

# **The EU-Moroccan Fisheries Partnership Agreement**

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*A process-tracing case study of the potential extension in 2011*

## **Abstract**

This *single-case study* deals with the process surrounding the potential extension of the EU-Moroccan Fisheries Partnership Agreement in 2011. The purpose is to trace and to explain *what* arguments that have been wielded by the three involved institutions (the Commission, the Council and the Parliament) and *why*. For this purpose two logics of political action, the *logic of consequentiality* and *appropriateness*, are employed to analyze if these institutions adhere to dissimilar types of reasoning. It is also hypothesized that while the Commission and the Council mainly lean towards the first logic, the Parliament mainly leans towards the latter.

The conclusions reached in this thesis highlight a number of different arguments (economic, ecological, legal and political) that have been wielded during the process of extension. The thesis also depicts a pattern closely resembling that being outlined in the hypothesis. On the one hand, the Commission (due to internal pressure and external lobbying) and the Council (due to internal pressure and a perceived need to accommodate the electorates of southern member states) leaned toward favoring a *logic of consequentiality*. On the other, the Parliament leaned towards favoring a *logic of appropriateness* (due to MEPs inclination to follow individual beliefs).

**Keywords:** *Fisheries Partnership Agreement, the EU-Moroccan FPA, logics of political action, the logic of consequentiality, the logic of appropriateness.*

**Word Count:** 20 000



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## **List of Abbreviations**

ACFA – the Advisory Committee on Fisheries and Aquaculture

CFP – Common Fisheries Policy

COGECA – General Committee for Agricultural Cooperation in the European Union

COJ – Court of Justice

COPA – Committee of Agricultural Organizations

COREPER – Committee of Permanent Representatives

DG – Directorate General

DG MARE – Directorate General for Maritime Affairs and Fisheries

EEZ – Exclusive Economic Zone

EU – European Union

Europêche – the Association of National Organizations of Fisheries Enterprises in the European Union

FPA – Fisheries Partnership Agreement

Frente POLISARIO – Popular Front for the Liberation of Saguia el-Hamra and Río de Oro

MEP – Member of the European Parliament

MS – Member State(s)

NGO – Non-Governmental Organization

QMV – Qualified Majority Vote

TFEU – Treaty on the Functioning of the European Union

The Commission – The European Commission

The Council – The Council of the European Union

The Parliament – The European Parliament

The UK – The United Kingdom

UN – United Nations

WSRW – Western Sahara Resource Watch



## 1 Introduction

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While European fish stocks have diminished, other fishing grounds have been accessed through the use of bilateral Fisheries Partnership Agreements (FPAs). These agreements provides the EU with the opportunity to fish such surplus fish stocks “its partners cannot, or do not wish to fish” (EC Fisheries 1, p. 1). Today, some 40 percent of the EU’s catch is conducted through FPAs, which mainly are directed at countries in the developing world. The FPAs are therefore based on the principle of reciprocity, meaning that the EU can fish a country’s waters while lending it financial and technical support in order to achieve sustainable local fisheries and processing facilities (Commission, 2009:24f). Thus, as also stated by the Commission:

FPAs can make a meaningful contribution not just to the country’s fisheries sector, but more generally, to its overall development goals (Commission, 2009:25).

One such agreement was the four year agreement with Morocco that entered into force in 2007 and which was due to expire 27 February 2011 (EC Fisheries 2). However, after a mandate from the Council of the European Union, received 21 February, the European Commission (respectively the Council and the Commission) initiated negotiations with the Moroccan government concerning a one year extension of the Protocol guiding the FPA (CFP Reform Watch, 20110221). The continuation of the Agreement was swiftly negotiated with Morocco and on February 25 (two days before the original agreement expired) the Commission and the Moroccan government both signed a provisional extension. This temporarily extended the time frame in which European vessels were allowed to fish Moroccan waters in return for financial means (Fishelsewhere, 20110228).

On 12 July 2011, the Council adopted the Commission’s proposal (Council Press, 20110712:1). However, the process leading to the adoption of the Agreement was marred by disagreement and “a blocking minority was barely avoided” (Fishelsewhere, 20110713). Moreover, in adopting the Agreement, the Council also requested the *consent* of the European Parliament (henceforth the Parliament) (Council Press, 20110712:2). This specific legislative procedure can be found in Article 218(6) of the Treaty on the Functioning of the European Union (TFEU) and has since the Treaty of Lisbon provided the Parliament with the ability to veto certain legislative proposals if *consent* cannot be given. The involvement of the Parliament in turn escalated the intensity of the debate surrounding the extension of the FPA.

While two out of three Parliament committees (the Committees on Budget and on Development) recommended the Parliament to decline its *consent*, the Fisheries Committee approved to the extension (CFP Reform Watch, 20111122). Nevertheless, on 14 December 2011 – after an intense debate and a vote in Plenum – the Parliament decided not to give its *consent*, in turn finally terminating the until then provisionally applied Protocol (Parliament Press, 20111214). European fishing vessels thus had to cease activities within Moroccan controlled waters, at least until a new Protocol regulating the FPA between the EU and Morocco can be reached.

As the entire process stretched over a whole year, this gave (despite the Parliament's decision to in the end deny its *consent*) the European fishing fleet practically one year to make use of Moroccan controlled waters. The overall picture seems clear. However, there are still several questions that arise in relation to the handling of the potential extension of the EU-Moroccan FPA, such as: What actors were involved in the process? What arguments were used? How did the reasoning within the different institutions lead up to the abandonment of the extension? What effect did the process have on future FPAs? Summing up these questions, this analysis will probe deeper into the internal workings of the three previously mentioned European institutions and their actors.

*In account of the European Union's suspension of the potential extension of the EU-Moroccan FPA in December 2011, why did the Commission, the Council and the Parliament's Committee on Fisheries choose to extend the Agreement while the Parliament did not?*

## **1.1 Aim**

This study is performed to describe and to explain arguments wielded by actors in the process surrounding the potential extension of the FPA. This will be performed in order to attain a better understanding of this process and its outcome. Why was the extension first promoted by the Commission and the Council, when it in the end was suspended by the Parliament? *The aim is therefore to trace and explain the choice of the different arguments put forward (by and within the Commission, the Council and the Parliament) in the process surrounding the potential extension of the EU-Moroccan FPA in 2011.* In order to comprehend different views on the matter, two logics of political action (each relating to different types of arguments – see part 3.2) will be applied to the process. This will be performed in order to grasp *what* arguments were put forward and *why*.

## **1.2 Research questions**

Firstly, in order to grasp the standpoints of the Commission, the Council and the Parliament during the process surrounding the Agreement's extension, a breakdown of the involved actors' arguments will have to be performed. This will be done by reviewing the various standpoints of the institutions, but also (in order to cover a broader spectrum) by probing arguments made by various actors within these institutions. The first question being posed is therefore: *what arguments were employed in the involved EU institutions in the 2011 debate surrounding the process of the potential extension of the EU-Moroccan FPA?*

Secondly, an analysis of the arguments brought up within this process will have to be carried out in order to understand why different actors chose to take dissimilar standpoints in the procedures. This will be performed by coupling the arguments brought up in the process with the two logics of political action. This may in turn verify, or falsify, the hypothesis that these logics were exercised differently in the Commission, the Council and the Parliament (see part 3.4). By so doing, this could provide a better picture of why different institutions and actors chose dissimilar positions within the proceedings. The second question being posed is therefore: *why did the actors of each respective institution reason the way they did during the process surrounding the potential extension of the EU-Moroccan FPA in 2011?*

## **1.3 Disposition**

In this thesis I will first review prior studies of FPAs in order to attain a general understanding of the field. Secondly, I will construct a theoretical framework on which I can rely when analyzing the process and arguments under study. Thirdly, I will bring up and depict the methodological choices which structure the analysis and outline the gathering and analysis of information. Fourthly, a brief historical background of the EU-Moroccan fisheries relationship, prior to the potential extension in 2011, will be depicted. Fifthly, the process surrounding the potential extension of the FPA in 2011 will be investigated and relevant arguments will be brought up. These arguments will, sixthly, be analyzed as in accordance with the theoretical and methodological chapters. Finally, the conclusions of the study will be presented, also providing an outline on which future studies can rest.

## 2 Previous Research

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Since the implementation of the EU's FPAs in 2002 there seems to exist an analytical void within the area, as too little scientific research has been performed. Nevertheless, Witbooi makes an excellent effort in contributing to the field by depicting the historical development of the external fisheries agreements and how the idea of sustainable fisheries first was introduced in 2002; stating that due to previous agreements' unsustainable nature "the time was ripe for the EU to introduce such a new approach, particularly in the context of West Africa" (Witbooi, 2008:677). However, she also notices that the EU has enjoyed 'considerable negotiating power' in negotiating bilateral FPAs and that it still remains to be seen if the rhetoric regarding sustainability will be more than just words (Ibid, p. 674ff).

In 2009 Cullberg & Lövin performed a large scale study of four West African countries – Guinea-Bissau, Guinea-Conakry, Mauritania and Senegal. This study highlighted several important aspects: overfishing took place within demersal (bottom living) fish stocks and the uncertainty in the assessment of other stocks was high; EU FPAs had major negative consequences for development and poverty reduction; FPAs would (due to a lack of good governance) not lead to sustainable development, partly because European fishing vessels competed with local vessels; and the bilateral negotiations were unequal due to the EU's impact in other policy areas (Cullberg & Lövin, 2009:56).

Moreover, this study also highlights that DG Development (in the Commission) does not – oddly enough – partake in the formulating or signing of FPAs, despite FPAs' general focus on development. However, Cullberg & Lövin also states that "if fisheries agreements were done away with, transparency and public control would diminish" (Cullberg & Lövin, 2009:56). Nagel & Gray's study of the Mauritanian FPA (from 2012) corroborates with previous studies' positions and concludes that this agreement, despite its flaws, should be seen as a "partnership work in progress" (Nagel & Gray, 2012:33).

In 2006 Milano brought up the EU-Moroccan FPA and the legal implications this treaty has in relation to Western Sahara – being occupied by Morocco since 1975. This dimension of the FPA will be touched upon later in this study (part 6.1). However, for an extended review on this issue, readers are directed to Milano's article *Fishing too south?* (Milano, 2006). Nevertheless, the scarce studies undertaken in the field of EU FPAs therefore mainly seem to have focused on EU-signatory relations; effects on local fish stocks, fishermen and citizens; and the Agreements' implications for EU legal and development goals.

A focus on the specific arguments made *by* and *within* the EU's institutions might therefore shed new and interesting light on EU FPAs. As the potential extension of this FPA on the one hand is the first of its kind to which the Parliament has declined its *consent* (Miljöpartiet, 20111214), while it on the other also is such a recent event (taking place in 2011), no research about this process has yet been materialized. This makes it a relevant case to study, as it can add further dimensions to the understanding of European institutional decision-making; the European institutions' assessment of bilateral FPAs; as well as logics behind the European institutions' choice of arguments in dealing with such agreements.

As previous research not has focused on the arguments wielded within the EU's internal FPA debates, this study will therefore have to put forward a theory which can take account of different and perhaps seemingly disjointed arguments.

### 3 Analytical Framework

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The process depicted in the introductory chapter highlights different standpoints ‘*in favor of*’ contra ‘*in opposition to*’ the potential extension of the EU-Moroccan FPA. These standpoints are in themselves interesting as they mark the position of the three involved institutions. However, the explicit standpoints do not emit much more than that while the Commission and the Council were in favor of an extension, the Parliament was against. As a consequence of analyzing such simplistic positions, something of a deeper meaning would be lost.

Therefore, in order to attain a better understanding of how the involved institutions came to embrace opposing views, the arguments brought up in the argumentation process ought to be reviewed. While an argumentation should be seen as a series of arguments, an argument could best be described as consisting of one or several *claims* which are intended to support or to oppose the overarching view that is being disputed (Beckman, 2007:38). In this thesis the arguments will be in focus. Yet, arguments not only define what position a certain actor prefers, they also explain *why* – on what grounds – such a position is chosen. Arguments are thus ‘carriers of meaning’ in relation to the message being sent out by a specific actor/group of actors. However, the transmitted ‘meaning’ can also differ between different arguments.

In relation to the standpoints of the three involved institutions and their actors, a framework for individual decision-making will thus have to be constructed in order to grasp the complexity of arguments. Therefore, three different dimensions (each relating to decision-making) will be put forward and subsequently be coupled with two separate *logics* concerning actors’ behavior. These *logics* will in turn depict if (and how) the involved actors and institutions are being characterized by different reasoning when opting for dissimilar arguments.

Yet, before opening Pandora’s Box of decision-making dimensions, it is essential to separate the three involved institutions and their actors from one another. In so doing the concepts of ‘arenas’ and ‘actors’ may be of use. While ‘arenas’ will constitute the specific institutions as platforms on which different ‘actors’ act and interact, ‘actors’ will thus constitute internal or external groups or individuals acting on specific ‘arenas’. Nevertheless, as the three institutions under investigation also present a (more or less) unified front after an internal decision has been reached, they sometimes also function as ‘actors’ in presenting such decisions to the public. In such cases the specific institution will be referred to by name.

Moreover, since my intention with this thesis is to scrutinize arguments made both *by* as well as *within* the EU's institutions, the term *institution* is also in need of further clarification. In day-to-day dialogues this multifaceted word often depicts political organs such as the Commission, the Council and the Parliament. This is perhaps the most common description, but the term can also depict how social practices are being influenced by what norms, roles and rules actors adheres to (Elgström & Jönsson, 2005:4).

In order to make a distinction in the above reasoning, the political organs will be referred to as *institutions*, while *norms*, *roles* and *rules* simply will be referred to as such. Whereas the concepts of roles (for example 'commissioner' or 'parliamentarian') and rules (such as laws and regulations) are easier to grasp, norms may benefit from further explanation. Norms should in this context be understood as a way of 'proper behavior' from which correct 'acting' or 'reasoning' can be derived. As noted by Elgström, "[n]orms, in this usage, entail moral considerations" (Elgström, 2005:30). Norms should therefore be viewed as being connected to considerations such as 'you shall not steal' – or perhaps more appropriate in this study 'you shall not overfish' – simply because stealing (overfishing) is 'wrong'.

### **3.1 Three dimensions of policy formulation**

In *Ideology & Foreign Policy*, Walter Carlsnaes brings up three different types of explanations linked to decision-making – an *intentional*, a *dispositional* and a *situational dimension*. These dimensions all relate to how an analysis of foreign policy could be pursued.

Carlsnaes's intentional dimension rests on two specific concepts, *choice* and *motive*. While *choice* relates to the selection of available options (there can be several choices to make), the meaning of *motive* needs further elaboration. It is here important to distinguish between what actors say (*motivations*) and what they actually intend (*motive*). A motivation should thus be understood as 'what an actor *says* about his beliefs', while a motive should be understood as 'what an actor *actually* believes'. An actor could consequently say one thing (give a motivation) but intend something else (have an ulterior motive). There is therefore an important distinction between the two.<sup>1</sup>

An important aspect within the described reasoning is connected to if the participants within the process actually believe in what they are arguing for, or if this rather is a conscious means

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<sup>1</sup> In Carlsnaes's model the term motivation relates to underlying intentions and there is no discussion related to actors' 'true' motives. The model therefore fails to acknowledge that there may be a difference between what an actor says and what he actually intends.

to reach other (perhaps covert) goals. This is a rather tricky question as it relates to actor's underlying *motives*. On the one hand we may spot actors who genuinely believe in what they are arguing for. These actors do not have any underlying motives when motivating their own positions. On the other hand we could spot actors who wield arguments in their own interest by favoring a particular goal through *rhetorical action*, implying a “strategic use and exchange of arguments” (Kratochvíl et al., 2006:499).

Accordingly, an actor making use of rhetorical action may strategically motivate his position in order to persuade other actors to adhere to a standpoint he himself may not believe in, and instead pursue a different underlying *motive*. What an actor says does therefore not have to correlate with his true intentions. However, this division ought to be seen as extreme positions resting on opposite sides of a continuum. It therefore exist actors in-between such positions. However, as this relates to actors' hidden motives, such standpoints may prove tricky to verify. Nevertheless, it is still vital for a researcher interested in explaining arguments to keep such complex matters in mind.

Moreover, while the intentional dimension may explain *what* choices an actor makes, the *motive* has to be dealt with even further. This is performed in the dispositional dimension. By looking at this explanatory factor a researcher aims to understand “why a decision-maker was (or is) *cognitively disposed* towards a particular intention” (Carlsnaes, p. 91, author's emphasis). This dimension of decision-making precedes the intentional dimension in the mind of an actor. In looking at it, there are two essential categories, namely those of *values* and *perceptions*. While *values* is connected to *norms* (what ‘filters’ an actor implicitly draws on when perceiving a case); *perceptions* (what an actor explicitly perceives to be the case) is connected to “[f]act, analysis, idea, and misinformation” (Ibid, p. 96).

Furthermore, while the dispositional dimension deals with actors' beliefs, the situational dimension deals with ‘external’ factors influencing an actor's *motive* – and thus its *choice*. Such factors include *objective conditions* (which could be political, economic or ideological elements) and *organizational constraints* (which characterizes actors' decision-making situations) (Ibid, p. 107ff). However, as ‘objective conditions’ is a relatively abstract concept that is complicated to pin-point and which causality is difficult to verify, it will not be dealt with within this study. Instead, organizational constraints may prove more rewarding to analyze as they are “closely linked to the type of *structure* [...] the *praxis* characterizing the decision-making system within which they are placed” (Ibid, p. 110, author's emphasis).

The three dimensions hastily brought up in this part will act as a theoretical foundation to how actors' arguments are being constructed, influenced and expressed. Yet, while the *intentional* dimension ought to be somewhat clear, the *dispositional* and the *situational dimensions* are in need of further theoretical conceptualization. This will be the task of the two following parts.

### **3.2 Two logics of political action**

In order to attain a clearer picture of the standpoints of the involved institutions, arguments have to be ordered into different analytical frames. In so doing the previously mentioned *dispositional dimension* plays a crucial role as it observes two different concepts: *values* and *perceptions*. These concepts, as will be highlighted, are quite similar to two logics relating to political action put forward in scholarly literature. These logics may therefore help in depicting a clearer analytical picture of if (and how) the involved actors and arenas could be said to be characterized by different dynamics when arguing for their respective standpoints.

The two logics of political action have previously been applied to scientifically relevant areas such as human rights (Risse, 2000), EU enlargement (Piedrafita & Torreblanca, 2004) and Russian intervention in Georgia (Nalbandov, 2009). However, the application of these logics will in this thesis be different from these studies as it will focus on distinguishing different arguments as carriers of meaning. Instead, it will follow a somewhat similar approach to that of Takle in her scrutinization of debates regarding the German military commitment outside NATO (Takle, 2010). However, Takle also acknowledges a third logic. Yet, in accordance to me, this logic should rather be viewed as a subcategory to the below mentioned *logic of appropriateness* and will thus not be dealt with in this study.<sup>2</sup>

In 1998, March and Olsen presented an article over the *Institutional Dynamics of International Political Orders*. This article contained two juxtaposed logics governing the behavior and actions of actors, institutions and organizations: the logic of expected consequences and the logic of appropriateness – each respectively building on the theories of rational choice and sociological constructivism (March & Olsen, 1998:943ff). While the logic of appropriateness will retain its name, I will follow the lead of some other scholars in terming the logic of expected consequences as ‘the logic of consequentiality’ (Piedrafita & Torreblanca, 2004; Sjursen, 2007; Kotzian, 2007).

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<sup>2</sup> Takle also acknowledges a *logic of moral justification*. However, this logic correlates with the *logic of appropriateness* (dealing with norms and rules) and should rather be viewed as a subcategory to the latter one. Furthermore, dealing with this subcategory within the study would create difficulties with the study's validity, since it could end up measuring one logic when the intention is to measure the other.

*The logic of consequentiality* is constructed around *utility-maximizing* actions. Actors are behaving in a selfish manner when calculating the likely consequences of their own behavior, only doing what is in their own interest (March & Olsen, 1998:949f). As noted by Piedrafita & Torreblanca, “on reaching agreements states *a priori* define their preferences about the different options with reference to their particular interests, and act according to them in a basically technical environment” (Piedrafita & Torreblanca, 2004:3). By pursuing individual goals when engaging in interaction, actors aim to improve their own position and to maximize individual gains. Therefore power-distribution, individual preferences and the negotiating capabilities of individual participants matter (Ibid, p. 3).

As this logic is based on rational choice, actors base their actions and preferences on the information they have. However, no actor can claim to have access to *all* information and the information received may also be biased depending on the source. This theory should therefore rather be viewed through the lens of *bounded rationality*, in which actors base their actions and preferences on limited knowledge (Andreatta, 2011:35f; Ward, 2002:72f). Actors can still be rational in the way they assess information, but their *utility-calculations* might be based on insufficient or faulty information. They may therefore aim to maximize their own *utility* through a-priori defined preferences. Yet, as they never can have access to all relevant information, their actions and preferences could be based on flawed assumptions.

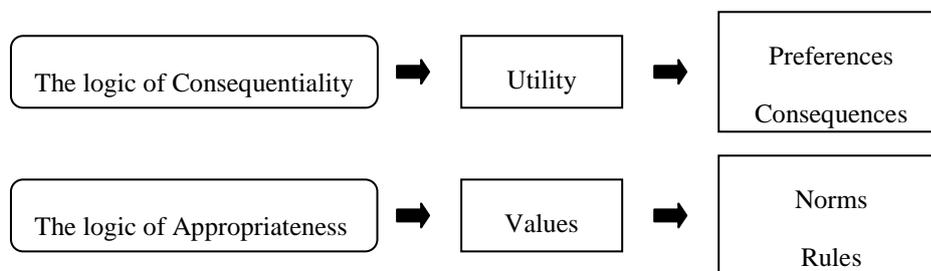
*The logic of appropriateness*, on the other hand, focuses on rule-guided behavior. Its core lies in the way human behavior is shaped by identities, norms and rules (March & Olsen, 1998:951). Human behavior is therefore more or less being shaped by and within different contexts. Purpose is identified with identities instead of interests and instead of rational expectations the selection of situation-appropriate rules. As noted by March and Olsen “[a]ppropriateness need not attend to consequences, but it involves cognitive and ethical dimensions, targets, and aspirations” (Ibid, p. 951). Actors therefore adhere to what is being expected of them, to appropriate ‘values’. By pursuing collective goals when engaging in interaction, actors aim to do the right thing (Risse, 2000:4). As mentioned by Piedrafita & Torreblanca “the rationality of the actors is considered contextual, rather than instrumental, and deriving from the identity of the community they belong to” (Piedrafita & Torreblanca, 2004:5).

Since this logic is based on constructivism it takes account of actors’ behavior as being based on values. However, such behavior does not necessarily have to be stable and can change over

time and between different settings (such as institutions) (Eriksson, 2007:87). In this strand of thought, actors do not explicitly ‘choose’ what arguments or positions to pursue. Instead, this is rather implicitly determined by the context within which the actors operate. In the words of Andreatta, constructivists view the rationalists’ “‘exogenous’ objective interests [a]s misplaced and that it is better to consider actors’ motives as an ‘endogenous’ variable dependent on certain cognitive conditions” (Andreatta, 2011:36). This logic should therefore be set apart from *the logic of consequentiality*, as it does not rely on an actor’s internal *utility-calculations*. Instead, it focuses on various types of external conditions.

However, the strength of each logic is also its weakness. Where the first logic more or less refers to an actor’s confined standpoint, the second logic may explain actors’ behavior as being linked to values ‘larger’ than the individual. In this juxtaposition between the two, their differences become apparent. While constructivists claim actors’ roles can be derived from various *identities*, actors within the rational choice tradition could be argued to draw from a singular *identity*. Therefore, where *the logic of consequentiality* can explain actors’ rational behavior as in relation to individual *utility* (preferences and consequences), *the logic of appropriateness* can explain actors’ behavior within a certain context or community as in relation to common *values* (different sets of norms and rules).

**Figure 3.2.1) – Two logics of political action**



**Note:** This picture is derived from the reasoning surrounding each logic of political action and depicts (by a gradual dissection from left to right) their most important aspects. While the first logic focuses on utility and the two constituting elements of preferences and consequences, the second focuses on values and the two constituting elements of norms and rules.

Yet, as both strands of thought claim that their specific views best take account of reality, the two approaches are often treated separately. Scholars therefore often adhere either to the views drawn from *the logic of consequentiality* ‘or’ from *the logic of appropriateness*. Still, as noted by March & Olsen, “political action [cannot generally] be explained exclusively in terms of a logic of either consequences *or* appropriateness” (March & Olsen, 1998:952, my emphasis). Therefore, by a singular focus on only one of these logics, a substantial share of arguments (in the analyzed process) could be lost.

Consequently, a parallel employment of the two logics seems appropriate. This would allow the study to take both *utility* and *values* into account during the analysis. Such utilization would also rule out the respective weaknesses of each logic through the additional explanatory factors of the other. As in relation to the analysis, this would mean that the theoretical approach may comprise arguments derived from either a rational or a normative/rule based actor.

The previous reasoning seems to go hand in hand with the earlier mentioned *dispositional dimension* – relating to *why* an actor is disposed in a certain way. In so doing the concepts of *values* and *perceptions* were brought up. While *values* goes hand in hand with *the logic of appropriateness* (covering *norms*, but also *rules*), the category of *perceptions* relates to a rational way of reasoning (as it involves facts, ideas – analysis of these – and misinformation). Since such rational measures are useful when actors calculate their *utility* in relation to their perceived *preferences* and *consequences*, this can be related to *the logic of consequentiality*. Moreover, by treating the *dispositional dimension's* two logics as related, but analytically distinct causal factors, it may be possible to trace which logic that pervades a certain argument.

### **3.3 Where you stand depends on where you sit**

While the previous part dealt with the *dispositional dimension*, this part will deal with the *situational dimension*. This dimension relates to *organizational constraints*, which are connected to the idea that:

[...] under certain structural conditions certain types of belief systems are fostered (or present) while other types are suppressed (or absent) (Carlsnaes, 1986:115).

This type of reasoning could be linked to the European institutions, which are constructed around different procedures depending on their tasks within the nexus that is the EU. Such procedures can shape the internal processes of institutions, which subsequently may influence actors' behavior. Institutions can therefore adhere to separate modes of procedure, which in turn could shape actors' ideas and ways of interaction. In *Essence of Decision*, Allison & Zelikow acknowledges such differences in behavior through their phrasing “[w]here you stand depends on where you sit” (Allison & Zelikow, 1999:307).

A possible explanation to such a phenomenon could be derived from Kotzian, who argues that states implement behavioral ‘scripts’ in international institutions in order to reduce

uncertainty – for example by identifying under what rules actors should act and interact (such as meeting or voting procedures). Depending on what scripts are implemented, this may tweak actors on that arena into adhering to different standpoints, arguments and to rely on different types of negotiation methods (Kotzian, 2007:91ff).

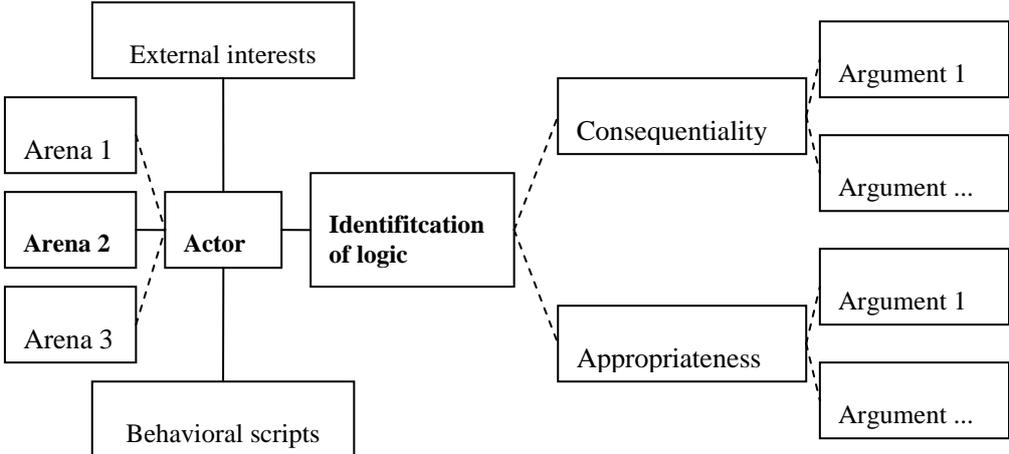
Yet, it is important to recognize that this does not entail that political actors in a certain arena always are ‘determined’ to voice the same ideas as their peers. Actors may resist or even ignore the pressure issued on them from their ‘seat’. Nevertheless, daily socialization within a common institutional atmosphere should, to some degree, influence actors’ standpoints. ‘Stand’ should therefore rather be taken to mean “is substantially affected by [...] where you sit” (Allison & Zelikow, 1999:307).

Therefore, by aggregating and sharing information, actors frequently in contact with one another may in time come to share similar conceptions regarding specific issues. This, in connection with the implementation of scripts, points towards a line of reasoning where actors within different institutions may draw on dissimilar argumentative methods depending on the institutional procedures and patterns of internal socialization. Thus, depending on organizational arrangements within the Commission, the Council and the Parliament, actors on those arenas may come to share similar attitudes. While not mentioning scripts, Bjurulf & Elgström draw on a similar reasoning:

Institutions provide a framework within which actors interact, shape their expectations and limit what options they perceive as possible. [...] Thus, they structure relationships and processes. [In extension,] rules privilege certain actors and proscribe certain alternatives from consideration (Bjurulf & Elgström, 2005:46).

Scripts within institutions may thus serve to facilitate decision-making, but at the same time promote certain types of interests (actors). However, as noted by other scholars, such interests do not have to be internal to the EU framework – they may also be external. As actors from the different institutions on a daily basis engage with actors from NGOs (Non-Governmental Organizations), a variety of private companies and civil society, their perceptions and preferences may also be shaped by various external interest-groups (Watson & Shackleton, 2008:93ff). Noteworthy, such groups could (depending on their overarching objectives) be deriving arguments from either a *logic of consequentiality* or *appropriateness* and therefore be influencing receptive actors in diverging ways.

**Figure 3.3.1) – An actor’s choice of argument(s)**



**Note:** This picture is derived from the surrounding reasoning and depicts how different actors on different arenas could be influenced by different behavioral scripts (such as voting procedures) and external interests (lobbyists) and therefore may come to follow dissimilar logics – thus drawing on different types of arguments.

**3.3.1 Lobbyism**

Lobbyists aim to influence policymakers to accept a specific point of view, or at least to not challenge their own. Yet, lobbyism may also be used by policy-makers in order to ‘balance’ information received from other sources and they may therefore be able to make more well founded decisions. However, there is also a risk that some interests have “stronger incentives to act and overcome the problem of collective action than other groups” (Svendsen, 2011:132). If such groups would provide biased information, they could therefore distort the decision-making process by promoting decisions which only serves the few.

The Commission is said to be one of the most open European institutions to such external influence. Yet, being relatively slim on resources in relation to national bureaucracies (in addition to the technical character of the information it requires for policymaking) it often depends on external actors who have a ‘quasi-monopoly’ over important information. This makes the Commission an arena which is “relatively inaccessible to non-experts and those who are ‘outsiders’ for other reasons” (Greenwood, 2003:32).

In relation to the above reasoning, stronger interests with a quasi-monopoly over technical expertise could therefore come to influence unwary Commissioners. This could in turn create problematic situations in which certain interests could dominate the situation and thus only cover one dimension of a perhaps multidimensional issue. And accordingly, as being brought up by Nugent, “[i]nterests sometimes get so close to DGs or parts of DGs as to appear virtually to capture them” (Nugent, 2001:200).

However, since the Commission is the first instance where a new legislative proposal is put forward, it is important to keep in mind that there exists a huge variety of external groups which aim to influence the Commission's policy making process. There also exist differences between what is viewed as 'high' or 'low' politics, where high policy areas (due to secrecy) may be less susceptible to external influence. Nevertheless, as some of the highly politicized areas also require a vast amount of technical expertise – such as agriculture and fisheries – some interest-groups (several with longstanding access) may be better at enforcing their views on such proceedings.

As producers hold vast amounts of technical expertise, producer related interest-groups seem to have become the most comfortable groups when it comes to working with the Commission (Greenwood, 2003:32). Some of them even have constant contact with Commission officials. One such group is COPA/COGECA (Committee of Agricultural Organizations/General Committee for Agricultural Cooperation in the European Union) which has constant contact with relevant DGs (Nugent, 2001:343).<sup>3</sup>

Another longstanding lobby organization in the fisheries sector is *Europêche* (the Association of National Organizations of Fisheries Enterprises in the European Union).<sup>4</sup> And accordingly, this organization is “represented in the Advisory Committee on Fisheries and Aquaculture (ACFA), the sole formal consultation body at [the] Commission for the stakeholders in this field” (*Europêche*). Such producer-groups, heavy on technical information, may thus have a large impact on fisheries related proceedings within the Commission.

While the Commission in various ways may limit the impact of less resourceful or less technically inclined lobbyists, the Parliament can to a higher degree act as a democratic, open and “natural venue for public interests to engage [upon]” (Greenwood, 2003:32). In relation to the Commission, Members of the European Parliament (MEPs) are also due to limited resources in need of expert knowledge from external interest-groups. However, this does not mean they require the same amount of technical expertise as the Commission. Due to the Parliament's sequential appearance in the policy-making process, MEPs are in need of less technical information and can therefore afford to engage a larger variety of external interest-groups (Bouwen, 2002:380). This could, in turn, make MEPs more susceptible to a wider range of arguments.

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<sup>3</sup> COPA merged with COGECA in 1962 and explicitly – in addition to agriculture – deals with fisheries cooperatives.

<sup>4</sup> *Europêche* has been around since 1962, coincidentally the same year when COPA merged with COGECA.

However, when engaging lobbyists to gain in-depth information on a specific issue, MEPs tend to favor like-minded groups rather than those with divergent policy interests (Hix, 2005:228; Judge & Earnshaw, 2003:106). This could strengthen MEPs' initial standpoints on certain matters and individual MEPs may therefore fail to acknowledge relevant, but diverging, positions. Nevertheless, it is important to acknowledge the fact that there exist a vast number of MEPs and that 'horizontal' lobbying between them is more than likely to occur – in turn extending the probability of MEPs recognizing different types of arguments. Still, MEPs also have to take coming re-elections by their national constituencies into consideration, where the wrong decision may prove fatal for their future career (Hix, 2005:381).

The more or less positive attitude towards lobbyism in the Commission and the Parliament sets them apart from the procedures within the Council – in which the national public administrations supply most of the necessary information (Hix, 2005:228). As national bureaucracies by default are in need of vast amounts of information, they have longstanding information systems which have been enacted to guarantee a constant supply of information. Nevertheless, such systems may differ between different Member States (MS), which – to varying degrees – may rely on national interest-groups. And accordingly, agricultural interests also seem to be strongly represented at the national level (Hix, 2005:286).

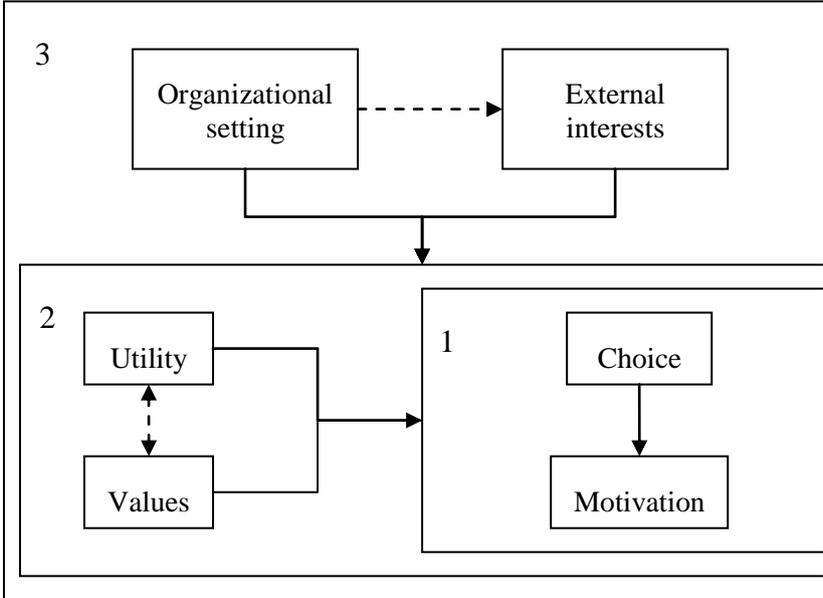
Noteworthy, there seems to exist a difference between these institutions. While the Commission tends to favor technically well-informed lobby-groups, MEPs seems to be open to a wider range of external interests – while at the same time also preferring like minded groups. This sets them apart from the MS in the Council, which mainly relies on their national bureaucracies. Such dissimilar arrangements may in turn make these institutions to in different degrees rely on the previously mentioned logics of political action.

### **3.4 Hypothesis of differing logics**

The previous theoretical discussions have served to facilitate a better understanding of how arguments are constructed, influenced and expressed (see figure 3.4.1). An actor's formulation of an argument (its motivation – the spoken argument) is illustrated by the first box. Moreover, such motivations relates to the second box, which connects to an actor's underlying motive (an actor's true intentions – relating to the two juxtaposed but interconnected logics). However, an actor's implicit or explicit choice of logic is in turn constrained or encouraged by external factors such as organizational settings and external

interest-groups. Furthermore, organizational settings influence who (when and how) have access to different arenas (as depicted in the third box). Therefore, depending on the setting, different types of interest-groups may come to affect dissimilar types of actors.

**Figure 3.4.1) – The intentional, dispositional and situational dimension**



**Note:** This figure is borrowed from Carlsnaes’s book *Ideology & Foreign Policy* (p. 108) and modified in accordance with the above theoretical discussion. Box 1 is the intentional dimension (how an actor motivates her choice), box 2 the dispositional dimension (underlying motives influencing a choice) and box 3 the situational dimension (external factors influencing actors’ motives).

However, the question of which logic have dominated actors’ arguments within the process surrounding the extension of the FPA still remains. The answer to this will be part of the end-result of this thesis. Yet, the initial understanding – or working *hypothesis* – will be, on the one hand, that actors within the Commission (due to a perceived need to rely on technically knowledgeable interest-groups, such as producers) and the Council (due to a perceived need to accommodate national preferences and to calculate the consequences of choosing other paths) to a large extent are characterized by *the logic of consequences*. On the other hand, the Parliament will be considered to mainly be characterized by *the logic of appropriateness* (due to an inclination to discuss less technical issues).

**3.5 Conceptual model**

The two logics of political action brought up in part 3.2 depict two separate driving forces which actors wield when evaluating motives (their underlying intentions), which they in turn draw from when they implicitly or explicitly choose what arguments to voice. While we in *the logic of consequentiality* came across the concepts of utility, preferences and consequences; we came across the concepts of values, norms and rules in *the logic of appropriateness*.

Regarding the first logic, these concepts adhere to a line of reasoning where actors argue as in accordance to their *utility*; asking questions such as “how does this benefit me?”. In so doing an actor has to take account of two elements; *preferences* (what do I want to achieve?) and *consequences* (what is the likely outcome if I choose this action?). This logic is based on a more individualistic view, as it is up to each actor to decide how such questions influence its presupposition of its own utility. In answering that type of questions it has to take into account the economical concepts of *costs/benefits*. These terms in turn refer to material interests such as jobs, fish stocks and trade.

Turning to the other logic, these concepts relate to a line of reasoning where actors’ arguments relate to *values*; implicitly or explicitly asking questions such as “what is ‘ethical’?”. In so doing an actor has to take account of both *norms* (what is acceptable in accordance to the group I adhere to?), as well as *rules* (what is acceptable in accordance to laws and regulations?). This logic is based on a collectivistic view, as it acknowledges that other actors’ reasoning will influence the common values on which an argument rests. In answering such questions it has to take account of *formal* and *informal* rules. These terms in turn refer to more abstract interests such as international law, human rights and development goals.

In addition (as was hypothesized in part 3.4), while *the logic of consequentiality* is understood as being the main logic present in the Commission and the Council, *the logic of appropriateness* is understood as being the main logic in the Parliament. However, as the two logics are (as discussed earlier) somewhat interconnected, a definite separation of the two should be looked upon with a moderate degree of skepticism. Such a division should therefore rather be viewed as if one logic is more ‘prone’ to occur on a specific arena. For a summary of the above reasoning, see picture 3.5.1.

**Table 3.5.1) – Conceptual model**

Logic	Driving forces	Constituting elements	Arena
<b>Consequentiality</b>	Material (costs/benefits)	<ul style="list-style-type: none"> <li>• Preferences</li> <li>• Consequences</li> </ul>	The Commission The Council
<b>Appropriateness</b>	Abstract (formal/informal rules)	<ul style="list-style-type: none"> <li>• Norms</li> <li>• Rules</li> </ul>	The Parliament

**Note:** This table constitutes a compressed image of the previous reasoning by depicting the driving forces behind each logic, specifying what elements these logics are related to and by indicating which arena each logic may be most prevalent on.

## 4 Method

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The task of this chapter is to elaborate on how the research within the study will be conducted. I will first discuss the overarching research design. Secondly, I will turn to this design's weaknesses. Thirdly, a review of the analytical tools I will utilize in this thesis will be performed. Fourthly, an analytical framework for analysis will be constructed. Finally, the encountered method related problems will be brought up.

### 4.1 Research design

As this study aims to delve deeper into the process surrounding the potential extension of the EU-Moroccan FPA, the *case study* method seems the most appropriate as it “refers to research that investigates [...] few cases, often just one, in considerable depth” (Gomm et al., 2009:3). Due to the highlighting of this Agreement, the thesis will be a *single-case study*, focusing on the internal examination of a single case. This allows the research to probe various positions and arguments of the involved actors and institutions and should therefore be able to provide a coherent and well-structured picture of the proceedings.

As in accordance with the single-case study, researchers may examine “an aspect of a historical episode to develop or test historical explanations” (George & Bennett, 2005:5). This seems suitable as the intention of the analysis is to trace the different standpoints of the involved institutions and how they developed during the process covering the year of 2011. In this endeavor, the method of *process-tracing* will be wielded in order to attempt to “trace the links between possible causes and observed outcomes” (Ibid, p. 6).

When tracing the above mentioned links, case studies tend to focus on *causal mechanisms*. By relating to how theoretical explanations hypothesize certain underlying assumptions, such mechanisms may help explaining why a certain event came about (Ibid, p. 136). The causal mechanisms are by George & Bennett being referred to as:

“[U]nobservable physical, social or psychological processes through which agents with causal capacities operate, but only in specific contexts or conditions, to transfer energy, information, or matter to other entities” (Ibid, p. 137).

This seems to well match the theoretical discussions surrounding the two logics of political action. I will therefore argue that *the logics of consequentiality* and *appropriateness* act as two ‘psychological processes’ which gouges actors’ *motives* (within the *dispositional dimension*) and thus shape their *choices* (the *intentional dimension*). Yet, despite both logics being

present in the mind of an actor, one may be more dominant depending on the ‘specific contexts or conditions’ (the *situational dimension*). In so doing an actor’s aim is to transfer ‘information’ in the shape of arguments, which in turn may carry various amounts of weight depending on the specific situation.

The *causal mechanisms* which will be analyzed in this study, of *how* and *why* an actor arrives at a certain type of argument, will (as in accordance to the above reasoning) be the two logics of political action. Furthermore, it is worth noting that in process-tracing case studies a researcher reviews “histories, archival documents, interview transcripts, and other sources to see whether the *causal process* a theory hypothesizes or implies in a case is in fact evident in the sequence” (George & Bennett, 2005:6, my emphasis). In relation to this, the two analytical methods through which information will be assessed will be *text analysis* and *interviews* (see part 4.2).

#### **4.1.1 Case-study weaknesses and limitations**

Each method applied to an analysis will inherently have method-related shortcomings. This part therefore aims to portray, discuss and if possible to remedy methodological weaknesses and limitations. In so doing, a distinction between ‘variable’ and ‘concept’ has to be made. In Turner’s words, “[a] *variable* is any category which can be measured or identified and correlated with something else. A *concept* is a variable which is part of a theoretical system, implying causal relations” (Turner, 2009:203, my emphasis). As the causal relations here is explained by the two theoretical logics of political action, the following discussions surrounding variables should therefore be viewed in the light of *concept(s)*.

Two important critiques which could be raised against this case study are related to case selection bias, as well as a problem in pin-pointing underlying variables. While case selection bias relates to that the chosen cases may be biased due to the researcher’s precognition (Marsh & Stoker, 2002:205f); the researcher may also fail to acknowledge important underlying variables that could have been wielded in order to provide causal explanations. There could therefore arise a situation where the researcher’s initial bias makes him blind to underlying variables and therefore proves his initial understanding to be true.

However, as the method of process-tracing traces the historical development of a certain case, it can be utilized in order to reduce such problems by systematically leading a researcher to new empirical explanations (George & Bennett, 2005:23f). Yet, even the method of process-tracing is open to critique. Despite this method’s ability to mend some flaws, causal

mechanisms will not be satisfactory explanations until enough evidence of their existence within the sequence has been found (George & Bennett, 2005:208). It is therefore important to attain enough relevant empirical material to extensively test such explanations.

A final critique which could be raised is that case studies seldom are seen as being representative (being able to provide answers) in relation to other cases. Accordingly, “one case study is seen to be a poor basis for generalization” (Gomm et al., 2009:23). Nevertheless, such studies may “develop cumulatively contingent generalizations that apply to well-defined types or subtypes of cases” (George & Bennett, 2005:31). The EU-Moroccan FPA *will* be different from other FPAs, but the actors/interests behind could still be the same. Conclusions drawn in this study may thus only be seen as generalizable to such similar cases.

## **4.2 Analytical tools and material**

A part of constructing a research design is to choose what type of ‘data’ or ‘information’ an analysis ought to approach. Yet, as noted by May, “[d]ata are not collected, but produced (May, 2001:28). It is therefore important to indicate what (and how) empirical material is being collected and assessed. In this thesis, a *text-analytical* approach will be utilized when analyzing the collected material in order to extract relevant information. Such analyses “deduce the essential content through a careful reading of a text’s sections, its totality, and the context of which it forms a part” (Esaiasson et al., 2007:237, my translation).

As there is no scholarly literature on the topic (the potential extension of the EU-Moroccan FPA in 2011), a problem in pin-pointing the explicit material arises. However, as the course of events is rather recent, there are a lot of primary sources in the form of EU-related material (such as opinion papers, press releases and policy decisions) that can be found within the EU’s online resources. The gathered material will thus as far as possible be derived from the EU’s institutions. As it directly originates from the EU it ought to be genuine and correct information, unbiased by external interpretation.

Yet, by singularly relying on information derived from the EU’s institutions, relevant information about the ‘historical process’ could be overlooked. Therefore, various types of news articles related to the proceedings will also play a major role. Such articles could provide significant insight through the highlighting of important documents, interviews (such as with Commissioners, political leaders and MEPs) and/or by providing additional analytical explanations.

However, it is important to keep in mind that authors of news articles could exaggerate information in an article in order to make it more interesting. Additionally, information derived from such sources could also be influenced by external interests. Information from various articles may therefore be biased towards a certain view. It is thus important to as far as possible correlate such information with other sources in order to validate their authenticity.<sup>5</sup> A variety of sources will therefore be utilized in order to lessen such bias.

In addition to the above mentioned sources, unique first-hand information will be gathered through interviews with relevant actors, which in different ways have been connected to the process surrounding the potential extension of the Agreement. As brought up by May, “[i]nterviews yield rich insights into people’s biographies, experiences, opinions, values, aspirations, attitudes and feelings” (May, 2001:120). Interviews could therefore act as an important means to determine what arguments were involved and consequently mend various material-related information-gaps.

As this analysis intends to probe deeper into a certain process, a similar procedure to the *semi-structured interview* will be exploited. In such interviews “the interviewer is freer to probe beyond the answers in a manner which would appear prejudicial to the aims of standardization and comparability” (May, 2001:124). Thus, in order to take account of all the relevant gaps found in the empirical material, a couple of fixed – but broad – questions have been constructed in order to retain the focus of the interviews (see Appendix I).

However, it is also important to note that what an interviewee says may be biased due to ulterior motives (see part 3.1), or that the information given may be clouded by history (what an interviewee says does not have to be true). It is therefore important to as far as possible correlate such information with other sources. Moreover, the interviews will be recorded to increase the reliability of the information being gathered, as well as to make the transcription process easier – transcripts which can be acquired upon request.

### **4.3 Framework for analysis**

As arguments often tend to be unstructured, a means of structuring them is required. Therefore, in order to assess and to organize the motives behind the involved actors’ arguments, a framework for analysis will be constructed. This framework will be centered on the two logics of political action (*consequentiality* and *appropriateness*), which in turn

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<sup>5</sup> For a review of different types of source criticism, see Esaiasson et al., 2007:314-323.

separately will be related to four different categories of arguments. These categories have been deducted from the empirical material and cover four ‘types’ on which a large number of arguments may rest: economic, ecological, legal and political.<sup>6</sup> These categories could each be related to a hypothetical question:

- *Economic*: “Is the FPA reasonable from a financial perspective?”
- *Ecological*: “Is the FPA sound from an ecological perspective?”
- *Legal*: “Is the FPA legitimate from a legal perspective?”
- *Political*: “Is the FPA important from a political perspective?”

Moreover, the **consequential economic** arguments may be the most straightforward as these explicitly will relate to *financial gains or losses* – for example that jobs (and thus citizens’ economic situation) may be suffering without an extension. On the other hand, **consequential ecological** arguments will relate to actors’ awareness of the *ecological situation* (scientific research) – such that overfishing within utilized waters can lead to strained fish stocks. Furthermore, the **consequential legal** arguments will relate to what *legal ramifications* the FPA may lead to – cancelling the Agreement will for example lead to the fishing fleet being sent home. Finally, **consequential political** arguments will relate to *political developments* – for example that a failure to extend the FPA may cause internal or external political outcomes (such as national protests or worsened relations with Morocco).

The **appropriateness economic** arguments may partly be more difficult to pin-point than consequential economic arguments, but will here relate to arguments connected to if the money the EU supplies is *properly used* – such as if the money the EU supplies is utilized as prescribed by the Agreement. On the other hand, **appropriateness ecological** arguments will relate to actors’ arguments in connection to *ecological norms or standards* – such as the EU’s Common Fisheries Policy (CFP). Furthermore **appropriateness legal** arguments will relate to actors’ *commitment to the law* – for example provisions of the Treaty of Lisbon or to international law. Finally **appropriateness political** arguments will relate to *political norms* – such as democratic principles or internationally accepted goals (for example human rights or the United Nations Millennium Development Goals).

Furthermore, as arguments can be either ‘*in favor of*’ or ‘*in opposition to*’ a specific position, this expands the level of analysis even further. In the *analytical tool* the above mentioned

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<sup>6</sup> These categories has been deducted from the empirical material, but can also be found (yet in a partially different context) in an opinion paper issued by the European Green Party (Greens, 20110927).

categories can therefore be *positive* or *negative*. Moreover, by making use of these four empirical categories, it is possible to trace similarities and differences *within* a specific institution’s reasoning – thus *indicating* which of the two ‘logics’ may have been most prevalent. This tool does, however, not allow for (due to a different nature of empirical material – see part 4.4) a straightforward comparison between the three involved institutions. Nevertheless, what can be compared is which logic (as indicated by the analytical tool) that seems to have been most common.

**Table 4.3.1) - Analytical tool**

View	Category	Consequentiality	Appropriateness
Positive	Economic		
	Ecological		
	Legal		
	Political		
	<b>TOTAL</b>		
Negative	Economic		
	Ecological		
	Legal		
	Political		
	<b>TOTAL</b>		

**Note:** This tool connects the two logics of political action (consequentiality and appropriateness) with four categories of arguments, which can be either positive or negative. Each ‘different’ argument, relating to a specific logic in a specific category, will only be counted once (for each institution).

In addition to explicitly specifying the arguments involved, these will also be *quantified* when viewed through the analytical tool depicted above (figure 4.3.1). However, this quantification should only be viewed as a means to make the categorization process easier. A ‘consequential economic argument in favor of the extension’ of the FPA will therefore be counted one time (for each institution) and will be added to the correct ‘box’ above (horizontal = consequentiality; vertical = positive, economic). A second (different) consequential economic argument in favor of the extension would then be added to the first (it would thus say ‘2’ in that specific box).

**4.4 Method related problems**

The most pressing problem of this study is related to the empirical data. While the internal reasoning of the Council and the Parliament has been accessed through interviews, only a minor interview has been able to be performed with an actor in the Commission (see part 11.3). Despite this interview, the collected material may therefore fail to fully depict the internal proceedings of the Commission. Moreover, as there exists a difference in what empirical material that can be attained from the institutions (the Commission being closed, the

Council moderately closed and the Parliament to a high degree open) this causes a problem regarding their comparison. This could in turn lead to that the analysis may fail to comprehend important explanations related to the Commission.

Furthermore, as the three recognizable interviewees have supported Swedish ideals (Sweden opted not to extend the Agreement), the interview-based information may be biased as emphasis may lie on the negative outcomes which an extension could entail. However, the aim has been to mend these gaps through well written interview questions (see Appendix I), as well as through several interview requests sent to a variety of actors within the Commission, the Council and the Parliament. Yet, except for already recognized interviews, only France and Portugal chose to (through written statements) provide further answers (see Appendix IV). For prospective research which could be utilized to mend these problems, see part 9.

## 5 The EU-Moroccan FPA

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Before delving further into the process surrounding the potential extension of the EU-Moroccan FPA in 2011, it is relevant to understand the background – when the Agreement first was introduced, why and whether there have been any previous issues. Therefore, in this chapter a brief historical background aimed at introducing the reader to this FPA will follow.

### 5.1 Historical background

Prior to Spain's and Portugal's accession to the EU, these countries signed their own bilateral agreements with Morocco. However, after becoming members of the Union in 1986, the Commission took over their right to negotiate an agreement. The first agreement setting out EU's right to fish in Moroccan waters was therefore introduced in 1988, when a four-year agreement was concluded. In 1992 another four-year agreement was negotiated. However, due to disagreements over the use of licenses, both parties decided to end the Agreement in April 1995 (MEDEA).

Nevertheless, in November 1995, after long and intense negotiations, a new agreement was reached – which at that time was “by far the most important fisheries agreement between the EU and a third country” (EC Fisheries 2). Yet, in 1999 (when this agreement ended) Moroccan authorities clearly indicated that they did not want to seek an extension. Instead, their intentions were to develop their own fisheries sector and to prevent (due to overexploitation) “the total exhaustion of its fish stocks” (Ibid).

Still, despite Morocco's position, the EU pursued to extend the Agreement for another period. Nonetheless, after two years of negotiations the EU had to recognize that the Agreement would not be renewed. Negotiations were therefore halted in 2001. As the large EU fleet no longer could operate within Moroccan controlled waters, a plan for its restructuring (aimed at decreasing the fleet's size) was implemented. The two countries hit the hardest, due to the largest share of fishing vessels in these waters, were Spain and Portugal (Council, 20060222:2).

It was not until five years later, on 22 May 2006, that a new agreement could be reached. This time the Agreement was constructed within the frame for a Fisheries Partnership Agreement – indicating mutual beneficence for both parties. This agreement (initiated in 2007) once more provided the EU with the opportunity to fish Moroccan waters (EC Fisheries 2). In exchange for fishing rights, Morocco was granted € 144.4 millions (Council, 20060222:2). Out of these,

€ 54 millions were earmarked for “the support of Moroccan sectoral fisheries policy in order to promote sustainability in [Moroccan] waters” (EC Fisheries 2).

The 2007 EU-Moroccan FPA allowed 11 MS, of which Spain and Portugal seemed to be the most prominent actors (see Appendix II), to fish Moroccan controlled waters – waters “important for the EU’s long distance fleet” (Council, 20110204:1). Still, as noted by the Portuguese Fisheries Counselor (António Pinho), “we had the right to 12 fishing licenses [but] our real utilization was a maximum of 3” (Pinho, 20120511). Nevertheless, Italy, France, Germany, Lithuania, Latvia, the Netherlands, Ireland, Poland and the United Kingdom (the UK) were also allowed to fish in the ‘Moroccan fishing zone’ (Council, 20060522:1).

However, the process leading up to the 2007 FPA was not entirely straightforward. While Finland abstained from voting, Sweden was the only MS which casted a negative vote. Additionally, Denmark, Ireland and the Netherlands also raised their doubts about the Agreement’s validity (Fishelsewhere, 20111208). The main issue back then was if it could be seen as pursuant to international law (Goffeng-Raakil, 20120327). Yet, as the Parliament had no real say on the matter due to its then limited powers (it could then only provide advice), the FPA was approved (Gayer, 20120307).

## **6 The Potential Extension of the EU-Moroccan FPA in 2011** \_\_\_\_\_

This chapter depicts the process surrounding the potential extension of the EU-Moroccan FPA in 2011. It therefore deals with arguments wielded by different actors within the different stages of the negotiation process (initiation, acceptance, negotiation, approval and the decline to the Agreement). After each of these parts a summarizing analysis of key points will follow. The chapter will finally turn to the FPA's current status, briefly clarifying the impact of the Parliament's decision to decline its consent. The arguments involved in the process will be summed up and analyzed in chapter seven.

### **6.1 Initiation**

On 4 February 2011, 23 days before the 2007 EU-Moroccan FPA was about to expire, the General Secretariat of the Council invited the Commission to inform the deputy heads of mission at the Committee of Permanent Representatives (COREPER I) on how to proceed. Could the FPA be extended for yet another period? This request was preceded by a Spanish demand to place the issue on the agenda and was deemed necessary to discuss due to the uncertainty of the Agreement's future. However, due to previous developments, it was here noted by the Council that the renewal would be a politically very sensitive issue (Council, 20110204:1f).

On 11 February 2011, the Council's request led to a Commission recommendation to be sent back to the Council. This recommended the Council to authorize the Commission to once again open negotiations with the Moroccan government – aimed at extending the FPA for yet another year. These negotiations therefore set the procedures surrounding this potential extension apart from previous extensions, in which the Agreement had been prolonged for a total of four years (Commission, 20110211:2f). This was a conscious choice by the Commission, aimed at providing more time for the assessment of relevant information concerning the FPA – which the Moroccan government had presented on 13 December 2010 (Brepoels, 20110303).

The Commission's recommendation to the Council highlighted two objectives which had to be fulfilled in order to extend the FPA: fishing opportunities had to be adjusted in accordance with scientific data (to prevent overfishing) and reporting procedures on the implementation of Morocco's sectoral fisheries policy had to be improved. These procedures were deemed necessary in order to make sure the money provided by the EU was spent in accordance with

agreed guidelines (for example to develop domestic fisheries amongst Moroccan controlled regions) (Commission, 20110211:2f).

This initial standpoint of the Commission ought to be viewed in the light of two developments. On the one hand, European fishing nations as well as – at least – *Europêche* (a part of the Spanish fisheries industry) had actively been pressuring the Commission to extend the Protocol guiding the FPA (Gayer, 20120307). Spain's demand to put the extension on the agenda may be seen as a valid example of such pressure. An important, yet general, argument which thus surfaced in the Commission was the Agreement's economic importance for the EU (Anonymous, 20120413). On the other hand, it was at the same time also contested due to its implicit involvement of fish stocks from Western Saharan waters – waters Morocco has laid claim to since 1975 (CFP Reform Watch, 20110211).

In relation to this second issue, the Commission (despite its externally united front) was initially struggling with internal disagreement. When the question of prolonging the Agreement appeared at the Commission, two different options emerged. One option, at least promoted by Commissioner Maria Damanaki (DG MARE) and Commissioner Cecilia Malmström (DG Home Affairs), was to only include 'purely' Moroccan waters in the FPA – the so called 'north only option'. The other option was aimed at prolonging the previous Protocol (implicitly including Western Saharan waters) to partially promote political relations. This was at least endorsed by the EU's High Representative (Catherine Ashton, who also heads the European External Action Service) and the President of the Commission (José Manuel Barroso) (Lövin, 20120319; Gayer, 20120307; Anonymous, 20120413).

Therefore, it is here essential to deal with an important and highly contested dimension of the FPA: the waters of Western Sahara – which not only was the most disputed issue within the Commission (Anonymous, 20120413), but also within the Council (Goffeng-Raakil, 20120327). This is a very hot political topic, not only relating to the extension of the FPA as such, but also to international law – and perhaps even to the validation of the Moroccan claim to Western Sahara.

The issue of Morocco and Western Sahara stretches back many years in time. However, the main point of departure in this study will be the legal counsel (by Hans Corell) to the President of the UN's Security Council, on 12 February 2002. This report reviews the legality of the Moroccan claim to (and exploitation of) Western Saharan mineral resources in specific – and its natural resources in general. This ongoing conflict between the two neighbors stems

from the so called Madrid agreement (14 November 1975), where Spain unilaterally agreed to hand over the power and responsibility to administer Western Sahara (then a colonial territory of Spain) to Morocco and Mauretania. Yet, Mauretania decided to withdraw this claim in 1979 (UN Security Council, 20020212:2).

Nevertheless, as noted by Corell, Spain may not unilaterally (without the support of the UN) transfer the status of ‘administering Power’ to other countries. As a consequence, Morocco has not become listed as the ‘administering Power’ of that territory in the UN’s list on “Non-Self-Governing Territories” (Ibid, p. 2). Corell’s conclusion regarding the Moroccan claim to Western Saharan natural resources is therefore as follows:

[I]f further exploration activities were to proceed in disregard of the *interests* and *wishes* of the people of Western Sahara [the Saharawi], they would be in violation of the principles of international law (Ibid, p. 6, my emphasis).

In accordance to this reasoning, an agreement which not explicitly differentiates between Western Saharan and Moroccan waters would be illegal. Furthermore, Morocco would only be allowed to utilize those waters if it was to the benefit of the Saharawi (such as providing ‘basic public goods’). In that case ‘reasonable fishing’ would be allowed in accordance to international law, yet only if “the people of Western Sahara should be able to influence how this is done” (Bring et al., 20110216). As this is a Non-Self-Governing territory, Morocco therefore only has the right to utilize Western Saharan resources if it recognizes both the *interests* and the *wishes* of the Saharawi.

On 5 December 2008 Corell revisited the Moroccan-Western Saharan debate on a conference in Pretoria, South Africa. This time Corell explicitly related to the EU-Moroccan FPA by stating that:

Under all circumstances, I would have thought that it was obvious that an agreement of this kind that does not make a distinction between the waters adjacent to Western Sahara, and the waters adjacent to the territory of Morocco, would violate international law (Corell, 20081205:243).

Furthermore, as noted by the official representative of the Saharawi (the Popular Front for the Liberation of Saguia el-Hamra and Río de Oro – Frente POLISARIO)<sup>7</sup> in correspondence directed at the Commission on 30 December 2009: “[we have never] been consulted regarding

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<sup>7</sup> Frente POLISARIO is, at least since 1979, recognized by the UN as “the representative of the people of Western Sahara” (UN).

the agreement [and] the EU has presented no evidence supporting the claim that the FPA is beneficial to the Saharawi people, nor that the agreement accords to their wishes” (POLISARIO, 20091230). It therefore seems as if the *wishes* of the Saharawi have been neglected, a finding which also is supported by the Parliament’s legal service (Fishelsewhere, 20100223).

Moreover, on 10 February 2010, MEP Isabella Lövin sent a written question to the Commission, asking how the interests and wishes of the Saharawi (after three years of the Agreement) were being promoted by the Moroccan government (Lövin, 20100210). The response given by Damanaki was that the Commission still was waiting for Morocco to provide such information (Damanaki, 20100318).

Additionally, on 27 May 2010 the Western Sahara Resource Watch (WSRW) directed yet another question on the topic of Western Sahara to Damanaki. By so doing the NGO aimed to understand if the Commission had the same views on the FPA as the EU’s ambassador to Rabat, Morocco (Eneko Landáburu). In an article, Landáburu had stated that:

The legal services of the European Commission and all advices from independent institutions have shown that there is no problem with the international legality of the fisheries agreement with Morocco (WSRW, 20100527).

The response by the Commission confirmed that this correlated with its views (Commission, 20100623); a statement which should be seen in the light of the previously mentioned legal opinions as well as the divide in the Commission – which seems to indicate that this was a highly problematic topic.

Yet, it is here important to highlight that the two opposing ‘sides’ actually are adhering to a similar line of reasoning, as both relate to what Corell wrote in his 2002 report. What is different is the specific sentence in this report that guides them. While the opposition to the inclusion of Western Saharan waters in the EU-Moroccan FPA relates to “the *interests* and *wishes* of the people of Western Sahara” (UN Security Council, 20020212:6, my emphasis); the side in favor of such an implicit inclusion relates to the sentence “only if conducted in disregard of the *needs* and *interests* of the people of that Territory” (Ibid, p. 5; Commission, 20100623, my emphasis).

However, when reading Corell’s report, it is clear that this latter wording is not his final conclusion on the matter, but rather is cut out from the first sentence initiating his concluding

chapter. The line which the Commission adheres to is instead a part of the general question being analyzed in the report. What is left out by the Commission (and as we will see later, by the majority of the MS) is therefore the *wishes* of the Saharawi; a fact which also has been noted by Swedish legal experts (Bring et al., 20110216).

Furthermore, despite the initial differences, the final decision in the Commission implicitly included the Western Saharan waters in the FPA (as there is no mentioning of the geographical border between Morocco and Western Sahara). Consequently and in relation to the above statement by Landáburu:

When the Commission's own legal service was going to submit a report on the legality of this, they could not provide an answer as it was not possible to see if this included Western Saharan waters or not (Lövin, 20120319, my translation).

Yet, the Commission's proposal to the Council (to be given the mandate to open negotiations regarding the extension of the Agreement) was condemned by the Frente POLISARIO. Instead, POLISARIO stated they would put their trust in the Council, hoping the MS would reject the proposal. They also urged the Commission to provide them, the Council and the Saharawi with the information previously provided by Morocco on how the FPA benefitted their people (POLISARIO, 20110217). This request was supported by Denmark and in relation to this the Danish Minister for Food, Agriculture and Fisheries (Henrik Høegh) stated that:

If no proof is given on how the proceeds [from the FPA] have been used, my recommendation is that we vote against a new agreement (AfrikaKontakt, 20110126).

### **6.1.1 Summarizing analysis**

The FPA's extension has from the start been branded as a politically very sensitive issue. This sensitivity not only relates to the explicit extension of the Agreement in relation to international law, but also to that a potential extension could act to validate Morocco's claim to Western Sahara. Moreover, the initialization of an extension of the FPA was at least lobbied by the Spanish government and fisheries industry. This could in turn indicate a strong perceived need from this region for extending the Agreement (presumably based on traditional fishing patterns and economic needs). This may also have been one of the main reasons to why economic arguments were voiced in favor of the extension in the Commission.

Furthermore, the initial disagreement within the Council, regarding the implicit inclusion of Western Saharan waters, highlighted an interesting divide. While one group (including Damanaki and Malmström) opted to exclude those waters, another group (including Barroso and Ashton) opted for their implicit inclusion. Due to the disagreement the usually solid facade of the Commission seems to partially have cracked, an occurrence which could be taken as another indication of the sensitivity of the matter.

## 6.2 Acceptance

On the evening of 17 February 2011, a preparatory meeting in COREPER supported the Commission's proposal (EuropeanVoice, 20110218). However, during the meeting five MS indicated they would either vote 'No' (Sweden and Denmark) or abstain (the UK, Germany and Finland) (Fisheries Secretariat, 20110218). Furthermore, the Swedish Minister for Rural Affairs (Eskil Erlandsson), "expressed hopes that more Member States [would] vote no or abstain on [the following] Monday" (CFP Reform Watch, 20110218). In accordance with Swedish government sources, Sweden aimed to persuade the Netherlands and Austria to take a stand against the extension (Fisheries Secretariat, 20110218).

Nevertheless, on 21 February 2011, the ministers in the Council voted in favor (by a qualified majority) of giving the Commission a mandate to open negotiations with Morocco. One of the reasons given to extend the FPA was "to avoid disruption of fishing activities by EU vessels in Moroccan waters" (Council Press, 20110221:12). The voting pattern during this vote was similar to the indications coming from COREPER, but with the UK taking a clear stand against the Agreement (voting 'No') (Goffeng-Raakil, 20120327). This group was therefore only one MS short of stopping the FPA, since a blocking minority requires a minimum of four MS to block a proposal. The approval of the FPA made Erlandsson call the vote "a perfect case of breach of international law" (Fisheries Secretariat, 20110221).

Regarding the Western Saharan issue, the MS were roughly divided in two coalitions – North versus South (Gayer, 20120307). All MS (both in favor and against) underlined the importance of the FPA's conformity to international law, but assessed this in different ways (Goffeng-Raakil, 20120327). The MS opposing an extension (such as Sweden, Denmark and the UK) adhered to Corell's reasoning, while the majority of MS opted for the path taken by the Commission. The dominating view here was that the FPA was legal since:

[It] does not prejudge or define the legal status of the maritime waters of Western Sahara. Consequently, the conclusion of the agreement [does] not entail a *de [j]ure*

recognition of Morocco's legal rights in respect of Western Sahara (Council, 20110223).

Another aspect of interest is a tension which materialized between the Council and the Commission, due to the second institution's initial reluctance to share the information Morocco had provided on how the Saharawi benefitted from the Agreement (Fishelsewhere, 20110228). This was especially evident in statements made by Denmark, Finland, Germany, Sweden and the UK after the vote – where the latter stated that “without access to the data presented by Morocco to the Commission, we are unable to assess the compatibility with international law of the current protocol to the [FPA]” (Council, 20110408:28).

Nevertheless, despite the Commission's initial reluctance, the requested information was later disclosed. Yet, as noted by Goffeng-Raakil, while “some [MS] considered this information to be sufficient to continue another year, we [Sweden] deemed that we had not received any information which made sure that international law was being observed” (Goffeng-Raakil, 20120327, my translation). There thus also seems to have existed a divide within the Council regarding the validity of the information provided by the Moroccan government.

Accordingly, the information the Commission received from Morocco does not seem entirely straightforward. It brings up Moroccan fisheries politics and investments in three different regions; a northern, a middle and a southern region. Still, it does not say what areas comprise the southern region (such as Western Sahara). Nor does it say anything about if the Saharawi are benefitting from the FPA, since it only speaks about a general ‘local population’. As noted by Lövin, “they have built a harbor in Dakhla and a fish processing factory in Laayoune, but who is working there? Is it Western Saharan people, or is it occupants from Morocco who have moved into the territory?” (Lövin, 20120319, my translation).

Additionally, Sweden also felt a need to address another information gap and stated that:

It will also be important to gain access to the external evaluation of the environmental, [economic] and social effects of the Agreement, in order to, at a later stage, form a position on the negotiated protocol (Council, 20110408:27).

This evaluation, reviewing the implementation of the FPA between 2007 and 2010, was written on the behalf of the Commission by an independent third party (Océanic

Développement) and was later disclosed by the Commission to the Council.<sup>8</sup> The report does state that according to “the information supplied by the [Moroccan] Ministry, employment in the fisheries sector is particularly important in the southern regions where it accounts for about 30% of jobs” (Council a, 20110912:5), indicating that the FPA potentially may benefit the Saharawi. However, it also notes that the EU-Moroccan FPA in general is very disappointing and that the overall economic impact on the Moroccan economy is negligible, only 0.2-0.3 percent (Ibid, p. 3).

Moreover, the report also states that “Morocco has an overall excess of national capacity in terms of both fleet size and processing capacity” (Council b, 20110912:8). In relation to this, European companies in the fishing industry own – through joint-enterprises – about 15 percent of the Moroccan deep-sea fleet and 16 percent of the food processing industry (Ibid, p. 5); indicating a rather large European presence already without a FPA. The report also states the Agreement has been a bad deal for the EU (only returning about € 0.65 in added value per EURO spent). The FPA has therefore proven to be a good deal for Morocco. Yet, it has also been a very good deal for European fishermen, with a “95%-5% public/private cost breakdown” (Ibid, p. 9f); indicating large subsidies to European fishermen.

Furthermore, the evaluation also notes that “[m]ost of the stocks in Morocco’s EEZ [Exclusive Economic Zone] are in a condition that does not lend itself to increased fishing effort” (Ibid, p. 11). What is more, “[t]here is a convergence of scientific opinion that Morocco’s fish resources are being fully exploited, or even over-exploited [and that] the introduction of European vessels has increased the total fishing effort” (Ibid, p. 12). Additionally, regarding the positive benefits the Agreement could mean for Moroccan locals, it only has a “relatively marginal impact on the fisheries sector in Morocco in terms of the creation of local value added, employment or investment dynamics” (Ibid, p. 12).

### **6.2.1 Summarizing analysis**

A qualified majority in the Council allowed the Commission to initiate negotiations with Morocco – therefore avoiding the disruption of EU vessels’ fishing activities in Moroccan controlled waters. By so doing, a pattern of northern versus southern MS could be discerned. While northern states opposed the extension (wanting to exclude Western Saharan waters if the *wishes* of the Saharawi not were considered); southern states were in favor of approving

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<sup>8</sup> This ex-post evaluation of the 2007 EU-Moroccan FPA was at first classified. However, after leaking it became open to public scrutiny. For the full report (in French) see: <http://www.fishelsewhere.eu/files/dated/2012-03-05/evaluation-app-maroc-2010.pdf>.

the implicit inclusion of those waters, as the FPA did not entail a *de jure* recognition of Morocco's claim to this territory.

Furthermore, despite the fact that an ex-post evaluation of the 2007 FPA brands the Agreement as being very disappointing, it seems as if neither the Commission nor the Council (as can be deduced from the empirical findings) took the report into serious consideration when opting for the extension. The only mentioning of potential benefits of the Saharawi was related to information provided by Morocco – information which in turn divided the MS.

### **6.3 Negotiation**

The 2007 fisheries Protocol expired on the 27 February 2011. However, due to the Council's decision to approve the Commission's request to initiate negotiations with Morocco, the EU's fishing vessels could provisionally continue to fish Moroccan controlled waters for an extended period. Yet, this was merely a temporary solution, only applicable for six months. Nevertheless, once the Commission and Morocco had reached a mutual understanding and the Council had approved the Commission's position, "the new protocol [would] retroactively cover the period from 28 February 2011, thereby ensuring continuity between the [previous] and the new" (Commission Press, 20110228).

The negotiations between the Commission and the Moroccan government were swift and after two days of negotiations the two actors were able to find common ground. A reason to the swift negotiations may have been that:

The mandate given to the Commission by the Council was to renew the previous Protocol for one year only. Thus there was no modification of the fishing opportunities or the financial compensation, as the available scientific advice had not suggested any such modification (Commission, 20110601:47).

Yet, this statement regarding 'the available scientific advice' seems to contradict the above mentioned external ex-post evaluation ordered by the Commission, which states that scientists regard Moroccan fish stocks as fully- or even over-exploited. Still, the negotiated Protocol was (according to the Commission) based on "the results of [the] ex-post and ex-ante evaluation carried out by independent experts, as well as on a joint assessment of the scientific data on the state of stocks" (Commission, 20110601:1).

Moreover, while the Protocol set out fishing opportunities for European vessels as well as the financial contribution to Morocco (for access rights and for sectoral support), it also aimed to

create “a partnership framework within which to develop a sustainable fisheries policy and sound exploitation of fisheries resources in the Moroccan fishing zones, in the interests of both Parties” a framework which also would be “favourable to the development of investment in [the Moroccan fisheries] sector” (Ibid, p. 1).

Furthermore, the wrapping up of negotiations prompted the Spanish Minister for Fisheries (Rosa Aguilar) to declare that the FPA “safeguards the employment of our fishermen, and offers security and guarantees allowing our fleet to develop its professional activities” (Fishelsewhere, 20110228).

On 1 June 2011, due to the positive outcome of the negotiations, the Commission requested the Council to conclude the Agreement. This request comprised the official signing of the provisional extension as well as an internal allocation of fishing licenses and quotas. Furthermore, in order to finalize the FPA, the Commission also requested (as in accordance with Article 218(6) TFEU) the Council to ask the Parliament for its *consent* (Council, 20110630:1).

### **6.3.1 Summarizing analysis**

The Commission’s negotiations with Morocco went swift, indicating that both parties were eager to renew the Protocol. This success made Spain declare that the Agreement would be (by maintaining jobs as well as by allowing its fleet to develop its activities) financially beneficial to its fishermen. For the Commission, this agreement was viewed as a chance to strengthen the partnership between the EU and Morocco, which in turn could be favorable for European investments in this country.

Additionally, as also argued by the Commission, an improved partnership would be beneficial for both parties as it could function as a tool to enact a mutual fisheries policy through which the Moroccan fish stocks soundly could be exploited. Still, there seemed to be no need for this as the Commission also noted that no scientific advice implied the extension had to entail any modifications relating to fishing opportunities. However, this statement by the Commission seems peculiar in relation to the previously mentioned ex-post evaluation, which states that several scientists in fact regard Moroccan fish stocks as fully- or even over-exploited (see part 6.2).

## 6.4 Approval

On 22 June 2011, COREPER discussed the Commission's proposal to conclude the FPA. Nevertheless, no final decision regarding the extension was made at this time (Council, 20110630:2). However, it was here noted that Germany, despite its initial reluctance to the extension, considered changing its previous position. This would be a set-back to the MS in opposition to the extension, since the German position would decide if the vote would reach a qualified majority or not (Fishelsewhere, 20110628).

Yet, on 28 June 2011, during the final meeting in COREPER, it was noted the Agreement most certainly would be extended due to a slim majority of MS which had been reached after Germany finally changed its position. The official reason for this change, given by Germany, was that "Morocco has sufficiently proven that the local population of Western Sahara benefits from the agreement" (Fishelsewhere, 20110629). However, as noted by Lövin, another reason could also have been its "proximity to France" (Lövin, 20120319); a MS which has stated it "supports the renewal of the agreement in view of its commercial importance and the quality of relations between the EU and Morocco" (Ladois, 20120503). Such commercial benefits could for example include the ability to supply the European market with fish.<sup>9</sup>

Moreover, while the Danish, Netherlands and Swedish delegations indicated they would vote against the Protocol, the delegations from Austria, Cyprus, Finland and the UK would abstain (Council, 20110630:2). There was thus a change in the voting pattern from the previous vote (see Appendix V), where the Council gave the Commission mandate to initiate negotiations with Morocco. While Germany, who previously had abstained now decided to back the extension, the Netherlands (which previously had been in favor of the Agreement) decided to cast a negative vote. Moreover, while the UK switched its previous position (from a 'No', to abstention), Austria and Cyprus also changed their positions (from a 'Yes', to abstention).

On 29 June 2011, COREPER II (the ambassadors of the MS) agreed to the Protocol, provisionally extending the EU-Moroccan FPA for yet another year (CFP Reform Watch, 20110630). Furthermore, on 4 July, Germany, Ireland and Slovenia (all in favor of the extension) stated that:

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<sup>9</sup> European fish stocks are today insufficient to satisfy the demand for fish on the European market and therefore have to be complemented with fish from other parts of the world (Commission, 2009:4ff).

It is clear from the regional breakdown of resources [found in the Moroccan report] that a considerable amount has been used for measures to support the modernization of the fisheries sector in Western Sahara and is thus benefitting the population of Western Sahara (Council, 20110711:2).

Yet, Ireland has later (despite its previous declaration) stated it in fact was not satisfied with the level of information provided by the Moroccan government (Fishelsewhere, 20110811).

While the Swedish delegation followed its previous reasoning (that the FPA is violating international law) and therefore voted ‘No’ to the extension; the Danish delegation (also voting ‘No’) stated it appreciated the information received from the Commission, as well as the analysis of this, but “the information available does not constitute a sufficiently clear documentation of the benefits of the [FPA] for the people of Western Sahara” (Council, 20110711:2).

Nevertheless, in relation to this information, a spokesperson for Damanaki said the granted year would be used to “sort out whether and how to proceed on a possible successor agreement” (EuropeanVoice, 20110707). This indicates that a future FPA could come to be revised depending on the outcome of such an assessment. It was also noted that future accumulation of relevant information would be simplified through the implementation of a new provision in the Protocol, which states that:

Morocco shall submit a report on the planning of the sectoral support provided for by this protocol, in particular including its anticipated economic and social impact and its geographical distribution (Council Press, 20110712).

In regard to the Council’s approval of the extension, Spain underscored that the Agreement not only was important in terms of fishing opportunities, but also in regard to Morocco’s ongoing constitutional reforms. It was therefore argued that the stability in the region during the Arabic Spring could be improved by approving the extension of the FPA – through which a political dialogue could be maintained (Fishelsewhere, 20110629; Lövin, 20120319). Moreover, such statements ought to be viewed in relation to the large Moroccan populations in countries such as Spain, France and Belgium; a population which these governments may have to please to remain in power. And as stated by Gayer:

I had the feeling that the ministers of France and Belgium also realized it was a bad agreement, but if they said so they would not become reelected (Gayer, 20120307, my translation).

Furthermore, the Agreement was also seen as important in order to prevent further negative socioeconomic developments caused by the ongoing global financial crisis, such as a means to prevent an even larger unemployment rate. Additionally, the FPA was seen as providing European fishermen with important means to boost their income (Goffeng-Raakil, 20120327). Therefore, some countries in favor of the extension argued that “in this economical crisis we must think more of employment and job opportunities than such matters as human rights” (Lövin, 20120319, my translation). Another connected argument was that without an extension, fishermen fishing under the provisional Protocol would lose the money they had invested to obtain fishing licenses – thus hurting them financially. Moreover, another statement, intimately connected with international politics, was that:

Each time the EU takes a step back, the rest of the world moves its positions forward, taking over our agreements (Goffeng-Raakil, 20120327, my translation).

In relation to lobbyism within the Council, companies or NGOs does not wield much influence over internal proceedings since the MS have their own ministries (Goffeng-Raakil, 20120327). Yet, “France, Spain and the major fish processor Pescanova [which headquarters are located in Spain] have repeatedly demanded the extension of the protocol” (CFP Reform Watch, 20110630). In accordance with this, it has been noted by some Fisheries Attachés that the main pressure in the internal negotiations came from these countries (Gayer, 20120307). This could indicate that these governments, when outlining their positions, were influenced by national interests and lobby-groups.

Nevertheless, on 13 July 2011, the provisional extension of the FPA led to an official agreement being signed between the Council and Morocco. During these proceedings, before signing the Protocol, the Moroccan Minister for Agriculture (Aziz Akhannouch) stated that; “as everyone surely knows, Morocco has a clear vision on its fisheries strategy, with objectives to reach sustainable and responsible fishing-practices which preserve the ecosystems, are competitive and valorise the Moroccan fisheries patrimony, in order to turn the sector into a true growth-engine for the Moroccan economy” (Fishelsewhere, 20110713).

Yet, for the extension to be finalized, it also had to attain the *consent* of the Parliament. However, before this could take place, it risked a potential battle – regarding the legality of including the Western Saharan waters in the Agreement – in the (European) Court of Justice (COJ) (Fishelsewhere, 20110709).

### 6.4.1 Summarizing analysis

In the final vote of the Council, seven MS either voted ‘No’ or abstained – indicating changed voting patterns since the previous round. Nevertheless, the previously noted North-South divide seemed to remain. However, a qualified majority in favor of the extension could still be reached since Germany decided to change its position. Therefore, while Germany and most other MS saw the FPA as fulfilling international law, Sweden, Denmark and the Netherlands considered the Agreement to be in violation of it.

The countries in favor of an extension noted, amongst other things: that an extension would function to promote further democratic reforms in Morocco; that an extension in many ways would be financially beneficial to the EU; and that Morocco had provided sufficient information on how the Saharawi benefitted from the FPA. Still, other countries considered the information Morocco provided as insufficient. This was also true for Ireland, which first opted for an extension but after the vote stated the Moroccan information was unsatisfactory.

### 6.5 Decline

On 29 September 2011, a resolution to refer the EU-Moroccan FPA to the COJ (supported by 77 MEPs) was brought up for a plenary vote in the Parliament (Parliament, 20110929). The main reason given for this referral was to assess the Agreement’s compatibility with international law regarding the utilization of Western Saharan fish stocks. Other reasons mentioned were that involved fish stocks were in danger due to overexploitation, that the FPA had imposed an economic loss on the EU and that the Parliament during the process not had been fully informed by the Commission as in accordance with Article 218(10) TFEU (Greens, 20110927). Yet, the resolution was stopped as it failed to muster enough support – with 221 in favor, 302 against and 30 abstentions (Parliament, 20110929).

Nevertheless, on 7 November 2011, two out of three involved Parliament committees rejected the extension. While 25 out of 33 committee members were in favor of withholding the Parliament’s *consent* in the Committee on Budgets (Parliament, 20111109:4); 19 out of 25 were in favor of withholding *consent* in the Committee on Development (Parliament, 20111108:5). Furthermore, the rapporteur for the Committee on Budgets (Francois Alfonsi) noted that the Agreement in its current form, despite it being the least cost-efficient FPA, constituted “25 % of the budget line” (Parliament, 20111109:3); which is a rather large sum for being a FPA. Moreover, in connection to this, Alfonsi stated that:

Tax payers' money needs to be spent wisely and legally (Fishelsewhere, 20111019).

Furthermore, the Committee on Development noted that only 15 percent of funds allocated to Moroccan sectoral support had been used and that the modernization programme for the Moroccan fleet was failing. Neither had the compulsory landing clause, obliging EU vessels to land species fished in waters covered by the Agreement in Moroccan controlled areas, been respected. It therefore failed to generate added-value in the local Moroccan fisheries industry (Parliament, 20111108:3).

When the two committees had cast their votes, both called on the Committee on Fisheries (as the responsible committee) to request the Parliament to withhold its *consent* regarding the extension (Fishelsewhere, 20111107). However, on 22 November 2011 – despite the two committees' previous opinions – this committee endorsed the Commission's proposal (12 in favor, eight against and one abstention). It thus requested the Parliament to *consent* to the extension (Parliament, 20111129). According to Gayer, this was possible as the majority of this committee's members came from France and Spain, where the FPA is seen as highly important from an economic and political point of view (Gayer, 20120307).

Yet, the rapporteur for the Committee on Fisheries (Carl Haglund) had been highly skeptical towards the Agreement – bringing up key points from the before-mentioned ex-post evaluation (part 6.2). Except for re-affirming the already noted financial issues (low cost-benefit), ecological problems (fully- or over-exploited stocks) and legal concerns (the Western Sahara issue) – Haglund also raised some further considerations. Not only was the FPA's contribution of marine products marginal (in relation to the European market's demand); there had also been a lack of inter-institutional cooperation (regarding the supply of relevant information) from the side of the Commission – such as a failure to in decent time provide the Parliament with the externally conducted ex-post evaluation (Parliament, 20111129:8f). This lack of cooperation, according to Gayer, “felt like 'stalling tactics' from the side of the Commission” (Gayer, 20120307, my translation).

On 12 December 2011, during the Parliament's final debate, Haglund also noted that the Agreement was not following the principle of ecological sustainability (which is laid out in the EU's CFP). However, during this debate, MEP Carmen Fraga Estévez opted for an extension, stating that the fishing fleet not was responsible for the poor communication from the Commission and that it therefore not should “have to suffer the consequences”

(Parliament, 20111212). Moreover, MEP Maria do Céu Patrão Neves noted that FPAs (in general) guarantee Europe’s food supply and that other (non-European) fleets may disregard the high (ecologic) standards set by the European fleet (Ibid).

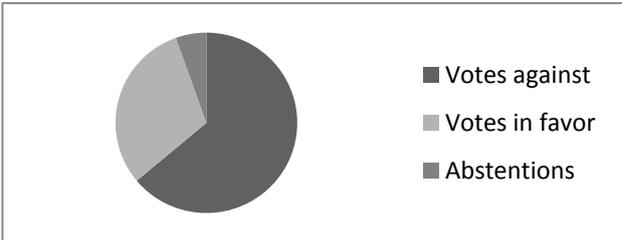
Additionally, during the debate Damanaki declared it was important to support the extension since Morocco was promoting a “new constitution, increasing democratic accountability and respect for human rights” (Ibid). Yet, as brought up by Alfonsi, if the Parliament would decline its *consent* “it would send a strong message to the Moroccan Government, encouraging it to begin the process of democratic reform, especially with respect to the people of Western Sahara” (Ibid). Still, MEP Josefa Andrés Barea noted that:

It is important for this extension to be ratified, as it will be the foundation for us to reach a better agreement (Ibid).

Furthermore, concerning lobbying, various actors such as Morocco, human rights organizations (like the WSRW) and different MS aimed to exert their influence on individual MEPs. Additionally, there also existed intense lobbying MEP to MEP. Yet, the voting behavior of the Parliament is also, according to Lövin, more unpredictable than the voting behavior in the Council, since MEPs tend to vote in accordance to their own beliefs (Lövin, 20120319; Gayer, 20120307). This indicates that a wide range of actors were aiming to influence MEPs in order to make them change their positions; but also that MEPs may be more prone to follow their own notion of what is right or wrong – presumably since they not have to take the preferences of the larger part of the European population into account.

On 14 December the Parliament voted to reject the Commission’s proposal of extending the FPA for another year, with 326 against, 296 in favor and 58 abstentions (see figure 6.5.1 below) (Parliament, 20111214). This concluding vote therefore disregarded the outcome of the Committee on Fisheries and complied with the line of the other two committees. Moreover, this vote was also characterized by a North-South divide (even within the political groupings) and thus resembled the previously noted voting patterns in the Council (Lövin, 20120319).

**Figure 6.5.1) – MEPs’ votes regarding the extension of the EU-Moroccan FPA**



**Note: This data is derived from VoteWatch.eu and indicates how many MEPs that were against an extension, in favor of, or abstained to vote.**

The negative result of the Parliament's vote was, in accordance to Lövin, "a historical decision [...]. Never before has the whole Parliament, in plenum, showed its dissatisfaction with a fisheries agreement which violates international law" (Miljöpartiet, 20111214, my translation). Moreover, the Parliament's decision not to extend the Agreement gave the Council no other choice but to endow its Presidency with the mandate to inform the Moroccan government of the immediate termination of the Protocol, on 20 December 2011 (Council Press, 20111220). The Parliament's vote thus effectively put an end to the process surrounding the potential extension of the FPA – in turn prohibiting European fishing vessels from utilizing Moroccan controlled waters.

### **6.5.1 Summarizing analysis**

The path leading up to the rejection of the FPA was marked by irregularities. With a failure to refer the Agreement to the COJ, as well as the responsible committee's decision to endorse the Commission's proposal, it at first seemed as if the Parliament would *consent* to an extension. However, with two out of three committees rejecting the extension, as well as the highlighting of the relative negative content of the critical ex-post evaluation, the outcome was still highly uncertain. Would the Parliament disregard to endorse an extension which the Commission, the Council and the Committee on Fisheries already had approved?

Nevertheless, the decision by the Parliament to reject the one year extension of the FPA (on 14 December 2011) marked a historical occurrence as it was the first time this institution declined such an agreement. In this vote the previously noted North-South divide (in the Council) was made even more explicit, as it now also was made visible in the relationship between MEPs.

## **6.6 The current status of the EU-Moroccan FPA**

The Parliament's decision to in the end decline the one year extension of the FPA has led to new guidelines being put together for future negotiations (Gayer, 20120307). A new Protocol would thus have to be ecologically sound (only including surplus stocks). Moreover, it also has to be financially viable, providing the EU with increased value for invested money (Europolitics, 20120116).

A new Protocol also has to consider the Western Sahara dimension – either by excluding such waters, or by enforcing regular reports from Morocco on how funds are being used to the advantage of the Saharawi (Ibid). Yet, for an agreement to be valid in relation to international

law, it also has to take account of the *wishes* of the Saharawi. Furthermore, another innovation – which could be utilized in all future FPAs – is the implementation of a ‘human rights clause’, which can be wielded to cancel such agreements if they violate human rights (Gayer, 20120307).

However, it still remains to be seen if Morocco is interested in resuming negotiations with the EU (Lövin, 20120319). As noted by Goffeng-Raakil, Morocco is not “eagerly awaiting the EU’s return” (Goffeng-Raakil, 20120327). This could imply that Morocco in fact not is in need of the Agreement, or that it is negotiating with other countries. Still, on 23 April 2012, after a visit to Morocco by Damanaki, the following statement was issued – indicating that there still may exist a chance to reach common ground:

I believe that today we have done a very good start and we should continue along this path. For the EU and Morocco, cooperation is not a choice: it is a must. We have to cooperate if we are to manage fish stocks effectively (EU Press, 20120423).

## 7 Analysis

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This chapter will present the analysis of the thesis. It will first explicitly state the arguments derived from the process surrounding a potential extension of the 2011 EU-Moroccan FPA. Secondly, it will connect those arguments with the two logics of political action. Finally, the findings will be discussed in relation to the internal dynamics of the institutions.

### 7.1 Arguments

The following tables depict *what* arguments (as in accordance with chapter six) were utilized during the potential extension of the FPA (the *intentional dimension*). While a ‘Yes’ will indicate that the argument was wielded in favor of the extension, a ‘No’ will indicate that the argument was employed against it. Rather than bringing up individual actors, the institution in which the argument was utilized will be noted. The categories of arguments (economic, ecological, legal and political) will relate to a hypothetical question posed for each category – see part 4.3. The arguments in table 7.1.1 below could therefore be seen as answering the question: “Is the FPA reasonable from a financial perspective?”.

**Table 7.1.1) – Economic arguments**

Yes/No	Argument	Institution
Yes	An extension would safeguard the employment, income and professional activities of European fisherman in a time of crisis.	The Council
Yes	The Agreement has a commercial importance for the EU as it provides the European market with marine products.	The Council The Parliament
Yes	The Agreement is favorable to European investments in Morocco.	The Commission
Yes	The FPA should be extended to avoid the disruption of fishing activities in Moroccan waters.	The Council
Yes	Without an extension European fishermen would lose investments that have been made in Moroccan fishing licenses.	The Council
No	The Agreement has so far amounted to a huge financial loss for the EU.	The Parliament
No	Tax-payers’ money are being spent in a wasteful manner.	The Parliament
No	The Agreement has no significant commercial importance for the EU since it only marginally provides the European market with marine products.	The Parliament
No	The FPA has failed to add value in the local Moroccan economy since European fishing vessels have neglected to land fish in Moroccan controlled areas.	The Parliament

**Note: This table sums up arguments connected to economy.**

Moreover, the arguments in the following tables (7.1.2, 7.1.3 and 7.1.4) could respectively be seen as answering the questions: “Is the FPA sound from an ecological perspective?”; “Is the FPA legitimate from a legal perspective?”; and “Is the FPA important from a political perspective?”.

**Table 7.1.2) – Ecological arguments**

Yes/No	Argument	Institution
Yes	Scientific advice does not suggest any modifications regarding a change of fishing opportunities covered by the FPA.	The Commission
Yes	If the EU would leave Moroccan controlled waters, other countries may disregard the high (ecologic) standards set by the EU and its fleet.	The Parliament
No	The fish stocks being covered by the Agreement are in danger as they are either fully- or over-exploited.	The Parliament
No	The principle of ecological sustainability, laid out in the EU's CFP, is not being followed.	The Parliament

**Note: This table sums up arguments connected to ecological considerations.**

**Table 7.1.3) – Legal arguments**

Yes/No	Argument	Institution
Yes	The Saharawi's <i>needs</i> and <i>interests</i> are taken into account in accordance with international law.	The Commission The Council The Parliament
Yes	The Agreement does not entail a <i>de jure</i> recognition of Morocco's legal rights in respect of Western Sahara.	The Council
Yes	Morocco has provided sufficient information to prove that the Agreement benefits the Saharawi.	The Council
No	The Saharawi's <i>interests</i> and <i>wishes</i> are not taken into account in accordance with international law.	The Commission The Council The Parliament
No	Morocco has not provided sufficient information to prove that the Agreement benefits the Saharawi.	The Council
No	The Commission has, in accordance with Article 218(10) TFEU, failed to fully inform the Parliament during the process.	The Parliament

**Note: This table sums up arguments connected to law.**

**Table 7.1.4) – Political arguments**

Yes/No	Argument	Institution
Yes	The FPA acts as a means through which political dialogue with Morocco can be maintained.	The Council
Yes	An extension would act to promote further democratic reforms and stability in Morocco and the rest of the region.	The Commission The Council
Yes	If the EU would take a step back regarding their relations with Morocco, other international actors would claim EU's former positions.	The Council
Yes	The FPA should be extended as this would provide more time to assess relevant information.	The Commission The Parliament
Yes	The European fishing fleet is not to blame for the poor communication between the Commission and the Parliament and should therefore not have to suffer the consequences.	The Parliament
No	A 'No' to the Agreement would signal the Moroccan government to promote further democratic reforms for the benefit of all its subjects.	The Parliament

**Note: This table sums up politically connected arguments.**

As noted in the tables above, while the economic-related arguments seem to have been the most plentiful (nine different arguments), the ecological-related seem to have been the scarcest (four different arguments). Legal- and political-related arguments seem to have taken a middle ground (with six arguments respectively). However, it is important to note that the number of arguments does not indicate which category of arguments has been the most influential during the analyzed process.

### 7.2 Arguments and logics

The previously highlighted arguments will here be applied to the ‘analytical tool’ constructed in part 4.3. This will be performed in order to assess and organize the *motives* behind the involved actors’ arguments (the *dispositional dimension*). More specifically, it will help determine which of the two logics of political action (*consequentiality* or *appropriateness*) that may have been most prevalent in each institution. For an analysis of each argument, see Appendix III.

**Table 7.2.1) - The Commission’s employment of the two logics of political action**

View	Category	Consequentiality	Appropriateness
Positive	Economic	1	0
	Ecological	1	0
	Legal	0	1
	Political	1	1
	<b>TOTAL</b>	<b>3</b>	<b>2</b>
Negative	Economic	0	0
	Ecological	0	0
	Legal	0	1
	Political	0	0
	<b>TOTAL</b>	<b>0</b>	<b>1</b>

**Note:** This table sums up the arguments wielded in and by the Commission, by connecting them to the two logics of political action.

Table 7.2.1 illustrates that the Commission’s *motivations* arise from both logics (with a total of six different arguments). It is here noted that they mainly are in favor of the extension. Of these, three are based on the *logic of consequentiality* and two on *appropriateness*. There only exists one argument against the extension, based on the *logic of appropriateness*. This indicates that the *logic of consequentiality* seems to (if just slightly) have been the stronger logic behind the Commission’s endeavor to extend the FPA.

**Table 7.2.2) - The Council’s employment of the two logics of political action**

View	Category	Consequentiality	Appropriateness
Positive	Economic	4	0
	Ecological	0	0
	Legal	0	3
	Political	2	1
	<b>TOTAL</b>	<b>6</b>	<b>4</b>
Negative	Economic	0	0
	Ecological	0	0
	Legal	0	2
	Political	0	0
	<b>TOTAL</b>	<b>0</b>	<b>2</b>

**Note:** This table sums up the arguments wielded in and by the Council, by connecting them to the two logics of political action.

Table 7.2.2 illustrates that the Council derives its *motivations* from both logics (with a total of 12 different arguments). It is here noted that they mainly are in favor of the extension. Of these, six are based on the *logic of consequentiality* and four on *appropriateness*. There only exist two arguments opposing the extension, based on the *logic of appropriateness*. This indicates that the *logic of consequentiality* seems to have been the stronger logic behind the Council’s endeavor to extend the Agreement (just as in the Commission).

**Table 7.2.3) – The Parliament’s employment of the two logics of political action**

View	Category	Consequentiality	Appropriateness
Positive	Economic	1	0
	Ecological	0	1
	Legal	0	1
	Political	1	1
	<b>TOTAL</b>	<b>2</b>	<b>3</b>
Negative	Economic	3	1
	Ecological	1	1
	Legal	0	2
	Political	0	1
	<b>TOTAL</b>	<b>4</b>	<b>5</b>

**Note:** This table sums up the arguments wielded in the Parliament, by connecting them to the two logics of political action.

Table 7.2.3 illustrates that the Parliament derives its *motivations* from both logics (with a total of 14 different arguments). Yet, in contrast to the Commission and the Council, it is also noted that they mainly are opposing the extension. Of these, four are based on the *logic of consequentiality* and five on *appropriateness*. Of the arguments in favor of the extension, two are based on the *logic of consequentiality* and three on *appropriateness*. This indicates that the *logic of appropriateness* seems to (if only slightly) have been the stronger logic behind the Parliament’s decision to withhold its *consent* for the extension of the Agreement.

The *hypothesis of differing logics* from part 3.4 hypothesized that, on the one hand, the Commission (due to a perceived need to rely on technically knowledgeable interest-groups, such as producers) and the Council (due to a perceived need to accommodate national preferences and to calculate the consequences of choosing other paths) mainly would rely on a *logic of consequentiality*. On the other hand, the Parliament (due to an inclination to discuss less technical issues) would, to a large extent, rely on the *logic of appropriateness*. In the above performed analysis, it is possible to trace a pattern which correlates with this hypothesis.

When connecting the arguments with the two logics of political action, a picture of the proceedings starts to emerge. When summing up all arguments for each logic, the

Commission and the Council appear to have utilized both logics to the same extent, while the *logic of appropriateness* appears to have been the main logic utilized in the Parliament. However, when only looking at the arguments which correlate with the winning side of each institution (positive or negative) this pattern correlates with the hypothesis and therefore seems to provide a partial explanation regarding the outcome in each particular body.

### **7.3 Explaining the outcome**

Despite the findings in the previous part, it is still unclear *why* each institution finally turned to its ‘main logic’. Therefore, it is vital to look at their internal situation (the *situational dimension*) of each respective arena. Turning to the Commission, this institution was lobbied by the Spanish producer-group *Europêche* as well as by the EU’s fishing nations (such as Spain and France – who view the FPA as financially and politically important). This could have influenced the Commission’s standpoint regarding the Agreement, especially since a renewal could act to safeguard the general interest of the EU (more than ever in a time of economic crisis).

The previous reasoning leans towards that the Commission to a high degree was influenced by the above mentioned actors (to support what was perceived as an important, yet vulnerable, sector). An additional reason could be the involvement of Ashton and Barroso (the latter a Portuguese native). Both of these actors also opted for an extension in order to encourage economic ties and political relations with Morocco (presumably to promote stability in both the EU and EU’s southern neighbor). Besides, they both wield great authority through their respective roles of High Representative and President of the Commission (a fact that could be utilized to their advantage – such as through agenda-setting and informal networks).

Moreover, from the side of the Council, the MS mainly seemed to rely on national ministries for their information. If external lobbying took place, this does not seem to have influenced the final standpoint of this institution to any larger extent. Instead, the main pressure on this arena seems to have come from the French and Spanish governments, which opted for an extension due to economic and political reasons. Still, since Ashton also has a seat in the Council, additional influence (in favor of an extension) could therefore have been exercised by her. However, the reverse, that she took on the role of a promoter of the majority position in the Council and subsequently promoted this in the Commission, seems more likely due to the intense lobbying from the southern European fishing nations.

Furthermore, lobbying seems to have influenced the Parliament's decision-making the most (through delegations from Morocco, human rights organizations, MS and through individual MEPs). Since MEPs only can rely on a small number of assistants, they may have a greater need to accommodate a lack of information through such external contacts. This may also be the reason why the largest variety of arguments appeared within this arena. However, it can further be noted that many of the negative arguments brought up in the institution rested on technical (fisheries related) information, derived from the ex-post evaluation assembled on the initiative of the Commission. Yet, despite this foundation, the majority of arguments were derived from the *logic of appropriateness*, indicating that the beliefs of the MEPs may have played the greatest role in deciding the final outcome.

Nevertheless, an additional explanatory dimension seems to be a North-South divide. While southern MS and MEPs were prone to be in favor of the extension, northern were more inclined to oppose it. This could also explain the voting outcome in the Committee on Fisheries, where the majority of MEPs came from France and Spain. In relation to this dimension, there seems to exist a large ethnical Moroccan constituency in southern countries of the EU, which southern governments and MEPs may have to please in order to remain 'in power'. If such actors would choose a path viewed as disloyal by their electorate, it could choose to alter its votes during forthcoming elections.

## 8 Conclusions

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The aim of this study was to trace and explain the choice of the different arguments that were wielded by the Commission, the Council and the Parliament in the process surrounding the potential extension of the EU-Moroccan FPA in 2011. The reason for this was to attain a better understanding of the process and its outcome. And accordingly, the initial *puzzle* of this thesis (“*why did the Commission, the Council and the Parliament’s Committee on Fisheries choose to extend the Agreement while the Parliament did not?*”) could be answered through the performed analysis.

The first question of this thesis, “*what arguments were employed in the involved EU institutions in the 2011 debate surrounding the process of the potential extension of the EU-Moroccan FPA?*”, was provided an answer in part 7.1 – which covered the *intentional dimension* (actors’ *motivations*). It was here noted that at least 25 dissimilar arguments were wielded by various actors in the involved institutions (both for and against the extension). These arguments were in turn related to four different categories, where the economic related category held nine different arguments, the ecological held four and the legal and political related categories held six arguments respectively. For an overview over the explicit arguments wielded in the debate, see the above mentioned part.

The second question, “*why did the actors of each respective institution reason the way they did during the process surrounding the potential extension of the EU-Moroccan FPA in 2011?*”, was provided an answer in part 7.2 – which covered the *dispositional dimension* (actors’ *motives*). It was here noted that all three institutions were deriving arguments from both logics of political action. However, while the Commission and the Council leaned towards the *logic of consequentiality* as a foundation to their arguments (accommodating *preferences* and potential *consequences* in order to maximize the overall *utility*); the Parliament leans towards the *logic of appropriateness* (accommodating different *values* derived from various *norms* and *rules*). The reasoning of the Commission and the Council on the one hand and the Parliament on the other therefore seems to have diverged, thus supporting the *hypothesis of differing logics*.

The over-arching *puzzle* was subsequently provided an answer in part 7.3 – the *situational dimension* (how institutional *praxis* and *external interest groups* influence actors’ standpoints). I will therefore, accordingly, argue that the Commission leaned towards favoring the *logic of consequentiality* since it was lobbied by fisheries-promoting producer groups,

fishing nations as well as by heavy political actors (Ashton and Barroso). The Commission therefore chose to safeguard important economic and political ties with a close neighbor struggling with democratic reforms, in order to promote stability in both regions during a time of economic crisis.

Moreover, the Council leaned towards favoring the same logic (*consequentiality*) due to the same reasons as the Commission. However, in addition, the southern members of this institution also had to take their constituencies into account in order to have a chance to become re-elected. The Council therefore seems to have been the main source of pressure for extending the FPA, mainly due to (as noted by southern member states) the negative economic consequences which a failure of extension would entail. Within the Council, such consequences increased the perceived necessity of promoting the extension.

In opposition to the previous institutions, the Parliament leaned towards favoring the *logic of appropriateness*, since MEPs to a high degree can afford promoting their own individual beliefs instead of adhering to *utility-maximizing* calculations (which appear to have emerged in the two mentioned legislative and executive bodies of the EU). Additionally, MEPs from the northern countries seem less likely to be receptive to the southern influence, presumably due to less traditional economic and political ties connected to the EU's southern neighborhood. Since the majority of members in the Committee on Fisheries came from the southern MS, this also explains why this committee opted to extend the Agreement.

The extension of the EU-Moroccan FPA still remains uncertain. The Parliament's decision to terminate the process effectively prevented the seemingly flawed protocol to be continued. Nevertheless, with the guidelines set-out by the Parliament, a chance for a revised Agreement still remains. It is therefore up to the Commission, or perhaps mainly to the Council, to see to that these guidelines are being followed. Else, the Parliament may once again flex its newly attained muscles, proving that EU no longer purely is guided by utility-calculations when negotiating FPAs with other nations.

## 9 Prospective Research

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This thesis covers a small part of the highlighted area of research. To attain a clearer picture of the EU's internal discussions regarding the EU-Moroccan FPA, additional studies need to be performed. Below follow further suggestions on relevant questions which could be posed in prospective studies.

- Why did some MS change their positions between the two votes of the Council, in relation to this extension of the Agreement?
- During the internal deliberations of the Commission, what was being discussed in relation to this extension?
  - What influence did the High Representative and the President of the Commission wield over the internal negotiations of this institution during the extension?
  - How was the ex-post evaluation, assembled by an external third party on the request of the Commission, perceived by actors from this institution?
- What is the COJ's view on the Moroccan utilization of the Western Saharan waters, when the exploitation of these waters is put in relation to international law?
- How is this Agreement viewed by native Moroccan's residing outside of Morocco (Moroccan diasporas)?
- How well do the EU's internal arguments, brought up during this extension, correlate with arguments posed in other EU fisheries agreements?
  - Is the North-South divide between fishing and non-fishing nations visible in fisheries agreements with other countries, or is this an occurrence which is specific to this particular FPA?

## 10 Executive Summary

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This thesis focuses on the process surrounding a potential extension of the EU-Moroccan FPA in 2011. This process was marked by diverging standpoints in and between the concerned institutions. While the Commission and the Council were in favor of extending the Agreement, the Parliament was against. Yet, prior to each institution reaching its official standpoint on the matter, these institutions were also colored by internal disagreement. Especially noteworthy was the Parliamentary Committee on Fisheries, which opted (in opposition to other committees) to extend the agreement. This difference seems perplexing and the overarching *puzzle* was therefore posed as: *why did the Commission, the Council and the Parliament's Committee on Fisheries choose to extend the Agreement while the Parliament did not?*

This topic is relevant to focus on, as it is the first FPA which the Parliament has declined to *consent* since it attained this power through the Treaty of Lisbon. Moreover, because no previous research has been performed regarding this extension (since it is such a recent occurrence), this makes it a significant topic to approach – not least owing to its political sensitivity. Moreover, a focus on this process can enhance the understanding of EU's internal negotiations as well as of its assessments related to extensions of other bilateral FPAs. These dimensions make the declined one year extension of the EU-Moroccan FPA in 2011 a valid case for analysis, within a field that previously has been neglected.

Due to the complexity of the process leading up to the termination of the FPA, I aimed to highlight the various arguments that were brought up 'in favor of' and 'in opposition to' the extension of the Agreement. By probing deeper into the different standpoints of the three involved institutions and their actors, a better understanding of the process was anticipated. *The aim is therefore to trace and explain the choice of the different arguments put forward (by and within the Commission, the Council and the Parliament) in the process surrounding the potential extension of the EU-Moroccan FPA in 2011.*

Two questions were formulated in order to probe deeper into the initial *puzzle*. First, in order to grasp *what* arguments that were brought forward in the Commission, the Council and the Parliament, the following question was posed: *what arguments were employed in the involved EU institutions in the 2011 debate surrounding the process of the potential extension of the EU-Moroccan FPA?* Secondly, to deepen the understanding of *why* the institutions finally adhered to dissimilar views in regard to the extension of the Agreement, the following

question was posed: *why did the actors of each respective institution reason the way they did during the process surrounding the potential extension of the EU-Moroccan FPA in 2011?*

To be able to understand the dynamics that arose in the proceedings, three dimensions relating to policy formulation were emphasized (an *intentional*, *dispositional* and *situational* dimension). While the *intentional* relates to how an actor *motivates* a choice (an actor's explicit arguments), the *dispositional* relates to an actors' underlying *motives* (an actor's cognitive process). This dimension was in turn connected to two logics of political action. While *the logic of consequentiality* adheres to a rational, individualistic reasoning (taking *utility, preferences* and *consequences* into account), *the logic of appropriateness* stresses a collectivistic reasoning (considering *values* related to *norms* and *rules* to be important). The juxtaposition of these two logics was employed to differentiate between dissimilar types of arguments.

While the above *dispositional* dimension relates to actors' cognitive behavior, the *situational* dimension relates to two external factors influencing actors' reasoning – *behavioral scripts* (the internal *praxis* of each institution) and *external interests* (interest-groups aiming to influence actors on specific arenas). Additionally, *behavioral scripts* also regulate what *external interests* that can access specific institutions. It was subsequently hypothesized that, on the one hand, the Commission (due to a need to rely on technically knowledgeable interest groups) and the Council (because of a need to accommodate national preferences) mainly would favor the *logic of consequentiality*. The Parliament, on the other hand, was seen as mainly favoring the *logic of appropriateness* (due to an inclination to discuss less technical issues).

In order to assess if the hypothesized pattern existed in the highlighted episode, a *single-case study* was deemed efficient. This would be employed to trace which of the two *causal mechanisms* (the two logics of political action) the different institutions favored when opting for their specific standpoints during the potential extension of the FPA. To be able to assess what arguments that had been wielded in the process, a *text-analytical* approach complemented by interviews (for a deeper probing of the proceedings) was employed. The main source for information was the EU institutions' online databases as well as four interviews with actors from the Commission, the Council and the Parliament. In addition to these, two written replies from France and Spain, as well as various news articles, were employed to provide a coherent picture.

The analysis of the thesis is based on an ‘analytical tool’ comprised of the two previously mentioned logics. Yet, in order to grasp the variation of positions, four categories (each relating to a certain type of argument – economic, ecological, legal and political) were also included. By applying this tool to the process of extension, the intention was to attain a well-informed picture of each institution’s use of certain arguments, as well as of which logic they had been favoring when opting for their final positions. The attained information could subsequently be related to the above mentioned hypothesis, in order to verify if its estimations had been correct or if it was based on flawed assumptions.

The conclusions reached in this thesis depict a pattern that closely resembles the outline in the hypothesis. Firstly, to answer the ‘*what arguments*’ question (the *intentional dimension*), a large number of arguments were wielded in the process surrounding the Agreement’s potential extension. With a total of 25 different arguments, nine were related to economic concerns, four to ecological considerations and six to legal and political remarks (respectively). When applying the above mentioned ‘analytical tool’ to answer the ‘*why these arguments*’ question (the *dispositional dimension*), it became evident that the three involved institutions all had utilized both logics for reaching their final positions. Yet, while the Commission and the Council mainly leaned towards the *logic of consequentiality*, the Parliament mainly leaned towards the *logic of appropriateness*.

It therefore seems as if the Commission and the Council utilized a rational individualistic way of reasoning (drawing on *utility-calculations* to favor their *preferences* and to avoid undesired *consequences*). The Parliament, on the other hand, seems to have utilized a collectivistic way of reasoning (drawing on common *values* and therefore taking *norms* and *rules* into account). Yet, in order to increase the degree of understanding of *why* these institutions came to embrace such different logics, the over-arching *puzzle* needed to be answered. The analysis therefore turned to the *situational dimension*.

It was here noted that the Commission leaned towards favoring the *logic of consequentiality* since the position of extending the FPA was promoted by Ashton and Barroso, as well as by fisheries-promoting producer groups and the EU’s fishing nations. An extension of the Agreement was viewed as safeguarding important economic and political ties with a southern neighbor (Morocco) and to promote this country’s progress to implement important democratic reforms. The Council also leaned towards favoring the same logic (*consequentiality*) due to similar reasons as the Commission. Yet, in addition, the southern

member states of the Council also perceived a need to accommodate the wishes of their national constituencies in order to have a chance to become re-elected. Within the Council, this therefore further increased the perceived necessity of promoting the extension of the Agreement.

In opposition to the previous institutions, the Parliament leaned towards favoring the *logic of appropriateness*, since MEPs to a high degree seems to be able to afford promoting their own individual beliefs instead of adhering to *utility-maximizing* calculations (which appear to have emerged in the two mentioned legislative and executive bodies of the EU). Additionally, MEPs from the northern countries seem less likely to be receptive to the southern influence, presumably due to less traditional economic and political ties connected to the EU's southern neighborhood. Since the majority of members in the Committee on Fisheries came from the southern MS, this also explains why this committee opted to extend the Agreement.

The extension of the EU-Moroccan FPA still remains uncertain. The Parliament's decision to terminate the process effectively prevented the seemingly flawed protocol to be continued. Nevertheless, with the guidelines set-out by the Parliament, a chance for a revised Agreement still remains. It is therefore up to the Commission, or perhaps mainly to the Council, to see to that these guidelines are being followed. Else, the Parliament may once again flex its newly attained muscles, proving that EU no longer purely is guided by utility-calculations when negotiating FPAs with other countries.

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### **11.3 Interviews**

Anonymous (20120413). Due to the political sensitivity of the extension of the EU-Moroccan FPA, this person choose to be completely anonymous.

Gayer, Patrik (20120307). Carl Haglund's (MEP and rapporteur for the Committee on Fisheries during the 2011 extension of the EU-Moroccan FPA and also active in the Committee on Budgets) co-worker during the 2011 extension of the EU-Moroccan FPA.

Goffeng-Raakil, Marianne (20120327). Fisheries Attaché at Sweden's Permanent Representation to the EU and on different levels within the Council involved with the 2011 extension of the EU-Moroccan FPA in: the Council's working group on the matter, COREPER II (ambassador level) and at ministerial level.

Lövin, Isabella (20120319). MEP and rapporteur for the Committee on Development during the 2011 extension of the EU-Moroccan FPA and also active in the Committee on Fisheries.

#### **11.4 E-mail correspondence**

Ladois, Jean-Noël (20120503). Conseiller pêche, politique maritime, politique régionale at the France's Permanent Representation to the EU. Response to a written question about France's standpoint regarding the extension of the EU-Moroccan FPA in 2011.

Pinho, António (20120512). Fisheries Counsellor at Portugal's Permanent Representation to the EU. Response to a written question about Portugal's standpoint regarding the extension of the EU-Moroccan FPA in 2011.

## **Appendix I – Interview Questions**

This interview is connected to the process surrounding last year's potential extension of the EU-Moroccan Fisheries Partnership Agreement. The interview will touch upon the views and standpoints of the Commission, the Council and the Parliament in relation to this matter. You are welcome to at any point state if you prefer to be anonymous. Some of the questions may seem partly overlapping, but this is to attain such a precise understanding of the process as possible. The interview starts with some shorter questions, and then proceeds with a couple of more precise questions. If you at any moment wish that something is clarified, please ask.

**\*1. (Patrik Gayer) As Carl Haglund's (Member of the European Parliament, and rapporteur for the Parliament's Committee on Fisheries) co-worker, what was your task regarding the negotiations surrounding the potential extension of the Moroccan Fisheries Partnership Agreement in 2011?**

**\*1. (Isabella Lövin) As a Member of the European Parliament, and rapporteur for the Parliament's Committee on Development, what was your task regarding the negotiations surrounding the potential extension of the Moroccan Fisheries Partnership Agreement in 2011?**

**\*1. (Marianne Goffeng-Raakil) the Fisheries Attaché at the Swedish Permanent Representation to Brussels, what was your task regarding the negotiations surrounding the potential extension of the Moroccan Fisheries Partnership Agreement in 2011?**

**2. Within the negotiations surrounding the potential extension of the EU-Moroccan FPA, what was ... (add institution below) ... standpoint in the matter?**

- The Commission's
- The Council's
- The Parliament's

**3. What separated the above institutions from one another?**

**4. What arguments (in favor of/in opposition to the Fisheries Partnership Agreement) were, according to you, the most prevalent in the decision-making process within:**

- The Commission?  
E.g. DG MARE
- The Council?  
E.g. the Working Group on External Fisheries Policy  
- COREPER  
- The Ministers for Agriculture and Fisheries (different member states)
- The Parliament?  
E.g. the Committee on Budgets  
- The Committee on Development  
- The Committee on Fisheries

**5. What groups (interests/voices) do you find have been ... (add term below) ... ?**

- In favor of an extension
- In opposition to an extension

**6. Do you deem that there are some groups (interests/voices) that not have been heard regarding the potential extension of the EU-Moroccan FPA?**

**7. Did you notice if any external actors exerted pressure (so called lobbyism) ... (add institution below) ... prior to the decision-making within:**

- The Commission?
- The Council?
- The Parliament?

**8. What was, according to you, ... (add institution below) ... views on the Moroccan claim to Western Sahara (and its natural resources)?**

- The Commission's
- The Council's
- The Parliament's

**9. Regarding Frente POLISARIO, how were they viewed by ... (add institution below) ..., as in relation to their role as representative of the Western Saharan people?**

- The Commission
- The Council
- The Parliament

**10. Who do you deem to be able to benefit the most from the EU-Moroccan Fisheries Partnership Agreement?**

**11. Have you heard of the Moroccan report (regarding how the Western Saharan people potentially benefitted from the EU-Moroccan Fisheries Partnership Agreement) to the Commission?**

**- If yes, can you say anything about it?**

**12. How do you view future Fisheries Partnership Agreements with Morocco?**

**13. Is there anything you would like to elaborate on, or add?**

## Appendix II – Fishing Licenses & Quotas in the 2007 EU-Moroccan FPA

Fishing category	Member State	Licences or quota (tonnes)
Small-scale fishing/north, pelagic species	Spain	20
Small-scale fishing/north	Spain	20
	Portugal	7
	Portugal	3
Small-scale fishing/south	Spain	20
Demersal fishing	Spain	7
	Portugal	4
	Spain	10
	Italy	1
Tuna fishing	Spain	23
	France	4
<b>TOTAL:</b>		<b>119</b>
Industrial fishing for pelagic species	Germany	4 850 t
	Lithuania	15 520 t
	Latvia	8 730 t
	Netherlands	19 400 t
	Ireland	2 500 t
	Poland	2 500 t
	United Kingdom	2 500 t
	Spain	400 t
	Portugal	1 333 t
	France	2 267 t
<b>TOTAL:</b>		<b>60 000</b>

Note: This table is taken from the Council Regulation (EC) No 764/2006 of 22 May 2006 and depicts which countries that were allowed to fish under EU-flag in the EU-Moroccan FPA 2007-2011. This version excludes what 'type of vessel' the licenses or quota is applicable to.

## Appendix III – Analysis of Arguments

The following arguments were summarized in part 7.1 of this thesis and have been derived from the process surrounding the potential extension of the EU-Moroccan FPA in 2011. Below follows an analysis which first categorizes different arguments from this process into a specific category (1. Economic, 2. Ecological, 3. Legal, 4. Political). Each argument answers one hypothetical question posed for each category. Secondly, the logic of political action behind each argument (either a *logic of consequentiality* or a *logic of appropriateness*) will be made explicit by utilizing the analytical framework constructed in part 4.3. The result of the analysis will finally be registered in the tables found in part 7.2 (as in accordance with each institution – the Commission, the Council and the Parliament). The analysis will also note in which of these institutions the argument has been wielded in.

### **1. Is the EU-Moroccan FPA reasonable from a financial perspective?**

**1.1 Yes** – *An extension would safeguard the employment, income and professional activities of European fisherman in a time of crisis* (the Council).

The above argument ought to be viewed as a **positive consequential economic** argument since it connects to the *financial gains* which an extension of the FPA would entail for European fishermen. Actors wielding this argument are aware of the economic *consequences* that a failure to extend the Agreement would lead to. Their *preferences* are therefore to avoid such a development by aiming to maximize their own *utility*.

**1.2 Yes** – *The Agreement has a commercial importance for the EU, as it provides the European market with marine products* (the Council, the Parliament).

The above argument ought to be viewed as a **positive consequential economic** argument since the FPA is intended to supply the European market with fisheries-related products. In accordance with actors adhering to this argument, the Agreement fulfills set *preferences* and therefore reaches the required amount of *utility* for it to be seen as a viable option.

**1.3 Yes** – *The Agreement is favorable to European investments in Morocco* (the Commission).

The above argument ought to be viewed as a **positive consequential economic** argument since it relates to the development of a climate that can be beneficial for European investments in Moroccan regions. It therefore connects to actors' *preferences*, which in turn is based on *utility* calculations as an extension could be perceived to benefit the EU financially.

**1.4 Yes** – *The FPA should be extended to avoid the disruption of fishing activities in Moroccan waters* (the Council).

The above argument ought to be viewed as a **positive consequential economic** argument since it implicitly relates to European fishermen's incomes. Actors' *utility* calculations would

here indicate that without an extension the *consequences* for the involved fishermen would be problematic as they depend on fisheries for their livelihood.

**1.5 Yes** – *Without an extension European fishermen would lose investments that have been made in Moroccan fishing licenses* (the Council).

The above argument ought to be viewed as a **positive consequential economic** argument since it explicitly relates to financial losses in the form of the investments European fishermen have made in order to fish Moroccan controlled waters. As a *consequence* of not extending the Agreement those fishermen would lose their investments, which in turn would hurt them financially (providing them with less *utility*).

**1.6 No** – *The Agreement has so far amounted to a huge financial loss for the EU* (the Parliament).

The above argument ought to be viewed as a **negative consequential economic** argument since it explicitly relates to a *financial loss* which the FPA has inferred on the EU. Actors wielding this argument base their *utility calculations* on the fact that such negative *consequences* should be avoided.

**1.7 No** – *Tax-payers' money are being spent in a wasteful manner* (the Parliament).

The above argument ought to be viewed as a **negative appropriateness economic** argument since it implies that financial means are being spent in a wasteful manner and therefore are not being *properly used*. *Values* would here relate to the *norm* that 'money should not be spent wastefully'.

**1.8 No** – *The Agreement has no significant commercial importance for the EU since it only marginally provides the European market with marine products* (the Parliament).

The above argument ought to be viewed as a **negative consequential economic** argument since the FPA is intended to supply the European market with fisheries-related products. Yet, in accordance with actors adhering to the argument, it cannot fulfill the set *preferences* and therefore fails to reach the required amount of *utility* for it to be a viable option.

**1.9 No** – *The FPA has failed to add value in the local Moroccan economy since European fishing vessels have neglected to land fish in Moroccan controlled areas* (the Parliament).

The above argument ought to be viewed as a **negative consequential economic** argument since it implicitly refer to a failure, due to poorly executed enforcement of landing procedures by the EU, to add income and jobs in Moroccan controlled areas. As the calculated *utility* not has been reached, the Agreement has failed to fulfill set *preferences*.

## **2. Is the EU-Moroccan FPA sound from an ecological perspective?**

**2.1 Yes** – *Scientific advice does not suggest any modifications regarding a change of fishing opportunities covered by the FPA* (the Commission).

The above argument ought to be viewed as a **positive consequential ecological** argument since it through the available scientific advice explicitly relates to actors' awareness of the *ecological situation*. This indicates that actors wielding this argument are aware that the FPA may have potential ecological consequences on the utilized waters. Yet, since the Agreement is not harmful to the exploited fish stocks (as in accordance with their *utility calculations*), their *preferences* are to continue exploiting them.

**2.2 Yes** – *If the EU would leave Moroccan controlled waters, other countries may disregard the high (ecologic) standards set by the European fleet (the Parliament).*

The above argument ought to be viewed as a **positive appropriateness ecological** argument since it explicitly refers to the ecological standards that are set for and by European vessels. If vessels from other international actors would take the European vessels' place, these may come to disregard the European *values* and thus be neglecting the *norm* that 'ecological sustainability is important'.

**2.3 No** – *The fish stocks being covered by the Agreement are in danger as they are either fully- or over-exploited (the Parliament).*

The above argument ought to be viewed as a **negative consequential ecological** argument since it through scientific advice (the ex-post evaluation ordered by the Commission) explicitly relates to actors' awareness of the *ecological situation*. This indicates that actors wielding this argument are aware that the Agreement may have potential ecological *consequences* on the utilized waters. In accordance to the argument, this would be negating their *preferences*.

**2.4 No** – *The principle of ecological sustainability, laid out in the EU's CFP, is not being followed (the Parliament).*

The above argument ought to be viewed as a **negative appropriateness ecological** argument since it explicitly refers to the ecological standards that are set for European vessels in the EU's CFP. Actors wielding this argument refers to that European *values* not are being followed due to a failure to follow the *norm* 'ecological sustainability is important'.

### **3. Is the EU-Moroccan FPA legitimate from a legal perspective?**

**3.1 Yes** – *The Saharawi's 'needs' and 'interests' are taken into account in accordance with international law (the Commission, the Council, the Parliament).*

The above argument ought to be viewed as a **positive appropriateness legal** argument since it relates to actors' *commitment to the law*. By utilizing this argument actors aim to justify that the FPA should be seen in accordance with the *values* of international law and thus aim to follow common *rules*.

**3.2 Yes** – *The Agreement does not entail a 'de jure' recognition of Morocco's legal rights in respect of Western Sahara (the Council).*

The above argument ought to be viewed as a **positive appropriateness legal** argument since it relates to actors' *commitment to the law*. By utilizing this argument actors aim to justify that the FPA should be seen as in accordance with agreed *values*, since it in a legal sense not is violating agreed *rules*.

**3.3 Yes** – *Morocco has provided sufficient information to prove that the Agreement benefits the Saharawi* (the Council).

The above argument ought to be viewed as a **positive appropriateness legal** argument since it relates to actors' *commitment to the law*. By utilizing this argument actors aim to justify that the FPA in fact is fulfilling the agreed *rules* because Morocco sufficiently has proven that internationally accepted *values* are being adhered to.

**3.4 No** – *The Saharawi's 'interests' and 'wishes' are not taken into account in accordance with international law* (the Commission, the Council, the Parliament).

The above argument ought to be viewed as a **negative appropriateness legal** argument since it relates to actors' *commitment to the law*. By utilizing this argument actors aim to justify that the FPA should be seen as violating the *values* of international law and that it therefore disobey common *rules*.

**Note:** Actors in the Commission has not explicitly noted that they perceive the *wishes* of the Saharawi as important for the extension of the FPA. Yet, due to Damanaki's and Malmström's aspiration to exclude Western Saharan waters from the Agreement, this will be taken as an implicit statement from these two actors to promote the recognition of the Saharawis' claim.

**3.5 No** – *Morocco has not provided sufficient information to prove that the Agreement benefits the Saharawi* (the Council).

The above argument ought to be viewed as a **negative appropriateness legal** argument since it relates to actors' *commitment to the law*. By utilizing this argument actors aim to justify that the FPA is not fulfilling the agreed *rules* due to a Moroccan failure to sufficiently prove that the internationally accepted *values* are being adhered to.

**3.6 No** – *The Commission has, in accordance with Article 218(10) TFEU, failed to fully inform the Parliament during the process* (the Parliament).

The above argument ought to be viewed as a **negative appropriateness legal** argument since it relates to actors' *commitment to the law*. Actors wielding this argument adhere to commonly stated *rules* in the Treaty of Lisbon, which in turn have been founded on a common set of democratic *values*.

#### **4. Is the EU-Moroccan FPA important from a political perspective?**

**4.1 Yes** – *The FPA acts as a means through which political dialogue with Morocco can be maintained* (the Council).

The above argument ought to be viewed as a **positive consequential political** argument since a failure to extend the FPA *consequentially* would lead to worsened relations with Morocco. The actors' *preferences* when wielding this argument is therefore to maintain important relations with EU's neighbor, which would be beneficial as in accordance with their *calculated utility*.

**4.2 Yes** – *An extension would act to promote further democratic reforms in Morocco and the rest of the region* (the Commission, the Council).

The above argument ought to be viewed as a **positive appropriateness political** argument since it explicitly relates to *political norms*. Actors adhering to this argument argue that an extension would send positive signals to Morocco, supporting its recent adoption of democratic *values* through its recent reforms. The argument thus embraces the norm that 'democratic ideals should be promoted'.

**4.3 Yes** – *If the EU would take a step back regarding their relations with Morocco, other international actors would claim EU's former positions* (the Council).

The above argument ought to be viewed as a **positive consequential political** argument since actors who are opting for this sees a failure to extend the Agreement as leading to unwanted *political developments*. If the EU would retreat from the Moroccan fisheries scene, other international actors would *consequentially* move their positions forward. This would negate important *preferences* and thus inhibit the EU's aim to increase its overall *utility*.

**4.4 Yes** – *The FPA should be extended as this would provide more time to assess how a future agreement should be handled* (the Commission, the Parliament).

The above argument ought to be viewed as a **positive consequential political** argument since it relates to *political developments* in the form of political considerations on how the FPA can be improved to fulfill the *preferences* of all involved parties and therefore be able to maximize the overall *utility*. This argument is viewed as politically related because of its usage in the meaning of concession – 'if you agree to this now, we will agree to make certain changes in the future'.

**4.5 Yes** – *The European fishing fleet is not to blame for the poor communication between the Commission and the Parliament and should therefore not have to suffer the consequences* (the Parliament).

The above argument ought to be viewed as a **positive appropriateness political** argument since it relates to the consideration of *political norms*. Actors wielding this argument adhere to *values* which state that individual European fishermen should not be made responsible for

errors made by the EU's institutions. The followed norm could be said to be that 'you are responsible for your own actions'.

**4.6 No** – A 'No' to the Agreement would signal the Moroccan government to promote further democratic reforms for the benefit of all its subjects (the Parliament).

The above argument ought to be viewed as a **negative appropriateness political** argument since it explicitly relates to *political norms*. Actors adhering to this argument argue that a rejection of the extension would signal Morocco to, through new reforms, implement democratic *values* for the benefit of all its subjects. The argument thus embraces the norm that 'democratic ideals should be promoted'.

## **Appendix IV – Written Answers Provided by France and Spain**

After a request for an interview had been declined by France and Spain, an appeal for an explanation to their respective standpoint regarding the potential extension of the EU-Moroccan FPA was sent. The question sent was, more specifically: “How did [country] reason when it chose to extend the EU-Moroccan FPA with an additional year?”. The following answers are quoted as in accordance to their originals.

### **France:**

Bonjour,

Voici des éléments de réponse aux questions que vous avez soulevées:

Le Maroc est un acteur important de deux organisations régionales de gestion des pêches : la Commission Générale des Pêches de Méditerranée (CGPM) et la Commission Internationale de Conservation des Thonidés de l’Atlantique (CICTA). Il y joue un rôle moteur dans les négociations visant à l’adoption de mesures de gestion des stocks ou à la détermination des TAC et quotas de pêche, par sa capacité à rassembler les autres Etats d’Afrique du Nord. Il est notamment un acteur-clé au sein de la CICTA, où il dispose du deuxième quota de thon rouge de l’Atlantique et de Méditerranée, après l’Union européenne, ainsi que d’une pêcherie importante d’espadon.

La France, comme les principaux Etats-membres impliqués, soutient le renouvellement de cet accord au vu de son importance commerciale et de la qualité des relations entre l’Union européenne et le Maroc. Elle n’est certes pas le pays le plus concerné par cet accord puisqu’elle dispose d’un nombre limité de possibilités de pêche, qui ne sont à l’heure actuelle pas pleinement exploitées. Mais elle demeure attachée au maintien d’un cadre ambitieux en matière de pêche avec la partie marocaine.

Bien cordialement,

Jean-Noël Ladois

Conseiller pêche, politique maritime, politique régionale

Chef du pôle Outre-mer

Représentation permanente de la France auprès de l’Union européenne

**Portugal:**

The reasons for the Portuguese positions on that issue were:

- 1 – Portugal and Marocco have very strong political links coming from our common history. So, we are very sensitive to those relations inside EU. In fact fisheries is a minor business within those traditionally friendly relations.
- 2 – We were realistic and we were convinced that the next Protocol to be negotiated and to enter in force in the beginning of 2012 should be more realistic and the fishing possibilities and financial compensation should come down because the rate of utilization was relatively low.
- 3 – In our particular case we had the right to 12 fishing licences and our real utilization was a maximum of 3.
- 4 – In those contexts and because we had fishing boats in the area, not many but some, we were convinced that we could continue with the ONE YEAR extension of the previous Protocol of the Partnership Fisheries Agreement and then to negotiate a more realistic Protocol for the future, having in mind that EU really needed less licences and should pay less in compensation.

Antonio Pinho

Fisheries Counsellor

Permanent Representation of PT to the EU

Bruissels

## Appendix V – Member States’ Votes During the Potential Extension

The following table illustrates how the MS of the EU voted on 21 February 2011 (to grant the Commission a mandate to initiate negotiations with Morocco) and on 29 June 2011 (to conclude the Protocol negotiated by the Commission) in relation to the potential extension of the EU-Moroccan FPA in 2011. A ‘Yes’ indicates that the MS approved, a ‘No’ indicates that it disapproved and ‘Abstain’ indicates that the MS abstained. While a ‘-’ indicates that no change took place between the votes, a ‘X’ indicates that it did.

Country	21 February 2011	Change	29 June 2011
Austria	Yes	X	Abstain
Belgium	Yes	-	Yes
Bulgaria	Yes	-	Yes
Cyprus	Yes	X	Abstain
Czech Republic	Yes	-	Yes
Denmark	No	-	No
Estonia	Yes	-	Yes
Finland	Abstain	-	Abstain
France	Yes	-	Yes
Germany	Abstain	X	Yes
Greece	Yes	-	Yes
Hungary	Yes	-	Yes
Ireland	Yes	-	Yes
Italy	Yes	-	Yes
Latvia	Yes	-	Yes
Lithuania	Yes	-	Yes
Luxembourg	Yes	-	Yes
Malta	Yes	-	Yes
Netherlands	Yes	X	No
Poland	Yes	-	Yes
Portugal	Yes	-	Yes
Romania	Yes	-	Yes
Slovakia	Yes	-	Yes
Slovenia	Yes	-	Yes
Spain	Yes	-	Yes
Sweden	No	-	No
The United Kingdom	No	X	Abstain
<b>OUTCOME</b>	<b>Approval</b>		<b>Approval</b>

Note: This table is (in relation to the voting patterns of the Council during the potential one year extension of the EU-Moroccan FPA) constructed out of the findings in chapter six of this thesis.