



Sustainable Networks: Modes of governance in the EU's external fisheries policy relations under the IUU Regulation in Thailand and the SFPA with Senegal[☆]

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ABSTRACT

The EU envisions itself as a global leader in sustainable fisheries governance. This paper explores how two key policies seek to implement these aspirations internationally – the Illegal, Unregulated, and Unreported (IUU) regulation and the Sustainable Fishing Partnership Agreements (SFPAs). We draw on case studies in Thailand and Senegal to examine the specific mechanisms through which the EU influences fisheries governance beyond its territory, respectively through the IUU regulation and SFPAs. Drawing on normative power literature, we argue that the EU utilises network and market modes of governance to translate normative environmental values into third country regulations as part of dialogue and negotiation processes. In particular, we expand on the functioning of the network mode of governance by looking at how the EU has used socialisation and partnership approaches to promote certain values during its dialogues with both countries. In Thailand, the EU helped promote fisheries reform through its IUU yellow card mechanism, but its influence has at times been criticised as too directive. Meanwhile, the latest iteration of the EU's bilateral fishing relations with Senegal under the new SFPA scheme shows promising improvement compared to previous versions, but remains complicated by the two countries' relative power imbalance. Overall, our paper seeks to enrich the engagement of fisheries governance literature with questions of EU relations with third countries. Our two case studies demonstrate how exploring the functioning of normative aspects is significant particularly because the advancement of sustainability in global fisheries depends on concrete, historically complex, and multilaterally constructed power relations.

1. Introduction

The European Union (EU) has long functioned as a key power in sustainable global ocean governance [8]. Through both rhetoric and policy instruments, it has sought to frame itself as a responsible and progressive actor in fisheries governance [2,57]. To do so, it has built on its influence as the world's largest seafood market and on its exclusive competences for marine resources conservation, which enable and mandate it to negotiate on behalf of member states [1]. As a result, its external fisheries policies have consistently been promoted by the European Commission and the Directorate-General for Maritime Affairs and Fisheries (DG MARE) as being part and parcel of a “new Europe” working at the service of normative global principles [2,43]. Taking a

leading role in sustainable global oceanic governance remains a priority for the EU today. The Commission and DG MARE have framed the task of ensuring that the EU serves as a force that can “proactively promote sound ocean governance on a global scale [...] by keeping its presence and strong voice in the UN, the FAO, and all the RFMOs [Regional Fisheries Management Organisations]” as an explicit strategic objective in the 2016–2020 strategic plan ([13], 17). Normative values of environmental sustainability have been translated into a wide range of the policies and market mechanisms under the Common Fisheries Policy (CFP) and specifically the external aspects of its implementation in different parts of the world.

Over the years, however, the EU has faced a wide range of criticism spanning both the CFP more generally and the normativity of its external

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dimension in particular. Previous iterations of the CFP have been critiqued for disregarding scientific advice and promoting overcapacity and overfishing [38], while the latest reformed version of the policy has been said to promote opacity through its regionalisation policies [17]. Meanwhile, the extent to which the external dimension of this policy may promote positive norms across the world has faced doubt. In broad terms, for instance, Staeger [53] has criticised the underlying agenda of “Normative Power” Europe as propagating a flawed, universalist, and ultimately inadequate developmental approach.

There have also been more specific criticisms concerning how the EU has been promoting fisheries governance beyond its waters, especially in developing countries [5]. Some analysts have pointed to EU fleets’ poor track record with sustainability and to its self-interest-led socialisation strategies [47], which have promoted the EU’s economic interests in resource extraction over its stated goals of poverty eradication in developing countries [8]. While critics recognise the value in developmental aims incorporated in EU policies, they have also emphasised the need to consider historical power dynamics between the Global North and South and to critically examine whether partner countries benefit in terms of employment opportunities and competitiveness on the global market from their agreements with the EU [31].

With a few notable exceptions [2,36,41,47,56], the significance of normative power in international fisheries governance has been relatively underexplored in fisheries policy literature. Most literature exploring the EU’s external fisheries policy has focused on the rule of law and its implementations [55] and emphasised the EU’s implementation of value and rules using trade [60,64]. The literature remains limited however on bringing forward the way in which the EU exercises and translates normative goals throughout its dialogue and agreement processes with developing countries. Yet, as the rhetoric we have cited demonstrates, international law norms like sustainability and being a responsible global actor form an important pillar of EU external fishing policy and inform its decisions in a number of policy instruments. Hence, our article addresses an important gap in fisheries governance literature and specifically literature dealing with the EU’s relations with developing countries.

This paper examines how the EU exercises and translates normative power in its external fisheries policy through two key policy mechanisms: Illegal, Unregulated, and Unreported (IUU) fishing measures and Sustainable Fishing Partnership Agreements (SFPAs). To our knowledge, this exploratory paper is one of the first attempts to examine these two core EU external fisheries policies using the same conceptual lens of normative power analysis. Alongside the EU’s participation in RFMOs and other international organisations, as well as its wider efforts in trade and tariff setting, both policies have been framed by the European Commission and DG MARE as pillars of its aspirations to shape global ocean governance as “a driving force of sustainable fisheries and maritime affairs worldwide” ([13], 17). While the EU employs a range of measures to fulfil these aspirations, the IUU regulation and the SFPAs stand out as two key policy mechanisms directly intended to support the Commission’s normative agenda in external fisheries governance. On the global stage, the EU’s normative aspirations extend to a range of important norms, such as human rights and democracy. However, in this paper we focus on the core value of environmental sustainability in order to examine how and to what extent the EU has exercised green aspects of normative power during dialogues and negotiations with partner developing countries for these policy mechanisms. As we observe that the EU’s ‘ways of managing fish’ are woven through fisheries management in both Thailand and Senegal, in our conclusion we call for more in-depth studies on the detailed dialogue regarding fisheries agreements between the EU and third countries.

2. Methodology

Our paper draws on insights from two separately conceived and conducted original research projects, each based on a distinct case study:

the first, an examination of the EU’s IUU measures in Thailand and the second, a study into the EU’s SFPAs relations with Senegal. The decision to bring insights from these independent studies together for this paper arose after a discussion in which the authors noted intriguing thematic overlaps between their respective examinations of the EU’s external fisheries policies in each case context. Both studies had observed power asymmetries in the process of negotiating and implementing the underlying policy mechanisms that framed third countries’ responses toward the EU’s external fisheries governance. Therefore, we propose a normative power analysis as the conceptual lens to through which we explore our two case studies. The normative power analysis we propose in this paper consists of three steps: we examine, first, the norm-oriented aspirations of the EU; second, the different mechanisms (modes of governance) through which the EU advances these aspirations in its external fisheries relations; and third, the specific iterations of these mechanisms and their relative success respectively through the IUU Regulation in Thailand and the SFPAs in Senegal.

The project focusing on the EU-Thailand IUU dialogue bases its analysis on 22 semi-structured interviews conducted in 2019–20 on the average of one hour per interview, as well as reports and policy documents analysis and literature review. The informants, included government officers from EU and Thai government, international advocacy organizations, non-government organisations, donors, consultants and Thai boat owners, were selected as the core stakeholders who had been involved in the dialogue or were the recipients of its dialogue. The semi-structured interviews were conducted both face-to-face in Thailand and by phone. All interviews were recorded and transcribed, except for two interviews with Thai government officers, which were written up as fieldnotes. Interview questions were prepared according to categories of the informant. For instance, questions such as ‘*what has been your and your organisation’s involvement in the EU IUU policy? What has been the everyday policy discussion on IUU at EU level in your experience? How does it work?*’ were prepared for international advocacy organisation informants. While there has been limited study on the EU’s IUU policy in Thailand to date (with the exception of [36,56]), the study drew on key reports and policy documents published between 2015 and 2020 in both Thai and English to discern the EU’s influence on Thai national fisheries implementations.

The EU-Senegal SFPAs case relied on critical discourse analysis of several dozens of policy and legal documents from EU archival and current legislation, as well as reports from third party organizations and media sources. This analysis builds on a previous discourse analysis study of the EU-Senegal fishing relations conducted in 2014–2015 [2]. In both rounds of discourse analysis, documents were selected for analysis through a purposive snowball sample approach [6]. Because of its stronger focus on the legal and policy history of the EU-Senegal SFPAs relationship—but also due to funding and time constraints limiting its scope—this second study did not feature participant interviews in situ. Analysis of the EU’s normative aspirations, in particular in relation to questions of sustainability and human rights, guided this project through both rounds of examining discursive materials.

Given the specificity of each research project, policy instrument, and geographical context, we take these two case studies as descriptive rather than representative (as per [63]) and as co-constructive and complementary for our overarching analysis rather than as directly comparable. The fact that our case studies originate from two separate research projects based on different methodologies—rather than from a project conceived and designed as a comparison from the start—is a definite limitation of our paper. We have mitigated this limitation by embracing a constructionist approach to our comparative analysis, accepting the dynamism and “procedural flexibility and dexterity” of our interpretative practice ([33], 700). As with most case-based qualitative work, the strength of our approach here is not in its replicability—especially considering that qualitative case study work can never be exactly replicated—but instead in the approach’s explanatory potential [30]. While not designed in parallel to offer a traditional case

study comparison, the two contexts together nevertheless pointed to wider conclusions about the EU's normative power aspirations in global fisheries policy, by offering insights on the potential success of, and challenges to, the EU's normative goals. Since we believe that a comparative analysis of the EU's normative power in external fisheries relations has not been attempted before, a constructionist approach is well-suited to this initial exploration.

Our paper proceeds as follows. In the next [Section \(3\)](#), we overview the external dimension of the EU's CFP and more specifically the IUU Regulation and SFPAs as its key pillars. This section sets up the foundation for our normative power analysis by revealing underlying green normative values in the policies mentioned. In [Section 4](#), we move on to the second step of our normative power analysis by reviewing theoretical literature on the different modes of governance that underpin the EU's functioning as a global normative power. We then evaluate how the EU has applied its IUU Regulation to promote fisheries reform in Thailand ([Section 5.1](#)) and the history of the EU's bilateral fishing relations leading up to its SFPAs with Senegal ([Section 5.2](#)). In [Section 6](#), we take on the final step of normative power analysis by exploring how the EU's different modes of governance have affected the success of local fisheries management and the EU's relations with the partner country in both cases. Finally, we draw conclusions for the productive interchange between fisheries governance literature and normative power analysis, as well as offer recommendations for future research.

3. The EU's external fisheries policies

The significance of the EU's external governance has grown with the EU's enlargements and treaty consolidations during the 2000s ([\[40, 58\]](#)). The EU's role as a global actor has a longer history, however. Its predecessor, the EEC, declared a strong legal competence in fisheries conservation with its signature to the 1982 United Nations Convention on the Law of the Sea (UNCLOS) in 1998, and took an active part in the negotiations of the 1995 Fish Stocks Agreement [\[1\]](#). The EU's further consolidation and growth as an international actor since then has been reflected in the maritime realm. Over the last two decades, the EU has incorporated objectives of sustainable, ethical, and just ocean governance in both its internal and its external fishing and maritime policies [\[56\]](#). These meta-objectives or norm-oriented aspirations are what we consider the first step to analyse normative power in fisheries, as they tend to be the main policy driver and motivate the actions within EU member states.

A vision of the "oceans as a global challenge and priority" [\[65\]](#) and of the EU as a key actor in the effort to preserve the oceans was embedded in the latest CFP reform and its external dimension ([\[60\]](#), p. 4–5; [\[24\]](#), p. 28). In particular, the CFP has been framed as one of several key policy instruments making the EU "well placed to shape international ocean governance on the basis of its experience in developing a sustainable approach to ocean management" ([\[65\]](#), 4) and the CFP itself sets out the objective for the EU to "seek to lead the process of strengthening the performance of regional and international organisations in order to better enable them to conserve and manage marine living resources under their purview" and to "cooperate with third countries and international organisations for the purpose of improving compliance with international measures, including combating IUU" ([\[24\]](#), preamble (50)). This determination of the EU to be a green leader in marine governance influences the way that its external fisheries policies are conceived and exercised. At the same time, given the normative nature of these commitments, the EU does not state clear indicators that would consistently and systematically evaluate when these objectives have been met.

While these objectives support a vision of the EU as a positive global actor, to some extent they also represent self-interest, notably by ensuring a level playing field that preserves the EU's competitiveness on the global market (see, for example, [\[24\]](#), preamble (50)). Additionally, EU identity politics are embedded within a wider historical context [\[29\]](#).

Domestic political processes, as well as conflicts between different interest groups in the EU, have played an important role in shaping the EU's actions as a green leader on the global stage [\[5, 42\]](#). For this paper, however, our focus is not on the internal dynamics influencing the policy and instead on the extent to which sustainability norms are integrated into the EU's external marine resource governance. In particular, we focus on two illustrative case studies on two of the EU's key policies from the external dimension of the CFP: IUU management and the SFPAs.

3.1. EU IUU regulations

IUU fishing is globally accepted as a core problem for marine resources depletion. The UN's Food and Agricultural Organization (FAO) has attempted to address the growing problem of IUU fishing over two decades, but with limited market, control, or enforcement capabilities, it has not prevailed on third countries to comply with its International Plan of Action against IUU [\[18\]](#). In 2010, the EU took the initiative of designing a specific regulation (EC Reg no. 1005/2008) to hold itself and external countries accountable on IUU fishing, particularly by limiting or outright preventing IUU products from entering the EU market [\[47\]](#). The goal of this regulation is to ensure a full traceability of marine products entering the EU market through a catch certificate scheme. All coastal, flag, market and port states are expected to comply with the EU's catch certification [\[18\]](#).

This means that flag states must certify that catches are legitimate during fishing, transshipping and landing. To achieve this goal, third countries need to commit to applying national and/or international conservation and management measures from fishing to packaging [\[22\]](#). The EU uses a carding system to indicate which trade measures it can employ with third party countries suspected or known to export IUU fishing products: e.g. yellow card as a warning and red card as a complete ban. This regulation applies to all nations trading with the EU. However, the regulation is implemented on a country-by-country basis ([\[47\]](#), p. 138), which requires further unpacking on how green norms are interpreted and exercised. As of October 2020, eight countries are under yellow cards and three countries are under red cards. Thus, while the CFP ordinarily sets out rules and norms for EU vessels and third country vessels fishing in EU waters, the EU IUU regulation aims to influence and support sustainable practices for third country vessels fishing outside of EU waters ([\[18\]](#), p. 243).

3.2. SFPAs

The EU's earliest bilateral fishing agreements with third-party developing countries—and direct predecessors of the current SFPAs—were concluded in the late 1970s as a response to the establishment of EEZs through UNCLOS. The agreements derive their legal basis in international law from Article 62(2) and (3) of UNCLOS, which oblige coastal states to give other states access to any surplus of the allowable catch they are unable to harvest themselves (UNCLOS, 1982). The SFPAs are a specific subset of EU bilateral agreements for fishing access, conducted mainly with African, Caribbean, and Pacific (ACP) countries, and designed to set out preferential conditions under which the EU fleet may access these third-party countries' surplus catch (see [\[19\]](#), Article 3 (2); [\[64\]](#)). In this way, the SFPAs enable EU vessels to access the partner country's waters and the surplus catch for a particular stock without negotiating a private agreement with that country.

They are negotiated on an individual basis between the EU and each partner state, resulting in variations between the different agreements [\[60\]](#). Each agreement is complemented by implementation protocols and EU vessels may only access waters under the jurisdictions of partner countries if the bilateral agreement in place also has an active protocol ([\[25\]](#), preamble (19)). The protocols define the specific species fished by EU vessels, the number of EU vessels authorised to fish them, as well as the value and breakdown of the financial contribution. As of October 2020, the EU has thirteen SFPAs with active protocols in force and an

additional seven so-called ‘dormant’ agreements without active protocols in place [27].

Over the years, the bilateral agreements have come under criticism, frequently of a type consistent with broader critiques of both the CFP and the EU as a normative power actor. The earliest agreements were initially implemented as an opportunity to export EU fishing overcapacity well away from EU waters [51] and gave a substantial benefit to the EU over the partner developing countries [31]. In short, they were framed as straightforward “fish, pay, and go” trade mechanisms [2,31,61]. Partly in response to these criticisms, and partly as part of the EU’s own growing legal identity as a normative global power during the 2000s [43], the agreements have been restructured twice as part of the 2002 and 2012 reform cycles of the CFP [21,61]. In addition, some of the incentives motivating earlier criticisms seem to have weakened over the years - for example, in 2015 the Commission reported only 8% of EU catches to come from third-party EEZs [23], compared to 40 per cent in 2009 [20]. Consequently, the agreements have come to incorporate an increasing range of normative principles, reflecting consistency with other trade, developmental, and environmental EU policies and broad diplomatic relations ([25], preamble (10); [23]). The current, “new generation”, of the SFPAs is intended by the Commission to be a “benchmark of transparent management of international fishing policies” conducted on the basis of fair negotiations and “contributing to inclusive development” [23]. To that end, as the case study of the Senegal SFPAs will demonstrate, the latest iterations of the SFPAs include a range of new, previously absent provisions, including ones on combating IUU fishing.

4. EU external modes of governing

To better understand how the EU has functioned as an actor in global fisheries governance, we take on the second step of normative power analysis by exploring different governing mechanisms the EU employs to reach its aspiration of being a green actor. We take an inspiration from Lavenex and Schimmelfennig’s [40] three modes of governance performed by the EU during its negotiations with third party countries: hierarchical, market and network modes. Hierarchical governance, understood as a formalised relationship specifying dominant and subordinate principles through enforceable rules [40], applies most often to relations between EU member states and institutions of the EU; however, this mode can also extend to certain cases of external governance, for example whenever the Commission negotiating on behalf of the EU makes reference to the EU’s exclusive competences or to European Directives that define its position.

The market mode of governance derives from competition and trade leverage, including trade-for-access arrangements, trade dependencies, standard-setting and the inclusion of fisheries cooperation provisions in various trade agreements [12,60]. As the largest seafood market in the world, the EU holds considerable sway in international negotiations through this mode of governance [18]. The network mode is often based on mutual agreement and orientations around processes and interactions. This mode shows how the EU’s strategic approach to influencing governance beyond its territory has moved on from earlier efforts to restructure organisations and/or enforce regulations to an emphasis on encouraging cooperation and dialogue [39,40,44].

Finally, the network mode of governance, aligned with the concept of Normative Power Europe as defined by Manners [43,44], contrasts the ‘hard power’ approach involving hierarchical relations. The network mode of governance is characterised by ‘soft power,’ exerted especially through the promotion of different norms - that is, the setting of definitions or through redefining what is considered ‘normal’ in global politics [43]. Network governance shows how the EU flattens the hierarchical order by applying governing mechanisms such as dialogue [14,44], market incentive [12], development assistance [2,41] and promotion of certain principles [50].

Socialisation and partnership, two key aspects of the network mode

of governance, are useful concepts to help explore our two cases. Through socialisation, the EU becomes a promoter of rules, norms, practices and structures of meaning, starting by ‘talking the talk’ to change the other actors’ social practices and dispositions to finally adopt or internalise desired practices in their institution or legal system ([7], p. 7–8). Socialisation mechanisms are often based on voluntarist, participatory-based activities [39], and focus on an open-ended process of engagement and debate between EU and external actors ([44], p.238). The socialisation process also revolves around incentives and the exerting of funds through relevant development and cooperation projects. Such funds can motivate the third countries to step forward and integrate the EU’s suggestions into their own governance structure [41].

Partnership has become another common tool for the EU to promote equal relationships [44] and mutual advantages for both parties [48]. Instead of exerting pressure on certain standards applied by third countries, the EU uses relevant communication channels and formal and informal dialogues to encourage partner countries to foster institutional adaptation processes ([3], p. 416). However, the partnership does not always end up in a successfully collaborative term. Often, the third countries are not simply passive recipients, but can involve active processes of interpretation, incorporation of new norms, and rules into existing institutions, and resist some rules that are not a good fit [7].

Scholars have observed, however, that the EU’s adoption of network governance alone is not effective without market pressure [3,18]. The EU’s role as the world’s largest seafood market plays a big part in this negotiation. The EU’s market power allows it to exercise influence by restricting market access or creating trade incentives. The market power can thus shape how the third countries manage their catches along the line of voluntary application of the EU sustainability system [14].

The distinction between market, network and hierarchical modes of governance can at times be fluid. By investigating how these modes function in the EU’s external fishing relations, respectively in a case of IUU regulation in Thailand and one of the SFPAs with Senegal, we seek to highlight the relevance of these modes’ interplay for international fisheries governance and specifically for the capacity of actors like the EU to promote norms of sustainability through its influence.

5. Two policies & two cases

5.1. Thailand and EU IUU regulation case

Unresolved problems of labour violations on fishing vessels and the continuation of IUU fishing practices in Thailand led to the EU issuing a yellow card, a warning card before sanction, to Thailand in 2015 [59]. The yellow card had a major impact on EU-Thailand seafood trade relations, as Thailand drastically reduced its seafood exports to the EU from 265,000 tons in 2007 to less than 150,000 tons in 2015 [15]. The yellow card status also transformed a longstanding informal communication between EU and Thai governments into an official dialogue, led by DG MARE on the EU side and by the Department of Fisheries (DoF) on the Thai side. However, the dialogue also involved other authorities from both parties. For example, the Thai government established a centralised unit of the Command Center for Combating Illegal Fishing (CCCIF), to communicate across departments and ministries, reporting directly to the prime minister. On the EU side, DG EMPL was brought into the dialogue to discuss labour rights, with local support of the EU Bangkok office.

The engagement between the EU and the Thai government prioritised first and foremost the improvement of Thai fisheries management and outdated fisheries law to make sure that the products are handled in a sustainable manner from source to EU market. According to interviews with EU officers, the EU had been communicating with DoF about the problem of IUU fishing in Thai water long before issuing the yellow card. After ‘talking the talk’ [7], where the EU pointed out the problematic issue of IUU fishing in the Thai fishing industry, the EU continued its socialisation strategy by working directly with the responsible

administrative unit, DoF. The strategy was to integrate certain sustainable values, in this case a well-functioning Monitoring, Control and Surveillance (MCS) system for the fishing fleet and a comprehensive traceability system for seafood supply chains, into Thai fisheries management. An interview with a former EU officer revealed that the EU had worked directly with the Thai administration, to allow them to put the issue on the political agenda and make sure that legislation was adopted quickly.

In practice, the normative values of sustainable fisheries management were integrated through legal reform and intensive implementation. After four years of close technical advice and discussions between EU IUU and Thai DoF officials, Thailand passed The Royal Ordinance on Fisheries B.E. 2558 (2015) (Royal Ordinance hereafter) to replace Fisheries Act (2015), an amended version of Fisheries Act (1947), which had been long overdue [36,59]. Thirty-two Port-In/Port-Out (PIPO) Centres were established to carry out inspections of registered documents of vessels and fishworkers. The government set up Traceability, Vessel Monitoring Systems (VMS) to monitor the movement of vessels larger than 30 tonnes through an e-registration system. These measures have amounted to a significant improvement in financial and human resources to fight IUU fishing.

DG MARE officers placed themselves as a technical advisory unit to provide recommendations toward new regulatory frameworks during the Thai fisheries reform. Language of partnership was emphasised in interviews with EU representatives. According to EU officers, the EU was in the position to communicate how EU member states have successfully adopted IUU regulation to eliminate IUU fishing in its waters. Therefore, the implications of IUU regulation in external waters is for the EU to build ‘cooperation dialogue’ to help Thailand to fulfil its obligations of international law as a flag state, a market, and a coastal and a port state. The end result of EU-Thai dialogue was the lifting of the yellow card, with the EU announcing that ‘Thailand follows the ‘constructive cooperation’ of Thai authorities with the Commission resulting in a comprehensive and structural reform of their fisheries legal and policy systems in order to curb illegal fishing’ [26]. By contrast, the EU consistently applies the term “non-cooperating” in official DG MARE statements referring to any third country on the receiving end of an IUU red card (EC Reg no. 1005/2008, Article 31). This shows that the partnership aspect of network mode has been integrated into DG MARE officers’ work with third countries at least on a discursive level in contexts where concrete measures have been put in place through a predetermined process and cooperative efforts.

There are, however, some critiques about the EU’s socialisation strategies. For instance, some Thai government officers have questioned the sincerity of the EU’s partnership approach, claiming that the EU came to technical meetings with inspection eyes and dominated the agenda. Moreover, the cooperation dialogue has been limited only to state-to-state discussions. This means that other stakeholders had limited roles in the decision-making process and equally limited opportunities to raise their concerns during the reform. ‘We were invited to listen but not to speak’ was a reflection from an advisory for the Thailand Fisheries Association, whom the first author interviewed in 2020. Although the advisory was invited to join several meetings during the reform, they could not raise any opinions. Boat owners and fisheries association members we interviewed during fieldwork in 2020 could not keep up with the regulatory changes in response to EU’s requests. This group of stakeholder have carried the cost of the reform, with very little influence over the new regulation. For example, boat owners were required to install VMS, register all fishworkers working on board and pay the workers via a banking system instead of cash. Before each fishing trip, boat owners need to notify PIPO and queue for inspection. According to the interviews, legalising and documenting the fishing operation and labour management have created extra cost to the owners.

Despite these critiques, the partnership approach still allows the EU to bring to the table a workable solution on improved working

conditions under trade measures. Further, the EU avoids hierarchy mode of governance by framing the IUU policy as emerging from international standards promoted by international organisations in the global arena. For instance, expert advice provided by DG MARE to Thailand was framed as being embedded in existing international frameworks, such as the International Law of the Sea and the FAO on the Port States Measures agreement. Therefore, the EU-led dialogue encouraged Thailand in voluntarily adopting these international frameworks into its national regulations. These voluntary governing techniques, although claiming to replace legal obligations [40], are relatively ineffective without the EU’s added external market pressure.

Four years of intensive engagement between the two governments has resulted in the major and rapid regulatory reform in fisheries. The dialogue has established the monitoring system and brought the traceability of catch to the forefront of the reform. While the EU has considered Thailand as a successful case in addressing IUU problems, Thailand itself also started to take on a leading role in the region by organising the Association of Southeast Asian Nations (ASEAN) Meetings on Combating IUU Fishing in Partnership with the EU, twice in 2019. However, since the yellow card was lifted in January 2019, the ongoing effectiveness of fisheries reform remains understudied. VMS and PIPO continued to be active during the first author’s last visit to Thailand in Feb-March 2020. However, the pandemic crisis has landed on top of the unfinished reform, which has resulted in not only the restriction of movement of fishworkers between provinces and national borders, but also the change in market demand of fresh seafood both domestically and internationally [46].

5.2. Senegal and SFPA case

The case study of the EU-Senegalese fishing relations presents a helpful overview of the evolution of the EU’s commitment to promoting sustainability in the bilateral agreements through network and market governance. The 1979 agreement between Senegal and the EU (then the EEC) was “the first of its kind to be negotiated by the Community with a developing country” ([10], 1; [16]). Far from exemplifying network governance, however, this earliest agreement and its renewals received criticism as “pay, fish and go” arrangements leaving an overall negative impact on the health of West African waters and local artisanal fleets [35]. The EU was said to enjoy “considerable negotiating power” in setting these terms [61], especially as it negotiated access to the same fishing stocks case by case with a number of individual coastal states along the West African coast. In these early agreements, therefore, the market mode of governance, depending above all on the EU’s competitive strength as the world’s leading fishing market, seemed more prominent.

Network mode concerns like partnership and socialisation became more evident in the bilateral agreements after the 2002 CFP reform, when these instruments were renamed “fishing partnership agreements”. The language of partnership, owing lineage to the 1975 Lomé Convention and its successor, the 2000 Cotonou Agreement, signalled commitment to ensuring equal agency of ACP countries in negotiations with the EU [52]. During its 2002–2006 fishing relations with Senegal, the EU followed up on its commitments by earmarking just under 20% of the compensation for partnership measures supporting Senegal’s capacity development [61]. However, analysis of the agreement and its implementation at the time indicated an ongoing conflict between the EU’s network and market governance modes. Critics argued that the partnership measures were poorly implemented, highlighted that Senegal received little technological or scientific know-how [35], and suggested that the EU’s commitment to both network governance and sustainability remained rhetorical [61]. Analysts also emphasised the EU’s failure to call for scientific assessments prior to accessing the host country’s stocks [35] and highlighted EU fleets’ low levels of compliance on catch volume, as well as suspected engagement in IUU fishing [9].

Thus, the success and sincerity of the partnership language came into question in the EU-Senegalese relations. Frustrations with these difficulties were already evident throughout the negotiations leading up to the 2002–2006 protocol and seemed to play into the agreement's eventual non-continuation after 2006 [54]. After 2006, no further protocols were concluded and the previous agreement remained inactive for eight years.

In 2014, Senegal became the first country to negotiate and sign a bilateral fishing agreement with the EU under the agreements' latest revised form as SFPAs after the 2012 reform of the CFP (Protocol, 2014, 2; [27]). The current protocol for the agreement, valid until 2024, outlines fishing opportunities for highly migratory species (tuna) for 28 freezer seiners and eight pole-and-line vessels and for deep-sea demersal species for two trawlers ([19], 1(1)), against a compensation estimated at nearly 14 million EUR ([19], 3(1)). This latest form of the agreement demonstrates higher commitments to network governance on the part of the EU. First, adjustments to the financial contribution from the EU seem intended to correct the impression of “pay, fish and go”. A higher proportion of the payments than previously comes from authorisation fees payable by EU vessel owners themselves (Protocol, 3(2)) and a larger proportion – 750,000 EUR per year – has been earmarked as support to improve Senegal's sectoral fisheries policy implementation (Protocol, 3 (1.2)).

In contrast to earlier versions of the agreement, the latest SFPA also reflects the EU's growing commitment to ensuring sustainability. The agreement claims increased compliance monitoring and IUU prevention ([19], 2(c)) that is further underwritten by specific measures like joint monitoring on the agreement's application with respect to sustainability and fairness ([19], Article 7 & Protocol on Implementation, Article 5 (2)). The protocol also steps up monitoring activities to a monthly basis once catch levels reach 80% of the pre-specified reference tonnage, moving to a daily basis with the introduction of electronic reporting (Protocol on Implementation, Article 3(4)). Finally, the EU has now explicitly recognised past loopholes exploited by its fleet. One of these involves the reflagging or chartering of member states' fishing vessels or seeking “direct authorisations” from the partner countries outside the SFPA provisions in order to circumnavigate the agreements' provisions (see [25], preamble 13). In response, the latest SFPA includes provisions that forbid the practice of “direct authorisation” ([19], 4 (2)) and an annex that details the process and details of obtaining authorisation under the SFPA (Ibid, Annex, Ch. II).

While these measures show the EU's stronger commitment to ensuring sustainability through network governance, they also reflect pressure on the EU to conform to norms, not only from critics or actors at home (whether in the form of observer criticism like [62] or internal calls for more transparency and stepped-up sustainability measures from within the [28]) but also from within partner countries themselves (see, for example, [11]). Just as the language of “partnership” originated from developing countries' agency, so too the improved commitments to sustainability in the SFPAs come at least in part from host countries' concerns with the health of their stocks and coastal communities. These countries' negotiating power, however, remains limited. Although the SFPAs remain much more transparent than similar agreements concluded by other external fishing powers, each SFPAs is different from the others, suggesting that the EU still takes a deliberately ad-hoc approach to negotiating them that favours its commercial interests [60].

Meanwhile, statistical macroeconomic analysis has suggested that inactive fishing access agreements result in negative effects on the partner country's trade performance, reducing its trade volume and overall exporting capacity [32]. While this analysis suggests that SFPAs have a positive effect on developing countries' exports, it also hints that the agreements could cultivate market dependence in the host countries. Earlier criticisms that the EU's presence undermines traditional employment and even erodes local economic development [4,31] also continue to be raised for the latest iteration of the agreements [34].

From a postcolonial perspective, the SFPA has also been seen to

reinforce a long-term pattern of colonial and later neoliberal development undermining the local societal fabric and traditional types of fishing labour [34]. The EU has sought to correct this perspective through increasing its development contributions to improve the local fishing sector, but reports on the success of these measures to strengthen local capacity and mitigate historic power asymmetries have been mixed: for example, interviewed in 2010 and 2015, and thus potentially reflecting early experiences from the newest SFPA protocol, interlocutors in Jönsson's research claimed that fishing by EU vessels displaces local fishing labour, particularly younger fishermen, and reinforces patterns of outward migration (2019). Although not directly tied to the SFPA's sustainability measures, this criticism highlights the remaining limitations that countries like Senegal face when negotiating fishing relations with the EU. Such lingering power imbalances indicate the difficulty in employing network governance against a complex historical context. Indeed, given the unquantifiable nature of power asymmetries in trade negotiations, this is an aspect difficult to address directly by indicators or other forms of measure that could potentially be set up to evaluate policy success. The success of network governance, therefore, must always be understood against the historical context in which it is applied.

6. Analysis

In this section, our insights from the Thailand and Senegal cases provide a lens to understand how the EU exercises and translates normative environmental goals of fisheries sustainability in its bilateral dialogue and agreement negotiations through network and market modes of governance. Within fisheries governance, the EU has moved away from relying predominantly on market influence in third countries, to emphasising collaboration and partnership activities. Network governance is not a straightforward process, however. Socialisation and partnership techniques have allowed the EU to bring certain green norms forward and to maintain its influence in the dialogue process. The outcomes of each dialogue therefore vary depending on how third countries are able to respond and position themselves during the process. The effectiveness of the network mode of governance is arguably inseparable from market governance in both of our cases. On the one hand, market power can be rather a straightforward governing mechanism in conjunction with network governance in the case of IUU catch certificates. On the other hand, market governance may at times contradict the network governance, as in the case of the SFPA.

Network mode of governance, or normative power governance, is an important factor in how the EU approaches its relations with both countries and in both types of legislation. Rhetoric from the EU consistently emphasises the derivations of the IUU regulation and the SFPAs from international laws, norms, and commitments. To avoid accusations that it is setting trade tariffs, the EU argues that the IUU regulation relies on already existing international regulations, conventions, and best practices. This genuine approach of conforming to the existing international laws has made the EU IUU regulation an effective tool in global fisheries governance. Similarly, as the SFPAs are based in UNCLOS EEZ regulations, the EU stresses how their norms come from international agreements, conventions, and best practices. The legitimacy of the EU as a global actor already relies heavily on international law and norms [43] and the strengthened competence of its institutions derives from member state citizens' support of supranational norms including sustainability [37]. A straightforward interpretation, therefore, is that the EU uses best practices to align with international regulatory frameworks and legitimise its role as an international actor in promoting sustainable fisheries practices rather than exerting its own standards.

Both case studies illustrate the extent to which partnership language has become a powerful political tool for the EU to influence and shape bilateral dialogue. Thailand has been praised by the EU for having “constructive cooperation”, which put Thailand in a leading position within the region in combating IUU fishing. The EU took on an advisory

role and argued for a fruitful collaboration, circumventing the real restriction of catch certificate for products entering the EU market. The Senegal case, meanwhile, demonstrates how the language of partnership has been co-constructed and is continually employed by both sides. Through the agreement protocol's gap years (2006–2014) and the subsequent negotiation leading up to the new SFPA, Senegal participated along with the EU in constructing language and declaring intent for more equal partnership relations. At the same time, postcolonial criticisms remind us that language of partnership may still fail to reflect a more complicated reality in which historical difference continue to impact each partner's negotiating power [34].

Our two case studies also demonstrate how patterns of socialisation further complicate the partnership process. Overall, the EU has positioned itself as an expert, which influences and leads the actual process of learning or co-creating of knowledge. The knowledge in focus is therefore fisheries sustainability as interpreted by the EU. For example, the focus on the implementation of catch certification scheme under the EU IUU regulation has positioned 'traceability' as one of important criteria for sustainability in EU fisheries management. This means that catch certification becomes a dominant feature to discuss during the dialogue. When expertise and knowledge become the key element in bilateral dialogue, EU takes a dominant position, which leads to asymmetric network governance [39]. For both the EU IUU and SFPA dialogues, therefore, the third country's ability to claim equal partnership in this conversation depends on its government's capacity to proactively provide good benchmarks for best local practices [39].

In the IUU policy's case, the EU has claimed expertise by defining IUU fishing and problematising IUU fishing in global fisheries. Therefore, the IUU bilateral dialogue becomes a space for the EU to promote its normative values internationally by influencing what is considered acceptable to do to address IUU fishing. The Thai government played an active role, insofar as the yellow card provided it with a reason to implement rapid fisheries management reform. At the same time, Thailand's contribution to the dialogue was impoverished by the lack of involvement of key domestic actors during the reform, which may undermine the long-term success of its implementation. Similarly, the EU-Senegal SFPA dialogue has supported Senegalese government priorities but not always represented the full range of local interests when debating notions of development or sustainability. In these relations, the EU's scientific expertise and technical advice serve as the benchmark and support for Senegal's fishing sector development at least partly assumes that the EU has better knowledge of what sustainable fishing governance should look like. In reality, this socialisation leaves the initiative for defining problems much more with the EU and may result in important issues becoming overlooked in the negotiations – as exemplified by claims that the presence of EU fleets has undermined the local labour market.

Finally, the two cases also demonstrate an ongoing tension between market and network governance in the EU's external fishing relations as part of these two policy instruments. The tension exists because, as Zimmermann has remarked, it is "extremely hard to reconcile" ([64], 136), on the one hand, the need of securing EU access to sufficient fishing product (in the case of the IUU) and to sufficient fishing opportunity (in the case of the SFPA) and, on the other hand, the normative objectives of ensuring global sustainable fishing. For instance, Senegal's potential market dependency on the export toward the EU may have limited the extent to which it would have been able to negotiate an agreement on equal terms. Similarly, lingering criticisms about the EU's presence undermining local artisanal fisheries [34] further highlight the potential tensions with the partnership language. While Thailand welcomed support from the EU on IUU regulation in the country, the major reforms implemented by Thailand was carried out in the hope, soon achieved, that the Thai industry would continue to be able to sell fish in the EU. Therefore, EU induces Senegal and Thailand to adopt certain policies and ideas by using both positive (rewards) and negative (sanctions) incentives ([47], p. 139). For us, our analysis in this section

has provided a clear final step to analyse EU normative power, where certain EU fisheries values are made visible throughout the interaction processes between EU and the third countries.

7. Conclusion

In this paper, we visited two case studies demonstrating how different modes of governance enable or complicate the EU's ability to promote sustainability through its external fishing relations. Focusing on EU-Thailand IUU negotiations and EU-Senegal SFPA development, we expanded especially on the role that network governance and its mechanics play for the EU's fishing relations with developing countries. It is worth noting that, because our case studies originated from separate research projects and were not designed specifically with this comparison in mind, our analysis is more limited than it could have been given dedicated research design. Future research projects on EU fisheries external policies may be stronger if they were initially designed specifically for the comparison. Nevertheless, our exploratory paper does point to several key points on the potential and the limits of the EU's soft power in its external fishing policies. Indeed, in our view, analysing the two case studies from a joint normative power analytical lens contributes directly to fisheries governance literature. While in this way our findings also speak directly to scholarly literature on Normative Power Europe, they also have wider implications that could be applied to different contexts. Thus, we believe that the normative power analysis we have utilised in this paper could be usefully replicated by others as a conceptual approach. In this final section, we draw out some of these conclusions and reflect on the possibilities for future research to take them further.

Firstly, our paper expands on a wider conversation in EU fisheries policy, which has traditionally focused more closely on the agency of internal member states and other European-based actors [42]. Compared to the broad literature examining in detail how EU fisheries governance functions within the EU itself, there has been less scholarship looking in detail at EU fisheries governance beyond its borders. Our case studies and analysis help to address that by showing attention to two pillars of the EU's self-defined role as a sustainability leader in fisheries: the IUU regulation and SFPAs. Without such in-depth studies of the EU's implementation of these regulations outside EU waters, the claim that the EU has become a global actor in sustainability cannot be substantiated. Indeed, future research might pursue in more depth aspects of these policies that our paper has only briefly touched upon, for example by studying the EU's inclusion of local stakeholders throughout its negotiations of its overarching external fisheries policy agenda or investigating on-the-ground interviews with the marginalised groups who may receive impact from EU's fisheries policies. Future scholarship may also focus on contexts where the EU's IUU and SFPA policies overlap, for instance by tracing emerging concerns about the sustainability of EU fishing in Sierra Leone, which remains under the EU yellow warning card while the two parties negotiate for a SFPA [49].

Secondly, our paper adds to fisheries governance literature by offering more detail on the normative processes and relations between the EU and third countries, rather than on the more frequently explored questions pertaining to the rule of law and trade measures. The two cases bring out the nature of power and actorness [45] in the EU's fishing relations with third countries. The socialisation and partnership processes, in particular, help highlight the power asymmetry between the EU and third countries. In the Thai case, Thailand has positioned itself as a constructive collaborator during the dialogue, but our findings suggest that the EU has often taken an inspector rather than equal partner role during the dialogue. In the case of Senegal, even as the concept and language of partnership has increasingly become more prominent in EU-Senegal fishing relations, our analysis highlights the enduring complications of the postcolonial and historical context in which this partnership operates. To avoid future power asymmetry, we emphasise the importance for both the EU and third countries to bring

mutual objectives into the dialogue. Moreover, both parties should open the dialogue to external key stakeholders and public debate. This may result in a more positive response from actors who would be the recipients of any negative impacts from the reform. Besides, both the EU and countries negotiating with it could focus more on collaborative scientific studies to highlight evidence-based analysis for their specific context.

Thirdly, by examining the EU's claims and policies, we also raise a broader debate about the ways in which normative aspects of international relations can impact sustainability in global fisheries governance. Accordingly, our paper also contributes to Normative Power Europe literature. Corresponding scholarship in that sub discipline has taken up the case of fisheries more often in recent years (Zimmermann, 2019; [60]). Nevertheless, fishing as a topic that can shed further light on the functioning of Normative Power Europe remains relatively rare in international relations and common market studies literature. Our examples add directly to this debate, but also expand the conversation further by showing how normative power, particularly with respect to the EU's promotion of sustainable principles, is exercised and interpreted on the ground. We demonstrate how this type of "power" is in fact not unidirectional but is instead continually negotiated and contested between the EU and its partner countries. In this way, we highlight the importance for future research to examine the power asymmetries in fisheries negotiations without resorting to "colonial power vs. colonised" dichotomies and instead by allowing the empirics to disclose the narrative of power relations in each context. Hence, our findings support future scholars in both fisheries research and EU normative power literature wishing to critically examine underlying and hidden processes of power associated with the implementation of concrete policies in context but at times overlooked by policy analysis on the ground.

At the same time, our exploration of the Thailand IUU and Senegal SFPA relations show that the network mode of governance, as a core principle in translating EU normative power on the ground, cannot exist independently of the market mode of governance due to the situatedness of the IUU regulation and SFPAs within broader global market mechanisms and the EU's overall positioning in world politics. This analysis unpacks some of the ways in which the EU functions as a green normative power actor in the international arena. We have shown not only that the EU's normative governance is multifaceted but also that promoting sustainability on the global scene can depend on specific, historically complex and multilaterally constructed, power relations. In this sense, the significance of our research transcends the EU itself. Future studies might well explore how actors other than the EU employ the varying modes of external governance in order to promote specific norms in their international fishing relations. Indeed, we can envision future scholars taking on normative power analysis as a conceptual lens for exploring fisheries policies in other parts of the world.

CRediT authorship contribution statement

Alin Kadfak: Conceptualization, Conducting interviews and fieldworks, Analysis and interpretation of data, Writing - original draft, Writing - review & editing. **Anna Antonova:** Conceptualization, Writing - original draft, Writing - review & editing.

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