The United Kingdom and the European Community's Common Fisheries Policy, 1971–1983

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ABSTRACT

This thesis examines how the United Kingdom negotiated the Common Fisheries Policy with the European Community in two rounds: firstly, between 1971 and 1972, before Britain's joining of the Community in 1973; secondly, between 1976 and 1983, when negotiations on the comprehensive Common Fisheries Policy package concluded. It is based upon primary archival research, as well as elite interviews and secondary sources.

This case-study traces Britain's bargaining objectives, and assesses the United Kingdom's performance in these intensely contested negotiations. Drawing on new institutionalism and Putnam's two-level game theory, this thesis demonstrates how European Community membership affected Britain's bargaining capacity at the European level. It reveals, counterintuitively, that membership of the European Community did not in itself bring bargaining success to the United Kingdom. Nevertheless, in fisheries bargaining, the United Kingdom consistently pursued its interests in a rational, utility-oriented manner, and it acted cooperatively in order to secure agreement with its partners at the European level.

By demonstrating how the United Kingdom negotiated on fisheries, the thesis also explores the broader paradigm of, and assumptions about, 'British exceptionalism' in the European Community. It makes clear that even powerful states have to navigate carefully through the Community's dense institutional network in order to negotiate successfully.

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TABLE OF CONTENTS

ABSTRACT 3
ACKNOWLEDGMENTS 4
TABLE OF CONTENTS 5
LIST OF FIGURES 8
LIST OF ABBREVIATIONS 9

1. INTRODUCTION 10
   1.1 Structure of the Thesis 22

2. THE COMMON FISHERIES POLICY 26
   2.1 Background 33
   2.2 Structural Policy 36
      2.2.1 The Equal Access Principle 37
         2.2.1.1 Development 37
   2.3 Common Market Organization 45
   2.4 Agreements with Third Countries 45
   2.5 Resource Conservation and Management Policy 47
   2.6 Conclusion 52

3. CONCEPTUAL FRAMEWORK & METHODS 54
   3.1 New Institutionalism 56
      3.1.1 Rational Choice Institutionalism 59
      3.1.2 Historical Institutionalism 60
   3.2 Two-Level Game Theory 64
   3.3 The Extension of Third-Country Fishing Limits 69
   3.4 Path Dependencies 71
   3.5 The Role of EC Institutions and Elements of the Policy-Making Process 71
   3.6 Domestic Pressure 73
   3.7 Other States 76
   3.8 Methods 78

4. THE FIRST NEGOTIATION, 1970–1972 84
   4.1 Negotiating A Revised Access Regime, 1970–1972 84
      4.1.1 The Negotiation Setting, 1970–1972 85
   4.2 Bargaining Objectives, 1970–1972 90
   4.3 The Extension of Third-Country Fishing Limits 99
      4.3.1 Conclusion: The Extension of Third-Country Fishing Limits 106
   4.4 Path Dependencies 107
      4.4.1 Conclusion: Path Dependencies 111
   4.5 The Role of EC Institutions and Elements of the Policy-Making Process 112
      4.5.1 Elements of the Policy-Making Process 113
      4.5.2 The Commission's Role 116
      4.5.3 Conclusion: The Role of EC Institutions and Elements of the Policy-Making Process 121
   4.6 Domestic Pressure 122
      4.6.1 Political Action 122
         4.6.1.1 Non-Parliamentary Action 123
         4.6.1.2 Parliamentary Action 127
      4.6.2 Interest Groups 134

4.6.3 Conclusion: Domestic Pressure 147
4.7 Other States 149
4.7.1 Conclusion: Other States 157
4.8 Summary of the Analysis 157
4.9 Further Insights 161
4.9.1 Third-Country Extensions and Domestic Pressure 161
4.9.2 Path Dependencies, EC Institutions and Other States' Interests 166
4.10 Interim Conclusion 168

5. REVISING THE ACCESS REGIME, 1976–1983 172
5.1 The Negotiation Setting, 1976–1983 172
5.2 Objectives, 1976–1983 180
5.3 The Extension of Third-Country Fishing Limits 195
5.3.1 The 200-Mile Limit and Its Consequences 196
5.3.2 Conclusion: The Extension of Third-Country Fishing Limits 204
5.4 Path Dependencies 205
5.4.1 Conclusion: Path Dependencies 211
5.5. The Role of EC Institutions and Elements of the Policy-Making Process 212
5.5.1 Elements of the Policy-Making Process 213
5.5.1.1 Unanimity 213
5.5.1.2 Linkage 216
5.5.1.2.1 Internal Linkage 216
5.5.1.2.2 External Linkage 222
5.5.2 The Role of EC Institutions 223
5.5.2.1 The Commission's Role 224
5.5.2.2 The European Court of Justice and the European Council 232
5.5.2.2.1 The European Court of Justice 233
5.5.2.2.2 The European Council 237
5.5.3 Conclusion: The Role of EC Institutions and Elements of the Policy-Making Process 242
5.6 Domestic Pressure 243
5.6.1 Political Action 243
5.6.1.1 Parliamentary Action 245
5.6.2 Interest Groups 261
5.6.3 Conclusion Domestic Pressure 274
5.7 Other States 275
5.7.1 Conclusion Other States 281
5.8 Summary of Analysis 282
5.9 Further Insights 287
5.9.1 Third-Country Extensions and Domestic Pressure 287
5.9.2 Path Dependencies, EC Institutions and Other States' Interests 291
5.10 Interim Conclusion 294
5.11 Comparing the Negotiations 298

6. CONCLUSION 305
6.1 The Extension of Third-Country Fishing Limits 306
6.2 Path Dependencies 307
6.3 The Role of EC Institutions and Elements of the Policy-Making Process 308
6.4 Domestic Pressure 311
6.5 Other States 313
6.6 Awkwardness, Bargaining Success and the Consequences of Membership 315

7. BIBLIOGRAPHY 323
7.1 Primary Literature Consulted 323
7.2 Secondary Literature Consulted 342
7.3 Interviews 361

LIST OF FIGURES

Figure 1. Simplified negotiation setting at the ministerial level, 1970–1972 85
Figure 2. Simplified domestic administrative setting for negotiations, 1970–1972 88
Figure 3. Simplified negotiation setting at the European level, 1976–1983 174
Figure 4. Simplified domestic administrative setting for negotiations, 1976–1983 176
Figure 5. Selection of main findings 299

LIST OF ABBREVIATIONS

BTF	British Trawlers' Federation
CAB	Cabinet Papers
CAP	Common Agricultural Policy
CFP	Common Fisheries Policy
COREPER	Committee of the Permanent Representatives
DAFS	Department of Agriculture and Fisheries for Scotland
DWF	Distant Water Fleet
EAP	Equal Access Principle
EC	European Community
ECJ	European Court of Justice
EEC	European Economic Community
EEZ	Exclusive Economic Zone
EP	European Parliament
EU	European Union
FCO	Foreign and Commonwealth Office
HI	Historical Institutionalism
MAFF	Ministry of Agriculture, Fisheries and Food
MP	Member of Parliament
NATO	North Atlantic Treaty Organization
NI	New Institutionalism
PM	Prime Minister
PREM	Prime Minister Papers
PT	Process Tracing
T	Her Majesty's Treasury Papers
TACs	Total Allowable Catches
TNA	The National Archives
UK	United Kingdom
UKRep	United Kingdom Permanent Representation to the European Community
UNCLOS	United Nations Convention of the Law of the Sea

1. INTRODUCTION

This thesis is not only about fish, but also about British membership in the European Community (EC). This work is an empirically driven historical analysis of Britain's role in the negotiation on the EC's Common Fisheries Policy (CFP) in two separate rounds, from June 1971 to January 1972 and from May 1976 to January 1983. The CFP is a policy with "provisions touching on virtually all aspects of the fishing industry from the extraction of the basic natural resource to its consumption" (Wise, 1984, p. 107). The policy aims to guarantee sustainable fishing stocks in European waters and a competitive fishing industry across the Community – at which it failed disastrously (Da Rocha, Cervino & Villasante, 2012). Almost half of the fishing stocks in EC waters remain overfished, and the fishing industry continues to dwindle (Peñas Lado, 2016). In short, the CFP "performs relatively badly" (Belschner et al., 2019, p. 106), and its "record has been markedly poor" (Payne, 2000, p. 304).

Ever since regulating fisheries was on the EC's agenda, its constitutive elements and reach were deeply contested among the member states (Churchill & Owen, 2010). This contestation has continued through the years and once again boiled up as part of the campaigns of those advocating leaving the European Union (EU). As leading 'Brexiteer' Nigel Farage reasoned shortly before the 2016 membership referendum: "One thing I can promise you is [that] you are about to hear a lot about the fishing industry […]. The demand will be clear: we want our waters back" (Farage as cited in Carrell, 2016, para. 7-9). Years later, this aspiration materialised in the United Kingdom's (UK) desire to become an "independent coastal state" (Her Majesty's Government, 2019, p. 14) upon departing from the EU. This desire made fisheries a bottleneck in the 'exit negotiations' with its continental counterparts. Just as in 1971 when the UK negotiated its entry to the EC, fisheries

were one key area of disagreement between the negotiating parties. But why has the bargaining of an economically marginalised policy been so difficult for Britain at the EC level throughout history?[1]

Because of Britain's past history as a maritime superpower, the world's seas and its resources have always been a symbol for British sovereignty, independence and global influence. In the past, commercial and territorial conflicts at sea were usually addressed by resorting to weapons, for example in the four Anglo-Dutch Wars of the 17th and 18th centuries. Independent of the wars' respective outcomes, Britain's maritime engagement created and subsequently perpetuated a culture that includes the firm belief in the right of naval self-determination. Thus, for (substantial parts of) Britain's public, governing its own waters is a matter of national pride and deeply engrained in its identity as a proud 'island nation'. After the Second World War and, later, aspiring EC accession, however, resolving maritime disagreements with its continental counterparts by brute force became unimaginable. Instead, Britain's government now had to negotiate a deal on fisheries with the EC's member states. Owing to Britain's past and the strong cultural characteristics it engenders, fisheries negotiations at the European level are inherently embedded in a highly politicised domestic discourse, which is about much more than the resource's economic dimension.[2] As a result, in Britain, fisheries' "political salience appears to be inversely related to the real economic weight of the sector" (Lequesne, 2005, p. 358). To put it differently, "The political significance of the fishing industry far

[1] This marginalisation refers to the macro-level. In 1970, fisheries contributed only 0.1% to Britain's overall economic activity (O'Neill, 2000). In some parts of the UK, however, local communities were heavily dependent on the resource. In the early-1970s, for instance, the industry created 25% of Orkney's and Shetland's employment. At the same time, unemployment amongst British fishermen was high (20%), and political pressure to improve the living situation of Britain's 22.500 fishermen (exclusive of the processing industry) mounted.

[2] Putting aside ideational issues, researching the CFP is particularly fascinating from the UK's perspective compared to those of other maritime powers such as Denmark, Ireland, Norway or Spain as Britain is not only profoundly affected by the policy but also is a political heavyweight in Europe and beyond: the UK is not a state which other members can simply bypass in decision making without risking consequences in other areas, such as security.

exceeds its statistical economic significance" (Wall, 2020, p. 10). This is the reason why "Fishing in the UK […] has become a matter of high politics" (Gray, 1998, p. 9). These interconnections make Britain's involvement in the CFP's creation an interesting subject for research. Within the domain of European fisheries policy, it is particularly the tensions arising from foreign access to fishing grounds that have attracted media attention and caused tremendous political trouble between the member states ever since the CFP's creation. The reason why access issues are of utmost importance in fisheries bargaining relates to the 'territorial instincts' that characterises Britain's (and others') fishing culture. The penetration of previously 'British' waters by foreign vessels and the constant physical confrontation without the possibility of military deterrence contrasts with the UK's self-perception as a strong and independent maritime power. Because of this self-perception coupled with the deterioration of Britain's fishing industry, Britons have thus always quarrelled with foreign access and ensuing fishing activities in 'their' waters as part of the EC's common market program. Owing to the great relevance access issues carry for understanding the inception and development of the EC's fisheries policy, this work examines how Britain negotiated the pivotal access provisions with its European partners up to the 1983 CFP package (which is largely still in place in 2020). These provisions are formalised in the so-called 'Equal-Access-Principle' (EAP). This principle (and derogations thereof), outlined in depth in Chapter 2, regulates the 'if' and 'how' of foreign access to other member states' fishing grounds. One may wonder why the political noise on the difference between a limit of 6 or 12 nautical miles for exclusive access to fishing grounds has been so tremendous, but the exact determination of the access regime indeed affects the livelihood of thousands of employees in the fishing industry. For many states, exclusive access to fishing grounds right off their coasts is also a matter of principle and, in Britain's

case, part of its identity. The complexity attached to access bargaining led a former Ministry of Agriculture, Fisheries and Food (MAFF) negotiator to argue that the bargaining is like "multidimensional chess that is not like a simple argument over money" (Senior Official MAFF I, personal communication, March 22, 2017). It is thus unsurprising to observe that agreeing on access questions required substantial bargaining between the member states, took more than a decade to conclude and even made an applicant, Norway, give up its ambition to join the EC.[3] This thesis explains the evolution of the UK's bargaining position in the process of finding working access rules for fish. In its pursuit to explain Britain's role in the creation of the CFP's access regime, this study addresses the following question:

Which factors are responsible for the UK's bargaining success in the two rounds of negotiating the CFP's access provisions?

Bargaining success is here defined as the extent to which bargaining objectives achieved at the end of the negotiation – for example, exclusive fishing rights within 6 nautical miles – satisfy the goals presented at the beginning of the negotiation. In line with recent findings and corroborated by empirical evidence presented in the analysis, this study assumes that "revealed preferences in European negotiations often coincide with sincere preferences" (Frieden & Walter, 2019, p. 139). In other words: the goals the UK initially presented and subsequently negotiated at the European level were a genuine representation of what Britain wanted and saw negotiable in Brussels. Thus, ceteris paribus, bargaining is successful when the obtained objectives equal or exceed the opening bid.[4] Explaining the evolution of

[3] This refers to Norway's rejection of EC membership in 1972. Fisheries played an important role in the public's disapproval of the deal the Norwegian government negotiated in Brussels (Sogner & Archer, 1995).

[4] Negotiation objectives are understood as political and/or societal interests that are weighted, aggregated and bargaining by the government. Importantly, this work does not analyse the formation of bargaining objectives at the domestic level in great detail. These interests are seen as exogenous to the analysis but are its substantive starting point for each round.

Britain's bargaining objectives thus allows one to determine the UK's bargaining success on fisheries in depth. Such definition already points to the major rationale underlying the negotiation analysis: policy outcomes at the European level are understood as different objectives which (future) member states have bargained and commonly agreed upon. By answering this question, this thesis is the first academic contribution to the field of European fisheries policy in more than a decade. But why is such inquiry important?

Firstly, this inquiry tackles existing deficiencies in CFP scholarship. Whilst the policy's main principles have remained virtually unchanged since 1983, existing work on the matter has not analysed the historic development of the policy in depth. Appreciating the evolution of one country's bargaining position in the negotiations on the policy's central provision, which was decided upon unanimously, allows a more comprehensive understanding of the overall policy design and the emanating historical trajectory that still affects thousands of fishermen in the UK and beyond. In fisheries, where the policy's main provisions have been extraordinarily persistent, analysing the past means better understanding the present and peering into the future, all of which are important in order to address the CFP's problems at the political level. Equally, existing policy-focused CFP literature (Conceição-Heldt, 2004; Farnell & Elles, 1984; Gray, 1998; Gray & Hatchard, 2003; Harnier, 1996; Hatcher, 2000; Holden, 1994; Leigh, 1983; Lequesne, 2004; McLean, 2008; Payne, 2005; Peñas Lado, 2016; Surís-Regueiro, Varela-Lafuente & Garza-Gil, 2011; Wise,

1984) is predominantly based on secondary sources, resulting in incomplete analysis.[5] The present contribution is the first work that utilises primary sources as its main methodological foundation, yielding more accurate and comprehensive results.[6] This thesis thus represents critical knowledge for politicians and bureaucrats in their pursuit of maximising Britain's bargaining utility in fisheries negotiations.

The argument is that the provisions on access were not an accidental product; in fact, the provisions were fought over fiercely, and the member states' demands were barely reconcilable. In both rounds, Britain's bargaining success was framed by other member states' interests, Britain's institutional enmeshment at the European level and path dependencies. The difficulties in concluding the policy also explain member states' inertia to alter the policy's basic principles since 1983. Only negotiations on fisheries oriented at the biological realities of European waters would have allowed for a more successful policy in the long run. Without the willingness to conserve the resource sustainably and demonstrate genuine solidarity amongst the member states, however, the policy was doomed to become ineffective. Thus, fisheries is a key example that illustrates the struggle of a complex polity trying to find a workable solution that is applicable and satisfying to all. The analysis also increases the understanding of the roots of British fishermen's attitudes towards the EC. Since fishermen constitute important societal actors in terms of electoral

[5] Notably, CFP scholarship is generally divided into two camps. In addition to the policy-focused literature, the other main strand concerns the bio-technological dimension of the policy. This includes, for example, the development of statistical models to better predict stock development (Baudron, Serpetti, Fallon, Heymans & Fernandes, 2019). This area carries great value for scholars interested in the bio-economics and ecology of the seas, but tells little about the '*how'* and '*why'* of the CFP's inception and development. This is especially true as political considerations regularly trumped the biological reality of the EC's waters, for example in regards to the determination of how much fish the member states could retrieve from Community waters, the so-called total allowable catches (TACs) (Franchino & Rahming, 2003). Thus, looking at this realm does not help much with understanding the political dimension of the policy and how it came about in the first place.

[6] Importantly, even the main publications in the field (Leigh, 1983; Holden, 1994 and Wise, 1984) fall short in presenting much original material. The subsequent recycling of their work by other authors in their respective endeavours is the reason why fisheries policy has not seen a novel contribution for many years.

mobilisation, such knowledge is crucial for policymakers at a time when public decisions lead to the exit of single members, and thus pressures them to reconsider the governance of European waters.

Secondly, this work provides fresh insights on the prolonged discussion of 'British exceptionalism' in the EC. Ever since the UK became a member of the EC on January 1, 1973, academics, citizens and politicians alike have tried to comprehend the complexities that characterise Britain's relations with its continental partners within the EC framework. The most important paradigm underlying academic analysis on the subject relates to the UK's special relationship with, and position in, the EC. The present contribution challenges this perception in fisheries and argues that, despite the politicised domestic realm, the maritime power Britain neither had a special bargaining leverage, nor acted in any way exceptionally in the negotiations on the CFP's access provisions at the European level. The alleged and often-quoted 'otherness' in existing work is based on a variety of economic, political and cultural factors, most notably, Britain's strong ties with the United States of America, its special 'island culture', the firm belief in national sovereignty as opposed to supranationalism and its former glory as an imperial (maritime) superpower. Consequently, scholars have classified Britons as 'Reluctant Europeans' (Gowland & Turner, 2000), 'Cautious Europeans' (Jones, 2007), 'Uneasy Allies' (Larres & Meehan, 2000) and 'Reluctant European' (Wall, 2020). The country is 'A Stranger in Europe' (Wall, 2008), 'An Awkward Partner' (George, 1994) that sits 'On the Sidelines' (Gowland, Turner & Wright, 2010) to create its 'Outsider Tradition' (Daddow, 2015). Even those arguing that Britain's position is "much more variegated than such description suggests" (De Ville & Siles-Brügge, 2019, p. 4) or who "reject the idea that the UK was predisposed to becoming any particular kind of member state" (Aqui, 2020, p. 5), fall short in empirically corroborating their argument on the

alleged multifariousness of the relationship in a convincing manner, and often conclude that the UK is a 'pivotal outlier' (Smith, 2019) and "the odd one out" (Wall, 2020, p. 297). Thus, although one observes different nuances in scholarship on the quality of UK–EC relations, the conclusion drawn in most scholarly contributions is similar: Britain is different. Young (2000), for example, argues that "in Britain indifference to Europe goes much deeper than in most other members and the sense of a European identity is comparatively shallow" (p. 199). A direct result of this alleged exceptionalism is that "British strength [in the EC] is defined by standing apart and by resorting to the language of boycotts and showdowns" (Gowland, Turner & Wright, 2010, p. 21). Although scholars differ in the way they conceptualise 'British exceptionalism', most prominently as 'opt-outs' at the European level, only a few critically scrutinise the narrative that has manifested itself over the past few decades (see Ludlow, 2019). Why is such scrutiny necessary? Putting aside the aforementioned methodological shortcomings of existing CFP scholarship, which largely also pertains to scholarship on UK–EC relations, academic work in the field often attaches exceptionalism to the macro-analysis across different policy fields.[7] In such analyses, Britain's uniqueness is often understood as policy outcomes – for example the rebate the UK obtained in regards to its monetary contributions to the EC. Variation in outcomes, however, says little about 'otherness', but might well be the result of exceptional bargaining by Britain's negotiators. This weakness is particularly prevalent in large-n quantitative studies that try to grasp 'British exceptionalism' through the lens of comparative policy analysis.

[7] The majority of accounts addressing and subsequently perpetuating the paradigm of 'British exceptionalism' in Europe is based on secondary accounts and/or personal memories only and thus results in incomplete analysis. This is why Gowland, Turner and Wright (2010) argue that this research realm is "still in its infancy partly because of the huge gaps in the availability of primary source material, especially in the form of government papers […]" (p. 7). Ludlow (2016) convincingly contends that, particularly in Britain's case, literature on its relations with Europe remains "incomplete" (p. 11). In a similar fashion, Haeussler (2019) points to "the lack of original historical research on the topic" (p. 11). This work closes this gap for fisheries.

Yet, exceptionalism in a complex polity characterised by unanimous decision-making (such as in fisheries) is far better conceptualised by analysing the extent to which the UK was able and willing to negotiate rationally its interests with its continental counterparts in the pursuit of finding a mutually satisfying common policy (over an exhaustible resource). In fisheries, an exceptional behaviour would be one that defies economic rationality that is side-lining utility maximisation, for example, being unwilling to agree upon a common policy despite the risk of encountering what Hardin (1968) popularised as the 'Tragedy of the Commons', or undermining the bargaining by operating along symbolic lines rather than engaging in real political discussion.[8] The analysis of alleged otherness is thus better served by a case study that examines the fisheries negotiations in great detail and helps to uncover the elements Britain's changing bargaining objectives revolved around.[9] In other words, positing 'British exceptionalism' without analysing how the UK pursued its interests and interacted with its partners in a negotiation of a relevant policy domain at the European level remains incomplete. Additionally, scholarly work has so far neglected the intra-policy comparative angle over time as an important analytical lens through which exceptionalism can be accurately captured. This perspective refers to the increased inferential leverage a comparison of the same policy at two different instances over time has to non-sequential analysis of a policy or between different policies. In other words, potential exceptionalism can be better detected by looking at fisheries bargaining in two different negotiation rounds over time, than by researching either a policy at one instance (such as discussion on British contribution

[8] In essence, the 'Tragedy of the Commons' describes a scenario within which individual utility maximisation in an environment with limited resources available "brings ruin to all" (Hardin, 1961, p. 1244).

[9] A 'case study' is understood here as examining "a phenomenon of some sort occurring in a bounded context" (Miles & Huberman, 1994, p. 25). Referring to Yin's categorisation (2014), this explanatory study applies a single case design (the CFP's EAP) with one unit of analysis (UK) in the wider context of EC–UK relations.

to the EC budget), two separate policies at the same time (for instance looking at British behaviour in fisheries and other agricultural products in the accession negotiations) or two separate policies at different times (for example comparing the UK's behaviour in fisheries negotiations in the accession bargaining with the budgetary question years later). The decisive strength of the intra-policy comparative analysis when attempting to grasp 'British exceptionalism' as advocated by this work, is the consistency of actors involved and the direct comparability of the results yielded, which are strengthened through a coherent temporal sequence that minimises the risk to capture an isolated outlier. By drawing on new archival documents and analysing two different negotiation rounds that were years apart on the same matter, this work provides a fresh and comprehensive take on 'British exceptionalism' in Europe, which it refutes on fisheries. As the analysis shows, the politicised domestic discourse did not transpire in Brussels. The British government maximised its utility and engaged in real (as opposed to symbolic or ideational) politics, but had to simultaneously balance its demands with the dense institutional network it was embedded in at the European level. The UK fought hard for its interests, but was a 'normal power' in fisheries, just like much smaller maritime powers (such as Denmark) or less ideologically-charged land-powers where fisheries played only a marginal role in the country's discourse on Europe (such as Germany). As a result, this work argues for British normalcy in Europe.[10] This is particularly insightful in fisheries, as one could reasonably assume that the likelihood for exceptional behaviour is the greatest where economic stakes (on aggregate) are low, but ideological stakes are high. Although the methodological choices made in this study do not aim at broad generalisations, this finding lends strong support that the

[10] In this work 'normalcy' denotes a rational, utility-oriented and cooperative approach in finding (mutually beneficial) common policies at the European level.

prevailing paradigm of 'Britain's exceptionalism' in Europe needs to be further researched.

Thirdly, this work is the first major case study that provides a robust account of the 'value' EC membership had for the UK.[11] The rejection of such value in political and economic terms initially entailed Britain's non-participation in the creation of the European Community, and has constantly been subjected to discussion in the societal discourse on Europe in the UK. Whilst 'anti-marketeers' have always questioned the value of EC membership at all levels, their Europhile counterparts (including the majority of scholars on Europe), stressed the relevance of British EC membership – if not in terms of further political integration, at least on an economic basis. Surprisingly, existing academic work on the 'value' of British membership is scarce and has so far concentrated on the UK's practice of government. Bulmer and Burch (2009), for example, show that "UK membership of the EU has brought about a quiet revolution in what Whitehall does, though not so much in the way it does it" (p. 123). Even in a wider European context, literature on membership effects is limited. Whereas Bickerton (2012) skilfully discusses the consequences of membership through the lens of state transformation, Haughton (2013) addresses membership effects with a focus on the Europeanisation of political parties in Central and Eastern European countries. What has been missing, however, is an in-depth study that credibly analyses if and how membership influenced the UK where it matters the most; in bargaining successfully on a policy of great importance to it and its citizens in economic, political or symbolic terms. This work provides such analysis. The CFP and its most important provision, the EAP, was not chosen by accident in this regard, but as a result of the period it was negotiated in. Whilst

[11] Membership value is defined widely as contributing positively to Britain's bargaining success compared to a pre-membership world and improving the living conditions of the people affected by policies decided upon at the EC level.

Britain was an applicant when it negotiated the access regime first (1971–1972), it had been a member state for years before the CFP's renegotiation (1976–1983) commenced. It is critical now to examine if and how the UK's bargaining altered as part of membership.[12] The analysis yields surprising results. One would assume that a country is in its weakest bargaining position when negotiating its entry to the EC based on the desire to accede, and that the 'institutional learning effects' membership entails allow a country to increase its bargaining success. In fisheries, however, the opposite was the case. Institutional learning effects were marginal, and Britain's bargaining success indeed decreased as part of EC membership. In fact, one must doubt if membership was truly beneficial for the UK on fisheries. Similarly, but in a different context, Bickerton (2018) shows how membership fuelled the crisis of representative democracies across Europe.

Fourth, by virtue of analysing fisheries bargaining on access matters, this work provides a fresh perspective on how member states manage and negotiate interdependencies in a policy realm characterised by a drastic interest divergence between the participating entities. Although this contribution does not aim to develop a general model of how bargaining or policy making can be theorised and deliberately avoids to "proffer[ing] contradictory generalisations about EU negotiation" (Elgström & Jönsson, 2000, p. 685), it identifies what influenced changes of bargaining objectives in regards to a specific part of a single policy over a certain period of time. For those studying the dynamics of how negotiations operate at the European level, this is valuable knowledge. Limited to the fisheries domain, this thesis stresses the complexity that is inherent in negotiations at the European

[12] This study justifies using negotiations that formally differ in nature (accession negotiations versus ordinary Council negotiations) as a baseline for within-case comparison, with the consistency of the decision-making mode between 1971–1983: unanimity. Seeing the decision-making procedure as the (legal) foundation of finding a policy in any negotiation, consistency in this regard allows one to compare and treat the same what differs in nature.

level. Britain's achievements in fisheries bargaining highlight that, as part of the EC, countries cannot simply live off their past glory or pursue (ideational) interests in whatever way they see fit, but often face uncomfortable political realities that require difficult decisions to be taken. In fisheries, the most striking example of such a reality relates to the UK government's continued disregard of incorporating domestic stakeholders' (fisheries) interests in the UK's bargaining position. Exposed to strong countervailing forces at the European level, the British government somewhat detached itself from the politicised domestic level and aimed rationally at finding a compromise on access. Overall, this work shows that in EC negotiations, even large and resourceful states need to navigate carefully and skilfully through dense networks of laws, institutions, states and firms in order to make agreement possible.

The arguments in this work provoke further research utilising in-depth case studies to determine if similar patterns can be observed in other policy fields over time. This could strengthen the argument for British normalcy in Europe. In turn, by looking at negotiations over a substantial period of time, such examination could facilitate the process of determining the value membership had for the UK.

All in all, this work thus provides new and necessary insights into both the CFP and Britain's relationship with its European partners. It helps citizens, academics and practitioners alike to better comprehend the intricacies of British early EC membership and thus contributes to a more balanced view in the investigation of the relations between the two entities.

1.1 Structure of the Thesis

In the examination of the research question, the thesis proceeds as follows: The next chapter, Chapter 2, briefly examines EC–UK relations in the period between 1967 and 1983 in order to highlight the complex environment within which

fisheries was embedded. It then delineates the development of the European fisheries regime and the CFP in particular. With emphasis put on access matters the chapter contends that the main reason why it took the EC more than a decade to negotiate a comprehensive fisheries agreement was the member states' underestimation of the complexity of the issue at stake, itself aggravated by a changing environment, most notably the extension of fishing limits by third countries. Just like in the 1970s–1980s, the policy remains highly contentious, and a sustainable solution for European fisheries has yet to be found.

Chapter 3 presents the conceptual framework of the thesis. Drawing on Putnam's (1988) two-level game theory and new institutionalism (NI), five analytical reference points for changing bargaining objectives (and thus the determination of the bargaining success) are derived: the extension of third-country fishing limits, path dependencies, the role of EC institutions and elements of the policy-making process, domestic pressure and other states' objectives. Around these five factors the analysis of Britain's bargaining objectives in the negotiations on the CFP's access regime revolves. The chapter also briefly touches upon on the methodological baseline of this work.

Moving away from the descriptive part of the thesis, Chapters 4 and 5 are devoted to the analysis of the two negotiation rounds. They look at each round individually and ascertain what determined the bargaining success in each through the lens of the factors theory discussed in Chapter 3. Central in this regard is the importance of path dependencies, the interests other states had and (to a lesser extent) the EC's institutions, whereas domestic pressure and the extension of third-country fishing limits were negligible for the UK's change of bargaining objectives. At the end of Chapter 5, the results of each negotiation round are briefly summarised.

This work's main findings, contributions and further avenues for research are provided in Chapter 6, the conclusion. This thesis shows that it was predominantly institutional influence, path dependencies and the interests other states had that explain the UK's bargaining success. Further, this work argues for 'British normalcy' as opposed to 'British 'exceptionalism' in fisheries and the negligible role membership had in positively influencing the UK's bargaining position.

Researchers inherently have to choose a path of research, and each option has its advantages and disadvantages. Although this small-n case study inevitably lacks external validity, it follows Mahoney, Kimball and Koivu (2009) in arguing that the goal of historical analysis "is precisely to explain the specific past occurrences; the question of whether and how the resulting explanation might then be generalized is a secondary concern" (p. 116). In other words, while recognising the importance of generalisability for certain research endeavours, emphasis in this study is put on the in-depth explanation of a single, but highly complex case, which bears the aforementioned advantages. Focusing on the UK has proven to be more revelatory for putting forth innovative arguments and thereby adding value to the literature than a wide, but superficial study on various countries (see Conceição-Heldt, 2004). The tendencies observed in this study, however, allude to broader trends that deserve further research to be confirmed or refuted. As a thick case study that sheds light on the CFP and provides further important indications for the understanding of UK–EC relations, this work can provide a foundation for further scientific explorations with a comparable research agenda.

In sum, this thesis is a contribution for those seeking to better understand fisheries policy, the UK's relationship with the European Community and general bargaining dynamics at the European level. At a time when the EC, now EU, is increasingly exposed to internal and external threats that have the potential to

menace its very core—the membership of individual states that in their entirety make up the institution—better understanding of how policies evolve and how membership affects countries where it matters the most, in finding better policies, is critical knowledge to politicians and citizens alike.

2. THE COMMON FISHERIES POLICY

This chapter introduces the CFP's access regime. Because this study micro-analyses one policy part, there is no need to detail the history of UK–EC relations, which can be found elsewhere (see Daddow, 2004; Geddes, 2013; George, 1994; Gowland, 2016; Gowland & Turner, 2000, 2010; Greenwood, 1992; Jones, 2007; Wall, 2008, 2013, 2019, 2020; Wallace 1980; Young, 1999; Young, 2000). Instead, this in-depth case study, amongst others, aims at reinvigorating the discussion on whether dominating paradigms underlying the scholarly discourse of UK–EC relations (see Introduction) deserve further scrutiny.

But in order to understand the analytical scaffold within which fisheries bargaining in this work is embedded, identifying elements that scholars have described as important determinants in the wider context of the UK–EC relationship is helpful. Whilst there is no monocausal explanation for the fragile relationship between the two entities, existing literature points to recurring patterns that help explain the strained relations between the UK and the EC. Arguably, the most important is Britain's domestic politics. Whilst Prime Minister (PM) Harold Wilson already faced "a mammoth task" (Deighton, 2003, p. 47), keeping heavily divided Labour together when re-applying to the EC (after its inglorious attempt in 1961) on May 10, 1967, virtually all PMs up through Thatcher were confronted with strong

'anti-marketeers' in their parties.[13,14] At times, these tendencies imperilled the entire project, for example when "the only British prime minister who truly believed in the European ideal" (Pilkington, 2001, p. 28), Edward Heath, only enabled accession by securing votes from Labour rebels. Or years later (1975), when Heath's "hated nemesis" (Wall, 2013, p. 310), his predecessor and successor, Wilson, relied on the opposition's support to approve his negotiation outcome.[15] Prolonged inter- and intra-party turf wars made it difficult for all British governments of the 1970s to

[13] Whilst there is a plethora of individual factors that explain strong 'anti-market' sentiments in both of the UK's main parties at the time, the most prominent ones revolve around, firstly, the history-fuelled sovereignty question, generally preferring self-governing and the "Empire-Commonwealth as a major source of future political influence" (Forster, 2002, p. 18) as opposed to embracing an institution resting on or pursuing supranationalism; and (in Labour's case) secondly, ideology-charged matters, for instance that "moving towards a Socialist society is out of the question, within this framework", as a Labour politician remarked (Labour Member of Parliament [MP] as cited in Kitzinger, 1968, p. 136).

[14] Rifts on how to perceive EC membership also ran through the Conservatives. Anti-marketeers spearheaded by Enoch Powell constantly undermined the European case. However, by choosing Heath, a pro-EC politician who had also led the negotiation team in 1961, as party leader, "the Conservative party took its most decisive step towards British entry into the EEC [European Economic Community] eight years before 1973" (Kitzinger, 1973, p. 147). The party manifesto for the 1970 general election stated that EC membership would be "a major contribution to both the prosperity and the security of our country" (Conservative Party, 1970, p. 28). It is thus unsurprising to see Heath retrospectively arguing that "I saw this [accession] as a wonderful new beginning and tremendous opportunity for the British people" (Heath, 1998, p. 426).

[15] Another key example of Labour's hostility on Europe was the refusal to send MPs to the European Parliament (EP) in Strasbourg between accession and the 1975 membership referendum (Jackson, 1993).

develop and implement a 'European narrative' on the island.[16] This was supplemented by all PMs' failure to "explain the full significance of the potential consequences of membership of the European Economic Community: It was presented as being largely about economics and economic change" (Deighton, 2003, p. 40). In other words, the population "was not expected to think too deeply about the wider implications of what they were being asked to embark upon" (Greenwood, 1992, p. 96). Heath himself declared that "joining does not entail erosion of essential national sovereignty" (Heath as cited in Ward, 2004, p. 135). Morgan (1990) in this regard rightly concluded that "what was lacking throughout […] was a head-on engagement with the issues of principle involved in attaching Britain to a wider entity and breaking down centuries of insularity" (p. 363). Yet, for all states, membership was and is a deliberate, possibly indefinite, decision for pervasive change, not just an economic and inherently monetarily beneficial project. The government's ineptitude in fully explaining the EC's nature to the public was part of, and simultaneously fed into, a self-reinforcing cycle whereby the ordinary citizens, for whom, initially,

[16] This argument does not conceal that, putting Heath's administration aside, all British governments in the period did not prioritise the creation of a positive relationship, but instead catered to what Ludlow (2019) rightly described as the societal preference for "accounts which emphasised the confrontational aspects of British European policy and downplayed the country's positive contributions" (p. 35). This is particularly pertinent to PM Thatcher, whose demeanour not "to sweeten any pill or to mince words or to spare the sensibilities of others" (Wall, 2020, p. 155) further aggravated relations. British government actions were ultimately prompted by strong Atlanticism, Britain's imperial history and the EC's portrayal as "the continuation of past struggle, rather than its antidote" (Ludlow, 2019, p. 37). Even the most powerful argument against such reasoning, the successful 1975 membership referendum, must be questioned when looking at the scholarly debate on the process leading up to the referendum (Butler & Kitzinger 1976; Goodhart, 1976; King, 1977). Whilst Aqui (2020) and Saunders (2018) present a more positive stance on the renegotiation, arguing that it was "[…] also used to address substantive problems in the terms of membership […]" (Aqui, 2020, p. 276) and produced "the most full-throated endorsement the public have ever given of membership of the European project" (Saunders, 2018, p. 3), the alleged positive effects failed to materialise in the long run. Although the government claimed that "[…] we did get big and significant improvements on the previous terms" (Her Majesty's Government, 1975, p. 2), the renegotiation was "part real, part cosmetic" (Owen, 2010, p. 97). Even though the opposition's leader was "rejoicing over this excellent result" (Thatcher, 1975, para. 34), the positive outcome did not "reveal profound depths in pro-European enthusiasm in the British people" (King, 1977, p. 136). In this regard, Wallace (1980) concluded that "The renegotiation exercise of 1974/5 produced palliative measures which failed to correct the underlying problem" (p. 541), which was the strength of intra-party divisions (particularly within Labour) and 'anti-market' sentiments in the UK, proven also by the outcome of Britain's second referendum in 2016.

"Europe seemed of minor importance compared, for example, to the Vietnam War" (Deighton, 2003, p. 42), became increasingly interested in and hostile towards the EC. This was especially true after the promised economic boost through membership did not materialise in the way it was anticipated and the original members had benefitted from.[17] As a result, Britain was "affected by a negative correlation between integration and economic performance, just as the Six had been helped by a positive correlation" (Ludlow, 2018, p. 293). Although the positive outcome of the referendum marks a significant outlier in this regard (see Jowell & Hoinville, 1976), public opinion in Britain has never been effusive of the EC.[18] In turn, this prompted the government to pursue (some of) its European policies in a more extreme manner, which burdened the relationship negatively in the long run. The highly emotionalised fisheries negotiations were thus embedded in a complex political situation at the domestic level that was anything but wholehearted about supporting Britain's participation and increasing engagement in Brussels. It is thus interesting to probe how fisheries bargaining fits into the wider context of Britain's

[17] Economic growth in Western Europe (as a percentage of the gross domestic product) significantly exceeded that of the UK. From 1950 to 1973, the UK averaged 2.5% in economic growth; the EC almost 5% (Eichengreen, 2007). The British public expected to gain from membership in economic terms, but instead saw Britain become a net-contributor to the EC: when the UK entered the EC, it was granted a 'transitional period' entailing a reduced amount transferred to the Community. This would end in 1980, and Britain would indeed become the largest net contributor to the EC. Owing to Britain's comparatively weak economic position at the time, this was unacceptable. Callaghan set the stage to address this imbalance at the March 1979 European Council: "at the last Council I drew attention to the inequity of present net financial contributions by the Member States. Britain suffers from this […] I must urgently ask the Community to face up [to] this problem" (TNA, PREM 16/2044). It was this battle over money which Thatcher intelligibly summarised as "for every £2 we contribute we get £1 back. That leaves us with a net contribution of £1,000 million pounds […] It is that £1,000 million on which we started to negotiate, because we want the greater part back" (Thatcher, 1979, para. 3) that took until the Fontainebleau June 1984 European Council sitting to be resolved. This situation was etched into the collective memory of all participants either as an example of British recalcitrance in the EC or as the foundation that created "a fairer and more soundly financed European Community [that] has at last produced a satisfactory result" (Thatcher, 1984, para. 1), depending on one's perspective. This achievement led Thatcher (2003) to conclude on her first years as PM that "[…] I still remained something of a European idealist" (p. 371).

[18] King (1977) showed that public support for membership did not exceed 40% between Britain's reapplication and accession. Ipsos Mori (2016) highlighted that, putting the 1975 referendum aside, public opinion towards the EC was rather hostile in the period looked at, culminating in March 1980 with 65% of those polled indicating that they would support Britain's departure from the EC.

relationship with the EC.

Pointing to domestic pressure and government mishandling of European matters as sole reasons for sour relations, however, is a myopic perspective and a recurring pattern in the continental political discourse of British EC membership. The economic context within which all member states operated in this period was precarious and greatly relevant. In Britain, Heath stumbled over his management of the first 'oil shock's' fallout, whereby James Callaghan essentially lost his premiership in the 'Winter of discontent' over his policies to stabilise the UK's struggling economy in the late 1970s (see Holmes, 1985). Equally, Thatcher devoted much of her time in 10 Downing Street reviving Britain's slumping economy after the second 'oil shock' of 1979. The imperative will to create a thriving economy at home was also reflected in Thatcher's doings at the European level. She stated that "we are now the Community's paymaster but its third poorest member. There is a lot to play for in terms of redressing this imbalance" (TNA, PREM 19/041), which set the European agenda for years to come. Thatcher herself stated that "I was determined to send out a clear signal of change" (Thatcher, 1993, p. 38) in London and Brussels.[19] Her agenda on fish was clear too: the Community "had already grasped the UK's market and her money: she was determined that the Community should not have our fish as well" (TNA, PREM 19/233a). Importantly, however, other members were also engulfed in prolonged economic and political turmoil, which, in turn, shaped the modus operandi between member states at the European level.

[19] Domestically, it was not until the early 1980s that Thatcher's popularity slowly increased. Amongst others, the victory in the 'Falkland War' "temporarily solved all her political problems", as Clarke (1999) argued (p. 321). In essence, the Falklands War describes a military dispute between Argentina and the UK over territorial sovereignty in the Falklands, South Georgia and the South Sandwich Islands, all of which were small remnants of the British empire. Comprehensive descriptions and fine analyses on multiple topics revolving around the conflict can be found in Boyce's *The Falklands War* (2005), Freedman and Gamba-Stonehouse's *Signals of War: The Falklands Conflict of 1982* (1991), Freedman's *The Official History of the Falklands Campaign. Vol. 2: War and Diplomacy* (2007) or, more recently, in Parr's *Our Boys* (2018). Ludlow (2020) provided an excellent piece on the European dimension of the war and compellingly explained why European support of Britain's position in the conflict did not sustainably improve EC–UK relations.

Whilst positing a general 'integration fatigue' throughout the 1970s, for example based on the non-materialisation of the Tindemans report, is short-sighted, it is justified to argue that EC members were, on aggregate, more selective about furthering integration on issues with uncertain economic gains.[20] Key examples of other member states' failure to acknowledge the UK's need to create 'tangible', that is, economic, benefits from EC membership to its public include the attempt to essentially reduce British budgetary contribution by virtue of devising the European Research and Development Fund (as proposed by Heath) and reforming of the Common Agricultural Policy (CAP). Both of these were eventually overhauled, but not to the extent necessary to alter the EC's public perception in the UK. Insufficient solutions provided at the European level instead undermined 'trust-building' processes and domestically "diminished the role that international economic organizations can play" (Wallace, 1980, p. 169). Although blaming 'anti-market' sentiments in the UK on EC partners is a doubtful assessment of the overall situation, it can be reasonably argued that the economic zeitgeist of the 1970s and early 1980s prevented other members from taking a more benevolent stance towards problems that the UK faced at the domestic level (and vice versa). In turn, the absence of monetary benefits from EC membership reinforced trends that already loomed in Britain. Had the UK joined the EC at a different time or been prosperous in economic terms, the overall relations could have looked different and, presumably,

[20] This was a paper prepared by the Belgium PM, Leo Tindemans and argued for reinvigorating and extending integration, for example, through increased power granted to the Commission (Tindemans, 1976). Ideas of the report manifested themselves in later stages of European integration, for example, cooperation on foreign and security issues.

less gloomy.[21] Since the UK acceded the EC directly before a decade of global economic turmoil, however, other states were equally hamstrung by their own electorates in policy-making at the European level. Finding comprehensive and mutually satisfying solutions in Brussels was further aggravated by the need to devise policies in unanimity in the vast majority of areas covered at the Community level (including fisheries) in the 1970s/early 1980s. This often led to lowest-common-denominator solutions or the failure of policies to be agreed upon in the first place. These circumstances created a situation whereby it became almost impossible for EC–UK relations to flourish. Noting the limitations other states were exposed to, for example, budgetary constraints caused by the 1973 and 1979 oil crises, is important to dispel the myth that it was only Britain's domestic politics that rendered the relationship difficult.

Considering Britain's historical trajectory as a (declining) global power at the time of applying for EC membership, becoming part of the club they had been rejected from twice, and which was a necessary evil more than anything else, was disillusioning. Combined with adverse economic conditions and political turmoil at home and abroad, the development of a healthy relationship was thus unlikely. Instead, the relations have been fragile from the beginning on. The most tragic figure in the first decade of the UK's EC membership was Britain's first Commission

[21] It is also important to remember that it was not Britain that prevented an earlier EC accession. It was French opposition that prompted the UK to join only in 1973. Had Charles De Gaulle continued presiding over the Fifth Republic, it can be assumed that the UK would have been unable to join then as well. Wilson's Private Secretary Michael Palliser already in 1966 anticipated that "there is no prospect whatever of General de Gaulle letting us into the Common Market as long as he is in control" (TNA, PREM 13/897). This assessment was particularly pertinent as the "freeze in Anglo-French relations was total" (O'Neill, 2000, p. 13) after the 'Soames affair' of February 1969. Upon De Gaulle's departure over a lost constitutional referendum in France, however, the Commission updated its 1967 opinion on British membership and concluded that negotiations should be opened "as soon as possible" (European Commission, 1969, p. 44). European leaders acted swiftly and "[…] indicated their agreement to the opening of negotiations" (European Economic Community Heads of State and Government, 1969, p. 509) on December 1/2, 1969 in The Hague. The consequences of De Gaulle's departure for the UK were clear: "The door was now open" (O'Neill, 2000, p. 13), and membership could be achieved.

president, Roy Jenkins. He set out to bring the two closer together, but his "biggest disappointment of his time in Brussels, however, was almost certainly his failure in any way to reverse the downward spiral of relations between Britain and the Community" (Ludlow, 2016, p. 246).[22]

2.1 Background

Within the context of UK–EC negotiations, fisheries increasingly became a symbol for the disparity between the parties: an island defending its fish, identity and national heritage from an entity premising 'equal access' within its waters as part of the common market program. This setting makes the CFP a particularly fascinating topic to address when looking at the UK's bargaining success: how does a country achieve its objectives in a critical policy issue with an entity demanding the opposite, while being determined to join this institution (1971–1972) and attempting to establish itself as a powerful actor within the system (1976–1983)? This section introduces the CFP with a focus on the analysis's focal point, the EAP.

The CFP's legal basis is Article 38, para. I of the 1957 Treaty of Rome: "the common market shall extend to agriculture and trade in agricultural products. Agricultural products mean the products of the soil, of stock-farming and of fisheries" (European Economic Community, 1957, p. 16). And although some argue "that it was a sheer accident that fisheries was included in this article" (Holden, 1994, p. 16), once the treaty went into force, the EC was legally obliged to regulate fisheries. However, the treaty determined neither the scope of nor a schedule for the policy. Fisheries was indeed a low-priority issue and had been handled outside the EC framework until 1966. This only changed with the progressing common market

[22] Jenkins also played an essential role in the accession process by spearheading Labour rebels in the crucial House of Commons October 1971 membership vote (Ludlow, 2016).

program and France urging for a 'common' approach to fisheries. Soon after, in 1966, a small (5-6 employees) French-led unit covering fisheries issues within the European Commission's Directorate-General-Agriculture proposed a bold and fully comprehensive policy in its 'Report on the Situation in the Fisheries Sector of EEC Member States and the Basic Principles for a Common Policy' (European Commission, 1966).[23] It covered "not only structures and markets but almost every aspect of the sector from resource conservation to final consumption" (Leigh, 1983, p. 25). Based on the report and the access equality it proposed, the Commission and Council fiercely negotiated first elements of the CFP between 1966 and 1970.[24] The common approach to regulate fisheries was strongly contested in the EC. The Commission and France were in favour of the policy. The former saw it as a window of opportunity to extend its powers into another policy domain, whereby the latter essentially aimed at "subsidising its ailing fisheries" (Dnes, 1986, p. 9). Virtually all other members rejected the idea of communalising fisheries for economic reasons. In 4 years of negotiating fisheries amongst the members, no policy materialised.

With the anticipated accession of fish-rich states the position of the members suddenly changed: if the six members could agree on a common regime before the accession negations started, the applications were obliged to follow the rules under the *acquis communautaire*. Against this backdrop, the row between the members could be resolved. Measures were agreed upon first in the form of resolutions just hours before the accession negations began on June 30, 1970 and formalised in legally binding Council regulations (2141/70; 2142/70) in October of that year. The

[23] The increasing integration of fisheries at the EC level is also exemplified in the institutional development within the Commission. Detaching itself from agriculture topics, a separate fisheries Directorate-General (DG-XIV) "with a staff of 50 or so, with a specific responsibility for fisheries" (Shackleton, 1986, p. 90) was set up at the beginning of 1977.

[24] The Commission's 1966 report was modified in a formal 1968 proposal and included certain exceptions to the proposed EAP.

regulations addressed the common market organisation as well as structural elements of the policy and would come into effect in February 1971. Arriving at the June 1970 policy was an arduous process, but one thing is clear: "an agreement might never have emerged if it were not for the impeding enlargement negotiations" (Leigh, 1983, p. 28). Put bluntly, "In 1970 the four nations with the richest marine resource in Europe were preparing to apply for membership of the Common Market, and the six existing members wanted a share of that resource" (Ashworth, 1997, p. 1). The member states were not fully satisfied with the policy, but were simultaneously jubilant having concluded the negotiations before the accession bargaining began. Despite changes over the course of the 1970s, the October 1970 regulations laid the groundwork for the four pillars of the CFP that still exist today. These are the following:

1. Structural Policy (1970, 1972, 1983);
2. Common Market Organisation (1970, 1971, 1981);
3. Agreements with Third-Countries (1976); and
4. Resource Conservation and Management Policy (1983).[25]

Each pillar has a different focus and was "developed in response to different external and internal outputs arising at different periods" (Conceição-Heldt, 2004, p. 17). The first (upon which this section is focused), second and (partially) the fourth pillar were developed as a result of (anticipated) enlargement of the EC with states having major fisheries resources: Denmark, Ireland, Norway and the UK in the early

[25] The year of origination and subsequent changes appear in brackets.

1970s and Spain (as well as, to a lesser extent, Portugal) in the early 1980s.[26] The third pillar was institutionalised as a result of the unilateral extension of 'exclusive economic zones' (EEZs) by countries in the EC's direct neighbourhood.[27]

2.2 Structural Policy

The CFP's first pillar was agreed upon on June 30, 1970 and laid down as Council Regulation No. 2141/70 in October 1970. The overarching goal was "to promote harmonious and balanced development of this industry within the general economy and to encourage rational use of the biological resources of the sea and of inland waters" (European Community, 1970a, p. 703). The regulation required member states to coordinate their structural policies for fisheries and to create a frame within which financial assistance to the fishing industry would be granted in order to facilitate its restructuring and modernisation effort. In consequence, "financial assistance was made available directly from the European Agricultural Guidance and Guarantee Fund" (Conceição-Heldt, 2004, p. 18). With the 1983 package, the EC shifted its support scheme away from developing and modernising national fleets towards reducing fleets and fishing activities through new policy instruments such as the Multi-Annual Guidance Programmes. However, the financial instruments of the structural policy failed to "adequately control real growth in the catching capacity of Europe's fishing fleets" (Hatcher, 2000, p. 138), and thus have not met their stated purpose.

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[26] Norway did not eventually enter the EC. Greek accession only played a minor role in finding a working CFP, as the Mediterranean Sea was excluded from the policy until 1983. Greece's accession treaty of 1979 mentions fisheries only in relation to how access with its maritime neighbour, Italy, should be regulated, providing the country with exclusive access for "waters situated inside a limit of six nautical miles […]" (European Community, 1979, p. 43). The lack of application made "Greek accession a very simple and non-contentious one as regards to the fisheries chapter" (Peñas Lado, 2016, p. 36).

[27] An exclusive economic zone (EEZ) is an area in which the costal state has holistic control over its waters. This ranges from resource exploration to management of fishing resources.

2.2.1 The Equal Access Principle

The EAP is the structural policy's main and most controversial part. It is written down in Council Regulation No. 2141/70 and defined as follows: "Member States shall ensure in particular equal conditions of access to and use of the fishing grounds situated in the waters […] of a Member State and registered in Community territory" (European Community, 1970a, p. 704). It is important to note that this does not include 'foreign' vessels operating from British harbours – that would be like a Dutch farmer running a farm in the UK, or what would become famous as 'quota-hopping' after the 1983 agreement.[28] Rather, this issue focuses on ships from ports abroad who trawl in 'British waters' and land their catches at home, thus impacting the UK's fishing potentials without contributing to its fishing industry.

2.2.1.1 Development

Territorial disputes between states are not an inherent feature of fisheries. Given the vastness of the sea, multiple national regimes coexisted frictionless for centuries. This changed with progressing industrialisation and the establishment of distant-water fleets (DWFs), allowing fisherman to trawl further off coast in waters that were either de facto or de jure claimed by other states. This resulted in the unilateral extension of national EEZs to fend their fish from foreign vessels. The reciprocity of the phenomenon – that is, almost all states were imposing EEZs and at the same time were home to DWF's seeking access to 'foreign' waters – required inter-state arrangements. This prompted governments to find a European solution regulating access. The first rudimentary leap forward in this regard was the 'North Sea Fisheries Convention' of 1882 signed by major fishing nations (including the

[28] Quota hopping denotes the purchase of British fishing licenses by foreign ship owners effectively (and legally) absorbing British fishing quota.

UK). Its most important innovation was the creation of a 3-nautical-mile EEZ for its signatories. However, the lack of a 'special treatment' for regions heavily dependent on the commodity made Norway and Sweden refuse to join the convention, which narrowed its success.[29] As Wise (1984) highlighted, "the principles embodied in the North Sea Fisheries Convention were not sufficient to settle all disputes" (p. 69). The decades following the introduction of the convention saw the failure of its main provision and numerous legal quarrels between European states. Based on a 1935 ruling of the International Court of Justice allowing countries to measure baselines (and thus EEZs) differently, coupled with the 1958 Geneva Convention on the Law of the Sea stipulating that preferential treatment is justified in regions heavily dependent on fisheries, Norway (joined by Denmark and Iceland, amongst others) carried on extending its EEZ up to 12 nautical miles in May 1960.[30] Thus, at the beginning of the 1960s it was clear that "the North Sea Fisheries Convention of 1882 was irreversibly broken" (Wise, 1984, p. 73). Problems persisted: unequal access, overfishing, unfair competition and a rag rug of regulations across Europe. Britain, itself heavily affected by the situation, successfully urged for a new European agreement to resolve the disputes on access to fishing grounds. The 'London Convention' of March 1964 replaced the 1882 agreement and brought major changes for the European fisheries regime.[31] Its most prominent innovation on access was the introduction of the 'two-belt' system. The inner belt covered waters from 0 to 6 nautical miles off the coast in which the respective coastal state enjoyed exclusive fishing rights. The outer belt covered the area from 6- to 12- nautical miles off the

[29] Both countries insisted on a 4-mile EEZ.

[30] Iceland's extension of exclusive fishing limits led to the first 'Cod War'. The 'Cod Wars' were 'military' disputes between the UK and Iceland in the years 1958–1976 over access to fishing grounds made unavailable to the UK by Iceland.

[31] The London Convention, also known as 'European Fisheries Convention' was not only signed by the Community members, but also Austria, Denmark, Ireland, Portugal, Spain, Sweden and the United Kingdom.

coast. Here, entry for foreign vessels was possible, but restricted in two ways: firstly, only those ships were granted access who had 'traditionally' operated in that area, that is between 1953 and December 1963; secondly, fishermen were only allowed to fish species that had been customarily exploited ('historic rights'). Unsurprisingly, Norway and Iceland rejected the convention based on economic grounds. Denmark, on the contrary, was able to circumvent major ramifications for its rich fishing-ground around Greenland and the Faroes and was thus willing to sign. Overall, the 'London Convention' was significant for various reasons. First and foremost, it created the first 'European' access regime and set precedent to address fisheries at the European level. Its reach and depth were unparalleled. Importantly, and in the absence of a Community regulation on fisheries, the 'London Convention' was an institutional obstacle to increase member states' catch through the (anticipated) accession of fish-rich countries.

Bearing this factor in mind, it is no surprise to see the EC starting to internally discuss a common policy from the mid-1960s onwards, insisting on unrestricted equal access for the member states – that is, foreign vessels catching fish right off the shores of another member state. Although some members opposed genuine access equality, the Commission could make a strong case given the anticipated accession coupled with the *acquis communautaire*. Overall, more than a 50% catch increase was envisaged. Against this backdrop, the June 1970 agreement laid down the most generous access provisions in the EC's history. They "implied the abrogation of the guarantees of national sovereignty within the 6- and 12-mile territorial limits established only a few years previously at the 1964 European Fisheries Convention" (Symes, 1997, p. 141). Equal access as a principle was affirmed, but spatially and temporally restricted; a 3-nautical-mile EEZ for the coastal state was established for 5 years in regions where the population was heavily dependent on inshore fishing

(European Community, 1970a). Put differently, a complete 'denationalisation' of access to fishing grounds would come effective by 1975. When the accession negotiations began the same day, the applicants were appalled for two reasons: firstly, on substantive grounds allowing the members to significantly increase their catch at the expense of the applicants (Norway, for example, landed more fish in 1968 than the entire Community combined [Allen, 1982]); secondly, on the 'how' of decision-making, just hours before the accessions negotiations were to start. A MAFF employee commented that "like others in Whitehall, I was shocked by the timing of the EC's decision to create the CFP on the same day that the accession negotiation started" (Senior Official MAFF I, personal communication, March 22, 2017). Wall (2020) described the member states' decision to create a policy ahead of the accession negotiations as an "act of pre-emptive and ruthless self-interest" (p. 95). The procedure justifiably created confusion amongst the applicants and undermined the slow process of building up trust between all states involved. In return, this would complicate negotiations on fisheries for years to come.

Once the entry negotiations started, it was clear to all applicants that the EAP had to be renegotiated. Two factors rendered policy-making complex: the applicants were unified in their rejection of the CFP agreed upon between the members, but divided on substance. Norway, for example, was more concerned about the protection of its economically dependent inshore fisheries than the other applicants. These differences, combined with unanimity required to devise the policy, created a difficult starting point. But it was not only the intricacies of bargaining at the interstate level that rendered fisheries such a complex issue. As will be discussed in depth in the analysis, the UK (and others) was also domestically exposed to opposing interests. In the first negotiation round, inshore fishermen urged for a comprehensive EEZ in order to avoid foreign access in 'their' waters. Distance-water

fishers – envisaging entering rich Norwegian and Danish grounds – demanded the opposite; this conflict became somewhat dissolved in the early parts of the second negotiation round (1976-1983), but never fully vanished.

The negotiation on a revised CFP eventually took place between June 1971 and January 1972. After eight months of hard bargaining, the states could finally agree on a revised EAP as part of the accession treaty where the two-belt system of the 'London Convention' was maintained. From 0- to 6-miles out, access was limited to the coastal state. For the area between 6- to 12 miles, the regime was bipartite: general access equality was affirmed for foreign vessels, but 'sensitive areas' were granted 12-mile EEZs.[32] For the UK, these areas were the following:

1. the Shetlands and the Orkneys,
2. the north and east of Scotland, from Cape Wrath to Berwick,
3. the northeast of England, from the river Coquet to Flamborough Head,
4. the southwest from Lyme Regis to Hartland Point (including 12 nautical miles around Lundy Island), and
5. County Down.

The derogation from a genuine 'equal access' was to be upheld for 10 years. Within this period, the Commission was obliged to provide a report on the development of coastal areas and fishing stocks that would serve as the basis for the Council's reconsideration of the CFP (European Community, 1972). Although the negotiation parties assessed the outcome differently, all countries but Norway were satisfied to the extent that membership was not imperilled. Notwithstanding that in "the first 3 years after the 1972 enlargement, the CFP had not been discussed much" (Song,

[32] Importantly, in these areas "the existing fishing activities within twelve nautical must be so pursued that there is no retrograde change by comparison with the situation on 31 January 1971" (European Community, 1972, p. 35). In short, access in the outer belt remained virtually untouched.

1995, p. 37), the battle on access was anything but conclusively settled. Disagreement between the countries resurfaced soon, and "in the following years, the conflicts about the CFP became increasingly acute" (Wise, 1984, p. 142). This was owed to both the transitional character of the derogation and events that happened at the international level. If the Community would not find a revised CFP by the end of 1982, the waters of the member states would be fully communalised. This prospect added additional pressure to fish-rich states like the UK to find a long-lasting solution for the access issue. Internationally, the start of the third United Nations Convention of the Law of the Sea (UNCLOS III) added complexity to the situation as early as December 1973. UNCLOS III set out to address rights and obligations of (coastal) states concerning maritime issues worldwide and soon touched upon issues highly relevant for the EC: "one of the essential features of these negotiations was the early development of a consensus concerning the right of coastal states to claim an exclusive economic zone of up to 200 miles from their coasts" (Farnell & Elles, 1984, p. 7). As the negotiations went on, this consensus transformed into palpable policy action. In 1975 Iceland was the first European country to declare a 200-mile EEZ followed by Norway in January 1977. This development affected the EC in two ways.[33] Firstly, the question arose of how to address the loss of fish within the new 200-mile EEZ of third countries. The EC had to negotiate on third-country access to the (potential) EC pond and vice versa. Secondly, if the EC introduced its own 200-mile EEZ, it was unclear how to internally divide access within this new zone. The situation became aggravated, once France and the UK threatened to unilaterally

[33] It is ironic that Norway's leading 'anti-marketeer' and negotiator of the country's fisheries deal as part of its unsuccessful attempt to join the EC, Jens Evensen, was the key driver behind the recognition of the 200-mile limit at the international level in his capacity as the head of a 'Group of Juridical Experts' at UNCLOS III. The recognition of the 200-mile limit was a development Norway greatly benefitted from and simultaneously added substantial complexity to the EC-level bargaining (Yturriaga, 1997).

establish their own EEZs if the Community failed to come up with a solution by January 1977.

It was in the hands of the Commission now to make preliminary suggestions on a revised regime. Ideas floated around in Brussels from December 1975 onwards. It soon became clear that the EC would opt to declare its own 200-mile EEZ in the North Sea and North Atlantic on 1 January 1977 "to create an enlarged Community pond" (Wise, 1984, p. 150) and grant "sovereign rights of access, exploitation, and management within that zone for the EC member states" (Conceição-Heldt, 2004, p. 20).[34] This was formalised in the 'The Hague Resolutions' of September 1976. Although attempts were made throughout 1976 to include a modified (internal) access regime into the agreement, "The Hague resolution did not modify the Accession Treaty's provisions on access to Community fish resources" (Leigh, 1983, p. 80).[35] Developments at UNCLOS III and the expansion of the EC's EEZ they engendered in January 1977 nevertheless created "essential momentum with respect to discussion of internal policy" (Farnell & Elles, 1984, p. 72). This became inevitable as a vast area of sea was now under community law, namely, the zone between 12 and 200 miles out: "But who was to catch what, where and how within it?" (Wise, 1984, p. 161).

What followed were years of gridlock, interest flip-flopping and finally agreement in late January 1983. Compared to the previous access regime, Council Regulation No. 170/83 made one significant change: putting aside diminished 'historic rights', the 6- to 12-mile belt was now generally inaccessible for (foreign) vessels. In other words, a 6-mile belt with (not fully exclusive) humps (1972) turned

[34] These were the EC's most important waters, accounting for more than 80% of its overall catch.

[35] The analysis will show that the agreement was nevertheless important for British access objectives.

into a 12-mile belt with (fewer, non-exclusive) bumps (1983).[36] This derogation would be upheld for two periods of 10 years each. A mid-term review, however, would allow for adjustments after the first 10 years. An exception to the two-belt system was the so-called 'Shetland Box', an area with preferential access for British vessels beyond the 12-mile EEZ.[37] Here, access for vessels above 26 meters in length was based on a licensing system. Only four countries were granted licenses; the UK would receive the most, 54, and Belgium the least, two.[38] More importantly, however, smaller vessels, which were almost entirely British, could trawl in the box unrestrainedly. In other words, the 'Shetland-Box' represented a non-discriminatory approach for the UK to receive preferential treatment beyond 12 miles. Putting this box aside, the waters between 12 and 200 miles out would be EC waters open to all member states – the only area truly embodying access equality.[39]

Overall, solving the access question was undoubtedly pivotal for the entire process of negotiating fisheries. It was difficult trying to accommodate biological realities with political fantasies, ultimately spanning 12 years of negotiation (1971–1972) and renegotiation (1976–1983).

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[36] The UK managed to eliminate, or reduce, 'historic rights' in about 1450 of the 1999 miles originally included in the Accession Treaty. Thus, under the new regime, only 558 miles, or 21% of the overall British coastline (2667 miles), would include 'historic rights' for foreign vessels. In essence, this resembles the rights other members enjoyed under the 'London Convention'.

[37] As the analysis shows, the UK demanded vast areas where British vessels should receive preferential treatment throughout the 1970s. The 'Shetland Box' was the only area Britain eventually obtained. Although sold as a success at the political level, officials admitted that "the preferential box would be seen by those who understood its effects as little more than cosmetic" (TNA, T 476/096a).

[38] The allocation of licenses was based on historic catch patterns in the area and only two further countries were granted access, France and Germany.

[39] The area beyond 200 nautical miles is international waters. Access is open, and fishing is regulated by regional fisheries management organisations, such as the North East Atlantic Fisheries Commission. For these waters, EC member states are represented collectively through the Commission since 1976.

2.3 Common Market Organization

The second Council regulation of October 1970, No. 2142/70 (later replaced by No. 3796/81) established a common market for fisheries products and was less contested than its structural counterpart. However, as for all other parts of the CFP, "it, too, gave entire satisfaction to no member state but contained something for everyone" (Leigh, 1983, p. 32). Modelled after the already existing market organisation for other agricultural products, the regulation aimed at stabilising the market for fisheries goods, ensuring a sustainable income level for producers and a stable supply for consumers.[40] The steps taken to achieve these goals resemble the pattern to be observed with other (agricultural) commodities: common marketing standards, a price system, compensation payments for fishermen and basic rules for EC-non-member state trade with fisheries goods. Owing to its largely beneficial nature for the member states, the 1970 regulation was not substantially renegotiated in the accession bargaining and indeed revised in a phase of utter deadlock on access issues in 1981. Overall, the common market organisation became a successful project helping fishermen to organise amongst themselves and (partially) defy the consequences of an increasingly globalised fishing industry.

2.4 Agreements with Third Countries

When the EC started regulating fisheries, an external dimension was not envisaged. The only way in which third countries were involved in the 1970 regime concerned trade issues written down in the regulation on the common market organisation. This negligence had a simple reason: the lack of points of contact between member states and third-country fishermen. As long as countries like

[40] The existing regimes organising markets of other agricultural products set a precedent strongly facilitating agreement in this part of the CFP – one major reason why finding agreement was not as contentious as the access question.

Norway or Iceland had not unilaterally declared an EEZ extensive enough to affect member states' fishermen, territorial disputes between them remained limited. A notable exception was Britain, where access conflicts had already led to the first two 'Cod Wars' in 1958 and 1972 respectively. Yet, as the waters fought over between Iceland and the UK were not regulated by the Community in 1972, the row was purely bilateral. Things changed in 1975 when Iceland (and later Norway) extended their EEZs to 200 miles. Britain embarked on yet another 'Cod War' and "after the announcement by these countries, the North Sea and Atlantic Member States of the EEC understood that the balance had shifted and that the 200-mile EEZs were unstoppable" (Peñas Lado, 2016, p.25). The loss of fish for EC members (and Britain in particular) that resulted from third-country extensions facilitated the introduction of an external fisheries regime. The EC's 'The Hague Resolutions' of 1976 not only made the case for the EC's own 200-mile EEZ, but also stipulated the exclusive competence of the Community in negotiating fisheries agreements with third countries and representing the member states internationally (European Community, 1976). This was a knotty task to be fulfilled by the Commission given the different interests member states had. Conversely, the common representation increased the bargaining power at the regional and international level. Despite the swift adaptation to a changed environment in late 1976 and success in concluding a certain number of third-country agreements, for example with the United States of America, one may not be deceived: "in the absence of a fully-fledged CFP, the Nine could neither fulfil their international obligations properly nor make concrete offers to non-member countries" (Allen, 1982, p. 315). The failure of concluding an agreement with Iceland after 1976, which was particularly important for the UK, is one exhibit of this inability. Irrespective of these shortcomings, the CFP's third pillar is pivotal to its workings. Without the possibility of managing external relations,

stocks would have been handled even less sustainably and many distant-water fishermen put in great(er) peril by robbing their livelihood.

2.5 Resource Conservation and Management Policy

Agreed upon in 1983, the resource conservation and management policy covers myriad issues, ranging from technical measures employed for stock extraction to stock preservation in EC waters. Its relevance bears on the simple fact that fish is an exhaustible resource. With industrialised fishing intensifying throughout the 20th century, the pressure to manage the resource sustainably steadily increased. Despite its relevance, "the original Member States had little interest in fish stock conservation" (Holden, 1994, p. 39). Two factors caused this glaring gap. Firstly, from 1966 to 1977 the EC dealt entirely with turf wars on access to coastal waters whilst the vast majority of sea was not controlled by the Community. Regulating an area beyond the 12-mile limit was thus impossible, but would have been necessary: "to be effective, a conservation policy must apply to the whole area inhabited by the fish stock to which it applies" (Holden, 1994, p. 39). Secondly, compared to other pillars of the CFP, this pillar had no predicted (short-term) gains for any member state. Acknowledging that overfishing was a problem at the Community level would result in a reduced number of fish to be allowed to be caught, followed by a distribution battle between the members over the allocation of resource. Both of these were politically unwanted at the time.

UNCLOS III and European Court of Justice (ECJ) rulings in the mid-1970s proved to be the turning point for the evolution of the CFP's conservation policy. The predicted EEZ extension of EC waters to 200 miles combined with Community authority granted by the ECJ on conservation prompted the Commission to make extensive proposals on a system for stock conservation and fisheries management in

October 1976. While emphasising the importance to protect inshore fishermen in certain regions – the so-called 'The Hague Regions', Greenland, Ireland and the northern parts of the UK – the proposal highlighted the importance of 'balanced exploitation'. Amongst its most innovative stipulations were to limit the number of fish to be caught in Community waters (TACs), and its allocation between the members (quotas), both of which would become "the corner stone of all the conservation measures taken by the Community" (Karagiannakos, 1995, p. 124). Putting a variety of technical measures aside, an enforcement, control and sanction system should also have been introduced. At the institutional level, a 'Scientific and Technical Committee' would be devised to support the Commission in the execution of its tasks, and Qualified Majority Voting (QMV) in the Council extended (European Commission, 1976). The Council, however, rebuffed the Commission's plans and "deadlock ensued on fundamental issues relating to the control of, conservation and allocation of fishery resources" (Wise, 1984, p. 157). The Community's failure to break the deadlock prompted Ireland and the UK to impose national conservation measures. Ireland banned vessels of more than 33 meters in length from its waters up to 150 miles off the coast. The UK took a subtler approach by prohibiting some species from being caught (in certain regions) and requiring certain mesh sizes to be used.

Given persistent inter-state quarrels on TACs and quotas, the Council failed to take a decision on a resource conversation and management policy during the late 1970s. Instead, prolonged turf wars on relative gains, absolute gains and the legality of national conservation measures occurred – with changing 'villains' starring. At first, Britain played the villain, originally demanding 60% of the Community's catch; in 1982 Denmark became the main obstacle to conclude the bargaining. A shift in the development of the policy was made in 1980. The ECJ ruled against different

national measures the UK had taken, most notably the extension of the so-called 'Pout Box'.[41] The ruling "helped to unblock the negotiation impasse that had been reached on the conservation policy" (Wise, 1984, p. 208). The members agreed upon a variety on technical aspects of the policy, for example minimum mesh sizes. Most notably, the Council also agreed upon TACs for the first time in March 1980 (Council of the European Community, 1980a), which, despite its limited duration of 1 year, was important as it demonstrated that substantive consensus between the member states was possible on a politically-sensitive topic. In fact, "this breakthrough augured well for the next phase in the Community's deliberations, the sharing out of the TACs between the member states" (Leigh, 1983, p. 92). A May 1980 Council declaration (1980b) specified that the conservation policy should represent

> a fair distribution of catches having regard, most particularly, to traditional fishing activities, to the special needs of regions where the local populations are particularly dependent upon fishing and the industries allied thereto, and to the loss of catch potential in third country waters [.] (p. 1)

The declaration was relevant, setting a guideline for calculating quotas amongst the member states of the EC. The quotas would be based on (a) historical catches in a reference period (1973–1978); (b) regional protection for fishing-dependent areas; and (c) compensatory measures for the loss of fish given the extension of EEZs in the EC's neighbourhood. Following up on this declaration, the Commission drafted a proposal in December 1980, granting Britain a 36.1% share of the Community's pie. The hope for agreement, however, was shattered over the course of 1981. TACs

[41] Originally introduced as a conservation measure to protect juvenile fish in 1977, the UK unilaterally extended this zone off the coast of northeast Scotland in mid-1978. This drastically reduced Danish fishing opportunities in the area.

could not be agreed upon and the ensuing inter-institutional battle between the Commission (proposing TACs and quotas) and the Council (rejecting them) was resolved only by a lukewarm compromise. The member states would start conducting fishing activities in a transitional period of three months by "taking into account the TACs proposed by the Commission on 24 July 1981 and the portion of those TACs which remains available to the Community bearing in mind its commitments to non-member countries" (Council of the European Community, 1981, p. 1). This translated into 'temporary TACs' in 1982, with the members renewing this compromise multiple times. A permanent solution was yet to be found. The Commission proposed a new formula for quotas in June 1982. It resonated with all member states but Denmark, which was offered a 23.2% share of the pie.[42] After the Council gave the Danes assurance for additional catches (20,000 tonnes of mackerel), all members finally agreed on a conservation policy as part of the CFP package in January 1983.

The comprehensive conservation package contained multiple regulations, three of which deserve attention: 170/83, 171/83 and 172/83. The first one provided the general framework of the CFP (European Community, 1983a). The second determined technical measures to ensure effective conservation, such as mesh or vessel sizes, and provided rules on the minimum size of fish allowed to be retrieved from the sea (European Community, 1983b). The third was devoted to what had blocked agreement on a conservation policy for years: TACs and quotas. The Commission proposed TACs annually, after having received scientific advice "marshalled by the advisory Scientific and Technical Committee for Fisheries" (Wise,

[42] The Danish government was hamstrung by a majority of the opposition party in the Parliament's market relations committee, which mandated ministers in regards to Council decisions in Brussels.

1984, p. 251). Given years of negotiation spent to agree on quota allocation for only 1 year, the member states knew that repeating this process annually was impossible if conservation was taken seriously. For this reason, they created the concept of 'relative stability'. Resting on 1982 as the reference year, the provision stipulated that quotas remain fixed and hinge upon three factors: (a) historic catch patterns between 1973–1978; (b) the special needs of 'The Hague regions' (as recognised in 1976); and (c) compensatory measures for the loss of fish in waters of third countries.[43] Under this regime the UK obtained the largest share of all members for the seven main species of human consumption, 36.64%, which was 506,700 tonnes in 1983 (European Community, 1983c).[44] Once the fish were allocated to the national level, internal measures divided the resource, for example through 'fixed quota allocations' in the UK. Despite attracting widespread criticism over time, "the allocation formula laid down in 1983 continues to take place; it appeared in subsequent reforms (1992, 2002, 2013) and is in the current regulation" (Sobrino & Sobrido, 2017, p. 27).[45] In other words, "some of the fundamental drivers, which have been responsible for unsustainable fishing in the past, still exist within primary and secondary law and will continue to determine the CFP's overall performance" (Salomon, Markus & Dross, 2014, p. 83). In spite of the conservation policy's structural flaws its inception was a major leap forward for the completion of a sound fisheries regime in EC waters.

[43] The factors agreed upon were almost identical with the rejected Commission proposal of 1980. Thus, the Community moved forward less on substance, but political feasibility.

[44] These species are Cod, Haddock, Whiting, Saithe, Plaice, Redfish and Mackerel.

[45] The critiques revolve around three main paradigms: (a) fishermen are obliged to dump fish caught above the quota; (b) fishermen undermine the system by not discarding fish caught above the quota, which "in turn means that the landings data on which many of the scientists' assessments are made is deeply flawed, leading to even less accurate assessments and so on in a downward spiral" (Oliver, 1998, p. 70); and (c) the "foundation of this principle is rather fuzzy. It is based on the notion of regions dependent on fisheries and related industries, without the notion of dependence being itself defined" (Morin, 2000, p. 266).

2.6 Conclusion

The CFP package agreed upon in 1983 evolved incrementally. The early 1970s saw the Community addressing the internal dimension of the policy, most prominently, access to fishing grounds and the organisation of the common market for fisheries products. The inclusion of derogations on access in 1972, however, not only demonstrates the inchoate nature of the CFP at the time, but also made renegotiations over the course of the 1970s inevitable. With nations in the EC's neighbourhood extending their national EEZs, the Community was compelled to react. This marks the start of renegotiating access and devising a conservation policy. Solving the complex riddle would take 7 years and culminated in the comprehensive CFP package of 1983.

All participants underestimated the difficulties affiliated with the CFP's inception and development. Why was it so difficult to devise the policy? Firstly, not every (member) state had rich fishing grounds but still desired the right to fish in the waters of the others, thus confronting sovereignty in a field addressing what one would call 'primary territorial instincts'. Secondly, the continuous expansion of the Community combined with domestic political changes in the member states and associated attitudinal shifts towards the topic made it difficult to create a stable frame in which the CFP could have evolved in sustainably. Thirdly, developments at UNCLOS III forced the Community to renegotiate the young and fragile CFP in areas not anticipated, thus facilitating the eruption of old conflict lines between the member states. Fourthly, the varying demands of the members and the complexity of the policy combined with unanimous decision-making made finding a compromise challenging. A main problem of negotiating fisheries remains the member states' unwillingness to open 'Pandora's box'. This is nicely exemplified by the extraordinary

persistence of the CFP's underlying principles, such as (the derogation from) the EAP and 'relative stability', both of which represent workable political, rather than optimal, economic solutions for the resource and fishing industry. This pattern entailed that decisions were taken in a 'horse trading' (Holden, 1994) manner as opposed to "a process of rational management of stocks" (Gray, 1998, p. 12).[46] The prerequisite to create a successful CFP would have been "decisive politicians, willing to take the political risks, that can implement and enforce such a policy and see it being successful" (Karagiannakos, 1995, p. 251), which has yet to fully materialise at the European level. Some fish stocks in the Community pond are less endangered today than in the 1970s, which is why a Commission official concluded "I would say that the CFP in the moment that they decided, 'lets do Union competence for that', safeguarded the resource" (Commission Official Directorate-General for Maritime Affairs and Fisheries I, personal communication, March 29, 2017). But in general, the CFP failed to prevent further overfishing and the decline of the fishing industry.

[46] A rational stock management would, for example, apply the Maximum Sustainable Yield (MSY), the number of fish that can be retrieved from a stock without harming its reproduction, to the main species of human consumption. Yet, for political reasons, the Council regularly approved TACs much higher (33% on average) than the MSY would allow for and the scientific advice recommended (O'Leary et al., 2011). It was only in 2015 that the member states agreed to bring down fisheries to sustainable levels by 2020, which, however, failed to materialise.

3. CONCEPTUAL FRAMEWORK & METHODS

This contribution investigates the UK's bargaining success in the two rounds of negotiating the CFP's contested access provisions. A central underlying assumption for the negotiation analysis is that bargaining objectives determine the policy outcome. That is, the access provisions agreed upon are the result of negotiated and reconciled differences in bargaining objectives between the states. This can be empirically proven by comparing the entirety of the objectives brought to the table by the negotiating entities with the content of the regulation ultimately approved. Yet given the EC's legal provisions and nature as a semi-independent multistate entity, a government cannot simply achieve its objectives concerning European affairs without negotiating with the other states and institutions. Thus, these negotiations naturally complicate the easy comparison between members' original objectives and those eventually obtained.[47] However, the claim that negotiations are relevant for policy design and thus bargaining success is neither new (Fisher & Ury, 1991; Raiffa, 1982; Zartman, 1978) nor sufficient to answer the research question. In fact, this study assumes that the EC negotiations themselves are formalised, but empty shells. They do not cause the alterations of objectives per se, but are framed by internal and external structural elements, such as domestic pressure, which in their entirety cause alterations through coercion, persuasion, incentivisation or exchange. This argument does not emphasise the bargaining process's functional elements, such as skills of the individual negotiator, as occurring naturally and determining the outcome.[48] That these elements can influence negotiations is uncontested (Hopman, 1996; Snyder & Diesing, 1977; Tallberg,

[47] This work concerns negotiations conducted bilaterally and multilaterally (in Brussels). It does not look at stages that preceded or followed the negotiation process.

[48] Structural elements define and refine objectives over time whereas functional elements mainly inform and influence the communication of objectives.

2008). However, the very reason why these dynamics might occur and create momentum in the first place, is the differences in underlying objectives that inform them. So, instead of concentrating on the supplementary character of functional elements of bargaining, focusing on structural ones first in order to understand changing objectives over time is much more insightful. Put differently, EC negotiations are *forums* for member states to find policies and manage interdependencies through collective exchange about these structural factors and to attempt to balance them (in a mutually beneficial way).

A vast number of factors such as time, subject, context and environment can shape EC negotiations and bargaining objectives. This is why analysing negotiations at the European level is complex and almost Sisyphean. It also explains the lack of a single theory acting as a universal frame within which bargaining can be analysed. A direct result of the complexity that permeates EC bargaining is that "we have still a limited knowledge about the mechanisms […] within those negotiations" (Bailer, 2010, p. 743). Putting it more allegorically, Naurin and Wallace (2008) on Council negotiations conclude that "there are still many dark corners waiting to be revealed" (p. 2).

Accounting for the complexity inherent in EC negotiations, this thesis borrows elements from two different existing theoretical strands widely used in negotiation analysis to develop a 'multi-lens' frame required to disentangle the bargaining success on fisheries policy over time. The theories are New Institutionalism (NI), which has repeatedly been used in the study of intergovernmental (between member states: Slapin, 2008), intra-institutional (between member states and the EC: Lewis, 2010; Tallberg, 2010) and trans-institutional (between the EC and third-parties: Zimmermann, 2016) negotiations, and Putnam's two-level games. Given each theory's assumptions about the role and nature of individuals, institutions, the

environment, time and other actors, both provide excellent components for analysing the negotiations on the EAP. In other words, only a hybrid theoretical model provides the analytical depth necessary to examine the complex process of fisheries policy-making. It is important to acknowledge that this work – following Moravcsik (1998) – does not aim "to prove one theory entirely correct or incorrect, but to assess the relative importance of various factors" (p. 12). By virtue of examining fisheries policy at the European level, this thesis thus contributes to the theoretical discussion on European integration by confirming, refuting and nuancing claims these theories make.

3.1 New Institutionalism

NI literature is vast, with various branches and different assumptions developed over time. In their seminal article about the "new institutionalism" in political science, March and Olsen (1983) state that "it is far from coherent or consistent; it is not completely legitimate; but neither can it be entirely ignored" (p. 734). According to Armstrong and Bulmer (1998), two major streams within NI analysis can be identified: rational-choice institutionalism (RCI) and historical institutionalism (HI). As much as these (main) approaches differ, they share several characteristics: (a) institutions are a "structural feature of the society and/or polity" (Peters, 2012, p. 19), regardless of whether this structure is formal or informal; (b) institutions impact behaviour – again, this might happen in different ways and to varying extents – but some influence is expected, to fulfil the dogma that 'institutions matter'; and (c) there are shared values between the actors involved in institutional issues—without at least a modest set of comparable interests, there would be nothing to negotiate about (North, 1990; Shepsle, 1979, 2005; Weingast, 2002). All these characteristics of NI are crucial for understanding changes of negotiation objectives.

The major innovation of NI is to no longer see institutions as passive bystanders, but as political entities that have their own interests, affect actors and thus actively influence policy. In this work institutions are conceptualised widely as physical actors, with existing regulations and procedural habits that permeate the entire negotiation process and influence British bargaining objectives.

In regards to EC policy-making, the relevance of institutions has been widely confirmed (e.g. Bailer, 2010; Bjurulf & Elgström, 2004; Lundgren, Bailer, Dellmuth, Tallberg & Târlea, 2018; Saurugger, 2013; Tallberg, 2010; Thomson et al., 2006). Scholarly work mostly centres on the role of the EC's supranational institutions, which are regularly attributed with significant actor qualities exerting influence on the policy outcome, across different policy domains. For instance, Beach (2004) argues, with reference to intergovernmental conferences on treaty reforms, that "despite not having a strong formal role, supranational institutions can and do play a significant role" (p. 89). On the reform of the Eurozone, Lundgren, Squatrito and Tallberg (2018) concluded that "sharing a negotiation position with the Commission positively influenced a state's bargaining success" (p. 3), hinting at the relevance of supranational actors to inter-state negotiations. Other scholars' findings are more nuanced. Bailer and Finke (2019) qualify the power EC institutions hold in relation to the type of negotiation looked at. On economic governance in the EC they found that

> the Commission was a very powerful agenda-setter in the legislative bargaining over the Six Pack, the Two Pack and the Banking Union. By contrast, we find the Commission to be irrelevant for explaining the outcome of international treaty negotiations such as the Greece Assistance Package, the EFSF, the ESM and the Fiscal Compact. (p. 130)

Given the Commission's prominent role in drafting and further elaborating fisheries proposals and the ECJ's rulings on the legality of national measures taken on fisheries over the course of the period examined, it must be determined whether the EC institutions played a role and if so, which role, for the UK in altering and achieving its bargaining objectives.

Another implicit notion underlying NI is the ability and willingness of the recipient to learn and adapt for the impact to unfold, whether this is a (normative) influence on individuals or a rational reconsideration of strategies resulting from interaction with institutions. If this precondition is not met, any effect is unlikely to occur. In other words, it is impossible to parse iterative negotiations at the European level under an institutionalist framework without looking at 'learning' and 'unlearning' effects unfolding within the EC's institutional network, over time.[49] 'Learning theory', which, in a modified account, underlies the 'social spillover' hypothesis in Neofunctionalist scholarship (Niemann, 2006), represents an essential aspect of one of NI's basic assumptions.[50] With a focus on the renegotiation, this analysis will show how 'learning' or 'unlearning' represent functions of the influence institutions had on Britain's bargaining success. Qualitatively assessing 'learning' is challenging, but done best by looking at what Niemann (2006) calls "different interaction patterns" (p. 64), which investigates the behavioural nuances and differences observed by the people involved in the bargaining over time.

[49] Learning refers to a process "of exercising a judgement based on an experience or some other kind of input that leads actors to select a different view of how things happen ('learning that') and what courses of action should be taken ('learning how')" (Zito & Schout, 2009, p. 1103). This 'input' is the institutional involvement in the EC. On the contrary, unlearning is the actors' subtraction of "particular knowledge which they deem false and/or obsolescent" (Zito & Schout, 2009, p. 1111).

[50] This concept points to the possibility of socialisation and learning processes amongst national civil servants regularly involved in Council negotiations and the promotion of pro-integrative initiatives this participation engenders.

Although it might be too early to claim that "we are all institutionalists now" (Pierson & Skocpol, 2002, p. 706), considering institutions as influential actors in negotiations may prove valuable for the analysis.

3.1.1 Rational Choice Institutionalism

Growing out of research on U.S. congressional institutions, Rational Choice Institutionalism (RCI) tries to analyse institutions, their choice and durability. However, "like all of these schools, rational choice institutionalism contains internal debates and some variation in outlook" (Hall & Taylor, 1996, p. 12), which makes it difficult to describe a single RCI. For the present research, two basic RCI principles are useful. Firstly, individuals are seen as key to the political process. Individuals are rational utility maximisers who act strategically and freely, but under a set of rules. Given the strong, emotional domestic discussion on access equality, determining whether the British government negotiated its objectives rationally and in a utility-oriented manner is crucial. Secondly, two views of the role institutions can take within the RCI discourse are important for this study's purpose. One view is that institutions are fixed, exogenous constraints for individual behaviour (see Katznelson & Weingast, 2005). In this understanding, institutions sway actors by determining "their respective behavioural repertoires (or strategies), the sequence in which the actors choose from them, the information they possess when they make their selections, and the outcome resulting from the combination of actor choices" (Shepsle, 2008, p. 24). The second view of the role institutions can take is less predetermined. Authors argue that

> [[T]here is, strictly speaking, no separate animal that we can identify as an institution. There is only rational behavior, conditioned on expectations about the behavior and reactions of others. When these expectations about others'

> behavior take on a particularly clear and concrete form across individuals, when they apply to situations that recur over a long period of time, and especially when they involve highly variegated and specific expectations about the different roles of different actors in determining what actions others should take, we often collect these expectations and strategies under the heading *institution* […]. (Calvert, 1995, p. 73–4)

Here, institutions are not given exogenously: "Instead of external provision, the rules of the game in this view are provided by the players themselves; they are simply the ways in which the players want to play" (Shepsle, 2008, p. 25). In this view, institutions are nothing but temporary "equilibrium ways of doing things" (Shepsle, 2008, p. 26). This is why institutions can become fragile once, for example, an EC member state, does not like the 'rules of the game' anymore.[51] This rationale could, for instance, help to explain the role the Commission took in fisheries negotiations: once the members realised that the Commission was able to broker interests, catering objectives of all members, the receptiveness of the member states towards this institution changed. This, in turn, altered the way in which bargaining (formally) took place and shaped the policy outcome.

3.1.2 Historical Institutionalism

Historical Institutionalism (HI) can be divided into two strands: sociological (Armstrong & Bulmer, 1998; Bulmer, 1998) and economic-rationalistic HI (Pierson, 1998, 2000a, 2004; Pollack, 1996, 1997). HI's major contribution is the consideration

[51] In this regard, Garrett and Tsebelis (1996) have demonstrated how veto players influence political outcomes. They argue that "Different institutional procedures, by giving […] power to veto different actors, systematically lead to different outcomes" (p. 294). It is thus reasonable to assume that the institutional structure itself, as well as rules prevalent in the EC, like a unanimous vote to enter the EC, influenced the ability of certain objectives to be obtained and thus altered the policy outcome.

of time as a determinant of negotiation outcomes ('time matters'): "To understand an interesting outcome or set of arrangements usually means to analyse processes over a substantial stretch of years" (Pierson & Skocpol, 2002, p. 698). Observing social processes over time, Pierson (2004) argues that "we will ask questions that we might not otherwise ask, identify flaws in possible explanations that we would otherwise not see, and find answers we otherwise would not find" (p. 167). Central to HI is the principle of path-dependence. Institutions create patterns of incentives and constraints that require certain strategies, routines or decision-making rules; these in turn produce predictable behavioural patterns and policy outcomes (Pierson, 2000a). Thus, if 'positive feedback' is present, "the probability for further steps along the same path increases with each part with each move down that path. This is because the relative benefits of the current activity compared with once-possible options increase over time" (Pierson, 2004, p. 21).[52] This is why Pierson (2000b) concludes that "in politics, the crucial implication of path dependence arguments is that early stages in a sequence can place particular aspects of political systems onto distinct tracks, which are then reinforced through time" (p. 75). Granted that "institutional choices taken in the past can persist, or become locked in" (Pollack, 2009, p. 127), they also shape and constrain actors and their actions in ways actors do not fully anticipate or desire (unintended consequences; Pierson, 1998). Thus, institutions "structure political situations and leave their own imprint on political outcomes" (Steinmo, Thelen, & Longstreth, 1992, p. 9). Yet the approaches differ regarding the extent to which this 'shaping' takes place, Whilst economic-rationalistic HI (similar

[52] In situations where self-reinforcing processes are at work, Pierson (2004) identifies four properties of political life: (a) multiple equilibria, assuming the initial existence of numerous possible outcomes; (b) contingency, because small events can have significant consequences if "occurring at the right moment" (p. 44); (c) timing and sequencing, stating "because early parts of a sequence matter much more than later parts, an event that happens 'too late' may have no effect, although it might have been great consequence if the timing had been different" (p. 44); and (d) inertia, which is the propensity of positive feedback to create a single equilibrium, which in turn is "resistant to change" (p. 44).

to RCI) attributes only a structuring role to institutions within the game of political forces, its sociological counterpart urges that institutions can be seen as 'normative vessels' that deeply affect actors' behaviour (Checkel, 1997; Christiansen, Jørgensen, & Wiener, 2001). Therefore, contrary to RCI, HI sees humans not necessarily as rational utility maximisers, but also as norm followers.[53]

Owed to the 'stickiness' of institutions and governments' "limited capacity to attend to all policy problems" (Lundgren, Squatrito, & Tallberg, 2018, p. 550), policy evolution is seen as a slow process, but accompanied by "episodes of sudden transformative change" (Bulmer, 2009, p. 308), which earlier scholarship referred to as 'punctuated equilibrium' (Krasner, 1984) or 'critical junctures' (Collier & Collier, 1991). More contemporary HI literature somewhat refines these arguments by introducing complementary theoretical elements such as the possibility for endogenous institutional change and the relevance of agency within this process (Capoccia, 2016). In this view, institutions are not conceptualised as 'equilibria', but 'arenas' exposed to constant battles between the actors involved. This leads to incremental, rather than abrupt, change: 'negative feedback' as opposed to 'external shocks' triggers corresponding institutional and policy alteration (Hall & Thelen, 2009; Streeck & Thelen, 2005;). In this line of argument, Steinmo (2008) urges more sophisticated approaches within HI to explain sudden institutional change: "There is something basically flawed […] with the idea that political and institutional change is purely a product of fate" (p. 168), which is the conventional critique of the 'critical junctures'/external shocks argument. Arguing from a constructivist standpoint, Steinmo suggests including 'ideas' as a determinant for triggering institutional change.

[53] Some HI scholars come close to what might be called 'sociological institutionalism', centring on the 'mutual constitutiveness' of agent and structure. Here, actors 'try to do the right thing' based on norms created by and spread through the institutions established by themselves "rather than maximizing or optimizing their given preference" (Risse, 2000, p. 4) as advocated by RCI. SI thus follows a 'logic of appropriateness', which contrasts with RCI's 'logic of consequences'.

Given the difference in underlying assumptions taken within HI scholarship, reconciling, for example, the exogenous 'critical junctures' argument with incremental endogenous institutional change is difficult. The arising analytical dilemma, however, can be resolved by looking at empirics. The first negotiation round on fisheries was unaffected by severe external turmoil, which substantiates the argument for the endogeneity of institutional change. Yet, changes at the international level and the subsequent start of the renegotiation at the EC level, for example, could hint at the support for the 'critical junctures' argument. Being able to clearly identify the events triggering the transformation of Britain's objectives through rigorous data collection reduces the randomness inherent in looking at what, for example, 'the extension of third-country fishing limits' contributed to the alteration of Britain's bargaining objectives.

Overall, HI's value for the present study is threefold. Firstly, by viewing past paths taken as determinants for the options at hand, HI offers the possibility of better grasping the negotiation outcome. After all, the states did not work from scratch in 1971 or 1976, but were already embedded in existing legislation and institutional structures. Secondly, through its consideration of either sudden, exogenous, or incremental endogenous institutional change, HI explains the UK's shifts of bargaining objectives over time. Thirdly, by not inevitably seeing actors as rational utility maximisers, HI contrasts with RCI regarding the possible relevance of norms/ideas as key drivers for the British government's behavioural patterns and changes of negotiation objectives.

Altogether, institutionalist literature is extraordinarily valuable for understanding changes of bargaining objectives and thus Britain's bargaining success, given its assumptions about humans, learning and institutions as actors on their own.

However, it tends to neglect other factors, such as the domestic realm and its relevance for negotiation outcomes at the EC level. Therefore, another approach is needed to create a more comprehensive theoretical model that can dissect the UK's bargaining success.

3.2 Two-Level Game Theory

The second theoretical approach this study draws upon is Putnam's (1988) two-level game theory. Since Putnam's seminal article appeared, this approach has been widely used to analyse negotiations in different policy contexts, either as a rigidly applied and tested theory or as a rather flexible framework for theoretical discussions (such as in Bellamy's and Weale's (2015) explanation of the Economic and Monetary Union's political legitimacy). Affiliated with Schelling's (1960) 'paradox of weakness', which argues that domestic political constraints increase (small) states' bargaining power at the inter-state level, Putnam's pioneering work elaborates on 'when' and 'how' international and domestic politics are entangled, through a 'two-level' logic:

> At the national level, domestic groups pursue their interests by pressuring the government to adopt favourable policies […]. At the international level, national governments seek to maximize their own ability to satisfy domestic pressures, while minimizing the adverse consequences of foreign developments (Putnam, 1988, p. 434)

For Putnam, the two levels are separate, but connected. At the international level, for instance at an intergovernmental conference, negotiators or negotiation teams bargain and find tentative agreements. However, these agreements are conditional upon ratification at the domestic level. Yet, the domestic level is important not only

in terms of formally or informally endorsing the negotiation results but also in shaping and putting forward objectives as the negotiation basis for the international level in the first place. Putnam views the activity of domestic-level entities as determined by the salience of the issue at hand. So, the most extreme and active positions are taken by those interest groups most affected by the potential policy. An example of this is inshore fishermen urging, regarding the EAP, that an extensive EEZ be negotiated at the international level to increase the area of their fishing activities. Putnam (1988) also identifies the "politization of the issue" (p. 445) at home as a key determinant for the space within which agreement is possible at the international level. In the UK, fisheries has always been a highly emotional topic that has been politicised by relevant stakeholders. Therefore, determining if and how the government interacted with the politicised domestic realm by altering its bargaining objectives in Brussels is interesting. In case such interaction took place, determining whether this led to either a better or worse agreement from a British perspective proves important. Putnam also theorises about a scenario within which a government operates more or less autonomously from the domestic realm in its pursuit to enable international cooperation. He argues that whilst this detachment increases the chance to find agreement, it sets the government in a weaker bargaining position relative to its negotiation partners. This weakness stems from the government's inability to credibly use domestic pressures as a tool to provoke concessions from its counterparts at the international level (Putnam, 1988).

In the two-level logic, international bargaining is successful and policies agreed upon only if the so-called 'win-sets' of the participating governments overlap. As nicely summarised by Hodson and Maher (2014), win-sets are the "set of all deals that can be struck in the international arena […] and ratified in a state's domestic arena" (p. 647). Thus, win-sets are approved and negotiated interstate objectives

determined by domestic constituencies inter alia framed by the institutional setting, the negotiator's strategy, the politicisation of the topic and the power distribution between the actors involved. Negotiators can use win-sets as a strategic tool to get better deals. Putnam (1988) puts forward and validates the thesis that fragmented domestic constituencies and interests increase international bargaining leverage, whereas recent studies have shown that "domestic heterogeneity […] has damaging effects on the bargaining power of a government engaged in international negotiations" (Thurner & Linhart, 2004, p. 244). The analysis of the UK's behaviour in fisheries casts doubts on both findings.

In order to examine the evolution of British objectives, this work draws on another of Putnam's theoretically interesting insights: (synergistic) linkage, seen as "crucial to understanding how domestic and international politics can become entangled" (Putnam, 1988, p. 446). Drawing on Rosenau's edited volume (1969), this concept refers to a special type of issue-linkage whereby a previously dominant objective at level II (the domestic realm) is leveraged by new policy options created through negotiations at level I (the international realm). Importantly, this sort of linkage does not work "by changing the preferences of any domestic constituents, but rather by creating a policy option that was previously beyond domestic control" (Putnam, 1988, p. 447). He elaborates further, claiming that "economic interdependence multiplies the opportunities for altering domestic coalitions (and thus policy outcomes) by expanding the set of feasible alternatives in this way" (p. 448). This phenomenon should be most pronounced in the EC as the world's most integrated multi-polity organisation – even in the 1970s. Elaborating on the feasibility of linkage in general, Moravcsik (1998) draws attention to its "domestic distributional implications" (p. 65), creating both winners and losers. In a less optimistic fashion he reasons that "since concentrated losers with intense preference tend to generate

more political pressure than winners do, linkage is likely to be domestically viable only where adjustment costs are moderate" (p. 65). That is

> within issue-areas where gains and losses are internalised to the same group; where benefits are concentrated and costs are imposed only on relatively diffuse, unorganised, or unrepresented groups […]; and where decisions on the precise details of implementation of a policy are postponed, rendering uncertain the domestic distribution of costs. (Moravcsik, 1998, p. 65)

For the first negotiation on the CFP, no linkage occurred. This was caused by the sequence of bargaining access to fishing grounds at the very end of the accession negotiations: granted that access was not linked to the common market organisation (which everyone involved wanted to avoid for reasons of negotiation stability), the only linkage left could have been made to the overall agreement on entering the EC. Failing to accede, however, was politically unwanted. Thus, linkage became impossible. This perspective was shared by a senior civil servant working on fisheries at the time: "I am not aware of fisheries being part of the bargaining that would affect negotiations on other subjects" (Senior MAFF official I, personal communication, March 22, 2017). Yet, it is feasible that the UK, for example, settled for less extreme EAP objectives than originally put forth in the CFP's renegotiation in return for a higher quota share offered by the EC (internal linkage) or a greater rebate for its contribution to the EC budget (external linkage).[54] Furthermore, it is interesting to determine whether 'linkage', if it occurred, became (a) more pronounced upon accession which could be an indicator for 'institutional learning',

[54] Following Moravcsik's (1998) assumptions, linkage seems particularly likely in fisheries, where gains and losses are internalised by the same group, fishermen. As the analysis shows, however, 'group' is an analytically shallow term and requires further case-dependent specification. In Britain, 'fishermen' are indeed a chiefly heterogenous unit with different interests (under most circumstances), which in turn may change the likelihood for linkage to occur.

or (b) a mere necessity to manage progressing integration on fisheries. This reasoning is decoupled from the outcome, which can be the same in both cases "on the basis of cognitive developments based on consensual knowledge linked to an agreed social goal" (Haas, 1980, p. 372), such as stock conservation. Yet, it makes a theoretical difference whether the UK agreed upon linking fisheries issues because it *wanted* to, or *had* to, marking a distinction in bargaining power towards its negotiation partners.

Lastly, Putnam (1988) highlights the role of single negotiators in bargaining. Empirical verification of the role of single negotiators, their strategies, tactics and motives, is methodologically problematic given the historical setting of this thesis. The only option for generating reliable data on how negotiators felt, what influenced them personally and how they reacted to certain situations would be to interview the *chief* negotiator(s). Because none of them are alive today or left behind personal memoirs with detailed descriptions of fisheries negotiations, this is impossible. This impossibility combined with the focus on structural elements of the negotiations justifies the exclusion of looking at single negotiators and their role in the negotiation process as a separate analytical unit. To minimise the resulting void, however, the memories of supporting staff and senior bureaucrats still alive serve as complements to the analysis.[55]

Overall, Putnam's contribution to this thesis is, most importantly, the idea that domestic actors are central for bargaining objectives and their changes by virtue of

[55] There is indeed an argument that focusing on (retired) bureaucrats instead of politicians is the better methodological choice to explain the alteration of bargaining objectives in their actuality. The reason for this is that "national decision-makers often express one position in public and the opposite in private, even many years after the events in question" (Moravcsik, 1998, p.11). It is thus difficult to figure out what really happened. The main dividing line between politicians and bureaucrats in this regard is public exposure. Whereas Moravcsik (1998) rightly contends that politicians are consequently "concerned about their place in history" (p. 11), the lack of constant public scrutiny lets bureaucrats operate differently, which enhances the chance of approximating political reality.

putting them forward in the first place and having to endorse them before an agreement can be reached. Additionally, the idea of (synergistic) linkage could carry analytical value if it helps to examine the ability to find agreement in a contested policy-arena such as access to fishing grounds. Lastly, Putnam's contribution reveals a simple truth about negotiations: the UK did not only negotiate with(in) itself, but, given the EC's nature, was bound to bargain the policy with other states that had their own objectives and constraints.

Creating a context-sensitive and deep understanding of the UK's bargaining success on fisheries requires the establishment of case-relevant structural factors that serve as analytical reference points to understand the evolution of Britain's objectives throughout the negotiation. Drawing on the theoretical assumptions provided by the approaches utilised, five factors stand out: the extension of third-country fishing limits (external events), path dependencies, the role of EC institutions and elements of the policy-making process, domestic pressure and other (applicant and member) states' interests.

3.3 The Extension of Third-Country Fishing Limits

Although the internal dimension of EC bargaining, such as the interaction between member states, carries great relevance to understand why the UK changed its bargaining objectives, institutionalist scholarship also puts emphasis on external events and the impact they unfold on negotiations.[56] For example, Arlt and Wolling (2016) show how the 2011 Fukushima Daiichi nuclear disaster prompted Germany's subsequent U-turn on nuclear policy. While the number of external events that can

[56] External events are seen as "[…] occurrences that attract attention of various political and societal actors […]" (Alexandrova, 2015, p. 505) and either emerged outside of the EC, or represent the EC's direct response to events that originated elsewhere.

impact a country in negotiations with(in) the densely integrated EC is potentially vast and difficult to operationalise, the analysis empirically verifies the assumption that the UK negotiated fisheries policy on its own merits, and policy-makers' deliberations largely centred on matters relevant to the specific policy domain. This justifies the analysis' focus on those external events that directly affected the operations of British fishermen in regards to access issues. Peering into the UK's economic history on fisheries, one type of external event stands out: the extension of third-country fishing limits (and direct consequences thereof). These extensions were important because they severely influenced the number of fish Britain's fishermen could catch. Thus, pressure on the British government mounted to mitigate the losses incurred in third-country waters by negotiating successfully on the CFP. For the UK's DWF it was particularly the waters around Iceland that were greatly important, producing roughly 50% of its catch in 1970.[57] Icelandic waters had already witnessed an EEZ extension to 12 miles in 1958, which subsequently led to the first 'Cod-War' between the two. As such, it is important to analyse if and how the extensions of Icelandic fishing limits throughout the 1970s and the diminished fishing opportunities for Britain's DWF they engendered influenced the UK's bargaining objectives on the CFP in Brussels. If these extensions had mattered, the UK's bargaining objectives would have altered towards the direction of those affected the most. Pertinent to the renegotiation by virtue of temporal sequence only, the analysis also shows how the UK addressed the EC's own 200-mile extension of

[57] The only other country of relevance for Britain's DWF was Norway. Though initially part of the CFP bargaining (1971-1972) and indeed greatly relevant for Britain's bargaining objectives (see 'other states' in the first negotiation round), Norway became a third-country after its failed membership referendum of 1972. Importantly, there is no empirical evidence linking Britain's objectives in the CFP's renegotiation with the extension of Norway's fishing limit in 1977. This explains its exclusion from the analysis as a 'third-country' in the renegotiation.

January 1977, which was externally fuelled by the emerging consensus at UNCLOS III for the rightness to establish such limit.

In short, for extensions to be 'influential', there must be evidence causally linking Britain's altered bargaining objectives in the negotiations to the Icelandic and/or the EC's own, yet externally prompted, extension(s). Following HI literature, extensions' influence on the UK's objectives may be sudden or incremental.

3.4 Path Dependencies

Drawing on HI scholarship, the sections analysing path dependencies examine how past arrangements influenced Britain's objectives over time. Such analysis is critical, as the EC did not negotiate in an empty regulatory space in both rounds. Putting aside the EC's own 1970 policy, all parties involved in the bargaining process but Norway had signed and enforced the 1964 'London Convention' before the fisheries negotiations commenced in 1971.[58] Therefore, it is justified to investigate not only the influence of the EC's own provisions on the bargaining, but also if and how the provisions of the 'London Convention' drove Britain's bargaining position. Looking at the renegotiation, the 1970 default CFP, its 1972 derogation and the 1964 'London Convention' were supplemented by the EC's 'Hague Resolutions', which offered special protection for regions heavily dependent on the commodity. All of these arrangements were 'history' the UK could draw on and/or was exposed to in the negotiations on the CFP's access regime. In sum, this work shows if and how (much) the alteration of British bargaining objectives was influenced by already existing rules on access to fishing grounds.

[58] In the renegotiation all participating states had previously subscribed to the regime that the 'London Convention' had created (see Chapter 2).

3.5 The Role of EC Institutions and Elements of the Policy-Making Process

Institutionalist scholarship highlights that 'institutions' are not passive bystanders in the political process, but actors in their own right. Institutions promote and pursue their own interests in the attempt to shape policies. The European Commission, the European Council and the European Court of Justice (ECJ), all had solidified roles in the process of negotiating the CFP. Therefore, it needs to be carefully investigated whether, to which extent and how the EC institutions' involvement in the bargaining influenced the alteration of Britain's negotiation objectives on access. For example, Britain could have changed its negotiation goals as a result of an ECJ ruling that prevented member states from pursuing an EEZ that goes beyond the 12-mile line. Crucially, the impact EC membership had on the institutions' influence on Britain's objectives will also be examined.

Aside from the active role EC institutions took in the bargaining, it is also important to examine key systemic elements that characterise EC policy making. Following Putnam (1988) and institutionalist literature, two such elements worthy of examination are both the possibility of policy-linkage and the effect the voting-system (unanimity) had on Britain's objectives in the negotiations. The option for connecting different policy realms creates the opportunity for all participating states to achieve better terms, for example, by giving way on CAP prices in return for a wider EEZ. Equally, it might provide the Commission with more opportunities to broker a deal. At the same time, linkage also poses a risk to agreement as states might refuse to sign a deal on fisheries until a policy objective in a different domain has been met. This is especially true under unanimity, which entails the ability of individual states to let the bargaining fail. Given the efficacy these elements offer as leverage in the bargaining, it is important to analysis Britain's utilisation of, and exposure to these factors in the CFP negotiations. To summarise, the analysis shows

to which extent EC institutions' actions 'mattered' and whether key components of the Community's policy-making system influenced the UK's bargaining objectives.

3.6 Domestic Pressure

A multitude of domestic factors can impact bargaining objectives. Thus, carefully specifying which elements are part of the analysis is crucial. Firstly, the articulated positions and opinions of key fisheries interest groups throughout the process of negotiating the CFP's access provisions are examined.[59] Without denying that "political responsiveness in the multi-level context of the EU is a complex issue" (Alexandrova, Rasmussen, & Toshkov, 2015, p. 622), this present work assumes that demands are genuine and fluently transmitted, and that stakeholders are able to make their case towards the government. This assumption is empirically substantiated by the brisk exchange interest representatives had with bureaucrats and other government officials during the relevant period. Positions and opinions on access matters can be gleaned by examining information provided by archives and public media, such as relevant newspaper articles, opinion polls or private conversations. However, a mere articulation of interests is insufficient to account for an influence on objectives (over time). The relevance of an opinion for negotiations can be identified by comparing and causally connecting the positions taken by a group to the objectives that were discussed and ultimately put forward by the government in

[59] Addressing the impact different interest groups had on access objectives is facilitated by the nature of fisheries as "a narrow issue area with an interest to particularistic groups" (Leuffen, Malang & Wörle, 2014, p. 627). Compared to other policy domains, the number of these interest groups is limited. Additionally, these groups are located predominantly at the national level. As Lequesne (2005) argues, "the CFP is a policy in which there is very weak representation of interests at the transnational level. Fishermen still prefer to lobby mainly at the national state level" (p. 374). The underlying reason for such weakness is to be found in the diverging interests between the EC's fishermen and strong bonds between them at the local level. In this regard, Lequesne (2000) rightly contends that the "*communitarian* link with a micro-area transcends the rivalries between fishermen which remain alive at the local level in the EU" (p. 781). This fisheries-specific constellation justifies a sole focus on the way interest groups tried to influence Britain's bargaining objectives at the national level.

the negotiations at the European level. By no means does this presuppose an equal distribution of influence between important stakeholders. Instead, salience, caused by geographical location, economic affectedness, the administrative capacity and experience of the respective group, is the key mechanism for understanding which actors (potentially) gained attention regarding access objectives. Page and Shapiro (1983), for instance, find that "a substantial congruence between opinion and policy" exists, "especially when […] issues are salient" (pp. 188–189). Importantly, this does not automatically entail the analysis of other issue-area interest groups that potentially outweighed the demands put forth by fisheries advocates. 'Domestic pressure' can theoretically be caused by either a strong fishing lobby or an 'opposing' force leveraging fisheries. The analysis of the latter, however, is vast and difficult to operationalise, especially within the limits of a doctoral thesis. Further, the empirical evidence presented does not support the argument that the specifics, the 'how' of the UK's changing fisheries objectives on access, were influenced by other domestic actors, or diffuse framing power and the willingness to join the EC it engendered (see Analysis). Therefore, focusing on fisheries interest groups is not only the natural choice when researching the parameters that influenced the government's deliberation process on access objectives, but also indeed the best choice at hand in the given research frame.

Secondly, the analysis looks at political actors and their means of influencing the UK's access objectives on fisheries. This can take different forms: (a) the government might change its position as a result of interactions with parliamentarians (affected most by fisheries) in the respective negotiation phase. This kind of influence is particularly likely to occur if (b) the British Parliament functions as a potential veto player for negotiated agreements at the EC level. Assuming that governmental actors are accountable towards the public and act according to the

demands made by their electorates, the second dimension also covers the role of the general public in regards to the negotiations. Identifying the influence of Parliament requires examining debates and votes that took place in the House of Commons, including archival documents as well as personal conversations. However, aside from formalised veto-power through a vote, mere interest communication by single politicians towards the government within or outside of the parliamentary frame, perhaps even as the result of a dialogue with fisheries interest groups, does not imply causation. What matters is to empirically trace and connect politicians' positions with a changed government position on access at the European level; (c) elections change the political landscape and thus potentially the objectives put forth. This did not apply to the negotiation of the EAP between 1971–1972, where no government change was observed. Yet, Thatcher took power in 1979, which appeared amidst the renegotiation and might carry analytical value for the analysis. Overall, data must clearly show how the pressure exerted by either fishermen's representatives, parliamentarians or both produced changed objectives on fisheries as part of the

negotiation process and indicate whether EC membership changed their influence on the government.[60]

3.7 Other States

Other member states (and applicants) also have their own interests. Given the nature of negotiations at the EC level – such as unanimity on access issues, or the possibility of issue-linkage – objectives that are unacceptable to just one of the members are unlikely to be achieved (if the actors are utility-oriented). Member states or fellow applicants would simply block the objective and thus inevitably trigger their alteration if agreement is the desired outcome of the negotiation (which, owing to the potential 'Tragedy of the Commons' in European waters, it was on fisheries). Therefore, and in addition to the systemic elements of the EC policy-making process, it is important to analyse the UK's response to the specific objectives other applicants and member states brought to the negotiation table. Importantly, while the analytical sections devoted to the extension of third-country fishing limits research events that either originated outside of the EC or represent a direct EC reaction to external developments, the parts on 'other states' cover the inter-state

[60] One central criticism to the approach presented in this section relates to the possibility of actors having influenced the bargaining position prior to the start of the inter-state negotiation. It is argued, however, that such objection contradicts the empirical reality of fisheries. There is no rational reason to assume that, for example, politicians were able to influence Britain's opening bids in 1971 and 1976 and were subsequently unable to successfully prompt change within the negotiation process. One may argue that relevant actors 'did the job' and had thus no reason to actively pursue a change in objectives. A central prerequisite for this argument to work, however, is a high degree of satisfaction with the government's handling of the bargaining, which was not the case. The politicians' battle in the House of Commons and beyond over the handling of the access matter makes this clear. More importantly, even if the opening had been influenced by domestic actors, its effect evaporated the moment the British government decided to drastically diverge from this position. MPs were thus indeed strongly incentivised to continue exerting influence on the government. Another concern one may voice is this work's reliance on bureaucrats' or politicians' 'mentioning' of factors that influenced them. Whilst there are sometimes good reasons to conceal them, the need to find a satisfying policy overshadowed strategic gambits or personal animosities on fisheries. An official in this regard argued that "although there may have been occasional tensions within the negotiation teams, the norm was to talk about one's thought process […] to get the best possible outcome for us" (Senior Official MAFF IV, personal communication, March 19, 2020). It must thus be assumed that, within Whitehall, bureaucrats indeed revealed what influenced their thinking, which allows accurate inferences to be drawn.

dimension of CFP negotiations at the European level. The thesis uses a variety of sources on the negotiations and bilateral talks to examine whether and how the positions of other states involved in the negotiations pressured the UK and prompted the change of its bargaining objectives.

It is assumed that each of the five factors can sway Britain's bargaining objectives, either individually or in conjunction with the other factors. The aspiration to explain what caused the UK to change its bargaining objectives begs the question of what confirms 'influence' in the analysis. This work argues straightforwardly in this regard: there must be a clear alteration of access objectives as the result of data attributable to one of the four factors elaborated upon above. This could be, for instance, a document stating that the UK altered its goals as a result of French opposition to diminishing their 'historic rights' off the coast of Cornwall. This would be clear evidence that alludes to the influence other states had on the evolution of Britain's bargaining position. Such reasoning, however, does not presuppose evidentiary equality. Establishing causation may require only a few archival documents or dozens of data pieces of different kinds. The bar of proof must have the same height for all factors looked at – changing Britain's objectives – but the process leading up to achieving the height necessary to jump over the bar can differ between the factors examined. Thus, inferences are arrived at by analysing the way in which (some of) these factors were able to reach the bar of proof and changed Britain's access objectives in EC negotiations. Importantly, the analysis also demonstrates that Britain's bargaining success critically hinged upon the specifics and

presence of each relevant factor, which essentially strengthens the results yielded through counterfactual reasoning.[61]

3.8 Methods

The study's empirical core rests on primary sources, which provide first-hand information from the people involved in the negotiations. Given this thesis's historical angle and focus on Britain's deliberations in the negotiation process, the country's archives proved to be the most fruitful resource to find compelling documents in this regard.[62] The data was retrieved from The National Archives (TNA) in various research stays at the facility; all relevant material was declassified by 2013 and accessible to the researcher. Most of the archival data came from the lead departments in both negotiation rounds, the Foreign and Commonwealth Office (FCO) and the Ministry of Agriculture, Fisheries and Food (MAFF). Additionally, Cabinet papers (CAB), Prime Minister papers (PREM) as well as Her Majesty's Treasury (T) documents proved to be valuable resources by allowing the researcher to look at the same issue from different political angles. This central layer of archival data was supplemented with a variety of semi-structured interviews of civil servants who either served as (British) officials in the Commission or in relevant departments

[61] A counterfactual refers to a "subjunctive conditional in which the antecedent is known or supposed for purposes of argument to be false" (Tetlock & Belkin, 1996, p. 4). In the case of fisheries bargaining, counterfactual analysis would, for example, ask whether Britain's bargaining success would have looked different if the Commission had not brokered effectively. In line with what Mahoney and Barrenechea (2019) call 'necessary condition counterfactuals', such analysis "implies that if the antecedent condition had been different, the outcome would have been different" (Levy, 2008, p. 629). Especially in small-n (case) studies, counterfactual analysis plays a "necessary and fundamental […], role in the efforts of political scientists to assess the hypotheses about the causes of the phenomena they study" (Fearon, 1991, p. 169). In short, it helps to strengthen the proposed causal relations within the analysis.

[62] Documents are understood in line with Scott (1990) as "written text" (p. 12).

on fisheries in the period looked at.[63] The semi-structured interviews followed a certain path: so-called 'grand tour questions' set an open, but equally focused way to start, asking "respondents to give a verbal tour of something they know well" (Leech, 2002, p. 667). Once the interviewees spoke and a comforting environment was created, more critical questions were posed and combined with 'floating prompts' used to clarify particular instances. This type of interview is a useful supplement to the archival material for two reasons. Firstly, it enabled the acquisition of information about actors and interactions which was unlikely to be found elsewhere, especially given the 'power' of archives to display some material while hiding or simply missing other sources (Tesar, 2015). Secondly, interviewing bureaucrats involved in the fisheries negotiation facilitated comprehension of how the actors themselves reflected upon these interactions and how they perceived their roles and positions. Interviewing the actors was important to understand how the bargaining was ultimately shaped and certain attitudes evolved, especially when this information was compared to existing archival data and the narrative dominating the political discourse on European affairs in the UK. Further, engaging in these interviews follows the assumption that "the meaning and the dynamics of European politics cannot be measured without first observing the practices of the actors involved in the processes, as well as their accounts of these practices" (Lequesne, 2004, p. 2). The major advantage of the historical lens applied in this work is the lack of 'career-

[63] This work combines a historical setting with a 'niche topic' in administrative terms, that is with very few area-specialists. Based on the author's research, the number of British bureaucrats that worked on access to fishing grounds in the period researched and are still alive can be set at about 10–15 people. In consequence, identifying and approaching relevant interviewees was served best by snowball sampling. Here, personal networks of the first few interviewees enabled the author to increase the overall number of qualified interview partners. The strength of this approach is based on the factor 'trust'. Without the network and the referral of an 'old colleague', it would have been impossible to identify or contact the very small, administrative stratum addressing access to fishing grounds decades ago. Put differently, "by penetrating social networks through SSM [snowball sampling method], researchers have been able to overcome the problem of lack of response rooted in mistrust" (Cohen & Arieli, 2011, p. 429). Despite the absence of randomness and representation, the interview data gathered noticeably enriched this work.

imperilment', which alleviates what Sabatier (1999) sees as the risk to "propagate their specific 'spin' of events" (p. 4): almost all bureaucrats interviewed, once identified, were retired and delighted to share their knowledge on fisheries and experiences made in Her Majesty's Civil Service and/or the Commission. Finally, in order to obtain an even fuller picture of the negotiation process, secondary sources such as contemporary articles or interviews with politicians in relevant newspapers such as the *Financial Times* and *Fishing News* were included as a third layer of data.

That said, other methods of data collection appropriate for case-study research certainly have their merits too. A questionnaire, for example, would have been an appropriate alternative to interviews. This is particularly true if a population is potentially large and difficult to access physically. However, given the very small number of administrators still alive, the majority of whom live in the UK, interviews offered the aforementioned advantages compared to other methods of data collection and were thus the best option at hand in the given research frame.

There are a variety of additional 'traps' that can trip up a researcher in regards to the sources used in this study. In turn, this could imperil arriving at scientifically justifiable conclusions. Archival material can be lost, hidden, misleading or simply blacked out. Put bluntly, "administrative records […] are not, and never were, merely neutral reports of events. They are shaped by the political context in which they are produced and by the cultural and ideological assumptions that lie behind it" (Scott, 1990, p. 60). Interviewees too can be biased in many ways ranging from personal animosities over political affiliation to age-related memory gaps, all of which can sway or twist their recollection of the events researched. Newspaper articles and journalistic interviews are prejudiced by nature, representing interests, for instance, of a certain societal corner, region or – especially pertinent to British newspapers – ownership. All these concerns render gathering data and reconstructing the

negotiations from the UK's perspective scientifically and impartially more difficult. However, this study mitigates the potential effects of insufficient or biased data in various ways: (a) by triangulating, or "cross-checking data from multiple sources to search for regularities in the research data" (O'Donoghue & Punch, 2003, p. 78), at both the micro (within the UK) and macro levels (inter-state negotiations); (b) by applying Scott's (1990) four criteria of assessing documentary sources to the material used; (c) by increasing the number of interviewees, thus collecting different perspectives on the same matter; and (d) by considering newspapers geographically dispersed to cater to the interests of different stakeholders across the UK.[64] Within the frame of this study the methodological baseline applied here allows for the closest approximation of reconstructing the past and dissecting Britain's role in negotiations on the CFP's access regime.

In creating a compelling 'analytical causal narrative' that explains Britain's bargaining success as part of the case study, this contribution lies at the intersection of political science and history (Bates, 1998). Whilst, following political science, this work is theory-driven and strives to allude to (but not validate) more general trends in British EC membership, it is, in line with historical research, also concerned with the in-depth explanation and narrative of the individual case and context. From an ontological standpoint this work's hybrid nature defies disciplinary methodological boundaries (social) sciences are so often confronted with and quarrel over. In developing its arguments, elements from both process tracing (PT) and, more implicitly, counterfactual analysis strengthen the analysis.[65] Although PT's static and mechanismic framework is unhelpful for the creation of a highly complex and multi-

[64] Scott's criteria are: authenticity, credibility, representativeness and meaning (see Scott, 1990, pp. 6–8).

[65] The only other 'within-case' method of data analysis is 'congruence analysis' which does not provide the depth and inferential leverage necessary to explain Britain's bargaining success (see Blatter and Haverland, 2012).

factorial non-linear historical analysis, the tools it provides are certainly helpful as a scaffold to better understand Britain's bargaining success on fisheries.[66] PT's most important element that this work draws on in the creation of its 'analytical causal narrative' is so-called 'diagnostic evidence'. This 'diagnostic evidence', also called 'causal-process observations' or 'diagnostic nuggets' (Brady, 2010) is data of different kinds – for example, a reference shown in an archival document that not only triggered a tangible change of bargaining objectives, but also pointed to a certain factor as being an explanation for this alteration. The inferential value of each data piece lies with its power to either support one of the factors investigated or to weaken its potential alternative in the quest to explain the alteration of Britain's bargaining objectives. These pieces essentially function as "an alternative source of inferential leverage through 'thick analysis'" (Collier, Brady & Seawright, 2004, p. 184) and help to create this work's narrative by highlighting causal conjunctions (Blatter and Haverland, 2012). Despite being described as "an invaluable method that should be included in every researcher's repertoire" (George and Bennett 2005, p. 224), PT's underlying mechanics attract a wide array of criticism. Besides issues of generalisability, a main concern revolves around what Beach and Pedersen (2013) call PT's 'murkiness' – the lack of commonly agreed ontological and epistemological foundations of the method. A more practical issue concerns the question of how 'diagnostic evidence' can be selected without being at the risk of cherry picking to prove a causal relationship that is suggested. As Schimmelfennig (2015) critically remarks, "it is relatively easy to select, arrange and present the material more or less consciously in a way that appears plausible to the reader" (p. 103). Data might also

[66] Detailed discussions on the method can be found elsewhere. Arguably, two of the most comprehensive contributions on the development of the method are provided by Beach and Pedersen (2013) as well as Bennett and Checkel (2015). Whereas the former puts emphasis on further methodological differentiation by arguing for the existence of three types of PT, the latter embeds the theoretical discussion in relevant case studies.

be hidden or missing. All of this potentially threatens the inferential leverage the evidence creates in the quest to find an analytical causal narrative.

Although the application of PT elements creates "strong inferences in just one or a few cases, based on one or a few pieces of the right kind of evidence" (Bennett, 2008, p. 718), this does not exclude the possibility that future research will disconfirm the findings as there are "pragmatic limits on how much detail a researcher will go into" (Bennett, 2008, p. 705). Therefore, using PT elements as support structures in this work is not a panacea, but instead a mere tool help create a preliminary, 'subjectively impartial' snapshot of contextualising and causally explaining historical events, here Britain's bargaining success on access to fishing grounds at the EC level.

4. THE FIRST NEGOTIATION, 1970–1972

The analysis assesses and compares the bargaining success the UK achieved in both rounds. To facilitate understanding the intricate process of EC-level negotiations over a stretch of 12 years requires a distinct structure: each period is considered individually first to disentangle the transformation and attainment of access objectives in depth. Within each round, this work examines the negotiation setting, looks at the objectives pursued and then analyses their alteration through the lens of five reference points prescribed by the theoretical approaches utilised: the extension of third-country fishing limits, path dependencies, the role of EC institutions and elements of the policy-making process, domestic pressure and other states' (interests). The analyses conclude with an interim result and a section on further insights. This is supplemented with an addendum that compares the two rounds.

4.1 Negotiating A Revised Access Regime, 1970–1972

Finding a solution for fisheries was difficult. The applicants were indignant about both the content of the policy and the timing of agreement between the Community members coming hours before the accession negotiations commenced. Despite these obstacles, agreement could have been achieved quickly if there had been less divergence in objectives between the parties. Upon starting the negotiations, participants soon recognised various problems revolving around the inception of a 'new' access regime: unequal economic and political considerations, territorial questions, identity issues and the ensuing politicisation of the matter, to name a few. Owing to these circumstances, it took the EC until early 1972 to conclude on a revised fisheries policy, the very last issue to be resolved before British accession was possible. But how did the UK negotiate the matter?

4.1.1 The Negotiation Setting, 1970–1972

The negotiation setting was straightforward, but innovative at the time. Its nature can already be derived from the title: 'Conference between the Communities and the States which have applied for membership of the Communities'. The EC negotiated as a single entity and with one voice towards the applicants. This significantly differed from the negotiations in 1961–1963, entitled 'Conference between the Member States of the European Communities and other States which applied for membership of the Communities', where individual member states (and not the EC as a unified entity) negotiated with the applicants. Comparable to the contemporary Council of the EU structure, the EC structure for accession included negotiations at three levels: ministerial, senior officials, and a working group. Given the EAP's political importance, however, most EAP matters were eventually decided upon at the ministerial realm. For this reason, the analysis centres on that level, which can be visualised as in Figure 1.

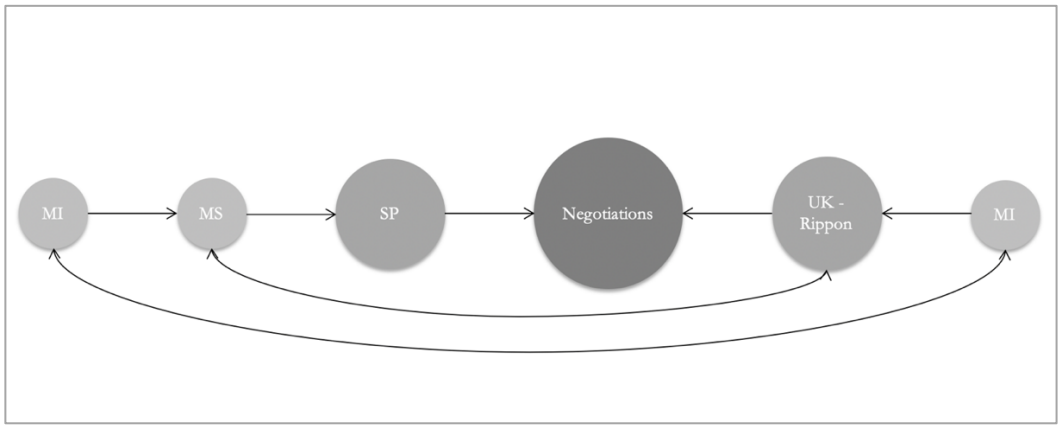


Figure 1. Simplified negotiation setting at the ministerial level, 1970–1972. MI = ministries; MS = member states; SP = spokesperson for the EC; Rippon was the UK's ministerial representative for the negotiations. Straight arrows indicate official and formalised communication; curved arrows indicate communication outside the formalised negotiations. Source: own figure.

At each level, a single person, a 'spokesman' for the EC (a senior government

official of the country holding the Council presidency), placed the EC's aggregated position on the negotiation table. This does not imply that the EC bargained in detachment from its member states – rather, each state first had to negotiate domestically, and then, with the other members. Finally, all of these negotiations were blended into a collective position communicated to the applicant(s) as a final step. However, this does not mean that all members were equally satisfied with the position agreed upon and put forward by the EC. On the contrary, (some) states were dissatisfied with both the 1970 policy itself and the negotiation position imparted to the applicants once the fisheries issue was reopened. Hence, the prevailing negotiation pattern facilitated (bilateral) talks between the British government and members not fully satisfied with the EC's position. This applied equally to the other applicants, with which the UK also regularly communicated. These talks happened at the administrative as well as political levels and were crucial, as countries were able to first form some common positions in these (informal) exchanges, which later could influence the overall bargaining.

The official negotiations between the EC and the UK, however, were rendered entirely on a bilateral basis at predetermined 'negotiation sessions'. Here, the EC's 'spokesman' negotiated with the applicant country's ministerial representative trying to thrash out agreement to be approved by the two parties. In reality, however, each applicant was fully informed about what the EC offered to the others and thus would not agree on its own deal unless it achieved comparable terms. For the UK, this constellation de facto transformed the bilateral bargaining into multilateral negotiations; this difference between de jure and de facto was adequately expressed in the UK's repeated request to also officially negotiate multilaterally. For the EC, however, multilateral negotiations were to be avoided for reasons of efficiency to not end up with prolonged discussion rounds between all parties involved without

finding a satisfying solution (as in 1961–1963). Other applicants (Denmark and Norway in particular), on the contrary, were initially reluctant to expand the bargaining setting for a different reason: they believed in attaining better terms when negotiating bilaterally. A direct result of this dissension between the parties involved was that the bargaining ended up in a limbo of de jure bilateralism and de facto multilateralism, which created uncertainty for the negotiations.

The UK's ministerial representative was the Chancellor of the Duchy of Lancaster, Anthony Barber until July 1970 and then Geoffrey Rippon. When the negotiations became more heated, Rippon was accompanied by Alick Buchanan-Smith (Parliamentary Under-Secretary in the Scottish Office) and James Prior (Minister of Agriculture, Fisheries and Food) at the ministerial meetings. This already highlights the complexity of the matter and the important role fisheries played in the final phase of the entry negotiations. Rippon selected the subject minister and the relevant 'representative' of the UK's region where fisheries had traditionally been most important, to accompany him to Brussels.

Despite the important role the ministerial level had in the negotiations it is nevertheless useful to elaborate on the UK's domestic administrative structure for the (fisheries) bargaining in Brussels:

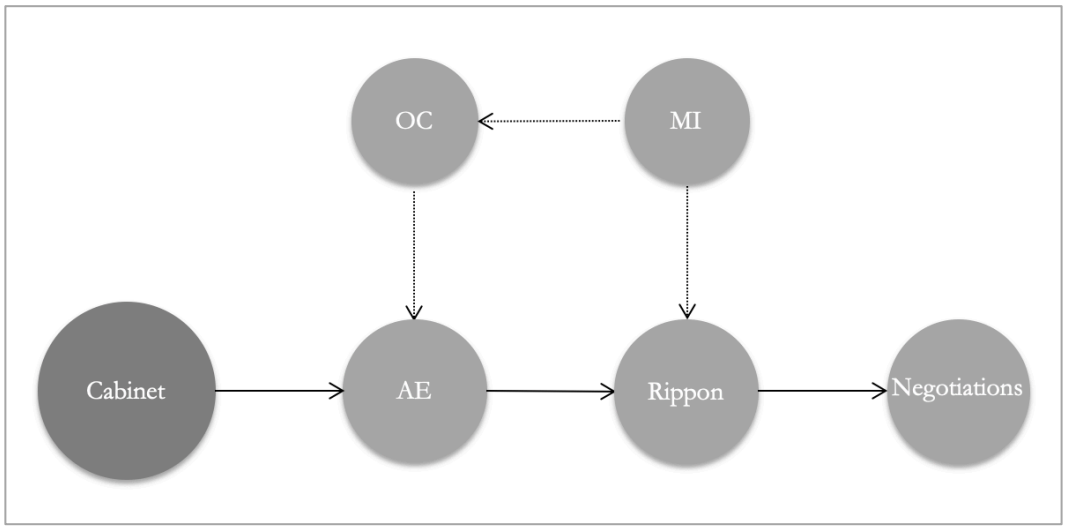


Figure 2. Simplified domestic administrative setting for negotiations, 1970–1972. AE = Ministerial Committee on the Approach to Europe; MI = Ministries; OC = Official Committee on the Approach to Europe. Solid arrows indicate hierarchical order and dashed arrows indicate support structures (content and staff). Source: own figure.

Two ministries and their leading figures supported Rippon: Frederick Kearns, a MAFF Deputy-Secretary on special assignment at UK's representative office in Brussels to facilitate British accession, and FCO's Con O'Neill who led the negotiation delegation and provided further technical expertise.[67] At a more detailed level, departments in the respective ministries and the UK's permanent delegation in Brussels backed both of them and were in steady exchange with their counterparts on the continent. The two most crucial departmental units in this regard were the FCO's European Integration Department and MAFF's fisheries divisions I–IV (division III alone being in charge of access issues). In turn, Rippon reported to the Ministerial Committee on the Approach to Europe (AE Committee) of which he was part. This committee

[67] Until 2020, the UK's permanent delegation, later known as the 'United Kingdom Permanent Representation to the European Community' (UKRep) was the UK's embassy to the EC. The institution was a "key point of engagement" (Geddes, 2013, p. 121) for Britain's government and "highlights 'beneath the radar' aspects of European integration and everyday interactions" (Geddes, 2013, p. 121).

> was presided by the Foreign Secretary; its other members were the Chancellor of the Exchequer, the Lord President of the Council, the Chancellor of the Duchy of Lancaster, the Minister of Technology, the Secretary of State for Scotland, the Lord Privy Seal, the Minister of Agriculture, Fisheries and Food and the President of the Board of Trade. (O'Neill, 2000, p. 46)

The committee itself was supported administratively and substantively by the Official Committee on the Approach of Europe (OC), which itself relied on the ministries' expertise and included parts of the Cabinet Office and representatives from the MAFF, FCO, Ministry of Technology, Board of Trade and the Bank of England. The AE Committee was directly overseen by the full Cabinet, the central entity and supreme authority regarding decision making and the deliberation of access objectives.[68] Overall, it was a complex and strictly hierarchical structure reflecting the complexity of the issue at stake, fisheries, which required both great technical knowledge and diplomatic tact.

Fisheries was not negotiated throughout the accession negotiations with the UK, but with an increased intensity from June 1971 to December 1971 (and January 1972 for Norway). This analysis focuses on this stretch. Although fisheries were rather insignificant economically at the macro-level, "fisheries issues, and particularly access to fishing grounds, were an important aspect of the negotiations" (Dnes, 1986, p. 12). An official involved in the negotiations argued in a similar fashion that "from the point of view of the Ministry of Agriculture in these negotiations the fish negotiations were far and away the most difficult" (Franklin as cited in Kandiah,

[68] From October 1971 onwards, the AE Committee was supplemented with the 'Ministerial Committee on Europe', which was "less directly concerned with negotiations" (O'Neill, 2000, p. 48), but instead designated to prepare the legal groundwork for accession and to supervise departmental preparation for entering the EC.

2008, p. 102). Owing to the importance of fisheries for the UK, "there was real doubt whether failure to reach acceptable arrangements on the fisheries issue would […] make approval of our entry impossible" (O'Neill, 2000, p. 246). Fisheries became the central issue of concern and the last one to be resolved before signing the Treaty of Accession.

4.2 Bargaining Objectives, 1970–1972

The UK's baseline for fisheries negotiations was twofold: absolute and relative gains. In other words, as MAFF put it, "our broad economic conclusion is [that] our fishing industry should gain" (TNA, MAFF 209/2649b). Although the government knew that in fisheries negotiations "you have to reconcile the possible with the desirable" (Senior Official MAFF III, personal communication, March 14, 2020), the UK did not want its fishermen to be worse off than under the existing regulation (the 'London Convention' of 1964). This desire was ambitious for two reasons. Firstly, it was diametrically opposed to the EAP configuration the EC had agreed upon on June 30, 1970. Secondly, the underlying rationale for the majority of members was to make absolute gains from the, yet to be bargained, accession of the four fish-rich applicants. But the members had little to contribute themselves. At the same time, the UK pursued terms at least comparable to those of the other applicants, a problematic wish given the differing interests, the limited area to be distributed and the various regimes in place.[69] The second objective is nicely summarised in a MAFF paper of March 1971, which argued that "the UK […] cannot accept a situation in which the Six and the Three will in one way or another have something to gain while the UK suffers both unrequited losses in her own

[69] In the EC, the 1970 regulation was the baseline. In Denmark, Ireland and the UK, the 'London Convention' was in place. In Norway, neither a signatory of the 'London Convention' nor a member of the EC, national measures were deployed. All three regimes had different access provisions for foreign vessels.

waters and faces a financial imbalance" (TNA, MAFF 209/3017). Ensuring comparable treatment was particularly difficult in the negotiations as there was "no community of interest between ourselves and the other three countries" (TNA, FCO 30/656).

When the negotiations finally started, the UK "knew that in this area the Community's regulations would have to be very substantially changed" (O'Neill, 2000, p. 258). The UK had to avoid the worst possible outcome, which was that "we should gain nothing but lose everything on access and still find ourselves paying across the exchanges to the gainers" (TNA, MAFF 209/2956a). Because it was unclear how the regulation to be agreed upon between the Six would be configured until the bargaining commenced, it was "difficult in the circumstances accurately to weigh gains and losses. This is particularly so in the questions of limits" (TNA, MAFF 209/2954). Referring to the 30 June 1970 agreement, the FCO wrote that "the compromise lacks precision: there is no text of the Market regulations and the compromise text of the structure regulations has been adopted only in principle" (TNA, FCO 30/657). This is one reason why the UK's original approach was to push fisheries to the end of the bargaining – simply to have more time to develop a sophisticated strategy in a fairly uncertain environment at the beginning of the accession negotiations. The FCO in this regard argued:

> as the position [of the members] may change very radically before we find ourselves in a position to negotiate with the Six over a common fisheries policy, it would be unwise to become publicly committed to any particular policy at this stage. (TNA, FCO 30/656)

Another argument why fisheries should be addressed towards the end of the bargaining was that the government assumed that if other major issues were already

negotiated and solved, thus making an overall positive accession negotiation outcome likely, fisheries would be negotiated less dogmatically and in a more relaxed manner, which ultimately would enable accession (O'Neill, 2000).

Resolving the issue quickly was time-critical and strategically important; a parliamentary vote, the 'decision of principle' on membership, was to be held in October 1971 and no substantial negotiations had taken place on fisheries by May 1971. The British government assumed that a solution on fisheries would create momentum for MPs to vote in favour of EC accession. Heath acted strategically when trying to ensure fisheries being reopened in the accession negotiations, which was anything but clear at the onset of the bargaining. A direct corollary of his strategy was to approach and discuss the matter with the French President Pompidou, one of the strongest advocates of the 'community spirit' underlying the CFP who was simultaneously one of the most powerful politicians in the Community. The two directly discussed the issue at the 'Heath – Pompidou summit' in May 1971.[70] From the UK's perspective it would be helpful to reconsider the existing CFP "since the fisheries question was of political importance for the British government" (TNA, PREM 15/372a). Given this relevance, Heath had a case that was difficult to be turned down by his French counterpart if British accession should be facilitated.[71] On fisheries, the minutes of the meeting concluded:

> The Prime Minister explained that during the entry negotiations some adaption of the fisheries regulations would be required to meet the needs and the circumstances of an enlarged Community and economic importance of inshore

[70] Although not discussing the summit's fisheries dimension in great length, Furby (2010) offers an excellent analysis of the summit.

[71] France was not a strong supporter of the CFP at the substantive level. Despite this dissatisfaction, however, opening up the CFP as part of the accession negotiation was a risk for the French, as the outcome could have confined the country more than the 1970 EAP.

> fishing in member and applicant states. The President said that the French Government would be ready to consider whether such an adaption would be from their point of view be justified. (TNA, PREM 15/372b)

This seemingly noncommittal attitude of the French nevertheless represents a significant success for the UK and other applicants respectively: just the mere recognition of the potential need to revise the CFP instead of an immediate rebuff was a major leap forward for the UK in achieving its goals for a 'better' policy. In the aftermath of the summit, the AE Committee reasoned:

> it now seems likely that we should get a helpful response from the French towards a general approach based on a firm pledge to consider adaptation of at least the access provisions of the Common Fisheries Policy to meet the circumstances of an enlarged Community. (TNA, CAB 134/3357a)

The summit did indeed lead to an attitudinal shift amongst the members: French influence in the Community, fuelled by the applicants' interests and public pressure owing to the uncertainty surrounding the issue, brought fisheries on the agenda in June 1971. Britain's aspiration to "calling for negotiation of more than merely transitional arrangements" (TNA, MAFF 209/2957) became a real possibility after the 'Heath – Pompidou summit'.

Once fisheries entered the arena, the UK erroneously expected that fisheries would be concluded just a month later, at the July 12 ministerial meeting: "We very much wish to achieve an agreement at the meeting arranged for 12 July" (TNA, FCO 30/962b). On June 1, 1971, the UK presented its opening bid: differing from the 1970 regulation Britain demanded exclusivity for a period of ten years or more for "all waters within the six-mile limit" (CAB 134/3358a) for "vessels genuinely

belonging to ports from which these waters were now being fished" (TNA, T 224/2819a). The UK saw this as "a reasonable basis for a permanent regime that would be equitable for all the parties" (TNA, MAFF 209/3019b). A former MAFF employee on the sincerity of the opening bid argued that "The six-mile proposal was what we initially wanted" (Senior Official MAFF III, personal communication, March 14, 2020). Indeed, this seemingly generous proposal was sneaky, since three-quarters of the fish caught within 12 miles came from areas within the 6-mile band.[72] In contrast, the UK would substantially gain from permanently accessing the 6- to 12-mile band of Norway's rich fishing grounds. This enraged the Norwegian government, which subsequently insisted on a 12-mile EEZ around its entire coast at its ministerial meeting. The Norwegians indeed unilaterally issued a policy effective from July 1, 1971, virtually banning all vessels of a certain size from their 6- to 12-mile band. The policy substantially reduced UK's DWF catches, which had traditionally been fished in these waters.

Overall, it was evident that neither the EC nor the other applicants would agree on Britain's 6-mile proposal. On June 17, the Commission put forward a sophisticated draft for all applicants, which included a temporal parameter: a 6-mile EEZ would be allowed for 5 years and would then be reviewed on a more conditional basis. Yet even before the draft was officially presented and discussed at the ministerial meeting of June 21–23, several countries rebuffed the plans; Norway in particular was "determined to get their 12 mile limit" (TNA, PREM 15/356a). The Commission's proposal was still a turning point for the negotiations, as it was the first item representing the EC's willingness to overturn its own legislation, the EAP configuration of 1970, to reach agreement with the applicants – the enlarged EC

[72] About 40% of the UK's overall catch was retrieved from waters within 12 miles in 1970.

would indeed include a 'new' EAP. Agreeing in principle to change the CFP's access provisions, however, was far from concluding on substance. Not only were the applicants at strife, but the members quarrelled too; whereas "France was prepared to agree to a derogation along the lines envisaged by the Commission [...] the five, and particularly the Germans and the Dutch opposed any derogations" (TNA, FCO 30/976). These striking inter-state differences caused by the governments' diverging interests whilst being embedded in an interdependent polity doomed to find a solution to looming fisheries issues would characterise the negotiations to follow.

In late June, the UK de facto shifted its objectives for the first time and urged keeping the status quo regarding access (the 'London Convention' of 1964), although claiming that its 6-mile proposal would still be valid if every state would agree (which was abundantly clear would not happen, given the events of June). Expectedly, the ministerial meeting on July 12 did not see much change: Norway still insisted on its 12-mile EEZ and increased the pressure on its partners by remarking that the "government believes that Norway will not be able to join the Community unless she is granted these terms" (TNA, CAB 134/3358b). Despite supporting the new status quo solution, the UK internally admitted, "The Community will not accept this [the status quo] on 12th July" (TNA, FCO 30/963a). The consequence for the UK was clearly that in order to find a solution for access to fishing grounds in the enlarged Community "more time was needed" (TNA, MAFF 209/3019b). Early on, Rippon realised that Norway was not only the key counterpart in the negotiations, but also more stubborn than he had previously anticipated. He publicly bowed out during the summer break by ruling out a significantly different treatment between the applicants: "It is unreasonable to expect any of the applicants to agree to a permanent settlement for themselves without knowing, or being able to explain domestically, what the final outcome […] would involve in the enlarged Community

as a whole" (Rippon as cited in Tilley, 1971, p. 5).

After the 1971 summer recess, it became clear that the lack of common positions between applicants and members would make it impossible to take a decision on fisheries before the October parliamentary vote. However, fisheries were no longer seen as a major obstacle in this regard, as "most MPs will accept the line that we are safeguarded by the Community's recognition that changes in the common fisheries policy are needed in the context of enlargement" (TNA, T 224/2819d). Thus, the UK's goal was now "to reach a satisfactory final settlement before the end of the year" (TNA, T 224/2819d) as "it is more important to get the right answer than a quick one" (TNA, MAFF 209/3020a). The UK internally considered expanding its demands to a full 12-mile limit throughout the enlarged EC, but quickly realised that officially communicating this position would jeopardise the outcome of the negotiations. Due to the overall lower relative (economic) importance of the sector in the UK, especially compared to Norway, officials argued that "our position would be regard[ed] in the Community as unreasonable and unacceptable" (TNA, FCO 30/967a). Consequently, the UK continued to urge for the maintenance of the status quo as the only viable solution.

As the UK broke down the options brought to the table and discussed between the EC members and applicants in October 1971 and thereafter, it became clear that another alteration of bargaining objectives was inevitable in order to enable agreement. The question yet to be answered was whether the British concession would take the form of bumps in a 6-mile EEZ to protect special areas (where fisheries held economic importance for local communities) or holes in a 12-mile EEZ allowing foreign vessels to trawl in non-sensitive areas along the UK's coast. In mid-October, the Commission again proposed a formula for calculating special 12-mile zones, thus indicating a general 6-mile band as the baseline. The UK (among

others) was dissatisfied with the proposal, as its implementation would leave vast areas of the Scottish coastline unprotected.

The next opportunity to settle fisheries was the ministerial meeting of November 9, for which the Commission put forward its second major proposal: for the first 5 years, a 6-mile EEZ should be guaranteed. In the following 5 years, there should—putting historic rights aside—be a 12-mile EEZ in certain areas while simultaneously opening the 6-mile EEZs to certain foreign vessels. After 10 years, the whole regime was also to be reviewed by the Commission. Like the other applicants, the UK immediately rebuffed the proposal. The 12-mile zones proposed by the Commission were perceived as insufficient, and a single period of 8 to 10 years was demanded to ensure consistency. Put bluntly, the proposal was "unacceptable to a greater or lesser degree by all the applicant countries, both on grounds of the transitional nature of the derogation and its content on access to fishing grounds" (TNA, MAFF 209/2962a). As this analysis demonstrates, this proposal still carried importance for the final agreement.

Mr Rippon met his counterparts again on November 28 to discuss prospects for the November 29 ministerial meeting. He highlighted that all states had a common interest in finding better access provisions and should "try to settle tomorrow night" (TNA, PREM 15/356d). From the UK's perspective, however, it was clear that an agreement could only be found if all participants accepted that "no country should expect better access than she is prepared to concede" (TNA, PREM 15/356b). This particularly addressed the Norwegians, as getting "parity with Norway" (Wise, 1984, p. 131) became the prime objective in the EAP negotiations. At the November 28 meeting, the UK demanded a 12-mile limit only for the "North and East coasts of England, a part of Northern Ireland, the crustacean areas of

South-west England, maybe a bit of North-east England, maybe a bit of Wales" (TNA, PREM 15/356d). Put differently, the UK was now compelled "to settle provisionally for an effective 6-mile basis on the understanding that there would be extensive areas going out to 12 miles around our coastline" (TNA, MAF 209/2962a). This was the second major shift of British bargaining objectives, as they officially distanced themselves from the 'status quo' bid of June for the first time. Yet, the increasingly incommunicado Norwegians made clear that the current offer "would not be enough" (TNA, PREM 15/356d) and again insisted on their full 12-mile limit. Thus, the ministerial meeting the following day was doomed to fail. In December, the UK somewhat reduced the number of areas to be included in the 12-mile EEZ, so that agreement might be reached at the next ministerial meeting held on December 12. This was successful; a deal (which Denmark and Ireland accepted) was struck with the EC and the quest for a fisheries policy was over. Unlike the other applicants, Norway did not settle until mid-January 1972, but O'Neill (2000) noted that their agreement "did not carry them far beyond our own position" (p. 278). The French ambassador to London in this regard argued that "the offer to the Norwegians was in essence no more than had been agreed for the other applicants. But it gave them the feeling of something extra" (TNA, FCO 30/1420). The Norwegians just managed to supplement the agreement with a 'special protocol' in which the EC acknowledged the (local) importance fisheries have in Norway.[73] In turn, this would be considered when the derogations expired and CFP was to be renegotiated (Wise, 1984). This, however, became irrelevant after the September 1972 negative membership referendum and Norway's refusal to join the EC.

[73] Domestic opposition to Norway's agreement was indeed fierce. Norway's Minister of Fisheries, Knut Hoem, adamantly refused to support the deal and resigned "just days before Bratteli [Norways's PM] flew to Brussels to sign the Treaty of Accession on 22 January 1972" (Ikonomou, 2017, p. 230).

Overall, the UK thus made two main alterations of their bargaining objectives around which the analysis revolves. From its 6-mile proposal towards the status quo in June 1971, and then, in November, to a 6-mile EEZ with 12-mile bumps for areas heavily dependent on fisheries. The difference between the objectives the UK presented at the outset of the bargaining and those which were eventually achieved is crucial to the analysis and determine British bargaining success. It is evident that, compared to Norway for instance, the difference is considerable. In fact, the objectives achieved not only satisfies what the UK initially wanted but go even further. The UK gained more than it had originally demanded and thus, it did negotiate well, if bargaining success is defined as the extent to which (genuine) initial objectives satisfy those being achieved at the end of the bargaining. Yet, this does not automatically entail that the government or the population were fully satisfied with the outcome. In fact, the UK achieved only one of its two negotiations goals, i.e., relative gains. But while it achieved terms comparable to those of the others, its fishermen, especially those not protected by a 12-mile limit anymore, were substantially worse off than under the London Convention. As a former Permanent Secretary at MAFF who worked in its fisheries divisions in 1971 commented on the agreement: "The UK's interests had been cheated on, but it was the price that had to be paid to enter the Common Market" (Senior Official MAFF II, personal communication, April 4, 2017). The deal was "an unhappy introduction to one of the least successful and most controversial, common policies of the Community" (Wall, 2020, p. 105). But what explains the UK's bargaining success?

4.3 The Extension of Third-Country Fishing Limits

The extension of third-country fishing limits does not yield major contributions for understanding the UK's bargaining success in the CFP's first

negotiation round. Two factors explain this irrelevance. Firstly, the number of third-country extensions that could have triggered either the sudden or incremental alteration of bargaining objectives is very small. This can be understood by looking at the international level. UNCLOS II concluded in 1960 without adding new provisions to the existing international regime, whilst its third edition would not start until 1973. As a result, the EC's fisheries regime remained unchallenged from collective action at the international level. However, this does not exclude the possibility of third countries unilaterally changing their fishing limits. Putting Iceland aside, however, no other state that was not directly involved in EC negotiations and carried relevance for British fisheries unexpectedly changed its access regime. Secondly, the only extension that was important for parts of the UK's industry and captured public attention did not translate into changed bargaining objectives in Brussels. It is, however, important to ask for the reasons why the Icelandic elections of June 17, 1971 did not prompt the UK to alter its objectives although they did heavily affect certain stakeholders. By analysing Britain's reaction to Iceland's EEZ extension, this section already alludes to the indicative choice the British government made to neglect its distant-water fishermen in the negotiations. This is interesting insofar as it clashes with theoretical propositions this work draws on. One would expect to observe the accommodation of fishermen's objectives affected the most by an external event if the government wants to secure domestic endorsement for its handling of the policy creation process at the European level. However, the opposite was the case.

The Icelandic election were preceded by a long and stable government coalition between the Independence Party and the Social Democratic Party, but resulted in an unexpected outcome. The left-wing parties took power for the first time and formed a coalition between the Progressive Party, the People's Alliance and

the Union of Liberals and Leftists. The reason for their success was the population's general dissatisfaction with the government's performance (Grímsson, 1973). Why would a government change on a small island be even marginally relevant for British objectives regarding the EAP negotiations with the EC? In Iceland, fisheries have always carried a high political and symbolic importance and – unlike (some parts of) the UK – they also have substantial economic relevance. Steinsson (2016) shares this perspective in arguing that "for Iceland, the underlying drivers behind the desire to extend fishery limits were economic. An extension meant an increase in catches, exclusion of competing trawler fleets and conservation of important fishing grounds" (p. 259). Right before the elections, Iceland's then-opposition parties made the case for a 50-mile EEZ if they were elected. This desire was fuelled by two distinct factors: firstly, the prospects for the conduct of another UNCLOS and the envisaged alteration of international arrangements; secondly, the increased number of foreign vessels operating within the 50-mile limit, which severely impacted Iceland's own operations within that area. In turn, this contributed to Icelandic society's perception of foreign fishermen now being considered as 'hostile' more than ever. As a result of this constellation, "the extension of the fishery limit to 50 miles was one of the hottest issues in the 1971 elections" (GuÐmundsson, 2006, p. 102), and after the election, the new government declared the limit effective from September 1, 1972. Thus, foreign vessels were essentially excluded from their previous fishing grounds. The British government seemed underprepared for such a scenario. Officials stated that "From our point of view the election result in Iceland had been unfortunate. But it looked as though the Government, now that it was in power, was having second thoughts about some of its wilder election pledges" (TNA, MAFF 209/3020b). This turned out to be an incorrect assessment of Iceland's political reality. The extension was especially problematic for Britain's DWF that traditionally

trawled within this limit. The president of the Grimsby Fishing Vessels Owners' Association apprehended the extension, commenting that "such a limit would be disastrous for British fishing" ("Iceland plans 50-mile fishing limit", 1971, p. 3) and on another occasion contends that "We will fight this tooth and nail" ("Iceland suggests a fishing limit out to 50 miles", 1971, p. 14). The (anticipatable) extension of Iceland's limits, combined with the expulsion of British ships from Norwegian grounds beginning on July 1, 1971, thus pressured the British government to find solutions for the increasingly restrictive environment for the UK's DWF and balance these with the demands of the inshore fishermen. In a discussion with an MP, Austin Laing, the Director-General of the influential British Trawlers' Federation (BTF) who traditionally advocated for the interests of the DWF, highlighted the importance of the issue: "I cannot adequately express the seriousness with which I regard this matter" (Laing as cited in Hansard, 1971a, column 1408). The BTF required full access to the Icelandic waters for two reasons. Firstly, the amount of fish retrieved from the sea which made up 50% of its overall catch (Wolff, 1971). Secondly, the high quality of fish: Icelandic waters are "attractive due to finer types and variety of fish, their geographical vicinity to the UK and the possibility of docking in Icelandic ports when in need of shelter or repair" (Steinsson, 2016, p. 259). A direct corollary of the DWF's dependence on entry to Icelandic waters was its vulnerability once these waters became inaccessible. Iceland's extension was "costly for the British fishing industry and caused suffering for the local economies of Hull, Grimsby and Fleetwood" (Steinsson, 2016, p. 260).[74] This concern regarding Iceland is the main reason why O'Neill (2000) writes that "Their [the BTF's] attitude to limits can just be understood only if it is realised that they are conditioned not so much by thoughts of

[74] Fleetwood, Grimsby and Hull were the UK's main distant-water fishing ports whose local economies were heavily dependent on access to Icelandic waters.

Norwegian or even Faroese and Greenland waters, as by fears of unilateral extension of Iceland" (p. 265). An FCO paper highlighted another problem: "He [Mr Laing] maintains that it would be difficult for his organisation to do anything to discourage the trawlers [from entering Icelandic waters]" (TNA, FCO 30/961a). FCO officials in this regard remarked that "The British fishing industry is private and not Government-controlled. It is impossible for HMG [Her Majesty's Government] to dictate to individual trawler-owners where they should concentrate their effort" (TNA, FCO 30/961a). In short, fishermen's obstinacy expressed in the continuation of (illegally) entering 'Icelandic waters' diminished the UK's credibility and thus reduced British bargaining power in bilateral talks with Iceland.[75] It was now even more difficult to find an acceptable solution for the increasingly restrictive environment of the UK's DWF.

Once the area up to 50-miles out became essentially inaccessible in 1972, Iceland's coast guard impeded fishing by cutting meshes of British vessels, whereby the Royal Navy simultaneously began accompanying British boats in order to guarantee that the ships could continue fishing within the now 'Icelandic' waters, resulting in yet another 'Cod War'. From a political standpoint, the situation was even more complicated for Britain's government given the domestic geographic division between inshore and offshore fishermen. Scottish fishermen were mostly inshore and Icelandic waters only contributed about 13% to its overall catch in the 1970s (Kerby, Cheung & Engelhard, 2012), whereas offshore fishermen were predominantly English and "English- Scottish politics were very important all the

[75] A MAFF employee succinctly summarised the reason why fishermen stubbornly continued to penetrate Icelandic waters: "Fishermen are pirates. They want to break the rules and they think everyone else breaks the rules too" (Senior Official MAFF VII, personal communication, April 4, 2020).

way through" (Senior Official MAFF I, personal communication, March 22, 2017).[76] Thus, decisions and objectives regarding fisheries were inherently not only a question of which fishermen's interests to support, but also one regarding how the government would position itself in terms of domestic political cohesion within the UK. This was especially important given that 'The Troubles' in another part of the UK, Northern Ireland, had resurfaced shortly before the negotiations began.[77] The Icelandic elections was one key trigger refueling the fisheries discussion and required indicatory decisions to be made with European partners. If the UK further insisted on its 6-mile proposal (or put forth a new proposal generally narrowing the EEZ), this would be a concession towards the DWF since the less restrictive a country's EEZ is and the further the DWF can trawl off-coast, the more fish it can catch. In contrast, a status quo solution or an expansion of the EEZ combined with changed conditions in the neighbourhood of the EC, Norway and Iceland in particular, would clearly indicate a lack of support for the DWF. Despite having claimed that "we have always opposed any such claims" (TNA, FCO 30/961a), right after the Icelandic election, the UK did indeed change its objectives towards maintaining the status quo as the only viable solution in order to gain approval at the European level. As outlined above, maintenance of the status quo would be an extension of the EEZ relative to the 6-mile proposal (and the existing EC regulation). In a substantially altered international environment after the Icelandic election, this shift thus further

[76] The domestic divide on the importance of inshore fishing was drastic: "In Scotland the inshore fleet accounts for over 70% of the catch [and] in England, where the distant-water felt is concentrated, about 20%; and in Northern Ireland 100%" (TNA, MAFF 209/2649a). Yet, Northern Ireland was generally considered of secondary importance given the small size of its fishing sector.

[77] 'The Troubles', commonly referred to as the 'Northern Ireland Conflict', was a religiously motivated military dispute between loyalists (mainly Protestants) and Irish nationalists (mostly Catholics) fighting over the political affiliation of the Northern Ireland that left more than 3.500 people dead.

limited the DWF's prospects and simultaneously strengthened the position of the Scottish inshore industry in Whitehall.

However, there was also a temporal aspect to the focus event: the conflict with Iceland regarding access was settled after the bargaining with the EC on fisheries was completed. The government in late 1971/early 1972 could still hope to gain (legal) access to Icelandic waters through a favourable agreement with the country later on. Attempting to immediately satisfy the demands of the inshore industry at the European level and speculate about finding a satisfying agreement for the DWF later on, providing gratifying results for both sides, would have been a risky, but a somewhat logical strategy. However, no evidence hints at the application of a 'strategy of future possibilities' regarding the negotiations at the European level. It is needless to highlight the practical (financial) ramifications a transition period between the suspension from Icelandic waters and a novel agreement with the new, barely assessable Icelandic government would have for the DWF. The lack of evidence pointing to such a strategy confirms another important underlying assumption: even if the election had resulted in the continuation of the governing coalition and the maintenance of existing limits, the UK's reaction would have been the same. Given that the extension represents a 'negative case' that unfolds strong impact on the DWF, it is unreasonable to assume that the British government would have shifted its objectives towards the DWF's demands if the extension did not happen. In other words, concerns about the inshore industry outweighed those put forth by distant-water fishermen, independent of the magnitude of the effect on the latter. The Icelandic election and the extension of fishing limits that followed certainly had the potential to either immediately or incrementally influence bargaining objectives; the UK could have justifiably changed its position in negotiations with its European partners to prevent its DWF from losing 50% of its

catch. Given the EAP agreement of June 1970 agreement, there was already a potential fallback position accepted by the Community which provided for a significantly less extensive EEZ allowing to, at least in parts, cushion the loss of fish incurred in Icelandic waters. However, this did not happen, as the UK was unwilling to jeopardise its inshore industry and was simultaneously compelled to achieve similar terms compared to the other applicants in the accession negotiation. Achieving comparable terms would have been unlikely if the government had accepted the 1970 regime to protect its DWF. This points to another reality of the Icelandic fisheries limits' extension: in order to change British objectives at the European level a heterogenous constituency seemed unconducive and, more importantly, required political willingness to address the shadow cast upon fisheries by third-country extensions. Both of these were not present in this case and prevented the government from changing its objectives in Brussels.

4.3.1 Conclusion: The Extension of Third-Country Fishing Limits

Overall, the potential of third-country extensions to influence British objectives in fisheries negotiations is tremendous. The period under examination, however, was spared from multiple and overlapping extensions that could have changed the course of the negotiations at the European level. Yet, even the Iceland election of June 1971 and its severe ramifications for the UK's DWF from 1972 onwards, curbing their catches by 50%, did not yield a significant impact on the UK's bargaining objectives in the Brussels negotiations. Clearly, there was no positive attitudinal or behavioural change in the (approach to) negotiations towards those who were affected by the extension: the distant water fishermen. On the contrary, objectives, which were reformulated after the event, were the opposite of interests that could have countered the election's impact on the DWF, such as

making a stronger case for a 6- or even a (temporary) 3-mile EEZ, as written down in the EAP configuration of 1970. Instead, one could argue that the government followed the dogma Mr Prior had already laid out in January 1971 – that the interests of the inshore fishermen, for whom the development off Icelandic shores was virtually irrelevant, should be kept "very much in mind" (Prior as cited in "Interests of Fishermen Much in Mind", 1971). The political superiority of the inshore fishermen also reveals itself in the analysis of 'domestic pressure'. Given this behaviour, it cannot be claimed that the Icelandic election and the extension of fishing limits that followed, causally affected the UK's negotiation objectives of the in the EAP negotiations. Otherwise, the government would have responded affirmatively to demands made by the only group affected – Britain's DWF.

In summary, a deliberate political decision prioritising inshore fisherman to its DWF explains why the British government did not shift its bargaining objectives towards the interests of the DWF in Brussels. As further analysis shows, however, it is not automatic that the disregard of one interest prompts the government to act upon the opposite.

4.4 Path Dependencies

The HI literature stresses how past decisions create paths that shape present negotiations and future policies. One fallacy of the CFP literature in this regard is its tendency to neglect the role of the 1964 'London Convention' for the CFP negotiations. The resulting analytical void is problematic as the agreement carries great analytical value in comprehending the development of the EC's fisheries regime up to 1983. Thus, this section highlights how (much) the 'London Convention' guided Britain's objectives in the bargaining on the EAP.

Like the other applicants, the UK generally opposed the configuration of the (equal) access provisions agreed upon between the members in June 1970 and instead put forward its 6-mile proposal. The first shift from this proposal towards a status quo solution in June 1971 is now crucial for the analysis; the 1964 regulation provided the UK with the opportunity to refer back to it and thereby to also include the 6 to 12-mile band (including 'historic rights') in the EAP negotiations, significantly extending its demands and drastically diverting from the original 1970 agreement. Pointing to the 1964 provision in the negotiation was also strategically useful for two reasons. Firstly, aside from Norway, the other applicants (and all members) were signatories, and thus would not generally oppose the (re-)application of the status quo. This was especially true for countries that perceived the 1970 EAP configuration unfavourably, as did France: "There are fairly clear indications that the French, at any rate, have no great enthusiasm for the regulations as they stand" (TNA, T 224/2819c). On the contrary, the member states who were clinging to the 1970 agreement did so to foster Community principles rather than defend irrevocable substantive interests in the policy. In other words, some members saw the 1970 provisions as merely a transitional solution meagrely offered by the Commission to finally start the entry negotiations with the applicants. This is also evident in the short duration of the derogation(s) from a 'genuine' equal access written down in regulation; given the changing nature of the EC through enlargement, there was a subliminal expectation and pressure to find an 'improved' policy. How this version of the CFP would look, however, was unclear and contested amongst the members. With the increasing demands of the applicants, certain members saw the opportunity to establish a 'better' policy. Secondly, the British government was well aware of Norway's continuing aversion towards a status quo solution. The Norwegians still insisted on a more protective 12-mile EEZ around its

entire coastline to account for the economic importance of fisheries for local economies. Owing to the support provided by the other states, the British endorsement of the 1964 'London Convention' was pressure put on Norway to agree to a regime they had rejected 7 years earlier. In other words, referring to the 'London Convention' allowed the UK to extend its own demands whilst increasing the likelihood for equitable terms amongst the applicants. This was especially useful, as even if Norway (and others) were reluctant to accept these provisions (which was almost certain), it ensured that the UK would not come across as an unreliable and excessively demanding negotiation partner. So, pointing to the regulation was not only a logical choice, but indeed a strategic tool creating a win-win situation for the UK. If the Community, against all odds, would agree on the 'London Convention', the UK would not be worse off upon joining the EC. If no agreement could be found, the UK could still extend its demands compared to both the 1970 EAP and its own 6-mile proposal. Thus, it was unsurprising that the UK opted to change its access objectives based on the status quo in late June: MAFF argued, "The 1964 Convention recognises the possibility of preference to the local population in the 6 to 12 mile belt […] this must also be true of any arrangement for an enlarged Community" (TNA, MAFF 209/3019b). The UK had in mind a regime that "would be based on the general principles of the European Fisheries Convention" (TNA, MAFF 209/2644). The government argued, "We had based our approach largely on the principles and practices set out in the 1964 European Fisheries Convention, to which all the six members states of the Community and Denmark and Ireland were also parties" (TNA, MAFF/2959a). Thus, the British government emphatically stated that the 1964 Convention would "provide an acceptable solution for all parties until the Common Fisheries Policy for the enlarged Community can be reconsidered, and one which could be respectably covered in the Treaty of accession" (TNA, FCO

30/963a). This view was also supported by (parts) of the industry, which reasoned: "our fishing industry will surely face disaster if the British fishing limits established by the defined statute in 1964 are in any way amended in order to assist Britain to enter the Common Market" (TNA, FCO 30/962c). This evidence clearly alludes to the relevance of the convention for the EAP negotiations. From the failed July 12th ministerial meeting onwards, the UK would be unwilling to agree to any provision not extending the limit at least as far as the 'London Convention' did. MAFF in this regard stated that "it would be unreasonable that these existing rights should be diminished as a result of the enlargement […]. Our proposal […] offers a fair balance between the different interests in an enlarged community" (TNA, MAFF 209/3019b). This statement also makes it clear that the UK's objectives were made and negotiated on rational rather than emotional grounds; its mentioning of 'fair(ness)' in regards to its own demands and those of its counterparts shows a high degree of 'collective reflection' and indicates that emotions were subordinated to utility maximisation. This analysis confirms as a side product basic RCI assumptions about the relevance of rationality and utility orientation in negotiations, which was somewhat unexpected given the heavily emotionalised domestic discussion on fisheries. The British push towards the status quo solution was nothing but a rational choice that increased the likelihood of achieving its two main negotiations goals.

Overall, the positions taken during 1971, especially the shift towards a status quo solution and – to a lesser extent – the 6-mile with 12-mile bumps approach, reflects the UK's clutching to the already existing regulation of 1964 as the negotiation baseline starting with its first shift of bargaining objectives.[78] Thus, it is

[78] For the second shift of bargaining objectives the manifestation of the idea to maintain the two-belt system stemming from the 1964 Convention explains its influence. However, the direct influence was less immediate, compared to the first alteration of mid-1971.

reasonable to conclude that the past regulation not only created a path upon which the UK could have walked, but also influenced Britain's objectives in the bargaining and thus the policy outcome over time. Historical arrangements allowed the UK to change its position and expand its objectives, which not only pressured Norway, but also directly influenced its other counterparts in the negotiations too. It would be difficult for the members to rebuff the principles (most notably, the two-belt system) of a regime they had collectively agreed upon in 1964 and that three out of four applicants were fond of. At the same time, the regime also represented a rapprochement towards the demands made by Norway (compared to the EC's June 1970 provisions). Because of where Denmark, Ireland and the UK were coming from, promoting the regime proved to be advantageous to their endeavour to achieve better terms on the EC's CFP. However, had the 'London Convention' looked different, the policy would have been to the UK's detriment, which would have made it significantly harder for the UK to achieve its goals in the accession negotiations. Thus, the finding is nuanced insofar as the mere existence of the convention alone does not account for the shift in access objectives. Its success critically hinged upon its particular configuration relative to the EC's 1970 regime. For the UK, the 1964 'London Convention' may have been a bullet to bite at the time, but years later turned out to be a secret weapon in the fight for a new EC fisheries regime.

4.4.1 Conclusion: Path Dependencies

The 'London Convention' played an essential role for the alteration of Britain's bargaining objectives and helped the UK to achieve better terms in the negotiation. Without the 1964 convention in its particular configuration, the UK could not have easily switched to the status quo solution, a more generous objective, in June/July

1971. The provisions the 'London Convention' offered did not constrain the UK in its decisions, but the Community, which eventually agreed on a regime resembling the principles laid down in the 'London Convention,' not only in 1972, but also particularly in 1983. This does not mean that the 1964 regulation was the sole factor shaping British bargaining objectives in the EAP negotiations, but means that given the empirical evidence, it certainly contributed to their alteration throughout 1971.

4.5 The Role of EC Institutions and Elements of the Policy-Making Process

Although it was the Council that negotiated access regulations with the single states, the European Commission was the only entity with the required resources to collect and distribute the information which could (potentially) influence the objectives of the applicants and members. Influence by the ECJ, another influential supranational institution for the changes of bargaining objectives, can be ruled out for the first negotiating period because, until the UK entered the EC on January 1, 1973, the ECJ's jurisdiction did not include the country. This justifies focusing on the Commission alone. Additionally, this section investigates the relevance of features of the EC's policy-making process on the alteration of the UK's bargaining objectives. Theoretical assumptions made in this work would expect to find a constant influence of EC institutions on the process of altering British bargaining objectives. This can only be partially confirmed. The Commission did not influence Britain's objectives throughout the process, but only towards the end of the bargaining. It effectively brokered between the parties involved in order to enable agreement. However, the analysis lends support to the argument that his role was not axiomatic, but context-dependent. The key element of the policy-making process in the first round, the voting system, only prevented the UK from taking a tougher stance in the bargaining without directly altering its bargaining objectives.

4.5.1 Elements of the Policy-Making Process

The UK was eager to join the EC. Fisheries were an issue of concern for the entry negotiations, and the UK was anything but disinclined to resolve the issue. The archival material reveals that unanimity reduced the demands the UK put forward and increased its credibility as a reliable negotiation partner. The two major shifts of its bargaining objectives, however, were not caused by the decision-making mode.

In bilateral bargaining with the EC, the UK could have put forward or switched to extreme objectives at any time. If an agreement was desired, the EC would have to accommodate the UK in one way or another, regardless of the reasonableness of the objectives. Multilateral bargaining, however, requires more thoughtfulness. Given the lesser power of single states, demands for extreme concessions would not only result in a rebuff by other states, but also a loss of trust and mutual understanding between the applicants, reinforcing suspicion and leading to a scenario of exclusion, or minimal preference agreements. As Héritier (1996), referring to Axelrod's (1984) 'shadow of the future' argument in the context of EC negotiations, writes: "Participants know that their relationship is not merely a temporary one, but meant to be durable. They therefore think twice before ruthlessly seeking to maximize their individual interests" (p. 157). The Norwegian case regarding fisheries illustrates well how stubbornness and impudence can harm a country in multilateral negotiations. From the beginning, Norway demanded significant concessions from all other states while itself reluctant to concede anything. This stiff attitude prompted other countries to look at Norway with less accommodation and ultimately yielded an unsatisfactory result for all participating entities: the Norwegian public's rejection of membership. As opposed to (some of) its fellow applicants, the UK was aware of (and rationally managed) the tightrope

walk between demands and concessions, individuality and communality, caused by the nature of the fisheries negotiations from early on. For instance, an internal correspondence noted that "We have to strike for a fair balance between the different interests in an enlarged Community" (TNA, PREM 15/356b) and

> there is always an argument for a buffer, but agreements are not reached by demanding more than can be justified. Our arguments are based on the need to maintain the fishing and cannot be stretched by making the assumption that agreements will be broken. (TNA, PREM 15/356b)

What this 'fairness' represents for the UK reveals itself in a conversation between Rippon and the Commission President Malfatti. For the UK, equality between the four applicants was a prerequisite for the UK to agree on a common policy for the enlarged community: "special treatment for one candidate country would require special treatment for the others" (TNA, MAFF 209/2959b) or phrased differently: "On fisheries limits […] the right answer must […] equitable to all" (TNA, MAFF 209/3020a). In other words, 'fairness' is expressed as the UK's second negotiation goal of 'relative gains'.

As outlined above, the UK had considered demanding a full 12-mile EEZ but ultimately refrained from publicly advocating it. This was rational, as the UK lacked comparative economic justification for such a limit. The pursuit of this objective would have irritated the other states who would have perceived the demand as unreasonable. Thus, it would have been unfruitful to present unjustified claims to its partners while dependent on them for issuing a policy. The negotiators realised that, given the nature of the voting system, agreement was conditional upon the others. A MAFF correspondence in this regard noted that "The important points to get across are that it would be unreasonable to expect any applicant to bind his country

unconditionally and on a bilateral basis in advance" (TNA, MAFF 209/2959c). The de facto unanimity rule, indeed self-inflicted through a conscious decision by the UK after the start of the negotiation, required collaboration rather than proposing solutions preferential for a small group of countries or even a single one.[80] Again, this can be viewed from several perspectives: a more or less satisfying compromise for all countries could be found, which allowed the negotiations to conclude in the first place. In addition to scholars confirming that the unanimity rule leads to approximation of objectives between negotiating entities (e.g. Elgström & Jönssen, 2000), practitioners also endorsed the view that "if an agreement is the desired outcome, unanimity generally leads to less extreme preferences taken by the negotiating entities" (Director-General for Environment, personal communication, March 24, 2017). Correspondingly, the need for unanimity led the UK to not urge for more generous provisions or seek coalitions leveraging the demands of other states: "When quality majority voting prevails, states that want a positive outcome tend to take stronger stances and seek for coalitions" (Director-General for Environment, personal communication, March 24, 2017). Once unanimity became the decision-making mode, the UK wisely desisted from putting forward unreasonable demands doomed to fail. In doing this, the UK acted rationally, increased its credibility and ultimately enabled agreement. What rendered the situation difficult in the context of unanimity over the course of 1971, was the missing reciprocity amongst the applicants in this regard:

> Since then [the June 21, 1971 ministerial meeting] we have sought to see how

[80] There is also a temporal aspect to the impact the unanimity rule had on British access objectives. At the outset of the negotiations, it was a purely bilateral matter. In the course of bargaining and the realisation of how much the applicants' goals diverged, unanimity gained momentum. This has crucial ramifications for the analysis: the UK could not have accounted for this decision-making mode upfront in formulating negotiation objectives. It is owing to these circumstances that an independent analysis of the rule for the alteration of bargaining objectives becomes possible in the first place.

> far it might be possible to make common cause at such a meeting with the other applicants. We invited them to a series of informal discussions at [the] official level in Brussels. The Norwegians declined to meet us at official level or to attend a multi-lateral meeting with the Community. (TNA, FCO 30/963a)

The reason for the reluctance to participate in the proposed multilateral negotiations was straightforward: "Norway and Denmark have declined to attend a multilateral meeting on that day to deal with fisheries because they have been given reason to expect a better deal later" (TNA, CAB 134/3358b). This strategic unwillingness to cooperate and lack of mutual understanding coupled with the UK's aspiration not to agree on unequal terms amongst the applicants prolonged the negotiations and made it more difficult to find a satisfying outcome over the course of 1971. On this matter the FCO commented, "This is a pity; but we would much prefer no solution to a bad solution" (TNA, FCO 30/963b).

However, looking at the alteration of British bargaining objectives, the evidence presented indicates that the unanimity rule itself only exerted an indirect influence. That is, it helped discard an option for a bargaining objective discussed internally—namely, the idea of aligning the UK's position with Norwegian demands, specifically a 12-mile EEZ. Yet, in not doing so, the UK positioned itself as a reasonable negotiation partner, a move which eventually facilitated accession. Despite this positive effect on the overall negotiations, the assessment is clear that there is no data indicating that the two major changes of bargaining objectives were caused by the structural elements of the negotiations.

4.5.2 The Commission's Role

As outlined above, the Commission made two major proposals on the EAP: the first, which coincided with the Icelandic election, on June 17, 1971, and the

second, on November 9. The empirical evidence shows that the Commission's influence on Britain's objectives was limited at the onset of the negotiations but increased over the course of 1971.

On the same day the first substantive proposal was published, the AE Committee held a meeting in London. At a superficial level, when considering what the UK did—nothing—it is evident that the Commission proposal did not entail a sudden change of negotiation objectives in its direction. Thus, a causal nexus between the Commissions' input and the UK's alteration of negotiation aims cannot be drawn, and an immediate impact can indeed be ruled out. Remarkably, on a more detailed level, the minutes of the meeting reveal that the UK was somewhat inclined to settle on fisheries in June/July 1971 and the proposal was indeed seen as timely. The Committee admitted: "The Commission's proposal […] contained some good features" (TNA, T 224/2819c), referring to the first 5 years during which the UK would have been granted its 6-mile proposal. However, the uncertainty regarding how the regime would look in the ensuing 5 years implicated its repudiation: "The situation thereafter would remain uncertain and for this reason they would not meet our political needs" (TNA, T 224/2819c). A note at the end of the minutes perfectly epitomised how the UK perceived itself in relation to the Commission – as a superior entity waiting for the Commission to surrender its position for British demands: "In reply to any […] enquiries about the Commission's proposals, we should indicate that the Commission's proposals seemed to represent a welcome move in our direction" (TNA, T 224/2819c). This attitude towards the Commission is indeed surprising at first, as the UK seemed to behave favourably and rationally towards the other negotiating entities in order to enable agreement. Without generalising at this point, one could assume that British behaviour was triggered by a lack of knowledge on the Commission's role and immense powers (in fisheries

negotiations) at the time. Looking at a conversation between British and Norwegian officials in July 1971, however, draws a more nuanced picture. The FCO argued that "The Commission were trying very hard to think of some bogus principles which could be agreed upon and applied without damaging anyone's interest. The strongest opposition came from those in the Commission who had devised the original policy […]" (TNA, FCO 30/965a). The UK certainly respected the Commission's effort to broker a deal early on, but was equally aware of the risks for achieving British bargaining objectives emanating from its institutional position. Knowing that the Commission just drafted the detested policy agreed upon between the members in 1970, it was indeed rational to assume the administrators in charge were not fond of changing 'their' policy towards a significantly less communalised regime (in terms of EEZ width) as proposed by the applicants, none of which supported the 1970 regulation. This is especially true when considering that the Commission was keen on curtailing the length of the 'new' regime to 5 years (as was originally written down in the 1970 agreement). After this period, the Commission was granted the authority to theoretically propose a fully revised policy. This process would have increased its influence on fisheries in the Community, for example, by making the case of qualified majority voting on access questions already in the mid-1970s. On the contrary, the UK (and others) sought a more permanent solution of at least 8 to 10 years without the possibility of significant changes made by the Commission in the meantime. Against this backdrop, the Commission was rather antagonistic to the attainment of British bargaining objectives in early 1971. A UK move towards the Commission's position would have required a surrender of the UK's key demands, making the obtainment of its goals unlikely. Therefore, the sceptical behaviour with which the UK approached the Commission in the first half of 1971 becomes

comprehensible and indeed testifies to its detailed knowledge about the workings of the EC rather than 'rookie mistakes' based on British inexperience.

However, in November 1971, the situation had changed as the circumstances were different; the UK would still act rationally, but its perception of the Commission had altered. The participating states were exhausted and pressed to conclude fisheries in order to enable accession. In this distinctly different context of nascent fatigue, the Commission's second, and arguably more balanced, proposal could attract attention. As O'Neill (2000) states, "Though in many respects still entirely unsatisfactory, it [the proposal] nevertheless proved the basis on which, after much amendment, agreement was eventually reached" (p. 272). This relevance is empirically supported in the minutes of the AE Committee meeting on November 24, 1971: "The Commission had subsequently produced the new formula […]. In deciding our attitude in the next round of negotiations on 29 November United Kingdom Ministers must pay regard to the undertakings" (TNA, T 224/2819e). Or, as stated elsewhere in the minutes:

> The Commission had produced a formula for the duration of the derogations to be agreed to the access provisions of the Common Fisheries Policy, which offered us the prospects of reaching agreement […] we should make concessions on the length of this period if necessary in order to achieve a satisfactory overall agreement. (TNA, T 224/2819e)

In the same meeting the 'recommendations' for the negotiation team on how to behave in the next session "must depend to some extent on the results of further informal discussions between the applicant countries and the Commission […]" (TNA, T 224/2819e). In other words, the Commission was now a fully-accepted partner providing solutions for the fisheries impasse to be resolved. As PM Heath

stated in late November, "The Commission has made a real effort to produce proposals which move significantly towards meeting the interests of the candidate countries [….]. We must […] show readiness to work for an agreement on the basis of these proposals" (TNA, PREM 15/356c). The language used and the attitude shown in these documents differ dramatically from mid-1971. The Commission was no longer conceived as a malicious 'interferer' hampering the attainment of British objectives whilst focused on pushing its own agenda, but rather as a reliable 'enabler' which, given its resources and information advantage, provided the negotiators with a space in which a deal could be struck towards the end of the bargaining. The UK could now assume that a minor change of objectives towards the position of the Commission would lead to an agreement with the EC and the other applicants, and the ultimate goal of entry could be achieved. The minutes of the AE Committee meeting of November 24, 1971 in this regard clarified, "The Committee […] agreed that we could accept a formula along the lines of that produced by the Commission" (TNA, T 224/2819e). Even one of the UK's negotiating counterparts, the French, privately lauded them for having "come some way to meet them [the Commission] on the formula" (TNA, FCO 30/974), highlighting the importance the Commission had for British objectives. Empirically, it can be seen that the UK soon after changed its objectives as a result of the new proposal by (a) refraining from the status quo solution, and (b) softening its attitude regarding the regions that should be covered by the 12-mile EEZ, moving towards the suggestions of the Commission. Both changes illustrate the influence the second proposal had on the UK's objectives towards 'equal access'. The UK learnt that a different perception of, and interaction with, the Commission could lead to a mutually satisfying outcome. Yet, this insight was contingent upon a changed environment in which gridlock was coupled with the pressure to finish the negotiations to enable accession. Therefore, speaking of a

'genuine' institutional learning effect as part of the negotiation experience in the first round of fisheries bargaining remains doubtful. On the contrary, the analysis lends support that the Commission played a context-dependent role in fisheries bargaining. Yet, agreement on a policy would have been less likely in the absence of the Commission's efforts to broker towards the end of the bargaining.

Overall, the inference to be drawn on the relevance of the Commission for British objectives is bipartite. At the beginning of the negotiation, no evidence of any kind of impact exists. Over the course of 1971, with frustration beginning to surface between the parties involved, the position of the Commission strengthened, and it succeeded in influencing British objectives by 'pulling' the UK to move to a certain position, deviating from the status quo. However, this inference must be understood as non-exclusive: the first shift of bargaining objectives cannot be traced back to the influence of the Commission. Furthermore, the influence at the end of the negotiations does not exclude the possibility of further factors also sharpening and shaping these aims too, as is shown in the next sections.

4.5.3 Conclusion: The Role of EC Institutions and Elements of the Policy-Making Process

The decision-making structure with its self-imposed unanimity rule caused the UK to have a prudent perception of the entire negotiation constellation and helped it to discard, for instance, its idea for a full 12-mile limit at the European level. A direct influence on changed objectives, however, is not evident. In the early negotiation phase, the Commission did not influence Britain's bargaining goals. However, with increasing negotiation intensity, a changed environment and the ensuing perception change on the British end, the Commission managed to contribute to attitudinal changes by providing solutions for prevailing problems, facilitating agreement.

4.6 Domestic Pressure

Theory suggests that domestic interest groups and other stakeholders not only set the objectives brought to the negotiation table, but also, through approval, rejection or alteration, influence those ultimately achieved. This impact on negotiation objectives is due to either the formal power granted by law (e.g., the Parliament) or the assumed power exerted on political and administrative elites (e.g. interest groups). This section assesses whether these actors had an influence on the UK's bargaining objectives, and, if so, what that influence was. Again, the focal points must be the UK's two major shifts, towards the status quo in mid-1971 and the 6-mile limit with 12-mile bumps solution later that year. Contradicting theoretical propositions and defying the politicised nature of fisheries in Britain's societal discourse on Europe, the analysis reveals that relevant stakeholders and politicians were sidelined throughout. The government pursued its goals on fisheries rationally and largely decoupled from relevant domestic actors.

4.6.1 Political Action

The general importance politicians and Parliament carried in the negotiations was tremendous; MPs actively lobbying against the government's negotiation proceedings or a negative 'decision of principle' in October 1971 could have torpedoed British EC accession. Yet, they did not play a central role in regards to the alteration of Britain's objectives on access to fishing grounds. Analytically, two categories of politicians' influence are looked at: outside and within the parliamentary framework. Looking at both is important as they differ in nature despite the same actors being involved; while non-parliamentary work is generally less constrained by formalities, parliamentary votes offer the chance to publicly make the case (for fisheries) visible and directly change objectives in a legalistic way.

4.6.1.1 Non-Parliamentary Action

This sub-section is devoted to analysing the way MPs tried to influence the negotiations beyond the parliamentary framework outside of formal debates and votes in the House of Commons. Early on, fisheries caught the attention of MPs representing constituencies of fishing-dependent regions for whom the topic naturally carried great electoral relevance. Rippon, his team and bureaucrats regularly received mail from and conversed with politicians with an interest in the issue. There is, however, no compelling evidence directly linking positions taken by politicians in these exchanges with the alterations of access objectives that appeared in Brussels. Analysing the communication, however, is valuable to explain the reasons for their inability to sway Britain's objectives. Take the example of Mr Bruce-Gardyne representing Angus South in the House of Commons, who in June 1971 wrote to Rippon:

> I was somewhat dismayed to read reports in the press last week that Con O'Neill and the Foreign Office negotiating team were aiming to secure consolidation of a six-mile limit for the inshore fishermen. I need hardly tell you that these reports have aroused a fair amount of excitement and alarm on my constituency; and I am hoping that you will be able to assure me that they are wide of the mark. […] Above all, I find it hard to understand that we should contemplate abandoning the 12-mile limit as our opening posture in the negotiations. (TNA, FCO 30/960a)

This seemingly unimpressive excerpt revealed two reasons for the irrelevance of non-parliamentary action for the change of the UK's access objectives: (a) *Information.* An MP from a heavily fishing-dependent region in Scotland was not up to date with the developments in Brussels and thus compelled to retrospectively consult newspapers

to get insights on the bargaining. Thus, proactively swaying objectives was impossible. In fact, this lack of information was, at best, unintentionally reinforced by the government, which missed the necessary reciprocity for politicians opinions' to be formed and subsequently incorporated into the negotiations, and, at worst, deliberately caused. One prime example in this regard is the government's 'White Paper' on accession to the EC of July 1971. Set out as the centrepiece to inform MPs on the UK's accession to the EC, it remains superficial on fisheries, stating only that "The Community have agreed that the arrangements governing access to coastal waters will have to be reconsidered in the perspective of enlargement and further discussion will be held in the near future" (Her Majesty's Government, 1971, p. 37). In part, this lack of information was inevitable given the uncertainty in Brussels. But not revealing the status quo of the negotiations and explaining the process underlying the deliberation of bargaining objectives not only represents a glaring gap in the information politics of the government, but was also a risky, yet successful gamble for the October vote. But without information available to them, it was impossible for politicians to shape objectives in advance. The other factor is (b) *Knowledge*. The politician understood little of the matter itself as neither did the UK urge for a full 12-mile limit in the first place, nor did it ever have a full EEZ of this width around its coastline to be 'abandoned'. The more important part – the fact that the majority of fish caught by the inshore industry came from within the 6-mile belt, which was especially important from a Scottish perspective and had to be protected at first – was not emphasised. Instead it was urged that "I really do not see why we should not go for the full 12 miles" (TNA, FCO 30/960a). A demand for the full 12 miles would have been excessive, turning the UK into an unreliable negotiation partner and making agreement unlikely, while also hampering the DWF's operations. The statement demonstrates little knowledge on the subject as well as on the negotiation

dynamics in Brussels. This perspective is shared by a civil servant who argued that "the vast majority of politicians did not have any knowledge on fisheries. And if you do not know what you are talking about, things can get out of hand" (Senior Official MAFF III, personal communication, March 14, 2020). On the one hand, the lack can be traced back to the absence of information conveyed from the top (government) to the bottom (politicians). On the other hand, especially for MPs from regions heavily affected by the policy, interaction with their constituents can be expected. Viewed from this perspective, the lack of knowledge is also owed to personal characteristics rather than the general unavailability of information on what the current regulation looks like and which matters were important to the fishermen affected. Importantly, the lack of both knowledge and information demonstrated early on in the negotiations lends strong support to the argument that the government did not 'price in' any politicians' position acting outside of the parliamentary framework ahead of the bargaining. There is no evidence alluding to a scenario whereby the same actors first influenced Britain's opening bid and subsequently lost knowledge on the matter, procedural information on the negotiations and means to exert leverage on the government. On the contrary, the evidence this section discusses suggests that politicians' influence was limited throughout.

Another noteworthy contribution is provided by Sir John Nott, MP for St. Ives, a region equally depending on fisheries, who wrote:

> I am sure you will understand that it [the lack of finalised negotiations] would place people like myself in an extremely embarrassing position were we to be asked to make a public judgement on the British entry in circumstances where nothing had been settled on fisheries. (TNA, FCO 30/960b)

Instead of active change, political passivity is another feature of the non-parliamentary discourse, which hints at a third reason why non-parliamentary work remained unsuccessful: (c) *Dedication.* Politicians of the governing party particularly were more interested in their self-display than the cause. One might be inclined to argue that this behaviour was owed to the complexity of the issue and the general nature of the negotiations, which has its merits. The attitude also becomes comprehensible when looking at the political climate of early 1971; despite all economic difficulties lying ahead, the UK was not (yet) in utter turmoil and a general election not anticipated. Thus, MPs saw their jobs as not immediately imperilled even if they would not act upon demands made by their constituents in regards to fisheries. The lack of individual dedication of (some of) the affected politicians outside of Parliament, however, can also be explained through a different lens. Given the – only – 14-seat Tory majority, which "was unlikely to suffice, given the presence of a vociferous group of Eurosceptics within his [Heath's] party" (Ludlow, 2015, p. 20), MPs whose constituencies were fishing-dependent could have simply focused their energy on uniting efforts in Parliament to make their case. In other words, the lack of non-parliamentary dedication could have been a result of bipartisan cooperation on fisheries in the House of Commons. This, however, did not materialise. In turn, this lack of cooperation can be explained by the strong reservations amongst politicians from the two major parties. Even outside of Parliament, collaboration on fisheries was risky and carried potentially severe ramifications for the parliamentarians themselves, such as being excluded from future posts within the party. All of which then caused (d) *Powerlessness.* Mr Strang of Edinburgh East, for example, made a compelling case aptly arguing why affirming entry to the EC without knowing the content of the fisheries policy would be problematic from a strategic standpoint: "Since Parliament will have voted for entry,

there will not be the same pressure on the E.E.C. The situation which has now developed is profoundly disturbing" (TNA, FCO 30/969). However, being embedded in a hopelessly divided party, coupled with the lack of responsiveness on the part of the government, made it impossible for a single opposition politician to gain traction outside of Parliament and actively change the course of the negotiations.

In short, it was a combination of different, partially overlapping factors that caused politicians acting outside of the parliamentary framework to remain inactive, uninterested or unheard in trying to sway British objectives on the CFP's access provisions.

4.6.1.2 Parliamentary Action

While the influencing of access objectives from outside of the parliamentary framework was ineffective, the question arises as to whether debates and votes in the House of Commons directly affected British negotiation goals in Brussels. Throughout the bargaining, fisheries were a contested topic in Parliament and within the parties. After the October vote, fisheries were no longer discussed in the Commons as a topic in its own right. Yet, there is justification to examine both the status quo shift before the summer recess as well as the second shift of access objectives in late 1971, the latter of which could have incrementally been conditioned by the October debate. The analysis refrains from extensively discussing the debate, but instead focuses only on its fisheries part.[81] However, as with non-parliamentary work, there is no direct and convincing evidence that links parliamentary pressure to changed objectives at the EC level.

[81] For a detailed account of the EC membership debate, see Ludlow (2015), who provides an excellent piece on the proceedings in the House of Commons.

At the beginning of the bargaining, MPs took a predominantly temporising position, fuelled by the government's evasive behaviour not only in private exchanges, but also in the House of Commons. Lacking detail, Rippon's statements in Parliament remained vague: "One reason why I pressed for an early meeting on the 12th July was to be able to give the House as soon as possible details about this matter which concerns so many people inside and outside the House" (TNA, MAFF 209/2958a). On the surface, he kept the MPs somewhat informed about the outcome of the developments in Brussels. But active involvement in the negotiations was undesirable, and information, if at all, was distributed only in retrospect, which mirrors the experience politicians had outside of Parliament. On June 24, Rippon added, "We have suggested exclusive fishing up to six miles from existing baselines for vessels genuinely fishing from home ports. This still remains our position" (Rippon as cited in Hansard, 1971b, column 1609), which was not inaccurate, but internally the negotiation team had already decided to push for the status quo as a preferred outcome, which Rippon skilfully withheld in the House of Commons. This reticence was somewhat unexpected, as upholding the status quo would provide more fish to the UK than the 6-mile proposal and thus, if agreed upon, represented a success in the negotiations. This strategy could lend support to two arguments: (a) The government aimed to artificially keep the win-set in Brussels small to gain even better terms over the course of 1971. (b) The government did not expect to settle with the status quo and wanted to prevent political turmoil early on. In other words, it wanted to avoid constant domestic interference in inter-state negotiations. The evidence available corroborates the latter argument. In a government paper, officials agreed that "The Six would probably be unwilling to reach a settlement on this basis on 12 July" (TNA, CAB 134/3357b), which, in part, explains the government's

information politics. Days later, MPs from both major parties tried to sway objectives in the direction of the status quo. In Parliament, Banffshire's representative recommended: "May I suggest that, in order to prevent a great deal of anxiety within the fishing industry, the 1964 Fisheries Convention is reconvened as a basis for a settlement of this very difficult question" (Baker as cited in Hansard, 1971c, column 7). His colleague representing Hull West urged, "What he [Minister Prior] must do is to say that we return to the 1964 position" (Johnson as cited in Hansard, 1971d, column 1914). These attempts to influence the government's position were commendable, but came weeks too late for influence to unfold. On the contrary, others were still unaware of what was negotiated on or chose to remain silent. This lack of knowledge was supplemented by disagreement amongst MPs on the very size of one of the major bargaining chips, the amount of fish caught in the yet to be determined outer belt (6-12 miles). Whereas some claimed "With the inshore fishing fleet, 70 percent of its catch is outside the 12 miles" (Mackintosh as cited in Hansard, 1971e, column 1532), others argued "I was out in the North Sea for two days last week with the fishery protection patrol and I was told by the British fishermen that 90 percent of their catch is inside the limit" (Mather as cited in Hansard, 1971e, column 1532). Both claims were incorrect, but the government chose not to comment on either. The confusion in Parliament amongst (some) MPs from relevant constituencies before the summer break of 1971 is astonishing. This was especially surprising as "the fisheries question is a matter of important principle as well as of grave economic consequence to many of our fellow citizens who eke out their livelihood in difficult circumstances" (Lever as cited in Hansard, 1971f, column 495). Yet, looking at the way the government interacted with politicians within and outside of the parliamentary framework, the lack of knowledge becomes unsurprising and simultaneously explains why politicians were unable to proactively

engage with and shape access objectives put forth by the government at the EC level. Owing to the negotiation goals and the ensuing uncertainty in Brussels, it was surely hard for the government to substantively respond to claims made. Despite the electoral relevance of fishing ports for the governing party, MAFF only admitted that "it is impossible at this stage to do more with constituency cases than note the views expressed […]" (TNA, MAFF 209/3019b), which is anything but a clear commitment to accommodate single cases in the negotiations.

Similar logic applies to the UK's second shift occurring shortly after the 'grand debate' of October 1971. Ludlow (2015) correctly maintained that, owing to the Labour leadership's ambiguity, a "substantial portion of the debate revolving around seemingly secondary matters such as […] the precise extent of British waters from which continental fishermen would remain excluded" (p. 19).[82] This is true; fisheries were indeed extensively discussed in the Commons, inflaming passion amongst affected MPs, and a shift of bargaining objectives was observed a month later. There is, however, no evidence linking the two. In October, the discourse had shifted. Now, affected MPs made the case for both special treatment for their own constituencies as well as that an affirmative vote on an unknown policy is problematic. Yet, there was no consensus amongst the affected MPs on how to classify the importance of the issue. Some hoped "what the Chancellor of the Duchy of Lancaster has said about the assurance which have been given will work out" (Johnston as cited in Hansard, 1971g, column 2028), and others only expressed concerns: "Members will not know the outcome about fisheries until after the vote tonight. A Minister who has shown his ability to surrender on major issues overnight is playing the fisheries issue long" (Crouch as cited in Hansard, 1971h, column 2086).

[82] This ambiguity refers to Labour leadership's initial endorsement of the application, whilst subsequently finding itself in the odd position of opposing "the outcome of a membership negotiation that it had launched" (Ludlow, 2015, p. 19).

Few openly rejected the decision in principle based on the uncertain fisheries deal: "I cannot support this Motion until I can assess for certain, for my own sake, what effect entry will have on the inshore fishing industry" (Wolrige-Gordon as cited in Hansard, 1971g, column 1970). This lack of consensus not only on substance, but also on the very nature of the CFP's value for British accession, made it impossible to build a compelling case and shift government objectives.

Parliamentarians straightforwardly argued in order to defend their constituencies: "Orkney and Shetland need a 12-mile limit" (Grimond as cited in Hansard, 1971i, column 1307), which were areas the government had already identified for special treatment earlier that year (if another shift of negotiation goals would become necessary): "Turning to the terms of an offer on access limitations, a 12 mile limit restricted, say, to Orkney and the Shetlands would not be a fair [compared to Norway's entire coastline]" (TNA, MAFF 209/2959d) or at a different place "In that case you may be sure that we shall press for special treatment for our special areas - the Shetlands have been mentioned as an example […]" (TNA, FCO 30/965b), O'Neill wrote in July and August 1971 respectively. The government had a clear line in determining these areas: "it was necessary to consider those areas where fisheries were of considerable economic and social importance to the development of the regions" (TNA, FCO 30/971). In other words, political considerations were only prioritised indirectly by ensuring the economic stability of the respective regions, but were not the main reason for an area to be protected by a 12-mile limit. Economic rationality was the key driver for the identification of those areas, independent of the potential effort taken by the constituencies' representative. This argument is further corroborated by a government official, who recalls that "Geoffrey [Rippon] went from fishing constituency to fishing constituency, round the whole of the UK, working out how many Conservative MPs might be at risk if

we accepted the deal" (Palliser as cited in Kandiah, 2008, p. 102). This deal was then accepted by the UK without further alterations. Putting emphasis on the economic, instead of mere political justifications for coastal protection, was not only rational, but also refutes the argument that the zones with 12-mile limits were only created in areas where the governing party held seats in the House of Commons. Yet – and this already hints at the importance of 'other states' – "He [Rippon] had suggested that these were all considerations which had to be taken into account in the determination of special areas if every country were to get comparable and equitable treatment" (TNA, FCO 30/971). In other words, determining these regions and the entire fisheries deal was contingent upon how other states handled the matter too.

Despite the overall positive outcome of the vote and de facto decision to enter the Community, Rippon continued pressuring the other states by trying to use the 'domestic' as a strategic tool to get better terms, a strategy that was ultimately unsuccessful. Rippon argued in November 1971 that "the fisheries problem had proved more difficult from the domestic point of view than any other problem in the negotiations. A number of British MPs had strong constituency interest in the outcome, and the Government was under pressure" (TNA, MAFF 209/2961/1). This was not untrue. Even after the deal on fisheries was struck in December, a dissatisfied MP demanded the stop of the accession process: "will he not agree that the House must have an opportunity to discuss and debate the fisheries agreement before the Government sign the Treaty of Accession?" (Healey as cited in Hansard, 1971j, column 4). However, Rippon knew as much as the UK's negotiation partners that accession was not in real jeopardy anymore. Moreover, even if a separate vote on fisheries had happened later on, it seems that the majority of MPs would have still approved the deal, despite the emotions involved at the societal level. Only a limited number of MPs were willing to reverse the October decision because of fisheries.

This was for the simple reason that a large number of MPs were interested in concluding the negotiations to prove the value of EC membership to their constituents. Only a small part of those whose constituencies were heavily dependent on the resource in economic terms were keen to postpone or cancel accession for a dissatisfying deal on fisheries. Furthermore, in the UK's political system a majority normally backs the government in the House of Commons. As outlined above, a chance for an impact on access objectives could only have emerged if either a (cross-)party majority, originating from outside or within Parliament, formed and urged for this change by (legal) force – a vote – or the government reacted to a minority of MPs. Both cases would not only risk the overall success of the negotiations, which the government crucially wanted, but also cause severe political turmoil. Thus, for political and/or economic reasons, neither happened. Given these systemic structures of the UK's political system and the "extreme dominance by the executive" (Qvortrup, 2011, p. 92) intertwined with rationality as the distinguishing attitudinal character trait of the top administrative and government elites, the data supports the assumption that the minority opinions of politicians and those in parliament, did not trigger a change of Britain's bargaining position. Importantly, this also transferred to private exchanges between MAFF officials and politicians. Even in personal conversations with bureaucrats, politicians failed to influence British bargaining objectives in Brussels. Describing the relationship between MAFF and MPs at the time, a former employee of the ministry stated that "there were private interactions with individual politicians […], but these exchanges did not influence our thinking" (Senior Official MAFF IV, personal communication, March 19, 2020). This finding also casts further doubts on politicians' ability to having influenced Britain's opening bid. There is no rational reason to assume that politicians were able to influence Britain's opening bid and subsequently voluntarily remained on the

sidelines although the altered objectives affected their constituents (negatively). On the contrary, the evidence presented suggests the continued lack of influence throughout the period looked at.

In summary, various factors caused (non-)parliamentary forces to remain ineffective in the first negotiation round on the CFP's access regime. It was the interplay of politicians' inability or unwillingness to make a case for fisheries coupled with a comforting political environment in which the government more or less intentionally refrained from involving these actors. The government's attitude at home was shaped by the events in Brussels, which nicely shows the entanglement between the two levels as suggested by Putnam, though the international level outweighed the relevance of national actors in fisheries.

4.6.2 Interest Groups

Given the relevance ascribed to interest groups as key actors in the process of forming and approving bargaining objectives by theory, analysis of their influence is crucial. This section aims to elicit if, and in which ways, the fishing lobby was able to sway bargaining objectives at the European level. This procedure does not disregard the possibility of other stakeholders outweighing fisheries in regards to the alteration of bargaining objectives, but the empirical evidence does not lend support to the argument that other factors determined the specifics of Britain's aims on access provisions in fisheries. As for the other sub-factors as part of the domestic pressure, a direct link between the interests put forth by the fishing lobby and the shift of bargaining objectives in Brussels must be found to account as relevant. However, a causal connection between the two cannot be identified.

The CFP concerns fishermen and the manufacturing industry, and owing to their assumed political importance, the focus here is on fishermen's representatives.

Two channels of influence, direct or indirect pressure on the government, the latter involving the Parliament as an intermediary, can be assumed. However, as the previous paragraph has shown, searching for an indirect influence can be ruled out. Thus, this section examines whether the alteration of Britain's bargaining objectives was guided by claims fishermen's organisations directed towards the government. As explained earlier, the EAP was a major concern for two different and partially opposed interest groups, the UK's inshore fishermen and its distant-water counterparts. Their respective representatives took different stances on the EAP because while inshore fishermen barely cross the 12-mile line, distant-water fishermen regularly fish within the 12-mile limit of other states given the proximity of European coastal states. Thus, both groups would be heavily affected by the yet-to-be-determined policy. Inshore fishermen advocated for an extensive EEZ while distant-water fishermen wanted to reduce EEZ widths, both for the same reason of increasing their catches. As O'Neill (2000) writes, "The interests of our inshore fisheries and our distant water fisheries clashed over the access provisions of the Common fisheries policy, and in economic terms, the latter (except in Scotland) are distinctively more important" (p. 246). Stated in numbers and despite the DWF's looming decline, "two-thirds of the value of our catches comes from deep-sea-vessels" (TNA, MAFF 209/3019b). However, the small number of major distant-waters ports in the UK (Fleetwood, Grimsby and Hull) supported the political irrelevance of representing the interests of distant-waters fishermen. Distant-waters fishermen had a significantly smaller basis for political mobilisation compared to inshore fishermen, as small fishing boats characterised almost all coastal areas in the UK and were of local economic importance. Thus, the population identified more with small scenic boats than large industrial vessels. On the divide between fishing fleets, the government noted that "although of less overall economic importance

than the deep-sea fleet, it [the inshore fleet] is by no means unimportant politically, since a large number of coastal communities are still dependent to a considerable extent on inshore fishing for their livelihood" (TNA, MAFF 209/2956a). The government was indeed interested in the demands of all fishermen, as confirmed by a MAFF civil servant's observation that "the ties between fishermen interest groups and ministers were very close" (Senior Official MAFF I, personal communication, March 22, 2017). This is also shown by the various bilateral meetings between senior MAFF officials and fishermen representatives held in Whitehall over the course of 1971. The government, however, was in a difficult situation. Should it support the outnumbered but economically more important distant-water fishermen predominantly operating from British ports, or the politically stronger inshore fishermen which are of particular importance for (the local communities of) Scotland? From the beginning, the UK was fully aware of the difficulties surrounding the accommodation of the different interests people affected the most had on the EAP; in March 1971, a MAFF paper already stated that "In fact, we meet at every turn the problem of inequity in the effects of the policy" (TNA, MAFF 209/2956b). In short, "the problem is uniquely complex" (TNA, MAFF 209/2956b), and one side would have to lose, given the limited pie to be distributed. The side to lose turned out to be the DWF: "Politically the inshore men won hands down" (O'Neill, 2000, p. 246). This outcome was facilitated by the fact that "The Six have inshore waters generally unattractive to the UK or the Three but have fishing fleets very interested indeed in the inshore waters of the UK and the Three" (TNA, MAFF 209/2956b). Put differently, with the exception of Norwegian waters (which were generally believed to be inaccessible), there was much more to lose for the inshore industry, than to gain for the DWF. As the government put it, "Our inshore fishing grounds are rich and highly attractive to the Six […]. Theirs on the other hand are

unattractive […].” (TNA, CAB 134/3357c). Both arguments coupled with the greater political capital inshore fishermen could create in their local communities made a compelling case to focus on the inshore industry first in political decision making.

The UK’s original 6-mile proposal, despite that it was not a direct result of the DWF’s effective lobbying, was well received by its representatives. At a meeting between the BTF’s Director-General, Mr Laing, and Rippon in early June 1971, the former stated: “The BTF had been very glad to see that Mr Rippon had proposed the solution which they had advocated from the outset” (TNA, MAFF 209/3018). From the BTF’s perspective “the British proposal provided a perfectly fair solution” (TNA, MAFF 209/3018). Their support for such a solution was understandable as it would have provided them with access to more areas than provided for in the 1964 ‘London Convention’. In other words, because “our deep-sea fleet stood to gain from the possibility of recovering access to the waters outside the 6-mile limit of certain other members of an enlarged community, the British Trawlers’ Federation accordingly supported strongly the proposals […]” (TNA, CAB 134/3357d). However, at the same time, Mr Laing in a conversation with Rippon admitted that “the BTF missed out on publicity in the Press and Parliament” (TNA, MAFF 209/3018), which was one of the reasons why “his fears had been increased rather than decreased by this conversation. He had been anxious to ensure that we had proposed clear-cut regulations to reserve a 6-mile limit and nothing else” (TNA, MAFF 209/3018). His concerns were vindicated when the UK soon after shifted its objectives towards a status quo solution. The DWFs representatives were unable to prevent a shift that penalised the fishermen it advocated for. This was especially problematic given the increasingly restrictive international environment within which the DWF operated. It is thus unsurprising that a DWF impact on the status quo shift

can be ruled out by a document dated June 24, 1971, the minutes of a meeting of the Conservative Fisheries Committee where BTF representatives were present. According to the minutes, the BTF representatives and other advocates for the interests of distant-water fisheries, had been invited to see Rippon twice during the previous three weeks and repeatedly "expressed to him their displeasure about the distant water-fleet and the E.E.C […] We are rushing in without clearly defined interests" (TNA, FCO 30/962a). At their last meeting, Rippon "went off to get dressed for dinner. They thought he did not care about the industry" (TNA, FCO 30/962a). Even worse, the government made it clear that most of the represented group's interests were "off the mark" (TNA, FCO 30/962a). Again, their position was "that fishermen everywhere in the Community would get a 6-mile limit, and that the remainder would be genuine Community waters open to all" (TNA, MAFF 209/3018). So the reduction of the EEZ compared to the 'London Convention', enabling them to trawl as close as possible to foreign coasts, which was especially relevant in the light of the (anticipated) Icelandic and Norwegian EEZ extension. However, as detailed above, the government did not put forward a position that would expand DWF fishing grounds. On the contrary, the AE Committee minutes of a late June sitting stated, "In discussion it was generally agreed that it would be difficult to defend to domestic opinion arrangements under which the restriction of access to our waters within the 6-mile limit was of a limited duration" (TNA, T 224/2819c), which showed that the government was concerned about even a temporary restriction of its own (and thus its European partners too) EEZ, a central issue for UK's inshore fishermen. Owing to the economic relevance inshore fisheries carried in local communities, and the political capital that emanated from these constituencies, a (permanent) reduction of the size of EEZs as originally demanded by the distant-water fishermen's representatives was never considered. Often

neglected in this regard is the relevance of the 1970 regulation. If the government were truly keen on accommodating the DWF, pressing for the acceptance of the original policy agreed upon amongst the EC's members, which would have provided the DWF with more generous provisions than both the British 6-mile proposal as well as the status quo, was a simple solution. On the contrary, one briefing for a ministerial meeting confirmed the favourable position towards the inshore fishermen and their interests: "The Chancellor of the Duchy of Lancaster need make no secret of the UK's general reservations about the EEC's fisheries policy and our concern for our inshore fishermen" (TNA, MAFF 209/2649d). The DWF's inability to effectively lobby was reinforced by two further, partially overlapping, factors. Firstly, the vast waters the DWF exploited were not (yet) incorporated into the CFP, most notably the area between 12–200 miles. Secondly, there was uncertainty about further third countries' extension of their respective EEZ's. Both factors made building a coherent and effective strategy to sway access objectives in Brussels more difficult. Overall, looking at the evidence and the government's actions in the negotiations (towards pushing for a status quo solution), one cannot assume that distant-water fishers' representatives had an impact on British negotiation goals during the first half of 1971.

However, neglecting an interest certainly does not automatically implicate following opposing positions. In late June, shortly before the shift was announced, Mr Prior met with representatives of the inshore industry who were "gravely disturbed at the apparent failure of the Government to stand by its assurances of full protection for U.K. inshore fisheries and its reluctance to claim the continuance of rights and limits under the 1964 Convention" ("Fishermen will lobby Prior on EEC limits", 1971, p. 6). Others already had publicly urged "the government to refuse entry to Europe if this involved scrapping the 12 mile limit" (TNA, MAFF

209/2649e). This view, emphasising the value of the 'London Convention', was widespread; the spokesman for the Cornwall Sea Fisheries Committee, for example, stated that "We are only just beginning to feel the benefits of the 1964 Act and to throw it all away is completely wrong" (Farr, 1971, p. 8). On the contrary, the negative sentiments towards the British 6-mile proposal were enormous. The Secretary of the Fisheries Organisation Society, which traditionally represents inshore interests, called the proposal "totally unacceptable", whereby others felt "bitter disappointment" ("Hostile reception for latest EEC proposal on fisheries", 1971, p. 9). For other representatives of inshore interests, "it is plainly unacceptable to us that our inshore grounds should be exposed without adequate protection to the additional fishing which would certainly follow if they were open, even with conservation regulations, to fishermen of the whole enlarged Community" ("Prior spells out fishing policy", 1971, p. 6). These statements not only indicate what inshore fishermen demanded (retaining at least the status quo), but also show the prevalent dissatisfaction with the government's actions in Brussels. The inshore industry in mid-June warned: "if they still feel like going ahead in disregard of the industry's voice, one does not know what the consequences may be for British inshore fishing and also for the fishing resources of the rest of the Community" (Fishermen 'not satisfied', 1971, p. 7). This study has repeatedly emphasised that the government did indeed shift its position towards the maintenance of the status quo, a solution advocated by the inshore industry during that period. Nonetheless, a mere overlap of time and interest, although indicative, does not entail a causal connection between the representatives' interests and the government's actions in Brussels. This can only be verified by documents showing the government changing its position as a result of the demands made by the industry.

Surprisingly, though, such documents do not exist. On the contrary, MAFF in July admitted, "It is obviously impossible to give any specific assurances now about what modifications still to be negotiated will either include or exclude" (TNA, MAFF 209/3019b). In other words, specific interests were difficult to accommodate at this stage, independent of how well they had been presented in London. Underscoring that making promises was difficult, if not impossible, a Commission official argued in a similar fashion: "Fisheries agreements are always surrounded by a lot of uncertainty" (Commission Official Directorate-General for Maritime Affairs and Fisheries III, personal communication, March 22, 2020). To understand the UK's first shift of bargaining objectives, it is necessary to look at the July 12 meeting again. The UK was ready to discuss the proposals at hand and willing to settle for its own 6-mile proposal if it had resonated with the negotiation partners. But to the UK's surprise, "not all applicant countries were represented, and it was therefore impossible to seek to reconcile their different approaches to the problem. We therefore proposed that there should be an interim agreement to maintain the status quo […]" (TNA, MAFF 209/3019b). This is strong evidence that Britain's objectives were not changed as a result of pressure on behalf of the inshore industry, but their alteration was the consequence of the UK's inability to find consensus in Brussels. Pushing for the status quo, which was accepted by and applicable to virtually everyone involved in the bargaining but Norway, was the only rational choice until agreement on a different policy would be found. Therefore, the change towards a status quo solution must be seen less as a concession for inshore fisheries, but rather as a 'safe haven' to which the UK could retreat and expect that other applicants and members to be more inclined to accept or negotiate from. Following the evidence, it becomes clear that if the 'London Convention' had looked different, the government would have put forward different objectives, ones that would have potentially

diverged from those of the inshore industry. Consequently, although the interest overlap was beneficial to the inshore industry, its appearance was coincidental and prompted by the specifics of the 'London Convention', but not based on a causal nexus between the two. The inshore industry, albeit significantly more vocal and politically more important than the DWF, was equally unable to shift the government's objectives in negotiating a new access regime for the EC's CFP.

Dissatisfaction with the governments' behaviour carried on into the summer of 1971 with fishermen across the country, such as those who sailed from Brixham to Westminster as an 'invasion flotilla' to reiterate their arguments for an extended EEZ and restricted 'historic rights' for foreign vessels, protested (Daily Telegraph, 1971). In the autumn of 1971, the government was still in the predicament of being determined to join the Community with the interests of the major stakeholders opposed each other whilst it was unclear what the European partners would agree upon in Brussels. From the British perspective the two levels were interdependent, but neither seemed to progress. Before the vote in the Commons, the government stated:

> Our basic problem is to find an equitable and balanced solution which can be defended in Parliament as adequately protecting the United Kingdom interests. On the one hand we have to find a way of protecting the legitimate interests of our inshore fishermen which is also acceptable to the economically more important if politically less vocal deep-sea interests; and on the other hand […] we have to ensure that the final solution is not so unfairly favourable to them [the other states] to be unacceptable to the United Kingdom industry. Our conduct of the negotiations so far has been governed by these requirements. (TNA, CAB 134/3358c)

Looking at the statement, one may question the argument put forth in regards to the interest groups' relevance. However, when one goes beyond the purely political narrative and parses the shift of objectives shortly after the vote at the substantive level, this alleged importance of the interest groups in shaping the UK's position never materialised. No palpable impact emerged of either the distant-water or the inshore fishermen's representatives for the second shift of Britain's goals on access either. The lack of influence can be eliminated by virtue of empirics: the maintenance of (some) 12-mile areas opposed the DWF's interests, whereby the reduction of these areas and thus the deviation from the status quo as a 'new' British objective was unfavourable towards the inshore fleet. When looking at these objectives one could argue that the second shift indeed represents a perfect 'balance' that reconciles the opposing interests, and thus influence should be assumed. However, this alleged 'interest equilibrium' is not the result of domestic political bargaining but uncompromising interstate economic considerations. Rippon told the Italian ambassador in early December:

> The only other outstanding issue was the question of areas receiving a 12-mile limit, and we had cut down those areas as far as we possibly could. It should be noted that they were all areas with a high degree of unemployment. (TNA, FCO 30/977)

Regarding the selection of the areas that would be covered by only a 6-mile limit, a FCO official admitted in a different tone: "We had to choose an area sufficiently small to make it highly unlikely that foreign fishermen would plunder it and a stretch of coast which was relatively poor in fishing" ("County Council protests at six-mile fishing limit", 1971). In a conversation with representatives of the inshore industry a day after agreement was struck, Rippon contended: "with details of catch taken from

different inshore waters, that our negotiating aim had been to protect the most valuable areas which were currently being fully exploited" (TNA, MAFF 209/2962b). The response from the industry showed that it was important for the government to have the inshore industry 'on board'; an active alteration to the agreement, however, was not only temporally impossible (as the decision had already been taken), but simply not desired by the government. The representatives

> seemed to accept all these points and agreed also with the Minister that the need now was to build up confidence in the industry and that this process would be hindered if the industry attacked the agreement which had been reached. (TNA, MAFF 209/2962b)

Put differently, it was important for the government to superficially appeal to the politically important inshore industry (as opposed to its long-distance counterpart), which is also nicely expressed in a MAFF paper that discusses the zones of special treatment earlier that year. The Shetlands and Orkney were premised, but Mr Kearns reasoned: "we should need to get in addition something on the Scottish mainland and a few areas […] of the English coast" (TNA, T 224/2819d). He argued that this would "suit our inshore industry" (TNA, T 224/2819d), but simultaneously realised the consequences for the DWF were fewer areas to trawl in. Mr Kearns argued, "We might at a pinch have to accept a solution of this kind; and given the far greater political impact of the inshore fishermen could possibly get away with it" (TNA, T 224/2819d). Thus, influence by the DWF can thus be excluded. However, despite the inshore fishermen's greater political importance, its lobby, although present, was still insufficient to change British access objectives. This is empirically verified by further protests of significant parts of the inshore industry from areas which would not be covered by a 12-mile limit in late December. A representative of the

Bridlington and Flamborough Inshore Fishermen's Association said, "The protests must go on. It is not too late. Nothing is definite until it is signed and sealed" ("Keel-boats fear best fish grounds doomed, 1971, p. 4). Inshore interests were unified and clear, focusing on either the status quo or an expansion of the EEZ. Yet ultimately, the UK had to concede and could only guarantee continued protection – that is, a 12-mile band (including historic rights) – for limited areas based on economic considerations which had to be aligned with the demands brought to the negotiation table by the other states involved. A government document reveals that a permanent and genuine influence of the industry on the fisheries negotiations was undesired: "The government is always more than willing to hear their [the industry's] views but it must have the freedom to conduct negotiations as it sees fit" (TNA, MAFF 209/2958b). In other words, only if the government deemed the industry's positions to reflect the bargaining realities in Brussels would they become part of the preference alteration process. This, however, was not to be observed.

Although inshore fishermen were better off than originally proposed (the 6-mile proposal), they were worse off than under the status quo. If the objectives achieved not only diverge from, but also oppose, domestic interests, such as those of the DWF (who demanded a general reduction of the EEZ size) and also the interests of (some of) the inshore fishermen as well, a causal connection between them seems unlikely. Moreover, despite being discussed emotionally during the negotiations and central to their success, fisheries ultimately remained an economically marginalised topic. As mentioned in the introduction, the fisheries sector only contributed 0.1% to Britain's economic activity in 1970 (O'Neill, 2000). The government thus did not risk incurring the wrath of the population by following the interests of certain marginal interest groups. In contrast, endangering entry for the sake of a small economic unit would have inevitably destroyed the chance of an economic boost

through membership. Hence, it was consistent and rational to not embark on particular interests at the cost of the (anticipated) common good. This is confirmed by a senior MAFF official who stated that "Fisheries was a small, relatively unimportant issue for Rippon" (Senior Official MAFF II, personal communication, April 4, 2017) and is why RCI propositions regarding the negotiators' behaviour vindicated in this case. The emotionalised domestic realm with its (partially unrealistic) demands did not sway the government. In short, the economic rationale in which the fisheries decision making, and, more generally, the accession negotiation was embedded prevented the (inshore) industry from lobbying more effectively in the second shift of British access objectives. At last the government revealed that "Our reactions must depend on the extent of what we can get in return for U.K." (TNA, T 224/2819b), which emphasises the role other states played in the UK's considerations.

The potential power of interest groups in fisheries negotiations was substantial. The interweaving between the industry and government departments, especially MAFF, was significant and allowed for direct and unique access to the deliberation of and decision-making processes on negotiation objectives. At times, this access was even a prerequisite for the government to operate effectively and formulate objectives as it was contingent upon the transfer of knowledge from local fishermen when compiling data, for example, on catch patterns. However, the interest representatives could never fully exert their power for two, arguably related, reasons. Firstly, the difference in interests amongst the fishermen rendered the creation of a strong, united, front against the proceedings in Brussels impossible. In reality the government was almost unbounded as the interests of its stakeholders were diametrically opposed. The DWF's representatives were less vocal and, compared to their inshore counterparts, also focused on developments at the international stage,

which reduced their vigour at the European level. Secondly, despite the difference in interests between the lobby groups, it is reasonable to assume that if the industry had been economically more important for the UK, swaying objectives at the governmental level would have been more likely. In other words, the economic marginalisation (on aggregate), the imperative will to join the Community (as a diffuse framing power) and uncertainty about what the government would be able to achieve in Brussels made it difficult for interest groups to actively alter the UK's access objectives.

4.6.3 Conclusion: Domestic Pressure

This section examined the role of domestic actors for the UK's access objectives and their two major alterations over the course of 1971. The analysis yielded that combined political action was unable to sustainably influence Britain's fisheries objectives in the negotiations on the EC's CFP. This finding confirms Phillipson (1998) in arguing that fisheries organisations have been "peripheralized from the policy process […] they have been subject to policy decisions without any real say" (p. 133). In terms of CFP access negotiations, a multitude of factors caused the industry's ineffectiveness, most notably domestic interest heterogeneity, the economic rationale with which the government approached the negotiations, politicians' inertia and, importantly, looming uncertainty on what the other states would be willing to accept. A direct corollary of this configuration was that relevant stakeholders were effectively muted in the deliberation and negotiation process of access objectives.[83] Non-involvement or unsuccessful involvement on the part of the

[83] Importantly, by no means does this section suggest that all domestic actors were unsuccessful in exerting pressure on the British government, the most notable exception being those who pressed for the UK to enter the EC. Based on the data available, however, there is no empirical evidence that directly links those diffuse interests with specific bargaining objectives the UK pursued in the fisheries negotiations. Importantly, if these interests had guided the UK's government in the negotiations it could have simply accepted the 1970 provisions in order to accelerate accession.

fishing industry does not entail that all fishermen were fully dissatisfied with the outcome; in fact, some of them came to terms with the EAP. This is especially true for those inshore fishermen who fished in areas covered by a 12-mile limit. One may argue that the irrelevance of domestic stakeholders is unsurprising given the relative economic irrelevance (on aggregate) of the issue. Set in context, fisheries were a small part of the overall negotiation success desired by the UK, and the choice not to relent to marginal interests at the cost of risking entry to the EC was a rational one. The costs of not joining the EC would have been higher than those of 'only' enraging some fishermen and citizens who sympathised with them. Yet, the politicised nature of the fisheries issue in the UK creates a unique setting whereby economic considerations are not the only ones relevant in the societal discourse on the matter.[84] Fisheries is one of the very few remaining ideational issues in British politics and has always played "a politically more important role than its economic weight would justify" (Senior Official MAFF IV, personal communication, March 19, 2020). Thus, the government's refusal to involve key stakeholders in the political decision-making process was, despite the sector's overall economic irrelevance, surprising and politically risky. Therefore, this section provides interesting insights into the mechanics of how British officials addressed this complexity, and embedded the highly emotional matter into Whitehall's rational negotiation approach. Analysing how the domestic realm (did not) transpire at the political level, this section helps weaken the argument of 'British exceptionalism' in Europe. Despite the unique status fisheries holds in British minds, government officials were not deterred and

[84] This pattern has carried on and boiled up again in the determination of the UK's future relations with the EC. Decoupled from its economic relevance (on aggregate), the issue was highly emotionalised in the domestic discourse, fiercely discussed and one of the last to be finalised.

behaved rationally in their pursuit to achieve the best possible outcome for the country.

4.7 Other States

This section not only confirms broad theoretical assumptions about the importance other member states carried for the alteration of the UK's bargaining objectives in the CFP's (access) negotiations, but also is the first one to show in detail how (much) Britain's thinking was contingent upon the position its fellow applicants took.

Although it was the UK alone that negotiated 'their' deal with the EC, the British government was determined to obtain terms comparable to those of the other applicants in order to create one access regime applicable to all members of the enlarged Community. Concluding the fisheries bargaining was impossible without knowing what its counterparts would receive, as epitomised in the negotiation maxim of 'relative gains'. This is due to the nature of the negotiation. In bilateral bargaining, other states are not formally involved in the negotiation process and do not benefit or lose from it; thus, ceteris paribus, they are irrelevant. In a multistate community, matters are considerably different. For various political, economic or even symbolic reasons, each government wishes not to be dealt with more poorly than others. This is particularly important when the resources to be distributed, such as fish, are limited. Thus, the UK's decision to couple its own with the other states' deal(s) not only entailed a drastic increase of other states' importance for the outcome, but also rendered the negotiations themselves more difficult. The British government stressed that "What we all need is a multilateral agreement" (TNA, FCO 30/970a). The relevance of other states for British access objectives is nicely summarised in the earlier quoted statement that "No country should expect better access than she is

prepared to concede […] We want comparable treatment" (TNA, PREM 15/356b). Or put differently:

> it would be unreasonable to expect any of the applicant countries to agree unconditionally to a permanent settlement for themselves without knowing or being able to explain domestically what the final outcome of the Common Fisheries Policy would involve in the enlarged Community as a whole. (TNA, FCO 30/964a)

These statements (and the analysis) indicate the extent to which the UK's negotiation objectives were influenced by the behaviour of other states. The influence is central to understanding Britain's position towards the EAP. Again, the analysis revolves around the UK's two main shifts of its bargaining objectives in 1971.

Although differing applicants' positions were already anticipated in 1970, the extent to which they differed surfaced only in the course of June 1971. Most notable was the divergence between the UK and Norway, which was not a signatory of the 'London Convention' and wanted to preserve a 12-mile limit around its entire coastline. In this regard, O'Neill (2000) writes, "What the eventual Norwegian settlement might be remained crucial to our own position; so even from our point of view the matter could not be finally concluded till after the Norwegians eventually also settled […]" (p. 258). The Norwegian government made an economic case for its own position, contending that fisheries were much more important to the local economies of coastal constituencies than in any other country of the enlarged Community. As MAFF noted, "The Norwegian fishing industry is the largest of the Ten, catching more fish by weight than the Six put together and more than twice as much as the UK" (TNA, MAFF 209/2649c). Importantly, though, MAFF also argued that "nearly three-quarters of her [i.e., Norway's] catch goes for processing,

and by value the UK's catch is about the same as Norway's" (TNA, MAFF 209/2649c). Although the UK recognised that Norway's coastal population is heavily dependent on fishing, it thus made an economic argument for non-discrimination in the bargaining: why should Norway be treated differently, if the absolute value of the fish caught is similar?[85] This rationale explains Britain's reaction to Norway's 12-mile limit: "the implications of the Norwegian proposals for the UK fishing industry are not quite so satisfactory" (TNA, FCO 30/961b), an FCO official wrote. The doctrine of equitable terms characterised the bargaining to follow in 1971, perhaps even more so than the other negotiation rationale put forward ('absolute gains'). A direct result of the desire for equality was that "Britain and Norway increasingly were at odds with each other over the fisheries issues" (Almlid, 2020, p. 115).

By the end of that month, various proposals circulated in the capitals and Brussels. The Commission had made its proposal and inter alia argued for a 6-mile EEZ for 5 years, the UK had its 6-mile idea for an extended period and "the Irish had advanced a completely different proposal, namely the maintenance of the status quo" (O'Neill, 2000, p. 267), which the Danes could also accept. The Norwegians were compelled to ensure a 12-mile limit, a position the Commission had only limited sympathy for: "He [Commission President Malfatti] did not understand why the Norwegians had not signed the 1964 European Fisheries Convention" (TNA, FCO 30/964b). In consequence of this divergence, bargaining became even more complex as there was no common basis from which the members and applicants could negotiate. In other words, if, counterfactually, there had been no difference in bargaining objectives on fisheries, the shift towards de facto multilateral negotiations

[85] Ikonomou (2016) shows that "roughly 50 percent of the fisheries population lived in the north of the country, and as late as 1970, 40 percent of the employment in that region came from the fisheries sector" (p. 289).

would have been irrelevant, the UK could have easily achieved their objectives and a policy could have been agreed upon easily. However, interest convergence did not occur and in consequence the UK's desire for 'comparable terms' materialised in the first shift of its bargaining objectives. The British argued that applying the status quo "would enable us to make it clear that we could not settle unilaterally whilst the arrangements for the others were not known" (TNA, CAB 134/3358b). The relevance of interest divergence amongst the states involved in the negotiations for a shift of British goals is also highlighted in a conversation between Rippon and Malfatti:

> we had put forward our proposal for a 6-mile limit […] in the hope that this would provide a solution acceptable to all the candidates. Unfortunately, it was already clear that the Norwegians could not accept it, so we had to re-think our position. […] Rippon said that special treatment for one country would require special treatment for the others. (TNA, FCO 30/964b)

The importance is further stressed in a correspondence between Rippon and Italy's Minister of Foreign Affairs, Aldo Moro, on June 28, 1971 whereby the former clarified that "Given the differences of opinion, it seems to us that the best way of dealing with things on 12 July would be for all concerned to agree to maintain the status quo" (TNA, FCO 30/962a). In the same fashion Rippon reiterated that "A bilateral agreement between Britain and the Community on the basis of the present British proposals could allow Norwegians to get better terms than us later, and such terms could directly affect British fishermen" (TNA, FCO 30/964b), a situation strongly opposed by both the British industry and government. At the same time, MAFF noted that "the best way to resolve the issue now – in view of the conflicting proposals – would be to maintain the status quo" (TNA, MAFF 209/3019a). The

UK was willing to distance itself from its 6-mile proposal and accept the status quo in order to enable agreement. In fact, this seemingly generous 'surrender' of its own proposal was not a tough choice at all, since the 'London Convention' offered the UK better terms than both the 1970 EAP agreement and its own 6-mile proposal. Putting net gains aside, opting for the status quo was a superb strategic choice for three more reasons. It allowed the UK to (a) increase its reputation as a reliable, flexible negotiation partner who does not inevitably cling to proposals which are unlikely to be implemented, (b) jump on the Irish (and Danish) bandwagon without peripheralizing itself in the way Norway did with its insistence on a 12-mile limit and (c) defy the Norwegians, who were banning foreign vessels from their waters. Proposing the status quo was important for another reason: "Norway, although she would not able to accept it, could not subsequently represent the proposition as prejudicing her own position" (TNA, CAB 134/3358b). This was relevant insofar as the UK wanted to "avoid a premature clash with Norway [whose] difficulties are bound to come into open and […] could cast real doubt on her eventual membership" (TNA, CAB 134/3358b). By adopting the status quo, the UK argued it would not be "held responsible for Norway's eventual decision" (TNA, CAB 134/3358b). A precaution in July 1971, this approach paid off when Norway decided not join the Community for which the UK was, justifiably, never held responsible. The change of Britain's bargaining objectives surprised the Norwegians. As O'Neill told the Norwegian ambassador on July 8, "Our line with the Community on Monday will be to urge for the retention of the status quo" (TNA, MAFF 209/3019c). O'Neill went on to assess the mood of the Ambassador, who "clearly did not like this news" (TNA, MAFF 209/3019c), which illustrated how escapist the Norwegians' notions and behaviour regarding fisheries were. They expected to extend their limits and displayed defiance in the Brussels bargaining without a riposte

from the other applicants, who were affected by the regime changes and now collectively urged for the status quo. In the early summer of 1971, Norway's position and behaviour not only heavily marginalised the country but also "implied that fisheries would remain a problem well into the autumn" (TNA, MAFF 209/3019c).

After the summer recess, Rippon met again with Italy's Foreign Minister (now in his capacity as President of the Council) and reiterated the UK's June/July position:

> The best thing would be to leave the situation as it was […] Any agreement which was not an agreement to maintain the status quo would have to cover all four candidate countries and not just Britain. In particular we could not accept an agreement which applied to Britain until we knew what would apply to Norway. (TNA, FCO 30/967b)

Indeed, the AE Committee had determined this position a week earlier. The minutes stated that "We will not accept a solution for the UK until we know the nature of the regime that is to apply to the other members" (TNA, FCO 30/967a). When meeting the Norwegians in October, British officials succinctly concluded: "He [Rippon] then explained that current British proposals which were not, he said, in any ways anti-Norwegian. The political fact nevertheless was that we could not accept terms which were less favourable then those granted to Norway" (TNA, FCO 30/970b). However, urging for the status quo and jumping on the bandwagon of others does not entail inaction. To the contrary, in order to understand why the UK gained the terms it ultimately obtained, it is important to comprehend that Britain acted highly strategically, in a self-interested, utility-oriented manner. It was anything but a passive bystander in the negotiations: "The heat is on the Community and the Norwegians. We should encourage these developments by pressing our proposals" (TNA, FCO

30/967a). However, even at the climax of the negotiations in November and December 1971, the UK never overstepped the mark in regards to Norwegian concessions. This was the positive affirmation of a deliberation the UK had made in July of that year: if Norwegian membership would be a viable option by the end of the year, "it would be the moment when it will be right for us to weigh up the arguments for and against indicating readiness to see some special arrangements made for Norway" (TNA, FCO 30/964c). Despite all political quarrels at home, the AE Committee admitted that "we had never committed ourselves to obtaining identical treatment to that accorded to Norway. We had to recognise that without a satisfactory settlement on fish, Norway would be unable to join the Community" (TNA, CAB 134/3357e). The government wanted to avoid this: "it was very much in our general interest that Norway should be brought into the Community" (TNA, T 224/2819e). This was not least because "if Norway remained outside the Community she would almost certainly seek to extend her fishing limits out to 25 or 50 miles" (TNA, T 224/2819e), which would impact the industry even more severely than any proposal made during the negotiations. From the British perspective, a negotiation result of almost any kind would be better than 'no-deal' on fisheries. This awareness was expressed in the second shift of Britain's bargaining position, which can be directly traced to Norway's objections regarding the status quo. At a meeting between the applicant states on November 28/29, the Norwegian Foreign Minister Mr Kleppe asked Mr Rippon about the British stance towards the status quo solution. Rippon replied, "We understood that the marketing arrangements in the present policy would be important to Norway. We had therefore come to share some of the objections to the status quo proposals" (TNA, PREM 15/356d). Mr Kleppe went on and asked "if that meant that the British had changed their position. Mr Rippon replied Yes" (TNA, PREM 15/356d). Although Mr Kleppe argued later that

night that "Norway needed more than that" (TNA, PREM 15/356d), the UK's shift towards the 6-mile with bumps solution was a reaction to the anticipated difficulties Norway would have with agreeing to the status quo. However, changing objectives was again rational: if it did not do so, the UK would have lost even more fish through Norwegian non-membership, not to mention that fish was not the UK's only reason for advocating getting Norway 'on board'. On the night of November 28, the issue rose to the highest political level. PM Heath wrote an urgent telegram to the Norwegian PM Bratteli stating: "I believe […] it to be of the highest importance, in the wider political context […], that Norway should come into the European Community" (TNA, PREM 15/356c). The 'political context' Heath referred to was composed predominantly of security reasons. In the midst of the Cold War, "an excluded Norway might turn to neutrality, thereby immensely weakening NATO's [North Atlantic Treaty Organisation] northern flank" (O'Neill, 2000, p. 248). This was "due to its geographical location as a watchtower in the north" (Græger, 2005, p. 89). In the wider global security context within which NATO was pivotal for the (military) protection of flourishing Western democracies from Soviet influence, it was perceived as essential that Norway, which "enjoys a unique position in NATO" (Græger, 2005, p. 89), to join the EC. That Norway eventually did not enter the EC and still remained a member of NATO is a different matter and analytically unrelated to the UK's changes of its bargaining objectives in the fisheries negotiations with the EC. As shown above, the particular configuration of the 6- and 12-mile EEZs in the first two weeks of December was subject to rational and economic calculations at home, although triggered by the events in late November and Norway's objections to the status quo.

4.7.1 Conclusion: Other States

Recapitulation of the impact of other (applicant) states can be short. As predicted by Putnam, their objectives sustainably shaped the UK's negotiating position. Whereby the self-imposed unanimity rule highlighted the role of other states in the first place, it was the interest divergence amongst the actors involved that actively shaped the UK's bargaining goals. Firstly, a difference in opinion between the applicants pushed the UK to urge for the status quo solution. Secondly, it was primarily Norwegian concerns that prompted the UK to switch to a 6-mile with 12-mile bumps solution in November/December 1971. Although these impacts are evident and traceable, this does not mean that it was only other states and their objectives that shaped the British position in Brussels. In fact, other factors have also been shown to have played a crucial role.

4.8 Summary of the Analysis

The UK's first alteration of its bargaining objectives was a direct consequence of the position taken by Ireland, Denmark and Norway combined with the disunity amongst the EC's members as to how they perceived their own policy, while the second was predominantly made to accommodate Norwegian objections to the status quo proposal. The UK had to change its objectives to enable agreement and accession. Simultaneously, given the transformation of the decision-making process into a de facto multilateral system characterised by unanimity and consensus-seeking, the role of the UK's negotiation partners became more pronounced. The analysis shows that other states, and Norway in particular, were strong countervailing forces pulling the UK's objectives in their direction. If agreement is desired, accommodating opposing parties' interests is a necessary prerequisite to negotiate successfully.

Yet, neither the UK nor the other states negotiated in an empty space. The analysis found that Britain's interests were substantially influenced by a regulation agreed upon 7 years earlier. Drawing on the provisions provided by the 'London Convention' was rational for various reasons mentioned in the analysis, the most important being that it produced better 'absolute' terms than the 1970 regulation. Because of the 'London Convention's' widespread acceptance, pushing for such a regime also increased the likelihood of obtaining comparable terms relative to the other countries and ensured the UK's credibility as a rational negotiation partner. As predicted by HI, the 'London Convention' not only created a path on which the actors could and indeed did walk, but also actively influenced the bargaining and thus the policy outcome over time. This is especially true for Britain's first shift of bargaining objectives in the summer of 1971. Given the impact of the 'London Convention', it is reasonable to assume that in its absence in this particular configuration, Britain's goals and the negotiation result itself would have been strikingly different, presumably more along the lines of the original 1970 regulation. In the absence of historical precedent there is no rational reason to assume that the EC would have engaged in revising its 1970 regulation in the first place. Overall, the lack of historical precedent in the way it was established prior to British accession would have substantially weakened the UK's bargaining position. For the first negotiation round, contemporary HI scholarship and the possibility of endogenous institutional change can be confirmed: fisheries can be seen as one of the EC's key institutional arenas within which different actors triggered policy change by signaling discontent with the policy and procedure themselves, rather than 'external shocks' prompting the countries to negotiate fisheries. On a more general note, raising awareness for the Convention's importance for the establishment of the EAP in its 1972 configuration is important as the existing literature on the CFP's creation tends

to downplay its importance for the specifics of negotiation outcome. This finding has political ramifications too. Blaming the CFP (and thus the EC) for the demise of the fishing industry across the EC is short-sighted, as both the 1972 and especially the 1983 regulations are chiefly modelled after principles laid down in the 'London Convention', which itself emerged outside the EC framework. Future research on the CFP's history must not ignore past regulations and their importance for the CFP's development, even if they were formulated outside the EC framework. This insight also reveals a pitfall of negotiation analysis, which often entraps itself in seeing objectives being developed in a unidimensional manner – that is, based on identical premises about time and space, given an interdependent and formally unified network (such as the EC) in which the negotiations take place and decisions are made. This work has carefully illustrated that this assumption can be wrong and that its veracity can only be validated through thick historical case analysis.

Similarly, but in a different fashion, the elements of the EC's policy making-making process impacted the UK's objectives. Unanimity prompted Britain to not communicate its shortly considered idea of a full 12-mile EEZ, as the other negotiating entities would perceive this as economically unjustified. This key element of the policy-making process served the function not only of helping the UK be seen as a reliable partner in the negotiations, but also of creating a trustful bargaining environment within which a deal could eventually be struck. This is interesting insofar as it clashes, at least in regards to the most important part of the fisheries policy in the entry negotiations, with the notion of Britain being an 'awkward partner' in the EC (negotiations). On the contrary, the analysis has shown that the UK behaved and bargained not only rationally, but also in the same way with which the other applicants, with the exception of Norway, approached the EC – that is, seeking a consensual and mutually recognised solution.

The role of the Commission in finding an access regime for the enlarged Community was more nuanced. At the onset of the negotiations, the Commission's influence on British objectives was very limited. However, this was not the consequence of an irrational approach the UK applied as a result of inexperience about the how the Community proceedings work, but instead a rational choice to maximise the likelihood to achieve its objectives. The Commission was a strong supporter not only of the policy it devised in 1970, but also of increasing its own power in relation to the (new) members of the Community. This is nicely expressed in the recurring pattern of limiting the duration of the regime to be found in all proposals pushed for by the institution (and repeatedly rejected by the UK). Had the UK been more receptive to the Commission's proposals at the beginning of the negotiation, the overall outcome would have been less satisfying for the country. For the policy outcome at the end of 1971, however, things look markedly different. With a changed environment and pressure on all actors mounting, the Commission's role altered, and it was able to function as an effective broker among all parties involved from November 1971 onwards. This facilitated agreement and helped the UK realign its objectives by providing solutions that were not only acceptable to all negotiating entities, but also better than the default option, the 1970 policy. Agreement would have been less likely to occur and less satisfying to the majority of states involved, if the Commission did not exert this function in late 1971. This finding is confirmed by Arregui (2016), who argues that on financial issues "the closer the MS's positions are to the position defended by the Commission, the more bargaining utility they achieve" (p. 1119). However, the Commission's success hinged upon the UK's carefully deliberated willingness to accept its institutional positioning and the time-criticalness of the matter, which is why this work argues for a context-dependent (as opposed to an axiomatic) role the Commission played in the

bargaining. Thus, this work qualifies what Geary (2013) calls the "central position" (p. 179) the Commission held in the negotiations.

In sum, it was a combination of path dependency and a changed perception of the Commission's work coupled with the necessity to find 'equitable' terms amongst the applicants that explains Britain's altered negotiation objectives on the CFP's access regime.

4.9 Further Insights

This section provides further insights on the factors looked at above. The most interesting finding relates to the negligible role Iceland's extension and domestic pressure played in the process of the UK's changing access objectives on access to fishing grounds. The bargaining dynamics of fisheries, however, make the importance of other states' interests, path dependencies and EC institutions less surprising.

4.9.1 Third-Country Extensions and Domestic Pressure

Though tremendously important for distant-water fishermen, the Icelandic election failed to rattle the UK government and trigger a change of bargaining objectives in the DWF's direction. The extension that followed the election had a tangible effect for the DWF, but, because the UK negotiated rationally, it did not see a necessity to shift its objectives to mitigate the DWF's losses. On the contrary, the analysis shows that the UK shifted its interests in the opposite direction at the European level, which suited the interests of the inshore fishermen. This evidence, however, does not imply that the UK failed to act to protect the interests of its DWF in connection with Iceland's extension. In fact, 1972/1973 saw the UK attempting to use military means and coercion to guarantee access to the Icelandic fishing grounds,

resulting in the second 'Cod War', settled with an inglorious agreement in 1973 (access was severely restricted within the 50-mile belt and catches limited to 130.000 tons a year). Yet, the extension, even with its severe effects for DWF fishermen, was insufficient to influence the government's thinking in negotiations with its European partners. This was for a good reason: it avoided the predictable ramifications of embarking on a scenario of advocating marginal interests, such as urging for limited EEZs, in negotiations with the other applicants, especially Norway. Such experiment would have endangered agreement on fisheries and put the UK (and its fellow applicants) at risk of failing to enter the EC.

Yet, Iceland's extension must not be considered to be detached from the domestic realm. On the contrary, they are strongly related. The extension forced the DWF representatives to adopt a certain stance, namely supporting access to Icelandic waters, which reduced their (administrative) capacity to fully focus their advocacy on the EC regime. However, it could also be argued that, given the increasing limitations of their fishing grounds coupled with the importance of Icelandic waters for Britain's DWF, the extension should have strengthened the DWF's position in Whitehall. DWF representatives should have been able to make a stronger case to the government for their interests. This argument could hold if two requirements were fulfilled. Firstly, domestic interests must be more homogenous, or there must be just one major stakeholder to internalise negative ramifications of external action – but given the opposing views of the distant-waters and inshore fishermen, this requirement was not met. Secondly, the government must be willing to incorporate the interests of fisheries interest groups which, in case of accession to the EC, was more likely if they were economically relevant. Various meetings with the fishermen's representatives show that the government was indeed concerned about Britain's fishermen, but not to the extent necessary to alter its objectives. The government's

behaviour, especially towards the DWF, might not be laudable from a moral standpoint, as it sealed many fishermen's fates, but it is understandable in the larger scheme of things. Thus, although the Icelandic election greatly impacted the DWF, it did not help the DWF to obtain their goals and change the government's objectives. Additionally, the analysis shows that even when considered alone, domestic pressure, here looked at as the attempt to influence objectives through political action, was irrelevant for the specifics of Britain's position in fisheries negotiations. Sidelining the industry and politicians committed to the cause was both understandable for economic reasons and necessary in order to not jeopardise British accession to the EC. This view is shared by a former (British) senior official in the Commission, who asserted that "the overall influence of the fishing industry, relatively insignificant in economic terms, was always limited" (Commission Official Directorate-General for Maritime Affairs and Fisheries II, personal communication, April 6, 2017). This finding is nevertheless interesting as it demonstrates how the government was able to detach itself from the highly politicised nature of the emotional topic of access to fishing grounds when negotiating at the European level. The British government demonstrated little awkwardness in the negotiations. On the contrary, one might commend the government for being able to create and demonstrate normalcy on fisheries despite the (comparatively) unique pressure it was exposed to at the domestic level given the ideational issues attached to fisheries. In fisheries negotiations, economic rationality at the government level trumped the emotional discourse that characterised the topic's societal discourse. Yet, this does not mean that the 'domestic' was generally irrelevant. Quite the opposite: it is to be assumed that the domestic realm was relevant in determining the UK's overall aspiration to enter the EC. The imperative will to join the Community was a pivotal, but only a diffuse framing parameter for all parts of the accession bargaining, fisheries included.

It says little about how specific objectives were deliberated or negotiated at the European level and final agreement reached.[86] To find no empirical evidence that directly links the aspiration to join the EC with specific access objectives Britain pushed for in the bargaining is thus unsurprising.

In fisheries, the Icelandic extension was indeed strongly connected to relevant actors at the domestic level. But the impact of any such extension on the alteration of bargaining objectives at the European level entirely depended on the nature of the extension and the structure of domestic interest organisation as well as whether the political and economic (societal) relevance translated into action at the governmental level.

Nevertheless, the 'Icelandic story' unleashes broader questions regarding whether and how peripheral states ('outsiders') can influence the development of integrated entities (such as the EC) without having a legal say in it. As a NATO member located strategically in the North Atlantic Ocean, Iceland is highly relevant for British security concerns. During the second 'Cod War', "the Icelandic government […] indicated that it would leave NATO if the British did not withdraw the warships" (Ingimundarson, 2003, p. 128). Regarding this, Steinsson (2016) remarks that "a fairly pro-Western Icelandic government even went as far as to threaten that Iceland's continuing NATO membership would be linked to the outcome of the dispute" (p. 259). Given the relevance of security partnerships during the Cold War coupled with the UK's dependence on access to Icelandic waters,

[86] Enabling accession could have easily been satisfied and accelerated by accepting the 1970 regulation. Thus, had the desire to join guided Britain's bargaining objectives on access, there is no rational explanation why the outcome diverged from the original policy, let alone a more generous version of it. Therefore, looking only at wide 'domestic pressure' as an underlying force pushing for accession is insufficient. Only peering into the box of relevant stakeholders and how the government processed their interests creates the depth necessary to understand why Britain altered its bargaining objectives and was able to negotiate successfully on fisheries.

Britain was in a weak bargaining position towards Iceland. It can nevertheless be assumed that the Icelandic elections and the associated EEZ expansion could have affected British objectives if (a) the domestic realm had been unified instead of being organised in a bipolar fashion, and (b) the government had been incentivised in economic terms to respond to fisheries stakeholders. The author expects that objectives in such a scenario would have moved in the direction of the DWF's interests to ensure their political support and economic survival. Of course, this scenario does not reflect reality and would have required large shifts in the UK's internal organisation. It is offered simply as a general illustration that under certain circumstances, small states dubbed as 'outsiders' can indeed influence significantly larger states and their position in negotiations with third parties – in the present case, the EC. Naturally, this also becomes relevant for a post-membership world, where the UK can take the role Iceland (and later Norway) played in the 1970s and 1980s. Independent of how the long-term relationship between the UK and the EC will look, fisheries will inevitably remain a point of contact to be negotiated between the parties. Owing to its, potentially, vast waters and fish-richness, the UK cannot be bypassed by the EU in fisheries decisions, and the UK is dependent on the EC's large market for fisheries exports. Moreover, both hold the power to cause tremendous troubles for all fishermen involved. This is why collaboration between the parties, even under the conditions of a non-membership, is important to ensure the viability of the people affected. Importantly, one can only hope that fisheries does not prevent further UK–EC collaboration on other matters, such as security or trade in goods.

4.9.2 Path Dependencies, EC Institutions and Other States' Interests

The importance of already existing provisions and the paths they projected on the negotiations, the relevance of EC institutions as well as the pivotal role other states' interests played is comprehensible when seen in context. Joining the EC was a political endeavour aimed at, amongst others, not losing relevance in an increasingly integrating continental Europe rather than based on mere economic considerations (although these imprinted the fisheries negotiations). An economic boost was an anticipated side effect and indeed offered as the main incentive to increase public support for membership, but it was not the key driver for joining the EC.[87] As O'Neill (2000) puts it, "What mattered was to get into the Community, and thereby to restore our position at the centre of the European affairs which, since 1958, we had lost" (p. 355). Still, establishing political superiority, or at least equivalence in terms of bargaining power to those who constituted the organisation that the UK would join, still held great importance. Given the 'shadow of the future', the UK knew that if it sold itself short to its counterparts, it would be difficult to substantiate ambitious goals in the future. Succeeding in the EC was of great importance, however, not only because the government needed to prove the value of membership to the population, but also because of the British self-image as being a 'maritime superpower'. The former of which, although the UK negotiated well regarding fisheries, ultimately could not be achieved, considering how the UK–EC relations have evolved over the last few decades. Moreover, highlighting the relevance of Community institutions and procedures in place, the negotiations occurred in an already established and solidified (legal) frame in which the UK's overvaluing of its own power would result in isolation (as seen in the case of

[87] Yet, the economic 'costs' and 'benefits' of membership became the key element in determining UK–EC relations in the long run.

Norway) and worse policy outcomes. Successfully negotiating with 'the others' was therefore always a tightrope walk, especially given Britain's problematic self-perception. The connection between the factors makes sense: other states are necessary counterparts in a history-fuelled multistate negotiation, but in the EC's case, they are additionally bound together through fixed set of rules which apply equally to every state. A change of the voting system for example, such as dropping the unanimity rule, could therefore lead to an altered impact of 'other states' on objectives, and vice versa. If, for instance, strong interstate interest overlaps trump institutional rules, or make 'brokers' such as the Commission less important. The insights provided by this research also qualify Frieden and Walter (2019), who argue that

> Under unanimous decision rules, every country can be pivotal. Because any country can veto a proposal that does not make it better off than the reversion point under unanimity rule, the country with the most extreme ideal point is pivotal […]. Finding an agreement therefore requires all states to accommodate the pivotal country's extreme position. (p. 145)

Putting path dependencies aside, it has been empirically proven that the UK's behaviour also hinged upon the position taken by Norway as the 'pivotal' country in fisheries negotiations. However, this section has also illustrated that even under unanimity, a 'pivotal' actor does not have unlimited power in time-critical multilateral negotiations. If all other members are unified and strike a deal and the position taken is too extreme – for example, a full 12-mile limit – the pivotal country is left with two choices: accept the compromise negotiated amongst all actors or refuse agreement. Both choices can potentially engender non-membership and subsequent exclusion from decision making. Therefore, pursuing extreme objectives is an inherently risky

approach for entities deemed to work together indefinitely in an interdependent world, either as a Community member or as partner outside of the EC's framework.

4.10 Interim Conclusion

By investigating the changes of Britain's bargaining objectives, the first part of the analysis aimed to explain the UK's bargaining success in negotiating the contested Equal-Access Principle of the EC's Common Fisheries Policy during British accession negotiations with the European Community.

In response to the research question, the section provides a distinct answer: neither domestic pressure nor the extension of third-country fishing limits directly shaped (the alteration of) British objectives in fisheries. Three other factors, themselves interrelated and divisible into various sub-parameters, accounted for the UK's bargaining success: EC institutions and elements of the policy-making process, path dependencies and other states participating in the negotiation. Each factor influenced the bargaining in different ways and with different magnitudes, depending upon the particular point in time and the way of reciprocal interaction. All of these factors were necessary, but neither was alone sufficient to explain the policy outcome in its entirety. Without the baseline of the 1964 convention, there would not have been a point of reference from which to negotiate successfully in a system where – despite the importance of single states for the negotiation outcome – cooperation and mutual respect were elemental to striking a deal, ultimately facilitated by the Commission's function as a 'benevolent broker'.[88]

[88] Looking at these factors' influence on Britain's changing objectives through the lens of counterfactual reasoning, one can conclude that the alteration of the UK's bargaining goals would have not occurred, or would have looked substantially different, if all or either of the three factors had been absent. If, for example, the 'London Convention' had not existed, the British government would have had a much harder case defending preferential treatment beyond the 3-mile line.

From a theoretical standpoint, each approach used in this thesis has provided useful tools either for explaining the policy outcome of 1972, such as HI's path dependence and the impact of institutions on the alteration of bargaining objectives, RCI's assumptions about rationality and utility maximisation (for negotiators) and Putnam's recognition of the general importance of the domestic realm and third parties. Yet the analysis has shown that the negotiation process on fisheries access provisions can only be understood by merging and refining elements from each of these theoretical lenses.

It must be acknowledged that the UK negotiated well, not only by moving "the Six away from the equal access principle which had been stated in the Common Fisheries Policy of 1970" (Dnes, 1986, p. 12), but also by gaining more than it had originally wanted. This has also been confirmed from an external perspective. A former Director General of the International Affairs Directorate in the Government of Canada's Department of Fisheries (personal communication, April 7, 2017), as such naturally a close observer of the development of the European Fisheries regime, concisely stated: "They did the best they could". Yet this 'success' should not hide the fact that neither the government nor all fishermen were (fully) satisfied with the outcome, which is proven by the renewed battle on the policy a few years later. As an official remarked, "The 1972 access provisions were a clear success for the Community [but] the opposite for the UK. The 1972 agreement laid down a basic principle for the CFP that the UK sought to change (unsuccessfully) in successive rounds of negotiations" (Commission Official Directorate-General for Maritime Affairs and Fisheries II, personal communication, April 6, 2017). By no means does this analysis aim to conceal that the 'bargaining success' regarding a certain (part of a) policy, here the EAP, and its domestic implications can also be located at the opposite end of the spectrum. In reality, the 'well-bargained' equal access provisions

unfolded their consequences for the UK over the course of the 1970s. Multiple fishing-dependent regions, such as parts of northeast England, either continued to suffer from, or were exposed to (new), severe and prolonged long-term economic crises. The CFP was not the sole-attempter in this regard, but certainly failed to prevent further decline and protect those whose livelihoods were dependent on the resource Regarding bottom trawl fisheries, Thurstan, Brockington & Roberts (2010) corroborate this argument, asserting that "The Common Fisheries Policy was not responsible for this collapse, although under its auspices most stocks have continued to decline" (p. 5). In a similar fashion a Commission official concluded that "the general argument that the CFP ruined the British fishing sector is just false" (Commission Official Directorate-General for Maritime Affairs and Fisheries VI, personal communication, April 2, 2020).

Putting this intra-policy insight aside, this section also sheds light on broader UK–EC relations. The UK was not the 'awkward partner', as it has often been labelled in later periods, when it came to negotiating its membership and fisheries. The analysis reveals quite the opposite. The UK acted reasonably in its demands, treated its partners with due respect, behaved cooperatively and negotiated rationally in the pursuit of a common policy. However, Britain wanted to join the EC. Thus, 'success' regarding the UK's overall negotiations was, in political terms, the enablement of accession. The fishermen followed another line of logic and defined the 'success' of membership as something that would be substantiated in tangible policy improvements that could have immediate, positive effects on their lives. In other words, objective success at the government level did not equal policy satisfaction for the fishermen. In this sense, fisheries were indeed exemplary for other policy fields as well, as membership indeed aggravated the situation of the people affected. This discrepancy between perceived overarching success via

membership at the governmental level and de facto ramifications – with the people being dissatisfied with the negotiation outcome and plunged into in economic crises, exacerbated by poor communication and a wrong 'narrative' directed towards the public – had two effects, one with long-lasting and severe consequences for UK–EC relations. The population's trust in the Heath government eroded, and, more importantly, the perception of the EC as a 'beneficial project' revolving around the narrative of immediate economic growth through membership, disappeared for parts of the population. Once succeeding governments realised the ramifications of the country's entrapment in its negotiated deal for further EC bargaining as well as the population's position towards the institution, they reflexively attempted to prove the opposite. That is, they tried to show that (a) the UK plays a leadership role in the EC (b) whose membership was itself valuable to the UK, both of which was demonstrated falteringly. The absence of a firm belief in the rightness of Britain's role in the EC at the political level ultimately fuelled 'anti-market' sentiments by blaming the institution for domestic grievances and mismanagement of the state. Yet, in part, both (a) and (b) were done successfully, as succinctly embodied in the positive outcome of the 1975 referendum and Thatcher's 'rebate' discussion on the policy level years later.[89] However, the deeply entrenched dissatisfaction with the EC – justified or not – survived in British minds, and not only the minds of (some) fishermen whose industry was shattered. This section has shown that the relations were indeed strained from the beginning, rendering the development of a healthy connection difficult.

[89] Similar arguments could be made on Britain's role in the enlargement process or the progression of the EC's single market program.

5. REVISING THE ACCESS REGIME, 1976–1983

The 1972 agreement was a milestone in the creation of the EC's fisheries regime. However, when Denmark, Ireland and UK eventually joined the Community in 1973, the clock started to tick. With the derogations bargained to last only 10 years, revisiting the policy was a necessity. Three scenarios were imaginable by the end of 1982: (a) the members would be unable to agree on a revised policy, the 1972 derogations would expire and the original 1970 policy would apply; (b) the members would agree on extending the 1972 provisions; and (c) they could modify the entire regime. Over the course of the 1970s, it became clear that (some) members were strongly opposed to both the 1970 and the 1972 agreements. In consequence, the entire access regime was revised in prolonged negotiations, and the EC arrived at a new policy 1983 (see Chapter Two). The terms of the comprehensive policy package agreed upon, however, still serve as the baseline for today's CFP. How did the UK bargain the policy, now that it was a member of the Community?

5.1 The Negotiation Setting, 1976–1983

Once the UK joined the EC, fisheries became a matter of 'ordinary' Council negotiations and thus enmeshed in the EC's vast and highly complex institutional network. Additionally, the government change of 1979 altered Britain's administrative structure. As the basis for further analysis, this section looks at both the domestic and European levels as well as the way in which the two are connected.

It is difficult to research Council negotiations in the period looked at, largely owing to the 'black-boxing' of the decision making within the institution. Another confounding factor to understanding proceedings in the Council was the EC's institutional evolution in the late 1970s. This evolution particularly concerned the

emergence of the (informal) European Council and the EP's retrofitting, which was now directly elected.[90] Both problems are accounted for by comprehensive data collection and analysis, which allow one to peer into the EC's multi-layered negotiation universe in the 1970s and early 1980s. As for the 1971 negotiations, the difficulties surrounding fisheries negotiations led to power-vesting in the ministerial sitting of the Council. The two lower-levels of Council decision-making, relevant 'Working Parties' (WP) and the 'Committee of the Permanent Representatives I' (COREPER I) were somewhat marginalised in fisheries. On the latter, it has been argued that "Coreper gave up its natural role to decide on the less political issues prior to the Council" (Peñas Lado, 2016, p. 263). Thus, attending a Fisheries Council in its ministerial sitting not only requires a comparatively high degree of technical expertise from the subject minister, but also creates what has been dubbed 'Culture of the December Councils' – the attempt to thrash out last minute compromises overnight to prevent the policy from failing. Overall, the negotiation setting for the renegotiation at the European level can be illustrated as shown in Figure 3.

[90] The EP can be neglected in the analysis as it was excluded from fisheries policy making. There is also no indication that the EP's (British) members influenced the UK's objectives outside of the European parliamentary framework.

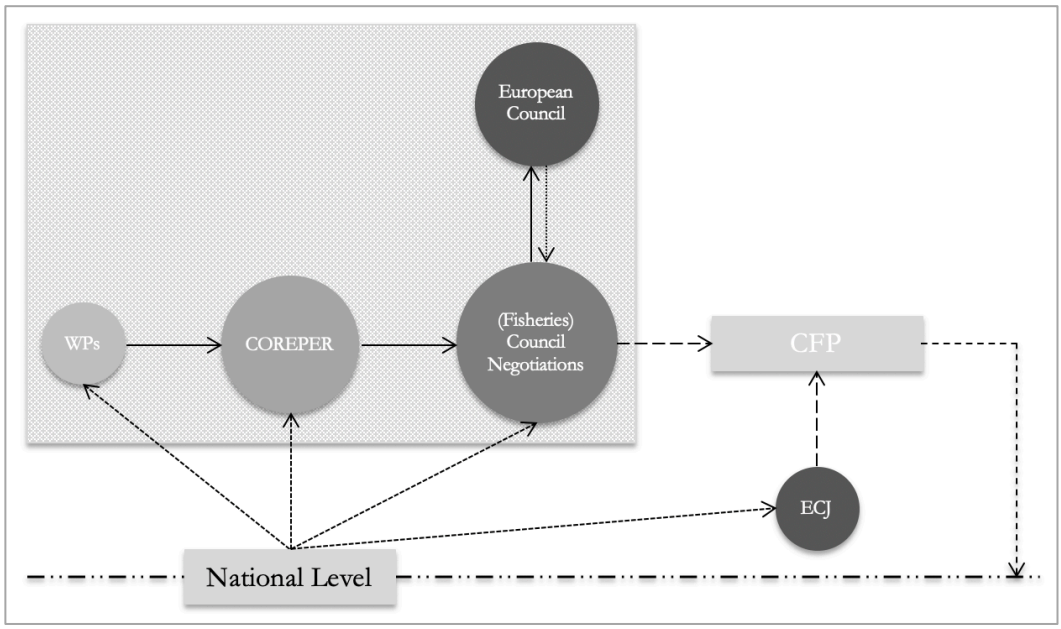


Figure 3. Simplified negotiation setting at the European level, 1976–1983. WP = Working Parties; COREPER = Committee of the Permanent Representatives; CFP = Common Fisheries Policy; ECJ = European Court of Justice. Solid arrows indicate delegation and/or hierarchical order. The dotted arrow indicates informal power of order (between European Council and the Council). Narrow dashed arrows indicate support structures (substantive and/or staff) between the national and Community level. The wide dashed arrow indicates formal decision-making power (of the Council on the CFP and ECJ's power to assess the legality of the policy itself). The cornered dashed arrow indicates impact (of CFP on the national discourse for future negotiations). The square indicates exposure to Commission proposals. The dotted line is used to allude to the existence of the national level (see Figure 4 for detailed description of the national level). Source: own figure.

In line with the Treaty of Rome and as stipulated in the fisheries sections of the Accession Treaty, the European Commission formally proposes all policy changes on the CFP. These are subsequently examined and potentially amended in the central decision-making body of the Community, the ministerial sitting of the Council and its subordinate bodies. Since fisheries were highly politicised and exposed to a severe difference in interests amongst the members, however, neither national experts on fisheries could find a sustainable solution (WPs), nor were the (Deputy) Ambassadors in COREPER I able to finalise the matter. This is why the

majority of decisions was taken by the specialised Fisheries Council consisting of the member states' ministers in charge of the policy domain. Additionally, the Foreign Affairs Council served as a broader forum for discussion amongst the EC's members. This was necessary to embed fisheries in the wider policy discussion of which the 'subject minister' had limited knowledge and was thus incapable of negotiating on. For the CFP's renegotiation, the UK's representatives in the Fisheries Council were Thomas Frederick Peart (1974–1976), John Silkin (1976–1979) and Peter Walker (1979–1983), all of which were frequently accompanied to Brussels by high-level bureaucrats who provided them with further substantive and technical expertise for the bargaining. The intricacies of finding a solution on access are nicely shown by the Council's occasional appeal to the informal, but simultaneously more senior European Council. Here, the member states' leading politicians were expected to resolve gridlock and provide new impetus for the Council. Once agreement was reached, the policy itself may be legally challenged by the ECJ, if it was appealed to by either a member state, an EC institution or a national court. In addition to these more or less formal institutions, the CFP's renegotiation was also characterised by a multitude of diffuse trans-national and informal 'ad-hoc' working groups at the administrative level. These aimed at providing possible solutions to resolve the looming fisheries issues for the Council institutions. Once the policy finally became law, it inherently fed into the national discourse and thus potentially swayed future stipulations on fisheries matters. With the exception of (strong) socialisation tendencies not occurring in the ministerial sitting of the Council, negotiating fisheries policy thus represents a 'typical' case of how EC bargaining worked at the time.[91]

[91] A lack of socialisation does not equal the absence of 'learning' or 'unlearning' from membership. Socialisation is understood as a mere tool utilised as part of these processes to create better overall results. In other words, in fisheries bargaining it is used if necessary, but there is no underlying automaticity for the process to occur.

As for the first round in the early 1970s, it is interesting to look at the domestic administrative structure in order to develop a more nuanced picture on the renegotiation in Brussels. This can be visualised as shown in Figure 4.

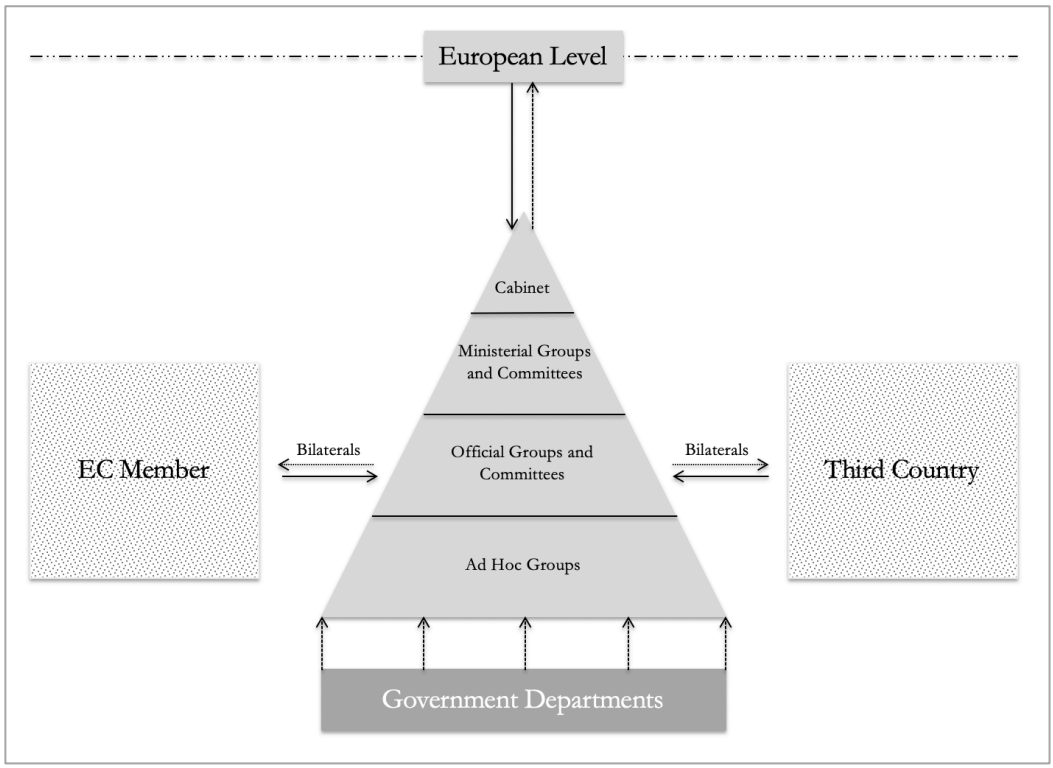


Figure 4. Simplified domestic administrative setting for negotiations, 1976–1983. The pyramidal shape alludes to the number of groups amongst the domestic actors involved. Narrow dashed arrows indicate support structures (substantive and/or staff). Solid arrows indicate (potential) impact. Dotted arrows depict the existence of exchange between the UK and other countries (EC members and third countries). The dotted line is utilised to show the existence of the European level (see Figure 3 for a detailed description of the European level). Source: own figure.

The structure in which bargaining objectives and their alteration were embedded at the domestic level was highly complex. As previously explained, fisheries is a topic that requires a high degree of technical knowledge, which is why up to the political level, all entities involved in fisheries were made up of bureaucrats at least remotely familiar with the subject. Just like in early 1970s, the leading units were the FCO's European Integration/Community Department and especially

MAFF's fisheries divisions. The latter of which was home to the vast majority of the UK's fisheries expertise.[92]

Made up of civil servants from different government departments numerous 'ad hoc' groups, set out to, temporarily, serve a particular purpose only were at the bottom in terms of scope and continuity. In other words, they were limited in both time and on substance, which, however, does not exclude the possibility of sustainably shaping bargaining objectives. Official groups and committees, on the contrary, were permanent, and expert-driven entities set out to provide substantive knowledge for their ministerial counterparts. The most relevant ones were the Official Group on Fisheries Negotiations, the Official Group on the Community Fisheries Question, which became the Official Committee on Community Fisheries Questions under Thatcher and was entrusted to "keep under review policy on the revision and operation of the Common Fisheries Policy and to report as necessary to the Ministerial sub-committee on European Questions" (TNA, CAB 134/4346) as well as the broader Official Committee on European Questions. These were accompanied by interdepartmental steering groups such as the Steering Committee on European Questions trying to foster exchange between the departments involved. The existence of interdepartmental exchange was important given the looming clash of competences between the leading ministries, especially between the FCO and MAFF: "Tensions are already re-emerging, so far only at official level, between the FCO, the Scottish Office and MAFF" (TNA, CAB 193/223/2a), a government note recorded. One reason for the increasingly tense relationship between the ministries was the nature of fisheries itself; located at the intersection of foreign and agricultural

[92] Both the Department of Agriculture and Fisheries for Scotland (DAFS) and UKRep's fisheries division were important in terms of supporting MAFF and supplying the government with (regional) expertise and/or personnel.

policy, it requires both diplomatic tact and foresight, as well as substantive and highly technical knowledge on the matter itself, to be negotiated successfully. The cultural differences between the FCO and MAFF were crucial in this regard too: the former perceived itself as outward-looking and cosmopolitan, whereas MAFF inhered a 'dusty' image, which was a thorn in the FCO's side when trying to sideline fisheries within the broader UK–EC context. FCO officials wrote:

> But although the seas of the world are wide and international, MAFF is in many ways an inward-looking Department closely shackled to the industry whose interests it is meant to defend. MAFF representatives participate in international fishing conferences, but MAFF cannot be expected to have any sensitive understanding of international affairs. Nor does the ministry operate at the same tempo as the FCO (TNA, FCO 30/3120)

Naturally, this perspective is strongly opposed by a senior MAFF official who asserted that "For them [the FCO], fisheries was an irritant which threatened to undermine their grand vision of Britain in Europe. […] If they [the FCO] had negotiated on fisheries we would have achieved nothing" (Senior Official MAFF III, personal communication, March 14, 2020).

In reality, however, both were dependent on each other. Only by coupling the negotiation skills and attitude of FCO officials with the competencies of MAFF employees could the government obtain the best result in the renegotiation. The reports of the official groups and committees were regularly shared with the more senior groups and committees (predominantly of a ministerial rank), which then discussed or altered the arguments put forth. Over the course of the period considered, there was a plethora of these entities, which were reshuffled again under Thatcher. The most influential ministerial bodies were the Ministerial Committee on

European Questions as well as the specialised Ministerial Committee on Community Fisheries Questions and Ministerial Group on Fisheries (Negotiations), later incorporated by the Committee on Defence and Overseas Policy and its respective sub-committee on European questions, chaired by the Foreign Secretary, as well as the Ministerial sub-committee on European Questions. Yet, as for the CFP negotiations in the early 1970s, the full Cabinet functioned as the supreme authority in regards to the deliberation of access objectives. The subject minister was then in charge to communicate these objectives (at the European level). Lastly, all levels were regularly exposed to what was negotiated in Brussels, which, in turn, potentially affected their position and ultimately Britain's objectives. Putting aside the internal dimension of the domestic administrative negotiation setting, there was a constant exchange with the outside world at all levels. The UK conversed with both politicians and bureaucrats from other EC members and relevant third countries, the United States, Norway and Iceland in particular, in order to create a well-balanced foundation upon which decisions in Brussels could be based.

Overall, the negotiation setting within which the CFP's revision was embedded was complex, connecting the domestic with the European realm. Yet, the prerequisite for the successful bargaining of a highly politicised and cross-border policy was keeping close ties with the people affected whilst experts and politicians negotiated with their (European) counterparts. This is perhaps best epitomised by the way in which UKRep's fisheries department attempted to reconcile political realities in Brussels with the domestic fishing industry's fantasies in order to make agreement possible.

A close look at the negotiation setting in both rounds reveals that the difference between them is negligible: Firstly, the modus operandi in terms of voting

remained the same. Secondly, similarities existed on a more structural level. A British representative deciding on the policy faced a – now – disaggregated, but otherwise very similar body, the Council, trying to reach agreement between all parties involved.

5.2 Objectives, 1976–1983

Upon Britain's accession in January 1973, fisheries disappeared from the political agenda for the remainder of the year. Despite the looming deadline (1982), there was no indication that the UK formed bargaining objectives as early as 1973. Yet, MAFF's fisheries divisions were well aware of the consequences an international agreement at the soon-to-be-commenced UNCLOS III could have on the EC's fisheries regime. In late 1973, a discussion paper noted:

> One possibility we have to bear in mind is that the Conference will lead to the widespread adoption of regimes involving coastal state fisheries jurisdiction considerably beyond existing limits – and indeed figures as large as 200 miles have been mentioned in that connection. This would, of course, pose a number of problems, not the least of them being the implications for such an arrangement of the basic EEC 'structure' regulation (2141/70) and the derogations from it which were embodied in the Treaty of Accession. (TNA, MAFF 209/3153a)

Granted that this extension could happen, it was thus important for the UK to pre-emptively consider different approaches to address the issue. In November 1973, MAFF officials suggested that

> either we should assert categorically that the existing Community law does not apply in respect of the extended area, or […] we should voice our doubts with

> sufficient emphasis for it to be agreed that new Community legislation […] was in practice indispensable. (TNA, MAFF 209/2650b).

In other words, the UK contemplated both neglecting EC jurisdiction over the yet-to-be-determined belt as well as the possibility of including this area in the new Community legislation. The latter was opted for and would preoccupy the EC for years to come. The reason for the UK to side with the Community at UNCLOS III was twofold. Firstly, "our negotiation position is restricted by our membership of the EEC and acceptance of the Common Fisheries Policy (CFP)" (TNA, CAB 148/139a). Thus, membership curtailed the UK's flexibility to act independently on fisheries at the international level. Secondly, the willingness to support the EC was later facilitated by a highly unfavourable agreement with Iceland and the impact it had on the UK's DWF (see 5.3.1). At the same time, however, a ministerial committee declared that "it was not necessary to decide immediately on the modifications to the CFP which we should seek to this end" (TNA, CAB 148/139a). Yet, Heath's government formulated a broad goal which was to "to modify the Common Fisheries Policy so as to obtain the maximum benefit from our EEZ" (TNA, CAB 148/139b).

After the 1974 general election, the government specified its negotiation goals, which were, "first, to reduce so far as possible the tonnage of fish lost as a result of a general extension of fishing limits; [and] second, to work for a CFP that would give our industry maximum scope for development" (TNA, MAFF 209/3153b). Or put differently, "in principle the benefit of a common policy should be in proportion to the contributions made to it" (TNA, MAFF 209/3153b).

When the first countries in the EC's neighbourhood extended their fishing limit in 1975, it was clear that an overall loss of fish for the UK was unpreventable; 36% of the UK's overall catch was taken in waters now, or soon to be, inaccessible

for British fishermen (Wise, 1984). Yet, the loss was not evenly distributed amongst Britain's fishermen: it solely concerned the DWFs fishing grounds far off the British coast. A FCO paper argued that "if the UK had not been a member of the Community we would have been in a position to largely recoup our distant water losses within our own extended fishing limits by the exclusion of fishermen from other countries" (TNA, FCO 30/2881a). Now, however, the industry's future was decided upon in the bargaining with the Community (and third countries). Thus, the negotiation aims for the second round were clear: overall, fish would most likely be lost due to the restriction to trawl in waters of third countries. Within the yet-to-be-determined Community pond, however, the UK was both at risk to lose even more fish (if the 1972 derogations were to lapse) or to substantially mitigate the DWF's loss through a well-negotiated internal regime for its fishermen – in relative and absolute terms.[93] Therefore, the goals were similar to the ones aimed at in 1971: absolute and relative gains (within the EC pond to mitigate third-country losses). At the same time, the government acknowledged that "the CFP can be modified only by the common agreement of the Nine Member Governments" (TNA, FCO 30/3393a). Thus, "it seems better to rely essentially on persuasion, with the implied threat of uncontrollable consequences if we lose control of the situation resting unspoken in the background" (TNA, FCO 30/3393a). This underlying negotiation rationale coincides with the way the UK presented itself in the accession negotiations years earlier: as a demanding, but rational and fair negotiation partner.

From the UK's perspective it was now necessary "to get some political steam behind it if real progress was to be made" (TNA, MAFF 209/3154a). Well aware of the difficulties at the international level, however, the government concluded to just

[93] About 63% of the UK's overall catch was retrieved from waters within its own 200-mile limit (Wise, 1984), whereas 0.3% came from the 200-mile zone of other EC members.

"bring the matter to the Council when the moment is right, taking account of what is happening at UNCLOS" (TNA, FCO 30/2878). Over the course of 1975, the UK speculated about different approaches in Brussels: "We shall probably need to begin by asking for a 50 mile belt […]" (TNA, CAB 193/076), an official argued. Put concisely, "we should go for 50 miles" (TNA, FCO 30/3108). A more conservative approach discussed included "giving twelve-mile exclusive fishery limits for all EEC countries (extending and perpetuating the derogations in the Accession Treaty), and a division of the remaining EEC fisheries' resources in proportion to the total present catch of member countries" (TNA, FCO 30/2878). Neither of the ideas materialised or became the official government line at the time.

After the EC had agreed on the CFP's reappraisal in April 1975, fisheries finally gained (some) political momentum, and the Commission put forth its first major proposals on a revised CFP, the so-called 'Lardinois package' in December of that year. Although the Council rebuffed the ideas expressed in the paper, the Commission's mere acknowledgement of altering the (equal-) access principle, was remarkable. On substance, the proposal provided for a permanent 12-mile EEZ as well as the introduction of a quota system in the remaining waters up to 200 miles out, "which would take account of the losses of the member states elsewhere" (TNA, FCO 76/1107). In principle, the proposal was received well in London. The minutes of a ministerial meeting noted that "In concept these proposals are not unattractive" (TNA, FCO 76/1107). In regards to the proposed width of the national EEZ, however, the UK's position was clear: "12 miles is not enough" (TNA, FCO 76/1107). This reasoning was in line with a position on access determined a month earlier: "the matter [access] should come back to the Committee before we give any indication that we could accept a zone of less than 25 miles" (TNA, FCO 30/2881a). With uncertainty still looming in Brussels and the

Commission's proposal turned down, the committee members eventually recognised that "we can hardly definitely decide our final position on this issue at this stage" (TNA, FCO 30/2881a). This only changed in May 1976. The UK finally revealed its opening bid at the Foreign Affairs Council sitting, which marks the substantive starting point of the CFP's renegotiation:

> We have been looking at the key areas for us beyond 12 mile and have found that many of them are within 35 miles and all are within 50 miles. […] we might be ready to consider a variable belt with the precise width to be determined by regional (meaning political and economic) considerations. We certainly could not consider anything less than 12 miles in any area. But the examination of the relevant regional factors might justify a belt of as little as 12 miles or as much as 50 miles in different areas. […] Finally, the Commission had suggested that historical rights within coastal belts should be phased out. In one sense it is very much in the United Kingdom's interest. (TNA, CAB 164/1353a)

Put differently, the UK's original objective was permanent and exclusive access to waters within 12 miles (including the abolition of historic rights) that could extend up to 50 miles in areas where fisheries were of a great political and economic importance.[94] Putting forth an objective including a 'variable belt' as opposed to the previously discussed uniform 50-mile belt, was adroit as it ensured the protection of the UK's most important fishing grounds and simultaneously provided the flexibility needed to conclude the bargaining without having to fear immediately ruining trust

[94] The UK had already discussed areas with a 50- (Shetlands to Flamborough Head), 35- (South West from Portland Bill round to St. David's Head) and 25- (off Wales and Northern Ireland) mile limit. In addition, areas (north-)west of Scotland were of particular importance "to fishermen from all areas of the UK, where we should be aiming at considerably more than 12 miles, though not necessarily 50" (TNA, FCO 30/3113a). Importantly, however, "no proposals were formally tabled" (TNA, FCO 30/3390a) for the areas to be included beyond 12 miles, though evidence suggests that bilaterals held in London and elsewhere kept the other members informed. Formally, however, the unspecified proposal of May 1976 remained the official government objective.

in Brussels (or at home). The access objective included receiving a 'fair share' of the resources in the yet-to-be-determined Community Pond beyond the national EEZ. The UK's objectives sparked little enthusiasm amongst its partners: "Apart from the Irish, no other member of the Community has yet accepted the principle of coastal belts" (TNA, FCO 30/3090). The Danes, for example, "made it clear officially that they thought we were opening our mouths too wide" (TNA, FCO 30/3090). Even British officials voiced scepticism on the demands made in Brussels: "But they [MAFF officials] remain concerned, and I share their concern, lest a bid for a very extensive 50-mile belt, […] should be regarded by other members of the Community as altogether excessive" (TNA, FCO 30/3090).

In a new proposal of October 1976, the Commission supplemented the 'Lardinois package' with an element highly controversial in the UK: the continuation of historical rights in national EEZs and thus substantial foreign fishing activities in British waters. The UK initially opposed this, but it nevertheless found its way into the new objective presented in June 1977. The new position provided for the following: "(a) exclusive UK fishing within 12 miles, subject to assurances already given to President Giscard and Chancellor Schmidt on historic rights; (b) a degree of preference of the UK between 12 and 50 miles" (TNA, CAB 134/4110a). Britain's bargaining objectives altered in two ways. Firstly, the stance on access exclusivity softened within the 12-mile limit through the continuation of limited 'historic rights' for a yet-to-be-negotiated period of time. Secondly, the flexible zones of exclusive access beyond this limit transformed into a uniform belt including 'dominant preference' between 12 and 50 miles out.[95] This was a striking difference to the

[95] Here (vaguely specified in November 1978 as northwest Scotland, a box round Shetland, east of Scotland and the northeast of England, southwest of England and the northern part of the Irish Sea), foreign activities should be limited to the TACs-adjusted level of 1977 whilst British vessels should trawl unrestrictedly. Additionally, the UK urged for a limitation on the type of fish caught by foreign vessel in these zones: "these vessels would be permitted to fish for species which they took during the reference period but not for other species" (TNA, MAFF 209/3218).

proposed zones of exclusive access the British wanted a year earlier. The Commission's reaction was mixed. Commissioner Gundelach assumed that "an exclusive belt of 12 miles would have to be a necessary component of the revised regime, and he seemed to accept that historic rights in this belt should be phased out" (TNA, FCO 76/1584a). Addressing the anticipated preferential treatment in the 12–50-mile belt, however, "he stressed that it would be difficult for some other member states to accept the concept of preferential rights for the coastal state" (TNA, FCO 76/1584a). Expectedly, the UK's proposal did not resonate with the other members. At an unofficial gathering in COREPER I configuration in late June 1977, "several deputies, particular Holland, France and Denmark, repeated their opposition to any exclusive belts, even in terms proposed by the Commission" (TNA, FCO 30/3392a). The UK's proposal was eventually rejected at another Fisheries Council sitting that month. In short, "the rest of the Community have in effect so far refused to negotiate on the UK's position" (TNA, CAB 134/4111a). This did not change for the remainder of that year.

On the prospects of settling fisheries in early 1978, officials summarised that "Our position, and that of the Commission and most other member states, were still far apart" (TNA, CAB 134/4111b). This assessment was no surprise after the Council negotiations had broken down earlier. The Commission's idea to accommodate Anglo-Irish demands by including 'fishing plans' into the discussion did not enthuse the UK.[96] Whilst "the Irish had eventually succumbed" (TNA CAB 128/62/17) in December 1977, the UK rebuffed all ideas and put forth national conservation measures instead. The introduction of these measures somewhat

[96] Fishing plans are "programs for future fishing operations. […]. A rudimentary plan could be merely a list of vessels permitted to fish, but a plan could contain stipulations as to the nationality, number and size of permitted vessels, the species that may be caught, or the seasons or sea areas in which fishing may take place" (TNA, CAB 193/223/2b).

isolated the UK politically. The situation deteriorated in 1978. Because the other members were unwilling to meet the UK's two major demands on access – the relative phasing out of 'historic rights' within the 12-mile EEZ and 'preferential access' in the 12–50-mile belt – government officials pressed the Community: "The UK has very little further room for manoeuvre on the major issues. We are keen to settle, but not at any price" (TNA, FCO 30/3716). A direct consequence of the distance in objectives between the actors involved was the collapse of the Fisheries Council in late January. With the French elections in sight, no real progress could be made in the first few months of 1978. Despite the fact that "negotiations on the CFP are deadlocked" (TNA, FCO 30/3726), the UK was not unwilling to settle in general: "we could also, if the offer on present and future quantities was good enough, consider compromising on the extent of the access preference […] or on its method of application" (TNA, CAB 134/4111c). This willingness, however, was contingent upon a high degree of 'goal satisfaction' in the negotiations on the continent. For access, this remained unachievable, and stalemate carried on.

Without any palpable objective alterations to be observed, the fisheries issue entered 1979 unresolved. In April of that year, officials noted that "Negotiations for an agreed Common Fisheries Policy remain blocked. The fundamental obstacle to a solution remains the problem of access" (TNA, CAB 134/4325). It was against this background that DAFS officials urged for a new approach covering the outer belt. They acknowledged that "Beyond 12 miles preferential agreements applying without restriction to the whole of United Kingdom fleet will not be negotiable" (TNA, CAB 134/4325). The reason UK's partners refused any such stipulations was straightforward: firstly, it would mean a severe loss of fish; secondly, it would discriminate against foreign vessels. Access would be based solely on nationality, which represented a clear breach of the provisions of the Rome Treaty. Thus, DAFS

argued for a shift from a 'nationality-based' to a 'dependency-based' approach. This took the form of an access restriction based on vessel size to ensure both stock conservation and the livelihood of fishermen in certain areas: "a general definition for boats permitted to fish without restriction could be those of 80 feet in length or less, since this qualification conforms with a reasonable definition of the inshore sector" (TNA, CAB 134/4325). This was the first time that the criterion of a vessel's size, instead of its flag, was brought into the domestic discussion. Naturally, DAFS made a strong case for Scotland and claimed the whole Scottish coast should be provided with such restrictions. At the same time, MAFF officials were "prepared to reduce our demands in the interest of securing agreement" (TNA, MAFF 209/3199a). As part of the new administration, they discussed a genuine 12-mile EEZ for the UK and preferential treatment for areas only mentioned in the 'The Hague Resolutions' as particularly dependent on fisheries, which were the northern parts of the United Kingdom. These considerations translated into a 12-mile EEZ with historical rights phasing out and, for example, "special arrangements outside 12 miles around the Shetlands for the benefit of Shetlands fishermen which are a clear special case in terms of the Hague formula" (TNA, MAFF 209/3199a). Looking at the deliberations of May 1979 and thereafter, one may identify the origins of the objective that the UK eventually achieved in the 1983 CFP. This discussion was also a demonstration of the inter-departmental cooperation (agreeing on the need for a new approach) and differences (goal configuration) between DAFS and MAFF. In mid-1979, various amendments were made to the new, more flexible, approach to the fisheries issues at home. However, negotiations on access remained deadlocked in Brussels. In part, this deadlock was caused by the Commission's insistence on the continuation of the status quo on access, plus "fishing plans which the Commission claim could be of benefit to coastal states both within and beyond 12 miles" (TNA,

MAFF 209/3199a). However, it was also the UK's inability or unwillingness to clearly communicate its access objectives that rendered advancing the access question difficult: MAFF argued, "Progress will not be made until the United Kingdom objectives are specified in greater detail" (TNA, MAFF 209/3199b). The FCO admonished that "This Government have never defined what they want beyond 12 miles" (TNA, FCO 30/4239a). It was not until June 1980 that the UK officially communicated an altered objective in Brussels for the first time in 3 years. The proposed regime would be permanent and include:

> the retention by coastal states of more or less exclusive access within the 12-mile belt (with limited continuation of those historic rights identified as being economically vital) and a limited degree of preference (using 'objective' criteria, such as vessel length, rather than national ones) in certain specified coastal areas beyond 12 miles. For the UK those lie to the North of Scotland and in the Irish Sea. (TNA, CAB 193/287/1)

This alteration was a significant deviation from the UK's former handling of the CFP's access provisions. Firstly, it was a clear concession in regards to the continuation of (some) 'historic rights' for foreign vessels in the inner belt. Secondly, it deviated from a uniform area beyond 12 miles to be covered by a special regime. Instead, the UK demanded only two boxes of preferential access based on provisions written down in Annex VII of the 'The Hague Resolution': the first one around the Shetland's and Orkney, the second in the Irish Sea. Within these 'boxes', only vessels with a length of less than 26 metres would be allowed to operate unrestrictedly, whilst all other ships within the box would need fishing licenses, which were limited in number.[97] Based on these changes, agreement on access seemed possible with the

[97] De jure this was non-discriminatory and compliant with EC law, but de facto meant almost exclusive access for British fishermen, since virtually no foreign vessels were below 26 metres in length.

majority of members backing the proposed regime. However, unwilling to accept a loss of fish through the limitation of 'historic rights' in the 6–12-mile belt and the regime's permanent character the UK envisaged, France blocked a decision from being taken in December 1980. Internally, the UK already showed flexibility on the length of the regime: "The French are willing to accept a 10-year extension with another review clause. This would be acceptable to us, provided that the review procedure was such that we could veto any decision to change the derogation" (TNA, PREM 19/466a). Yet, this did not materialise until much later in the negotiations. The impasse was exacerbated by French electoral considerations: "The Presidential Election was only four months away and the government felt vulnerable to criticism from the Left" (Leigh, 1983, p. 85). With only 2 years left on the clock to avert chaos for all European fishermen, the EC entered 1981 in uncertainty on fisheries. In February 1981, the Commission made a bold attempt to resolve a situation with an internally uncoordinated proposal for a revised regime, presented at the Fisheries Council: "The Commission suddenly proposed a new access regime. Contogeorgis [The new fisheries Commissioner] blandly described it as having been approved by the Commissioners […]. It emerged, however, that this claim was at least premature […]" (TNA, FCO 30/4537a). The Commission's offer, though tabled orally, included a 10-year derogation from the EAP for an area 12 miles off coast (with historical rights for foreign vessels maintained where fishermen had become dependent on the grounds), as well as the recognition of "special arrangements to limit the exercise of fishing rights in sensitive places" (TNA, FCO 30/4537a). The members immediately rejected the proposal. The Commission's proposal is, however, an important piece for understanding the evolution of the fisheries regime as eventual agreement was found along the principles mentioned in

it. MAFF called it the "most promising approach" (TNA, MAFF 209/3201a) to resolve the outstanding fisheries issues to date.

In the meantime, the newly-elected President of France, François Mitterrand, showed no sign of compromising on fisheries. On the contrary, British officials argued that "the French Election reduced the prospects for an early agreement" (TNA, CAB 193/288). Both the inability of all actors involved to resolve the Anglo-French row and the increasingly uncompromising attitude of the Danes on access ultimately led to the suspension of all Fisheries Council meetings between October 1981 and June 1982. Starting in early 1981, however, British officials prepared the last main alteration of the UK's objectives which changed in December of that year: the reduction in preferential access beyond 12 miles: "we ought to be prepared to move to a comparatively small box round the Shetlands (and possibly Orkneys) with a restrictive licensing system for large vessels in it" (TNA, MAFF 209/3201a). For the inner belt, the official line was kept similar: "our position remains that we must have a broadly exclusive 12-mile belt, though the minister recognised that some account will have to be taken of some particularly sensitive historical rights enjoyed by other member states" (TNA, FCO 30/5062a). In essence, the UK now aspired to a pre-accession situation for the 6–12-mile belt. Officials argued "that a solution inside 12 miles which returned to the situation pre-accession or near to it would be acceptable" (TNA, CAB 134/4527). Or as stated in a more determined fashion, "We need a solution which return to pre-accession rights or as near to them as possible" (TNA, FCO 30/4539a). Importantly, and "aware that the access problem had been inflated for political reasons [,] French and British ministers conducted bilateral conversations in the first half of 1982 with a view to reaching compromise" (Leigh, 1983, p. 87). In April then, France and the UK "were able to resolve most of the outstanding points of difference" (TNA, MAFF 209/3202a); an exception was the

duration of the provisions, which remained a matter of negotiation. Against the backdrop of Anglo-French agreement, the Commission made a comprehensive proposal in June that year:

> it would give the United Kingdom exclusive rights within 6 miles and the historic rights given to other countries in the 6–12 mile zone were better than those agreed at the time of Accession and went back to pre-Accession historic rights. A box was to be created around the Shetlands within which boats above a certain size [over 26 meters] would be licensed. (TNA, PREM 19/1493)

The proposed regime would last for 10 years, "which would be extended for a further 10 years unless there were unanimous agreement to change" (TNA, PREM 19/1493). This effectively meant a 20-year duration. The government concluded that "The Commission's proposals on access were not at all unsatisfactory" (TNA, PREM 19/1493). The PM added, "the government should clearly go for a settlement since the alternative would put our fishing interests entirely at risk" (TNA, PREM 19/1493). Given the proposal's terms, this approval is unsurprising: despite some details yet to be negotiated (for example, the allocation of licenses amongst the members within the envisaged box), there were strong overlaps between the Commission's ideas and Britain's objectives. The proposed regime would "improve the present position of the United Kingdom industry in the 6-12 mile belt for 70 percent of the coastline" (TNA, CAB 128/074a). The quest for access and thus an overall policy, however, was not yet over. Ahead of the July Fisheries Council, government officials stated that "This is the meeting at which it will finally become apparent whether the present momentum towards a solution will be crowned with success" (TNA, FCO 30/5064). But this did not materialise because Denmark, confined by domestic politics, blocked agreement in Brussels over the summer of 1982.

The next chance to settle was at the October Fisheries Council sitting. For the UK it was clear that "if a settlement were to be reached at the next Council, the Danes would have to show some movement. We could not make any concession to them on access […]" (TNA, MAFF 209/3202b). The new Danish government, however, did not made attenuated demands. On the contrary, it continued claiming for a substantial number of licenses in the British preference box (seven) and a higher amount of West Coast mackerel (25,000–30,000 tonnes) through access off the coast of England, both of which ought to be been achieved through the exertion of alleged 'historic rights' in the respective area. Unsurprisingly, the ill-omened October sitting failed, and a policy was yet to be found. The meeting was important because for the first time since the start of the renegotiation, nine members agreed on a common position on fisheries along the lines of the Commission proposal of mid-1982. At the same time, the Commission made clear that Danish reluctance to accept the negotiated provisions would ultimately be countered by the implementation of other members' national measures. In November, the Danish government unsuccessfully reached out to the capitals to build a coalition against the package agreed upon amongst the other EC members: "The Prime Minister's message to the French Prime Minister, following the Danish Prime Minister's visit to London on 22 November, had had the desired effect of keeping the French government from contemplating any further concessions to Denmark" (TNA, CAB 128/074b).

Despite an insignificantly adjusted offer the Commission made to the Danes in the final months of 1982, both the European Council and the (Fisheries) Council failed to find a viable solution to resolve the impasse by the end of the year. The inevitable consequence of the Community's failure to devise a policy before the Treaty of Accession derogations expired was the inception of national measures in

January 1983. It was against this backdrop that the Danes relented and accepted the package offered to them on December 21, 1982. The provisions of the package agreed upon in January 1983 only insignificantly diverged from the Commission proposal of June 1982 and are detailed in Chapter 3.[98]

Overall, the UK thus made three central shifts of bargaining objectives around which this analysis revolves: the opening bid of May 1976 was a 12-mile EEZ (including the termination of all 'historic rights') combined with a variable but exclusive belt up to 50 miles out. The British government first changed its position in June 1977. It accepted the maintenance of limited (French and German) 'historic rights' within the 12-mile belt and demanded a 'dominant preference' between 12 and 50 miles. Then, in June 1980 the UK changed again, accepting the continuation of 'vital' 'historic rights' within the inner belt and urging for a dependency-based degree of preference in the outer belt. Here, access would be based on objective criteria such as vessel lengths. Two boxes were identified as pivotal in this regard, one in the Irish Sea and one off the Scottish coast. The last adjustment of negotiation objectives in December 1981 predominantly concerned the area beyond 12 miles. One of the 'preference boxes' was dropped, and within the remaining 'Shetland box' a preferential licensing system was demanded. At the same time, the area within 12 miles was proposed to resemble a regime along the lines of the 'London Convention', which would represent an improvement over the Treaty of Accession provisions.

When looking at the difference between the objectives the UK presented (and genuinely wanted) at the outset of the negotiations and those which were eventually

[98] Denmark was offered an extra of 20,000 tonnes of mackerel and access to a square previously included in the box off the Scottish coast, which was comparatively unimportant for British fishermen. However, no permanent licences to the box were granted. While the former was made possible through the annual access and quota negotiations between the Community, Norway and the Faroes, the latter was a cosmetic concession Britain made to enable agreement.

achieved, it becomes evident that the difference is negative. The UK obtained substantially less than it had originally demanded in 1976 and thus negotiated unsuccessfully, if bargaining success is defined as the extent to which initial bargaining objectives satisfy those being achieved at the end of the bargaining process. It is thus surprising that Minister Walker rejoiced in the Commons: "I believe the agreements reached yesterday are good for Europe and good for Britain" (Walker as cited in Hansard, 1983, column 900). When measured by its own objectives, the government's assessment is doubtful at best. This is why an MP in the aftermath of the agreement argued that

> In the last 24 hours we have been told what a superb agreement has been achieved. A new definition has been found for the term "superb". When one reaches a bad deal, one throws a cocktail party, shouts "Rejoice" and claims that it is superb. The truth […] is very different. (Buchan as cited in Hansard, 1983, column 900)

From an analytical standpoint it is interesting to now explore the reasons for the three alterations of bargaining objectives over the course of the renegotiation.

5.3 The Extension of Third-Country Fishing Limits

The extension of third-country fishing limits (and direct consequences thereof) did not influence the alteration of Britain's objectives in the renegotiation. This finding further lends support to the already observed trend that the magnitude of an effect on a relevant domestic stakeholder in fisheries alone bears little relevance for decision making at the governmental level. Nevertheless, one external event is relevant to understand the 1983 outcome and was an important framing condition within which eventual agreement was found among the EC members: the

introduction of the 200-mile limit emerging from UNCLOS III (see United Nations, 1982).

5.3.1 The 200-Mile Limit and Its Consequences

Although it was not until 1982 that a formal agreement on the extension of fisheries limits up to 200 miles was found at UNCLOS III, multiple countries unilaterally acted upon the emerging consensus much earlier, most notably Iceland in October 1975 and Norway in January 1977. This consensus at the international level and the ensuing extensions had multiple consequences for the UK's bargaining with(in) the EC. Three of these are noteworthy:

Firstly, there was a third 'Cod-War' between the UK and Iceland with devastating consequences for Britain's DWF. The third edition of the dispute followed a familiar pattern: Iceland's unilateral extension of fishing limits followed by a British trawlers' refusal to accept the provision and a subsequent military skirmish between the countries over access to – now Icelandic – fishing grounds. As with previous 'Cod Wars', the main driver behind the UK's action was to ensure access to areas pivotal for its DWF. The main incentive for British action was to reduce the economic damage for the UK's distant-water ports, particularly Fleetwood, Grimsby and Hull.[99] Especially in the last 'Cod War', however, the UK fought a lost cause. As a result of the negotiations that already had taken place at the international stage, there was a broad political consensus amongst the participants for the rightness of extending fishing limits. Additionally, precedent had already been set in Latin America (and Africa), where a 200-mile limit, though unrecognised by international

[99] The UK desired an outcome along the lines of the 1973 bilateral agreement, which expired in the autumn of 1975. The terms of the covenant had already drastically curbed the areas for fishing and allowed British vessels to fish about 130.000 tons of the resource. Yet, this represented about 40% of the UK's overall catch in waters of non-member states and were now at risk.

law, was established well before the Anglo-Icelandic row started in late 1975.[100] Another aggravating factor undermining the UK's case was the US's increasing impatience with Britain's behaviour. For the US, itself a proponent of the 200-mile limit, it was crucial to retain Iceland's loyalty and continuation as a strategic partner in the region. Of particular importance was the carrying on of its operations from the Naval Air Station in Keflavik to monitor Soviet movements in the surrounding waters. Fisheries, on the contrary, was a marginal issue at best, for which the American government was unwilling to jeopardise a strategic partnership with a NATO member. This was well known by Iceland, which subsequently threatened to close the Naval Air Station, strengthening its bargaining position relative to the UK. Owing to the US's influence in NATO, it is thus no surprise that pressure increasingly mounted on the UK. A contemporary observer wrote: "There is no doubt that the NATO Council put considerable pressure on Britain to reach a settlement" (Marriott, 1976, p. 50). Additionally, and despite the disastrous experiences made in previous conflicts with Iceland, British officials initially overestimated the country's bargaining power: "I believe, however, that countries like Iceland and Norway see the need to act by negotiation, and I am confident that we shall be able sustain the vital interests of our fishing industry" (TNA, MAFF 209/3157). Steinsson (2016) in this regard rightly concludes that "British decision-makers also crucially miscalculated Icelandic resolve and power" (p. 272). This was reinforced by both the industry's influence in the UK pushing for an escalation and power-vesting in MAFF (Steinsson, 2017). Although Iceland was indeed willing to achieve agreement by means of negotiation, British bargaining power was non-existent: the UK had high stakes in Iceland's waters, but neither was the Icelandic

[100] First countries in the Southern Hemisphere extended their EEZ soon after the Second World War and "by 1972, all coastal Latin American countries had proclaimed 200-mile maritime zones, patrimonial seas, or Exclusive Economic Zones" (Costa, 1989, p. 249).

fishing industry dependent on the European market, nor did its fishermen trawl much in British waters. Additionally, Iceland was not an EC member, making any kind of policy linkage improbable. It was only towards the end of the conflict that the UK realised how disadvantaged its bargaining position was: a note of April 1976 summarised, "We were negotiating from weakness and time was not on our side" (TNA, CAB 130/847a). Thus, the circumstances make it unsurprising that the conflict ended with a highly favourable agreement for Iceland. After eight months of bilateral bargaining and NATO-mediated sessions, the 'compromise' of June 1, 1976 drastically limited British fishing efforts within Icelandic limits, in number of vessels allowed in Icelandic waters (24), amount of fish to be caught (60.000 tonnes) and time (6 months).[101] Put bluntly, "This was unconditional surrender on behalf of Britain […]" (GuÞmundsson, 2006, p. 110) with grave ramifications for Britain's DWF, which lost an essential part of its already substantially diminished fishing grounds. An FCO official, on the contrary, perceived the negotiation outcome in a more positive fashion and used a World War II analogy to explain future action. He wrote that the agreement "has been described as a defeat. I prefer to see it as a sort of Dunkirk. We have had heavy but unavoidable losses but we have also secured a breathing space for refurbishing our forces to meet new situations" (TNA, T 369/020a). Looking at the DWF's development over the past decades, however, one sees that the last 'Cod War' indeed marked "the end of almost 570 years of British fishing in Icelandic waters" (GuÞmundsson, 2006, p.110). In consequence, the Icelandic extension and subsequent expulsion of British vessels increased the pressure on the British government to find alternative sources of income for the

[101] Additionally, the 24 British ships admitted to Icelandic waters up to 20 miles off the coast were granted access based only on their historic activities in the area. Thus, no new vessels were able to access these waters. For a detailed discussion on how NATO helped strike the deal, see Bakaki (2016).

UK's deprived DWF, for example, by extending its demands towards a wide EEZ in Brussels.

Secondly, a change for the EC's internal regime became inevitable as "the environment within which the European Community's fishery policy had developed was radically changed" (Wise, 1984, p. 143). In other words, the solidification of the 200-mile limit as the international norm created momentum for the EC to act and extend its own limits, which would set it on a different institutional trajectory – namely the possibility to negotiate on areas up to 200 miles out. This was of utmost importance for the UK: "We are bound to suffer some loss in distant water fishing grounds. Our ability to recoup by fishing more around the UK will depend on how far we can restrict access to our own extended EEZ" (TNA, FCO 30/2878). At the same time, however, the UK was well aware of the difficulties attached to the CFP's renegotiation: "Their [the other members'] narrow interests would best be served by keeping the CFP much as it is and in particular by retaining access to any extended British waters" (TNA, CAB 193/129). Thus, depending on the perspective looked at, the extension of the EC's limits had the potential for both aggravating or mitigating the situation of Britain's industry, the former of which would apply in case the government failed to negotiate a further derogation on access at the European level. In such a scenario, the 1970 regulation would apply and all waters up to 200 miles would eventually be de-nationalised, possibly even without access to any third-country waters. Here, the demise of the vast majority of Britain's fishing was bound to occur within years. However, the change at the EC level bore chances too: in theory, it enabled the government to demand a more exclusive and wider exclusive coastal belt, which would increase the catch of the UK's fishing industry.

Analytically, both Iceland's decision to indefinitely expel British trawlers as well as the EC's choice to follow in January 1977 were critical junctures for Britain's

bargaining objectives. With Icelandic and Norwegian waters up to 200 miles essentially inaccessible, officials stated: "Our fishing industry faces a loss of distant water catch, and must be enabled to safeguarded its future in waters nearer home" (TNA, FCO 3113b). The UK accounted for the looming Icelandic extension in its opening bid.[102] This assumption was justified as the UK put forth an area beyond 12 miles onto the agenda in Brussels for the first time. If the international extension of fishing limits had not occurred, the UK would have been less likely to make this demand. For the DWF, Britain's opening bid was nevertheless dissatisfying, which, however, could have been set straight when the Community extended its own limits a few months later. Yet, the empirical evidence shows no immediate or incremental alteration of Britain's bargaining objectives in the DWF's direction. On the contrary, the first (and all subsequent) shift(s) of bargaining objectives represented a step in the opposite direction of reducing access exclusivity and/or width of the belt, both of which were the DWF's key interests after it had lost access to pivotal distant-water grounds.[103] At last, only the rather cosmetic, 'Shetland Box' provided an area beyond 12 miles with preferential access, which represents a severe decline in demand compared to May 1976. In fact, the willingness to 'sacrifice' the DWF was already determined much earlier. A MAFF paper of 1974 revealed: "the fishing industry recognises that the distant water fleet will decline […]" (TNA, MAFF 209/3153c). And as a consequence, "some retrenchment in the industry is inevitable" (TNA, FCO 30/3113b). At the same time, officials were well aware of the risk such a strategy inhered: "Unless we get a satisfactory arrangement over the CFP not only will the industry suffer, but there would be widespread disillusionment with the

[102] As the analysis shows, other factors were important in the determination of the UK's opening bid too.

[103] After a meeting with the government in June 1976, the BTF reiterated its – already halved – demand for an exclusive 50-mile belt covering the majority of the British coastline to counter the losses incurred in distant waters.

EEC" (TNA, FCO 30/3113b). Preventing further repulsion was of a particular importance in the fisheries realm, as the vast majority of port cities already suffered from high unemployment and strong 'anti-market' sentiments. Putting economic reasons aside, three further factors explain the UK's unwillingness to cater directly to the DWF's interests: (a) The political reality in Brussels with the negotiation partners opposing areas beyond 12 miles to be reserved for single member states only. This reality defied BTF's fantasies of an extensive EEZ. (b) There was hope to gain financial assistance for the DWF as part of a larger CFP package-deal. (c) The UK hoped to create an environment in which they could use the DWF's losses as a bargaining chip to strengthen the position of the politically more important inshore industry in the negotiations later on. Cabinet in this regard concluded that "there is a much better case for a 12 mile belt than a 50 mile belt" (TNA, CAB 165/1105).

The evidence presented demonstrates that the influence these events had on the alteration of Britain's negotiation objectives was virtually non-existent. Irrespective of both the negative consequences the extensions had and chances it offered; the UK refrained from supporting its DWF. This is somewhat unsurprising considering the overall outlook of Britain's DWF. The determination with which the UK acted in this regard, is, nevertheless, surprising. Importantly, the alleged focus on the inshore industry must also be scrutinised, as the British government incrementally reduced its demands for the inner belt too.

Thirdly, the extension prompted the Commission, since the 'The Hague Resolution' came into effect in charge of international agreements, to renegotiate both access to third-country waters as well as third-country access to EC waters. This was crucial: the EC members had a great interest in the waters of certain states, whereas the Community had an overarching stake in minimising access to its own waters. The UK had a pragmatic view on this and argued that

> Our first objective has been gradually to phase out unreciprocated access by third-country vessels to Community waters in which we are interested. […] To the extent that concession have to be made to them in the interest of our partners we should seek to minimise them, to confine them to waters not of interest to us, and to demand compensation elsewhere for any concession made in waters of interest to us. (TNA, FCO 76/1584b)

As opposed to the development of the CFP's internal regime, the UK seemed to have a decisive advantage for the bargaining on its external dimension: "[…] concessions to third countries, whether or not they are requited, will be mainly in waters of interest to us. We are therefore entitled to a major voice in the overall settlement" (TNA, FCO 76/1584b). In reality, however, this advantage evaporated, since it was the UK that had the largest stake of all EC members in access to third country waters. The FCO summarised: "Britain faces special problems because of her anticipated increased dependence on near-coast fisheries, with her exclusion from distant fishing banks. Not all countries rely so heavily as Britain upon non-EEC grounds" (TNA, FCO 76/1584c). Hence, there was a need for sufficient reciprocal agreements with third countries to ensure both access and high-quota shares for British vessels within these grounds: "Britain hopes to maintain as much of the distant-water catch as possible through reciprocal agreements between the Community and third countries. But she faces the problem of securing a sufficiently large portion of the allowed Community catch" (TNA, FCO 76/1584c). Insofar, the facilitation of the development of the CFP's external dimension could have helped the UK realise the desire to mitigate the DWF's loss of fish, and simply function as a lever in the bargaining on the CFP's internal regime. Owing to the UK's dependence on those waters, however, the effect was muted.

The CFP package of 1983, however, reveals another crucial element of the EC's ability to conclude agreements with third countries: the availability of additional fish for Denmark to enable agreement. As early as 1977, the UK connected the CFP's external dimension with the rules to be applied in the 'Community Pond': "It is not clear how far these external arrangements can be taken without agreement on the internal regime" (TNA, FCO 30/3393a). This perception was shared amongst the EC members and translated into real-life success when the EC found agreement in the annual negotiations on access and quotas with Norway and the Faroes in 1982:

> The Commission seem to have succeeded in securing new quotas in the Norwegian zone IIA, in the North Sea and in the Faroese zone […] These opportunities would provide an obvious opportunity to meet Danish demands without prejudicing our position over Danish fishing for the Western stock West of Scotland. (TNA, FCO 30/5068)

In short, "They [the arrangements with Norway and the Faroes] are outside the 'package' and can offer something to the Danes" (TNA, FCO 30/5068), which Denmark ultimately acted upon, enabling the conclusion of the 7-year long quest to revise the CFP. The events of late 1982 allude to the way in which the UK was affected by third-country agreements: they were a prerequisite for an EC-wide agreement, but irrelevant for British bargaining objectives.[104] Irrespective of a lack of evidence that third-country agreements swayed British objectives in the renegotiation, it would be inadequate to consider them as irrelevant for the CFP package agreed upon in 1983. On the contrary, they were a necessary, but insufficient

[104] Although there is no empirical link between the alteration of Britain's bargaining objectives and the 1978 EC-Norway fisheries agreement, the arrangement "provided [the UK] some of the few remaining fishing opportunities for its hard-pressed deep-sea fleet […]" (Almlid, 2020, p. 149). This was achieved by negotiating on reciprocal access to fishing grounds and quotas on an annual basis. The agreement, however, should not conceal the fact that the UK did not manage to recoup much of the fish it had already lost.

part contributing resolve to the EC's quest for a commonly organised fisheries policy.

5.3.2 Conclusion: The Extension of Third-Country Fishing Limits

Three factors stand out when recapitulating the effects the movement towards a 200-mile limit at the international level had on the UK: firstly, the Icelandic extension that entailed the loss of one of Britain's main fishing grounds; secondly, the decision of the EC's members to collectively follow and create a 'Community Pond' for which access had to be negotiated; and thirdly, the creation and/or renegotiation of agreements with third counties over reciprocal access to waters. Whereas the first inevitably damaged Britain's DWF, not least caused by the EC's inability to conclude a viable agreement with Iceland after 1977, the others opened up space to mitigate the losses incurred off Iceland's shores. When looking at the decisions Whitehall took in the aftermath of the extensions, however, no change of negotiation objectives in the direction of the group affected the most is observable. On the contrary, the government calculated the demise of its DWF early on and put forth access objectives less catering to the DWF than it had in 1976. Importantly, it also demanded less for its inshore fishermen by reducing the belt exclusivity within 12 miles. A direct corollary of this observation is the irrelevance of these factors in accounting for the alteration of British bargaining goals. If the extensions had mattered for altering Britain's negotiations objectives, it would have tried to protect its DWF and, to a lesser extent, its inshore industry too. This would have been achieved by demanding more comprehensive belts in Brussels, especially when considering the EC's own extension in January 1977. However, the opposite materialised for both parts of the industry. Irrespective of the impact on Britain's negotiation objectives, the analysis revealed that the EC's successful bargaining with

third countries ultimately accounted for the 1983 package to be concluded. For this reason, a nuanced conclusion must be drawn: although the consequences of the move towards a generalised 200-mile limit internationally did not influence the alteration of Britain's bargaining objectives in Brussels, they were indeed relevant for the 1983 package.

5.4 Path Dependencies

As in 1971, the EC did not negotiate detached from the history of access provisions in European and Community waters. On the contrary, the development of the policy itself created more 'history' on which the members and Community actors could draw on. The major point of contestation between the members was the EC's own regulation of 1970 and the 1972 derogation coupled with the ramifications that trickled down from the international level. It was this area of tension within which the 1964 'London Convention' and the 'The Hague Resolution' (re-)gained momentum and greatly influenced Britain's bargaining objectives.

At the onset of the renegotiation, the member states were still very divided on the matter of access (equality). From the UK's perceptive, "the CFP is quite frankly a clear case of legalised economic near rape" (TNA, FCO 30/3389), an FCO official noted in a questionable analogy. Whereas the United Kingdom fought for the continued suspension of the 1970 principle and demanded to "extend the derogations in time and possibly extent" (TNA, FCO 30/3390b), the majority of member states strongly opposed this demand for a simple reason. They "would generally benefit from the common access rule of the CFP at our expense. Substantial changes will therefore be difficult to obtain […]. France […] has not mentioned a reserved coastal belt of any greater than 6 miles" (TNA, MAFF

209/3154b). Other members pushed an even more drastic agenda: "The Belgian and Dutch delegations expressed the view that derogations from the Common Fisheries Policy should not be indefinitely extended" (TNA, FCO 76/775). In other words, Belgium and the Netherlands originally envisaged the application of the 1970 regime and urged for the de-nationalisation of EC waters. This was unacceptable to the UK, which demanded the opposite.

Thus, whilst the UK's opening bid of May 1976 indicated its initial aspiration to evade existing institutional paths and to account for changes at the international level, other members followed different trajectories. The underlying logic was clear: all countries aimed at maximisation of their utility. The UK was served best by avoiding adherence to past arrangements, and the vast majority of its partners would receive the most when aiming at the 1970, or at least 1972, CFP configuration. This is the reason why past provisions initially only transpired in Britain's opening bid in the form of a continued, yet altered, 'two-belt' system.[105] To examine how 'history' mattered, the development of bargaining objectives in the inner belt is particularly suitable and will be considered first. As the bargaining proceeded, the very existence of 'historic rights' – introduced with the 1964 'London Convention' – challenged the UK's position. In a conversation held shortly before the UK's first shift in June 1977, "The Prime Minster said to President Giscard […] that he had always taken the view that French fishermen should not necessarily be excluded from their traditional fishing grounds" (TNA, FCO 30/3393b). Callaghan added, "we certainly had no wish to push French fishermen out of these areas" (TNA, T 369/020b). In a similar

[105] At the same time, however, the government admitted that it would be difficult to deny the existence and general 'framing power' of existing CFP provisions for the renegotiation. In parliament, the government's representative, Mr Hattersley, stated that "the Government are faced with a CFP which exists in its present form, because the declaration was signed and accepted by the previous Government a few days before we entered the Community. We cannot change that situation by veto or by refusing to accept it. We can only improve it by negotiation. I agree that we have to negotiate with as much toughness, determination and speed as possible, but that is something we must do within the realities of the situation" (Hattersley as cited in Hansard, 1976a, column 1795).

fashion, the French Minister of Fisheries told his British counterpart: "Historic rights were particularly important to French fishermen and he saw no scope for the diminution of these rights. […] The fundamental principle was that the 'Community Sea' should be open to all fishermen according to the same rules" (TNA, FCO 30/3393c). In sum, "the French have come out strongly and publicly against coastal belts and the erosion of historic rights" (TNA, FCO 30/3393d). The UK's subsequent catering to these claims expressed itself in reduced demands on 'historic rights' put forth in Brussels. The British government called this change a "significant concession" (TNA, FCO 30/3392b) and hoped for real progress to happen. Therefore, the first alteration for the inner belt and the acceptance of certain French and German 'historic rights' in the outer 6 miles were based on effective lobbying on the part of the two countries (see 6.5 for a more detailed discussion). The substantive level of France's interest makes evident that past arrangements (and the invention of the two-belt system) were the reason why France could argue for such provisions in the first place. Thus, existing institutional trajectories swayed the way in which 'other states', here France, acted and eventually caused the change of Britain's bargaining objectives.

Irrespective of French influence within the 6- to 12-mile area, past regulations also strengthened British demands, namely in the solidification of an exclusive 6-mile belt. This became increasingly important as British counterparts tried to reduce exclusive belt width as far as possible. Officials noted, "it is likely to prove relatively easy to secure agreement to what amounts to an exclusive 6-mile limit" (TNA, MAFF 209/3219a). The reason for being able to make a strong case for exclusive access within 6 miles was straightforward: "this arrangement has been in operation round the UK since 1964, is enshrined in the treaty of Accession and the Commission's present proposal which the Eight have said they can accept" (TNA,

MAFF 209/3219a). Essentially, path dependencies had sandwiched the bargaining on the inner belt: it proved impossible for the UK to ensure an exclusive 12-mile belt, whereas other members were incapable of diminishing exclusivity within 6 miles. This was reinforced by the Commission whose proposals attempted to broker and "amount in effect to the continuation of the existing regime within 12 miles including an exclusive zone within 0–6 miles" (TNA, MAFF 209/3219a). Against this backdrop, it is unsurprising that the UK's second major shift of bargaining objectives within the 12-mile limit was located in the void framed by both the 1964 regulation on the one hand, and the EAP of 1970 on the other hand: the acceptance of 'vital' 'historic rights' in the inner belt. This seemed like a generous concession towards the other members, but in reality, was the maximum demand the UK could make within the two dominating institutional trajectories, brought about by the 1964 'London Convention' and the 1972 derogation, in 1980. In essence, 'vital' were only those rights which entailed the eventual recreation of the 'London Convention': a Minister of State told the Danish Fisheries Minister, "historic rights should be considered from the basis of the 1964 Convention" (TNA, FCO 30/4542a). Whereas some states were willing to agree on such a solution, French government officials "expressed doubt about the advantage for France in the proposed arrangements compared with the present situation" (TNA, CAB 193/289). The resistance was understandable: the 1964 provisions represented the most restrictive regime ever agreed upon between the members within the 12-mile limit and was a significant departure from both the 1970 regulation and its 1972 derogation. This is why the French urged the British government to contemplate "a solution which would confirm the fisheries provisions of the Treaty of Accession, and allow Britain to restrict a little more of its coast" (TNA, CAB 193/291/1). It took the Community until mid-1982 to reconcile the two positions and conclude on a regime "with fishing

in the 6–12 mile area brought back broadly to the position before Accession" (TNA, T 476/096b). France was granted access to previously unavailable areas off the British coast that were not of great importance for British vessels. The UK had achieved "some gains and some losses, but on balance broadly the equivalent of pre-Accession with rights for those fishermen with traditional rights in the London Convention" (TNA, T 476/096b). Another crucial factor that rendered the acceptance of previous institutional arrangements easier for the actors involved was that Spain and Portugal had both signed the 'London Convention'.[106] It was thus expected that an agreement for the inner-belt along the lines of the provisions stipulated in the 'London Convention' would satisfy the two future members. In turn, their satisfaction would minimise the risk for both further complex renegotiations on the CFP upon their accession as well as Spanish and Portuguese membership rejection.[107] The issue of membership rejection had become of particular importance after Norway's refusal to accede, to which the fisheries deal with the Community greatly contributed. In short, for the inner belt, it was rational for all actors partaking in the bargaining to eventually agree on a regime along the lines of the 'London Convention'.

A glimpse at the development of Britain's position for the outer belt reveals the importance of another past arrangement for the UK's bargaining position: the 'The Hague Resolution' of 1976. 'The Hague Resolution' greatly influenced Britain's second change of bargaining objectives. Whilst not directly concerning access, the agreement acknowledged the necessity to give special protection to regions heavily dependent on fisheries. The UK interpreted this provision as the possibility to

[106] Greek accession was negligible given the CFP's area of application.

[107] The UK feared that a renewed battle on the CFP caused by a deviation from the 'London Convention's' provisions would increase the risk for Spain and Portugal to make claims for fishing rights close to the British coast.

restrict foreign access to these areas beyond 12 miles in order to ensure both stock conservation and employment. When the UK realised that extensive preference areas or even an exclusive uniform belt beyond 12 miles was non-negotiable, the merits of the 'The Hague Resolution' materialised. MAFF in this regard wrote that

> The other member states are very much opposed to the concept of access limitations outside 12 miles and it will be essential to base our demands on established Community principles. In practice this means making use of Annex VII of the Hague Agreement and therefore only seeking preference for northern Britain. (TNA, MAFF 209/3220a)

These areas were specified as "around the Shetlands and Orkneys and perhaps also the Irish Sea" (TNA, MAFF 209/3220a). The subsequent demand of two preference boxes was thus no coincidence, but the direct consequence of the possibility provided for by the 'The Hague Resolution'. This was therefore a logical and strategic choice as these areas offered "[…] the best chance of securing some sort of preference beyond 12 miles" (TNA, MAFF 209/3220a). In other words, once the 1977 objectives proved non-negotiable, the 'The Hague Resolution' gained momentum and provided Britain's negotiators with new options. Allowing the UK to make a reasonable case for areas beyond 12 miles to be protected by a special regime based on one of the EC's own provisions strengthened Britain's bargaining position in Brussels. Opting for such objectives was not without detriment and also explains why the UK did not choose this solution already in 1977: utilising the 'The Hague Resolution' as a baseline rendered any claims beyond the areas mentioned in the document virtually impossible to achieve. In 1977, this would have represented a drastic reduction of British demands (compared to the 1976 opening bid). As the matter became more time-critical and realism started to eventuate in 1980, however,

the recognition of the resolution allowed a push for preferential treatment in the outer belt, which would have been impossible to achieve otherwise.

5.4.1 Conclusion: Path Dependencies

Overall, path dependencies played a significant role for British objectives towards the negotiation on the EC's access regime. Other than the maintenance of the two-belt system and the acknowledgment of diffuse 'framing power', there is little evidence for a direct influence that prior regulations had on the British position in Brussels at the onset of the bargaining. However, with increasing negotiation intensity amongst the parties involved, it was especially the 1964 'London Convention' provisions that functioned as a point of reference for the members. The reasons for its influence are straightforward. It was accepted across the board and conveniently positioned in the middle between the objectives communicated by the member states: it unified a virtually exclusive 12-mile belt as originally demanded by Britain, with the continuation of access to (some) fishing grounds for foreign vessels within the 6–12-mile limit upon which agreement critically hinged. Importantly, it could also be sold as a 'success' at home. This was true when compared to the 1970 EAP and its 1972 derogation, but not the UK's opening bid of 1976. The analysis has shown that the 1964 convention not only swayed Britain's objectives over the course of the negotiation, but indeed became the British interest for the inner-belt towards the end of the bargaining. The significance of the regulation, however, stemmed from its particular configuration and the ability to create consensus amongst the members. Counterfactually, if it had looked different and was unable mediate on substance, it is assumed that it would have been unimportant for Britain's objectives. Finally, this argument is corroborated by the UK's negligence to draw on other past regulations, most notably the 1970 regime. Opting for the 'London

Convention' as a negotiation objective was a highly strategic and rational choice to maximise utility based on a path history had created. This somewhat conforms with both RCI and HI. A similar logic could be applied to the outer belt, where it was especially the 'The Hague Resolution' which that enabled the UK to push for preferential treatment beyond the 12-mile limit once Britain's initial objectives proved non-negotiable. It helps understanding both Britain's diversion from the 'dominant preference' proposal of 1977 and the introduction of the 'box' system in 1980. In the absence of these provisions, the UK's case would have been substantially weaker to establish any preferential treatment beyond the 12-mile limit. The findings this section present do not entail exclusivity in terms of which factors shaped the alterations of British access objectives, but based on the evidence presented, a contribution is noticeable.

5.5. The Role of EC Institutions and Elements of the Policy-Making Process

Examining the role of EC institutions and elements of the policy-making process for the alteration of Britain's access objectives in the CFP's renegotiations is complex. Two reasons account for the increased complexity compared to the accession negotiations. Firstly, the consequences of membership themselves – for example, exposure to ECJ rulings and increased opportunities for policy linkage – made the renegotiation more complex. Secondly, new (informal) actors, for example the European Council, emerged and were involved in the negotiations. Both of these factors increased the number of entities engaged in the process of finding the CFP. Therefore, this section examines relevant institutions and procedural factors that swayed British objectives in the renegotiation of the CFP's access regime. The influence of EC institutions' actions and elements of the policy-making process on British access objectives was pronounced throughout the negotiation, however, with

different intensities over the course of the bargaining. Whilst some actors directly impacted Britain's objectives, others only created framing conditions that facilitated agreement. This section is novel insofar as it sheds light on the effects membership had on Britain's handling of EC negotiations. This analysis argues that the UK's pursuit of influencing the Commission altered, but the overall approach towards managing institutions and the trajectory they project only changed marginally as part of EC membership. This is a critical finding as it questions the hypothesis that "recent member countries of the EU may negotiate differently than older member countries" (Dür & Mateo, 2010, p. 687).

5.5.1 Elements of the Policy-Making Process

Ever since the UK had bargained its accession to the 'club', it was exposed to different elements of Community negotiations, most notably the voting system and the ability to link fisheries to other policy fields. In the case of access to fishing grounds, a unanimous agreement between all members of the Community was required to devise the policy. Equally, the UK could opt for, or was impelled to utilise (internal and/or external) policy-linkage in order to obtain its negotiations goals. Yet, the analysis shows that both elements had no influence on the alteration of Britain's bargaining position.

5.5.1.1 Unanimity

The data presented makes apparent that the unanimity rule influenced Britain's formation of bargaining objectives and strengthened its reputation as a rational and reliable negotiation partner. An influence on the alteration of bargaining objectives, however, can be excluded. This is explained best by the information Britain had on the divergence of bargaining objectives between the members before the

negotiations began. The UK could thus account for this difference in its opening bid, in contrast to the accession negotiations. This awareness is epitomised in a Cabinet document which stated that

> The CFP exists and could only be changed by the unanimous agreement of the Nine Member States acting in practice on the basis of a proposal by the Commission. […] Our whole strategy and tactics must therefore be designed to lead to an acceptable unanimous agreement in the final bargain. An attempt to ignore the Community obligations would not work. (TNA, CAB 193/160)

Accounting for the divergence in its opening bid was a wise choice in the multilateral bargaining setting of the Council universe to increase credibility, whilst simultaneously decrease the risk of squandering the (little) credibility which the UK had painstakingly acquired over the course of membership. Britain was well aware of the consequences a lack of trust would have for the negotiations. The government stated that "there is the danger that if we open by demanding too much we shall create such hostility among other members of the Community that our chances of obtaining a reasonably favourable settlement will be prejudiced" (TNA, PREM 16/869). A vivid and negative memory for the UK of how not to negotiate with(in) the Community was Norway's approach of using the sledgehammer to get its will on fisheries in 1971/1972. In essence, "The UK wanted negotiations to be conducted in a co-operative spirit" (TNA, FCO 30/3115). It is thus no surprise that the UK resisted supporting a lavish 100-mile EEZ bid as promoted by parts of the industry with its 'Edinburgh Declaration' of March 1975. Instead, the UK put forth objectives which the government truly perceived as a "statement offered between friends and colleagues" (TNA, CAB 164/1353a) in the given context, most importantly the consequences of the Icelandic extension for Britain's fishermen. The goals ought to

serve the "the real needs of the British nation" (TNA, CAB 164/1353a), a, self-declared, fair balance between demands and negotiability in the given institutional frame. And, despite leaving minor leeway for concessions later on, data suggests that the 'authenticity approach' the government believed in was reinforced by Britain's membership experience: the FCO argued, "the lesson of the renegotiation [ahead of the 1975 referendum] was to ask for what one really needed and stick to that firmly throughout" (TNA, FCO 30/3113c). Importantly, this finding automatically refutes arguments relating to 'poor preparation' on the British side: government officials carefully considered what to ask for in Brussels, bearing in mind existing institutional arrangements, the loss incurred in third-country waters and what was negotiable in Brussels. This also helps to explain why the bargaining took so long: putting increased institutional complexity aside, the concessions the UK made were painful and hard to swallow, especially since the opening bid had already incorporated the effect the unanimity rule had on the negotiations. Yet, one may also not be deceived by Britain's alleged humbleness: what the UK 'needed' and saw as 'fair' objectives meant the dissolution of the existing policy and the prioritisation of its own fleet, which was diametrically opposed to what its partners wanted. Thus, it is no surprise that the negotiation atmosphere did not turn out as envisaged by the UK. The lack of harmony caused the UK a problem, as it wanted to "avoid headlines in the press about endless Community bickering over the CFP" (TNA, FCO 30/3115). This was crucial as "public opinion in the UK was at present disenchanted with the Community, because of problems like eviscerated chicken, tachographs and 'drivers' hours" (TNA, FCO 30/3115). At last, the UK's desire that "a major row over the CFP must be avoided" (TNA, FCO 30/3115) could not be fulfilled, and the prolonged negotiations on fisheries were surely not conducive to the perception of the EC in the UK, and vice versa.

In sum, this section demonstrated that the unanimity rule prompted Britain to not put forth an unrealistic opening bid in the bargaining – for example, the uniform and exclusive 50- or even 100-mile belt internally discussed over the course of 1975. It was thus key for the formation process of bargaining objectives. With the awareness of the need to find a decision unanimously ahead of the negotiations, there is no evidence supporting that the decision-making mode itself was essential for Britain to alter its negotiation objectives during the remainder of the negotiations.

5.5.1.2 Linkage

Examining the EC's negotiation practice, linkage is most likely to have influenced the alteration of the UK's bargaining objectives. However, the analysis highlights that the UK consciously refrained from using external linkage and mitigated the effects of its internal counterpart by establishing a temporal order in the renegotiation. This order guaranteed that the bargaining on access, the CFP's most important area, was concluded before the deal on other parts of the 1983 CFP package was finalised.

5.5.1.2.1 Internal Linkage

The nature of the evolving CFP from the mid-1970s made 'internal linkage' indispensable. With increasing overfishing and the EC's determination to conserve the resource, it was TACs and especially quotas that were strongly linked to the question of access. The reasons for this connection are straightforward: TACs determine the overall amount of fish to be caught. Quotas can de facto define the extent of access exclusivity in areas where they are applied, for example by granting 100% of the species included in the quota regime to the coastal state. The UK wanted to maximise both TACs and quotas. The outlook, however, decidedly

differed. Although there were common interests amongst the members to retrieve as much fish as possible from Community waters, resource allocation was significantly more contested amongst them. Put differently, the members fought scientific advice and the Commission on TACs, the overall catch; and amongst themselves for quotas, its relative share. Quotas were politically much more important because the public could swallow low TACs based on 'scientific' advice far better than a poorly negotiated deal on quotas. This also explains why the UK at the onset of the negotiations made clear that "a successful review of the Common Fisheries Policy must include two major elements – a satisfactory coastal regime and a workable quota system" (TNA, CAB 164/1353a). In other words, linkage between access and quotas was much more pronounced than between access and TACs. Mere linkage alone, however, says little about influence on access objectives. On the contrary, evidence suggests that despite the UK's notion of negotiating a 'package', TACs and quota negotiations had no noticeable impact on access objectives. The UK did, however, realise the increased negotiation complexity on fisheries with quotas and TACs entering the stage. In regards to finding a policy, the government stated that "no magic formula exists" (TNA, FCO 30/3391c). Considering the duration of the negotiations, this prediction seems to have materialised.

When one considers the UK's first shift of access objectives, a government paper of early 1977 revealed that

> the degree of preference between 12 and 50 miles has not been defined. However, either of two approaches would be consistent with earlier discussion. The first would be to claim a percentage of the resource between 12 and 50 miles based on UK contribution to total resources. The other would be to limit the fishing effort and the catch level of other EEC vessels in this area to its present level. (TNA, FCO 30/3391c)

The logic that underlies this statement is pivotal for two reasons. Firstly, the reformulation of the belt system presented in June 1977 preceded the deliberation of how fish could be allocated within the new regime. This is also confirmed by a statement of August 1977, given shortly after the alteration: "It must be emphasised that these figures [on quotas] cannot be precise. […] The figures simply indicate the order of result if the quotas are calculated on the basis of 12 and 50 mile belts […]" (TNA, FCO 30/3394). Secondly, since the UK eventually opted for the second option at hand – that is, the limitation of fishing efforts by other member states to the TACs-adjusted level of 1977 – when reformulating its objectives, the statement demonstrates the UK's initial rejection of introducing a quota system within the preference areas. Both of these points corroborate the argument that quotas did not have an influence on the first shift on access objectives. Put differently, the temporal sequence of events confirms that quotas were not only decided upon far after the change of access objectives had been made, but were indeed based on the very existence of the two-belt system and the new proposal that included the 'dominant preference' approach. Thus, the quota preference was contingent upon the UK's position on access, not vice versa. TACs, on the contrary, was a concept of great importance for the European fisheries regime, but genuinely discussed and first decided upon much later, in March 1980. It thus could have not played a role in determining British access position years earlier.

The second change of Britain's access objectives resembles the pattern already observed in 1977. On the one hand, the government recognised the linkage between the two parameters: "quotas and access, (which we insist are linked) will probably be agreed only as part of package late in negotiations" (TNA, FCO 30/4241). Elsewhere, the government recorded: "we cannot afford to let the discussion on access become too divorced from the discussion on other aspects of the CFP

especially quotas" (TNA, MAFF 209/3219b). On the other hand, there is no evidence that supports the theory of a direct influence quotas had on access objectives. This is somewhat surprising as the abolition of a uniform zone of 'dominant preference', as previously demanded, made satisfying quotas significantly more important.[111] Two causes account for the irrelevance quotas had on the changed British attitude on access. Firstly, whilst previous ideas on quotas had been immediately rebuffed, there was little movement on the quota discussion before the shift of objectives on access. MAFF "received the Commission's quota proposals for 1980 only the previous day" (TNA, CAB 134/4454b), minutes of July 16, 1980 revealed. The Commission's ideas were not only highly dissatisfying to the UK, but also were presented weeks after the UK had shifted its position on access. This becomes comprehensible when bearing in mind that Community-wide TACs were only agreed upon for the first time in the spring of that year. Putting forth a comprehensive paper required the Commission to conduct a detailed analysis of the demands made by the member states, which simply took some time. The proposal's timing, however, not only diminished the possibility of influencing British access objectives, but also strengthened the importance of access issues relative to quotas. This sequence was indeed strongly desired by the UK as "once conservation and quotas have been settled and implemented it will be very difficult indeed to secure any movement on access" (TNA, MAFF 209/3219b). Put differently, the UK aimed at resolving access issues before quotas for strategic reasons. Secondly, the Commission's ideas were also incompatible with Britain's demands at the substantive level. The regime the Commission envisaged included the allocation of all fish beyond the 12-mile limit by means of (preferential) quotas, but without any kind of

[111] This was especially true for areas that would be excluded from the two boxes now envisaged as the only preference beyond 12 miles.

genuine access preference for the coastal state. On the contrary, the government wanted a regime that included "[…] some means of eliminating or reducing the presence of foreign fishing vessels in certain zones close to our coasts irrespective of quotas" (TNA, MAFF 209/3219c). The government's rejection was further reinforced as the Commission proposal would also "[…] not do [it] for the presentation to industry or Parliament as an objective at this stage since it fails to give any access preference" (TNA, MAFF 209/3219c). In short, the lack of a true access preference given to coastal states beyond the 12-mile limit was simply non-negotiable for the UK. Thus, both timing and substance explain why the Commission's endeavours on quotas did not impact Britain's demands on access in 1980.

The pattern that muted the relevance of internal linkage carried on when the UK shifted their objectives on access for the last time. Whilst the UK in 1981 still insisted that "quotas can only be settled at the same time as access" (TNA, CAB 193/292b), this notion was somewhat modified when the Anglo-French access row intensified later that year: "[…] if definite progress had been made on access, the quota proposal could be fought over in a reasonable way and not against the background of another major disagreement" (TNA, FCO 30/5062e). In reality, this materialised as a temporal order whereby the quota discussion only gained momentum after the access dispute with France had been resolved and the last alteration of access objectives had already taken place. Thus, Anglo-French consensus on access paved the way for more serious quota discussions and eventual agreement on the 1983 CFP package. This worked, as agreement with France on access removed one politically important concern for the UK, namely the possibility of EC vessels 'fishing up to the beaches'. Importantly, there is also no evidence that the UK applied a strategy of 'future gains' on quotas by changing its attitude on

access, which eliminates any impact the former could have had on the latter. Overall, the analysis has shown that the UK did not change its access objectives as a result of anticipated quota improvements, but due to Commission-moderated bilateral discussions with France.

Demonstrating the ability to resolve the access issue was pivotal because of the Commission's power-seeking attitude on TACs and quotas. Whilst its role as a genuine mediator was conducive to find agreement on access, the member states were increasingly worried about the institution's attitude on TACs and quotas: "The Commission was trying to demonstrate its power to impose TACs and quotas in the absence of a Council decision" (TNA, CAB 193/292b). The UK saw its negotiation position jeopardised and thus argued that it was "important […] to reach agreement and prevent the Commission from assuming excessive powers" (TNA, CAB 193/292c). This is interesting insofar as it is a prime example of how differently the members perceived the role of the Commission based on the issue at stake and stage of the bargaining process concerned. Crucially, however, once the Anglo-French access row had been resolved with the support of the Commission, the members contained the body's modus operandi on quotas and its role fell back to the way it had successfully operated on access.

Overall, whilst both access and the quota regime were parts of the same fisheries package, this section has shown that the influence of quota considerations on access objectives was non-existent. The main reason for this was the UK's choice to effectively negotiate access before quotas in the negotiation sessions in order to minimise the risk of other states' refusal to accept preferential areas beyond twelve-miles.

5.5.1.2.2 External Linkage

In order to understand 'external linkage' the Maastricht European Council of March 1981 is important, as it was the first time in the renegotiation that the UK explicitly mentioned its opposition to the utilisation of 'external linkage' in order to resolve the access row:

> We have so far treated the question on its own merits. We have made no link with any other Community issues and have resisted attempts by others […] to suggest that the 30 May Agreement on the UK Budget contribution was conditional on meeting the undertaking on a revised CFP by 31 December 1980. (TNA, FCO 30/4539b)

This deliberate decision substantiates the rationality with which the UK approached the bargaining on fisheries. Multiple occasions existed where the country could have linked fisheries to other policy areas, such as British budgetary contributions to the EC, the CAP or the accession of new member states.[112] Knowing that – despite potential leverage or risks emanating from other policy areas – a (satisfying) deal was necessary to protect its fishermen, save the resource and its reputation towards the industry, the government wisely desisted from external 'policy-pooling', which would have rendered the negotiations even more complex and agreement less likely. This decision was indeed preceded by a prolonged discussion at home, which eventually resulted in the rejection of external linkage. As deliberated at a Cabinet meeting: "If fish and the [May] mandate were linked at the European Council it would be extremely difficult to identify the deal we might strike […] The fishing industry

[112] In fact, Thatcher's aides initially prompted the PM to discuss with the Foreign Secretary "the possible scope for obstructing the accession of Spain and Portugal until the fisheries Problem had been resolved" (TNA, PREM 19/233b). In other words, they discussed linking agreement on a revised CFP to EC enlargement, which, however, never materialised. They key argument against such linkage was that it would have further complicated finding agreement on the CFP, which the UK wanted.

would accuse us of selling them out" (TNA, CAB 193/292a), or elsewhere: "we do not make a link between the CFP and the 1981 Agricultural price negotiations, but negotiate it on its own merits" (TNA, MAFF 209/3201b).[113] Despite the leveraged 'Luxembourg Compromise' on agricultural issues to the disfavour of the UK in 1982, and the deadline of January 1983 approaching fast, this British negotiation rationale never changed. Instead, Thatcher urged Minister Walker to analyse "the ways of handling fisheries problem on the assumption that no link [to the Community Budget] would be made" (TNA, MAFF 209/3202c). This was justified for two reasons. Firstly, problems on access in fisheries were chiefly bilateral at the time and chances of settling the issue were highest by negotiating with the country in disagreement individually, rather than unnecessarily blocking decisions from being taken in other policy fields. Finding a solution, however, was pivotal and every agreement in discussion better than the 1970 default CFP. Secondly, pooling fisheries with the budget and CAP prices "on the basis of plainly artificial linkage, will seem excessive to our partners" (TNA, MAFF 209/3202d), which would have jeopardised its reputation as a rational partner in the fisheries negotiations without guaranteed rewards. As a result, the UK ultimately refrained from utilising external linkage in the bargaining.

5.5.2 The Role of EC Institutions

British accession inherently meant greater exposure to Community institutions in the bargaining process. In the fisheries realm, it was the European Commission, the European Council and the ECJ that could have influenced the UK's bargaining

[113] Britain's rational negotiation approach is also showcased by discouraging its fellow members to make a link between fisheries and other Community issues. British officials stated that "if others are tempted to make linkages, we should point out that to take fisheries out of context and deal with it otherwise than on its own merits must damage the now favourable prospects of settling the CFP […]" (TNA, MAFF 209/3200c).

objectives. The analysis reveals that the Commission's impact largely mirrored the experience the UK made in the entry negotiations. The European Council and the ECJ played an important role as negotiation 'framers', but did not contribute to the alteration of the UK's bargaining objectives.

5.5.2.1 The Commission's Role

Examining the Commission's role in the renegotiation on access to fishing grounds is pivotal; as the sole body permitted to propose legislation, it is a linchpin of EC (fisheries) policy-making. These proposals are both the result of constant lobbying by the member states (and others) to see their interests considered and powerful tools to influence their objectives. Whilst evidence lends support to the Commission as having only a very limited role in the first two shifts of the UK bargaining objectives, its position strengthened with increasing negotiation intensity in Brussels from late-1980 onwards. Consequently, the findings are nuanced: there is no constant impact the Commission had on Britain's access objectives. It did, however, exploit the row between France and the UK to position itself at the centre of gravity, influenced Britain's last shift of its access objectives and later, overall agreement.

Already at the onset of the bargaining, the Commission's role for British interests was pronounced – less in terms of directly influencing the deliberation of objectives, but by setting the agenda for the policy's renegotiation. The British government reasoned that the "Revision of the CFP is an essential requirement for the UK. […]. For this purpose, we need to have Commission proposals on the table" (TNA, FCO 30/2881b). This procedural dependence was satisfied with the December 1975 'Lardinois package', which solidified the political momentum necessary to start renegotiation. The UK was now able to make their case and could

hope for a 'better' policy. It is thus no surprise that government officials "welcomed the Commission's paper as a useful first step" (TNA, MAFF 209/3154c). Putting aside agreement on procedure, however, the proposal did not resonate with Whitehall on substance. The absence of areas beyond 12 miles exclusive to the coastal state's fishermen incensed the government, which nevertheless decided to treat the proposal "as the basis on which to build an acceptable solution" (TNA, FCO 30/2881b). Thus, even before the UK had conclusively decided upon its opening bid, the Commission served as both a vehicle for procedural interests to be implemented, and as a point of friction for substantive objectives. When one looks at the three changes of UK's bargaining objectives, it needs to be examined if they were causally connected to the Commission's actions.

The first major proposal the Commission published after the 'Lardinois package' was in October 1976. The UK only changed its objectives for the first time in June 1977. An immediate influence on Britain's access goals can thus be excluded. This is unsurprising when looking at the UK's swift response to the proposal's access provisions: British officials deemed them as "totally inadequate for us" (TNA, FCO 30/3124). The underlying rationale for the UK's unenthusiastic reaction was understandable; the Commission now accepted the continuation of 'historic rights' within the 12-mile belt. This was not only a departure from the 'Lardinois package', but directly opposed Britain's opening bid of May that year. The absence of an immediate alteration of access objectives, however, does not exclude the possibility of incremental change caused by the proposal. Indeed, the first shift in June 1977 indicates a rapprochement towards the institution's position when the UK signalled an acceptance of limited 'historic rights' within its 12-mile belt. Attributing this concession to the Commission's proposal, however, would be myopic. While the institution demanded the general acceptance of 'historic rights' in the inner belt and

rejected any claims for a preferential treatment beyond 12 miles, Britain reiterated its demands for a 'dominant preference' in the outer belt and only conceded limited access for French and German fishermen in the inner belt. This latter concession was based on bilateral negotiations between the countries, rather than the acceptance of the Commission's line. This is further corroborated by the way with which British officials revisited and appraised the Commission proposal shortly before adopting a new position in June 1977: "Adoption of these proposals would mean an immediate and permanent contraction of our fishing industry to an extent which we regard as wholly unacceptable" (TNA, CAB 134/4110b). Britain's conclusion was blunt, but rational: "Given the basis on which the Commission has constructed its proposals, we see no prospect of securing substantial improvements by further negotiations" (TNA, CAB 134/4110b). At the same time, British efforts to directly influence the Commission failed too: the government expected that "the Commission's proposals should reflect our ideas […]" (TNA, CAB 193/161). This aspiration, however, never materialised. A Cabinet document revealed Commissioner Gundelach's response to British demands: "He did not intend to put forward significant new ideas and would leave us to pursue our own initiative in bilateral discussions with our partners" (TNA, CAB 134/4110c). Put differently, the Commission rejected incorporating Britain's interest in a new proposal. Bearing in mind the strong opposition the other members had towards both the UK's opening bid and altered position, it is reasonable to assume that the Commission's behaviour was, at least partially, influenced by effective lobbying of Britain's fellow members, especially France. This also explains why the UK increasingly engaged in bilateral meetings over the course of 1977. In the absence of the Commission's support to facilitate the implementation of British interests, pursuing them individually was a logical choice and the best option at hand to follow up on its objectives and potentially build alliances with

fellow member states. The failure to achieve such alliances was caused by the significant interest divergence between the member states at the time.

Owing to the departure from the 'Lardinois package' and the repeated rejection of any preference given to the UK beyond 12 miles, Britain became increasingly sceptical of the Commission's abilities to serve as a vehicle to satisfy its objectives. By late 1977, the Commission was seen as an impediment on the road to British bargaining success. Officials stated that "each successive statement of the Commission's position over the last 2 years has been less favourable to the UK than its predecessors" (TNA, CAB 134/4111a). This scepticism dominated the domestic discourse on how to interact with the Commission for the rest of that year.

The ambivalence with which the UK perceived the Commission also characterised the remainder of the period leading up to the second shift of Britain's bargaining objectives. On the one hand, British officials regularly discussed Commission proposals, and there was agreement amongst the EC's members on the importance the institution carried to resolve the access quarrel. This is expressed best in the mantra-like statements that regularly appeared in MAFF documents from 1979 onwards: "they [the EC members] agree also that to open way for settlement the Commission will need to table a new negotiation document" (TNA, MAFF 209/3199c). The procedural consensus amongst the member states stemmed from both the Commission's legal role as the entity proposing legislation, as well as its strategic position as the information powerhouse located between the members. On substantive matters, however, agreement between the UK and the Commission was remote, which recreated the pattern of the early stages of the CFP's renegotiation. Even in February 1980, the Commission reiterated its dogma of non-exclusivity beyond 12 miles: "Mr Gundelach said that if the UK demands on access were limited

to 12 miles he was sure agreement could be reached" (TNA, FCO 30/4238). This was unacceptable to the UK, which nevertheless reiterated its desire to keep influencing the Commission: "we should not pass up a chance to influence the Commission's paper in a direction which would make it easier for us to accept it" (TNA, CAB 193/222/1a). The UK's motivation to directly sway the Commission was predominantly to obtain better overall terms on access. But it was also a strategy choice: "tactically it will be essential to get the Commission to put forward ideas on these lines rather than put them forward directly ourselves" (TNA, MAFF 209/3219a). A failure of an official Commission proposal heavily influenced by the UK would cause less damage in the Council negotiations than a bold statement of the British minister openly confronting his counterparts. This mechanism was important for the UK to keep up its reputation on fisheries and illustrates the rational and strategic nature of the British negotiation approach in Brussels. The UK's plan to exploit the Commission was, however, thwarted by another factor, the Commissioner's difficult behaviour: "Gundelach's role, as always, is unpredictable" (TNA, MAFF 209/3199d), a civil servant wrote.

For the second shift of June 1980, on the other hand, any influence the Commission had on the UK's position can be eliminated by virtue of temporal sequence. The latest Commission proposal was published in January 1978 and immediately rebuffed by the UK.[114] When the UK altered its objectives in 1980, the institution remained silent. Only a month after British access objectives had changed, the Commission published a communication in which they argued for a 12-mile EEZ with negotiable 'historic rights'. The lack of substantive proposals between

[114] The Commission suggested the maintenance of the accession regime within 12 miles without acknowledging any 'flag preference' given beyond 12 miles, a key demand of the UK. Instead, it urged for the introduction of 'fishing plans', which the British government adamantly opposed.

1978 until after Britain's second shift and the UK's initial rejection of the Commission's latest ideas, however, do not exclude the possibility of gradual impact. Yet, data indicates that the driver behind the alteration of Britain's access objectives was not the Commission's 1978 proposal, but other members' reservations towards the termination of 'historic rights'. The government stated that "if we were now to demand that all their historic rights to fish in these waters should over time be phased out, we could expect a sharp reaction from them" (TNA, CAB 134/4454a). This reaction meant blocking agreement in Brussels, which happened later when the degree to which 'historic rights' were conceded by Britain was deemed insufficient and all demands beyond 12 miles rejected. In short, there is no evidence for the Commission to have influenced the second shift of the UK's objectives on access.

Over the course of 1980 there were, once more, serious considerations to sideline the Commission. MAFF officials contended that "I do not believe that there is anything to be gained by our pressing for new Commission proposals now" (TNA, MAFF 209/3200a). The reasoning was straightforward: "if we discussed our detailed access ideas with the Commission there would also be a substantial risk of misleading and premature leaks to the UK industry which would lead to a political atmosphere in which negotiations would be impossible" (TNA, MAFF 209/3200b). Yet, an increased negotiation intensity overpowered these considerations and prompted British support for the Commission to grow stronger from the end of 1980 onwards.[115] The UK now fully recognised that "it is true that a solution on the CFP as a whole will require new Commission proposals at some stage" (TNA, MAFF 209/3200a) and urged for action in this regard: "We must persuade the Commission to put new proposals forward" (TNA, FCO 30/4243a). Internally the UK admitted,

[115] The atmosphere in Brussels became more intense as a result of the previously agreed upon deadline to find a working policy by the end of the year.

however, "that we have little idea of what, if anything, the Commission have in mind as a solution on access" (TNA, FCO 30/4250). When the Commission finally presented its new proposal in December 1980, it disappointed the UK on substance: "On access the compromise went no further than to propose a ten-year extension of the existing treaty derogations for fishing inside twelve miles" (TNA, CAB 193/287/1). The UK dubbed the failure of the December Council "regrettable" (TNA, CAB 193/287/1), but highlighted the strategic importance of French opposition for Britain's bargaining position: "tactically, however, the situation is not altogether tragic for the UK […] we have moved from a position of 8-1 isolation to one where the French are conspicuously isolated in blocking agreement" (TNA, CAB 193/287/1). In other words, the impasse was not entirely blamed on Britain, but the burden shared with France. This argument is supported by statements made to the Council in February 1981: "In the German view, present efforts to reach agreement on a CFP were impaired by differences between the French and the UK positions on access to coastal waters" (TNA, FCO 30/4537b). This assessment is correct insofar as it explains why fisheries could not be solved over the course of 1981. With the tension between the two states growing, the Commission's position, however, strengthened and is expressed in Britain's expectations for the body to function as "mediator and innovator" (TNA, FCO 30/5062b) to resolve the Anglo-French row. The UK welcomed "the fact that the Commission is proposing to play a part in contacts with the French" (TNA, FCO 30/5062c). From early 1981 onwards, the Commission made various proposals that can only be understood as an attempt to reconcile the two. This is most visible when looking at the way with which it tried accommodate both French and British interests for preference areas beyond the 12-mile limit. Knowing that France was especially sceptical towards the box in the Irish Sea and the UK much more dependent on preferential treatment around off the

coast of northern Scotland, "claims for a box in the Irish [were] largely ignored" (TNA, FCO 30/5062d). By effectively abandon the box in the Irish Sea, the proposal strengthened the UK's demand for the much-needed box around the Shetlands. In turn, France's willingness to accept such a box increased as a result of continued access to waters in the Irish Sea. And although the dispute was settled bilaterally in April 1982, there is evidence suggesting that the Commission influenced the last shift of Britain's bargaining objectives: "Mr Walker suggested the adoption of the Commission proposal for a box off North Scotland" (TNA, FCO 30/4542b). Referring to the licensing system the Commission had suggested within the box, the UK was "prepared to build on this concept with modifications […]" (TNA, FCO 30/4544). Both proposals eventually became the British position in the negotiations. This does not entail exclusivity in regards to shaping objectives, but is evidence for the influence the Commission had on the third shift of Britain's access objectives. In consequence, the crucial June 1982 proposal on which agreement was eventually found between the members represents a combination of both bilateral efforts between the members as well as the Commission's ability to account for the negotiation complexities in its proposals. This is the reason why the UK concluded that "[…] we should not seek to alter the details of these arrangements" (TNA, T 476/072). In fact, the Commission's overall influence on the UK (and the negotiations in general) became even greater after the UK had altered its objectives for the last time. When discussing another change of bargaining objectives in mid-1982, specifically the length of the regime proposed, officials contended: "One option would be to go for a permanent regime, but it must be doubted whether, without Commission support, this could be achieved" (TNA, T 476/072). In other words, the body's support was now seen as a necessary condition to modify British objectives, which consequently did not materialise in the absence of the institution's

endorsement. In sum, evidence supports that the Commission did both influence objectives put forth and constrain their selection.

Recapitulating the Commission's role on Britain's objectives draws a clear picture: whilst its influence was limited in the early stages of the negotiations, it grew in relevance towards the last years of the bargaining. The underlying reason for its influence rests on both the UK's acceptance of the Commission's procedural role and the ensuing substantive power that allowed the body to cater to all interests it received. The analysis has shown that the Commission had the willingness and capacity to exert influence on the members and policy. However, its influence was contingent upon conducive framing conditions – that is, time criticalness, significant interest divergence between the members and the pressure to find a solution.

5.5.2.2 The European Court of Justice and the European Council

Both the ECJ and the European Council were 'new' actors in the CFP's renegotiation. The ECJ was one of the four main formalised bodies of the EC at the time. Its power stemmed from competencies the Rome Treaty had conferred to it and was defined as follows: the Court "shall ensure that in the interpretation and application of this Treaty the law is observed" (European Economic Community, 1957, p. 54). Its rulings were final and had a direct effect in the fisheries realm. Created at the Paris summit in December 1974, the European Council was a permanent, but informal exchange forum between the heads of government that "shaped programmatic guidelines, particularly on economic and social issues, and opened up the agenda to other points of shared interests, such as the fight against terrorism" (Wessels, 2016, p. 44). Albeit utilising different means, both institutions carried the power to sustainably impact European integration. In the CFP's renegotiation both institutions shaped the conditions within which the bargaining

operated. A direct influence on the alteration of Britain's objectives, however, is not observable.

5.5.2.2.1 The European Court of Justice

In terms of changes to bargaining objectives, ECJ rulings fell into two categories: firstly, decisions for or against the UK's own actions, and secondly, rulings in favour or to the disfavour of other countries' measures. Both of these had the potential to affect the UK's objectives, either directly by allowing or prohibiting British behaviour or indirectly by strengthening or weakening its position relative to its fellow members. The Court indeed decided on a few cases concerning the CFP's internal dimension between 1976 and 1983. Although none of these cases directly concerned 'access', examining whether the Court's rulings on national conservation measures nevertheless influenced British access objectives is still enlightening.

During the period between Britain's opening bid in May 1976 and the first shift of bargaining objectives a year later, the only ruling setting precedent in the fisheries realm was the 'Kramer case' of July 1976.[116] When one compares the date of the ECJ's decision with the first alteration of Britain's objectives that occurred a year later, it becomes evident that an immediate effect can be excluded. Despite that the ECJ decision has the potential to also incrementally influence the UK's position, an influence is not recognisable. The reason for this irrelevance makes sense: the 'Kramer case' only "drew up the guidelines upon which important decisions were to be taken in the respect of the Community, on the one hand, and member states on

[116] In this decision, the ECJ acknowledged the Community's authority to "enter into international commitments on conservation and had an early opportunity to stress the competence of the E.E.C. in this sector" (Allen, 1982, p. 149). At the same time, however, Dutch efforts to limit fishing in its jurisdiction for the purpose of conserving stocks were ruled legal. In other words, the ECJ created a situation under which 'conservation' became a Community competence, whilst the members were allowed to take national conservation measures that were non-discriminatory in nature and communicated to the Commission prior to their introduction. This was to be upheld until January 1979, when the Commission eventually gained power to withhold national conservation measures (see European Court of Justice, 1976).

the other" (Farnell & Elles, 1984, p. 143). These provisions, however, only became important for member states once the fluidity surrounding the introduction of the EC's own 200-mile diminished, and countries saw the opportunity coming to exploit 'conservation' as a pretext to exclude foreign fishermen from its waters. The first state to use the possibility to 'conserve' the resource by introducing national conservation measures was Ireland in 1977. The Irish banned all vessels of a certain size from its waters (see Chapter 2). The UK's behaviour following Irish measures was surprising. On the one hand, it acknowledged that taking unilateral conservation measures of a discriminatory nature "would be likely to lead to an adverse judgement by the European Court of Justice which would reduce the willingness of others to compromise" (TNA, FCO 30/3392c). However, the UK saw others' willingness to compromise as pivotal for enabling agreement: "In the final analysis the CFP can be modified only by the common agreement of the Nine Member Governments" (TNA, FCO 30/3392c). On the other hand, when the Irish took the initiative, the British government reasoned: "We support the Irish on taking national measures […]" (TNA, FCO 76/1584d), despite doubting its legality: "we have all along had doubts about the particular Irish measure" (TNA, FCO 76/1584d). The UK nevertheless decided to follow the Irish and introduced its own national conservation measures in October 1977, months after the first shift of access objectives. This makes an influence of the Court's decision on the alteration impossible. The ECJ eventually ruled that the British and Irish actions were unlawful. The ruling was "contributing to Ireland's acceptance of the Commission's 1978 proposal" (Wise, 1984, p. 205), itself initiating the surrender of its original 50-mile bid. This was pivotal for the UK, as the Irish were initially their key ally in the bargaining. In return, this meant the facilitation of British isolation in Brussels. In sum, the 'Kramer case' and the impact it had on the fisheries realm did not exert a direct influence on

the first shift of Britain's access objectives. The case, however, demonstrated how institutional decisions unfold their impacts on the thinking of other member states. Ireland only changed its attitude towards access as a result of the ECJ's ruling on its national conservation measures.

The situation was aggravated when Britain unilaterally imposed further national conservation measures in 1978/1979, most notably the extension of the 'Pout-Box' in mid-1978. These measures were highly contentious and prompted the Commission and other members to appeal to the ECJ. Over time, the UK lost all its cases related to the conservation measures it had taken. In October 1979, for example, the Court ruled on the 'Cap Caval' case that the UK had not informed the Commission in advance on its planned conservation measures, thus, deeming the measure unlawful.[117] Despite the defeat, the government reacted calmly, "The first, albeit minor, case before the Court of Justice has just gone against us" (TNA, MAFF 209/3199e). At the same time, officials admitted that "we have extracted all that is possible – both tactically and of substance – from unilateral conservation action" (TNA, MAFF 209/3199e). This statement is important insofar as it affirms what the government had determined earlier: "A continuing pressure on the Community for improved conservation measures gives us some negotiation leverage because of the underlying threat of national action and the possibility that such measures may eventually constrain fishing by other member states" (TNA, FCO 30/3391a). In other words, national conservation measures were used as strategic tools for the overall fisheries bargaining in Brussels. Erroneously, the government believed that "national conservation measures could bring dividends" (TNA, FCO 30/3391b) for

[117] This refers to an incident of October 1, 1977, when a French trawler was caught in British waters using 'illegal' gear, namely, small-meshed nets which the UK had just prohibited to be used to trawl certain species. Using the gear caused the amount of by-catch (whitefish) permitted relative to its main target (prawn) to be exceeded.

an overall settlement, which indicates internal linkage between the different parts of the policy elaborated upon above.

Whilst the Court influenced Irish objectives, no traces of a direct influence exist linking ECJ rulings and the second British shift of bargaining objectives in 1980. A few weeks after the government altered its position in Brussels, the ECJ also declared the 'Pout Box' (see Chapter Two) extension illegal. The UK "acknowledged that the European Court case had gone against the UK [and] it was important for the UK to settle this directly with Denmark before October" (TNA, PREM 19/235a). The verdict had two crucial implications: firstly, it prompted members to find agreement for parts of the conservation policy in late 1980; secondly, the strategic element the UK saw in applying national conservation measures was now gone. The government admitted that "the overall effect of the Court's judgements will therefore also be to weaken our negotiation position" (TNA, PREM 19/235b). In the aftermath of the ruling, the UK indeed refrained from implementing further (illegal) national conservation measures that were believed to push other countries into agreement. Instead, the UK recommitted to deepen bilateral contacts with its fellow members. Thus, the ECJ's rulings amplified the importance 'other states' had for British objectives. The lack of further national conservation measures taken by the UK also explains why there were no further ECJ rulings that affected its position in Brussels, for example before or during its third shift in late 1981.

Given that linkage between the conservation policy and access was taken for granted by the British government from the beginning on, putting a stop to the UK's 'strategic skirmish' on conservation enabled all EC members to rationally discuss access and slowly find overall agreement. Consequently, the relevance of ECJ rulings should not be underestimated. While the rulings did not actively change Britain's

objectives, they facilitated the process to find overall agreement between the members by setting the legal frame within which negotiations took place.

5.5.2.2.2 The European Council

Similar to the ECJ, the European Council was conducive to finding a working policy on fisheries without actively swaying Britain's objectives in the negotiation on access. The means with which the institution exerted influence, however, were different: operating at the highest political level, the mere existence of an exchange forum between the members served the purpose of facilitating agreement. Importantly, neither did the European Council always address fisheries, nor did palpable policy solutions on the matter regularly emerge out of one of its 20 sittings between the presentation of the UK's opening bid and the end of the negotiations in 1983. The lack of palpable policy solutions was owing to its informal character and institutional positioning in the EC.

The first, and only time fisheries was addressed at the European Council before the British altered their objectives in 1977 was at its July 1976 session. Indeed, this happened on the initiative of PM Callaghan:

> At my proposal, there was also a discussion of the fisheries problem. […] I drew the attention of the Heads of Government to the trend towards increasing fishing limits to 200 miles and the need for the Community urgently to tackle the problem of protecting the legitimate interests of Community fishermen. (Callaghan as cited in Hansard, 1976b, column 652).

Whereas it was certainly important for the UK to push the EC towards the introduction of its own 200-mile limit, and the successful efforts Callaghan had undertaken to implement his agenda must be commended, the analysis has already shown that the first shift of Britain's access objectives was not a result of the creation

of the 'Community Pond'. The creation of the 'Community Pond' offered the UK the chance to adjust its objectives to protect the fisherman affected the most by third-country extensions. This option, however, was not taken by the British government. Thus, there is no direct link between decisions taken at the European Council and the first alteration of Britain's access objectives.

The next time the UK contemplated to address fisheries at the European Council was at its December 1977 sitting in Brussels. To raise the issue was indeed determined two weeks earlier when Callaghan met Commission President Jenkins at 10 Downing Street. The record of the meeting stated that "[…] the Commission's figures on fisheries were quite unacceptable to the UK" (TNA, PREM 16/1646a). As a consequence, "The Prime Minister said that he might have to stage a major row at the European Council about fish" (TNA, PREM 16/1646a). Eventually, Callaghan followed Jenkins's advice and refrained from voicing the issue in Brussels. This incident, however, is exemplary in comprehending the function the European Council held in the fisheries bargaining. Early on, it was a valve for national leaders to flag problems and express dissatisfaction over the lack of progress at the ordinary Council negotiations as well as venue for the reinvigoration of the fisheries discussion.

Ahead of the April 1978 European Council, the FCO determined goals for a potential discussion on fisheries at the Copenhagen sitting. These were "to restate the importance of a satisfactory and early settlement for the Community and the UK" (TNA, FCO 30/3720). It was also important "to give a general impetus to the negotiations" (TNA, FCO 30/3720). At the same time, the gathering was an excellent venue to meet bilaterally or to agree on further discussions to be conducted between the parties weeks later. Indeed, the FCO recommended Callaghan to reach out to individual members in order to achieve British objectives: "there may the

opportunity to get across some points […] through bilateral contacts" (TNA, FCO 30/3720). In turn, these meetings carried relevance in the access negotiations and impacted the UK's objectives, most notably at Anglo-French summits. Yet, attributing the alterations to the European Council itself would be incorrect: they were consequences of interest divergence between the members and the attempt to minimise them through bilateral negotiation. Nevertheless, the European Council can be seen as a catalyst for facilitating negotiations between the EC's members.

Owing to the seniority of its members, the European Council was also used as a vehicle to pressure both the Commission into making proposals on fisheries and the Council by setting tight deadlines to resolve the negotiation impasse.[118] At the December 1978 sitting, for instance, the UK's objectives were to "encourage the Commission to put forward new proposals for a settlement aimed at meeting the substance of British requirements within the scope of the Treaties" (TNA, CAB 193/222/1b). Another pivotal function the UK saw in the European Council was one of giving direction for the negotiations: "If fisheries matters are referred back to the Fisheries Council for further discussion, it will be important to give the Council a direction which avoids further sterile and damaging deadlock" (TNA, CAB 193/222/1b). The European Council's failure in successfully directing the Fisheries Council was based on the already solidified differences on substance between the members, the lack of technical expertise of its participants and the secondary position fisheries had when compared to other EC issues.

Thatcher's first appearances at the European Council (June 1979, November 1979 and April 1980) saw fisheries sidelined and focused on budgetary questions. For the first sitting, the UK's objective was to "avoid discussion of the CFP" (TNA,

[118] This became first relevant when "the European Council in July 1978 set a deadline for the CFP to be agreed by the 4–5 of December 1978" (TNA, CAB 193/223/1).

CAB 193/223/1). This dogma was repeated in November when the aim was to "avoid a substantive discussion on the CFP" (TNA, CAB 193/224/1). Without extensive discussion on the matter taking place, the European Council in April 1980 only "found that there was still disagreement on the questions concerning the principle of equal access" (European Council, 1980, p. 6). The continuing stalemate on fisheries and the failure to negotiate on the matter in 1980 rendered the European Council ineffective in directly influencing the second shift of the UK's bargaining position.

The UK's genuine belief in settling fisheries at the December 1980 Council sitting is also expressed in the way the failure was picked up at the subsequent European Council in Maastricht. The day after the summit, Thatcher in the House of Commons argued that "in our view, agreement on an overall settlement was close in the Fisheries Council last December" (Thatcher as cited in Hansard, 1981a, column 927). In order not to lose negotiation credibility, it was crucial for the UK "to refute any suggestion that it is the fault of the UK that no agreement has been reached on a revised CFP" (TNA, FCO 30/4539b). Instead, it was emphasised that it "was largely due to UK efforts and concessions that we got as close as we did to settlement in December and it was no fault of ours that we did not get further" (TNA, FCO 30/4539b). This was a reasonable argument as the UK indeed had already drastically reduced its demands, and it was only French dissatisfaction over Britain's position that had led to the Council's collapse three months earlier. At last, however, the European Council reaffirmed the willingness to find a solution by inviting "the Council […] to meet this week to resolve the problems" (European Council, 1981, p. 3).

Amid extensive bilateral negotiations conducted between France and the UK, the next European Councils were low key on fisheries. Although the June 1981

European Council saw the UK to "regret that no progress has been made in recent months on the CFP […]" (TNA, FCO 30/4542c), the November 1981 and March 1982 European Councils made no significant mention of fisheries, which also eliminates influence on the last alteration of British bargaining objectives. The remaining European Council sittings of 1982 were a mixed bag for the UK. Whereas the negotiation impasse with France could be resolved and the UK was "pleased […] that [our] partners generally showed a will to reach agreement on a revised Common Fisheries Policy" (TNA, FCO 30/5063a), the mood at the last European Council before settling the CFP was gloomier. For the first time in years, however, it was not the UK or France in the spotlight, but Denmark's stubbornness to agree on the package approved by all other members. Thatcher, however, reported to the Cabinet that she "had made it clear that negotiations on the package itself had come to an end" (TNA, CAB 128/074c), which undergirded the UK's unwillingness for further substantial concessions. In other words, in late 1982, the European Council contributed to putting an end to the CFP saga.

The evidence demonstrates that an influence of the European Council on British access objectives can be ruled out. Equating this finding with a general irrelevance of the institution to find agreement, however, would be questionable. Throughout the negotiation, it served as a crucial forum that stimulated bilateral meetings and set framing conditions. Two examples in this regard include setting tight deadlines to find agreement, and making the invitation to the Council "to give consideration to a declaration of intent by the Member States of the Community on the extension of the fishing limits of the Community to 200 miles" (European Council, 1976, p. 3), a key conclusion that facilitated the process for the creation of the 'Community Pond' in 1977.

Overall, the role of both the ECJ and European Council was important for the fisheries negotiations, but insignificant when considering the UK's bargaining success. The ECJ's rulings confined the UK in its strategic gambit to use national conservation measures as a tool to sway the overall negotiations. It thus allowed the members to negotiate access matters in a more focused manner. The European Council had multiple functions, most notably as an exchange forum that fostered the process of bilateral bargaining and a platform that gave direction and limitations to the substantive negotiations held at the Council level.

5.5.3 Conclusion: The Role of EC Institutions and Elements of the Policy-Making Process

The Community institutions and elements of the policy-making process influenced the alteration of British access objectives in the CFP's renegotiation. There is, however, a noticeable difference in the extent to which the analysed factors impacted the UK's bargaining success. The unanimity rule had already unfolded its influence in the formation process of access objectives. Internal and external linkage were muted by strategic choice throughout the negotiations. The Commission's role for the alteration of access objectives was limited until an increased negotiation intensity helped the institution, based on the members' acceptance, to position itself as an 'indispensable force' in the bargaining from late 1980 onwards. In this environment, the Commission not only actively prompted the UK to drop the box in the Irish Sea, but the Commission's support became a necessary condition for interest deliberation, as shown by the events of mid-1982.

The ECJ and European Council did not directly influence British access objectives, but created important framing conditions within which agreement between the members could eventually be struck. Whilst the ECJ put a stop to the

British 'strategic skirmish' in regards to the utilisation of national conservation measures to prevent progress in the CFP negotiations by virtue of legal means, the European Council served as vital forum of exchange that gave direction and set limitations for the member states in order to find agreement.

5.6 Domestic Pressure

Mirroring its counterpart on the 1971–1972 negotiation, this section examines whether domestic pressure influenced Britain's position on access in the CFP's renegotiation. The centres of gravity for the analysis are Britain's three major alterations of its bargaining position in 1977, 1980 and 1981. Similar to the discussion of the 1971–1972 negotiation, this section emphasises politicians' actions within and outside of the parliamentary framework, as well as the role fisheries interest groups played in the bargaining. Contrary to conventional scholarship on two- and/or multi-level negotiations, the empirical evidence presented suggests that 'domestic pressure' was unable to alter British access objectives in the renegotiation. Relevant stakeholders were heard and considered important to satisfy, but the government had no desire to directly involve them in the process of deliberating the alteration of access objectives.

5.6.1 Political Action

The role of individual politicians and Parliament in the renegotiation was more nuanced than in 1971–1972. There was no 'decision of principle' that could have forced the government to change its course or jeopardised British accession to the EC. Lacking an automatic veto on the policy, however, is not to be equated with an inherent irrelevance of politicians on access objectives. On the contrary, politicians continuously scrutinised and tried to influence the government. Likewise, the

government had a strong interest in "avoiding the subject boiling up in political terms" (Senior Official MAFF IV, personal communication, March 19, 2020). Thus, while there was no automaticity in blocking fisheries by means of a formal vote, the government did not want the topic to become a negative linchpin in determining UK–EC relations again. One key difference between the two rounds, however, was the way with which politicians sought to influence British goals. There is little evidence suggesting that individual politicians operated outside of the parliamentary framework to exert influence on access objectives. The 22 backbenchers that represented constituencies heavily dependent on fisheries (and the large number of MPs who fought for fisheries on other grounds) focused their efforts to sway the government's position in Parliament.[122] This finding is unsurprising for three reasons. Firstly, the negotiations themselves were longer as well as much more diffuse and technical in nature. These factors made it more difficult for individual politicians to keep track of the developments and make a reasonable case on access issues without the support network provided within Parliament. Secondly, the vast majority of seats representing fishing-dependent regions was held by the opposition parties until 1979. It was thus extraordinarily difficult for individual opposition politicians representing these constituencies to actively influence Britain's access interests informally and outside of the Parliament. With the victory of the Conservative Party in 1979, the situation in the House of Commons altered. The majority of fishing-dependent

[122] This number is based on an FCO document of November 1977. Referring to backbenchers only, the report listed "MPs with a constituency interest in the CFP questions" (TNA, FCO 30/3396) and arrives at a number of 22. The 22 seats were split amongst all major parties that had gained seats in the 1974 general election: the Conservatives held eleven seats, Labour four, the Scottish National Party four and the Liberal Party three. Seven further MPs were assumed to possess detailed knowledge about fisheries as part of the Parliament's 'Trade and Industry Sub-Committee', "which is currently investigating the fishing industry" (TNA, FCO 30/3396). Putting aside one MP, Hamish Watt, who represented a fishing-dependent constituency (Banffshire) and was part of the Committee, thus 28 out of the 635 members of the House of Commons had an immediate and significant stake in fisheries. This figure was supplemented with a number between 200–300 MPs that represented constituencies where fisheries, despite the lack of significant economic relevance, was important politically.

constituencies was now held by governing party, which, by virtue of perceived greater bargaining leverage, incentivised Tory MPs fighting for fisheries interests to aggregate their interests and change the government's position from within, rather than individually. Thirdly, 17 out of the 22 MPs from relevant constituencies had already experienced the proceedings in the early 1970s and were well aware of the ineffectiveness of individual lobbying. A direct consequence of the experiences made as part of the accession negotiation was for MP's to opt for a (unified) position in Parliament in order to maximise their influence towards the government. This finding represents a domestic 'learning effect' that EC membership entailed. Politicians knew that their interests were served best within, rather than outside of, Parliament. Owing to these circumstances, focusing on the politicians' attempts to influence access objectives from within the parliamentary framework is justified.

5.6.1.1 Parliamentary Action

Throughout the renegotiation, fisheries was a contested topic in Parliament. Although the House of Commons had no inherent veto on the proceedings in Brussels, the government was nevertheless pressured to satisfy the politicians to not risk domestic political turmoil. Given the need for domestic political satisfaction, it is unsurprising to see the topic being debated approximately 65 times in its own right between 1976 and 1983. Albeit that fisheries were discussed extensively in Parliament, however, no evidence causally connects the position taken by parliamentarians with the three alterations Britain undertook in Brussels on its access objectives.

The government prepared the UK's opening bid for the renegotiation a few days ahead of the May 1976 Council sitting and determined that "We could not consider anything less than 12 miles in any area" (TNA, CAB 130/847b) with "a belt

of as little as 12 miles or as much as 50 miles in differing areas" (TNA, CAB 130/847b). At the same time a profound lack of knowledge dominated the parliamentary debate on the matter. For example, two days after the opening bid had been presented in Brussels and a copy of Hattersley's Council statement been placed in the Library of the House, Sir Robert Hicks, representing the fishing-dependent constituency of Bodmin, asked, if "the government […] will accept nothing less than an exclusive band of 50 miles for our fishermen?" (Hicks as cited in Hansard, 1976c, column 1465). In a similar fashion, another MP, Francis Pym, representing South East Cambridgeshire, requested if the government had "given us assurance that 50 miles is 50 miles and is not a negotiable position?" (Pym as cited in Hansard, 1976c, column 1485). Both, the rejection of an exclusive 50-mile limit and the possibility for negotiating the UK's position, however, were apparent from the statement that Britain had already made in the Council. In regards to belt-width, Hattersley stated that "While there would be much to be said for as wide a uniform band as possible we might be ready to consider a variable belt […] of as little as 12 miles or as much as 50 miles in different areas" (TNA, CAB 164/1353a). By virtue of excluding the concept of a uniform 50-mile belt as the opening bid, the government had already discarded the idea that MPs retrospectively put forth in Parliament. A direct influence on the opening bid can thus be precluded. On the negotiability of the UK's position, Hattersley reasoned that "these factors could be discussed" (TNA, CAB 164/1353a). This part of the statement clearly alludes to a certain degree of flexibility inherent in the UK's negotiation position, which opposed the steadfastness MPs demanded for the UK to push for an exclusive 50-mile limit. Overall, it is evident that MPs were not only unable to shape the opening bid, but were also unaware of what the government had already proposed in Brussels, which made it more difficult for them to effectively change the course of action.

Fisheries was discussed frequently in Parliament between May 1976 and June 1977. Upon the presentation of the UK's opening bid, politicians from all major parties constantly tried to wrest assurances from the government in regards to Britain's position on fishing limits. This behaviour differs from the temporising positions many MPs took before the first shift of objectives in 1971. For example, Robert Hughes, the Labour politician representing Aberdeen North, had already in July 1976 asked if the government representative present (Mr Hattersley) will "bear in mind that on every occasion that we have debated fisheries there has been a common agreement in the House that nothing less than 50 miles will do?" (Hughes as cited in Hansard, 1976a, column 1796). In a similar fashion Tory politician Francis Pym argued that "the whole House is of the opinion that our case for a 50-mile wide exclusive belt is extremely strong" (Pym as cited in Hansard 1976d, column 1456). James Johnson, a Labour politician representing Kingston upon Hull West, urged the government "to stand firm on the 50-mile exclusive economic zone […]" (Johnson as cited in Hansard 1976d, column 1458). Conservative politician Alexander Fletcher of Edinburgh North asked: "Are the Government insisting on a 50-mile exclusive zone for Britain to protect her fishing industry?" (Fletcher as cited in Hansard 1976d, column 1459). In short, the consistency in what MPs from both main political parties asked for is surprising as one would assume that the opposition tried to capitalise politically on both the government's inability to conclude fisheries and the position itself. One compelling argument why the opposition did not try to sabotage or politically gain from the ongoing confusion on fisheries is provided by the leader of the Liberal Party, Jo Grimond. He argued that "the House cannot too often reiterate the demand of the fishing industry for a 50-mile limit, if only for the purpose of strengthening the Minister's hand in negotiations" (Grimond as cited in Hansard, 1976e, column 925). Thus, two overlapping motives drove MPs to support a 50-mile

limit in 1976: firstly, to cater to the (official) minimum demand of the UK's fishing industry and secondly, to make the government's win-set in Brussels smaller.[123] Independent of these two key drivers, there was widespread political support for the idea that the 'variable belt' proposal should extend to 50 miles in as many areas of the British coast as possible. Putting aside the parliamentary endorsement for an exclusive 50-mile belt, it was particularly the minimum width of an exclusive belt that concerned MPs. Sir Frederic Bennett, the Conservative politician representing the Torbay constituency, not only "understood from what the Minister said that we are standing firm up to 50 miles" (Bennett as cited in Hansard 1976d, column 1459), but also demanded "to get the [R]ight [H]on. Gentleman's assurance that in no circumstances shall we accept 12 miles" (Bennett as cited in Hansard 1976d, column 1459). The government representative, Mr Crosland, directly responded that "I can conceive no circumstances in which this country – certainly under this Government – will accept 12 miles" (Crosland as cited in Hansard 1976d, column 1459). When looking at the 1976/1977 sittings, the MPs' positions can be summarised as follows: across all parties, the members of the House of Commons preferred a regime that would transform the variable belt proposal into a de facto 50-mile limit around Britain's coastline. Importantly, they strongly rejected any regime taking a 12-mile exclusive limit as the baseline around the island, the latter of which government officials directly confirmed in Parliament. Internally, however, the government admitted that "we should obtain 12–25 miles in the important areas and accept the Commission's proposed 12 miles in the remainder" (TNA, FCO 30/3107). In other words, what the government expected to obtain, but skilfully concealed with its 'variable belt' position, was indeed a drastic departure from what it communicated to

[123] Another cause for the lack of Tory outrage on Labour's actions was that they were largely framed by what the Conservatives had negotiated in 1971/1972.

parliamentarians over the course of 1976. The government knew well that an exclusive 50-mile belt was virtually unattainable, and the 12-mile baseline with some sort of preferential treatment beyond this limit the most probable negotiation outcome. Once the government realised that a change of position was inevitable in order to facilitate the negotiation process in Brussels, its statements in Parliament became noticeably more tight-lipped. Yeovil's representative Mr Peyton, for example, asked the Minister in February 1977: "What point have we now reached on the question of the 50-mile limit?" (Peyton as cited in Hansard 1976f, column 510). The minister responded in vague terms: "[…] we have not lost sight of that limit" (Silkin as cited in Hansard 1976f, column 510). Updating the House of Commons on the proposed line for the next Council of Minister sitting, the Minister of State, Foreign and Commonwealth Office, Frank Judd, stated that "Ministers may also consider fisheries matters" (Judd as cited in Hansard 1977a, column 36). Donald Stewart representing the Western Isles subsequently asked the Minister:

> Is the Minister aware that the reference in his statement that 'Ministers may also consider fisheries matters' sounds appallingly weak and confirms rumours that the Government have thrown in their hand about pressing for a 50-mile exclusive limit? Will he confirm that the Ministers will press for discussion of a 50-mile exclusive zone at the meeting in Rome? (Stewart as cited in Hansard 1977a, column 39)

However, even when directly questioned on the specifics of the matter, the government ensured that politicians would be left in the dark on its intentions. Mr Frank Judd responded to Mr Peyton: "We are determined to keep the need for a common fisheries policy which meets Britain's special needs right at the top of our priorities" (Judd as cited in Hansard 1977a, column 40). The government's responses to requests made on access objectives in the House of Commons remained elusive.

When rumours of a changed position in Brussels circulated in London, MPs directly asked the government: "Are we to be stuck with a 12-mile limit […]?" (Ewing as cited in Hansard 1977b, column 1250). Once again, the government's response was shallow and concealed what it had planned for the negotiations in Brussels. Mr Judd responded: "What we are determined to do is to get a common fisheries policy that will work and be effective" (Judd as cited in Hansard 1977b, column 1251). Shortly before the UK shifted its objective for the first time, both the opposition and the governing party re-emphasised their support for an exclusive 50-mile limit. A Conservative MP in May 1977 asked: "will the Minister realise that if he sticks firmly to a 50-mile limit and no compromise, he will have the support of the great majority of Opposition Members?" (Marten as cited in Hansard 1977c, column 459). The minister, however, did not react to the opposition's advance and diplomatically replied that he was "[…] glad, as always, of the [H]on. gentleman's support in this matter" (Silkin as cited in Hansard 1977c, column 459). A substantive response to the widespread support for the 50-mile limit in Parliament, however, is not recognisable. Owing to the government's unresponsiveness for the demands made by the parliamentarians in the year leading up to the first alteration, discontent was widespread amongst MPs from all parties once the UK did alter its position in Brussels. MPs dubbed the change in position a 'sell out' and demanded an "assurance that he [Bruce Millan, Secretary of State for Scotland] will make no further retreats […]" (Taylor as cited in Hansard 1977d, column 448). Others reminded the government that there was not only "total unity in this Chamber last week when we all wished to have a 50-miles exclusive economic zone" (Johnson as cited in Hansard 1977d, column 450), but also that "members on both sides of the House believe the Government were negotiating for an exclusive 50-mile limit" (Warren as cited in Hansard 1977d, column 453). The government's representative soberly responded:

"we have never argued for an exclusive 50-miles limit" (Millan as cited in Hansard 1977d, column 454). Britain's opening bid demonstrates that Millan's remark was indeed correct. The UK did not put forth a position that encompassed access exclusivity within 50 miles off the British coast in 1976. Yet, a straightforward explanation accounts for the dispute between MPs and the government on Britain's access objectives in mid-1977. The government was simply reluctant to reveal to Parliament the regime it envisaged with its 'variable belt' approach of 1976. The position meant that the overwhelming majority of Britain's coast would either be covered by a 12-, 25- or 35-mile zone of exclusive access. A 50-mile zone of exclusive access was seen as unattainable in Brussels and only anticipated for very limited areas (Shetlands to Flamborough Head) from the beginning on. Meanwhile, owing to the lack of knowledge about the government's approach, parliamentarians opted to take the most generous approach for their respective constituents – pushing for the widest EEZ possible, a 50-mile exclusive belt.[124] Thus, when the government changed British access objectives in June 1977, it is no surprise that MPs were profoundly disturbed. A more or less exclusive 12-mile belt with a 'dominant preference' was even less restrictive than the UK's opening bid and directly opposed the interests MPs had communicated and wanted the government to pursue in Brussels.

In the direct aftermath of Britain's first shift, MPs were unable to find a substantive answer to the new objective the UK had put forth. The discourse in Parliament was dominated by critics of the new approach and the continuation for demanding a 50-mile limit. Enoch Powell representing South Down, for example, rightly asked Minister Silkin: "Is it not true that the Council proved unwilling to

[124] MPs insistence to push for a 50-mile EEZ alludes to the influence the industry had on the representatives of their respective constituencies. It is hardly a coincidence that the limit MPs pushed for was the same the industry publicly advocated for as their minimum bid.

consider even a 12-mile exclusive coastal belt—an ill omen for the likelihood of a reasonable settlement to cover the minimum requirements of this country?" (Powell as cited in Hansard 1977e, column 2051). As a consequence of a potential rejection of Britain's new position, MPs were interested in what the government's contingency plan looked like. James Johnson enquired: "In the event of our people not getting a 12-mile exclusive zone, will the Minister then stick out for a 50-mile exclusive economic zone?" (Johnson as cited in Hansard 1977f, column 911). Others plainly expected the government to follow the lead of the House of Commons and demand a 50-mile EEZ. Jo Grimond, for example, stated that "we still need a 50-mile limit […] (Grimond as cited in Hansard 1977e, column 2052). In a more determined fashion, his colleague Alan Beith, representing Berwick-upon-Tweed, stated that "We must be left with no alternative" (Beith as cited in Hansard 1977g, column 139). The reason why parliamentarians were opposed to the new objective is succinctly outlined by Jo Grimond, who commented that "a proposal for a 12-mile limit with dominant preference does not meet the needs of the industry" (Grimond as cited in Hansard 1977e, column 2052). The government's reaction to the criticism remained steady over the course of 1977. It alluded to the "sufficiency of fish and dominant control" (Silkin as cited in Hansard 1977e, column 2052) the altered position would ensure. When prompted to substantiate the claim, the government reacted evasively once more. John Peyton confronted Minister Silkin and asked "what he [Silkin] means by a preferential position for our fishermen within 50 miles?" (Peyton as cited in Hansard 1978a, column 677). Minister Silkin responded that "what we [the government] mean by preference – and have said over and over again – is an exclusive zone from zero to 12 miles and a dominant preference between 12 and 50 miles" (Silkin as cited in Hansard 1978a, column 677). Silkin's statement was vague and unspecific, which is why Peyton pressed him again: "He [Silkin] throws

meaningless phrases about. What does he mean by his dominant preference?" (Peyton as cited in Hansard 1978a, column 678). Even then, however, Silkin lacked specificity and only convolutedly returned that "by a dominant preference I mean that the limitation of effort [is] dominantly preferential in favour of the coastal State" (Silkin as cited in Hansard 1978a, column 679). Although the government's attitude on keeping Parliament informed about the proceedings in Brussels was generally in need of improvement, the intricacies of the bargaining itself made it difficult for the government to go into detail on the new position. Interestingly, looking at Silkin's statements in the House of Commons in depth, one may find evidence for the looming second alteration as early as November 28, 1978. Whilst the vast majority of MPs still grappled to understand what the 'dominant preference' approach would entail, the minister reported to Parliament that he had argued in Brussels "for a preference in some of the waters outside 12 miles" (Silkin as cited in Hansard 1978b, column 226). Furthermore, Silkin told the MPs he had "made it quite clear that we were ready to enter into constructive discussion on all these matters" (Silkin as cited in Hansard 1978b, column 226). Meanwhile, some MPs, mostly of the governing party, were satisfied with Silkin's statement. Labour MP Thomas Torney of Bradford South, for example, congratulated Silkin "on his efforts on behalf of Britain's fishing industry […] and sympathise[d] with him over the arrogant insults that he has had to take from the German chairman of this Council" (Torney as cited in Hansard 1978b, column 227). A few openly criticised the government. Scottish National Party politician Hamish Watt representing Banffshire, for instance, stated that "the proposals are in themselves a sell-out" (Watt as cited in Hansard 1978b, column 228). Knowing that in 1980 the UK abandoned preferential treatment in almost all areas beyond 12 miles and accepted further 'historic rights' within the 6 to 12-mile belt, one can see that Silkin's statement effectively opened the door to alter Britain's

position on access. Either clinging to the idea of a 50-mile EEZ, rejecting any regime proposed, blindly following the government or generally uninterested in fisheries, not a single MP attributed the statement the importance it deserved. Meanwhile, the government had already anticipated that "it might not be possible to secure preference outside 12 miles on the basis we had proposed" (TNA, CAB 134/4191), which confirms the hypothesis that Silkin's statement in the House of Commons a day earlier was indeed a subtle indication for further alteration of access objectives.

Though a new government took power in 1979, the pattern of fisheries discussions remained similar. While MPs attempted to receive assurances from Thatcher on the 'dominant preference' approach, the government made only vague promises without allowing substantive discussions in the House of Commons.[125] This dynamic is nicely illustrated in a dialogue between the now former minister John Silkin and his successor, Peter Walker. Silkin asked Walker if "he [can] tell us that an adequate zone is at least 12 miles exclusive, 50 miles dominant preference, and that if that is not given he goes back to the original 50-mile exclusive zone?" (Silkin as cited in Hansard 1979a, column 610). Walker plainly responded that "I shall come to the House with the details of any suggestions before a final negotiation takes place" (Walker as cited in Hansard 1979a, column 611). This promise, however, did not materialise.

Although the House of Commons held multiple debates on fisheries between May 1979 and June 1980, no evidence lends support to the hypothesis that MPs actively altered the course of British access objectives. In early 1980, the interest constellation was clear. On the one hand, the MPs' minimum expectation was the

[125] Looking at Thatcher's key statement on fisheries as part of her election campaign reveals that the new government had similar goals, but remained vague on substance. It made the case for "an adequate exclusive zone" (TNA, PREM 19/233c) supplemented with "a further considerable area of preferential treatment" (TNA, PREM 19/233c).

implementation of the 1977 proposal. This is epitomised best in a statement provided by Gavin Strang representing Edinburgh East, who stated that "We must have an exclusive 12-mile limit, a dominant preference in the 12 to 50-mile limit, and effective conservation measures" (Strang as cited in Hansard 1979b, column 1907). On the other hand, the government had already concluded internally on the same matter that "there is no prospect of success in this approach" (TNA, MAFF 209/3219a). Owing to the gloomy outlook for its 'dominant preference' approach, the government then switched its position for the second time in 1980. The alteration of Britain's position, however, was unknown to Parliament. When Gavin Strang questioned Minister Walker on the latest developments of access objectives, he evasively commented that "Historic rights and access will be discussed at the next Council meeting […] I hope that the hon. gentleman will forgive me if I do not comment on the specific proposals" (Walker as cited in Hansard 1980a, column 714). The proposal the government bore in mind, however, was a drastic departure from the MPs' minimum expectation, the objectives communicated 3 years earlier. Internally, the FCO had already admitted that the new position "represents a very significant diminution on our earlier explicit claims" (TNA, FCO 30/4250). While MPs reiterated that "We still want the 12-mile exclusive coastal belt, with a dominant preference of up to 50 mile" (Mason as cited in Hansard 1980b, column 533), the government had long abandoned this approach. It was, however, only after information on the failed December 1980 Council sitting had leaked to the press that politicians scrutinised the government's position in Parliament. Roy Mason representing Barnsley rightly contended that "The Minister has not established the [exclusive] 12-mile belt. […]. We want to know the truth about that" (Mason as cited in Hansard 1980c, column 561). He then asked the government: "What is the position, which is still being negotiated, in relation to the 12 to 50 miles dominant

preference?" (Mason as cited in Hansard 1980c, column 561). The government's representative in the House of Commons, Mr George Younger, did not directly respond to Mason's statement, but claimed that "as result of his negotiations, the Minister has been able to come back [with] much more than has been offered before on the question of access" (Younger as cited in Hansard 1980c, column 561). Whilst technically true, Younger skilfully withheld that the deal on offer (in December 1980) had already required the UK to drastically reduce its demands earlier that year and, yet, failed to create consensus amongst the partners at the EC level. In sum, the analysis of the UK's second alteration of access objectives has shown that the government decided to change its position without prior consultation of Parliament. A parliamentary influence on the alteration of access objectives can thus be excluded.

The period leading up to the third shift of Britain's access objective followed the pattern previous debates had already created. MPs from all sides of the House of Commons still supported the 1977 idea of an exclusive 12-mile belt supplemented with a 'dominant preference' in the zone up to 50 miles out, effectively pushing for vast areas to be covered by a 50-mile EEZ. One MP accurately summarises the Parliament's position in April 1981, and stated that "we still press for our exclusive coastal belt of 12 miles, our 12 to 50-mile preferential fishing area for United Kingdom fishermen, and a total allowable catch of 45 per cent" (Mason as cited in Hansard 1981b, column 104). Owing to the government's evasiveness and opaqueness in the past, however, MPs became increasingly suspicious of the government's true intentions on access and the actual negotiation position in Brussels. Roy Mason representing Barnsley and Labour's Shadow Minister of Agriculture, Fisheries and Food rightly contended that

> Suspicion is rife in the House that the Minister is beginning to weaken, especially on the 12-mile belt and the preferential zone. We warn him that he

> will not be let off lightly if the unanimous desire of the House is ignored. (Mason as cited in Hansard 1981b, column 104)

The government, however, showed little interest in updating Parliament on the negotiation's status quo. This is why Mr Strang in May 1981 argued that "Ministers have consistently failed in the past few weeks to reaffirm the Government's commitment to securing a dominant preference in the 12 to 50-mile band" (Strang as cited in Hansard 1981c, column 121). When individuals in Parliament urged the government representative to clarify the position, the representative simply ignored the request. It was only a month later that in regards to the inner belt the government admitted that "we must have an exclusive zone, but we should consider historic rights" (Buchanan-Smith as cited in Hansard 1981d, column 401). Analytically, the parliamentary discourse on fisheries in the early 1980s somewhat resembles a cat-and-mouse game. The government only distributed little pieces of information upon MPs' requests, themselves often based on news leaks from Brussels. In order to understand why the government was able to conduct such kind of information politics, it is pivotal to go back to the 1977 'dominant preference' approach. For many MPs 'dominant preference' meant de facto uniform access exclusivity. The government, however, saw the criterion of 'dominant preference' already fulfilled when in certain areas British vessels would have some kind of preferential treatment. It was not until December 1981 that MPs truly realised the consequences emanating from the 1977 'dominant preference' approach and the flexibility it enabled for the subsequent alterations of access objectives. Put differently, although talking about the same matter, MPs imagined a different objective from what the government was bargaining. The government, by comparison, took the opportunity to exploit the vague phrasing of the 1977 objectives when readjusting its position in 1980 and 1981. Whilst reaffirming the

necessity of maintaining the 'dominant preference' in Parliament, Britain advanced the negotiations in Brussels by reducing its demands with little scrutiny at home. Once MPs realised that "The concept of boxes is a substantial derogation from that of a 12 to 50-mile preferential zone" (Millan as cited in Hansard 1981e, column 879), the government had already altered its position for the last time in December 1981. A direct influence on the objective can thus be excluded. It was only a month later that a government statement in the Commons revealed the alteration. The representative claimed that "Our objectives remain to provide for a broadly exclusive 12-mile zone, taking account of some essential historic rights of other countries, and further measures of preference to protect coastal communities that depend heavily on fishing" (Buchanan-Smith as cited in Hansard 1982a, column 871). The still vague pronouncement included two substantial changes that were new to Parliament: firstly, the concession of foreign access within the 12-mile belt by virtue of extended 'historical rights', and secondly, the significant attenuation of preferential treatment of British trawlers between 12–50 miles out. Even in June 1982, however, MPs were still unaware of the specifics negotiated in Brussels earlier that year. MP Beith, for instance, asked the government: "What has happened to the proposal for what was colloquially called a small boat box in the Irish Sea […]? (Beith as cited in Hansard, 1982b). Once more, the government refused to respond to the question. Minister Walker only stated that "Those matters are still under negotiation and the position is changing continually" (Walker as cited in Hansard, 1982c, column 548). The government's continuing evasiveness on communicating clearly on the access negotiations can be explained best by the prevailing uncertainty about the CFP package in Brussels. Without knowing how obtainable the late-1981 concessions (and small adjustments thereof) were, it would have been strategically imprudent to cause domestic political turmoil by communicating an already drastically reduced, but

potentially not finalised, position. In sum, however, it becomes apparent that Britain's final shift of access objectives was also decoupled from the positions MPs took in Parliament.

Overall, parliamentary influence on British access goals was virtually non-existent. Neither of the positions' alterations in Brussels can be causally connected to positions taken by MPs in the House of Commons. A variety of factors explain politicians' inability to shape the UK's access objectives. First and foremost, both the Callaghan and Thatcher governments were unwilling to meet the House's demand for a predominantly exclusive 50-mile belt. The best approach to understand the governments' reluctance to incorporate parliamentary interests into the bargaining is that the drastic divergence in objectives between the member states that effectively hamstrung Britain's negotiators. They knew well that pushing for a – at least in part – politically motivated lavish 50-mile EEZ, would risk 'no deal' and jeopardise Britain's reputation in Brussels. Agreement on fisheries and the maintenance of its reputation as a credible partner, however, were pivotal for the government. It was thus rational by the government not to pander to demands made in the House of Commons. Furthermore, when looking at the plethora of debates held on fisheries between 1976–1983, one thing becomes clear: despite its political importance, which the government was well aware of, only a relatively small number of politicians constantly scrutinised the government on fisheries. Even when accounting for electoral changes in relevant constituencies, the number of vocal politicians can be set at about 30–35 MPs, which roughly confirms the FCO's previous assessment (see above). Fisheries, albeit of great symbolic importance, still remained only one of many relevant topics in the parliamentary discourse of the 1970s/1980s. Therefore, British governments could simply afford to bypass MPs' demands. Whilst the lack of bipartisan activity under Callaghan muted the implementation of parliamentary

fisheries interests, Thatcher's 1979 victory and the solid majority it engendered outnumbered Tory MPs who were willing to defy the party whip and/or engage in bipartisan action to implement their fisheries interests. Blaming the government for parliamentary irrelevance only, however, would be myopic. It was also the politicians' demands themselves that rendered their lobbying ineffective. Whilst it is justified to assume that the government's information politics made it difficult for MPs to brief themselves on the current state of the negotiations in Brussels, they knew well that the 50-mile approach was not a viable option after leaks on the failed December 1980 summit. But instead of proposing new, more sensible options in the House of Commons, MPs carried on pressing for the already failed solution. MPs reluctance to accept the negotiation realities in Brussels can be traced back to both the politicised nature of fisheries in the UK and effective lobbying by respective interest groups. This view is shared by a senior MAFF official who stated that: "MPs used the Parliament largely as theatre […] to show their constituents they asked for things" (Senior Official MAFF III, personal communication, March 14, 2020). Importantly, politicians' inability to influence the government's position also transmitted to private exchanges. A senior MAFF employee shed light on the relationship between the ministry and politicians on influencing their work: "I would never see a politician without the minister's consent […]. He [Enoch Powell] came to see me because I was trusted to keep the line" (Senior Official MAFF III, personal communication, March 14, 2020).[126] On the question of whether this or interactions of a similar kind influenced their thinking at MAFF and action on fisheries bargaining at the

[126] The interviewee described an incident when former minister and vocal anti-marketeer Enoch Powell confronted him in his office and, unsuccessfully, attempted to influence the government's position on fisheries. Powell's investment in fisheries was rational; the chairman of his constituency party was a local fish processor.

European level, the civil servant simply responded, "No" (Senior Official MAFF III, personal communication, March 14, 2020).

Recapitulating parliamentary influence on fisheries objectives is complex. Lacking an automatic veto in the negotiations must not be equated with parliamentary irrelevance in general. The House of Commons could have been more influential. A prerequisite for parliamentary impact to unfold would have been both credible information politics and the genuine willingness on the part of the government to incorporate the demands made. Whilst the lack of information politics was – in part – a strategic choice made by the government, it was constrained on substance by the negotiation realities in Brussels. In the absence of credible information politics and the willingness on the part of government to incorporate demands, however, Parliament was ineffective in steering Britain's political position on access.

5.6.2 Interest Groups

As in 1971, fishermen's organisations attempted to sway the government's access objectives both directly and indirectly, the latter of which used the House of Commons as an intermediary. The previous section has shown that parliamentary influence on access objectives in Brussels was limited. This finding inherently eliminates the indirect route for interest groups to have effectively lobbied for Britain's position in Brussels. The ties between government actors and the industry, however, did not wear off over the course of the 1970s. On the contrary, representatives of the UK's main fishermen's organisations continued to converse with government officials and bureaucrats on the bargaining. However, to establish a causal link between the industry's interests and British access objectives, mere exchange and interest communication do not suffice. To establish genuine influence,

one of the three shifts must be directly linked to the industry's demands. Whilst it was important and – depending on the technical depth needed – even necessary for the government to have the industry's support, the data presented below does not lend support to the claim of effective lobbying on behalf of the fishing industry. This is confirmed by a MAFF official who stated that "The industry had virtually no influence on our position" (Senior Official MAFF V, personal communication, March 24, 2020).

Whereas the mechanics of interest communication remained steady between the CFP's two negotiation rounds, the political landscape of domestic fisheries interest representation altered. When negotiating its entry to the EC, the government was exposed to two 'camps' that strongly differed in their demands, the inshore and distant-water industry. Although this basic divide did not fully vanish, changes at the international level, most notably the introduction of an exclusive 200-mile limit, led to the DWF's interests readjustment as they had to offset the losses incurred in third-country waters. In consequence, both the DWF and inshore industry now both urged for an extensive British EEZ, whilst the former additionally wanted access to the EEZ of the other member states. The government argued, "the industry adapts itself to a pattern of fishing opportunities in which near-waters play a much more important role" (TNA, CAB 193/162). There was still potential for conflict between the two camps, for example, in regards to potential reciprocity British access to the 12-mile belt of other members could unfold in UK waters. Yet, the industry was overall substantially more unified than ever before. The government even declared the "the unity of the industry on the CFP issue" (TNA, FCO 30/3394). In sum, the degree of domestic heterogeneity on fisheries interests decreased. In return, increased industry homogeneity may have put more pressure on the government to follow the industry's objectives.

The UK's opening bid of May 1976 demonstrates that the industry's influence on British access objectives was very limited. Its demand in terms of access exclusivity was clear and repeatedly communicated to government officials at meetings in early 1976. In essence, "the fishing industry was calling for 100 miles […]" (TNA, CAB 130/922a) or at least a 50-mile EEZ, both of which the government deemed 'unnegotiable'. The government admitted that "there were strong political reasons why we must secure exclusive zones of significantly more than 12 miles at least in key areas" (TNA, CAB 130/922a). Yet, the government simultaneously recognised that

> the main objective must be to secure access to the maximum quantity of fish and this would probably best be achieved by means of a balanced and flexible approach accepting a combination of exclusive zones and quotas and being prepared to negotiate on the historic right enjoyed by other Community countries in our zone. (TNA, CAB 130/922a)

Whitehall saw this approach actualised best by building upon on the still dissatisfying Commission proposal at the time. Officials stated that "unless we could build on the Commission proposals the principles favourable to us on an exclusive zone and phasing out historic rights would be in danger of succumbing to the opposition of other members" (TNA, CAB 130/922a). The government, however, needed agreement amongst the parties involved to devise a new CFP. It thus aspired to "reduce political problems faced by other member countries […], while providing the best basis possible for the long-term development of the UK industry" (TNA, PREM 16/869). The relevance the British government ascribed to the reduction of political problems towards its fellow members already alludes to the importance 'other states' carried for British objectives and the negotiation outcome.

The desire to revise the policy was supplemented with an internal assessment on the economics of different belt widths to be taken as the baseline for access exclusivity in the bargaining. While maintaining the view that a 12-miles limit only is insufficient, the report concluded that "the real advantages of a wider rather than a narrow belt cannot be demonstrated statistically" (TNA, FCO 30/3110). Put differently, "the advantage of a wider rather than a narrower coastal belt is therefore not great in overall tonnage terms" (TNA, CAB 130/922b). The expected negotiation setting in Brussels coupled with the economic realities of the seas explains why the government did not relent to the lavish demands originally made by the industry. A 100- or even 50-mile EEZ would have been impossible to achieve, as well as hampered the UK's negotiation credibility with its partners, thus making agreement less likely. A variable belt with 12 miles as the baseline, however, was seen as a fair solution and would protect economically dependent regions. That the industry in general, and the distant-water fishermen in particular, were dissatisfied with the UK's opening bid is not surprising. At a meeting held a few weeks after the UK had presented its position in Brussels, representatives of the fishing industry met with government officials in London. The government summarised that "the reaction of the industry was that we should have made a demand for 50 all round the UK and that this would have not produced a greater danger of hostile alliance in the Community". (TNA, FCO 30/3118). Especially "the President of the BTF was extremely critical and wanted at least a 50-mile belt so far south of the Humber […]", which the government never considered in the formation process of its access objectives. Yet, the government rightly acknowledged that "the industry […] showed below the surface a great deal of understanding and realism" (TNA, FCO 30/3118) and "appeared to understand the difficulties [surrounding fisheries negotiations]" (TNA, CAB 164/1353b). This alleged realism, however, says little about looming

procedural dissatisfaction about how the government formed its position in the first place. The industry "had been complaining of [a] lack of consultation" (TNA, FCO 30/3091). Or as put elsewhere: "They [the industry] criticised the fact that the Minister had reached his decision upon negotiating objectives without discussion it with the industry […]" (TNA, FCO 30/3118). In other words, the industry was informed about the proceedings in Brussels only retrospectively, which eliminates the possibility for a direct influence the industry could have had on Britain's opening bid. This pattern of deliberation and decision making carried on over the years to follow.

The period leading up to the first shift of bargaining objectives saw the FCO taking an active role in promoting the position Britain had communicated to the Council in May 1976. The ministry devised a lengthy paper that explained the bargaining position in January 1977. The document was developed to make "good use of it with influential contacts in the media and elsewhere" (TNA, FCO 76/1584e). The importance of the paper does not stem from its substance, which was only a replication of what was, in large parts, public knowledge, but its underlying intention. By engaging with the media within the UK and abroad, the government made it more difficult for fisheries interest groups to publicly create momentum for their cause. The industry's inability to publicly make their case was further aggravated by the diffuse nature of the bargaining with unknown dates and multiple venues. Both of these explain why newspapers remained comparatively silent on communicating the industry's claims. It thus comes as no surprise that documents of early 1977 demonstrate the irrelevance of fisheries interests groups in shaping Britain's bargaining position on access. Shortly before the shift, the government was "bear[ing] in mind also the need to prepare our own industry for the change in emphasis of our position […]" (TNA, CAB 134/4110d). Or as stated elsewhere, it "would be necessary to inform the fishing industry of our intentions

[…]" (TNA, CAB 134/4110c). These statements, while recognising the need to inform the industry, indicate both independence of governmental decision making and the retrospective nature of distributing information to the industry about what had already been decided. The amount of information the industry obtained and could work with must be called into question too. Archival documents of May 1977 shows the calculated nature of government officials' behaviour towards the industry. Deliberating on what to convey to the industry, the ministerial committee concluded that "there was no need to give the industry a full account of the government's position" (TNA, CAB 134/4110c). When meeting with industry officials, Silkin "should not define the government's position" (TNA, CAB 134/4110c). Without industry possessing knowledge on the government's position, however, not only can a direct influence on the alteration of Britain's position be ruled out, but also the general ability to influence the political realm's prior decision-making must be doubted. The government deliberately applied this strategy to "persuade the industry of the need for a flexible approach to the problem" (TNA, CAB 134/4110c). On the surface, the strategy was only a limited success, as even after the UK changed its position on access for the first time, "All sectors of UK fishermen are united in seeking a 50-mile fishing limit" (TNA, FCO 30/3395). Yet, the industry became more flexible on the exclusivity aspect of the envisaged belt: "This [the 50-mile fishing limit] was originally described as 'exclusive' but the industry now say that other vessels would have access provided this access is sufficiently controlled" (TNA, FCO 30/3395), the FCO noted. However, even the industry's adjusted interests were seen as "unobtainable" (TNA, FCO 30/3395) by the government.[127]

[127] Some of the industry's leaders took a more realistic stance on the negotiation outcome as early as June 1976. The summary of a private meeting between BTF representatives and government officials shows the departure from the BTF's public rhetoric, which was upheld even after the government had changed its position in 1977: "He [Mr Laing] said that speaking very frankly and privately, he thought the industry would finally be prepared to settle for 35 miles" (TNA, FCO 30/3112).

The lengthy process leading up to Britain's second change on access objectives bore great chances for the industry to sway the government. Up to November 1978, the government had not decided what its 'dominant preference' truly meant and remained shallow when discussing the approach with its partners in Brussels from 1980 onwards. This indecisiveness was an opportunity for the industry to fill the void by clearly communicating its interest to the government. Yet, the uncertainty about the government's position was equally problematic, as the fishing industry did not know what was possible and what was not. By mid-1978, the government recognised that "whilst our industry remained opposed to a settlement on the wrong terms, concern was being expressed about the state of the fish stocks and there was support for a political initiative from some sections" (TNA CAB 134/4111d). The political initiative the industry hoped for, however, was not based on novel objectives it communicated to the government. On the contrary, "some parts of the industry still press for a 50-mile exclusive zone, though most recognise that this is not attainable" (TNA, CAB 134/4324).

With fishing stocks in further decline, the pressure on the industry mounted. A new agreement that would lay out the industry's prospects was desperately needed. The government was well aware of the industry's situation and realised that "the greater part of the industry is prepared to accept a reasonable settlement if one could be got soon" (TNA, MAFF 209/3199c). Reasonableness, however, was still a matter of contestation by early 1980. As a minimum, the industry demanded that "preference [in the outer belt] could be achieved by limiting the effort of foreign vessels in wide areas preferably by means of the issue of licences by the UK while licences would be freely issued to UK vessels" (TNA, MAFF 209/3219a). In response to the industry's claims the government rightly saw "no prospect of success in this approach. No member state will accept that their vessels should be licensed by

us nor that their vessels should be subject to a discriminatory regime controlled by the UK" (TNA, MAFF 209/3219a). When internally discussing the 'new' approach that became the official position in 1980, the government commented that "a deal of the sort discussed in this paper is unlikely to be acceptable to a substantial proportion of the industry" (TNA, MAFF 209/3219b). This expectation was vindicated by an interview given by the representative of the National Federation of Fishermen's Organisations who claimed that "a 12-mile coastal zone exclusive to British vessels was a fundamental part of any Common Market settlement" (Atkins as cited in Norton-Taylor, 1980, p. 4). An exclusive 12-mile limit, however, had already been abandoned in the negotiations. The government was nevertheless interested in having the industry 'on board' for political reasons. This is nicely expressed in a paper of March 1980 which stated that "the Prime Minister's firm view is that the government should proceed in the negotiations only with positive support of the industry" (TNA, FCO 30/4239b). However, this genuine interest and the support desired did not mean relenting to the demands put forth by the industry. On the contrary, the government accused the industry of having "adopted an unrealistic assessment of what is possible" (TNA, MAFF 209/3219b), or as put elsewhere: "the industry is in militant mood at present, […], and some of their general expectations of a CFP settlement remain unnegotiable (e.g. 50 mile exclusive belt)" (TNA, MAFF 209/3219b). Both the willingness to hear the industry and the lack of incorporating their interests into the position are confirmed by a MAFF employee who argued that "We did listen to them, but you cannot listen too much or you would never do a deal" (Senior Official MAFF VI, personal communication, March 28, 2020). MAFF argued that in order to bring the industry in line "a substantial educational process would be needed with them […]" (TNA, MAFF 209/3219b). In preparation for the June 1980 Council sitting, the FCO contended in

a similar fashion that "[a] major educative initiative [is] now needed by HMG [for the industry] to appreciate what is negotiable" (TNA, FCO 30/4242a). The government aimed at "persuading the industry to lower their sights so as to reduce the gap between what the industry say they want and what it is realistically possible to expect to get […]" (TNA, MAFF 209/3201c). In other words, the government had no intention of following the industry's position, but instead followed the dogma of aligning the industry with the negotiation realities in Brussels.[128] This reality was largely formed by the member states and Commission who "will only accept proposals based on acceptable and probably on accepted, Community principles. One such principle […] is that of 'equal access' subject to the derogations in the Treaty of Accession […]" (TNA, MAFF 209/3220b). The government also assumed that "the industry was privately more realistic than its public pronouncements seemed to indicate" (TNA, MAFF 209/3219d). A MAFF official confirmed this by stating that "when Walker began ministering in 1979, people had gotten a bit more realistic" (Senior Official MAFF III, personal communication, March 14, 2020). After extensive talks with representatives about the UK's planned proposal, the Minister in a phone call with PM Thatcher argued that "most of the industry, especially that large part located in Scotland, could be brought to appreciate its advantages" (TNA, PREM 19/235b). In short, some "representatives were […] prepared to support [the proposal]" (TNA, MAFF 209/3221b). The attitude shown at the political level is a reflection of the government's more general handling of the industry's demands: they were heard and important to be satisfied, but not incorporated into the decision making on access in Brussels. This argument is

[128] A MAFF document further develops the mechanics for the strategy of 'support through education'. The government followed a top-down approach to convince the industry of its objectives: "perhaps the best hope of achieving this [the access objective] would be to try to persuade the industry's leaders to encourage fishermen generally to be more realistic" (TNA, MAFF 209/3201c).

substantiated by a former bureaucrat who stated that "[…] we decided what we wanted, what was possible and went for it […] the industry had practically no influence on our actions" (Senior Official MAFF III, personal communication, March 14, 2020). Another interviewee argued that one of the UK's major tasks in fisheries negotiations was to "keep the lid on the political noise" (Senior Official MAFF IV, personal communication, March 19, 2020). This was achieved by successfully striking the balance between 'hearing' the industry and reconciling the government's interests with the negotiation reality in Brussels. This approach was supplemented with increased aid provided by the government to Britain's ailing DWF. Recognition that "the fishing industry badly needs a CFP settlement" (TNA, FCO 30/4242b) is not to be equated with the accommodation of the industry's interests in the bargaining. On the contrary, the position Britain took in Brussels in June 1980 did not cause great enthusiasm in the industry, but was a bullet to bite given the circumstances in Brussels.

During Britain's last alteration in 1981, the pattern remained steady. Parts of the industry carried on publicly expressing its dissatisfaction with the government's negotiation position. In a letter to 'The Times' of February 13, 1981, the president of the British Fishing Federation, Mr Parkes, complained about the proposed boxes. He stated that

> those of us who represent deep sea interests of the British Fishing Industry in Brussels find ourselves in the extraordinary position in being in alignment with the views of the French Fishing Industry against the stance taken by our own government on the preference area issue. (TNA, MAFF 209/3221a)

Another element of the letter demonstrates the increasing fragmentation of the industry. Once (comparatively) homogenous at the onset of the renegotiation, Mr. Parkes criticised his colleagues for "pursuing a policy of local preference" (TNA,

MAFF 209/3221a). The criticism is justified as focusing on certain areas only weakened the industry's overall firepower towards the government. When bearing in mind the 1980 objective and the experiences they made so far in terms of implementing their position, however, fishermen knew well that it would be hard to push for any kind of uniform treatment anymore. Thus, industry fragmentation was the logical consequence of the government's introduction of the 'box' system outside of 12 miles, and the increasing recognition of 'historic rights' within the 12-mile band. In response to those fishermen dissatisfied with the new approach, the government soberly stated that "an overtly discriminatory preference outside 12 miles is simply not negotiable […]" (TNA, MAFF 209/3221b). By mid-1981, Minister Walker revealed in a letter to PM Thatcher that the position put forth a year earlier "represent[ed] a very significant toning-down of the demands put forward by the last administration – a toning down of which the industry are well aware – and are again […], as far as we could go politically […]" (TNA, PREM 19/466b). Confronted with the negotiation reality in Brussels, the FCO, however, already anticipated the last adaptation of Britain's position and declared that "on the Preference Areas outside 12 miles we will probably need to adapt our proposals if there is a genuine wish on the part of others to reach agreement" (TNA, FCO 30/4537a). Walker's own ministry (MAFF) later elaborated further that

> we have even less conviction that the Irish Sea Preference Area is necessary. […] We cannot now drop the Preference Area concept entirely but at the right stage in the negotiations […] we ought to be prepared to move to a comparatively small box round the Shetlands. (TNA, MAFF 209/3201a)

Meanwhile, the industry was unaware of these considerations that would not only become Britain's bargaining position later that year, but also further curtailed its fishing opportunities. When discussing the late-1981 position, a ministerial

committee concluded that "the extent to which a solution will inevitably fall well short of the industry's aspirations will present us with problems" (TNA, CAB 134/4527). One may assume that the government addressed these problems by giving in to what the industry demanded. And indeed officials argued that "without their [the industry] acceptance any deal will prove difficult if not impossible to present publicly and to Parliament" (TNA, CAB 134/4527). Yet, the conclusions of the document and the government's action show that the means with which it wanted to satisfy the industry are quite different. Following a familiar line, the committee wrote that "we must continue the process of educating the catching industry in the realities of the situation" (TNA, CAB 134/4527). The statement highlighted that there was no willingness to proactively involve the industry in determining the position. The government simply continued to mediate the fallout the new position engendered through retrospectively explaining the situation to the industry. In turn, an increased understanding that "it would be difficult for our partners to have 'boxes' (i.e. sea areas) set aside solely for the use of British fishermen" (TNA, FCO 30/4539c), was expected to create the industry's acceptance.[129] Even without the industry's support, however, MAFF officials knew that "although the short-term criticisms in Parliament and elsewhere would be no doubt be great, they may be no greater than Ministers will in any case face if there is no solution" (TNA, MAFF 209/3222a). In other words, the government was willing to conclude the negotiations even without the industry's support, if necessary. Its attitude is logical when bearing in mind that 'no agreement' was the worst option and meant the application of the 1970 default CFP and the de-nationalisation of waters up to 200 miles out.

[129] In fact, minister Walker presented the final deal to the industry and exerted substantial pressure on the representatives present to agree to what had been decided upon in Brussels (see Broad, Kandiah & Staerck, 2002).

The internally discussed approach that materialised as the bargaining position later that year was thought of by the government as offering "a realistic prospect of solving the issue" (TNA, MAFF 209/3222a). With the Anglo-French row on access looming over the course of 1981, the industry became even more marginalised. The absence of extensive exchanges between MAFF officials and the industry, however, is comprehensible when considering both the government's reactive involvement of the industry in general and the necessity to solve the 'French issue' to devise a policy. Overall, then, there is no evidence that links Britain's third alteration to the influence the industry exerted on the government.

The influence interest groups could have had on Britain's bargaining position in the renegotiation was tremendous for two reasons. Firstly, at the onset of the bargaining, the industry was much more unified than compared to the access negotiations. The unity could have increased its overall influence on the government. Secondly, owing to the sheer length of the bargaining, the industry had ample opportunity to converse with officials and influence the government. Both factors, however, were trumped by the reality of negotiating the CFP's access issues in Brussels. The industry's unity inevitably broke down the moment the British government conceded and stopped pushing for a relatively 'uniform' treatment amongst its fishing constituencies. The chances of influencing the government by simple virtue of the negotiations' duration were overwhelmed by the increasing complexity and diffusion over the course of the late 1970s and early 1980. When both overlapped, the likelihood for the industry to make a change virtually vanished. The industry cannot be blamed for being inactive, but the stubbornness in not conceding to the realities in Brussels and beyond made credible and realistic interest adaptation and public support more difficult. Independent of these shortcomings, the government's information politics and general unwillingness for genuine interest

incorporation into the decision-making process made it almost impossible for the industry to influence the UK's access objectives. The government's attitude itself was influenced by economic considerations, but was particularly susceptible to what the negotiation at the interstate level predetermined.

5.6.3 Conclusion Domestic Pressure

This section evaluated the role of politicians and fisheries interest groups on Britain's access objectives. From the perspective of the aforementioned groups, the analysis is disillusioning. The stakeholders analysed were unable to shape Britain's position in the negotiations throughout the period considered. Three factors that explain domestic forces to be ineffective emerge from the data. Firstly, the nature of the negotiations themselves were prolonged, opaque and highly technical in nature. Whilst, in theory, creating multiple opportunities for stakeholders to influence the government, these circumstances proved difficult for politicians and interest groups alike to keep informed and make a difference in the thinking of government officials. Secondly, the government's information politics facilitated domestic confusion and partial detachment from reality in some corners of the industry and Parliament. The dominant lack of knowledge coupled with the government's reluctance to incorporate the interests put forth made the successful exertion of influence highly unlikely. Thirdly, the bargaining reality in Brussels was a vital factor. The striking difference in objectives between the member states coupled with the need to conclude the policy effectively hamstrung the British government in its operations. Facing the 1970 CFP in a 'no deal' scenario, politicians' and the industry's demands had to be reconciled with partners at the European level. These factors combined with the economic rationale underlying the government's action explain why the most important domestic stakeholders on fisheries lobbied ineffectively.

5.7 Other States

This section analyses the influence other member states had on Britain's bargaining position throughout the period looked at. Meeting theoretical expectations, the evidence presented reveals that the UK's continental counterparts (and France in particular) were one of the key drivers that determined the alteration of Britain's bargaining objectives. The main reason for other states' influence on the UK was the striking divergence in access objectives coupled with the imperative will to not let the bargaining fail.[130] Whereas it has been shown above that the decision-making mode influenced Britain's opening bid, the specifics of the UK's interests throughout the negotiation are explained best by looking at how Britain reacted to the demands other member states made.

Britain's first alteration in June 1977 was largely the result of objections other member states (France and Germany in particular) had with the UK's opening bid of 1976. Early on, Britain recognised that "it is important in pursuing this aim [the maximisation of British fishing opportunities] to consider the position of the other member states and the Commission" (TNA, FCO 76/1584b). This necessity transpired first in June 1976 when the French President Giscard and German Chancellor Schmidt successfully pressed PM Callaghan to accept the continuation of 'historic rights' within the 12-mile belt. Categorically ruled out in its opening bid a month earlier, the British government conceded, and, when altering its position in 1977, admitted that the exclusivity in the inner belt must be determined "in view of the assurances already given about historic rights" (TNA, CAB 134/4110a). The new position aimed at "exclusive fishing within 12 miles, subject to assurances already

[130] Although UK officials mounted pressure by claiming that "we had never taken the view that any solution was better than none" (TNA, FCO 30/4545), all actors involved knew that the UK desired agreement.

given to President Giscard and Chancellor Schmidt on historic rights" (TNA, CAB 134/4110a). Thus, Britain's departure from a truly exclusive inner belt was not voluntary, but the consequence of other states' dissatisfaction with the UK's 1976 position. In retrospect, wresting 'historic rights' from the UK was key for the other members to get better overall terms. Once Callaghan had opened the door for limiting exclusivity within Britain's 12-mile belt, the remainder of the negotiation saw a slow, but steady erosion of Britain's original aspiration to gain truly exclusive access within 12 miles. It remains speculative as to whether Britain could have gained access exclusivity in the inner belt had the PM not conceded to France and Germany early on. The nonchalance with which Callaghan single-handedly undermined Britain's strategy remains surprising and begs the question as to whether the PM was fully aware of the long-term consequences his statement would engender.[131]

For the outer belt, other states' influence on Britain's changed position is less assignable to a single set of countries, but nevertheless present. The government argued that the 1977 position was put forth in the expectation that "the new approach […] would be more attractive to some other member states insofar as it safeguarded historic rights in the 12–50 mile zone in a way that the variable belt proposal had failed to do" (TNA, CAB 134/4110d). Lacking institutional precedent within the European realm, however, Whitehall knew well that any kind of preferential treatment beyond a 12-mile limit would be difficult to obtain in the negotiations. Recognising the negotiation reality in Brussels, Minister Silkin thus stressed that the new position represented a "significant concession on our part [which was adopted] in the hope that real progress would be made […]" (TNA, FCO

[131] He argued that "French fishermen should not necessarily be excluded from their traditional fishing-grounds in British waters" (TNA, PREM 16/1646b). This concession becomes even more unexpected as the degree of pressure exerted in the meeting with his French and German counterparts was modest at best.

30/3392b). This expectation would be only partially met. In sum, the UK changed its position in 1977 as the result of anticipated difficulties the other member states had with the UK's opening bid. This argument is further corroborated when looking at a MAFF paper of 1980. Reflecting upon the reasons why the UK had changed its position 3 years earlier, officials wrote: "All member states were unwilling to envisage a generalised exclusive limit outside 12 miles. This was probably the main reasons for scaling down our demands […]" (TNA, MAFF 209/3219d). Thus, the 1977 position can be linked to the position taken by the other members, which demanded the retention of historic rights in the inner belt and rejected any kind of preferential treatment in waters beyond 12 miles – both of which the UK originally demanded in 1976, but dropped in 1977.

Britain's partners also influenced the government's thinking when altering its objectives for the second time in 1980. In March of that year, a MAFF report soberly stated that the 1977 "proposals were rejected out of hand" (TNA, MAFF 209/3219c), and the negotiations had virtually stalled at the substantive level ever since. The rebuff was understandable as the other members were dissatisfied with Britain's 'generous' 1977 proposal. Both the existence of 'dominant preference' outside of 12 miles and the lack of sufficient 'historic rights' for foreign vessels ensured within the 12-mile belt were highly contentious. A MAFF report of March 1980 rightly concluded that "it will be very difficult to conceive of any demand that will confer a genuine preference and has the chance of being negotiable" (TNA, MAFF 209/3219b). Acknowledging the difficulties surrounding other states' acceptance of preferential treatment (particularly in the outer belt), Britain realised that if it wanted some sort of preference it would be "essential to base our demands on established Community principles" (TNA, MAFF 209/3219b). As mentioned above, this principle turned out to be the 'The Hague Resolution'. The government

stated that "in defining our objectives we must rely heavily on Annex VII of the Hague Agreement. This means rather more can be obtained in respect of access around Northern Britain than elsewhere" (TNA, FCO 30/4242c). When internally discussing the negotiability of the potential position, the government concluded that "The areas where we have most chance of securing preferential access will be to the North of Scotland (i.e. Shetland and Orkney) and perhaps the Irish Sea" (TNA, FCO 30/4242d). A position along these lines would help reconciling "the desires of some other member states for a non-discriminatory system with the provisions in the Hague Agreement […] and the needs of local communities dependent upon fishing" (TNA, FCO 30/4243b). Importantly, such objectives would not "alienate others without advancing the cause" (TNA, MAFF 209/3219e). These statements show the relevance other states had in the process of contemplating negotiation objectives at home. Firstly, the 'The Hague Resolution' only gained momentum after the rejection of Britain's 1977 proposal. Secondly, the resolution would have allowed to push for more and wider areas to be included in the preferential regime outside of 12 miles. Yet, the UK specifically opted for two boxes as the result of an anticipated 'negotiability issue' with its continental counterparts. MAFF in this regard rightly assumed that going "for more would lead to considerable difficulties and could even jeopardise the renegotiation of the CFP" (TNA, MAFF 209/3200d). On the two-box solution, however, ministerial bilaterals had already "indicated that a solution along these lines would be negotiable" (TNA, MAFF 209/3200d). It is thus no surprise that, despite admitting that "data suggest that preference areas would have a significant effect on French and Dutch fishing in North of Scotland" (TNA, FCO 4242d), Whitehall saw the new objective as "more negotiable than any earlier UK proposal" (TNA, FCO 30/4242e) and was confident in advancing the discussion on access. Overall, other states substantially shaped Britain's bargaining objectives of

June 1980. With the rejection of the 1977 objectives, other states in a first step, more or less indirectly, pressured the government to refer to established Community principles as the sole option for preferential treatment in the outer belt. The 'The Hague Resolution' subsequently served as a broad foundation of the UK's negotiation objectives. In a second step, the prevailing divergence of objectives between the parties forced the UK to adopt a comparatively low-key position within the system the 'The Hague Resolution' allowed for. Instead of pushing for more and/or wider areas to be included in the special 'preferential regime', the government only included two boxes that ensured preferential treatment beyond 12 miles.

Although the government believed that the 1980 concession could form the basis for agreement, it knew well that "despite relative progress made and the goodwill generated in bilaterals etc, at any stage all this could be lost by one country refusing to settle" (TNA, MAFF 209/3201d). In turn, such refusal would be informed by the divergence of underlying interests between the members. Recognising this reality led to the government's central conclusion in dealing with other states' interests when formulation its own position. In the spring of 1981, MAFF wrote that "we have to take account of the sensitive points of other countries and realise that if their views are not accommodated in the same way settlement will be remote" (TNA, MAFF 209/3201d). Settling fisheries, however, was the government's main concern and any realistic agreement on the table throughout the negotiations was better than the default 1970 CFP combined with the large 'Community Pond' created in 1977. It is thus unsurprising that the government concluded that "we will only make progress if we can meet some of these [other members] demands: it is no use even starting […] unless we are prepared to make some concessions" (TNA, MAFF 209/3201d). At the discussion between the second and last major alteration of Britain's position in Brussels, France especially pressed

the UK for more concessions. Against the backdrop of the looming 1983 deadline, the government admitted that it "had consistently sought to make progress bilaterally with the French, the main antagonists on the issue" (TNA, MAFF 209/3202e). Meanwhile, France made clear that it demanded the continuation of additional 'historic rights' within the 12-mile limit (especially the west and north of Scotland) and the drop of the 'Irish Sea Box' as means of preferential treatment for British vessels in the outer belt. As a response to France's demands and in conjunction with the latest Commission proposal, officials wrote that "The United Kingdom side indicated that […] this position might form the basis of agreement in the context of an overall solution" (TNA, FCO 30/5062f). Following the imperative will to conclude the negotiations, the UK conceded and altered its position in accordance with what the French wanted. Britain's negotiators gave away more 'historic rights' in the inner belt and dropped the 'Irish Sea Box'. In doing so, the British government enabled agreement and prevented France from gaining "great delight in fishing in our waters after the end of the year" (TNA, MAFF 209/3202c). French influence on the UK's position is also confirmed by a MAFF official who negotiated the deal between the two. Confronted with the question of why the UK altered its demands in late 1981 and dropped the box, the bureaucrat responded: "We had to accommodate the French to make agreement possible. We thought we might get something around Scotland and we did not think we would be able to achieve something in the Irish Sea" (Senior Official MAFF VI, personal communication, March 28, 2020). Despite entailing the reduction of Britain's demands, French interests in the Irish Sea were somewhat of a windfall for the UK, as Scotland was much more important for fisheries politically. Had the French insisted on, for example, the abandonment of the 'Shetland Box', the complexity would have grown and concessions been substantially more painful for the UK. That said, a document reveals that France was

also involved in the specific configuration of the remaining 'Shetland Box'. At a bilateral meeting, the UK stated that "we would be prepared to work out the details in discussion with the French" (TNA, FCO 30/5062g). Or as put elsewhere, "We should use our present box as our starting-point in the discussion until we have some indication whether the French want a larger or smaller one" (TNA, MAFF 209/3222b). The satisfaction of France, however, was the prerequisite to conclude the negotiations. This is why, despite conceding to France, British officials "were a little more hopeful when we left Paris than when we arrived" (TNA, FCO 30/5062g). Overall, it has been shown that French interests were one key driver for Britain's bargaining position over the course of 1981 and early 1982. Once the Anglo-French row was resolved, Britain's bargaining position in Brussels substantially strengthened. The country could conclusively manifest its image as a credible force willing to find an agreement. Denmark, on the contrary, was now "seen as the awkward one" (Senior Official MAFF IV, personal communication, March 19, 2020).

5.7.1 Conclusion Other States

In conclusion, the influence of 'other states' on the alteration of Britain's bargaining position was substantial. All three changes can be more or less directly linked to the objection other Community members had with the UK's position. Throughout the period looked at, it was especially France that wrested concessions from the UK. First together with Germany in 1976, France obtained the acceptance of a few 'historic rights'. This seemingly little complaisance PM Callaghan granted when meeting his counterparts in Paris, however, opened the door for other members to make similar claims and eventually entailed the recognition of virtually all 'historic rights' the EC members had enjoyed under the 'London Convention'.

Albeit representing a reduction when compared to the 1972 regime, this nevertheless was substantially less than what the government wanted in 1976. At the same time, France pressed the UK even more on its objective beyond the 12-mile limit. With its constant refusal to accept preferential treatment in that area, the French government propelled the UK to accept existing EC principles, namely the 'The Hague Resolution', in the formulation of its negotiation objectives. Based on the assumptions the British government made about what would be acceptable to its partners in Brussels, it then pushed for two boxes of preferential treatment in the outer belt. Strongly opposed to the 'Irish Sea Box', France then successfully prompted the British government to relinquish the box. Overall, the specific position other states had on the access matter were one key element in understanding the alteration of Britain's bargaining objectives. Had these countervailing forces not been there or structured differently, the UK's eventual objectives and thus the bargaining success would have looked different from what they were.

5.8 Summary of Analysis

The analysis showed that Britain's bargaining success (or lack thereof) was framed by path dependencies, the influence of EC institutions and the interests other member states had. The UK's first shift of bargaining objects was the result of pressure France and Germany exerted on the UK to accept 'historic rights' in the inner belt, and the reluctance of all members to accept any kind of preferential treatment beyond the 12-mile line. Other states' demands, however, were chiefly based on paths that past regulations had once created. In other words, the link between the two caused the UK to change its position. British negotiators knew well that the abandonment of existing rights in the inner belt would be hard to obtain whilst the lack thereof in the outer belt made substantial preference areas unlikely to

be achieved. The second alteration followed a similar pattern: France (and others) pushed the UK into the acceptance of further 'historic rights' and other institutional precedents, the move towards the 'The Hague Resolution' and the ensuing 'boxes' to ensure some kind of preferential treatment in the outer belt. Importantly, the existence of the 'London Convention' and the 'The Hague Resolution' not only limited the UK's options, but also curtailed Britain's main antagonists in a way that they were unable to completely abandon the belt-system and thus had to resort to 'historic rights' in the first place. Britain's last alteration was the direct result of both French resistance to a preferential treatment off the Irish coast and the Commission's ability to propose acceptable solutions and mediate between the conflict parties. For the inner belt, the UK fully drew on the 'London Convention', which became its bargaining position towards the end of the negotiation. Across all three shifts the underlying motive was the imperative will to find agreement based on economic rationality. Thus, basic RCI assumptions about actors' behaviour with(in) institutions can be confirmed. Despite the emotionalised nature of the matter at home, negotiators behaved rationally, tried to maximise the UK's utility in the given environment and engaged in real political discussions with their continental counterparts. Putnam's allusion to the relevance other states have in the alteration of bargaining objectives can also be confirmed.

To fully understand the outcome, however, it is necessary to record how much prior regulations shaped the negotiation environment in Brussels. The 'London Convention' and the 'The Hague resolution' were linchpins for the UK to defend its position. In the absence of both in their particular configuration, Britain's chances to (re-)gain waters would have looked substantially gloomier. HI predictions about the creation of paths that determine future policy choices fully pertains to UK's experience in bargaining fisheries. The influence of the 'London Convention' and the

'The Hague Resolution' cannot be overestimated: it was only thanks to these two regulations that the UK was able to fend off both the 1970 regulation and its 1972 derogation in the negotiations, which (some) of the other members preferred. In return, other member states exploited the EC's existing law to steadily erode Britain's position that the development of the 200-mile limit at the international level had allowed for in the first place. Whilst unimportant for the alteration of the UK's position, the emergence of the 200-mile limit played a major role in determining the UK's opening bid.[132] It also facilitated the UK's general ambitions to extend its own EEZ beyond the 12-mile line in order to account for third-country losses. The relevance the 200-mile extensions had for Britain's opening bid also confirms the ability of 'external events' to change existing institutional paths. Without international precedent and the ensuing limitation on Britain's DWF to fish in Icelandic and Norwegian waters, it is unlikely that any of the EC's member states would have made and/or accepted claims beyond the 12-mile limit. Importantly, however, the UK's subsequent retraction to 'safe havens', the 'London Convention' and the 'The Hague Resolution' in particular, begs the question as to how strong pre-existing regulations can 'pull back' countries to existing institutional paths in a decision-making system that requires unanimity. At last, the UK obtained nothing that was not in one way or another determined by existing regulations that already governed EC waters. For fisheries, the 200-mile limit was important, but the protracted negotiations amongst the member states and the UK's dependency on access to third-country waters virtually trumped all advantages the UK could have gained on access from the 200-mile consensus at the international level. In other words, for the EC's fisheries regime, the extent to which external events change institutional paths is not only contingent on the nature of the event, but also the factors that counteract the

[132] The other one being unanimity.

development, such as the position of other member states. Therefore, HI's assumption of exogenous shocks as triggers for institutional change must be qualified. It could, however, be argued that the third-county extensions were important in the way that they prompted endogenous change by virtue of member states' reflection on the existing regime and subsequent discontent with the current state of affairs.

It was, however, not only path dependencies that guided Britain's bargaining position, but also the European Commission. Muted at the beginning of the bargaining, the European Commission grew in influence once the matter became time-critical and the Anglo-French access row was looming. Aiming at furthering integration on fisheries matters, it became the centre of gravity for the member states to find a solution in the early 1980s. Its major strength was the ability to rationally reconcile France and the UK by making proposals acceptable to all. The Commission's ability to function as a mediator, however, critically hinged upon two factors. Firstly, the Commission had to distance itself from any political dimension in the discussion. It achieved this reduction by curbing elements that were only inserted to play into the institution's hand in the first place, such as the short duration of derogations. A Brussels bureaucrat in this regard commented that "the Commission can only be a good broker if it does not do politics in the negotiations" (Commission Official Directorate-General for Maritime Affairs and Fisheries III, personal communication, March 22, 2020). Secondly, member states had to accept the Commission's position and power in the EC's political system. This finding lends further support to the already observed trend that in fisheries the Commission's role is context-dependent rather than axiomatic. In the renegotiation, the institution did not gain a foothold by virtue of its position and legal role provided for by the Treaty of Rome, but only as a result of French and British inability to conclusively settle on

satisfying terms. Therefore, an inherent importance for the UK's objectives must be negated.

In the context of the early 1980s, however, it was only the Commission that could solve the access puzzle and enable agreement between all parties. This is especially important when one looks beyond Britain's alterations to the final CFP agreement of 1983. It is highly likely that in the absence of the Commission's brokering efforts, the agreement, if possible at all, would have been less satisfying for the majority of member states and the UK in particular. This is confirmed by a Commission official who argued that "many times, failure and success of negotiations were dependent on how the Commission could play the honest broker role" (Commission Official Directorate-General for Maritime Affairs and Fisheries III, personal communication, March 22, 2020). In de facto negotiation gridlock, engaging with the Commission's role and proposals, however, proved valuable for the UK in achieving the best terms possible.

The role other states (and France in particular) played in the CFP negotiations is unsurprising. In a decision-making system characterised by unanimity and the imperative to find a policy, the country with the highest stakes in the policy is in the weakest negotiation position (unless external linkage is applied). As a Commission official put it, "stakes decisively influence bargaining power" (Commission Official Directorate-General for Maritime Affairs and Fisheries IV, personal communication, March 28, 2020). On access, the UK had little leverage and was exposed to strong countervailing forces that incrementally pulled it into their direction. This was the inevitable consequence of the stark divergence in interests between the members, coupled with the UK's unwillingness to link access to other issues.

Overall, it was thus a combination of path dependencies, the reconciliatory abilities of the Commission, the power other states had on the UK and the

imperative will to find a solution that explains why the UK diverged from their opening bid.

5.9 Further Insights

This section points to important insights provided by the renegotiation's analysis. The most noteworthy finding is the negligible role of both the extension of third-country fishing limits and domestic pressure in influencing the alteration of Britain's bargaining position in the renegotiation. When one analyses the overall bargaining dynamics of fisheries negotiations at the EC level, the relevance of other states' positions, path dependencies and EC institutions on the revision of Britain's access objectives is less surprising.

5.9.1 Third-Country Extensions and Domestic Pressure

The move towards the introduction of the 200-mile limit worldwide was certainly one of the most important external events in the history of (inter-state) fisheries negotiations. The analysis showed that Britain 'priced in' Iceland's looming extension in its opening bid, but it missed the chance to cater towards its DWF when the EC extended its own limits in January 1977. This was independent of the magnitude of the effect for Britain's DWF. On the contrary, every subsequent alteration of its negotiation objectives showed an incremental departure from protecting the fishermen affected the most by the extension of third-country fishing limits. The UK's defiance of the pressure to incorporate the demands pushed forth by the DWF entails rejecting the assumption that the development towards the 200-mile limit had an influence on the alteration of Britain's access objectives. There are, however, justifiable reasons that explain why the 200-mile consensus at the international stage is often seen as a critical moment for the establishment of the

1983 CFP package. Most importantly, it was a reminder for MS to seriously start renegotiating on the 1970 policy and its 1972 derogation. For years after the 1972 agreement, only remote quarters of MAFF foresaw the grave consequences potential third-country extensions could have for Britain's DWF. The political establishment, however, was idle and saw the 1982 deadline approaching without actively and constructively thinking about the future of the EC's fisheries regime. Knowing that first states had already extended their limits, how much the UK had to lose, how difficult the negotiations were in the past and how important the topic was politically, the degree of political myopia on EC fisheries matters in the mid-1970s is astonishing. It was only when Iceland's extension slowly solidified that the British government made genuine efforts to get steam behind the CFP's renegotiation. Therefore, one should attribute the 200-mile extension the role as an important accelerator for the renegotiation of the EC's fisheries regime. In the absence of Iceland's extension, it is doubtful whether the members would have started negotiating seriously in 1976 and the UK would have pursued the same opening bid. The timing of Iceland's extension, however, was also pivotal to understand why it was unlikely to unfold any influence on the transformation of Britain's objectives. Had the extension taken place long after the bargaining on the EC's internal regime started, it is justified to assume that the impact on bargaining objectives could have been greater. Because the extension was looming, however, when the substantive bargaining on the CFP started (and agreed upon only a few weeks after), the extension's effects had already fizzled out. At last, it remains open whether there is a measurable difference in terms of breaking existing institutional paths between an extension occurring ex ante or ex post of the negotiation's commencement. The analysis in this work shows that the strength with which the other states 'pulled' the UK towards their position and existing institutional trajectories, combined with the

necessity to find agreement, would have made it difficult for any third-country extension to affect the change of Britain's objectives.[133] This finding also sheds light on the limits of the bargaining power members were bestowed by operating under unanimity in the CFP's renegotiation. If agreement must be found, the country with the most extreme objectives has to concede the most. This mechanism is most visible when looking at the reduction of the UK's demands outside of the 12-mile limit, where the 'Shetland Box' remained the leftover of what originally was seen as the opportunity to establish vast preferential areas around Britain's coastline. Whilst somewhat symbolic in nature, the box was nevertheless celebrated as a success as it ensured wider access exclusivity than any other previous agreement.

When one examines the role domestic actors played for the alteration of Britain's access objectives, a few findings are worth highlighting. In the UK's regions heavily dependent on the resource, the fight for access to fishing grounds is not a matter of symbolism, but determines employment and thus living conditions. It is no surprise that MPs from these regions and the UK's fisheries pressure groups were trying to influence the UK's bargaining objectives. In the CFP's renegotiation on access, however, this was unsuccessful. It has been shown that the government followed a strict approach based on economic utility, which, in conjunction with the loss of Icelandic waters, explains why all regions dependent on distant-water fishing were worse off in 1983 than in 1972. Bearing in mind the inevitability of the DWF's decline, however, focusing on the inshore industry was rational and, on average, fishermen in the UK were better off than under the 1972 regulation. The reason why, despite this success, fishermen have negative sentiments towards the CFP

[133] This argument needs to be qualified on scope. Iceland's and, to a lesser extent, Norway's 200-mile limit extension had highly unequal distributional consequences for EC members, predominantly affecting the UK's fishing industry. Had all members been affected equally, it is likely that the extension would have influenced the negotiations more comprehensively.

package of 1983 is nicely explained by a MAFF official, who stated that "it is just gut emotion. The feeling that 'this [the fish] is ours'" (Senior Official MAFF IV, personal communication, March 19, 2020). The government was incapable of fully reverting the sense of dissatisfaction British fishermen felt upon Britain's EC accession. It remains doubtful, however, whether any realistic agreement as part of EC membership would have been able to change the fishermen's deeply engrained negative attitude towards the CFP and strong belief in maritime sovereignty. The economic rationale the government based its decisions upon is one key driver for both politicians and pressure groups to have remained ineffective in influencing the government's position. Despite its local importance and the politicised nature of the domestic discourse, the matter remained on the relative economic margins when compared to other 'European' topics at the time, most notably the UK's contribution to the budget.

The analysis has also pointed to the nexus between third-country extensions and the behaviour of 'domestic actors' at the national level: Iceland's extension in particular and the unfavourable agreement it engendered for Britain's DWF welded the British industry together in demanding an extensive EEZ for the UK. In the absence of Iceland's extension, it would have been unlikely that the DWF joined forces with its inshore counterpart. Importantly, however, it has been shown that there was no positive relationship between the degree of domestic homogeneity in interest representation and the ability to exert influence in the bargaining. This finding is an important contribution to the theoretical understanding of CFP negotiations. It shows that independent of the degree and kind of aggregation, domestic interests remain muted unless the government is economically motivated to incorporate interests groups' demands into its bargaining position, and, more importantly, the negotiation setting in Brussels allows for pushing these interests in

the first place. This confirms the entanglement between the domestic and international level, the latter of which is decisively more important in determining the outcome in a decision-making system characterised by unanimity and the imperative will to not let the bargaining fail.

5.9.2 Path Dependencies, EC Institutions and Other States' Interests

Path dependencies, EC institutions and other member states' interests sustainably shaped the alteration of Britain's bargaining objectives on access. This is unsurprising insofar as the negotiations drew on a wealth of historical precedents, took place in a solidified institutional frame and the members' interests on access substantially differed from Britain's aspirations. Had there not been any difference, bargaining would have not been necessary or much easier, any decision-making rule been muted and a policy been devised easily. This, however, was not the case and is the reason why this section looks at the relationship between the two factors.

But not all 'influential' factors carried the same value for understanding the UK's alterations on access objectives. Some (fixed) institutions, such as the European Council or the ECJ, chiefly acted as 'enablers' without having a real influence on Britain's objectives, whereas others took a more active role in shaping the UK's position and brokering the policy outcome, most notably, the European Commission. The voting system (as a key part of the EC's policy-making process) shaped Britain's opening bid, but had little influence on the alteration of Britain's behaviour in the subsequent negotiations, as all parties involved wanted to conclude a policy. The mode thus shaped the 'if' of devising a policy ahead of the negotiation's commencement, but not the 'how' upon starting the bargaining.

The hierarchy between these factors is logical. For EC institutions, the influence they can exert (on fisheries) depends on their formal involvement in the

process, their proximity to the bargaining venue and member states' utilisation of their institutional capacity. The Commission had a strong legal mandate, had a constant involvement in the negotiations and was ultimately accepted as an important broker. The European Council had no formal involvement in the process, but was nevertheless close to the negotiations by constantly observing and providing guidance, if necessary. The member states also fully exploited the European Council's institutional capacity, for example as an exchange forum. The ECJ theoretically had immense legal powers, but was only reactive in nature and never made a judgement on access-related issues. It had no active role in the negotiations itself. Following this categorisation, it is no surprise to see the Commission having a much stronger overall position than both the European Council and the ECJ. Formal rules, most importantly the voting system, can shape negotiations tremendously. However, the analysis has shown that the UK had already factored in the 'unanimity rule' and the necessity to create consensus amongst all actors involved when presenting its opening bid. Since all members had an interest in concluding the policy to protect the resource and prevent the 'Tragedy of the Commons', the relevance of the decision-making mode drastically reduced. Owing to the highly politicised environment within which fisheries was embedded, it is to be assumed that even under QMV a consensus-seeking approach between the members would have emerged.

But it was 'history' in the form of agreements on fisheries that had already been in place when the renegotiation commenced and/or Britain changed its objectives for the first time that strongly guided the bargaining throughout the period considered. It was especially the 'London Convention' and the 'The Hague Resolution' that guided Britain's objectives in the renegotiation. The reason why past arrangements were so important is straightforward: they enabled the pursuit of utility

maximisation in the given context. Failing at creating new institutional paths beyond 12 miles, the UK pursued such utility best by, for example, striving for the 'London Convention'. The same logic applies to other countries when looking at the EC's own policy of 1970 and its 1972 derogation.

Not all other members were of the same importance for the UK's behaviour. Analysing the evidence presented, one sees that some states' importance is certainly negligible. It was predominantly France (and to a lesser extent Germany and Italy) that constantly influenced British objectives in order to maximise their own utility. Considering the great influence of both other states' interests and path dependencies, one may ask how the relationship between the two factors can be conceptualised? The answer is what can be called the 'path dependencies-interest cycle'. Following HI, past paths taken determine the choices possible in the future. This is especially true when bound together under unanimity and negotiating on an exhaustible resource. All states other than Ireland and the UK heavily drew on EC 'history' as a tool to influence their counterparts at the onset of the bargaining. On the contrary, the UK initially wanted to create a new institutional path by establishing an EEZ beyond the 12-mile limit and by abandoning all existing 'historic rights' previous regulations had allowed for. The ambition to lure other states onto a new institutional trajectory may have been successful if it were not the UK that had the biggest stake in the negotiations. The analysis shows that Britain's high stakes effectively meant low bargaining power and susceptibility to the interests' other states displayed. In consequence, there was no real chance that the UK would be able to impose its opening bid on other members. In turn, other states' strength was caused by the constant recognition of institutional precedents, most notably the EC's own regulation of 1970/1972 and the 'London Convention'. Looking at the behaviour of the members one may inclined to arrive at the oversimplified conclusion that 'past

arrangements inform interests', and thus member states' interests were nothing but the materialisation of history. This conclusion, however, is premature. Existing institutional paths can become an objective (as was the case for the UK when it eventually pushed for the 'London Convention' in the inner belt in 1981), but in the CFP's renegotiation they predominantly served only as macro-guidelines. They were starting and orientation points for all member states to negotiate from in order find the micro-arrangements (e.g. which areas grant 'historic rights' and for which species) that in their entirety formed the CFP's access regime. This work has shown and repeatedly emphasised that the UK's behaviour within these micro-arrangements was not solely based on 'history', but the socio-economic circumstances of the constituencies affected. Acting upon these economic interests was rational to achieve the best outcome possible for the UK. In turn, these decisions as part of the new regime subsequently fed into emerging institutional paths. The corollary of this observation is clear: the 'path dependencies-interest cycle' is not a one-way road, where historical precedent determines interests, but a self-reinforcing system characterised by reciprocity between the two. Insofar as fisheries is concerned, both factors certainly have the power to sway objectives, but are understood best when looked at as two sides of the same coin. The UK's bargaining objectives throughout the CFP's renegotiation must thus be comprehended as the result of economic rationality in determining micro-arrangements in conjunction with the difference between the member states in how to handle existing historical paths at the macro-level.

5.10 Interim Conclusion

The second part of the analysis explained Britain's bargaining success in the renegotiation (1976–1983) of the CFP's contested Equal-Access Principle by

exploring the alterations of the country's negotiation objectives. In response to the research question, the sections answer clearly: neither domestic pressure nor the extension of third-country fishing limits caused the alteration of Britain's bargaining objectives. Although the UK's opening bid was, in part, motivated by the desire to account for the DWF's losses in third-country waters, the drivers of change were path dependencies, EC institutions and the position other member states had on access issues. Neither of these elements and their respective sub-factors were alone sufficient to explain Britain's bargaining success, but all were necessary.[134] The way and magnitude with which the relevant factors swayed the UK's behaviour varied and critically hinged upon on the context of the bargaining situation. This is most visible when looking at the Commission's role in the negotiation: muted at the beginning of the negotiation, the Commission's importance grew once the circumstances of the bargaining changed. It has also been shown that path dependencies and the position of other states constantly interact and recreate themselves as time goes on. The 'path dependencies-interest cycle' highlights the relationship between the two. The UK's bargaining success was the result of the way the UK and other member states were able to reconcile existing historical paths with their own rational interests, facilitated by the Commission who was able to promote agreement through honest brokering. The theories used in this work added value to comprehending the UK's bargaining success. Putnam's highlighting of the general importance of other states' interests in the bargaining, the utility maximisation logic

[134] Mirroring the accession bargaining, counterfactual reasoning leads to a clear conclusion: Britain's bargaining objectives critically hinged upon the specifics of paths history had created, the precise role of the Commission and the interests' other states had. If either or all had been absent or taken a different form, the UK's objectives and the negotiations themselves would have looked strikingly different. One key example in this regard is the 'The Hague Resolutions', without which the UK would have had no case acceptable to other members for preferential treatment beyond the 12-mile line.

that underlies RCI and the way HI puts emphasis on 'history' and institutional change compellingly explain the UK's behaviour on changing its access objectives.

Looking at the actual degree of bargaining success, however, one must acknowledge that the UK did not negotiate well. Britain's objectives at the onset of the bargaining (most notably the insistence of vast preference areas beyond 12 miles and the abolition of 'historic rights' for foreign vessels within the 12-mile belt), which it truly believed in and saw negotiable, were much greater than what the country was able to achieve in 1983. The statement of a MAFF official is a good reflection of the way the fishing industry and public perceived the 1983 policy: "My judgment both at the time, and with hindsight is that it [the policy] was not a 100% success, but it was a 75% success. Especially in diminishing the sense of grievance, which was also the main political necessity" (Senior Official MAFF IV, personal communication, March 19, 2020). Despite the objective failure to establish a regime anywhere near to what the UK initial demanded, the 1983 package was overall more applauded in the UK than the 1972 derogation. The official rightly alludes to emotions playing a substantial role in the final assessment of the CFP package at the domestic level. Whilst the 1970 regulation and 1972 derogation widely entailed the feeling of 'wrongness' on both substance and procedure at the domestic level, regaining some of the waters in 1983 brought a feeling of success. It was about "trying to put right, or at least appear to put right some of the, from the UK perspective, adverse effects of the original 1970 policy" (Senior Official MAFF IV, personal communication, March 19, 2020). The feeling of 'rightness' emerged despite the government's apparent inability to conclude on a regime close to what it initially anticipated and what the changed environment would have required, if the long-term survival of the entire industry had been prioritised. Importantly, the feeling of 'rightness' is not to be equated with 'satisfaction'. The vast majority of Britain's

fishermen was still dissatisfied with the policy – just to a lesser extent than compared to 1972.

At the theoretical level the analysis has shown that the UK acted rationally, and no exceptional behaviour was to be observed. On the UK's demeanour in the bargaining, a Commission official thus concluded: "Taking the outcome, the UK negotiation and bargaining took the same perspective as all Member States: to defend the socio-economic interests of its fisheries under the umbrella of sustainable exploitation of the resources" (Commission Official Directorate-General for Maritime Affairs and Fisheries V, personal communication, March 30, 2020). In the same fashion, other officials argued that "they [the UK] are fundamentally no different from the average, that is clearly my experience" (Commission Official Directorate-General for Maritime Affairs and Fisheries III, personal communication, March 22, 2020), or that "I cannot really tell you, that the UK acts any different in the negotiations" (Commission Official Directorate-General for Maritime Affairs and Fisheries IV, personal communication, March 28, 2020). In short, "I would not describe Britain's approach to, or behaviour in the negotiations as particularly exceptional" (Commission Official Directorate-General for Maritime Affairs and Fisheries VI, personal communication, April 2, 2020). The Commission's perspective on the UK's behaviour at the European level and interaction with the other member states is also confirmed by a British official. Asked if the UK acted any differently from the other member states in the CFP negotiations, the official responded: "it is fair to say that there was no difference between the UK and other members. You cannot conduct negotiations on any other basis than rationality. For normal people, the civilized way is the only one that is acceptable" (Senior Official MAFF III, personal communication, March 14, 2020). The notion of 'British normalcy' in fisheries negotiations is shared by another MAFF official, who stated that "you could

not like what we were asking for, but it was asked for in a normal sort of diplomatic manner" (Senior Official MAFF V, personal communication, March 24, 2020). Another government official succinctly summarised that "I did not perceive a categorical difference between the UK and any other member state" (Senior Official MAFF VII, personal communication, April 4, 2020). During the renegotiation of the EC's fisheries regime, Britain's alleged 'awkwardness' in (inter)acting with(in) the EC did not vindicate. Despite the politicisation of the matter at home, the UK pursued its interests in a rational manner, that is, utility-driven and cooperatively. This assertion led a Commission official to conclude that "[…] the UK is, on average, located in the middle of all member states" (Commission Official Directorate-General for Maritime Affairs and Fisheries III, personal communication, March 22, 2020). At the onset of the CFP's renegotiation, the UK's demands, although rational, may have been perceived as excessive by the other member states. Throughout the bargaining, however, the UK defied its image as being an unreasonable force preventing the EC from concluding the CFP. Given the country's high stakes, the UK fought hard and were isolated at times (just like other countries), but never unfairly or on irrational grounds. This is why one Commission official concluded that "I would not characterise Britain's policy and its behaviour in the accession negotiations and later as irrational" (Commission Official Directorate-General for Maritime Affairs and Fisheries VI, personal communication, April 2, 2020). At last, the UK became an essential enabler in resolving the long quest to find the EC's CFP.

5.11 Comparing the Negotiations

Figure 5 descriptively summarises (some of) this work's findings on UK's bargaining success from a comparative angle:

Influence on the United Kingdom's Bargaining Success on Access to Fishing Grounds

	1971-1972	1976-1983	Key Differences between Rounds	General Remarks
Extension of Third-Country Fishing Limits	• None; Icelandic extension did not prompt government to alter objectives in direction of fishermen affected	• None; extensions had no effect for the UK to change its bargaining objectives in the direction of fishermen affected	• 200-mile EEZ internationally more important for 1983 CFP package than Icelandic extension for the 1972 regime	• Norm of 200-mile limit internationally accelerated CFP's renegotiation • 200-mile limit shaped UK's opening bid
Path Dependencies	• Substantial; prior arrangements guided Britain's objectives throughout the negotiations	• Substantial; prior arrangements guided Britain's objectives throughout the negotiations	• Past provisions and paths they projected on EC negotiations not always to the UK's benefit (1976-1983)	• Path dependencies key driver for British bargaining objectives in both rounds of negotiating on the EAP
EC Institutions and Elements of Policy-Making Process	• Limited; Commission only effective broker towards end of bargaining • Unanimity facilitated UK's credibility in negotiations	• Limited; Commission only effective broker towards end of bargaining • Linkage did not influence the UK's bargaining position	• ECJ and European Council bargaining 'framers' (1976-1983) • UK attempted to exploit Commission (1976-1983)	• Membership did not entail greater influence of EC institutions or elements of policy-making process on the UK's objectives
Domestic Pressure	• None; relevant domestic stakeholders sidelined in decision-making	• None; relevant domestic stakeholders sidelined in decision-making	• Politicians reduced effort to influence bargaining outside of Parliament • Domestic stakeholders' degree of unity irrelevant for government response	• Domestic level only relevant as diffuse framing power • Power in decision-making vested in Brussels negotiations
Other States	• Substantial; other states' interests key driver for Britain's bargaining objectives	• Substantial; other states' interests key driver for Britain's bargaining objectives	• Norway was UK's key rival in negotiation • France was UK's key competitor in renegotiation	• Membership did not alter 'If' and 'how' of influence • UK's concessions determined by other members' positions

Figure 5. Selection of main findings. Source: own figure.

In the two negotiations rounds researched, the extension of third-country fishing limits (and direct consequences thereof) had no influence on the alteration of Britain's bargaining objectives. Both the CFP's negotiation and renegotiation saw the extension of fishing limits in the EC's neighbourhood, most notably in Icelandic (and Norwegian) waters. Whereas the analysis showed that the UK neglected the fishermen affected the most by the Icelandic extension in 1971, it had already 'priced in' the looming extension when presenting its opening bid for the renegotiation (which itself was not only dissatisfying for the DWF, but also eventually resulted in nothing more than cosmetic changes to the already existing 'London Convention'). Taking the opening bid for granted, a direct comparison between the extensions' influence on Britain's bargaining success in the two rounds therefore remains murky. A better comparative benchmark for the renegotiation is thus the way with which the UK reacted to the EC's own extension in 1977. Triggered by the evolution of the 200-mile limit at the international stage, the creation of the 'Community Pond' offered the chance to mitigate the losses incurred in Icelandic waters (and elsewhere). The UK, however, did not alter its bargaining objectives towards what the people affected the most wanted, but remained silent upon the introduction of the EC's 200-mile limit in January 1977. The first alteration of bargaining objectives saw Britain indeed departing from vast exclusive areas initially pushed for and strongly demanded by the DWF. Likewise, Britain's changes of bargaining objectives in 1971 saw a steady removal from what the fishermen affected the most by the Icelandic extension demanded too. Thus, when reacting to the extensions of third countries fishing limits (or direct consequences thereof), there is little difference in the behavioural patterns the UK demonstrated on altering its access objectives. In both cases, the decision not to relent to what Britain's DWF wanted was motivated by rational considerations and framed by the bargaining situation in Brussels. Both

rounds saw the prioritisation of the politically more important and better mobilised inshore industry over the DWF's interests. In the late 1970s, this choice was somewhat more justified than in the accession bargaining as the DWF's demise was more visible and, given the absence of institutional precedent and other states' resistance, anything substantial beyond the 12-mile line was unlikely to be achieved in the bargaining. In sum, the UK's behaviour as a result of third-country extensions does not differ between the two rounds. The government applied a consistent approach in order to achieve the best terms possible. Whether the 'right choice' (to neglect the DWF based on economic conditions and/or prospects) was also the 'appropriate choice' is a different question and not this work's main focus. It is also questionable whether the government would have handled the situation differently, if the DWF had been in a stronger position in terms of political mobilisation and not in economic decline, yet evidence presented for the government's handling of the allegedly more important inshore industry casts doubt on such a possibility. One key distinction between the two negotiation rounds concerns the magnitude of the respective extension. Given its scope, the introduction of the 200-mile limit at the international level was much more important for the creation of the 1983 CFP package, than the Icelandic extension was for the 1972 regime. Partly, the 200-mile limit level accelerated the CFP's renegotiations and facilitated the process of creating the 'Community Pond'. It, too, promoted the policy's development in terms of resource conservation. Within this research frame, the conclusion on third-country fishing limit extensions' influence on the alteration of Britain's bargaining objectives is nevertheless straightforward: despite severely affecting domestic stakeholders, the UK did not substantively respond to these extensions (or direct consequences thereof). The consistency with which the UK addressed a change in third-country

limits matches the rational behaviour shown when incorporating other factors in its bargaining position, such as other states' objectives.

In both rounds, path dependencies were able to exert substantial influence on Britain's access objectives. 'History' constantly permeated the negotiations. Whereas prior arrangements, most notably the 'London Convention', enabled the UK to extent its demands in 1971, the renegotiation saw past regulations and the path they created taking a more dichotomous role, impeding Britain's objectives as well as facilitating them.

Looking at EC institutions both rounds point to a high degree of stability in the way the Commission was able to influence the alteration of Britain's access objectives. It was the specific circumstances of the bargaining situation coupled with the ensuing acceptance of the Commission's role as a broker that allowed the institution to influence the UK's objectives towards the end of both negotiation rounds. In a comparison of the two rounds, however, one key difference stands out: the UK's (unsuccessful and repeated) attempts to push its agenda by exploiting the Commission as an agent to protect its reputation and increase its utility in the renegotiation. Another important observation relates to the usage of 'linkage' in fisheries bargaining. This work essentially confirms what Moravcsik (1998) predicts, namely that "the norm remains issue-specific bargaining" (p. 66). On fisheries, the British government, although debating the matter internally, deliberately refrained from linking the issue externally to accession (1971/1972) or other policy areas (1976/1983), most notably to the UK's budgetary contributions to the EC. Both choices were indeed rational in order to not jeopardise agreement on fisheries and/or other matters. In short, membership had no influence on the utilisation of 'external linkage'. In the renegotiation (1976–1983), internal linkage, however, became inevitable as TACs, quotas and access are not only intertwined, but also as the British

government (and all other members) pursued a CFP package including all three. Importantly, all issues were heavily contested amongst the members as the resource negotiated on is exhaustible. The UK was able to negotiate access ahead of the other issues, which, in retrospect, was conducive in achieving its objectives on the (politically) most important part of the policy.

Recapitulating the effects of path dependencies, EC institutions and elements of the policy-making process on Britain's bargaining objectives, one observes a pattern: consistency. There is little difference in the way these factors influenced the UK's bargaining objectives. In both rounds, past arrangements and (to a lesser extent) the EC's institutions were heavyweights in the alteration of Britain's bargaining objectives. One important observation relates to the effect membership itself brought about, namely the UK's denser institutional enmeshment. A key example in this regard is the exposure to ECJ rulings. The decisions it took could have played a substantially more important role for the alteration of Britain's objectives, had the court ruled on a dedicated 'access' case.[135] In the absence of such verdicts, however, the ECJ remained on the sidelines, only taking on framing powers, such as putting an end to Britain's strategic skirmish on utilising 'national conservation measures' as a means to strengthen its bargaining position on access. Therefore, membership and the greater exposure to EC institutions (and their procedures) helped structure the negotiations, but did not inherently mean a greater influence on the UK's bargaining objectives.

The analysis demonstrated that the pressure relevant domestic stakeholders exerted on the government in the CFP's bargaining rounds does not explain the alteration of Britain's access objectives and thus the UK's bargaining success. The

[135] Although a more important 'framer' than the ECJ in the CFP's bargaining, the European Council's role cannot be looked at from a comparative angle as the institution did not exist when Britain negotiated accession.

reasons for their continued ineffectiveness in guiding the fisheries negotiations were similar in both rounds: the lack of government receptiveness, patchy information politics, incurious politicians, the industry's unrealistic demands, the economic rationale underlying the UK's negotiation approach (which defied the emotionalised discourse at home) and the complexity of the bargaining situation itself, to name a few. When the differences between the negotiation rounds are highlighted, two findings nevertheless stand out: the reduction of politicians' efforts to sway the renegotiations from outside of the House of Commons, and the irrelevance of how domestic interests were organised for influencing the government's objectives.

When one compares the influence 'other states' had on British objectives throughout the period looked at, continuity is the most noticeable pattern. Other states' impact on Britain's access objectives alterations was constant and substantial in both rounds. Membership did not transform other states' importance or the means with which they exerted influence on the UK. Other states' relevance is unsurprising when bearing in mind Britain's high stakes in the bargaining coupled with the decision-making mode, the imperative will to find agreement, the absence of (external) linkage (and thus the lack of substantial bargaining chips) and the drastic interest divergence between the members. The UK's main antagonists changed throughout the negotiation, but the strength with which other states were able to pull the UK into their direction was dependent on the distance between other states' and Britain's objectives. This is the main reason why the UK's concessions in the CFP's renegotiating were much greater than in 1971.

6. CONCLUSION

This thesis examined the UK's role in the creation and early evolution of the European Community's Common Fisheries Policy (CFP). By tracing the change of the UK's bargaining objectives on the CFP's most important provision, the Equal-Access Principle (EAP), this study explained which factors accounted for the Britain's bargaining success (or lack thereof) in negotiating the policy in two rounds, between 1971–1983. Bargaining success was defined as the extent to which British negotiation objectives presented at the onset of the bargaining were satisfied by those obtained at the end of the negotiation process.[136] Informed by assumptions provided by Putnam's two-level games and new institutionalism, this thesis highlighted five analytical foci which embedded the analysis and explained Britain's bargaining success on access to fishing grounds in the negotiations with its continental counterparts. These factors were as follows: the extension of third-country fishing limits, path dependencies, the role of EC institutions and elements of the policy-making process, domestic pressure, as well as other states' interests. The extension of third-country fishing limits (and direct consequences thereof) investigated how the UK reacted to the changes of Icelandic fishing limits and the consequences of the introduction of the 200-mile limit at the international level. Domestic pressure, on the other hand, examined key domestic stakeholders, such as fishermen representatives and politicians, and their influence on Britain's goals in the Brussels bargaining. Path dependencies researched the importance of past agreements for the UK's bargaining objectives. The role of EU institutions and elements of the policy-making process analysed, amongst others, how the Commission and linkage swayed Britain's goals throughout the period looked at. Because Britain was in a multi-polity

[136] As shown in the analysis, Britain initially demanded what it truly wanted and saw as negotiable in Brussels, which allows one to directly infer the extent to which bargaining was successful.

entity characterised by unanimity and the imperative will to find a common policy, this thesis also investigated how other member states influenced Britain's bargaining objectives. In response to the research question – and clashing with mainstream literature on negotiation analysis – this work illustrated that neither the extension of third-country fishing limits nor the politicised domestic realm carried much relevance for understanding the UK's bargaining success. Britain's bargaining success in both rounds is best understood by looking at prior regulations and the divergence in objectives between the members which were – more or less – effectively brokered by the Commission and, in the renegotiation, framed by the ECJ and the European Council. What are the most important conclusions to be drawn on each of these factors?

6.1 The Extension of Third-Country Fishing Limits

When one is looking at both rounds, the analysis highlighted that an external event's magnitude alone does not suffice to influence the alteration of bargaining objectives in the direction of those affected the most. This was demonstrated by analysing the government's reaction to the severe ramifications the extension of Icelandic fisheries limits had on Britain's distant-water fishermen. It is particularly political responsiveness (motivated by both economic considerations and, more importantly, the bargaining realties in Brussels) that is the key determinant in deciding whether a third-country extension is acted upon. This finding is crucial for understanding when external events 'matter' and change institutional paths in fisheries negotiations. It counters the 'randomness' critique confronting Historical Institutionalism when referring to the relevance of 'critical junctures' or 'punctuated equilibria' in the process of altering institutional trajectories. There was little 'randomness', and certainly no automaticity, to be found when looking at the reasons

why the UK did not respond to the extensions at the international level in the contemplation of changing its access objectives. Instead, changing these aims was an informed decision chiefly based on what would maximise the UK's utility and was negotiable in Brussels. But not only the 'if' of gaining traction in the decision-making process matters, but also the 'how'. In the EC's fisheries bargaining with unanimity as the key decision-making mode, the 'how' was a direct reflection of the specific objectives other member states had. The influence of third-country extensions on the CFP's (re)negotiation was thus less indiscriminate than theory suggests for 'external events'. In the case of the UK's bargaining on fisheries policy, agency for considering third-country extensions' influence on Britain's bargaining position rested with the government.

6.2 Path Dependencies

This work has repeatedly stressed the great relevance of past arrangements and the paths the projected, most notably the 1964 'London Convention', the EC's 1970 default CFP, the 1972 derogation and the 1976 'The Hague Resolutions', on the UK's bargaining success. A crucial observation relating to these paths' influence on the bargaining was the UK's ability to use them as strategic tools when deemed beneficial, but to distance itself from them when they seemed counterproductive for formulating and/or obtaining its negotiation objectives in the given bargaining context. Thus, the role path dependencies played for Britain's access objectives should not be seen as automatic, but context-dependent. This is an important finding in theoretical terms: past arrangements create uninterrupted paths, but the UK's behaviour in the CFP's (re)negotiation demonstrates the ability of countries to not only jump between them, but indeed completely leave these paths and subsequently only use them to maximise their utility. This is best shown by the UK's usage of the

'London Convention' as the 'status-quo solution' in 1971 yet only resorting to it as a 'safe haven' once the other members had rebuffed Britain's original demands in the renegotiation. In short, only when 'history' supported or protected the attainment of present interests in the given negotiation environment did Britain voluntarily invoke it as a tool to draw on in the bargaining. Although a country cannot fully deny the existence of historical paths, there is no doubt that a country has the power to choose if and how to use and interpret them in the given context. When looking at the CFP negotiations, one can clearly identify path-dependencies at work, but the analysis also demonstrated that the way with which 'history' sways bargaining taking place at present is much less rigid than NI literature predicts. Given that the UK eventually utilised existing institutional trajectories to maximise its own utility in both rounds, identifying 'learning effects' in terms of handling 'history' in negotiations as part of EC membership experience cannot be confirmed. Membership did not fundamentally change how the UK processed prior arrangements in the bargaining.

6.3 The Role of EC Institutions and Elements of the Policy-Making Process

This work showed that the Commission's role on fisheries was not axiomatic, but context-dependent in both negotiation rounds. Once fisheries became time critical and the UK thus accepted the Commission's role as an honest broker, the institution was able to exert influence on the British government towards the end of the respective negotiation rounds.[137] As far as Britain's handling of the Commission is concerned, the most interesting finding is the learning effect membership engendered, namely the UK's continued attempts to gain better terms by influencing

[137] As opposed to the Commission, the ECJ and the European Council did not directly influence Britain's bargaining objectives. However, both were important 'framers' of the negotiation process in the second round.

Commission proposals in the renegotiation. The UK wanted to increase its utility without risking its reputation in Brussels by pushing its agenda directly with the other states in Council negotiations. This would be served best by utilising the Commission as a buffer. A Commission official commented on British attempts to influence the institution as part of their membership experience that "seen from my perch in the Berlaymont, I had the impression that in the MAFF and other Ministries in London they exploited their understanding of how the Commission works as well as they could" (Commission Official Directorate-General for Maritime Affairs and Fisheries VI, personal communication, April 2, 2020). Their efforts, however, did not bear fruit. When questioned on consequences of membership in trying to influence the Commission, a British official only vaguely responded that "membership affects what you think you can get" (Senior Official MAFF V, personal communication, March 24, 2020). This modest assessment is somewhat comprehensible when bearing in mind that the UK was unsuccessful in trying to convince the Commission of its ideas and to make it incorporate Britain's objectives into the negotiated proposals.[138] The failure of strategically exploiting the Commission should not, however, belittle the general trend the evidence presented suggests: for the UK and fisheries negotiations, membership made the government interact with the Commission differently, that is trading on its institutional position. Importantly, and defying key assumptions that underlie supranationalism in scholarly work on the EC (Sandholtz & Stone Sweet, 1998), the institution's influence in the negotiations was not inherent

[138] It was particularly the few British individuals working on fisheries in the Commission as 'European' bureaucrats that were targeted by British government officials. Because they were interested in advancing their individual careers in Brussels, however, their actions were driven by the desire to disassociate themselves from any national allegiance. A (British) Commission official in this regard argued that "I was always wary of being asked to do things by Whitehall" (Commission Official Directorate-General for Maritime Affairs and Fisheries VI, personal communication, April 2, 2020).

and expansive in nature, but confined, chiefly determined by the member states and dependent on the specific context of the bargaining.[139]

As far as policy linkage is concerned, this work demonstrated the UK refused to link the issue externally throughout, and internally pooled access to total allowable catches (TACs), and more importantly, quotas only in the renegotiation (1976–1983). As the analysis showed, however, linkage says little about influence – neither TACs nor the quota discussion influenced the alteration of Britain's access objectives in the renegotiation. Comparing the two rounds sheds light on the more general dynamics that drove the 'internal linkage' on fisheries. Linkage requires political willingness by virtue of expected gains. As long as no gains are to be expected by linking issues, a country is unwilling to risk achieving its objectives on issue A by simultaneously advancing or reopening negotiations on issue B. This mechanism explains what drove the UK in the original accession bargaining and in its undertaking to negotiate on access before quotas in the renegotiation. Although the UK wanted to finalise the CFP, it was unwilling to 'sacrifice' the hard-fought compromise on the politically most important part of the policy – access. When an overarching goal, such as finding agreement on a policy, trumps specific issue-areas and potential gains, a state can attempt to establish a temporal sequence instead, which the UK successfully did in the renegotiation. Such order ensures that the topic most important to the country is not overpowered by another part of the policy. Importantly, however, linkage only occurs if the issue at stake is contested in the first place ('issue contestation'). Without disagreement on substance, linkage and/or negotiation is not necessary in the first place. This explains why, for example, the organisation of the Common Market for fisheries products was agreed upon easily in 1971, and the lack of

[139] Once the Commission did gain importance in the negotiations, however, it was resilient, which is a good demonstration of how HI's institutional 'stickiness' plays out in the real world.

common ground made access bargaining so complex in the same year. This understanding is supplemented by what one may call the 'relative issue proximity'. The reason why, for example, the UK did not link the 1981 Common Market Organisation reform to the access bargaining was the distance between the issues at stake and thus the absence of palpable gains. Whereas there is a natural nexus between TACs, quotas and access provision in the pursuit of national utility maximisation, a lack of connection characterises the relations between access and other areas of the policy. Because there was no logical justification for linkage to access, not finding access linked with the Common Market Organisation is thus unsurprising. On the contrary, artificial linkage would have been to the UK's detriment by jeopardising the chance to find overall agreement and prompting the application of the 1970 default policy. Both the political willingness and 'relative issue proximity' were important elements in deciding on linkage. They are, however, critically dependent on 'issue contestation'. In short, the 1971/1972 negotiation did not see the common market organisation internally linked to access because it was relatively uncontested, the UK wanted to join the EC and there was no inherent nexus between access and the other part of the policy. In the renegotiation (1976–1983) internal linkage became inevitable, which, however, did not influence the UK's access objectives.

6.4 Domestic Pressure

In contrast to what Putnam's (1988) theory asserts, this work has shown that domestic pressure had little influence on the specifics of the UK's changing bargaining objectives in the negotiation. Whilst this is valuable knowledge in itself, this work goes a step further and also shows that the structure of domestic interest organisation (homogeneity versus heterogeneity) had no bearing on the stakeholder's

effectiveness towards implementing their interests at the governmental level. On the contrary, the power to decide if and how domestic pressures influenced the political level on fisheries rested with the government and critically hinged on the bargaining reality in Brussels. This finding scrutinises the logic that underlies the two-level model Putnam (1988) proposed. In fisheries, the European level was decidedly more important in shaping the UK's negotiation objectives than its domestic counterpart, the latter of which, putting relevant interest groups aside, only exerted diffuse framing power to find agreement in both rounds. This finding largely confirms what Bickerton (2012) described as the transformation from 'nation statehood' to 'member statehood', the latter of which is a "form of state resting up the goal and practice of limiting national power through the creation of rules and constraints beyond the borders of the national polity" (pp. 71–72).[140] For the UK and fisheries the evidence presented suggests that there was no automaticity of any significant role domestic actors on fisheries played.[141] From Britain's perspective, the CFP negotiations were dominated by "a concentration of national executives and national bureaucracies, cooperating together under the shared horizon of problem-solving, with little if any role at all for national publics" (Bickerton, 2012, p. 47). The implication of this finding for theorising European fisheries negotiations is clear: theoretical adaptability. Whenever drawing on level-based approaches to understand bargaining, researchers should not confine themselves by rigidly applying analytical

[140] Given that the UK already sidelined relevant domestic actors in the accession negotiation, one might question when such transformation starts. The most reasonable answer is what can be called 'credible membership prospects', for example, commencing accession negotiations. In other words, if a government believes membership is in reach, it starts developing 'member statehood'.

[141] As anticipated by Putnam (1988), governmental autonomy indeed increased the likelihood for a deal to be struck. Yet, whether the deal's substance was negatively affected by the government's 'independence by choice' must be questioned. Putnam remains superficial in contending that a government loses an important bargaining chip if it ignores domestic pressures in its decision making, thus achieving less in a negotiation. Whilst his argument is theoretically compelling, the UK's political reality in fisheries tells a more nuanced story: in EC negotiations, symbolic action, for example through signaling to other members not to relent to lavish domestic demands, strengthened the government's position as a reliable negotiation partner. In turn, such reliability not only enabled agreement, bus also made other members look at the UK more favorably on substance.

frameworks, but move flexibly within the confinements of the respective theoretical foundations used. Whilst one may identify two distinct levels of deliberating fisheries policy, the power relations between the levels in the UK differed from what the original two-level approach prescribes. Overall, power in the negotiations and importance for the outcome were heavily skewed towards the European level. Importantly, this finding also urges for increased public vigilance for governmental action in international negotiations to be closely monitored. Whilst fisheries may well be an exception (where it can be reasonably argued that sidelining stakeholders enabled agreement in the first place), one wonders if other policy fields with less symbolic, but more economic, weight are being addressed in the same secretive and aloof fashion. Britain's departure from the EC has demonstrated that negotiations are fluid, a public mandate can be interpreted in many ways and bargaining can certainly be accompanied by unintended consequences.

6.5 Other States

Other states' influence on Britain's objectives was substantial throughout the period considered. The UK's continental counterparts constantly knocked the country off course and wrested concessions from the government. In both rounds, other states drew on past arrangements and economic interests when formulating their objectives, which curtailed the UK's ability to maintain or extend its bargaining position. Looking at other states' influence from a comparative angle, little evidence suggests that 'membership' altered how the UK interacted with other members or vice versa. The UK pursued the bargaining in Brussels the way it saw fit to maximise its own utility throughout. Membership also did not reverse or alter the pre-existing power-asymmetry between the member states on fisheries: as much as bargaining power was determined by what a country had to lose in 1971, the same logic applied

a few years later, with the UK topping the list in both rounds. Equally, membership did not automatically lead to coalition-building. On the contrary, the underlying differences in interests dominated the discourse on how to structure the relationship with its continental partners. The relations the UK had with all states involved in the bargaining, however, remained professional and utility-oriented throughout the negotiations. A MAFF official succinctly summarised Britain's attitude in this regard: "one had a very practical, straightforward and utility-oriented relationship with them […] You may or may not get along with them personally, but our approach was guided by achieving the best possible result for the UK" (Senior Official MAFF IV, personal communication, March 19, 2020). Being able to explain the general dynamics of other states' influence on and the magnitude of the UK's concessions is not the only important finding of analysing the role other states played. Despite the alleged power of every single member to let the bargaining fail, the analysis has demonstrated that even under unanimity there is a limit on what a country can demand and its counterparts subsequently have to concede. This is epitomised best by Norway's failure to achieve substantially better terms than the others in 1971/1972 and the UK's unfulfilled desire to obtain vast areas of preferential access beyond the 12-mile line in the renegotiation. This thesis highlighted two key requirements that need to be present to weaken the power of individual states under unanimity: unity amongst opponents and the imperative will to conclude the policy. In both rounds, the countries with the most extreme objectives eventually conceded as they were confronted with unity amongst the other states. This left little room for coalition-building as a means to obtain their bargaining objectives. The most compelling example in this regard is the UK's loss of Ireland as a strategic partner in the renegotiations. Once Britain was out on a limb as a result of Irish departure from its 50-mile proposal, its chances of obtaining vast exclusive zones substantially

diminished. Importantly, however, member states' power was also constrained by the willingness to conclude the policy. Other states were fully aware of the UK's need to find a working policy in order to evade the 1970 default CFP, to counter progressing overfishing and to decelerate the demise of the domestic fishing industry. When negotiation withdrawal is not an option, however, a country's leverage decreases. Britain's bargaining position on fisheries, which, in the absence of linkage, was weak in any case, was further deteriorated by its categorical, yet economically justified, refusal to let the fisheries bargaining fail. By virtue of lower stakes in fisheries, other states were in a much stronger negotiation position than the UK. Because rationality equally permeated the negotiation approach of the other members, the UK was not a pawn in the hands of the powerful, but certainly limited in its manoeuvres to achieve its negotiations objectives. In short, unanimity does not necessarily increase the bargaining power of the country with the most extreme objectives.

6.6 Awkwardness, Bargaining Success and the Consequences of Membership

What can be said about 'British exceptionalism' when looking at fisheries? From the beginning on, and despite being embedded in an emotionalised discourse at home, the government's access objectives were driven by rational considerations, and its behaviour in the negotiations was anything but extraordinary. The evidence presented depicts a country that fought hard for its own goals and pursued utility maximisation, but in no way acted irrationally (for example, by deliberately failing the negotiations, defying the bargaining reality in Brussels or acting upon the symbolism that is inherent in the UK's domestic fisheries discourse) or noticeably differently from its continental counterparts. This explains why a Commission official concluded that the UK "fought hard, but it never got really unpleasant. They were a very reliable partner" (Commission Official Directorate-General for Maritime Affairs

and Fisheries III, personal communication, March 22, 2020). This finding is unsurprising when bearing in mind the general professionalism British bureaucrats demonstrated in the bargaining. A finding of 'British normalcy', that is a utility-driven and cooperative approach in developing (mutually beneficial) common policies at the European level over the span of more than a decade and across different bargaining rounds in a key policy area, puts strong pressure on the notion of 'British exceptionalism' in Europe. This case study at the micro level, which researched a key part of one policy, is a key example refuting this perspective. In spite of all negotiation skirmishes, Britain ultimately acted rationally, behaved in a cooperative spirit and was a trusted partner in finding a common policy on fisheries. In short, economics and political rationality trumped the identity politics and symbolism that comes attached to fisheries in the British context. This finding confirms what PM Heath anticipated when trying to convince parliamentarians to approve EC membership on October 28, 1971. In his final statement ahead of the critical vote in the House of Commons, he contended that "We shall be partners, we shall be cooperating, and we shall be trying to find common solutions to common problems of all the members of an enlarged Community" (Heath as cited in Hansard, 1971k, column 2209). Observing 'British normalcy' is of a particular importance in fisheries insofar as one could reasonably assume that the UK behaved the same way in policy areas that were less contested at home and of more economic weight, which would lend further support to the argument of 'British normalcy' in Europe. The findings this work presents into the wider scholarship on Britain's relations with the EC demonstrate that the UK was not a uniformly 'awkward partner'.

Other member states' interests and institutional enmeshment predominantly explain what the UK obtained in terms of Britain's bargaining success (or lack thereof) in both rounds. Their activation or muting, and the extent to which both

factors influenced Britain in the bargaining, was determined by the distance between British demands and what was negotiable in Brussels. Importantly, in 1971, Britain demanded less at the onset of the bargaining than it eventually achieved, whereas the opposite was the case for the CFP's renegotiation (1976–1983). Under the empirically verified assumption that Britain's opening bids were indeed a representation of what the UK genuinely wanted and saw negotiable, Britain obtained less upon becoming part of the EC and thus its bargaining success decreased. This result questions a MAFF official's conclusion, who argued that "In my opinion, the 1983 package was, in large parts, a success for the UK and its fishing industry" (Senior Official MAFF III, personal communication, March 14, 2020). This assessment matches the widespread attitude politicians demonstrated in the direct aftermath of the renegotiation, but is empirically unfounded. The UK obtained little of what it had demanded in 1976. This contradiction begs one important question: why, despite the apparent failure to obtain its objectives, did the British government celebrate its achievements in the renegotiation as a substantial bargaining success? Putting political gimmickry aside, answering this question requires distinguishing between absolute and relative bargaining success. Whereas the former compares mere policy outcomes, the latter sees the outcome in relation to the negotiations' starting point. Examining membership implications on bargaining and general negotiation effectiveness, however, one observes that relative bargaining success is decidedly more important for this work than its absolute complement. In the political realm the opposite is the case. In reality, the UK obtained very little in 1983 compared to what it had demanded and genuinely wanted in 1976. This is most visible when looking at the area beyond the 12-mile limit, but also applies to the inner belt. In absolute terms, however, the 1983 regime was better than what the politically more important inshore fishermen were exposed to as the result of British

accession to the EC in 1972: most notably, the de facto recreation of 'London Convention' in the inner belt in 1983. Despite a negative relative bargaining success in the renegotiation, its positive absolute counterpart (for the inshore fishermen) put the government in the comfortable position to be able to sell failure in Brussels as a 'success' at home. Set out to drastically reverse the CFP in 1976, the UK achieved modest outcomes on access, at best, in 1983.[142]

The CFP's public evaluation is a different research topic, but evidence collected for the analysis of the negotiation process nevertheless provides fascinating insights. In an interview, a British official argued that the 1983 package "diminished the sense of grievance [the 1972 agreement had caused], which was also the main political necessity [for the government]" (Senior MAFF Official V, personal communication, March 24, 2020). Whilst rationality was the key characteristic permeating the bargaining at the inter-state level, this statement alludes to the importance of both emotions and absolute bargaining success in driving the public assessment of the outcome. Countering agitators' criticisms on the CFP emerging out of a potentially unjustified emotional claim could have been done successfully had the government advocated for the rightness of the policy at home. This, however, never materialised and is why a Commission official concluded:

> In fisheries, the only difference between the United Kingdom and other member states concerned the policy's evaluation. The British government domestically never defended the policy and they were aware of the critical attitude of the British public towards the policy, which in turn made fisheries an issue of great political importance for the UK. (Commission Official

[142] One key prerequisite for this narrative to be sold successfully at home was the calculated demise and political negligence of Britain's DWF. The DWF was not put into a better position in absolute terms in 1983. At that time, however, the DWF had accepted its fate and could at least rely on a constant amount of fish to be caught between 12–200 miles out through the new quota system.

Directorate-General for Maritime Affairs and Fisheries III, personal communication, March 22, 2020)

Putting aside cosmetic statements the government made in the direct aftermath of the agreement in 1983, Whitehall only half-heartedly supported the CFP over the decades to come. Thatcher's administration and its successors missed the chance to close the void the dissatisfaction with the agreement amongst (some) fishermen had once opened up. It was this lacuna coupled with the deterioration of fishermen's living conditions that bred mischief and explains why the CFP's reputation in the UK has always been tarnished and the policy itself strongly contested.[143] In turn, the negative perception on fisheries was projected on the entire EC by the people affected the most. This is one history-driven argument why the vast majority of fishing-dependent regions voted strongly in favour of leaving the institution in 2016. McAngus (2018) corroborates this argument by contending that "Fishermen, on the whole, appear to have made a carefully calculated and rational judgement to vote leave based on their negative perceptions of the CFP and its impact on their industry" (p. 52).

Did membership matter for the UK's bargaining? According to analysis of Britain's bargaining success as well as the general demeanour and approach with which the government addressed the CFP negotiations over the years, membership had no substantial (positive) influence. There is also little evidence that joining the club fundamentally altered the negotiation dynamics between the parties involved, though one, following RCI, can identify a structuring role the ECJ and (to a lesser extent) the European Council had in the renegotiation. Whilst the UK 'learnt' as part

[143] A MAFF official in this regard commented that "political resentment on the British side, from being pushed out of other countries' waters whilst conceding access to foreign vessels, led to them [the fishermen] being irritated with the CFP and blaming it for problems which the British fishing industry would have faced in any case" (Senior Official MAFF VII, personal communication, April 4, 2020).

of the membership experience, most notably by the way with which the UK tried to harness the Commission as a strategic vehicle to implement its objectives in the renegotiation, this 'learning effect' itself had no (positive) implications for the obtaining of bargaining objectives. Had the Commission been more receptive to Britain's ideas and the member states subsequently subscribed to a regime proposed by the Commission, 'learning' could have positively swayed Britain's bargaining success. Because of the Commission's fortitude, however, this chance never materialised. In addition, one key requirement for this mechanism to work is the Commission's 'activation' to work as an effective broker by either the member states or crucial aspects of the bargaining situation itself (for example, time-criticalness), which is anything but automatic. This is an important finding when examining the overall character of 'learning'. 'Learning' and the duration of membership alone say little about states' capacity to obtain their objectives. Limited to fisheries, this finding questions Panke (2011), who argued that "The longer a state has been in the EU, the more experienced it becomes and the less costly active shaping becomes, consequently resulting in higher levels of participation in EU negotiations" (p. 132). A central precondition for this to function is the state's alignment with the Commission and the institutional trajectory it projects. In the UK's case with fisheries, this was not present and so qualified the impact 'learning' could have had for Britain's bargaining success. In other words, there is no automaticity in effectively shaping negotiation goals and policy outcomes by 'learning through membership'. In sum, the 'membership experience' did little to help Britain better navigate through the complexities of fisheries negotiations at the European level. This is critical knowledge for those academics, officials and citizens who are interested in grasping the effects membership has on a country's ability to achieve its goals in multi-state negotiations. This work showed that the denser institutional network and constraints

imposed upon by Community membership indeed made achieving negotiations objectives more difficult. For the UK and fisheries, non-membership allowed for more to be obtained relative to the negotiation's respective starting point than membership did. This is especially insightful as one would assume that, on aggregate, a country is in a weaker bargaining position when trying to negotiate accession to the EC than in ordinary Council negotiations as a member state.

Overall, this contribution thus highlights how complex and difficult multi-state bargaining under unanimity and the pressure to find agreement in a contested policy field with redistributive consequences can be. Resources, a state's size or membership experience can certainly be relevant, but what can eventually be achieved is critically determined by the overall bargaining situation and the relative distance between states' interests.

This work lays the foundation for further research in two distinct areas. Firstly, future projects on the CFP should examine other countries and their behaviour in the Brussels negotiations in depth. This will result in an even more detailed account of the CFP's early development. Secondly, further research should scrutinise whether the arguments put forth in this thesis hold in other policy domains. Is fisheries policy an outlier or the norm when looking at the UK's achievements at the European level? Whilst this work lends strong support for a rational approach to negotiations in Brussels, other policy fields may have been addressed in a different fashion. In order to better conceptualise and understand Britain's role in Europe, looking at other policy domains over time is critical.

This inquiry and its findings are necessarily and inherently technical in nature. The object of examination is not. It is important to highlight that a 'human dimension' is attached to fisheries: the resource is still the basis of life for thousands

of fishermen, workers in the processing industry, their families and many others in the UK and on the continent. British fishermen have been at the mercy of strong political forces in the past decades, and this work is an important contribution facilitating the understanding of British fishermen's travail and their attitudes towards the European Community. At the same time, this work helps the people affected to better comprehend the government's deliberations and actions when deciding upon the availability of the resource that is the foundation of their income. Whilst the negotiations on a post-Brexit fisheries regime are still underway at the time of writing, one can only hope for a balanced solution that ensures both sustainable fishing activities in the European space and the successful socio-economic transition of those made redundant.

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7.3 Interviews

1. Commission Official Directorate-General for Maritime Affairs and Fisheries I. March 29, 2017.
2. Commission Official Directorate-General for Maritime Affairs and Fisheries II. April 6, 2017.
3. Commission Official Directorate-General for Maritime Affairs and Fisheries III. March 22, 2020.
4. Commission Official Directorate-General for Maritime Affairs and Fisheries IV. March 28, 2020.
5. Commission Official Directorate-General for Maritime Affairs and Fisheries V. March 30, 2020.
6. Commission Official Directorate-General for Maritime Affairs and Fisheries VI. April 2, 2020.
7. Director-General for Environment. March 24, 2017.
8. Director General of the International Affairs Directorate in the Government of Canada's Department of Fisheries. April 7, 2017.
9. Senior Official Ministry of Agriculture, Fisheries and Food I. March 22, 2017.
10. Senior Official Ministry of Agriculture, Fisheries and Food II. April 4, 2017.
11. Senior Official Ministry of Agriculture, Fisheries and Food III. March 14 2020.
12. Senior Official Ministry of Agriculture, Fisheries and Food IV. March 19, 2020.
13. Senior Official Ministry of Agriculture, Fisheries and Food V. March 24, 2020.
14. Senior Official Ministry of Agriculture, Fisheries and Food VI. March 28, 2020.
15. Senior Official Ministry of Agriculture, Fisheries and Food VII. April 4, 2020.