACAP).

Non-governmental experts invited to participate in early ATCMs include the International Council for Science (ICSU), and the International Hydrographic Organisation (IHO). However, as the scope and depth of ATCM agenda items expanded in the 1980s and 1990s, so too did the range of new experts called upon to advise on emerging challenges to the principles of the Antarctic Treaty. Newer participants tend to consist of non-governmental invited experts, including the Antarctic and Southern Ocean Coalition (ASOC) and the International Association of Antarctic Tour Operators (IAATO).

Science as Currency

Inherently relevant to the analysis of all Antarctic engagement, is the notion that “science is currency” in the ATS.²⁴⁷ As mentioned earlier, national strategic presence on the Antarctic continent is maintained by active scientific research programmes, which in turn provide political legitimacy for active participation in the ATCM. The high expense of operations and logistics for Antarctic research has dictated that asserting and maintaining an active national presence on Antarctica is, for the most part inherently collaborative, as evident from the outset of the heroic era of exploration through to the present day. Antarctic scientific research therefore, has become a diplomatic tool for peace and stability in the region, that allows for “monitoring, reporting and verification needed to maintain trust in international cooperation” in the ATS.²⁴⁸

In a critical literature review that investigated the Antarctic’s environmental regime within international relations theory, Cornelis van der Lugt identified a number of common principles and norms of the ATS commonly referred to within the literature. The common principles are intended to maintain the norms of the ATS, and include political accommodation regarding the abeyance of Antarctic sovereignty that prevents new territorial claims and allows for the ATS to operate under

²⁴⁷ Herr, Richard and Hall, Robert. "Science as currency and the currency of science". In *Resource and Environmental Studies No. 1: Antarctica: Policies and Policy Development*, edited by John Handmer. (Canberra: Centre for Resource and Environmental Studies, Australia National University, 1989).

²⁴⁸ Berkman, Paul Arthur and Young, Oran R. “Governance and Environmental Change in the Arctic Ocean”, *Science*, Vol. 324: (17 April 2009). Available from www.sciencemag.org. And, Author Unknown, “New frontiers in science diplomacy: navigating the changing balance of power”, *The Royal Society Policy Document 1/10*, (London: The Royal Society, January 2010).

consensus; privileged control of decision-making with an activity criterion; acting in the interest all humankind by protecting Antarctica's usage to peaceful purposes and scientific research.²⁴⁹ The ATS operates under shared norms to uphold these principles and protect the values of the Antarctic. These norms are provided by the prescriptive elements of the Antarctic Treaty previously introduced in this chapter.

The order preference or hierarchy of values between academic opinions differ dependent on when the research was undertaken in relation to developments within the ATS and observations of particular aspects of the system itself, but van der Lugt noted that each reflected a paralleled distinction between 'high' and 'low' politics of a neorealist perspective despite the visible regime change in the 1980s.²⁵⁰ The values of political and security concerns often trumped economic and environmental concerns, even after prescriptions were included for the participation of new actors and additional legal instruments, designed to ensure enhanced legitimacy of the ATS.²⁵¹ This Rationalist perception has been reflected in the following analysis of this thesis research, which identifies that the EU's normative contribution as a global actor is unlikely to garner enough support for an upgraded direct role in Antarctic political deliberation alone, without providing a political or security opportunity structure for its member states to take advantage of.

3.5 The European Union in the Antarctic Treaty System

As mentioned earlier, the CCAMLR mechanism acts as a set of institutions within the ATS, but aside from the Antarctic Treaty itself. CCAMLR is the only forum in the ATS where the EU's direct participation is permanent. However, there have also been extraordinary cases where the EU has been granted *ad hoc* participation in the ATCM. As these cases relate to the EU's direct participation in the ATCM relating to the development of the Environmental Protocol, they are introduced first. The EU's engagement in CCAMLR provides an overview on what characterises its permanent role for actorness in the ATS. This has included how this actorness is perceived by non-EU CCAMLR Commission Members that provides important contextualisation for analysis in chapter four, which explores how the EU could pursue an upgrade to its actorness in the ATS.

²⁴⁹ van der Lugt, Cornelis, "An international environmental regime for the Antarctic: critical investigations", *Polar Record*, 33:186 (1997): 223-238.

²⁵⁰ *Ibid.*

²⁵¹ *Ibid.*

EU ‘Actorness’ in the ATCM

The EU’s direct presence in the politics of the ATS to date has been limited to four instances where European Commission representatives have been granted Observer status at the ATCM. The first formal EU ATCM role occurred in the early 1990s, as the Commission of the European Communities was granted an invitation to participate as an Observer in all four sessions of the XI Special Antarctic Treaty Consultative Meetings (SATCM) that drafted the Environmental Protocol.²⁵²

An EC representative was present for SATCM XI-1 Viña del Mar (Nov-Dec 1990), and the three Madrid sessions SATCM XI-2 (April 1991), XI-3 (June 1991), and XI-4 (October 1991) in which the final draft was adopted.²⁵³ The opening statement by the Commission of the European Communities to the SATCM XV-I (1990) plenary (Annex I) further reinforces the Communities interest in the Antarctic, expressly noting that,

“the Community and the Member States are determined to play a leading role in the action needed to protect the world’s environment and will continue to strive for an effective international response particularly to the ever growing threats of the natural environment.... In this context we have taken a great interest in the development of a Convention on Global Climate Change.... The environmental problems which are beginning to show themselves in Antarctica are of great concern to the European Communities.... Furthermore when the Heads of State and Governments met in Dublin this year.... they specifically drew the attention to the Antarctica and states that the Antarctica deserves special promotion as the last great unspoiled wilderness [sic]”.²⁵⁴

Noting the terminology projected in this opening statement, Community concerns over the environment during this time were dominated by calls for the advancement of “international efforts to solve global problems and to promote sustainable development and respect for the global

²⁵² SATCM XI-1(1990) Vina del Mar Interim Report “Opening Statement by Ms. Lisbeth Dissing, Observer for the Commission of the European Communities”. Available from http://www.ats.aq/documents/SATCM11_1/fr/SATCM11_1_fr001_e.pdf; and SATCM XI-2 Final Report, 106. Available from http://www.ats.aq/documents/SATCM11_4/fr/SATCM11_4_fr001_e.pdf.

²⁵³ SATCM XI-1(1990) Vina del Mar Interim Report “Opening Statement by Ms. Lisbeth Dissing, Observer for the Commission of the European Communities”.

SATCM XI-2 Final Report, 106.

²⁵⁴ *Ibid.*

commons”²⁵⁵; rhetoric which directly reflects the EU’s active identity construction for actorness in global environmental diplomacy that we continue to observe in contemporary IR. While France was able to utilise its active engagement for Antarctic environmental management to further strategic agenda in both the ATS and the EU, the EU also sought to take advantage of this opportunity structure to further a strategic agenda for recognition as a leading actor in global environmental politics.

Because the environmental regime was developed as a Protocol to the Antarctic Treaty, it is only open to accession by states. Therefore despite the EC’s participation during development, in addition to already possessing formal membership to CCAMLR as an REIO, the EC was unable to accede to the Environmental Protocol when it opened for signature.

Despite the EC itself already being party to the CCAMLR mechanism by the 1990s, this is the first formal instance where it was invited to observe an ATCM session. The EC was never invited to participate in the 1979 ATCM X (Washington) which negotiated the development of CCAMLR, because EC executive competence over fisheries was granted to the Community after its Common Fisheries Policy (CFP) entered into force in 1983, a year after CCAMLR had already entered into force.²⁵⁶ The EC was however, invited to participate as an Observer in the 1980 Conference on the Conservation of Antarctic Marine Living Resources, which was hosted by the newly formed Commission of CCAMLR.²⁵⁷

This was because the Community did already possess some competences under the EC Treaty regarding fisheries (Article 43), trade policy (Article 113), and environmental matters (Article 130R), which allowed for an EC delegation of seven.²⁵⁸ The EC’s presence at this meeting eventually translated into formal capability for permanent EC membership in CCAMLR, from an official mandate from the Council of the European Communities under Council Decision 81/691/EEC 4th September 1981.²⁵⁹

²⁵⁵ *Ibid.*

²⁵⁶ “Related Agreements: CCAMLR”, Secretariat of the Antarctic Treaty website. Last accessed November 2011. Available from http://www.ats.aq/e/ats_related.htm.

²⁵⁷ Final Act of the Conference on the Conservation of Antarctic Marine Living Resources (CCAMLR), Canberra (7-20 May 1980). Available from http://www.ats.aq/documents/DCCCAMLR/fr/DCCCAMLR_fr001_e.pdf

²⁵⁸ Tamburelli, G (2008) pp9-11.

Final Act CCAMLR, (Canberra 7-20 May 1980).

²⁵⁹ European Council Decision 81/691/EEC on the Conclusion of the Convention on Antarctic Marine Living Resources 4th September 1981; *Official Journal of the European Communities*; No.L252/26 (5th September 1981). Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1981:252:0026:0026:EN:PDF>

In addition to the above instances where the EC possessed a formal role for political engagement in the ATCM in the 1990s, an EU presence was “felt to be muscling its way into the ATS” at the 2005 ATCM XXVIII-CEPVIII (Stockholm) which finalised negotiations for the Annex on Liability Arising from Environmental Emergencies to the Environmental Protocol.²⁶⁰ This perception arose amongst ATCPs in 2004, when EU members present at the ATCM XXVII-CEPVII (Cape Town) introduced Working Paper 034 “EU ATCP”, which requested a disconnection clause be added as a provision to the Liability Annex in order to address a clash over jurisdiction of arbitration with existing EU law pertaining to liability.²⁶¹

This disconnection clause, which read: “States Parties which are members of the European Community shall not apply the provisions of this Article insofar as Community rules of jurisdiction in civil and commercial matters apply”, was discussed further intersessionally, as its potential inclusion would have made the Annex too complex for non-EU ATCP’s to domestically ratify due to their limited understanding of European Community law.²⁶² EU member states that were also ATCP’s were instructed “to ensure that the relevant Community rules continue to apply” during negotiations at Stockholm, as requested by the Council of the European Union.²⁶³ While this caused some anxiety amongst non-EU ATCP’s, general consensus was finally achieved after a clarification over terminology of pursuant, in conjunction with the resolution of a technical legal issue within the EU that no longer necessitated the inclusion of the disconnection clause.²⁶⁴

Given that Australia and France were key proponents in the development of a comprehensive regime for Antarctic environmental protection, opportunity for EU actorness in the ATCM to date can in effect be attributed to their leading role in shelving CRAMRA.²⁶⁵ This example also serves to illustrate how clashes of competence can allow the inclusion of different actors into the deliberation process of the ATCM, despite normative restrictions which prevent their permanent participation.

²⁶⁰ Huber, Dr Johannes (former Executive Secretary of the Secretariat of the Antarctic Treaty 2004-2009), Interview by Author, Buenos Aires. (29th August 2009). And, ATCM XXVIII-CEPVIII (Stockholm) Final Report (2005) Part IV Additional Documents Annex H “Statement of the Member States of the European Union that are also Antarctic Treaty Consultative Parties in the Working Group on Liability of the XXVIII Antarctic Treaty Consultative Meeting”. Available from http://www.ats.aq/documents/ATCM28/fr/ATCM28_fr004_e.pdf

²⁶¹ ATCM XXVII-CEPVII (Capetown) Working Paper 034 “EU ATCP” (2004). Introduced by Belgium, Finland, France, Germany, Italy, Netherlands, Spain, Sweden, United Kingdom. Available from http://www.ats.aq/devAS/ats_meetings_doc_database.aspx?lang=e&menu=2

²⁶² Interview, Huber (2009).

²⁶³ ATCM XXVIII-CEPVIII Final Report (2005).

²⁶⁴ Interview, Huber (2009). And, ATCM XXVIII-CEPVIII Final Report (2005).

²⁶⁵ Browne, Malcolm. M, “France and Australia Kill Pact on Limited Antarctic Mining and Oil Drilling”; *New York Times*; 25 September 1989.

EU 'Actorness' in CCAMLR

The EU's permanent direct participation in the ATS is limited to its membership in the CCAMLR Commission and Scientific Committee. The European Community (EC) was authorised by Council Decision 81/61/EEC, to sign CCAMLR due to the new European Common Fisheries Policy (CFP, 1981) effectively transferring the regulation of fisheries activities of its member-states to the EC, as the legal personality of the EEC.²⁶⁶ This accession was provided for under CCAMLR Article VII, on the basis of allowing entry to 'Regional Economic Integration Organisations'.²⁶⁷ Even after the Lisbon Treaty's functional amendments, it is a European Commission representative which maintains this EU presence in the CCAMLR mechanism.

From a European policy perspective, the CFP affords the EU actor capability, as it mandates the EU Commission with defending community interests by taking part in CCAMLR as a Regional Fisheries Organisation (RFO). Typically, EU member states are not allowed to also be a member of the respective RFO, however there are exceptions. Firstly, when the territory of the EU does not coincide with the territories under control of the member states; and secondly, when the RFO also focuses on issues other than just fisheries.²⁶⁸ Since CCAMLR's jurisdiction does include both the overseas Antarctic territories of the United Kingdom and France (in addition to their uncontested claims to several sub-Antarctic islands), these EU member states are able to join the RFO on behalf of their overseas territories, and maintain a degree of independence from the CFP in relation to fisheries activities within that region.

Secondly, CCAMLR's mandate goes beyond just fisheries activities. As it is a conservation convention, CCAMLR also includes provisions for the protection of the marine environment, meaning the EU has executive and not exclusive competence in terms of representation of its member states. Given this provision, EU member states without overseas Antarctic territories are also entitled to membership in the CCAMLR Commission and Scientific Committee, so long as they conduct research or harvesting activities within the Convention Area. Belgium, Germany, Italy, Poland, Spain, and Sweden exercise

²⁶⁶ Council Decision 81/691/EEC.

²⁶⁷ Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR), Article VII (1980). Available from www.ats.aq/documents/ats/ccamlr_e.pdf

²⁶⁸ "About the Common Fisheries Policy", European Commission website. Last Accessed 21 April 2009, www.ec.europa.eu/fisheries/cfp_en.htm

this option.²⁶⁹ Bulgaria, the Netherlands, Finland, and Greece are also Parties to CCAMLR, but they are not members of the Commission or Scientific Committee.²⁷⁰

In terms of voting rights of the EU and these member states, the CCAMLR Rules of Procedure prescribe:

“In Commission consideration of any item requiring a decision, it shall be made clear whether a regional economic integration organisation will participate in the taking of the decision and, if so, whether any of its Member States will also participate. The number of Contracting Parties so participating shall not exceed the number of Member States of the regional economic integration organisation which are Members of the Commission”.²⁷¹

This provision means that both the EU and its member states that are also Parties to CCAMLR, do not have the right to vote all at the same time. When matters relate to fisheries, and are therefore within the EU's exclusive competence, the EU votes on behalf of its member states. When competence is shared, one of the EU member states will cede its vote to the EU.²⁷² In practice, the EU is treated as a state in the CCAMLR Commission.²⁷³

Perceptions of EU ‘Actorness’ in CCAMLR

Perceptions of the EU's engagement in the CCAMLR mechanism reflect recurring themes of critique on the EU's actorness in international relations in general. What characterises the EU's engagement in CCAMLR, and how this actorness is perceived, provides a valuable insight into what issues might plague or complement any potential upgraded EU role in the politics of the ATS. Therefore, empirical analysis of the EU's engagement in the ATS under the auspices of the CCAMLR mechanism provides a critical contribution to this dissertation.

²⁶⁹ “Parties to CCAMLR within the Antarctic Treaty System”, Secretariat of the Antarctic Treaty Website. Last accessed 28 April 2009. http://www.ats.aq/devAS/ats_parties.aspx?lang=e

²⁷⁰ “Official Member Contacts”, CCAMLR Website. Last Accessed November 2011, <http://www.ccamlr.org/pu/e/ms/contacts.htm>.

²⁷¹ CCAMLR Rules of Procedure, Article IV, Paragraph C. Available from http://www.ccamlr.org/pu/e/e_pubs/bd/pt4.pdf

²⁷² Cesari, Mr Roberto (EU Head of Delegation to CCAMLR Commission, Directorate-General Maritime Affairs and Fisheries), Interview by Author, email interview to Belgium. (20 February 2011).

²⁷³ Interview, Miller. D (2010).

Criticisms of the EU's engagement in CCAMLR are threefold, and directly reflect confusion over the clarity of EU external relations often noted regarding its engagement in other international fora. Specifically, perceptions of the EU as an hard negotiating actor; problems concerning the EU's effective representation of non-Parties to CCAMLR; and confusion where liability lies after mixed negotiating competences between the EU and its member states on the differing scope of issues under the jurisdiction of CCAMLR.

Perceptions of the EU as a hard negotiating actor in CCAMLR, inflexible on its policy position, and tough in its pursuit of bargaining gains, are almost wholly a result of its internal processes. At its worst in the 1980s, in part due to the "street-fighter"²⁷⁴ style of negotiating by the EC's then head of delegation, the EC was often viewed to be "very obstructive, very debilitating, and very unconstructive"²⁷⁵ to the deliberative process of CCAMLR Commission meetings. This was particularly visible in relation to policy positions of the USSR (which was also considered very obstructive), when there was even the slightest implication of "holding off"²⁷⁶ on Antarctic fisheries the EC had an interest in – predominantly those around South Georgia, for which the UK maintains sovereignty. In these instances, the EC would obstruct debate until a "backdoor deal had been done on the South Georgia fishery".²⁷⁷ Only then was the EC more accommodating to negotiations. However, more than anything else, the EC was perceived to act in a hard approach within an expected role relating to its conferred executive competence, for protecting the interest of one of its member states.²⁷⁸

While the EU's negotiating hardness is no longer considered debilitating to the process of debate in CCAMLR as it was in the 1980s, the EU's maintenance of a firm policy stance remains a characteristic perception of its actorness in this forum to date. Furthermore, this perception would likely extend to any permanent EU role for participation in the ATCM. As the EU reaffirms strong policy cohesion under the Lisbon Treaty to ensure clear external representation in its international relations, and because this cohesive policy is achieved from internal negotiations where member states make most of their concessions before arriving at the respective international forum, the EU's negotiating behaviour is likely to remain firm to ensure clarity for its external representation.

The EU as a firm negotiating actor is also positively perceived on certain policy issues. The EU has been repeatedly commended for the stringent execution of its executive competence in CCAMLR,

²⁷⁴ *Ibid.*

²⁷⁵ *Ibid.*

²⁷⁶ *Ibid.*

²⁷⁷ *Ibid.*

²⁷⁸ *Ibid.*

regarding measures to combat Illegal, Unregulated, and Unreported (IUU) fishing within the jurisdiction of the CCAMLR convention area. At consecutive CCAMLR Commission Meetings from 2006 to 2011, the EU has strongly advocated that CCAMLR Commission members adopt a market-related conservation measure to promote compliance regarding Antarctic Toothfish fisheries, reiterating that its own markets “would be closed to IUU catches of all species from 1 January 2010”.²⁷⁹

Once again perceived to be acting within its conferred negotiating role, the EU’s the initial tabling of the conservation measure coincided with new internal regulations within the EU designed to combat IUU fisheries, and was consequently perceived to ensure CCAMLR’s provisions for compliance were consistent with the EU’s internal market provisions.²⁸⁰ Irrespective of the EU’s rationale, its continued proposition for tougher conservation measures within CCAMLR is considered “progressive”²⁸¹, “very helpful, focused, and complementary to the objectives of CCAMLR’s work by other members”.²⁸²

The most recurring concern raised during interviews on the perception of the EU’s activeness in CCAMLR, was the criticism regarding the EU’s effective representation of its member states that are not Parties to CCAMLR, and the subsequent lack of clarity regarding issues of liability (also noted previously with the 2004 Environmental Protocol Liability Annex). This is a particularly sensitive issue, and was considered to be the biggest challenge regarding any potential pursuit on the EU’s part for a permanent role in the ATCM. This problem formally materialised in the CCAMLR Commission during its annual meeting in 1999, after the EU submitted a notification (CCAMLR-XXVIII/21) on behalf of Portugal, notifying CCAMLR members that this non-Party was conducting a new and exploratory fishery under the jurisdiction of CCAMLR.²⁸³

The EU maintained that its executive competence to negotiate on behalf of the Community in RFOs, allowed the EU to grant any of its member states access to conduct exploratory fisheries within CCAMLR’s jurisdiction, regardless of that states direct accession to CCAMLR or not.²⁸⁴ Furthermore, the EU asserted that as a consequence of this transfer of competence for fisheries to the Community

²⁷⁹ CCAMLR XXV Final Report 12.75-12.76 (2006). And, CCAMLR XXVI Final Report 13.28-13.39 (2007). And, CCAMLR XXVII Final Report 13.74-13.97 (2008). And, CCAMLR XXIX Final Report 12.94-12.105(2009). And, CCAMLR XXX Final Report 12.46-12.51(2011).

²⁸⁰ Interview, Miller. D (2010).

²⁸¹ CCAMLR XXIX Final Report, 9.7 (2009).

²⁸² Interview, Miller. D (2010).

²⁸³ CCAMLR XXVIII Final Report 9.42-9.52 (1999).

²⁸⁴ *Ibid.*

level, “all EU 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”.²⁸⁵

Non-EU CCAMLR Commission members were “visibly furious”²⁸⁶ as they viewed Portugal’s exploratory fisheries to be in direct contravention with CCAMLR.²⁸⁷ They asserted that if Portugal wanted to conduct fisheries activities within the Convention area, then it should become a Party to CCAMLR in its own right, and the EU should strongly encourage this accession.²⁸⁸ The CCAMLR Commission adopted Conservation Measure 65/XII for the 1999/2000 Season, which recognised fisheries shall be conducted by European Community (Portuguese-flagged) vessels within CCAMLR’s jurisdiction; notably, without Portugal’s accession to CCAMLR.²⁸⁹ However, pressure from non-EU CCAMLR members led the EU to later suspend Portugal’s exploratory fisheries.²⁹⁰

The wider implications of allowing Portugal to enter into Antarctic fisheries activities without being a direct Party to the Convention, was the fear that this would “act as a tipping-point” and set a precedent for places where the CCAMLR Commission would not have any direct contact with a State that was undertaking activities within CCAMLR’s jurisdiction.²⁹¹ This was particularly pertaining to issues on clarity of liability for the assumption of contractual responsibilities for ecosystem management and the environment, and the legal and political context of sovereignty within the ATS under CCAMLR Articles III, IV, and V. Non-EU CCAMLR Members asserted that regardless of the EU’s executive competence, “only Flag States can take on these obligations.....and all these obligations require that activities in the Convention Area can only be conducted by State Parties to the Convention that become Members of the Commission”.²⁹²

The issue of liability in particular, documented twice in relation to the EU’s direct engagement within the ATS, illustrates a wider problem for the EU in international relations. It exemplifies how recognition of the EU as a global actor are ultimately influenced by perceptions and misconceptions of non-EU states that do not clearly understand where the range of negotiating competences and responsibilities for liability lie between the level of the EU and the national level of its member states.

²⁸⁵ *Ibid.*

²⁸⁶ Interview, Miller. D (2010).

²⁸⁷ CCAMLR XXVIII Final Report 9.42-9.52 (1999).

²⁸⁸ *Ibid.*

²⁸⁹ CCAMLR XXVIII Final Report ‘Annex 6’, (1999).

²⁹⁰ Interview, Miller. D (2010).

²⁹¹ *Ibid.*

²⁹² CCAMLR XXVIII Final Report 9.49(1999).

However, despite non-EU member states outwardly strict structural conceptions of state actors within the ATS, the EU has shown that is capable of acting just as a state when its own constitutional processes afford it the capability to do so. This includes conforming to customary prescriptions of acceptable conduct, as shown by the suspension of Portugal's exploratory fisheries within the jurisdiction of CCAMLR, after a constructive deliberative process with non-EU CCAMLR members. Irrespective of the EU's state-like actorness in the ATS to date, issues emerging from confusion over negotiation competence and ascendancy of liability emerging from the institutional evolution of the EU, would likely feature prominently in any deliberation over the EU's potential for any permanent role in the ATCM by pursuing accession to the Antarctic Treaty and the Environmental Protocol.

3.6 Conclusion

In moving analysis beyond theoretical explanations for EU actorness in international relations by examining empirical evidence for EU actorness in the Polar Regions, this chapter has explored three sub-questions. In illustrating how the EU has exhibited qualities of actorness in global environmental discourse, with reference to its leadership role in the global climate change regime, this chapter demonstrated that the EU's active pursuit of normative engagement in this area has afforded it with the capability to challenge structural conceptions of actors in international relations. This normative agenda has in turn provided the EU with the opportunity to pursue increased direct engagement in areas which align with strategic agenda for recognition as a global actor, in addition to resource security.

This chapter has also illustrated the EU's utilisation of rhetoric touting a normative agenda for a permanent role in the Arctic Council, intended to provide the EU with a direct input into the forum that sets sustainable development agenda in the Arctic. This example further serves to illustrate that the EU's internal processes allow for actor capability to be constructed or reconstructed to take advantage of opportunities for increased direct presence as a political actor in its own right. This chapter then posited that the EU could also follow a similar approach and actively pursue upgraded political engagement in the ATS, which could further serve to complement its recognition as a global actor and support its normative prescriptions for sustainable development and environmental protection in the Arctic.

Before the realities of this question are analysed in Chapter Four, the remainder of Chapter Three examined what has characterised the EU's direct political engagement in the ATS to date, including how the EU has exhibited qualities of actorness in the ATCM and CCAMLR institutional arrangements. Examination of this engagement has illustrated that the ATS remains centred on Rationalist assumptions of the international system where political and security concerns trump economic and environmental concerns. This is likely to be challenging should the EU decide to upgrade its direct political engagement in the ATS, and is examined further in Chapter Four.

Perceptions of the EU's actorness in CCAMLR were explored to incorporate issues which have highlighted both the positive and negative aspects of direct EU engagement in the ATS to date. Criticisms of the EU's engagement in CCAMLR reflect confusion over the clarity of EU external relations often noted regarding its engagement in other international fora, and for which the Lisbon Treaty was designed to address.

Chapter Four: Upgrading the EU's Antarctic Engagement

4.1 Introduction

Because the EU's direct participation in the ATCM to date has been limited to several *ad hoc* instances regarding the development of the Environmental Protocol, an EU normative influence in Antarctic political deliberation has been visible through the Europeanisation of its member states foreign policies on specific Antarctic issues. This influence has provided for an indirect EU presence in the politics of the ATS, and has been visible during France's role in the development of the Environmental Protocol. Furthermore, the process of Europeanisation illustrates how the EU and EU ATCP's have sought to take advantage of opportunity structures for deepened political engagement, based on Antarctic environmental management and scientific research. In turn, this Antarctic political engagement has been utilised by the EU and its member states in an attempt to fulfil objectives within their respective wider strategic agendas.

Therefore, this chapter investigates what evidence there is of Europeanisation in the ATCM, to show how the EU and EU ATCP's have sought to deepen their respective roles in Antarctic scientific and political engagement, to further their own wider strategic agendas. As these roles for actorness in Antarctic political deliberation have also been closely tied to opportunities, presence and capability to conduct active scientific research in Antarctica, this chapter also investigates several case studies outlining collaborative European infrastructure agreements and large scale scientific research projects in Antarctica supported by EU funding. This incorporates how the EU and its member states seek to take advantage of opportunity structures afforded by their respective EU membership and Antarctic engagement.

This chapter closes with an analysis of how the EU could actively seek to upgrade this scientific and political engagement to further its recognition as a global political actor. This analysis explores the possibility that the EU could construct for itself a permanent role in the ATS, as a Contracting Party to the Antarctic Treaty and its Environmental Protocol, based on its normative influence and limited direct presence in the ATS to date, further complemented by its financial support of collaborative Antarctic scientific research.

4.2 Strategic interest in Antarctica

Antarctic social scientist Dr Alan Hemmings notes that environmental management in the Antarctic is often used to serve strategic national interests, rather than environmental interests.²⁹³ Hemmings posits that active engagement based on Antarctic environmental protection is a diplomatic method for strategic national values to be pursued under the cover of environmental rationale, and environmental management responses can be denied if they compete with strategic national valuation.²⁹⁴ Building on this notion, this dissertation argues that it is not only national actors that strategically benefit from attempting to utilise Antarctic environmental management to further a wider political agenda. Much as the EU has pursued increased political engagement in the Arctic based on environmental protection and active scientific research in the region, it could also apply the same rationale to increase its direct engagement in the politics of the ATS.

From the late 1980s to the early 1990s, there is evidence of the EU's attempt to increase its direct political engagement with the ATS, based on the issue of environmental management. Furthermore, a number of circumstances led France to become a leader in the development of the Environmental Protocol in order to fulfil objectives of its own wider political agenda. This ultimately provided the EU with the opportunity for its direct presence in the ATCM to date, as an *ad hoc* Observer to the SATCM sessions that negotiated this ATS legal instrument.

Research into the development of the Environmental Protocol uncovered a supplementary phenomenon, relevant to the EU's potential for future Antarctic engagement. The utilisation of opportunity structures provided by the development of the Environmental Protocol, is evident at both the national and Community levels, and allowed for these actors to construct for themselves roles for deepened political engagement in the ATCM. Incentivised by wider strategic objectives, the dual utilisation of the opportunity for deepened political engagement, in effect facilitated a normative influence in the politics of the ATS and the policies of these actors, in a process called Europeanisation.

²⁹³ Hemmings, Alan. D. "Environmental Management as Diplomatic Method: Advancing Strategic National Values in Antarctica". *Conference Presentation at the Scientific Committee for Antarctic Research (SCAR) Social Science Action Group (SSAG) Workshop on Antarctic Values*. (Gateway Antarctica, University of Canterbury: 5th Dec 2011).

²⁹⁴ Hemmings, A.D. (2011).

Development of the Protocol on Environmental Protection to the Antarctic Treaty

The development of the Environmental Protocol emerged from critical debate following the ATCM's adoption of CRAMRA in 1988. The Environmental Protocol met demands from officials, domestic publics, and pressure groups, for a new comprehensive regime for Antarctic environmental protection, which critics argued could not be ensured through CRAMRA, despite the mechanisms advanced environmental provisions.²⁹⁵

A number of international factors contributed to the initiation of ATCM XV (Paris, 1989) Recommendation XV-1, which called upon ATCPs to consider the merits of enhanced provisions for the conservation of the Antarctic environment, and afforded Australia and France the opportunity for a combined leadership role in the development of the Environmental Protocol.²⁹⁶ This included a series of environmental disasters occurring in polar waters in early 1989, including the accidental groundings of *Bahia Paraiso*, *Endurance*, *Humbolt*, *Exxon Valdez*, and a significant oil spill at the US South Pole Station. The alarm provoked by these incidents generated massive public pressure to protect that Antarctic environment, which was facilitated by the famous ocean explorer Commander Jacques-Yves Cousteau.²⁹⁷

On the domestic level, governments were not only motivated into action to appease their constituent demands for Antarctic environmental protection. CRAMRA's ratification was perceived by the claimant states to be softening their sovereignty over their respective Antarctic territorial claims, as the minerals regime provided no preferential royalties for these states regardless of whether potential mining operations would extract resources from within their nationalised sectors or not.²⁹⁸

²⁹⁵ Many of CRAMRA's provisions for Antarctic environmental protection were included into the Environmental Protocol. Therefore, ATCPs abandonment of CRAMRA cannot be attributed to an insufficient inclusion of environmental safeguards. Rather, a complex dynamic of economic and political factors led ATCPs to abandon CRAMRA in favour of the Environmental Protocol, including the inability of Parties "to give it proper marketing as an environmental protection instrument, which should have begun already with the choice of title given to that convention". Vidas, Davor, 'The Protocol on Environmental Protection to the Antarctic Treaty: A Ten-Year Review', in Olav Schram Stokke and Øystein B. Thommessen (eds.), *Yearbook of International Co-operation on Environment and Development 2002/2003* (London: Earthscan Publications, 2002), pp 51–60.

²⁹⁶ ATCM XV Recommendation XV-1 (Paris:1989).

²⁹⁷ Stokke, O. S. Vidas, D (1996).

²⁹⁸ Joyner, Christopher. C; "The effectiveness of CRAMRA", in *Governing the Antarctic: The effectiveness and legitimacy of the Antarctic Treaty System*, Edited by Olav Schram Stokke and Davor Vidas. (Cambridge: Cambridge University Press, 1996), 164.

In May 1989, the Australian Government was the first state to formally denounce its support for CRAMRA, in part because of the Hawke Government's realisation that its success in the upcoming 1990 Federal election necessitated support from a coalition of environment groups which held the balance of power after recent local elections.²⁹⁹ However, as Australia maintains the largest Antarctic sector claim, its most critical consideration came from Treasury's view that ratification of CRAMRA would in effect concede Australia's economic claims to Antarctic mineral wealth, and be perceived as a sacrifice of administrative control and sovereignty of its Antarctic territory.³⁰⁰

Public pressure generated by Cousteau's petition movement, and the prominent rise of green politics in France, led the French Government to also declare in June 1989 that it would no longer ratify CRAMRA. By August 1989, Australia and France had officially joined forces for a leading role in the development of a comprehensive framework for Antarctic environmental protection. In October, they jointly submitted two Working Papers to ATCM XV (Paris, 1989), formally outlining a proposal for comprehensive measures.³⁰¹ At SATCM X-1 (Viña del Mar, 1990) Australia and France were joined by Italy and Belgium, for the joint submission of Working Paper SATCM/WP/01, which outlined an indicative draft convention to establish a comprehensive environment protection regime for the Antarctic.³⁰²

French role in the development of the Environmental Protocol

Prior to the 1990s, France had rarely been regarded as 'green leader' state within the EU, aside from one notable exception. In the early 1970s, "France seized the opportunity of her EC Presidency to bring about the decision to establish the First Environmental Action Programme on the Environment at the 1972 Paris Summit in Versailles", which sought to take advantage of emerging sensitivities towards environmental protection.³⁰³ France's leadership role in the development of the Environmental Protocol in the 1990s, again utilised emerging sensitivities on environmental protection, to further its strategic agenda at the domestic, regional, and global levels.

²⁹⁹ Joyner, C (1996), 164.

³⁰⁰ Templeton, Malcolm, *Protecting Antarctica: The Development of the Treaty System*. (New Zealand Institute of International Affairs: Wellington, 2002), 33. And, Joyner, C (1996), 164.

³⁰¹ ATCM XV, ATCM/WP/02 (Paris: 1989). And, ATCM XV, ATCM/WP/03 (Paris:1989).

³⁰² SATCM X-1, SATCM/WP/01 (Viña del Mar: 1990).

³⁰³ Hildebrand, Philip.M; "The European Community's Environmental Policy, 1957 to '1992': From Incidental Measures to an International Regime", in *Environmental Policy in the European Union: Actors, Institutions, and Processes*. Edited by Jordan, Andrew. 2nd Edition (London: Earthscan, 2005), 27.

Recalling Hemmings, during the development of the Environmental Protocol, France was able to utilise environmental management as a diplomatic method for its engagement in both the EU and the ATS. France's active engagement in this global environmental discourse, afforded it the opportunity to further its national strategic interests in both political arenas. This in turn resulted in the 'greening' of French foreign policy during this time. The consequent influence of the EU on the French policy substance and process was visible as the Europeanisation of French foreign policy towards the Antarctic, which exhibited evidence of national convergence, national projection, and identity reconstruction.

As both a founding state in the process of European integration, and an original ATCP with an Antarctic territorial claim, France maintains a prominent role in both the EU and ATS. Yet its leadership role in the development of the Environmental Protocol is largely characterised in the literature as 'hanging on to the skirt-tails' of Australia, in order to achieve a political agenda further removed from benevolent objectives for Antarctic environmental protection than the French Senate maintains.³⁰⁴ Like Australia, domestic political considerations factored significantly in the French Government's decision to push for the Environmental Protocol, and there are three identifiable elements which worked interchangeably to influence this position.

First, a number of international environmental disasters led to the prominent rise of popular green politics domestically, regionally, and globally in the 1970s and 1980s. The Chernobyl nuclear disaster, controversial nuclear testing in the Pacific, and the French role in the bombing of the Greenpeace vessel *Rainbow Warrior*, gave rise to a global anti-nuclear movement that put significant pressure on French foreign policy in particular.³⁰⁵ Second, these events prompted environmentalist groups like those led by Cousteau, to build on domestic anti-nuclear sentiments to garner significant public favour within France for the abandonment of CRAMRA.³⁰⁶ Third, France held two very prominent institutional roles within the EU at that time. These were, the rotating Presidency of the Council of the European Communities (between June – December 1989); and former French Finance Minister Jacques Delors was President of the European Commission (from 1985-1995). During this period, the EU was experiencing a new scope of actor capacity for external relations in global environmental diplomacy (afforded by the SEA (1987)), which also coincided with progress for deepening European

³⁰⁴ Gaudin, Christian (Senator). *Report on France's position with regard to the international issues surrounding polar research: the case of Antarctica*. No. 230 Senate Regular Session of 2006-2007, Appendix to the Official Report of 14 February 2007. (Paris: Parliamentary Office for the Evaluation of Scientific and Technological Choices, 2007). And, Stokke, O. S. and Vidas, D. (1996).

³⁰⁵ Carter, Neil, *The Politics of the Environment: Ideas, Activism, Policy*, 2nd Edition. (Cambridge: Cambridge University Press, 2007), 102.

³⁰⁶ Carter, N (2007), 102.

integration to encompass a broad new range of political (rather than solely economic) competencies under the Treaty of the European Union (TEU/Maastricht Treaty, 1991). These prominent institutional roles ultimately served to put further pressure on French foreign policy.

Known then as “one of the least conservationist of the [Antarctic] Treaty parties,” the French Government’s decision to disbandon CRAMRA and join Australia for a leading role in the development of the Environmental Protocol, was unlikely to have been based on benevolent intent for Antarctic environmental protection.³⁰⁷ Rather, this approach was a means to quieten the French public and reduce the power of the green vote domestically, and improve France’s environmental image both within the EU and the international community.³⁰⁸ Furthermore, France’s utilisation of Antarctic environmental management could be attributed as an attempt to retain prominence in Antarctic political deliberation (and sovereignty over French Antarctic territory), at a time when a number of new Parties were acceding to the Antarctic Treaty.

A wholly unanalysed dynamic in academic literature regarding France’s role in the development of the Environmental Protocol, is the consideration of the EU’s institutional influence. Known as the process of Europeanisation, this influence is relevant given France’s prominent roles within the EU at this time. Official EU documents provide evidence for a visible Europeanisation influence on French foreign policy towards the Antarctic, in addition to France’s utilisation of its institutional role in the EU to further promote the Environmental Protocol. Furthermore, the process of Europeanisation can be attributed to resulting in a normative influence the ATCM, for an indirect presence that supplemented the EU’s Observer role previously introduced in Chapter Three.

4.3 Europeanisation in the ATCM

Despite the necessity to restrict the scope of this research, limited analysis of Europeanisation phenomenon has been justified because its observation within the ATS has been wholly absent from academic literature, though Europeanisation is a widely researched process that has been examined across many different state-actors, policy areas, and political arenas. Additionally, the Europeanisation of foreign policy actions of EU member-states with respect to Antarctic issues also

³⁰⁷ Elliott, Lorraine. M, *International environmental politics: protecting the Antarctic*; (New York: Macmillan, 1994), 170.

³⁰⁸ Elliott, L. M (1994), 170.

impacts upon the foremost hypothesis of this thesis, which is to examine the potential for the EU to upgrade its actorness in the ATCM to further its global political agenda.

Therefore, while the documentation of this phenomenon is considered a supplementary strain of analysis, even its brief inclusion provides a substantive addition to final conclusions and recommendations of this thesis. As research has indicated that given current structural perceptions of the ATS, any upgrade to the EU's political engagement in the ATCM is likely to be indirect, and limited to a normative institutional influence resulting from process of Europeanisation, in which the EU facilitates deepened policy cohesion between its member states for issues on Antarctic political agenda.

Contextualising Wong's operational theory of foreign policy Europeanisation to this research topic provides the following three key questions, for a brief analysis into the Europeanisation of French foreign policy towards the Antarctic during the development of the Environmental Protocol. 1) Has national convergence and/or adaptation of national policy to EU norms and directives taken place during development of the Environmental Protocol? (national convergence); 2) Has France benefited from the 'cover' of the EU during this period? (national projection); 3) What kinds of European norms have arisen among French officials? And, how do they apply to French Antarctic foreign policy during this period? (identity reconstruction)".³⁰⁹

Debate within the European Community for Antarctic environmental protection

A number of debates on Antarctic environmental protection in the European Parliament were held across the 1980s within the context of the developing CRAMRA minerals regime. As early as 1984, Members of the European Parliament (MEP's) were referring motions Doc. 2-1677/84 and Doc. 2-1477/84 for resolution, across two different Parliamentary Committees. These documents called for reports to be drawn up "on the legal and economic framework and extent of Member State and Community involvement in the Antarctic to date"³¹⁰, considering it essential that Member States of the Community "call on the Foreign Ministers meeting in political cooperation to adopt a uniform

³⁰⁹ Wong, R (2011), 157.

³¹⁰ European Parliament Motion for Resolution Document 2-1677/84 "on the economic exploitation of the Antarctic". Tabled by Mr Zahorka (1984).

standpoint with regard to the future status of the Antarctic³¹¹ and “a common approach to the future economic exploitation of the Antarctic”.³¹²

By February 1985, these working documents resulted in the drafting of European Parliament Report Document A2-101/87 (Moorhouse Report, tabled 25 June 1987) “on the economic significance of Antarctica and the Antarctic Ocean”, within the Committee on External Economic Relations.³¹³ During the drafting of this report, the European Parliament Committee on the Environment, Public Health and Consumer Protection, began simultaneously drafting its own Report “on the protection of the environment and wildlife in Antarctica” Document A2-57/87 (Muntingh Report, tabled 25 May 1987)³¹⁴, after MEP’s considered a motion for resolution Doc. B2-653/86, tabled in 1986.³¹⁵

At the European Parliament plenary session 18 September 1987, MEP’s simultaneously adopted Resolution Doc.A2-101/87 and Resolution Doc.A2-57/87, as recommended within these Committee reports.³¹⁶ While these Resolutions deviated slightly in their rationale for supporting the principle of CRAMRA negotiations³¹⁷, both agreed that “any exploration or exploitation of minerals would adversely affect the unique values of the Antarctic environment”³¹⁸, and that “if current negotiations for a minerals regime result in the acceptance and installation of such a regime or convention, this should be made conditional on the negotiation and acceptance of an Antarctic Conservation Strategy”.³¹⁹

Moreover, both Resolutions introduced the view that “the EC should participate in its own right in the decision-making concerning Antarctica”³²⁰, including “welcoming the Community’s accession to

³¹¹ European Parliament Motion for Resolution Document 2-1477/84 “on the Antarctic”. Tabled by Mr De Gucht (1984).

³¹² European Parliament Doc.2-1677/84 (1984).

³¹³ European Parliament, Committee on External Economic Relations Report “on the economic significance of Antarctica and the Antarctic Ocean” (Document A2-101/87), Rapporteur Mr J. Moorhouse. *European Communities, European Parliament Session Documents, English Edition 1987-1988*. Series A. PE112.270/fin.Or.De (25 June 1987).

³¹⁴ European Parliament, Committee on the Environment, Public Health and Consumer Protection Report “on the protection of the environment and wildlife in Antarctica”. *European Communities, European Parliament Session Documents, English Edition 1987-1989*. Series A. PE107.586.fin. (25 May 1987).

³¹⁵ European Parliament Motion for Resolution Document B 2-653/86 “on the protection of the environment and wildlife in Antarctica”, tabled by Mrs Bloch von Blottnitz (Germany). *European Communities, European Parliament Working Documents, English Edition 1986-1987*. Series B. PE108.028. (29 July 1986).

³¹⁶ European Parliament, *Official Journal of the European Communities*. No. C281/190. (19 September 1987).

³¹⁷ Resolution Doc. A2-101/87 “noting that the few minerals resources discovered in the Antarctic are not commercially exploitable because of the unfavourable operating conditions and the present market situation”; and Resolution Doc. A2-57/87 “taking the view that there should be no minerals development in the Antarctic”.

³¹⁸ Resolution Doc.A2-101/87.

³¹⁹ Resolution Doc.A2-57/87.

³²⁰ *Ibid.*

the Antarctic Treaty....considering it necessary that the Commission should be allowed to take part in minerals regime negotiations as an observer and would welcome the Community's accession to this arrangement as well, particularly in the view of the Community's legal responsibilities in the area of international trade".³²¹ Furthermore, the European Parliament echoed rhetoric which is strikingly similar to the EU's current rationale for deepened political engagement in the Arctic Council, as introduced in Chapter Three. In adopting these Resolutions, the Parliament noted that it:

1. "Accepts that the importance of the Antarctic to Europe lies as much in having knowledge of it and of its global effects as it does in its potential as a source of mineral and protein wealth;
2. Calls on all Member States of the EC to ensure that the EC has the possibility of acceding to the Antarctic Treaty;
3. Urges those Member States of the EC which have not already done so to accede to the Antarctic Treaty;
4. Urges all the Member States therefore to undertake and coordinate research activities in the Antarctic and to cooperate with regard to the creation and use of the necessary logistical infrastructure"³²²
5. "Urges EC members that are parties to the Antarctic Treaty to promote strongly an 'Antarctic Conservation Strategy' in all fora of the Antarctic Treaty System;
6. Calls on the Commission to investigate how the expertise of the EC can best contribute to Antarctic decision making, especially concerning environmental protection, based on the principle of such an 'Antarctic Conservation Strategy, and to take action accordingly. This could include:
 - (a) In the short term: obtaining observer status at the Consultative Meetings, Special Consultative Meetings, and particularly at the minerals negotiations;
 - (b) In the longer term: timely preparation of a review of the Treaty providing for full membership to be granted to the EEC;
7. Urges all EC members that are parties to the Antarctic Treaty to set an example by putting the principles of an 'Antarctic Conservation Strategy' in practice in their own activities in Antarctica".³²³

³²¹ Resolution Doc.A2101/87.

³²² *Ibid.*

³²³ Resolution Doc.A2-57/87.

In noting the Community's recognition as an legal entity in the international community, MEP's believed that the EC's economic and political influence as an acceding Party to the Antarctic Treaty would ensure a "substantially greater" influence for Antarctic environmental protection than if only some of its member states were Parties "without necessarily taking concerted action".³²⁴ Rapporteur Muntingh of Resolution A2-57/87, noted that it was "high time for the European Community to adopt a much more severe attitude in this respect and not always leave it to the United States to pull the hot chestnuts out of the fire".³²⁵ A somewhat prophetic comment, as US abdication of negotiations for the Kyoto Protocol was to later provide the EU its opportunity for actorness as a leader in the construction of the global climate change regime.³²⁶

In reference to the Parliament's calls for direct EC ascendancy to the Antarctic Treaty and the proposed Antarctic minerals convention, Commissioner Clinton Davis clarified that irrespective of the Community's current level of competence for international trade relations and in the field of commercial policy, "the [Antarctic] Treaty in its present form would not permit Community membership as such".³²⁷ After this debate, there is no formal documentation available from any EU institution to suggest that discussion continued on potential direct Community accession to the Antarctic Treaty, nor in the period since. Therefore, because the EU is not actively pursuing opportunities for increased political engagement in the Antarctic, this means that the EU lacks the actor capability (a formal mandate) necessary to construct for itself a permanent role in the ATCM, an acceding Party to the Antarctic Treaty and Environmental Protocol.

However, Commissioner Davis noted "the Commission did share the view that there are good reasons to think further about some kind of Community participation", agreeing on the need to develop an Antarctic conservation strategy.³²⁸ This comment was in specific reference to Community developments for external representation in the area of environment conservation, as the European Commission had played a leading role for negotiations in the UN Environment Programme's Montreal Protocol (regarding reduction in CFCs emissions), that had successfully concluded just the day before.³²⁹

³²⁴ European Parliament, "Economic significance of Antarctica and the protection of its environment". *Debates of the European Parliament*. No.2-355/267. (17 September 1987). And, European Parliament, *Debates of the European Parliament*. No.2-355/281. (18 September 1987).

³²⁵ *Debates of the European Parliament*. No.2-355/267. (17 September 1987).

³²⁶ Vogler, J (2011), 350.

³²⁷ *Debates of the European Parliament*. No.2-355/267. (17 September 1987).

³²⁸ *Debates of the European Parliament*. No.2-355/267. (17 September 1987).

³²⁹ *Ibid.*

From this point forward, there is evidence the EC actively pursued a normative influence for Antarctic environmental protection, well before any French renunciation of support for CRAMRA. It is likely that this influence undoubtedly contributed to the EU's *ad hoc* inclusion into the SATCM sessions that negotiated the Environmental Protocol. Furthermore, from this point on European Parliamentary debates reflect of flurry of action within the EC, pertaining to Antarctic environmental protection.

As late as January 1989, a motion for Urgent Resolution B2-1299/88 was debated in the European Parliament "regarding the French Air Base Construction in Antarctica".³³⁰ This motion brought French environmental credibility further into contention, as the construction of an airstrip at Dumont d'Urville in Antarctica required "the blowing up of six islands inhabited by thousands of penguins and other sea birds", threatening to wipe out several large breeding colonies.³³¹ This apparent disregard for the Antarctic environment was particularly condemning, as France was preparing to take over the rotating Council Presidency in July 1989.³³²

Three further European Parliament resolutions were tabled in quick succession at the closing of 1988. These were debated in the early 1989, arguing for urgent Antarctic environmental protection and highlighting emerging threats to fragile marine ecosystem after a number of recent accidents in polar waters. European Parliament Resolution Doc.B2-1347/88, "on the dangers of the destruction of the Antarctic ecosystem", debated on 9th February 1989, and adopted on 16th February 1989, called for further delays to the ratification of CRAMRA.³³³ The proposed motion for Resolution Doc.2-1389/88 "on serious threats to the Antarctic ecosystem", was the first to ask the Member States of the European Community's not to ratify CRAMRA, and instead favour a proposal from Greenpeace for an Antarctic world park.³³⁴

This proposal was jointly tabled by a number of MEP's that were Members of the European Parliament's Committee on the Environment, Public Health and Consumer Protection, that drafted the EC's first Report Doc.A2-57/87 "on the protection of the environment and wildlife in

³³⁰ European Parliament Motion for Urgent Debate Document B2-1299/88, "regarding the French Air Base Construction in Antarctica". Tabled by Mr. Jacob Von Uexkull (16 January 1989).

³³¹ European Parliament Motion for Urgent Debate Doc.B2-1298/88 (16 January 1989).

³³² *Ibid.*

³³³ European Parliament Resolution Doc.B2-1347/88 "on the dangers of the destruction of the Antarctic ecosystem", 16 February 1989. Tabled by C. Pimenta and F. Ippolito. *Official Journal of the European Communities*. No.C69/133. (20 March 1989).

³³⁴ Parlement Européen Proposition de Résolution "sur les menaces graves qui pèsent sur l'écosystème antarctique" (Doc.B2-1389/88). *Communautés Européennes Parlement Européen. Documents de Seance 1988-1989. Edition en langue française. Serie B. PE130.955.Or.Fr.* (13 février 1989).

Antarctica”.³³⁵ A second motion for urgent resolution Doc.B2-1393/89 “on pollution in the Antarctic”, also denounced CRAMRA and urged Member States to initiate or participate in a UN initiative aimed at the preservation of the Antarctic environment.³³⁶

It is unclear if either of these last two motions for resolution is later referred to as “The French Proposal”³³⁷ in subsequent Parliamentary session documents, and therefore it is difficult to judge at what point France made its change of position clear within the European Parliament. But considering the lack of French involvement in early Parliamentary debate for Antarctic environmental protection (particularly active proponents tended to be from Germany and Belgium), coupled with the open critique of French environmental credentials in its Antarctic activities into early 1989, it is unlikely that France was the initiator of debate within the Community for the abandonment of CRAMRA in favour of the Environmental Protocol.

Furthermore, it was still evident from motion for resolution Doc.B3-1910/90 “on the Antarctic”, debated on 8 November 1990, that the construction of the French airstrip in the Antarctic was still a cause of concern for pollution in the Antarctic³³⁸, despite efforts on the part of French officials to appear to be ‘greening’ their foreign policy during this period.

Utilising opportunity structures afforded by Europeanisation of Antarctic foreign policy

As introduced in Chapter Two, EU member states and their policies ultimately influence and are influenced by the work of the institution that they created, through a process of Europeanisation which leaves even pre-existing national environmental policies no longer political or legally separate from EU environmental policy.³³⁹ Andrew Jordan summarises,

“Member States have created an institutional entity to perform certain tasks which has, in turn, deeply affected the way they perceive and act against environmental problems. The relationship

³³⁵ European Parliament Doc.B2-1389/88.

³³⁶ Parlement Européen Proposition de résolution Doc.B21393/88, “object: Pollution dans l’antarctique”, (13 février 1989).

³³⁷ European Parliament Motion for Resolution Doc.B3-0012/90 “on the need for urgent action to protect Antarctica”. Tabled by Mrs Dury. *European Communities, European Parliament Session Documents 1989-1990. English Edition*. Series B. PE137.897.Or.Fr. (9 January 1990).

³³⁸ European Parliament Motion for Resolution Doc.B3-1910/90 “on the Antarctic”. Tabled by Pollack, McCubbin, Tongue, Bowe, Harrison, and David. *European Communities, European Parliament Session Documents 1989-1990. English Edition*. Series B. PE146.608.Or.en (8 November 1990).

³³⁹ Jordan, A, (2005), 2.

between the main level – international and national – of this unique system of *multilevel* environmental governance, has been and remains genuinely *two-way*, creating new opportunities and constraints for the various state and non-state actors involved”.³⁴⁰

Studies have shown that a ‘socialisation effect’ on EU officials is strong in the EU institutions where elites are involved in the intergovernmental bargaining process for European Political Cooperation (EPC)/ Common Foreign and Security Policy (CFSP), and this has led to “surprising signs of internalising supranational norms and interests, feeding these back to national capitals”.³⁴¹ As Europeanisation preserves the authority and legitimacy of the national level, more so than federalism or neo-functionalism, this process emphasises a re-organisational logic for national politics and policy-making, suggesting that overtime these become reactive and permeated by inputs from the Community level.³⁴² Therefore, officials at both the EU and national levels, seek to take advantage of opportunity structures afforded by their respective interconnectedness, to further their own strategic agendas.

As actress in global environmental politics has proven to be “a fruitful arena for EU institution building”, where “the Community has been able to increase its stature, its international reach, and its effectiveness within international organisations”, the rotating Council Presidency has been identified as “a key Community institution in the foreign environmental affairs of the Community”.³⁴³ As noted earlier, France is known for its opportunist utilisation of environment management during prominent EU institutional roles in the past.³⁴⁴

Despite uncertainties over the timing of the French contribution to active European Parliamentary debate, the EC was beginning to express interest in the Antarctic as an area to further strengthen its external relations. This is documented within the 1989 Programme of the Commission of the European Communities, presented by Commission President Jacques Delors to the European Parliament in February of that year. It noted that the Commission “will pursue involvement in major world issues, [including] active participation in European political cooperation, [for] continued effort

³⁴⁰ Jordan, A, (2005), 2.

³⁴¹ Øhrgaard (1997), and M.E. Smith (2000), and Bellier (2000), in Wong, Reuben (2011), 159.

³⁴² Ladrech, Robert, “Europeanisation of Domestic Politics and Institutions: The Case of France”. *Journal of Common Market Studies*. Vol. 32:1 (1994): 69-89.

³⁴³ Sbragia, Alberta. M; “Institution-building from Below and Above: The European Community in Global Environmental Politics”, in *Environmental Policy in the European Union: Actors, Institutions and Processes*. Edited by Jordan, Andrew, 2nd Edition (London: Earthscan, 2005), 219.

³⁴⁴ Ladrech, R, (1994), pp69-89.

to improve the respect for the Community's external powers (FAO, GATT, WIPO, WTO, ILO, ICAO, Antarctic, etc)".³⁴⁵

Moreover, this evidence indicates that Antarctic environmental management as a diplomatic tool was beginning to be discussed at the wider Community level (and not limited to the Parliamentary debate), even before France officially withdrew its support of CRAMRA in August 1989. By February 1990, the European Council had specifically referenced protection of the Antarctic environment as a Community objective at its Heads of State and Government Summit in Dublin, noting:

"The Community and its Member States have a special responsibility to encourage and participate in international action to combat global environmental problems. Their capacity to provide leadership in this sphere is enormous. The Community must use more effectively its position of moral, economic and political authority to advance international efforts to solve global problems and to promote sustainable development and respect for the global commons. In particular, the Antarctic deserves special protection as the last great unspoiled wilderness. The Community should also support efforts to build into international structures the capacity to respond more effectively to global problems".³⁴⁶

While France may not have initiated the debate on a comprehensive regime for Antarctic environmental protection within the EU, the process of Europeanisation provided France the opportunity to benefit threefold from a perceived 'greening' of its foreign policy at that time. First, the 'cover' of the EU during this period, allowed French officials to project national agenda on Antarctic environmental management to the Community's external level, before France had officially denounced CRAMRA (national projection). Second, there is a visible adaptation of French foreign policy to EU environmental norms, evident by Parliamentary debate. This can be attributed to an internally promoted normative environmental agenda, after the SEA (1987) legally conferred the Community with competence for external representation on issues of the environment (national convergence). Third, national projection and national convergence in turn facilitated the adoption of EU environmental norms among French officials during their prominent institutional roles during this period, as France attempted to change perceptions on the environmental credentials of its foreign policy towards the Antarctic (identity reconstruction).

³⁴⁵ European Commission, "Programme of the Commission for 1989. Address by Jacques Delors, President of the Commission, to the European Parliament and His Reply to the Debate, Strasbourg, 16 February and 15 March 1989"; *Bulletin of the European Communities*; Supplement 2/89.

³⁴⁶ European Council, "The European Council Dublin 25-26 June 1990"; *Bulletin of the European Communities*; No.6 (1990).

Furthermore, upgrading the EU's political engagement in the Antarctic as a means to further legitimise the EU as a global political actor would be as applicable today as in the early 1990s, despite the fact that currently the EU is only actively seeking to increase its polar-oriented political engagement in the Arctic. Upgraded EU actorness in the Antarctic could be particularly useful in the context of the EU's apparent loss of normative impact in the climate regime, as the BRICS hard sovereignty approach to multilateralism continues to challenge efforts to create a binding multilateral agreement to secede the Kyoto Protocol.

As science is currency in the ATS, scientific engagement is critical to support any bid on the EU's part for an upgraded EU role in Antarctic political deliberation. Like the Arctic, the opportunity for upgraded EU actorness could be afforded by its active scientific research on the continent – particularly through large collaborative European research projects which examine the impact of climate change in the Antarctic region. This scientific presence also acts to support the political agenda of the EU, as the results of Polar research are often used to legitimise its policy recommendations and prescriptions for global environmental diplomacy.³⁴⁷ The following chapter segment illustrates a way in which the EU can rationalise and strengthen its collective diplomacy within the specific institutional arrangement of the ATS, namely through a presence on the Antarctic continent through its financial support of collaborative Antarctic scientific research.

4.4 Strategic Scientific Engagement in Antarctica – Case Studies

Strategic scientific engagement is a key element of Antarctic politics. As noted earlier 'science is currency'³⁴⁸ for political engagement in the ATCM, and is often utilised as a diplomatic tool for strengthening bilateral relations between states beyond their direct Antarctic collaboration.³⁴⁹ Recalling Shadian's comments regarding the EU's success at being able to translate scientific research into policy recommendations and prescriptions³⁵⁰, and as a tool for challenging classical assumptions regarding state sovereignty, the EU's contribution to Antarctic science research is a critical consideration for this research.

³⁴⁷ Shadian, J. M (2009), 47.

³⁴⁸ Herr, R and Hall, R, (1989).

³⁴⁹ Berkman, Paul Arthur, "Opinion: International Spaces Promote Peace," *Nature*, Vol.462 (26 November 2009).

³⁵⁰ Shadian, J.M (2009), 47.

The introduction of strategic scientific engagement also highlights the EU ATCP's use of EU opportunity structures to strengthen national positions regarding their own engagement in the Antarctic region. Furthermore, encouraged and deepened EU scientific engagement in the Antarctic, could afford it the opportunity to challenge prescriptions of actors in the ATS in the future. Meaning the EU's direct presence in the Antarctic through its support of scientific research, could also afford it the opportunity for upgraded political engagement in the ATCM, in much the same way it has perused this engagement in the Arctic.

EU member states with National Antarctic Programmes have been strategically opportunistic in their recent development of three large preliminary stage European projects, which seek to take advantage EU opportunity structures in the form of additional funding support to address their budgetary shortfalls. While these projects have been initiated at the domestic level and are not a result of any formal EU mandate for active role construction for increased political engagement in the Antarctic, they do fall into Polar research areas the EU has specifically targeted for research investment under its FPs, designed to complement its policy recommendations and engagement in the Arctic, and support its leadership role in wider global environmental discourse. Before these projects are examined, two bilateral infrastructural arrangements are introduced to illustrate the differing scope of international cooperation for Antarctic logistics and scientific research.

European collaborative infrastructural arrangements

A number of bilateral collaborative infrastructural and logistical arrangements exist between EU member states on the Antarctic continent. While the nature of operations in the Antarctic mean that cooperative arrangements on the continent are by no means limited to the relations between European National Antarctic Programmes, a long history of European collaboration for polar exploration and scientific research (facilitated in part by collaborative research organising bodies, such as the European Science Foundation(ESF)) has shown that the European states do tend to reflect more instances of joint arrangements for shared infrastructure and logistics facilities.³⁵¹

³⁵¹ Personal Communication, Rogan-Finnemore (2010).

This can also be attributed to the close proximity and concentration of European research activities around the Antarctic Peninsula and Dronning Maud Land, Antarctica, as a legacy of historic era activities on the Antarctic continent. While there are a number of bilateral relations relating to exchange of scientists between national polar programmes, and collaborative research programmes between members not facilitated by the ESF, this segment introduces three collaborative infrastructural arrangements to provide an overview of the differing scope of bilateral arrangements on the Antarctic continent.

Since 1995, there has been a Memorandum of Understanding (MOU) between the Netherlands and the United Kingdom, for shared use of facilities at Rothera Research Station, Adelaide Island, Antarctica.³⁵² The nature of this relationship developed because the Netherlands Polar Programme maintains a Dutch Government policy, to conduct scientific research in Antarctica without building its own national station. Therefore, the NPP's science research is heavily dependent on the logistical support of other ATCPs, and they consider collaboration with the UK as being one of the most important partners for Antarctic research.³⁵³ In 2011, the NPP and the British Antarctic Survey (BAS), announced their extension and intensification of collaboration with the construction of a Dutch Science Facility (consisting of mobile laboratories) at Rothera Station, operational in December 2012.³⁵⁴

The Dronning Maud Land Air Network (DROMLAN) acts as “a Gateway to Antarctica for Research and Logistics”, and is a relatively new air network that facilitates communication and transportation of scientists between Cape Town and Antarctica, and between scientific research stations and field camps within Dronning Maud Land, Antarctica.³⁵⁵ This network was formerly established as an international project at the XIV COMNAP Meeting in Shanghai 2002, and is available as logistical support for any science-related activities of any member state of COMNAP (ATCPs) or SCAR (although consists significant³⁵⁶ The founding members of DROMLAN are Belgium, Finland, Germany, India, Japan, the Netherlands, Norway, Russia, South Africa, Sweden, and the United Kingdom.³⁵⁷

³⁵² Interview, Van der Kroef (11 August 2010).

³⁵³ ATCM XXXIV Information Paper 70, “The Dutch Science Facility at the UK’s Rothera Research Station” Jointly submitted by the Netherlands and United Kingdom. (Buenos Aires, 2011).

³⁵⁴ Ibid.

³⁵⁵ “The Dronning Maud Land Air Network (DROMLAN): A Gateway to Antarctica for Research and Logistics”. Scientific Committee of Antarctic Research (SCAR) Website. Last accessed 30 January 2012. <http://www.scar.org/information/dromlan/dromlanflyer.pdf>

³⁵⁶ Ibid.

³⁵⁷ Ibid.

European Polar Board

Since 1974, many large European multinational scientific projects have been coordinated through the European Science Foundation (ESF), which consists of 78 member organisations across 30 countries “as an independent, non-governmental organisation dedicated to pan-European scientific networking and collaboration”.³⁵⁸ The ESF was intended to dictate the direction of the European Research Area (ERA) to garner greater leverage over the research budget of the EU. However, it was increasingly perceived as a “toothless tiger” amongst the research community, as the EU Commission has assumed this leading role (with advice from the European Heads of Research Councils - EUROHORC) through the considerable funding influence of the EU Commission Framework Programmes for Research and Technological Development (FPs).³⁵⁹

The European Polar Board (EPB) was created in 1995 as a strategic advisory board of the ESF, with the intention of “facilitating cooperation and coordination between Directors and managers of national funded Polar Programmes with the aim of identifying and prioritising issues of Polar Science Strategy of common European interest and which add clear strategic value to the efforts of national programmes”.³⁶⁰ Like the ESF, the EPB is not limited to EU member states (unlike EUROHORC) and its main mission area is to “influence European Institutions (European Commission Services, European Parliament and important supranational actors) in regard to research investment and strategies in the Polar Regions..... and to facilit[ate] mechanisms for European level coordinated policy advice on research in the Polar Regions especially in relation to the European Commission”.³⁶¹

The value of science research for legitimising the EU’s normative role in global environmental discourse could be an incentive for the EU to deepen its strategic scientific engagement in the Antarctic. The 1987 European Parliament’s Report Doc.A2-101/87 “on the economic significance of Antarctica and the Antarctic Ocean”, implied that the ESF, in its attempts “to create a specifically European network for the exchange of scientific information from the Antarctic and the eventual conduct of scientific research projects”, could contribute to a Community accession to the Antarctic Treaty, and “urges all the Member States therefore to undertake and coordinate research activities

³⁵⁸ “What is the European Science Foundation”. European Science Foundation Website. Last accessed 03 November 2011. <http://www.esf.org/about-esf/what-is-the-european-science-foundation.html>.

³⁵⁹ Miller, Heinrich (Deputy Director of Alfred Wagner Institute (Germany) and incoming COMNAP Chair), Interview by Author, Buenos Aires (28 July 2011).

³⁶⁰ “About the European Polar Board”. European Science Foundation Website. Last accessed 24 August 2010. <http://www.esf.org/research-areas/polar-sciences/about.html>.

³⁶¹ *Ibid.*

in the Antarctic and to cooperate with regard to the creation and use of the necessary logistical infrastructure".³⁶² As a consequence of the ESF's active facilitation of European science research, and the 'golden carrot' of additional funding it affords participants, European Antarctic research programmes have arguably the greatest level of collaboration of all those programmes operative in Antarctica.³⁶³

In keeping with this mission statement, the ESF and the EPB have facilitated several major polar projects with significant EU funding support, as outlined in further detail below. The EU's strategic agenda towards the Arctic means that the Antarctic projects are typically designed to strengthen Polar research already carried out at the high North, but with the intention of contributing to increasing visibility and understanding on globally significant phenomenon such as anthropogenic climate change.

European Project for Ice Coring in Antarctica (EPICA)

One of the ESF's most successful and longest running Research Networking Programmes is the European Project for Ice Coring in Antarctica (EPICA 1996-2006), coordinated under the EPB, and awarded the EU's 2008 Descartes Prize for Collaborative, Transnational Research.³⁶⁴ EPICA was "motivated primarily by the urgent need to predict more accurately how global climate is likely to respond to increased emissions of greenhouse gases as a result of human activities", and sought to achieve this by determining the nature and mechanisms of climate variability from analysing a full climate record of two Antarctic ice cores, which were then compared to earlier findings of Arctic ice cores taken from Greenland.³⁶⁵

The project was considered one of the biggest tests of the ability for European researchers to cooperate in a large complex project, and was viewed as "an opportunity for them to consolidate this as a basis for an emerging European network for Antarctic and Arctic activities".³⁶⁶ More than forty

³⁶² European Parliament Doc.A2-101/87.

³⁶³ Personal Communication, Rogan-Finnemore (2010).

³⁶⁴ "ESF's European ice core project EPICA receives prestigious Descartes Prize for Collaborative, Transnational Research". European Science Foundation Website. (12 March 2008). Available from http://www.esf.org/research-areas/life-earth-and-environmental-sciences/news/ext-news-singleview.html?tx_ttnews%5Btt_news%5D=413&cHash=f13b934e421a3738073559df917e28a7.

³⁶⁵ "European Project for Ice Coring in Antarctica (EPICA)", European Science Foundation Website. Last accessed 03 November 2011. <http://www.esf.org/activities/research-networking-programmes/life-earth-and-environmental-sciences-lesc/completed-esf-research-networking-programmes-in-life-earth-and-environmental-sciences/european-project-for-ice-coring-in-antarctica-epica-page-1/more-information.html#c2252>.

³⁶⁶ *Ibid.*

percent of the project was funded from the EU Commission's Fourth Framework Programme, and supplemented by national contributions from the participant institutions of Belgium, Denmark, France, Germany, Italy, the Netherlands, Norway, Sweden, Switzerland and the United Kingdom.³⁶⁷

The project even resulted in the construction of shared French-Italian Antarctic base, Concordia Station, which provided logistical support to the EPICA scientists, and is an element of the EPB's continued "high-level European Strategic framework for science and operational capabilities in the Polar Regions".³⁶⁸

EUROPOLAR ERA-NET / European Polar Consortium (EPC)

The EUROPOLAR ERA-NET / European Polar Consortium (2005-2009), was a 4-year project established under the EPB as a French Institut Polaire Paul Emile Victor (IPEV) initiated and coordinated high-level European strategic framework for collaborative science and operational capabilities in the Polar Regions.³⁶⁹ The €2.48 million Consortium was funded from the EU Commission's Sixth Framework Programme (FP6), under its identified key polar research activities, to achieve coherence between European polar research activities that would improve the use of the national polar research infrastructures and human, technological and financial resources.³⁷⁰

The project is to date "the most significant coordination of the European management of polar research ever attempted", as it brought together 25 ministries, funding agencies and national polar RTD authorities across 19 European countries, including non-EU member-states Norway and the Russian Federation.³⁷¹ A key objective of the project was to deepen and strengthen interactions between European states with larger Polar programmes, and those states from central and south-eastern Europe that are developing programmes, to encourage an exchange of experiences for best practice on management and financing logistics operations and infrastructure.³⁷²

³⁶⁷ *Ibid.*

³⁶⁸ "European Polar Board", European Science Foundation Website. Last accessed 13 September 2010.
<http://www.esf.org/research-areas/polar-sciences.html>.

³⁶⁹ *Ibid.*

³⁷⁰ "Coordination Action EUROPOLAR", European Commission Directorate General Research Website, (2005). Last accessed 28 October 2011. Available from
ftp://ftp.cordis.europa.eu/pub/coordination/docs/europolar_individual_project_sheets_en.pdf.

³⁷¹ "The European Polar Consortium: Strategic Coordination and Networking of European Polar RTD Programmes", European Commission Community Research and Development CORDIS Website. Last accessed 25 November 2010.
http://cordis.europa.eu/fetch?CALLER=FP6_PROJ&ACTION=D&DOC=1&CAT=PROJ&QUERY=01223585a8a1:eded:07d33630&RCN=75895.

³⁷² *Ibid.*

The Consortium was intended to gradually integrate the national polar programmes of the participant states (simply noting support for closer relations with Russian programme managers), from an initial platform for collaborative research and information exchange to eventual operation of shared facilities and the “optimisation of a combined annual budget of around €500 million”.³⁷³ The ESF, the EPB, and the project’s French creators, hoped that in the long-term the Consortium would “act as the first phase of a European Polar Programme”.³⁷⁴ They hoped this project would develop into a European polar entity capable of acting as the main funding and decision-making forum for all European polar research, which would in turn “provide an important advisory role over the next decade for both national governments and European policy developers” on prioritised political agenda issues such as climate change.³⁷⁵

While the Consortium project culminated in June 2009 by achieving a Joint Memorandum of Understanding (MOU) for a ‘European Polar Framework’ for closer research cooperation, the project will not achieve its long-term goal of further programme amalgamation, as larger national programmes are reluctant to compromise the independence of their own operations.³⁷⁶ Some national programme managers believe that further pooling funding resources is inefficient because the practice fails to incorporate any added value as resources largely come from national contributions, and additional overhead expenses resulting from the need for increased administration makes research unnecessarily expensive.³⁷⁷ As national programmes differ considerably in size and structure (for example, the German, Dutch and British programmes both employ their logistical support staff and scientists, but the French programme consist purely of logistical support staff and therefore command significantly smaller budgets by default of their operational mandates) resulting in disproportionate contribution to multinational projects based on the comparative budgets of each national programme.³⁷⁸

This also means that during the process of programme integration, funding opportunities become disproportionately competitive for those scientists that rely on direct funding from within their national institutions.³⁷⁹ When this is coupled with extra administrative costs for funding distribution, competing national agendas for prioritised polar research, and the potential for a perceived loss of

³⁷³ “Coordination Action EUROPOLAR”, (2005).

³⁷⁴ Frenot, Yves (IPEV), Interview by Author, Buenos Aires (11 August 2010).

³⁷⁵ “Coordination Action EUROPOLAR”, (2005).

³⁷⁶ Personal Communication, Walton (2011).

³⁷⁷ Interview, van der Kroef (2010).

³⁷⁸ *Ibid.* And, Personal Communication, Walton (2011).

³⁷⁹ Interview, van der Kroef (2010).

legitimacy for political deliberation on polar issues, complete programme amalgamation under a European Polar Entity was an unpopular policy.³⁸⁰

Critics believe that the long-term goals of the Consortium were not designed for the benefit of polar research, but instead based on a political agenda to ensure the continued relevance and funding support of the ESF and EPB when their existential mandates were under review in the late 2000's.³⁸¹ This political agenda is also purportedly the reason for the preliminary development of two other significant European projects, ERICON AURORA BOREALIS and EuroANDRILL, which have also failed to garner enough national funding support to ensure their full implementation. A critical consideration for France's push for EUROPOLAR ERA-NET, could in part be attributed to its will to keep the now defunct ESF (as a European institution) in Strassbourg, rather than losing another essentially EU institution to Brussels.

Due to the declining relevance of the ESF, a new legal entity called Science Europe was formally founded on 21st October 2011 in Brussels, which merges the ESF and its Committees with EUROHORCS, to avoid unnecessary duplication of European science research and competition over funding.³⁸² The ESF's Boards are not automatically assumed into the structure of Science Europe, and since the EU Commission's priorities for polar funding under FP8 are still under consideration, the future of European Polar Board and its collaborative projects have yet to be decided upon.³⁸³ The French strategy to create a European Polar Entity could have been an attempt to refocus EU polar research funding towards the Antarctic, at a time when Arctic research is prioritised.³⁸⁴ Furthermore, this might have also been a way for France not to lose another EU institution to Brussels, especially one that commands a research budget as significant as the EFS/EPB.

³⁸⁰ *Ibid.* And, Personal Communication, Walton (2011).

³⁸¹ Personal Communication, Walton (2011). And, "European Science Foundation cancels research funding calls", (25 November 2010) European Science Foundation Website. Last accessed November 2011. <http://www.esf.org/media-centre/ext-single-news/article/european-science-foundation-cancels-research-funding-calls-636.html>

³⁸² Personal Communication, Walton (2011). And, "Science Europe founded to strengthen collaboration between Europe's national research organisations" (24 October 2011). European Science Foundation Website. Last accessed November 2011. http://www.scienceeurope.org/uploads/Science%20Europe%20Press%20Release_Founding%20Assembly.pdf

³⁸³ Interview, Miller. H (2011). And, Interview, van der Kroef (2010). And, Personal Communication, Walton (2011).

³⁸⁴ Especially when the Chair of the EPB at the time, was former French Scientist Dr. Gérard Jugie.

ERICON AURORA BOREALIS

The €4.5 million European Polar Research Icebreaker Consortium ERICON AURORA BOREALIS (2008-2012) is a coordination project for the development of a world-class European icebreaker vessel, capable of dedicated year-round research operations in the Arctic and Southern Oceans.³⁸⁵ The Aurora Borealis has been designed to be the most advanced research vessel in the world, and is considered to be vital marine infrastructure for polar research and a core element of Europe's wider strategic research framework.³⁸⁶ The project is currently in the preparatory phase, with the EPB maintaining coordination of the financial, structural, legal and organisational framework between 16 partner institutions across 10 European states including Germany, Finland, Belgium, Bulgaria, France, Italy, Romania, Denmark, the Netherlands, Norway and Russia.³⁸⁷

The earliest proposal and feasibility study undertaken for a European icebreaker research vessel actually originated from a German initiative in early 2000, and continued coordination towards vessel design was assumed by the EPB in 2005, in conjunction with Germany's Alfred Wagner Institute for Polar and Marine Research (AWI).³⁸⁸ The ERICON AB project was then initiated at the European level with the EPB in 2008, with funding support for the preparatory phase provided as part of the implementation of the European Strategy Forum on Research Infrastructures (ESFRI) roadmap projects under FP7, as the proposed objectives aligned with the EU's Commission's key polar research activities.³⁸⁹

The EPB maintains that construction of the Aurora Borealis will promote the strategic agenda of the European Research Area, and act for the continued achievement of the science policy objectives outlined from the EUROPOLAR ERA-NET MOU.³⁹⁰ The Aurora Borealis is specifically mentioned as a proposal for action in the EU Commission Communication Paper COM(2008)763 "The European

³⁸⁵ ATCM XXXIV Information Paper 036, "ERICON AB Icebreaker FP7 Project. A new era in polar research", submitted by Romania. (Buenos Aires, 2011).

³⁸⁶ "ERICON AURORA BORELIAS". European Science Foundation Website. Last accessed November 2011. <http://www.esf.org/research-areas/polar-sciences/ericon-aurora-borealis.html>.

³⁸⁷ "AURORA BORELIAS: European Research Icebreaker". European Science Foundation Website. Last Accessed November 2011. http://www.eri-aurora-borealis.eu/en/the_project/partners/.

³⁸⁸ The proposition of this project also coincided with Dr Thiede, a former German scientist, chairing the EPB. "AURORA BORELIAS: European Research Icebreaker". European Science Foundation Website. Last accessed November 2011. http://www.eri-aurora-borealis.eu/en/the_project/preparatory_phase/.

³⁸⁹ "ERICON AURORA BORELIAS" (November 2011).

³⁹⁰ "ERICON". European Science Foundation Website. Last accessed 9 November 2011. http://www.esf.org/index.php?eID=tx_nawsecuredl&u=0&file=fileadmin/be_user/research_areas/polar/Documents/Political%20Context%20ERICON%20Summit.pdf&t=1320899406&hash=32ef07c40a07e06eef63e9eaedf73d91b172e396.

Union and the Arctic Region”, as a means to provide Europe with the capacity to launch autonomous scientific investigations on the Arctic environment, identified as an EU priority area for research that acts as a basis for further political engagement in the Arctic Council.³⁹¹

Despite the probability of continued EU funding support for operational costs under Horizon2020, the project is unlikely to move into the implementation phase due to shortfalls in construction funding contributions from national operators. Germany was willing to contribute 30% of the construction costs of the vessel, but in light of waning interest on the part of other ERICON AB participants, it has since recommitted this funding to updating its independent national research infrastructure by replacing the German research icebreaker PolarStern.³⁹²

EuroANDRILL

EuroANDRILL continues the ESF’s climate-themed Antarctic research as a coordinated project of the EPB, and “is a new initiative to create a European network with the goal to increase future involvement of European countries in the Antarctic Geological Drilling Programme (ANDRILL)”.³⁹³ The ANDRILL project itself was initially started as a multinational project consisting of 200 scientists, students and educators from Germany, Italy, New Zealand, the United Kingdom and the United States. EuroANDRILL’s implementation is also pending funding allocation under the EU’s developing Horizon2020 programme (2013-2020).

EuroANDRILL aims to increase the participation of European scientists in the wider ANDRILL project, and provide strong European leadership and/or logistical support. It introduces scientists from seven additional European states, including Belgium, Finland, France, Poland, Spain, Sweden, and The Netherlands.³⁹⁴ The project provides a good example of how EU funding incentivises a deepened and coordinated European approach to scientific research in Antarctica. National scientists from the newer collaborative states could have negotiated to join the consortium on an individual basis, yet they found it more feasible to do so via a coordinated approach and resource support of the EU.

³⁹¹ European Commission COM2008/0 763.

³⁹² Interview, Miller. H (2011).

³⁹³ “EUROANDRILL”. European Science Foundation Website. Last accessed 13 September 2010.

<http://www.euroandrill.com/>.

³⁹⁴ *Ibid.*

EuroANDRILL has a more positive outlook for inception, as it resonates with key European Research Area (ERA) objectives, in its aim to “establish Europe as a key player in future polar sediment and rock drilling”.³⁹⁵

4.5 Upgrading the EU’s ‘actorness’ in the ATS

Despite the contemporary international system challenging Westphalian structural conceptions of states as exclusive actors and subjects of international law from the mid-twentieth century onwards,³⁹⁶ Chapter Three’s examination of the ATS has shown that the treaty regime is still very much centred on perceived Westphalian assumptions of the international system. Remarkably, this perception remains irrespective of the EU’s direct membership in the CCAMLR fisheries mechanism, and after the EU usurped the EC’s legal personality with the Lisbon Treaty’s entrance into force. Therefore, despite the EU itself now possessing a single legal personality that allows for its ascendancy to a number of international conventions, the EU simply could not sign the Antarctic Treaty or its Environmental Protocol as it cannot strictly be defined or recognised as a state.

However, as the Constructivist framework of this dissertation has shown, the EU does act in state-like manner in many aspects of its external relations, and continues to challenge structural conceptions of international relations. This segment explores the over-arching research question of this thesis, to illustrate how the EU can upgrade its role in ATS to further legitimise a strategic agenda for recognition as a global political actor. First, advantages and disadvantages of upgraded EU scientific and political engagement are explored.

Advantages, disadvantages, and opportunities

Any upgrade to the EU’s scientific and political engagement in the ATS would be characterised by advantages and disadvantages. National strategic agenda also utilises opportunity structures created by the EU’s active engagement in Antarctic science research. As noted in Chapter Three, the driving incentive for European states to dedicate significant time for coordination of large scale polar

³⁹⁵ “EuroANDRILL”. European Science Foundation Website”. Last accessed 13 September 2010.

<http://www.esf.org/research-areas/polar-sciences/euroandrift.html>.

³⁹⁶ Bretherton, C and Vogler, J. (2006), 14.

research projects (to date facilitated by the EPB), is deemed a worthwhile task based primarily on the opportunity for significant amounts of supplementary funding.

Non-EU ATCPs can also benefit from increased EU scientific engagement and associated funding. Large multi-national research projects like ANDRILL would not only benefit from additional scientific expertise that EUROANDRILL could contribute, but additional funding from the EU adds a security dimension to the project which could lessen the impact of sudden budgetary cuts to national research programmes. Deepened EU scientific engagement and the complementary increase in available research and logistics funding, could act as buffer for shortfalls in national contributions to operations and logistics during times of financial hardship. In the mid-2000s, Italy's severe budget shortfalls for its Antarctic programme meant that it could not contribute its share of flights to the Ross Dependency, Antarctica, as part of its agreement within the United States-New Zealand-Italian logistics pool.³⁹⁷ To avoid significant disruption to ongoing scientific research programmes and base support, the US programme was required to fill the shortfall as New Zealand's significantly smaller National Antarctic Programme was unable to proportionally increase its contribution.

An increase in the number of European researchers on internationally collaborative projects, or an increase in the number of collaborative projects themselves, can also contribute to an increase the research validity and dissemination of information from Antarctic scientific research in general. Moreover, deepened research collaboration reduces costs by streamlining resource allocation, avoiding unnecessary duplication of research (that would otherwise be conducted independently at the national level) and limit disturbance to the Antarctic environment.

An upgrade to the EU's political engagement in the ATCM could also have positive and negative implications. An upgrade to the EU's actorness in the ATS could be characterised as it has been praised and criticised for in CCAMLR. Disadvantages regarding the EU's potential to become an ATCP, stem from criticisms over its competence for external representation in other international fora to date. The EU is often critiqued for lacking negotiating flexibility within international arenas, as most policy concessions have already been made by member states during rigorous internal negotiations intended to formulate a coherent EU approach on specific issues.

As the ATS is a system that operates by consensus, this could be problematic during deliberation particularly for issues that need immediate attention, as stiff positions could prolong (or even

³⁹⁷ Personal Communication, Rogan-Finnemore (2010).

stagnate) the decision-making process. Conversely, because policy-making concessions have been made prior to reaching the external arena, the EU and its member states come to the negotiating table with clear positions. This means non-EU Parties can prepare themselves of conforming/contesting rationales of member states by following internal EU negotiations through institutional information made publically available, and in part uncover the extent of the EU's negotiating flexibility on specific issues.

An EU 'seat', might serve to negatively politicise the Antarctic region or 'water-down' the effectiveness of the ATS, as those EU member states that are have no specific interest in the Antarctic would then have an indirect influence over the function and substance of political deliberation within the ATCM. Conversely, as the EU has shown with CCAMLR, the EU has the legal authority to ensure its member states confirm to the prescriptions and regulations of these legal instruments, without being direct Contracting Parties themselves. The EU's influence over its member states can project the normative objectives of the ATS onto non-Parties, which ultimately serves to further legitimise the work of the ATS as a regional governance mechanism. Furthermore, it can encourage its member states that are currently non-Parties to accede to the Antarctic Treaty and Environmental Protocol in their own right.

However, what would be the point of direct EU accession if member states are able to pass on the EU's normative prescriptions indirectly, through the process of Europeanisation of Antarctic-related foreign policy? As exemplified during the development of the Environmental Protocol and the utilisation of scientific diplomacy, the EU and its member states could actively construct a role for the EU as an acceding Party in its own right, should they perceive an opportunity to advance their strategic interests in the region. The Falkland Islands/ Las Islas Malvinas issue exemplifies the use of a political opportunity structure that has drawn an EU political presence further south, which might act for deepened EU engagement in the region in the future.

Despite the United Kingdom typically acting as a 'laggard' in the process of European integration,³⁹⁸ in May 2010, the United Kingdom was the first EU member state to reference the EU's 'Mutual Solidarity Clause' formalised in the Lisbon Treaty, to reassert a national sovereign right to access the resources of an Overseas Territory.³⁹⁹ The Falkland / Malvinas issue had become heated again as a

³⁹⁸ Borzel, T (2005).

³⁹⁹ Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union. Title VII 'Solidarity Clause', Article 222. *Official Journal C 83 of 30.3.2010*. Available from <http://eur-lex.europa.eu/en/treaties/index.htm>

British Company Rockhopper Exploration “indicated an oil discovery” in the North Falkland Island Basin that resulted in urged calls from the Argentine President to reopen bilateral discussions over the sovereignty of the Islands.⁴⁰⁰ British Foreign Office Minister Jeremy Browne was quick to respond “that there cannot be negotiation on sovereignty unless and until the Falkland Islanders so wish. The Lisbon Treaty clearly reaffirms the EU position that the Falkland Islands is an Overseas Territory of the United Kingdom”.⁴⁰¹

Under the Lisbon Treaty, member states commit themselves to:

“act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster. The Union shall mobilise all the instruments at its disposal, including military resources made available by the Member States, to:

- Prevent the terrorist threat in the territory of the Member States;
- Protect the democratic institutions and the civilian population from any terrorist attack;
- Assist a Member State in its territory, at the request of its political authorities, in the event of a terrorist attack.⁴⁰²

If the Falkland Islands debate further escalates into another physical conflict involving armed aggression from Argentina, this provision in effect means that Argentina would be facing the combined defensive resources of all 27 EU member-states, not just those of the United Kingdom. While the administration of the Falkland Islands is now considered legally separate from the Antarctic, they did form part of the United Kingdom’s 1908 Letters Patent as the original registration of its claim to the British Antarctic Territory, along with the South Georgia and South Sandwich Islands.⁴⁰³ Therefore the holding of the Falkland, South Georgia and South Sandwich Islands, still form the legitimate basis of its Antarctic claim, as the British Antarctic Territory remains contested by the Antarctic claims of Argentina and Chile (albeit held in abeyance by the Antarctic Treaty).⁴⁰⁴

⁴⁰⁰ Author Unknown, “Argentina urges Falklands Talks”, *BBC News*, 18 May 2010. And, Watkins, Eric, “Watching the World: Falkland Islands tensions rise”, *Oil and Gas Journal*, 17 May 2010. Available from www.ogj.com.

⁴⁰¹ *Ibid.*

⁴⁰² Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, Title VII ‘Solidarity Clause’, Article 222.

⁴⁰³ Parker, Richard D, and Madjd-Sadjadi, Zagros, “Emerging legal concerns in the Arctic: sovereignty, navigation and land claim disputes”, *Polar Record* 46. A4 (Oct 2010): 336-348.

⁴⁰⁴ *Ibid.*

Should the Falkland Islands conflict reignite and potentially spill-over to UK-Argentine contested territory (and resources) in the Antarctic, the use of the mutual solidarity clause in the Falkland Islands might serve as a precedent for collective EU protection of the British Antarctic Territory and the scientists who are resident within it. Similarly, the same logic could be applied to the French Southern and Antarctic Territories (TAAF), which are also formally recognised alongside British Antarctic Territory and the Falkland Islands, as Overseas Countries and Territories of the European Union under Annex II of the Lisbon Treaty.⁴⁰⁵

Furthermore, the mutual solidarity clause also acts for unified response to “assist a member state in its territory, at the request of its political authorities, in the event of a natural or man-made disaster”, and “The European Council shall regularly assess the threats facing the Union in order to enable the Union and its Member States to take effective action”.⁴⁰⁶ This provision could provide the EU the opportunity to construct for itself an upgraded role for direct political engagement in the ATCM, if member states deem that action is required to combat threats identified inline the International Identity of the EU (EUII), for example the threat of climate change.⁴⁰⁷ This case exemplifies how the utilisation of opportunity structures afforded by EU membership and Antarctic engagement could further strategic interests of both the EU and its member states.

How can an upgraded permanent role be achieved?

Because the EU is not a state, and therefore was not able to enter into CRAMRA negotiations or accede to the Antarctic Treaty when the European Parliament expressed an interest on behalf of the Community to do so in the late 1980s, ATS officials perceive that the prescriptions of the ATS have been enough to deter a bid for EU accession in the past and will likely prevent it from doing so in the foreseeable future.⁴⁰⁸ Furthermore, the EU has expressed little interest in the economic resources of the Antarctic in the period since (aside from fisheries), leading ATCP’s to dismiss any potential EU interest in direct engagement in Antarctic governance, because under Rationalist assumptions there are few resources that the EU could want to pursue under the guise of direct accession.

⁴⁰⁵ Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union. Annex II Overseas Countries and Territories to which the Provisions of Part Four of the Treaty on the Functioning of the European Union Apply”. *Official Journal C 83 of 30.3.2010*. Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0329:0334:EN:PDF>

⁴⁰⁶ Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union. Title VII ‘Solidarity Clause’, Article 222.

⁴⁰⁷ “Climate Change Policies”. European External Action Service Website. Last accessed February 2012.

<http://www.eea.europa.eu/themes/climate/policy-context>

⁴⁰⁸ Interview, Huber (2009).

These perceptions fail to account for the EU's pursuit of upgraded normative political engagement in international relations, exemplified by its leadership role in global environmental discourse, which in turn has provided the EU the opportunity to also challenge the structural conceptions of international relations. As science diplomacy legitimises the EU's prescriptive normative recommendations in the climate change regime, thus reinforcing its global actorness, the EU could pursue an upgraded direct role in the ATCM, incentivised by the notion that this membership would further support recognition of the EU as a global actor accepted for its normative influence in global environmental discourse.

In 2008, Antarctic scholar Gianfranco Tamburelli aptly noted that while the EC's exclusion may have been justified during adoption of the Environmental Protocol, it should now be reviewed as the EU's supranational dimension is an important and increasing trend for scientific research funding and collaborative engagement between states involved in the Antarctic.⁴⁰⁹ Moreover, the EU now maintains mixed competence over a wide scope of policy areas which allow for its direct participation in an increasing number of international fora, particularly those relating to conservation and environmental protection.

In keeping with this statement, this dissertation argues that if the EU's legal structure and constitutional processes during the early 1990s did not allow for its accession to the Antarctic Treaty or the Environmental Protocol, institutional developments and changing negotiating competences within the EU in the period since, could be utilised by the EU to actively pursue permanent membership in the ATCM as a Contracting Party in its own right. However, any upgraded role with the aim of direct EU ascendancy would require challenging the Westphalian structural conceptions of the ATS.

Following the Contracting Party provisions under Antarctic Treaty Article XIII, the EU would need to fulfil a number of criteria for direct ascendancy. First and foremost, the EU would need to be perceived to act like a state in international relations, to challenge the structural conceptions of the ATS. Second, the EU would need to be a Member of the United Nations; or be invited to accede to the Antarctic Treaty with the consent of all Contracting Parties that are ATCPs. Third, the EU would need to ensure it can ratify that international convention in accordance with its constitutional processes. Fourth, not directly prescribed by the Antarctic Treaty but inherently associated with

⁴⁰⁹ Tamburelli, G (2008), 10.

these criteria, is the unequivocal support the EU would require of its member states, especially those that are ATCPs. Under current conditions, the EU does not meet all of these criteria.

Under Constructivist conceptions, the EU's constitutional processes possess a number of characteristics which could allow for its accession to the Antarctic Treaty and the Environmental Protocol. The EU's legal personality confers it with the competence to act like a state for its external relations, including detailed internal prescriptions for the clarification of mixed negotiating competences between the EU and its member states in their external representation, and provisions pertaining to responsibility for liability when the EU and its member states are both Contracting Parties to the respective international legal instrument.⁴¹⁰

As illustrated in Chapters Two and Three, the process of European integration has evolved the EU into an entity which has exemplified a capacity for actorness in international relations that continues to challenge normative and structural conceptions of the international system. Recently, this has allowed for the EU's successful construction of a new non-state participatory category for an upgraded role in the process of global political deliberation as an Enhanced Observer in the UNGA, characterised by a unique complement of rights and privileges.⁴¹¹ The EU could attempt to upgrade its political engagement in the ATS, by lobbying for the construction of a new non-state participant category that could allow it the same participant rights and privileges as an ATNCP. This could be achieved through a revision in the ATCM Rules of Procedure, in a similar way to how the provisions for upgrading ATCNPs to ATCPs occurred in the 1970s, and how ATCNPs achieved ATCM participatory privileges in the 1980s.

This approach would remove any controversial attempt to directly amend the Contracting Party provisions of the Antarctic Treaty, and would result in EU participation in the decision-making process and a normative influence in Antarctic political deliberation, without pursuing voting rights (that would likely be as problematic as a proposing a Treaty amendment). In this instance, the fact that ATCPs and ATCNPs are explicitly referred to as Contracting Parties, rather than Contracting States, could work in favour of such a proposal. The EU's history of active scientific research in the Antarctic, and its (for the most part) positively regarded actorness in CCAMLR to date, could compliment an active pursuit for this role construction.

⁴¹⁰ Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union. Articles 3, 4, 5. *Official Journal C 83 of 30.3.2010*. Available from <http://eur-lex.europa.eu/en/treaties/index.htm>

⁴¹¹ UNGA Resolution A/RES/65/276.

However, to what extent the EU might be successful at achieving a potential upgraded role is likely to remain limited, and dependent on the will of all EU member states and all ATCPs. Should the EU (via its member states) decide to pursue an upgraded role in the politics of the ATS, this pursuit would be completely dependent on the EU and its member states working together in a hybrid system for their external relations towards the Antarctic. This is necessary for several reasons.

Before the EU could construct a proposal for direct accession, its member states would have to agree internally to grant the EU Commission the actor capability to commence negotiations and decision-making on behalf of the EU. The EU Commission would require internal authorisation in the form of a Council mandate, which would grant it the authority to conduct negotiations and accede to the Antarctic Treaty and the Environmental Protocol on behalf of the EU.⁴¹² This mandate would also EU ATCPs to table a Working Paper to the ATCM (drafted by the EU Commission) formally proposing the EU's accession, following the ATCM Rules of Procedure.

The EU ATCPs would then be required to actively lobby for unanimous support of all ATCPs, so consensus could be reached in the ATCM to allow for the EU's accession as a Contracting Party and the associated proposed revisions to the ATCM Rule of Procedure. Like the EU, the evolution of the ATS is also shaped by elite socialisation, as the restricted scale of Antarctic related activities results in repeated contact of diplomats and officials from states and observing institutions and organisations over a number of years, and as earlier career scientists prior to their official roles.⁴¹³ Repeated engagement of elites would certainly serve to benefit any attempts of EU ATCPs to lobby on behalf of the EU.

As there has been no internal debate within the EU illustrating an interest in upgrading its direct political engagement in the ATS, the EU's actor capability for a direct participatory role in the ATS simply does not exist beyond the EU's executive competence in CCAMLR. Meaning under current circumstances, the EU could not accede to the Antarctic Treaty or its Environmental Protocol, irrespective of its potential to challenge the structural conceptions of the ATS. Therefore, this research indicates that for the foreseeable future the EU's presence in the ATCM is likely to remain limited indirect, as normative influence through the Europeanisation of its member states foreign policies regarding the Antarctic. A normative influence in the ATS from Europeanisation could provide the EU with the opportunity for upgraded direct political engagement in the ATCM in the

⁴¹² "Summaries of Legislation". Europa Website. Last accessed November 2011.

http://europa.eu/legislation_summaries/justice_freedom_security/citizenship_of_the_union/o10000_en.htm

⁴¹³ van der Lugt, C (1997).

future. In this instance, evolving internal policy developments could confer the EU with the capability for a direct presence in the ATS, particularly on issues of the environment as this aligns with the EU's active construction of its international identity.⁴¹⁴

Had EUROPOLAR ERA-NET and ERICON AROURA BOREALLIS been successful at garnering enough support to be implemented beyond their preparatory phases and develop into a European Polar Programme, this would have served to increase the EU's presence on the Antarctic continent. Following ATS prescriptions, this could act as 'science is currency' and contribute to positive perceptions of the EU actorness in the region, which could also afford the EU the opportunity to construct for itself a permanent role in the ATCM. Should the EU actively choose to construct for itself a role in Antarctic political deliberation, it could challenge perceptions of actorness in the ATS. However, this would be dependent on the will of member states, and to what extent they might want to pursue opportunity structures afforded by upgraded EU scientific and political engagement in the Antarctic as a complement to their national strategic agenda for the region.

4.6 Conclusion

This chapter has sought combine theoretical and empirical evidence provided by previous chapters, to examine how the EU could upgrade its role in the ATS to further legitimise a strategic agenda for recognition as a global political actor. It concludes that that irrespective of evidence supporting EU direct accession to the Antarctic Treaty and its Environmental Protocol based on the EU's ability to challenge structural conceptions of international relations, the EU would not be able to achieve such a feat under current perceptions.

Consequently, the EU's influence in Antarctic political deliberation for the time being is likely to remain indirect and normative, through the Europeanisation of EU member-states foreign policies with respect to Antarctic issues. However, this does not exclude the future possibility that the EU could actively seek to construct for itself an upgraded role in the ATCM/CEP. The opportunity for an increased political presence could be afforded in instances where EU member states seek to take advantage of political opportunity structures provided by EU membership and Antarctic scientific and political engagement, to further their own strategic agendas. In this instance, policy areas in which the EU's competence affords it external representation on matters under the jurisdiction of the ATS

⁴¹⁴ Manners, I and Whitman, R (1998).

(for example those where the EU is looking to construct an international identity, such as environmental issues), could be reconstructed to upgrade the EU's political engagement in the ATS.

For the time being, the EU's continued facilitation of active scientific research in Antarctica can contribute to the fulfilment of the EU's wider objective for further legitimising its actorness in the international community, based on its normative role in global environmental discourse. As this is achieved by the EU translating its support of polar science into policy prescriptions for global issues such as climate change, the EU is likely to deepen its Antarctic scientific engagement through increased funding for collaborate research in the region.

Chapter Five: Conclusion

5.1 Introduction

This thesis has aimed to address a gap in the academic literature on the EU as a global actor in international relations by investigating the EU's scientific and political engagement in the Antarctic. It has primarily sought to examine how the EU could upgrade its direct engagement in the ATS, as a means to further legitimise an agenda for recognition as a global political actor based on an environmental international identity, which could further support the EU's pending application for Permanent Observer status in the Arctic Council.

To contextualise and support the overarching key research question, this thesis has also examined several sub-questions which were designed to complement the flow of analysis across the central hypothesis, and form the broader research themes of this research. This conclusion chapter revisits the development of research within this thesis, by reviewing the research question and sub-questions in preparation for the final summation of findings. Finally, limitations are examined to comment on the adequacy of the theoretical framework of analysis, and recommendations for future research are outlined which could add to academic literature on the EU's scientific and political engagement in the Antarctic.

5.2 Research Questions

Chapter Two of this thesis formed the Constructivist theoretical framework of analysis through the examination of two sub-questions. This literature review explored why institutional changes within the EU are changing the way that it participates in international relations, to form a broader research theme which outlined how the EU can be conceptualised as a global political actor. It was identified that the process of European integration is changing the way that the EU conducts its external relations, and has afforded the EU actor capacity (actoriness) for direct political engagement in international relations, beyond its original presence as an REIO.

Chapter Three sought to move beyond theoretical explanations for EU actoriness in international relations by examining empirical evidence for EU actoriness in the Polar Regions within three sub-

questions. It began by illustrating how the EU has exhibited qualities of actorness in global environmental discourse, with reference to its leadership role in the global climate change regime. In doing so this chapter demonstrated that the EU's active pursuit of normative engagement in this area has afforded the EU with the capability to challenge structural conceptions of actors in international relations. This normative agenda has in turn provided the EU with the opportunity to pursue increased direct engagement in areas which align with strategic agenda for recognition as a global actor, in addition to resource security.

This summary was supported by evidence of the EU's utilisation of rhetoric which touts a normative agenda for a permanent role in the Arctic Council, which would provide the EU with a direct input into the forum that sets sustainable development agenda in the Arctic. This example further served to illustrate that the EU's internal processes allow for actor capability to be constructed or reconstructed to take advantage of opportunities for increased direct presence as a political actor in its own right. This chapter then posited that the EU could also utilise similar approach and actively pursue upgraded political engagement in the ATS, which could further serve to complement its recognition as a global actor, and support its normative prescriptions for sustainable development and environmental protection in the Arctic.

Before the realities of this question were analysed in Chapter Four, the remainder of Chapter Three examined what has characterised the EU's direct political engagement in the ATS to date, including how the EU has exhibited qualities of actorness in the ATCM and CCAMLR institutional arrangements. Perceptions of the EU's actorness in CCAMLR were explored, which were designed to incorporate issues which have highlighted both the positive and negative aspects of direct EU engagement in the ATS to date. The research process into the EU's direct attendance at the SATCM series that developed the Environmental Protocol uncovered a phenomenon not included as part of the original design of this thesis.

Chapter Four investigated two sub-questions regarding this phenomenon, which explored evidence of Europeanisation of foreign policy towards the Antarctic, and how the EU and its member states have utilised opportunity structures afforded by Antarctic scientific and political engagement to further their own strategic agendas. This analysis found that the internal processes of the EU (as a consequence of European integration) had an institutional influence over the foreign policies of its member states, which ultimately resulted in a normative contribution to the development of the Environmental Protocol and an indirect EU influence at that time.

Furthermore, the member states' active pursuit of opportunity structures afforded by the Antarctic engagement and EU institutional membership, are still evident through the construction of large scale European collaborative research projects in Antarctica funded by EU Commission research framework programmes. While some of the more ambitious and recent projects are unlikely to move beyond their preparatory phases, should the EU direct more of its research funding towards the Antarctic, a physical presence from deepened scientific engagement could provide the EU an opportunity to construct for itself a role in Antarctic political deliberation. Finally, this chapter explored how the EU could seek to upgrade its role in the ATS as a Contracting Party to the Antarctic Treaty and the Environmental Protocol in its own right.

5.3 Contribution to the literature

This thesis research has uncovered four key findings from analysis into the EU's scientific and political engagement in the Antarctic that contribute to academic literature on the EU as a global actor in international relations. Within these key findings, there was a recurring theme that emerged, which has typified perceptions of EU actorship in international relations emerging in literature, and for which the Lisbon Treaty was in part designed to address. This includes evidence that the external implications of European integration and the internal processes of the EU are misunderstood in relation to their potential relevance to the Antarctic, exemplified by EU-authorized Portuguese fishing within CCAMLR's jurisdiction in Chapter Three. The disregard of any potential deepened EU engagement in the ATS could be the cause or effect of the significant gap of academic literature on the EU's scientific and political engagement in the Antarctic, for which this thesis research has sought to address. The four key findings are as follows:

- (i) Conceptualised under a Constructivist framework, the EU could challenge structural conceptions of the ATS, should it actively decide to do so.**

Despite the EU's new legal personality and diplomacy after the Lisbon Treaty's entrance into force, the EU still cannot be defined as a state. Therefore, the EU cannot accede to the Antarctic Treaty or its Environmental Protocol, as it simply cannot fulfil the Contractual Party requirement to be state. However, the EU's newly imposed state-like legal personality does allow for the EU itself to become a contracting party to international treaties, particularly when these treaties converge with policy areas identified to be strategically important to the EU, such as environmental protection.

The EU has the legal personality and constitutional process which would allow for direct accession to the Antarctic Treaty, but it lacks any visible intention to pursue any upgrade to its Antarctic political engagement. Furthermore, its leadership role in the development of the climate change regime, its actorness in global environmental discourse, and its active role construction for upgraded participation in the UNGA and its (as yet unsuccessful) permanent role in the Arctic Council, support the argument for the EU being able to challenge structural conceptions of the ATS. Here, the EU has exemplified that it has the capacity to challenge the conception of actors in the international arena.

However, the EU lacks an essential quality of actorness which is critical for the active construction of a permanent role for itself within the politics of the ATCM – actor capability. Therefore the EU is unlikely to be able to accede as a Contracting Party, despite having the potential to achieve this should it decide to do so. The EU's pursuit would be completely dependent on the EU and its member states working together in a hybrid system in their external relations towards the Antarctic.

(ii) Under current circumstances, the EU could not accede to the Antarctic Treaty or its Environmental Protocol, irrespective of its potential to challenge structural conceptions of the ATS.

Upgrading the EU's role in the ATS for increased political participation in the ATCM is unlikely to occur under current conditions despite the EU having the potential to challenge conceptions of actors in the ATS should it actively decide to do so. Analysis and direct observation of the ATS has indicated that the mechanism operates Rationalist assumptions, meaning structural conceptions of actors in this system remain wholly influenced by Westphalian constructions of state actors in international relations. This perception of the ATS underestimates the potential for the EU actorness in the ATS, as it fails to properly account for the EU's developing political role in international relations resulting from deeper European integration.

In the current climate, there is little room for challenging the structural perceptions of the ATS by proposing EU accession. However, this does not limit the fact that unforeseen circumstances might provide the EU and its member states with an opportunity to construct actor capability to pursue accession in the future. This opportunity could be afforded by the EU and its member states looking to utilise Antarctic scientific and political engagement for their own strategic agendas.

(iii) There is a visible history of both the EU and EU ATCPs utilising Antarctic engagement to achieve wider strategic agenda beyond Antarctic.

Both the EU and EU ATCPs have a history of utilising opportunity structures afforded by their respective Antarctic engagement (scientific and political) for their own strategic agendas. This conclusion was supported by analysis into the development of the Environmental Protocol, and three large scale collaborative European research projects in Antarctica. As noted with the Falkland Islands example, the utilisation of these opportunities could provide the EU with the opportunity to construct for itself a role as a Contracting Party to the Antarctic Treaty and the Environmental Protocol in the future.

(iv) For the time being, any upgrade to the EU's engagement in the Antarctic is likely to remain indirect, through deepened scientific presence on the Antarctic continent and a normative political influence through the Europeanisation of its member states foreign policies within the ATCM.

However, this does not exclude the future possibility that the EU could actively seek to construct for itself an upgraded role in the ATCM/CEP. The opportunity for an increased political presence could be afforded in instances where EU member states seek to take advantage of political opportunity structures provided by EU membership and Antarctic scientific and political engagement, to further their own strategic agendas. In this instance, policy areas in which the EU's competence affords it external representation on matters under the jurisdiction of the ATS (for example those where the EU is looking to construct an international identity, such as environmental issues), could be reconstructed to upgrade the EU's political engagement in the ATS.

For the time being, the EU's continued facilitation of active scientific research in Antarctica can contribute to the fulfilment of the EU's wider objective for further legitimising its actorness in the international community, based on its normative role in global environmental discourse. As this is achieved by the EU translating its support of polar science into policy prescriptions for global issues such as climate change, the EU is likely to deepen its Antarctic scientific engagement through increased funding for collaborate research in the region.

5.3 Limitations and recommendations for future research

The contemporary nature of this research topic has been a significant limitation which has ultimately impacted on the strength of conclusions within this thesis. Despite European Community's direct engagement in the ATS from early 1980s within the CCAMLR fisheries mechanism, and literature examining the EU as a global actor emerging in the mid-1990s, the EU has only truly sought to upgrade its direct political participation in international fora in the period since 2009. Furthermore, the EU's creation of a new participant category that upgraded its role in the UNGA for its representation to equal its competence was recently achieved in mid-2011, meaning this post-Lisbon upgrade for political actorness in a global forum was relatively new and not yet formalised during the interview stages of this research.

A Constructivist theoretical framework was deemed adequate to examine the scope of EU actorness in international fora comparative to state actors, and to justify the EU's potential accession to the Antarctic Treaty and the Environmental Protocol based on its ability to challenge structural conceptions of international relations. However, over the course of this research it became obvious from interviews and direct observations of the ATCM, that the formal political arena of the ATS remained highly politicised along national lines, with perceptions of actors firmly conceptualised within Positivist assumptions of state actors.

Therefore, while the EU has gained for itself a legal personality and potential actor capacity in the form of a new type of EU diplomacy, the EU could only hope to challenge the Westphalian perceptions of the ATS in the future, as it would not be likely to garner full consensus of ATCPs necessary to accede to the Antarctic Treaty or its Environmental Protocol under contemporary perceptions. In this instance a Constructivist approach remained apt, as it has illustrated how little is understood about the wider implications of deepened European integration for international relations, and the potential impacts this has for scientific and political engagement in the Antarctic.

This theoretical framework also allowed for the supplementary analysis of a phenomenon unaccounted for within the initial research design of this thesis. While the process of Europeanisation is not unique to the EU's member states engagement regarding the Antarctic, foreign policy Europeanisation acts as an indirect or normative EU influence in the ATS. This normative influence could ultimately provide the EU the opportunity to challenge structural conceptions of the ATS, and

act as a precursor for increased direct presence in Antarctic political deliberation in a similar manner to its engagement in global environmental discourse, and the climate change regime.

In working to address the gap in the literature on the EU as a global actor through the examination of its scientific and political engagement in the Antarctic, this research has uncovered a number of areas for future research which would further contribute to academic literature in this area. The elite socialisation effect and subsequent influence for foreign policy Europeanisation is typically examined through the analysis of voting trends of EU member states in the UNGA. Unlike the UNGA, the ATCM operates under total consensus, and therefore examination of voting trends would be difficult to distinguish for future research as they are not independently recorded in ATCM final reporting. However, it would be possible to undertake a comparative analysis of EU and the EU ATCPs policies on issues relating to the Antarctic, and then examine to what extent they converge or diverge on issues discussed within the agenda of the ATCM.

For example, this could include comparative analysis into how the Environmental Protocol and its annexes directly reflect environmental policy developments within the EU, in the areas of marine pollution, waste disposal, environmental impact assessments, area protection management, liability for environmental emergencies. As ATCM/CEP final reporting does record the independent comments of states during the deliberation process, such research could determine to what extent EU norms have influenced the process and substance of Antarctic political deliberation beyond what limited detail could be incorporated within this thesis, due to restrictions on content scope and research time.

Divergence from the original research design proved to be another limitation to this research, as it served to highlight that interviews could have provided more empirical data were they asked of the equivalent foreign ministerial representatives of national ATCP delegations, rather than remaining limited to interviews of Managers of National Antarctic Programmes (who were unable to answer questions pertaining to the influence of the EU on member states Antarctic related policy and national positions at ATCM's). This limitation was unavoidable as direct access to ATCP delegations at an ATCM was originally unforeseen during the course of this research, and occurred at a point too far through the research process to be incorporated.

A comprehensive analysis of elite socialisation phenomenon of these delegations could provide a valuable contribution to academic literature, by investigating (through interviews) to what extent

these officials and their national delegations ‘feel’ or act ‘European’ at ATCM’s as a consequence of their repeated interaction in preparatory meetings with other EU member states general held early mornings prior to international meeting session starts. Furthermore, this might be evident within facilitating institutions such as the ESF and EPB, and in their early careers as former research colleagues in Antarctica. Additionally, this analysis could provide complementary data for the comparative policy analysis suggested above. A future research agenda might also seek to comparatively examine levels of engagement and foreign policy Europeanisation of small EU ATCPs, such as Bulgaria, Poland, and Romania (as an ATNCP that maintains a shared-name base with Australia).

Furthermore, during the end of this research negotiations were still taking place to determine the allocation of polar scientific research funding under the European Commission’s Horizon 2020 Framework Programme for Research and Innovation (2014-2020), and the newly created Science Europe institution had yet to assume an operational mandate for facilitating European Polar research. Accordingly, there is scope for future investigation of into new partnership agreements and collaborative European scientific Antarctic research projects in the coming years, to further develop literature on the EU’s scientific and political engagement in the Antarctic.

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Appendices

Appendix 1: University of Canterbury Human Ethics Approval

Ref: HEC 2010/54/LR

9 August 2010

Melissa Idiens
National Centre for Research on Europe
UNIVERSITY OF CANTERBURY

Dear Melissa

Thank you for forwarding to the Human Ethics Committee a copy of the low risk application you have recently made for your research proposal "Gateway Antarctica: a route for the EU's global political agenda".

I am pleased to advise that this application has been reviewed and I confirm support of the Department's approval for this project.

However, the HEC ask that you provide a copy of any information to participants so it can be included in your HEC file.

With best wishes for your project.

Yours sincerely

Dr Michael Grimshaw
Chair, Human Ethics Committee

Appendix II: University of Canterbury Human Ethics Amendment

Ref: HEC 2010/54/LR

16 February 2011

Melissa Idiens
National Centre for Research on Europe
UNIVERSITY OF CANTERBURY

Dear Melissa

Thank you for your request for an amendment to your research proposal "Gateway Antarctica: a route for the EU's global political agenda".

I am pleased to advise that this request has been considered and approved by the Human Ethics Committee.

For Human Ethics Committee records, please forward a copy of the questionnaire.

Yours sincerely

Dr Michael Grimshaw
Chair, Human Ethics Committee