

**There are NOT plenty more fish in
the sea:**

Diving deeper in the marine fishery
regime complex

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Abstract

The marine fisheries are governed by an increasingly diverse range of institutions, united by the overarching goal to stop overfishing. In order to understand this emerging complex governance system and to assess its potential to stop overfishing, regime complex theory can be used as a framework to analyze the crucial changes in the successive policies, political dynamics as well as the broader institutional structure. But in the past, despite the increasing interest in regime complexes, most scholarly attention seemed mostly devoted to the conflicting norms and rules of the green revolution, even though the consequences of the blue counterpart are just as, if not more, severe. Moreover, most scholars still fail to reveal the full story of the emergence of both cooperation and conflict within a single regime complex. Therefore, this thesis dives deeper into the understudied marine fishery regime complex case, to illustrate how the interplay of shared and competing interest among states, IOs and TNAs might impede or stimulate certain inter-regime interactions, ranging from harmonious cooperation to downright conflict. The findings show that understanding the co-evolution of conflict and cooperation within one regime complex is crucial, both for the sake of the theoretical understanding of regime complexes, but above all to develop an effective governance system that eliminates overfishing.

Keywords

International institutions, regime complex, international cooperation, conflict, marine fisheries

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1. Introduction

1.1. The inconvenient truth

Roughly four hundred years ago, in the year 1609, one of the founding fathers of international law, Hugo de Groot (Grotius), wrote "*Mare Liberum*" to establish the freedom of the seas (Russ & Zeller, 2003, p.76). Grotius argued that the seas are in the possession of no-one nor should the access ever be restricted in the future. He considered the global oceans, or fishing grounds, to be the ultimate embodiment of a common pool resource, making it (too) costly and basically impossible to prevent others from harvesting or consuming the resources (Prislan & Schrijver, 2009, p.177). Moreover, at that time, fishery resources were considered inexhaustible, which makes it undesirable nor necessary to prevent the mutually unexclusive vessels from extracting. So essentially, it became globally recognized that there was an open access right, shared with people from all corners of the world, to get fish from the ocean. And so, for the past 400 years, Grotius' regime of open access has defined the global approach to the ocean's resources, (Prislan & Schrijver, 2009, p.170).

Be that as it may, "*Mare Liberum*" can no longer be considered as the leading document that governs the marine fisheries. Instead, despite the initial devotion to the freedom of the seas, a radical change has occurred turning the seas in a wilderness of institutions through the development of new and existing global, regional and bilateral treaties, conventions, and commissions responsible for sustainable fisheries management. The fact that today's marine fishing grounds are subjected to a crowded and complex institutional framework makes it crucial to identify and list all the relevant pieces of the puzzle that make up the complex governance system.

The extensive expansion of the institutional design and dynamics that define the contemporary management of the marine fishing grounds started to take shape with the initiation of the United Nations Convention on the Law of the Sea (UNCLOS) in 1982, also referred to as "the constitution for the oceans" (Young, 2011, p.447). UNCLOS, together with the United Nations Agreement on Straddling and Highly Migratory Fish Stocks, also called the UN Fish Stocks Agreement, embodies the so called "Law of the Sea". This regime is responsible for managing the use of the ocean's resources by introducing a system that outlines rights and responsibilities (Prislan & Schrijver, 2009, p.204).

The second regime, relevant for the marine fisheries, is the food security regime. Led by the Food and Agricultural Organization (FAO), the food security regime emphasizes the nutritional

dimension by promoting inclusive and sustainable fishing practices through several agreements (De Schutter, 2012, p.16). First, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, also referred to as the Compliance Agreement. Additionally, the Code of Conduct for Responsible Fisheries (the Code). This was later complemented by the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (the SSF Guidelines). Furthermore, there is the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing (PSMA). And finally, the International Plans of Action (IPOA); IPOA Seabirds, IPOA sharks, IPOA fishing capacity, and the IPOA IUU fishing.

Furthermore, several actors have committed themselves to protect the marine ecosystem and biological diversity (Young, 2010, p.452). In this regime, the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES) has taken a central role. In order to protect species, CITES authorizes import, export, re-export and introduction from the sea through a licensing system. Besides CITES, several other environmental regulations like the Convention on Biological Diversity (CBD) and several multilateral environmental agreements (MEAs) are influencing international fisheries governance.

States have also committed to the goal of multilateral liberalization of trade through the General Agreement on Tariffs and Trade (GATT), and later the World Trade Organization (WTO) (Young, 2011, p.148). However, the inter-regime interaction with the WTO has often created tension and sometimes even downright conflict with regard to the mandates and objectives of the other regimes, as illustrated by the continuing contradictory rationales between the FAO and the WTO regarding fishery subsidies (Young, 2011, p.268). This in contrast to the cooperative relationships between UNCLOS and the FAO and the FAO and CITES respectively, which have generally resulted in the reconciliation of objectives and a functional division of tasks.

In the absence of a single hegemonic institution, the marine fisheries are governed by an increasingly diverse range and number of institutions, united by their common goal to stop overfishing. Therefore, in order to make sense of this emerging complex governance system and to assess its potential to stop overfishing, this thesis attempts to explain the processes and dynamics that define the development of different forms of inter-regime interaction ranging from harmonious cooperation to downright conflict.

1.2. Regime complex theory

In the past, regimes and or agreements were often singled out and analyzed in isolation. But what might have been sufficient in the earlier days, when most international treaties and agreements were developed independently from one another, is not anymore (Orsini et al., 2013, p.27). Instead, governing within a complex system can be described as a continuous process of responding to unexpected and unplanned effects of the past (Orsini et al., 2019, p.24). The global and complex problems surrounding the governance of the marine fisheries has ignited calls to protect the ecological biodiversity, ensure food security, and defend economic objectives. As a result, the marine fisheries have become the objective of multiple regimes, including the law of the sea regime, the food security regime, the trade regime and the ecological regime. Combined, these guardians of the ocean are more than just the rules of the game. Instead, they embody both the normative and cultural underpinning as well as the regulatory management systems (Raustiala & Victor, 2004, p.308). Unfortunately, the diverse range of institutions governing the oceans do not fit together like pieces of a puzzle. The rights and responsibilities are captured by competing and cooperating forces resulting in a complex global fishery system. Both the unexpected proliferation of the institutional landscape that governs the ocean's fishery resources, as well as the emergence of divergent inter-regime relations resulting in situations ranging from cooperation to downright conflict, is puzzling. Therefore, this study will focus on the institutional and normative interplay among the relevant elemental regimes of the marine fishery regime complex.

The puzzle will be framed within the larger scholarly debate surrounding regime complex theory, as it is important to keep in mind the risk of drowning in the subtleties of the marine fisheries, while losing sight of the general patterns of regime complexes. Regime complex theory aims to fully comprehend the institutional design and dynamics of the global fisheries complex, and to reveal what has been overlooked by the mainstream literature (Chuenpagdee & Song, 2012, p.313). Raustiala and Victor (2004) were the first who referred to the term regime complex, although earlier works did explore institutional overlap and interplay (e.g. Aggarwal, 1996; Rosendal, 2001; Stokke, 2000; Young, 1996). They defined it as an "array of partially overlapping and non-hierarchical institutions governing a particular issue area" to describe the intertwining structures of the governance systems. Later, this definition was

extended by Alter & Meunier (2009, p.13), who emphasized the emergence of rule complexity as a defining factor of regime complexes.

In contrast to regime theories, which tends to neglect the interrelatedness of diverging but overlapping regimes, regime complex theory provides a new lens through which the broader institutional picture can be analyzed. Hence, regime complex theory provides a framework to analyze the full spectrum, including the mechanisms through which competition between the objectives of diverging regimes will likely result in discord and hostility and when in mutual accommodation and cooperation.

1.3. Competing and cooperating forces governing the oceans resources

Contrary to the historically free seas, the current development of institutions happens within an already densely populated setting where an interplay of institutional elements causes conflict and cooperation. Hence, the move away from Grotius's *Mare Liberum* resulted into an institutionally dense landscape aiming to govern the global seas. In order to make sense of the unexpected development of the marine fishery regime complex, we need to go back to the central ingredients that make up a regime complex.

At the heart of the increasing institutionalization lies the basic assumption that institutions are the result of self-interested actors aiming to reduce the cost of cooperation (Gehring & Faude, 2013, p.121). This implies that as long as there is a genuine interest in cooperation among the bulk of contracting parties, there is a good chance that interaction among the elemental institutions of a complex may be described as a well-established division of labor that assigns clearly defined roles to each elemental institution. However, at the intersection of governance activities, it can be expected to bring about tension and competition between the relevant institutions. This tension may be amplified by the diverging priorities of the different institutions and conflicting interests among the members of the forums regarding the settlement of choice (Gehring & Faude, 2013, p.124). Which might result into hostile inter-regime interaction ranging from turf battles and regulatory incompatibility to open conflict. From here on, certain expectations regarding the behavior of the relevant actors, namely states, the secretariats of international organizations (IOs), and transnational actors (TNAs) can be derived. Drawing upon these core forces of regime complex theory, the existence of downright conflict as well as the development of harmonious cooperation among regimes can be explained.

I will start with the role of states. In the existing body of regime complex literature, most of the attention has been paid to states as the driving forces at the international stage. Initially to the established western powers, but as the power imbalances between states have evened out in today's post-hegemonic world order, increasingly to other states as well. These states might share a common interest which will likely result into cooperative efforts. However, these different nation states might also feel the need to act in different ways at different moments of time to defend and enhance their national interests. Therefore, when the timing and specific interest vary, these actors will defend institutions that suit their needs and purposes (Keohane & Victor, 2011, p.14). Take for example the upcoming developing countries. These rising powers may prefer to create new institutions rather than turn to the old ones where the existing structures often benefit the established political powers such as the United States and member states of the European Union (Alter & Raustiala, 2018, p.338). The tension caused by a growing number of contrasting national interests within the international arena increases the likelihood of conflict.

In addition to the rising influence of an increasing number of states, there is also the increased the involvement of TNAs seeking for a forum where their voices are heard (Green & Auld, 2012, p.262). Hence, to include the views expressed by many to account for the voices of those affected by the depletion of the fishery resources. TNAs like NGOs, businesses and epistemic communities are grouped together under the same heading, as this thesis focusses on their relatively similar strategies and activities to defend and enhance their interests (Sell & Prakash, 2004, p.168). This does however not mean that their beliefs, norms and priorities are relatively similar as well. In contrast, while striving to include an increasing number of voices increases the legitimacy, it also complicates cooperative efforts. As cooperation can be expected whenever there is a consensus among the individual TNAs, dissonance among the interests of the relevant TNAs impedes the emergence of a single comprehensive regime (Keohane & Victor, 2011, p.13). Therefore, conflict can be expected whenever the TNAs stick with their opposing goals rather than coming to a shared understanding.

The third group of actors are IOs. Today most scholars acknowledge that IOs, or their administrative staff, enjoy a certain degree of autonomy and should therefore be studied as independent actors within the global governance system (Brosig, 2011, p.148). After all, there would have been no need for their creation if states could take on the tasks that IOs are responsible for. The demand for increasing institutionalization fosters competition among IOs

regarding the allocation of new governance tasks, as the increasing coverage might result in overlap of the mandates and objectives among new and established international institutions (Gehring & Faude, 2013, p.123). Hence, cooperation can be expected when the bureaucratic interests of IOs are compatible or even mutually beneficial, while conflict can be expected if cooperation is incompatible with the bureaucratic interests of secretariats and other organizational actors of the elemental institutions.

The increasing number of relevant actors exemplifies that the game is not played alone. Overexploitation of the marine fisheries touches upon a diverse range of global public interests. Therefore, it cannot be considered at an isolated compartmentalized level but needs to be addressed at a global scale. And although regime complexes have progressively been on the receiving end of scholarly attention, normative and regulatory interaction between regimes is nevertheless a relatively understudied field (Alter & Raustiala, 2018, p.344; Gehring & Faude, 2013, p.128). There is still little known about the processes and conditions under which regime complexes evolve over time, especially regarding the ocean's fishery resources. So far, research in the field of marine fisheries has predominantly concentrated on a specific geographical region or a specific species instead of the complete spectrum of the institutional arrangements that govern the marine fisheries. To fill this gap and capture the overall governance structure regarding the management of the marine fishery resources, this thesis will focus on the global regime complex for all marine fishery species.

Moreover, the existing regime complex literature focused partly on cooperation but predominantly on conflicting institutional interaction as a consequence of contrasting and overlapping governance norms and rules. As a result, the development of both cooperation and conflict in one single regime complex is hardly ever taken into account (Gehring & Faude, 2013, p.128). I argue, that in order to reveal the whole story, the analysis should not be finished with the assessment of conflict, but reach further and include the assessment of cooperation as well. The challenge before us, is therefore in improving the understanding of regime complexes in general, and the emerging marine fishery regime complex in particular, by diving deeper into the subtleties of the interactions that generate conflict, cooperation and everything in between.

Besides the theoretical relevance, unraveling the global fisheries complex is tremendously crucial considering the key role of the institutional design and dynamics in creating an effective

regulatory management system to stop overfishing (Chuenpagdee & Song, 2012, p.309). The growing awareness of the ecological crisis, and the increasing level of trade in fish products has moved the world away from Grotius' ideas and instigated a different mindset, one that aims to encourage responsible management of the marine resources through legal and institutional arrangements (Russ & Zeller, 2003, p.76). But given the ongoing declining global fish stocks and discouraging predictions for the future, both the performance and realization of this responsible management system leave a lot to be desired. So, now the vast seas, that seemed to provide us with an infinite amount of resources, no longer seem to be inexhaustible. Resources that, after all, are essential because of their ecological, economic and nutritional value for humanity (The Economist, 2014). Estimates suggest that around 54.8 million people earn their living by catching fish, and around 150 million people have jobs affiliated with fishing. Moreover, fish accounts on average for 15 percent of the global intake of animal protein (De Schutter, 2012, p.3). But also because of the negative ecological consequences of overfishing. Today's fishing practices are relentlessly vacuum cleaning the oceans leading to a loss of species and an estimated total collapse of the fishing resources in 2048 (Worm et al., 2006, p.790).

As a result of these new problems and demands, the density of international institutions governing the marine fisheries has risen. With the increase in number of relevant international institutions, new challenges relating to mutual intrusiveness have risen as well. To comprehend the challenges and opportunities arising from the interaction between the diverging set of elemental regimes within the marine fishery regime complex, this article analyzes the crucial changes in the successive policies, political dynamics as well as the broader institutional structure, highlighting the ways in which the presence of an interplay of actors with a broad range of objectives within the emerging marine fishery regime complex can lead to different forms of inter-regime interaction ranging from harmonious cooperation to downright conflict. The information analyzed is obtained by an extensive review of the key conventions, agreements, MoUs and other institutional arrangements that govern or that once governed the oceans, via consulting existing academic literature and through reports and statements from key actors. By focusing on the importance of the dynamics between different regimes within the global economy, the global fishery regime complex can illustrate how the tension within regime complexes shapes interaction and generates certain outcomes.

In the following section the current literature on regime complexes will be discussed. This serves to provide an overview and background of the established literature, current debates and shortfalls surrounding the existing knowledge, and provides a framework to analyze the marine fishery regime complex. Next, this thesis will elaborate on the method and methodology. This is followed by the empirical section wherein I will use the trichotomy of polity, politics and policy as a research framework to systematically illustrate how the originally free and open oceans are now governed by an interplay of international rules and norms, fragmented into different regimes and applied by a diverse range of actors. In particular, the focus is on the relationship between the law of the sea, the food security, the ecological and the trade regime to illustrate empirically how regime complex theory can explain the development of conflict and cooperation within the global marine fishery regime complex. Finally, the main findings and recommendations for future research are presented.

2. Literature

2.1. The whole is greater than the sum of its parts

If we look at a sports team, we notice that each individual player has its own qualities, but when the individual players become atuned to each other, the team will function as a well oiled machine. In other words, the whole is greater than the sum of its parts. Another way to exemplify this, is by looking at the words you are reading right now. Each word has a meaning on its own, but to understand the overall message you need to read between the lines. Because together words tell a story which has way more meaning than the definition of each word on its own.

This thesis is certainly not the first to acknowledge that a sufficiently complex system creates additional value that is not inherent in the parts. Several scholars have already embraced the study of international cooperation as a complex sysem instead of several separate elements. So, before turning to the development and dynamics of the marine fishery regime complex, it is instrumental to focus on the questions that prompted the emergence and development of regime analysis itself.

The most commonly used definition of an international regime originates from the work of Krasner (1983, p.2). He conceptualized international regimes as “principles, norms, rules and decision-making procedures around which expectations converge in a given issue-area”. To separate regimes from IOs, the broader notion of international society as well as the world order, the concept was further developed by Levy, Young and Zürn (1995, p.274), who defined international regimes as “social institutions constisting of agreed upon principles, norms, rules, procedures and programs that govern the interactions among actors in specific issue areas”. Moreover, they shifted the focus of regime analysts from the emergence and formation process to the consequences of institutionalization in an effort to understand when and how instiutions affect international society (Levy et al., 1995, p.312). Over time, the focus of most scholars changed once again as more and more scholars seemed to realize the shortcomings of neglecting the horizontal and vertical interdependence of regulatory policies (Young, 1989; Raustial & Victor, 2004). Post-World War II, when the institutional slate was still realativly clean, most institutional arrangements such as regimes where originally created to adress a stand-alone issue, and fulfill a distinct task (Orsini et al., 2019, p.5). However, a lot has changed since Krasner defined international institutions as “isolated entities who could function without interference of other institutions” (1983, p.2). While perceiving regimes as

self-contained entities might still be beneficial for tractability purposes, it has some serious limitations as it does not reflect the real world anymore due to the increasing institutional density. Consequently, scholars felt the need to move beyond the analysis of a single discreet regime as the object of investigation.

Around the 1980s, rationalist scholars started to theorize about institutional interactions within a complex system. In essence, these regime complex theorists still draw upon the assumption of classical regime literature that institutionalized cooperation is built upon the self-interests of states and generates mutual expectations of reciprocity which in turn stimulates broader and more detailed cooperation in multiple and increasingly intersecting areas (Morin & Orsini, 2014, p.306). Hence, they started from the basic assumption that cooperation produces further cooperation. Similarly, neorealists argue that nation states can be described as autonomous rational actors seeking to promote their material self-interest in an anarchic global governance system (Young, 1989, p.350; Visseren-Hamakers, 2018, p.1398). Inspired by rational choice theory and microeconomic models, they take maximalization of the relative power of the nation state as the key objective. Consequently, realist and a significant number of neorealists roughly see international regimes as a reflection of the distribution of power (Levy et al., 1995, p.283). Meaning that regime formation in international society can only happen when it is mutually beneficial for states with sufficient power to create them (Young, 1989, p.350). Most often, it is even argued that having the hegemon on board is a necessary condition in order for an institutional arrangement to emerge. Moreover, it implicates that regimes will inevitable be abandoned or adjusted to the specific interests of the new dominating powers when the distribution of power shifts. Those hegemonic stability theorists regard the concentration of power with one or at least a select number of actors as a necessary condition for regime formation. Hence, they often see a roughly equal distribution of power as an institutional stumbling block within the international society (Young, 1989, p.352). A situation where no actor has a dominating bargaining position to impose their self-interests might prevent the creation of an agreement due to the increasing transaction costs. Hence, effective leadership is significantly important for a succesful outcome of a barganing process (Young, 1989, p.373).

However, over time it became clear that the presence of an international hegemon seems more the exception rather than the rule (Young, 1989, p.373). Given the diminshing American hegemony and the inherent complexity of most of today's challenges, which exceeds the

problem-solving capabilities of any one country, it is necessary to initiate cooperation based on mutually agreed rules and norms between public and private actors on an international level. Neoliberal institutionalist argue therefore against the necessity of a hegemon in international society for institutional arrangements to emerge. Instead, they argue that other actors are also capable of brokering the contradicting and overlapping interests of the relevant parties regarding a certain issue-area (Levy et al., 1995, p.268). Their key argument being that institutions and regimes facilitate cooperation by decreasing the transaction costs, resolving coordination issues, and arranging certain long-term focal points instrumental for defining a generally accepted set of rules and norms (Drezner, 2009, p.65). So essentially, neoliberal institutionalist regime analysis came into existence as a counterview against the neorealists' claim that states are the only relevant actors, arguing instead that institutions are a necessary piece of the puzzle when aiming to understand the international arena (Aggarwal, 1998, p.14). One of the first scholars to address the continuing role of institutions during the decline of the American hegemony was Robert Keohane. In his work "After hegemony", he explains the continued existence of institutions even after power shifts to keep the mutual expectations with regard to future behavior stable, to decrease transaction costs, to reduce information costs, and to generate a shadow of the future by ensuring repeated interactions (Keohane, 2005, ch.7). The presence of the shadow of the future explains why actors are willing to put their short-term self-interest aside and act in accordance with the prevailing norms and rules for the sake of preventing reputational damages that could harm the long-term benefits of cooperation. Hence, the construction of focal points and the possibility to monitor and potentially also sanction non-compliance, strengthens the credibility of cooperative arrangements, and consequently stimulates cooperation among its members (Aggarwal, 1998, p.17; Keohane & Victor, 2011, p.8).

Scholars have also started to pay attention to the discursive and normative dimension of institutional arrangements. This constructivist approach criticizes (neo-) realists and neoliberal institutionalist of being unrealistically rational (Isailovic et al., 2013, p.20). They argue that there is more to the development of the global governance system than just the predefined material interest of states, and that the power of ideas, norms, values, knowledge and discourses should be included as well (Eimer, 2015, p.4). This does not imply that normative and discursive power resources are the sole explanatory factors, just that it is crucially important to include normative and discursive capabilities as a distinct form of structural

power in order to understand the dynamics of regime complexes (Visseren-Hamakers, 2018, p.1399). Consequently, these scholars have also progressively argued for the inclusion of a broad range of actors such as NGOs, enterprises, the secretariats of IOs and other civil society groups (Eimer, 2015, p.4; Haas, 1992).

Structuralists go even further and stress the role of ideational power within the world system. They claim that institutional arrangements can, at least partly, be explained by structural forces (Levy et al., 1995), and argue that, in the past, regime complex theorists have neglected the structural power imbalances in the global political economy (Visseren-Hamakers, 2018, p.1400). Structuralists point to the increasing institutional complexity as a cause of the current power imbalance between developing and developed states, and argue that the multitude of forums can be exploited by the more powerful states to steer the bargaining process to suit national interests. The dominant actors, with more resources such as human capital and technical expertise, can gain the upperhand during negotiations by steering the negotiation itself, or by shaping the framework wherein the negotiations happen, either through the use of material force or more diplomatic soft power methods (Eimer, 2015, p.5). Consequently, International institutions tend to reflect the power structures of both the present and the past (Alter & Raustiala, 2018, p.338).

2.2. Dynamics within an emerging regime complex

In 2004, Raustiala and Victor introduced the term “regime complex”, to describe the fact that institutions are not created from a clean slate, nor do they function within a vacuum (p.279). Instead, governance systems progressively turn into complicated and messy arenas, and grow into larger regime complexes. The multiplicity of international institutions may generate increasing possibilities for more actors, both in number and diversity, to voice their interests and participate in multi-stakeholder cooperation (Alter & Raustiala, 2018, p.338). Moreover, a lot of institutions have broadened their access, empowering more actors to defend and enhance their interests. Hence, this global governance system has given way to a more open system where a more diverse array of actors is capable of participating (Raustiala & Victor, 2004, p.277), to the point that global governance can now be characterized as a multi-actor game (Orsini et al., 2019, p.3).

To analyze what factors create and maintain regime complexity as well as to analyze the implications of diverging objectives, there is a need to identify the states, IOs and TNAs that

can be considered causally important. All these actors not only vary in their primary objectives but also in the preferred pathways to boost their self-interests (Keohane & Victor, 2011, p.14). Therefore, fragmentation of the global governance system does not necessarily have to be a disadvantage. Instead, the fragmented global order can also be considered as flexible between issue-areas and adaptable over time, preventing institutional deadlocks and monopolies from emerging (Keohane & Victor, 2011, p.15).

With flexibility is meant the absence of a tight central control, and room to bend and mold the norms and rules to several issues and distinct conditions that the different actors are subjected to. Hence, the lack of central control by a single institution might also facilitate innovation instead of group think (Morin & Orsini, 2013, p.49). Therefore, even without a full consensus, regime complexity allows for governance advances despite friction between the objectives of the actors involved (Alter & Raustiala, 2018, p.338).

Adaptability over time captures the possibility to modify institutions to meet future challenges. When actors need to adapt as a result of unexpected difficulties, evolving issue-areas or changing (domestic) situations (Keohane & Victor, 2011, p.16), institutional bridges such as saving clauses, joint projects and observatory status are particularly useful (Morin & Orsini, 2013, p.43). Following this line of reasoning, legitimacy and enough room for all parties to defend and enhance their self-interests outweighs the existence of a single comprehensive regime.

However, room to maneuver might also entice continuous strategic efforts, most notably by fishing nations and transnational corporate actors, to prevent and circumvent restrictions. This hampers the common effort to effectively deal with the problems inherent in a common pool resource like the marine fisheries.

The first strategy addressed here is issue linkage. A strategy whereby actors negotiate several matters simultaneously with the aim to settle multiple issues at once (Young, 1996, p.1). Linkage might expand the boundaries around a certain issue area if it leads to integrated cooperation. A case in point is the WTO-trade regime, which started off with a sole focus on tariffs and now also includes subjects like safety standards and subsidies. But instead of an integrated regime complex, it might also be beneficial to create incompatibilities between elemental regimes in an attempt to refocus the agenda and force change (Raustiala & Victor, 2004, p.301). Actors can gain from linkage by exploiting the competition for power and legitimacy among numerous venues within a regime complex. The process of electing the

preferred forum made by policy makers and other relevant actors is therefore more often than not a strategic choice resulting from a careful consideration of all the economic, social and political interests (Rosendal, 2001, p.112). We speak of rationally strategic behavior when actors have the ability but lack the interest to create regulatory and normative policy coherence, and rather pick and choose whatever fits their needs (Morin & Orsini, 2013, p.45). So, while rule and norm inconsistencies might be the result of external forces such as choices with unintended and unanticipated effects, they might just as well be intentionally triggered when actors resort to strategic behavior in defense of their self-interests (Young, 1989, p.356). With strategic inconsistency, or ambiguity, actors aim to undermine the authority of one institution by creating contradictory rules in another (Alter & Meunier, 2009, p.17). If actors have the ability to challenge the legitimacy of a certain institution by committing to another incompatible institution or by framing a policy issue in such a way that it contradicts the frame of another forum, actors might eventually shift the general frame of a particular issue (Alter & Meunier, 2006, p.364; Gehring & Oberthür, 2009, p.138). An added benefit of this ambiguity is the lower threshold for participation (Young, 1989, p.356). When the functions of one institution have crept in the area of neighbouring issue-areas, vagueness of international rules can lower the entry costs (Eimer, 2015, p.7). This might increase the overall participation rate as members are less likely to withdraw out of fear to be named and shamed as unreliable once they have committed themselves.

Paradoxically, after a certain point, the increasing institutionalisation loses its purpose when too many aim to govern too few issue-areas. When quantity trumps quality, the institutional governance system risks turning into a bundle of plastic rules with no credibility whatsoever (Keohane & Victor, 2011, p.14). Hence, redundancy of international norms and rules, in the absence of a single authority, can undermine the ability to hold actors or institutions accountable, as it is not always clear who should be held accountable and by whom in a complex system (Alter & Rautstalia, 2018, p.341). Blocking the realignment of the fragmentation of international law might therefore be strategically beneficial whenever the preferences of the relevant actors diverge. This allows actors to choose their preferred interpretation of the rules at their venue of choice, leaving the regulatory situation fundamentally ambiguous. Hence, sometimes it might be beneficial for actors to maintain the ambiguity of international regulations (Alter & Meunier, 2009, p.16).

Since part of the international outcome depends on an actor's ability to act upon these strategic opportunities, attention also needs to be paid to the relative resources and capabilities of the actors involved. In the post-hegemonic international order, a state's ability to secure and defend its self-interests depends on a number of factors including the internal position regarding the possession of resources and capabilities as well as the support it receives from citizens as well as other relevant actors (Aggarwal, 1998, p.14; Davis, 2009, p.25). The larger and wealthier countries possess, in general, more resources which strengthens their bargaining position. Meaning that states with more resources are better capable of manoeuvring through the complex laws, rules and norms that make up the international governance system. For example, powerful actors can more easily send multiple delegations to multiple forums, hire experts and consult lawyers. In contrast, many developing countries lack human capital, both in number and expertise, required to participate in all the international forums. Therefore, regime complexity argueable advantages the more powerful actors.

At this point, TNAs such as epistemic communities, lobbyists, NGOs and other non-governmental groups come in. Non-profit organizations often enjoy a normative legitimacy due to their selflessness, epistemic communities enjoy authority based on their independent expertise, and corporations because of their economic importance. While assisting states, these TNAs are able to influence multilateral negotiations in favor of their own objectives (Risse, 2002, p.269). Besides coalitions with states, TNAs can also influence the development of regime complexes through lobbying activities in the domestic sphere of states to change a state's interest. And furthermore, through the formation of coalitions with the secretariat of IOs, with the aim to provide monitoring and information resources.

However, the choice for a certain forum is not one to take lightly but happens against the backdrop of commitments made in other elemental institutions that are part of the regime complex, as well as knowledge regarding their position within the international political economy (Gehring & Faude, 2013, p.122). The existence of multiple arenas allows actors to choose between the norms, rules and principles most beneficial for promoting their self-interest. Each forum has its own objectives, allowing actors to frame their interest to the liking of the particular institution they see fit for their goals, hopes and dreams. Hence, with complexity also comes the opportunity to forum-shop (Gehring & Faude, 2013, p.124). For example, in general it is for developing countries relatively easier to defend their interest in

UN-related institutions like the FAO, than to take action in economic forums where trade-related sanctions form a viable threat (Rosendal, 2001, p.109).

Forum-shopping opportunities create a constant competitive pressure for the third group of relevant actors, IOs, to provide the most beneficial forum and to be the legitimate authority concerning a certain issue-area (Alter & Meunier, 2006, p.364). Thus, while states and TNAs have the possibility to exploit the absence of hierarchy as a strategy to promote their objectives and circumvent obligations, IOs have to defend and secure their bureaucratic authority. The power of IOs is complex in the way that they owe their authority and existence to the same actors they are tasked to regulate. IOs are however not only servants, but also bureaucracies who do more than just facilitating cooperation to overcome collective action dilemmas. For one, they are relevant actors in the sense that they exist as autonomous legal entities different from their members. They draw their legitimacy and authority from being perceived as neutral middle ground without any self-serving goals and tactics (Barnett & Finnemore, 1999, p.699). In the meantime, the secretariats of IOs are also competing against one another to defend and enhance their bureaucratic self-interests by securing enough resources and governance tasks to guarantee their continuing existence, or even to further their relative power and legitimacy within the global governance system.

Ultimately, actors might also target the larger context of international rules (Alter & Meunier, 2009, p.22). Where forum-shopping is mostly focused on actors who select international venues where they are most likely to defend and enhance their self-interests, regime shifting is concerned with cross-institutional strategies to stimulate a certain policy agenda across an array of international institutions. Hence, regime-shifting strategy has the ultimate goal of reforming the whole global status quo.

2.3. Conflict versus cooperation

In the attempt to govern an increasing number of issue-areas subjected to an increasing number of actors with different objectives, resources and strategies, some competition is likely to arise over the division of tasks and authority of objectives. During normative and regulatory conflict, the norms and rules among related regimes tend to fail to complement each other nor do they enhance each other's negotiations, policies and structures (Orsini et al., 2013, p.28). But while in some cases conflict might prevail, a more typical route seems to include mutual accommodation and coordination to ensure and reinforce institutional

effectiveness (Rosendal, 2001, p.96). However, most commonly inter-regime relations are neither completely dominated by cooperation nor by conflict but can be situated somewhere in between. Inter-regime relations can therefore be placed on a continuum between comprehensively integrated arrangements and fragmented rivalry (Keohane & Victor, 2011, p.7). These conflicting and cooperating situations are not static but rather dynamic and constantly subjected to change due to the interaction between elemental institutions and the behavior of the relevant actors (Gehring & Faude, 2013, p.121).

Regime complex theory provides a framework to answer the question why cooperation between international regimes sometimes succeeds but fails in connection with other seemingly similar problems. While a growing body of scholars no longer addresses regime analysis as if it is a feasible option to disentangle the international arena into nicely ordered parts, the co-existence of conflict and cooperation within one regime complex remains an understudied area (Keohane & Victor, 2004, p.277). Most scholars focus on conflict, often because it is more puzzling given the incompatibility between the initial aim of cooperation and the eventual outcome of conflict (Gehring & Faude, 2013, p.123). And while the presence of impeding forces between the elemental institutions is a defining characteristic for a regime complex, there will also be non-diverging relations (Orsini et al., 2013, p.29). Singling out one situation of conflict would therefore not even catch a glimpse of the complicated co-evolution process that resulted in the current situation. The challenge before us is to recognize the existence of multiple regimes with contrasting objectives and partly overlapping mandates, and to study the interplay of both cooperating and conflicting forces within regime complexes that give rise to harmonization or rivalry respectively.

So, when can we expect conflict and when cooperation in the emerging fishery regime complex? Overall, cooperative inter-regime relations can be expected to emerge when the interests of all the relevant actors are sufficiently compatible, leading to a situation where institutional reconciliation and highly coordinated authority is the most suitable institutional form for the relevant actors to defend and enhance their self-interests (Keohane & Victor, 2011, p.8). So, when regulatory inconsistency tends to undermine the gains from cooperative efforts, the actors involved will work toward institutional reconciliation (Gehring & Faude, 2013, p.125). Especially when it is in the interest of the most powerful actors to lower the transaction costs, to increase the rate of compliance and to discourage free riding (Gehring & Faude, 2013, p.127).

States are commonly one of the most relevant actors of a certain institutional arrangement (Gehring & Faude, 2013, p.121). Whenever the key objectives and interests are compatible or even mutually reinforcing, a coherent institutional cooperation can be expected (Keohane & Victor, 2011, p.16). However, when the objectives of the different states are incompatible and mutually unfavorable, the competing interests might result in conflict (Isailovic et al., 2013, p.13). Cooperation can therefore be expected if states share the same interests, while conflict can be expected whenever there are contrasting interests among states.

The secretariats and other organizational actors of the elemental institutions might also be relevant within the global political system (Gehring & Oberthür, 2009, p.129). Through interaction with the rest of the international community, they help to define, and give meaning to interests, rules and processes. IOs can be understood as diverse and sophisticated entities, with legal, political and social dimensions. They vary widely in their substantive areas of authority, their internal structures and their political salience, but what they have in common is that they all have their own independent personalities. Meaning that institutional arrangements might at least partly be responsible for the formation of their own arguments, even if this goes against the self-interests of the relevant members (Eimer, 2015, p.5).

The pathway of the institutional development that shapes the global governance system reflects the power distribution between the individual IOs (Gehring & Faude, 2014, p.479). IOs that are relatively well integrated into a specific regime enjoy more power and legitimacy. To defend or expand their role in society, the secretariats might therefore pursue specialization in an issue-area where they have a comparative (regulatory) advantage, resulting in a clear functional division of tasks (Morin & Orsini, 2013, p.43). Cooperative situations are therefore more likely to occur if the relevant institutions are closely integrated and complementary to other IOs, meaning that the tasks and goals are divided in an interlocking governance structure in such a way that there is less need to compete with each other. In contrast, conflicting situations are more likely to occur when multiple IOs claim authority over a single issue area or territory (Isailovic et al., 2013, p.13). In the absence of hierarchy, the most competitive IOs are more likely to survive. For this reason, it can be expected that conflict prevails in situations of incompatible authority claims among institutional arrangements (Gehring & Faude, 2014, p.475). Hence, cooperation can be expected when the bureaucratic interests of IOs are compatible or even mutually beneficial, while conflict can be expected if cooperation is incompatible with the bureaucratic interests of IOs.

In light of the decreasing US hegemony, new innovations and international interdependence, the institutional arena has been opening up in an attempt to deal with issues that extend beyond national capacity. The resulting global power redistribution engages not only more but also a more diverse range of players, including civil society organizations, experts, businesses and the media (Alter & Raustiala, 2018, p.345). However, when these TNAs remain fragmented in their objectives and representation among distinct elemental regimes, the solutions provided enjoy less legitimacy. So, conflict can be expected when the core norms are incompatible and consensus cannot be reached (Isailovic et al., 2013, p.13). Cooperation, on the other hand, is especially liable when the core norms and objectives of the relevant TNAs are more or less overlapping, or at least not contradictory. Hence, cooperation can be expected whenever there is a consensus among TNAs, whereas conflict can be expected whenever the TNAs are not able to reach a consensus.

As the text above explained, most of today's problems are multidimensional, include numerous actors, create impact all over the globe, and are therefore simple too complicated to deal with in a single regime. To present a structured review of the development of cooperative and conflicting relations within the emerging regime complex, I use the trichotomy of polity, politics and policy (Rittberger & Zangl, 2003, p.91). The analyses of all three dimensions provides a framework to reveal the whole story of regime formation and allows us to dive deeper into the dynamics between states, IOs and TNAs that might impede or stimulate certain inter-regime interactions, ranging from conflict to cooperation. Hence, it adds to the understanding of the co-evolution of conflict and cooperation between differing regimes as part of the global fishery complex, as well as regime complexes in general.

3. Methodology

3.1. Hypotheses and operationalization

In the previous chapter, I provided a literature review on the development of regime complex theory and highlighted the key theoretical and conceptual findings. Based on regime complex theory, several expectations can be drawn with regard to the existence of conflict as well as the development of peaceful cooperation among regimes.

Cooperation will be understood here as the presence of mutual efforts, or at least the willingness to work together in terms of the polity, politics and policy dimension with the shared purpose to eliminate overfishing. In contrast, conflict will be understood as the lack of mutual efforts or even outright competition in terms of the polity, politics and policy dimension while aiming to eliminate overfishing. Hence, in order to study the development of the inter-institutional relations, the complex governance process will be categorized into the institutional structure (polity), decision making process (politics) as well as the actual content and outcome (policies) (Rittberger & Zangl, 2003, p.91). In general, the development of inter-institutional relations, ranging from conflict to cooperation among regimes within one single regime complex, can primarily be attributed to the interplay of interests and strategies among the relevant actors namely states, the secretariats of IOs, and TNAs. But before diving into the expectations regarding IOs and TNAs, I will first focus on states.

3.1.1. States

Regime complex theory argues that in an institutional dense environment, cooperative inter-regime relations emerge if the interests of states are sufficiently compatible, leading to a situation where institutional harmonization and coordination is preferable over conflict for the relevant actors to defend and enhance their self-interests (Keohane & Victor, 2011, p.8). Drawing upon these theoretical assumptions of regime complex theory, it can be stated that cooperation is more likely to occur when states have a common interest. So, based on this reasoning, the first hypothesis can be stated as follows:

H1a: Within a regime complex, cooperation can be expected if states share the same interests

In contrast, since conflict can roughly be considered an antonym for cooperation, conflict is more likely to occur when various states have distinct and contractionary self-interests. From this assumption the following hypothesis can be deduced:

H1b: Within a regime complex, conflict can be expected if there are contrasting interests among states

So, how can we recognize conflict and cooperation? In this study, cooperation among states can be identified based on the presence of shared interests. The concept of 'shared interests' needs some further clarification. To judge whether interests are shared among the relevant states, the national interests are assessed by means of the expression of the priorities or perception of these priorities. Meaning that if the priorities of states are compatible or if states at least feel that their priorities are compatible with the priorities of other states, their interests can be considered mutual inclusive.

To recognize a conflicting relationship, it is important to look at the interests and to pinpoint the most important national preferences of the relevant states. The interests of states are contrasting to one another if they express varying incompatible priorities or at least if the relevant states have the perception that their differing priorities are incompatible.

3.1.2. International organizations

With regard to H2, it is important to look at the key bureaucratic interests of the relevant IOs, and to analyze what kind of decisions expand or defend their authority and autonomy in the global arena. IOs, or the staff of IOs, are crucial actors according to regime complex theory for their role as facilitators of cooperation as well as their independent authority to constitute and construct the global arena. IOs are created by external, primarily state, actors, but find themselves in a position where they also have to regulate and monitor these same actors. This ambiguity situates IOs in a rather vulnerable place. To secure and possibly expand their position in the global arena, these IOs are likely to act according to their bureaucratic self-interests. Hence, IOs are likely to cooperate when this ensures or increases their bureaucratic authority and effectiveness. From here on, we can infer the following hypothesis:

H2a: Within a regime complex, cooperation can be expected if the bureaucratic self-interests of international organizations are compatible or even mutually beneficial to one another

However, when the authority and autonomy of IOs is threatened by the bureaucratic self-interest of other IOs, this will likely result in less friendly situations or even conflict. Meaning that:

H2b: Within a regime complex, conflict can be expected if cooperation is incompatible with the bureaucratic self-interests of international organizations.

So, if we see incompatible bureaucratic self-interests among IOs within the marine fishery regime complex, then conflict is more likely to be the outcome, whereas cooperation is more likely when the bureaucratic interest of one IO does not threaten the bureaucratic interests of another IO within that same regime complex. These bureaucratic self-interests of IOs will be determined and evaluated based on the priorities of the individual IOs. Shared interest are therefore an expression of common priorities or perception of compatible priorities, whereas the expression of wide-ranging disparate priorities or the perception of incompatible priorities represents diverging interests.

3.1.3. Transnational actors

The last group of actors, included in this thesis as crucially important for the development of regime complexes, concerns TNAs. As explained in the previous chapter, actors like experts and NGOs are increasingly important and enjoy progressively access. But TNAs form a diverse group, with varying legal, social, economic and political interests and priorities. As long as these TNAs have common goals or at least meet each other halfway to present a united front, the interaction will be harmonious. Hence, the third hypothesis regarding cooperation can be stated as follows:

H3a: Within a regime complex, cooperation can be expected if there is a consensus among the individual transnational actors

Unlike cooperation, conflict is more likely to occur if the interests vary widely and no compromise can be reached among the relevant TNAs. For example, when a civil society group takes a stand that is not compatible with the interests of another TNA, tension between the objectives is likely to result into conflict. So, according to regime complex theory:

H3b: Within a regime complex, conflict can be expected if transnational actors are not able to reach a consensus

Regarding H3, it is important to identify the crucial TNAs, and to investigate how the shared and diverging priorities among them relate to one another. Meaning that it is also key to analyze the effects of pursuing one's own priorities on the room for other TNAs to defend and

expand their key objectives. Hence, in contrast to shared interest, diverging interests among TNAs imply widely varying priorities that are (perceived) as mutually exclusive.

In this section I formulated three main hypotheses each divided into two extremes based upon the assumption that cooperation and conflict can be expected depending on the presence or absence of diverging interest. Whether interests are either shared or diverging can be recognized through the priorities and or the perceived compatibility of these priorities. Meaning that conflict can be expected when the priorities are mutually exclusive, but if the priorities of states, IOs and TNAs are mutually inclusive or even reinforcing, cooperation is the expected outcome. In the next chapter, I aim to empirically illustrate cooperation and conflict within the marine fishery regime complex. However, first attention needs to be paid to some methodological issues and decisions.

3.2. Case selection: the marine fishery regime complex

This study focusses on the institutional emergence and development of the marine fishery regime complex, to understand the varying dynamics between the elemental regimes, while highlighting the priorities and accompanying strategies of key actors as driving forces in international relations. This research design is X-centered, meaning that the focus is on collecting evidence in order to analyze to what extent the causal relationships function as hypothesized within the case. I aim to substantiate the arguments with the help of a illustrative case study. When presented with a relatively abstract theoretical idea, this type of case studies can add more meaning and demonstrate the relevance (Odell, 2001, p.163).

The reason why I chose the marine fishery regime complex as the illustrative case, is first of all because the complex is still relatively understudied despite the increasing complexity and importance of the blue economy (FAO 2018, p.166). The “blue economy” as a concept came out of the Rio+20 conference, simultaneous with the rise of the “green economy”. However, in contrast to how scholars within the critical agrarian study tradition have leapt over the concept of the green economy, there are relatively few studies that have engaged explicitly with the blue economy even though the socio-ecological consequences for communities are likely to be equally, if not more, severe.

I also chose the marine fisheries because of the unexpected emerging complexity. Ever since the initiation of UNCLOS in the 1980s the marine fishery regime complex has continued

growing and developing. But even though today, the oceans seem to be subjected to an emerging range of regulatory arrangements, in the past the traditionally open and free seas have been proven very difficult to organize. So, considering the emerging complexity of this relatively new and unexpected area of interest, the marine fishery regime complex constitutes as a suitable and interesting illustrative case to answer the research question.

In sum, this article is focused on a single case, namely the marine fishery regime complex, with an X-centered research design to illustrate the development of both conflict and cooperation between the elemental regimes within a single regime complex.

3.3. Data and method

3.3.1. Sources

In order to answer the research question, hence, to comprehend the marine fishery regime complex and develop an in-depth understanding of the actors and interests at stake, information is derived from several sources. This information is empirically driven, meaning that I have assessed the norms and rules of the elemental regimes based upon reports and data collections from key IOs, relevant states as well as evidence from records and data from TNAs about the marine fisheries (e.g. FAO, 2018; FAO, 2019; WTO, 2010b; De Schutter, 2012; WWF, 2019). These official documents all provide information and discussion points surrounding the rules, guidelines and other institutional arrangements influencing fishery governance as well as information about the priorities of the actors involved. Further information is gathered through the existing body of scientific literature, news articles and documents from other stakeholders. The data gathered during the content analysis can be considered reliable due to the combination of several data sources to verify and complement each other. So although these sources are not all independent, the careful collection, revision and validation of the information from a diverse range of sources ensures the quality of the information.

3.3.2. Process tracing

As discussed earlier, the main difficulty in analyzing the marine fishery regime complex is the absence of a single hegemonic institution responsible for the regulation and governance of this issue area. Instead, it involves some serious complexity due to a diverse set of actors, objectives and tactics. To provide a framework that is able to include the key dynamics among

the different elemental institutions in the marine fishery regime complex, I use process tracing. This method has the ability to systematically collect and comprehend evidence that either supports or rejects the assumptions as stated in the hypotheses (Collier, 2011, p. 823). Process tracing is particularly useful in situations with a multi-level multi-stakeholder context, like the marine fishery regime complex, where decisions are being made by actors from various backgrounds and information is gathered through a diverse range of sources. The method can be described as an empirical inquiry that goes beyond merely identifying correlation but instead aims to unpack the black box of causality, and can therefore be used to explore, illustrate and explain the development and outcome of certain processes (Beach & Brun Pederson, 2013, p.2). So, with regard to the marine fishery regime complex, process tracing offers the possibility for an in-depth analysis with the goal of providing a sufficient explanation for the puzzling development of both cooperative and conflicting inter-regime interactions within the emerging marine fishery regime complex.

3.4. Caveats

Process tracing is a useful method for research in the field of political science and political economy. One of the major advantages of process tracing is that it provides researchers with different tools to go beyond identifying a correlation between independent and dependent variables by tracing and studying variables in a single-case research design in-depth (Beach & Brun Pederson, 2013, p.2).

Despite the benefits, process tracing also has some disadvantages. First, it is difficult to determine when a minimally sufficient explanation has been identified for a certain causal relation in the case-centric variant of process tracing (Beach & Brun Pederson, 2013, p.20). The guidelines are vague, and it is up to the researcher to assess whether all potentially relevant factors have been sufficiently considered. Consequently, there will always be uncertainty regarding the adequacy of the presented evidence (Beach & Brun Pederson, 2013, p.21). Relatedly, it is often not possible to test every step in the causal chain (Gerring, 2006, p.182). A further disadvantage is that the observed causal mechanism is not necessarily generalizable (Beach, 2017). However, the results and conclusions in this thesis are neither presented as fixed nor exhaustive, especially considering the exploratory nature of the

illustrative case. Therefore, the findings can never be considered deterministic, but solely as an illustration that might indicate relevant findings for the broader regime complex literature. Further improvements could be made regarding the data sources, especially since process tracing as a method is adequate to deal with information from several sources. For future research it could therefore be interesting to add information from interviews with experts and stakeholders, as well as adding information from quantitative research methods to increase the value and salience of the study. Nevertheless, considering the time and resources available, the chosen research design is suited for gaining in-depth information and ultimately provides sufficient knowledge to answer the research question.

All in all, we can conclude that employing the marine fisheries as an illustrative case to explore and explain the dynamic relationships between the elemental regimes of this rather emerging regime complex, allows us to fill some of the gaps of a previous understudied research topic and familiarizes the audience with empirically grounded knowledge. And while there is ample room and even a need to dive deeper into the topic, this approach provides a solid look into the world of marine fishery governance and produces sufficient insights for future research to build upon.

4. The marine fishery regime complex

Even though this thesis might often refer to the global fishery regime complex as a single affair, in reality it consists out of various distinct but interlinked issues, each with their own obstacles and challenges (Keohane & Victor, 2011, p.13). To name a few cooperation problems; first and foremost the coordination of fishing rights; second the compensation for countries unable to restrict some of their people from harvesting; another problem is the assessment of (scientific) expertise about how to effectively restore the ocean's fish stocks; and, of course, the adaptation to future scenarios and possible new techniques like aquaculture. But before we lose ourselves in the complexity, let us go back to the beginning and start with the emergence of the marine fishery regimes.

4.1. The rise of a complex

For most of history, two ideas have been at the heart of the framework that governs access to the marine fishery resources, the doctrine of the freedom of the seas and the belief in the inexhaustibility of the marine fisheries. However, globalization and new innovations changed the global political economy dramatically, including the global fisheries, by increasing the efficiency and capacity of the harvesting operations (Stokke, 2001, p.4). A combination of different aspects of the modernization process, like enhanced production processes including the harvesting, freezing and processing technologies, invention and accumulation of specialized fishing vessels like bottom trawlers and long-liners; improvement of the global infrastructure; and the large amount of government subsidies, all contributed to the increasing capacity as well as the increasing competition among the fishworkers.

Fortunately, these new technologies did not only enable fishing vessels to broaden both the scope and efficiency, but also stimulated efforts to create a system responsible for governing the marine resources. While change was set in motion a bit earlier, most of the notable transformations of the common heritage governance system started around the 1970s, dominated by the neoliberal ideology (Mansfield, 2004, p.179). The neoliberal ideology argues that global welfare can best be achieved by liberating the economic markets (Pinkerton, 2017, p.4). According to this hegemonic ideology, the oceans should be treated as a distorted market where the absence of property rights leads to inefficiency. Since then, states have agreed to further the multilateral liberalization of trade under the auspices of the GATT, and later the WTO (WTO, 2010b). The WTO is the general accepted representative of the international

trade regime, including trade in marine fisheries. The fishing industry is therefore part of the wider WTO initiative, in line with the global economic liberalization agenda, to remove international trade restrictions and prevent trade distortions.

Still, the first regulations solely dedicated to the marine fishery sector were initiated by the United Nations General Assembly (UNGA) which adopted a series of resolutions to commit states, both individually and through Regional Fishing Management Organizations (RFMOs), to the goal of preventing any damages to the oceans due to fishing practices (UN, 2018). This is followed by periodic reviews concerning the implementation of these resolutions (2006, 2009, 2011, and 2016). In 1982, the UNGA adopted the most influential document that governs the oceans, UNCLOS, also referred to as “the constitution of the ocean”. Under UNCLOS, states got rights to charge fees for accessing Exclusive Economic Zones (EEZs) for fishing purposes, initiate production criteria, and restrict access (Pinkerton, 2017, p.7). These EEZs extent jurisdiction to coastal states and distant water nations up to 200 miles from the continental shelf, which covers roughly 90 percent of the global marine catch (World Bank, 2017, p.18). Additionally, in 1995, the UN adopted the United Nations Agreement on Straddling and Highly Migratory Fish Stocks, also called the Fish Stocks Agreement (UNFSA) (Young, 2011, p.447). As the name suggests, this agreement deals with the practical reality that fish do not acknowledge the judicial 200-mile radius of EEZs. Moreover, the agreement did also introduce some environmental and biodiversity considerations to the global marine fisheries regulation (Boyle, 2005, p.580).

During the last decades, the international regulations and objectives have not been static but subjected to change to reflect the increasing focus on other issues as well. One of these objectives, food security, is predominantly defended by the FAO. The FAO is an intergovernmental forum where major international fisheries and aquaculture issues are examined, recommendations are addressed by a range of states and other stakeholders, and also serves as a forum for the negotiation regarding international agreements on fisheries (FAO, 2018, p.75). First, in 1993, the FAO initiated the agreement to promote compliance with the International Conservation and Management Measures by Fishing Vessels on the High Seas, also referred to as the Compliance Agreement. In 1995, it introduced the Code of Conduct for Responsible Fisheries (the Code) (FAO, 2018, p.80). This was later complemented by the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines) (FAO, 2018, p.158). Furthermore, in

2001, several International Plans of Action (IPOA) were developed; IPOA: Seabirds, IPOA: sharks, IPOA: fishing capacity, IPOA: IUU fishing. And lastly, in 2009, the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) became the first binding international agreement with the goal of preventing and eliminating IUU fishing (FAO, 2018, p.82). One additional non-management related contribution of the FAO is through the publication of “The State of the World Fisheries and Aquaculture”, which is the sole source of global fisheries statistics (FAO, 2018, p.vii). This biennial report provides technical insights and information on the current patterns and trends as well as expectations and recommendations for future fishery management.

Recently, the FAO started cooperating with CITES. The CITES regime already started regulating the trade in certain species through a licensing system that authorizes import, export, re-export in 1973, but only recently added “introduction from the sea” as its objective (Gillepsie, 2002, p.30). The central mechanism of the organization covers three appendices, ranging from Appendix I where almost no trade is allowed to Appendix III with the species that need the least amount of trade restrictions. The MoU between CITES and FAO is the result of efforts to increase the legitimacy and credibility of both regimes, and to loosen the tension between preservation and utilization (Young, 2010, p.480). For that purpose, the MoU targets five areas; information sharing and mutual observership, capacity-building, cooperation in the CITES listing criteria, consultation and review of CITES listing proposals by the FAO, and the management of resource allocation. Besides CITES there are a lot more environmental regulations such as the CBD, whose Conference of Parties sets the agenda for key biodiversity protection and management issues through the creation of protected areas, marine and coastal biodiversity programs, as well as the identification of ecologically and biologically significant areas.

Table 1. Overview of the most relevant regulations.

Regime	Regulations
Law of the sea	<ul style="list-style-type: none"> • United Nations Convention of the Law of the Sea (UNCLOS) (1982) • United Nations Agreement on Straddling and Highly Migratory Fish Stocks (UN Fish Stocks Agreement) (1995)
Food security (FAO)	<ul style="list-style-type: none"> • The Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance agreement) (1993) • Code of Conduct for Responsible Fisheries (the Code) (1995) • International Plan of Action (IPOA) (2001) <ul style="list-style-type: none"> ○ IPOA: Seabirds ○ IPOA: Sharks ○ IPOA: Fishing Capacity ○ IPOA IUU Fishing • The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) (2009) • Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries (SSF Guidelines) (2014)
Ecological (CITES)	<ul style="list-style-type: none"> • Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES) (1975) • Convention on Biological Diversity (1992) • Marine Stewardship Council (MSC) (1996)
Trade (WTO)	<ul style="list-style-type: none"> • The Agreement on Implementation of Article VI of GATT 1994 (Anti-dumping Agreement) • The Agreement on Subsidies and Countervailing Measures (SCM Agreement) (1995) • Negotiations on fisheries subsidies (officially launched in 2001)

4.2. Polity

I first turn to polity, the overall institutional system that forms the framework for political interaction and covers the normative and structural elements both stated in written rules as well as unwritten rules (Rittberger & Zangl, 2003, p.91). Hence, this dimension highlights the emergence and development of the structure of the international system, and the organization and composition of the relevant authorities.

4.2.1. The international structure

The marine fishery regime complex consists of multiple regulatory elements each covering distinct but interconnected interests related to the overall management goal to stop overfishing. The relevant treaties, agreements and other forms of rules are different in form, membership and enforceability, but in the end, the elemental regimes are just partly hierarchically organized and no international institution supersedes the other (Lamy, 2006, p.978). The WTO for example, explicitly confirms in its provisions as well as through interpretation that trade is not necessarily the sole nor the primary objective that its members take into consideration when making decisions.

But although no organization trumps over the other, some rules are in place. In 2002, the International Law Commission (ILC) conducted a study to investigate the fragmentation and diversification of international law, which resulted in the publication of a series of recommendations to determine the hierarchy of international law and rules (Koskenniemi, 2006). They referred to the provisions in the 1969 Vienna Convention on the Law of Treaty to coordinate overlapping and conflicting rules and objectives in international law. The study group draws attention to *lex specialis*, meaning that more specific rules precede the more general standards and *lex superior* which means that the higher rule takes precedence over the lower. The report further discussed the principle of *Lex posterior*, which gives priority to a more recent treaty over an older one. In theory, this study can be seen as a guideline for institutional interaction, although in practice it does not seem to give any definitive conclusions or answers in case of external consequences of rulemaking and potential inter-regime conflict (Koskenniemi, 2006; Young, 2011, p.13). Hence, for regime complexes like the marine fisheries, the ILC-study does not seem to provide any decisive answers to determine a hierarchy. Instead, the marine fishery regime complex can be described as an ocean covered

with separate but interconnected islands. What I am trying to say with this, is that the complex lacks a hegemonic institution, but is rather made up out of multiple centers, each covering distinct but interconnect objectives related to the common goal to stop depleting the oceanic resources.

To reach this goal, the use of the marine fishery resources is first and foremost regulated through the law of the sea in which UNCLOS takes the center stage (Boyle, 2005, p.563). Negotiations here, are settled by consensus and compliance protected by compulsory third-party dispute settlement bodies. UNCLOS can only be amended by means of a consensus and will only enter into force when at least two thirds of the member states have ratified the change. However, some provisions, like about EEZs, are generally accepted and therefore binding for all.

At the time UNCLOS was established, fish were almost solely seen as an economic resource. The primary reason for conservation was to secure long-term profits for the fishing industry. This overall policy objective is still valid today, especially since the conservatory provisions, to let nations consider the global effect of their practices on the marine environment, are often considered to be too general to be of any use (MacDonald, 2017, p.49).

But despite that UNCLOS is often referred to as “the constitution of the ocean”, it does not function as the central core of the fisheries regime complex. Instead, the structure is composed of more elemental regimes. For instance, apart from the law of the sea, the FAO together with a range of developing countries and civil society partners developed the food security regime, in order to highlight the importance of fish to prevent nutritional deficiencies (FAO, 2018, p.76). The FAO serves a source of knowledge and information as well as a forum to negotiate soft law agreements like during the biennial meetings of the FAO Committee on Fisheries (COFI), which is the sole global intergovernmental forum with the aim of discussing the international fishery issues. The organization is part of the UN-system but linked to the UN through a special agreement to ensure its autonomy (Young, 2010, p.462). This means that even though the organization is part of the UN-family, it has a separate independent judicial personality with its own governing body, budget and secretariat. The founding documents also clearly state that the organization has the rights to interact and reach agreements with other IOs and TNAs (FAO, 2013; FAO, 2015). Interactions with TNAs, including corporations, NGOs and other stakeholder groups, are specified in the constitution of the organization (FAO, 2019). A total of 196 TNAs enjoy formal relations with the FAO, but their status and

accompanied privileges vary. For example, only the 16 TNAs with “full consultative status” are allowed to participate without further approval or invitation. Another group of roughly 60 TNAs holding “special consultative status” enjoy observer status upon approval by the Conference or the Council, while the last group with the so called “liaison status” is granted observer status upon invitation by the Director-General. Granting access to TNAs is by no means a new development for the FAO, as several TNAs have held a consultative status for decades, including the World Forum of Fish Harvesters and Fishworkers (WFF), World Forum of Fisher Peoples (WFFP), and the International Collective in Support of Fishworkers (ICSF) (Borras et al., 2008, p. 171). Working with these and other intermediary organizations, the FAO has incorporated extensive consultation with fishworkers during the development of small-scale fishery policies. The FAO also acknowledges the importance of cooperation with other IOs to deal with overfishing through a number of instruments and policies. For example, during the 14th Conference of the Parties, the FAO and CITES finalized their collaborative relationship in a MoU, agreeing to exchange information to promote sustainable fish trade (Sky, 2010, p.36).

CITES is also positive towards granting observatory status to external parties, unless at least one-third of the CITES parties objects. Consequently, any person or representative of any organization who is deemed relevant for the pending discussion can be invited to attend as an observer by the Chairman of the Standing Committee (Young, 2010, p.477). These observers are allowed to participate in the debate, but not to vote. Moreover, besides the FAO, CITES has several other institutionalized cooperative relationships and partnerships through multiple MoUs and resolutions with governments, MEAs, NGOs, experts, and other IOs (CITES, 2019). This includes the MoU with several NGOs through the TRAFFIC program, the wildlife trade-monitoring program of the World Wildlife Fund (WWF) and the World Conservation Union (WCU).

But while the interaction between the different centers in the above section can be described as partly institutionalized and characterized by mutual observership status, MoUs and other arrangements, the trade regime does not seem to go along with this trend. The trade regime started to develop and increase their authority with the creation of the WTO in 1995 (WTO, 2019c). In 2001, the WTO undertook an attempt to specifically include fisheries issues, especially with regard to the regulation of subsidies that contribute to overfishing (WTO, 2019b). The initial mandate only allowed for clarification and improvements to the existing

WTO disciplines on fishery subsidies, but was later expanded to include a call to prohibit certain kinds of fisheries subsidies that add to the imbalance between capacity and fish stocks. During the 1990s, the FAO was the organization with the mandate to regulate fishery subsidies (Young, 2011, p.90). However, due to a lack of success of the voluntary measures, the attention moved away to the WTO and not the more obvious choice; UNCLOS. This can mainly be explained by the lack of compulsory jurisdiction of UNCLOS' dispute settlement procedure. Similar to the WTO, UNCLOS regulations can be binding, but the WTO possesses superior enforceability with its compulsory, binding dispute settlement mechanism (Young, 2011, p.240). This stronger compliance mechanism has attracted an ever-increasing mandate for the WTO.

The WTO is an inter-state forum, meaning that it functions on the principle of "one state, one vote", to ensure the sovereign equality of all the different states regardless of their size and power (Lamy, 2006, p.973). This also indicates that during WTO negotiations as well as during dispute settlements there is practically no place for fellow IOs nor any TNAs. Meaning that member states are responsible for gathering information and representing the voices of enterprises, fishworkers and other stakeholders. And meaning also that WTO members, hence the attending states meeting through the General Council, are responsible for cooperation and coordination efforts relating to inter-organizational interaction (WTO, 2019a). Observership is examined on a case by case basis by the WTO committee of relevance and can be granted to external agents like corporations, NGOs, experts and other IOs, so they can attend the negotiations of some WTO committees outside of the Doha negotiation framework (Young, 2011, p.109). For example, at the start of the negotiations on fishery subsidies, the FAO and a number of other organizations had the observer status, but when the negotiations shifted from the Committee on Trade and Environment to the Rules Negotiating Group, the right to observe proceedings did not move with them.

WTO dispute settlements are also closed to non-parties. Nevertheless, some influence by third parties is possible. First, through the right of WTO member states to bring claims to the WTO, including claims containing invocations of non-WTO sources (Young, 2011, p.212). And second, through the knowledge and experiences of the adjudicators, including panelists, members of the appellate body, and the WTO-secretariat themselves. Although there has been an increase, primarily due the attention brought to the *amicus curiae* brief mechanism

by the US shrimp case, the adjudicating bodies have used their right to engage in consultation with external parties only in a small number of cases (Young, 2011, p.222).

The position of TNAs in the WTO represents a general trend, because although de facto participation of TNAs in international forums has considerably increased and the fisheries sector also has progressively active TNAs, the formal access granted to external parties at the systemic level remains rather restrictive making it almost impossible for them to either impede or stimulate efforts at the polity level. But if not TNAs, who then are the driving forces for more, or of course less structural coherence within the marine fishery regime complex?

4.2.2. Conflict versus cooperation

The polity dimension centralizes the emergence and development of the structure of the international system that supposedly aims to eliminate overfishing. Moreover, it highlights the composition and influence of the relevant states, IOs and TNAs on the inter-regime interactions ranging from conflict to cooperation.

Between the law of the sea, food security and ecological regime, the structural design is relatively facilitating towards interaction among the institutional elements for the sake of the overarching goal to eliminate overfishing. At the intersection, there where regimes meet, tension between their diverging interests is often relieved through the creation of ties in the form of legal references, saving clauses, observatory status or joint projects to help mediate and demarcate boundaries (Morin & Orsini, 2013, p.43). Driving forces in the marine fishery regime complex for these types of coherence, or at least absence of conflict, are in particular the secretariats of IOS. These IOs share a bureaucratic interest to uphold their status and legitimacy as an adequate institution to deal with the issues in the fishery sector as they are created, at least partly, to work towards the ultimate goal of eliminating overfishing. The IOs are mostly supported by non-fishing nations and non-business related TNAs in their effort to improve coordination and cooperation among the relevant institutions. However, the influence of TNAs at the polity level is relatively small, primarily due to the rather low levels of access.

Nonetheless, the institutional design is still more open than the WTO, where states are practically the sole actors of relevance. The institutional design of the WTO does therefore not stimulate cooperative interaction with TNAs nor with other IOs within the complex. This can be illustrated by the WTO's recently acquired mandate regarding fishery subsidies. Initially, the

non-binding FAO regulations covered the governance of fishing capacity via the subsidy-related provisions in the Fish Stocks Agreement, the Code of Conduct, and the IPOA Capacity. When the WTO established its objective to negotiate fishery subsidies during the DOHA rounds, it was initially met with a lot of criticism from various perspectives directed at the mandate, supposed lack of expertise and trade bias (Tipping, 2018, p.1). At the start of the negotiations, some WTO staff members therefore proposed to consult with other IOs and to include some non-members as observers. However, the closed access remained intact as the member states could not reach an agreement on the proposal (Young, 2009, p.495). Moreover, in an effort to shift the attention to another issue covered by other regimes during the Doha rounds, several countries suggested that the actual problem that needs to be tackled is IUU-fishing practices. Most of these critical member states are also the most heavily subsidized such as Spain, South Korea, Canada, China and Japan, with an interest in continuing their current practices (Young, 2011, p.88). The lack of an internationally shared interest among all states impedes the development of cooperation, especially in regimes like the trade regime where very little interaction with external actors is the norm. Hence, in contrast to the existence of ties among the non-trade regimes, a considerable gap exists between the WTO and the other elemental regimes within the marine fishery regime complex. However, despite this gap, none of the non-trade institutions tried to hamper the WTO regulations, nor are bureaucracies expressing any complaints about the relative minor role in the WTO, as illustrated by the subsidy negotiations. In this respect, the other elemental regimes contribute substantially by upholding their support for the WTO, despite the lack of interaction, instead of adding fuel to an already tense situation (Young, 2011, p.138).

So, while the opinion and interests of the states seems divided on the fishery issue, the lack of cooperation does not result into conflict. Hence, even though the overall institutional system that forms the political organization of society might not be highly coordinated nor without tension, it does create broad structures in which politics happens and simultaneously constrain and enable actors in their practices and decision-making. But despite the plethora of objectives, the acquired structural design does not stimulate conflict. However, nor does it stimulate cooperative efforts for the sake of the overall goal to stop overfishing. Perhaps the most visible downside of this relatively loose structure is the lack of effectiveness. In other words, these broad structural governance provisions might be too vague to be effective and

shifting a substantial part of the responsibility to the politics and policy level to deal with the tension between the diverse interests among the relevant actors.

That interests are fragmented is not question. The complexity and diversity of issues accompanying the shared interest to eliminate overfishing has initiated regulatory responses that represent a plurality of interests, among others those of TNAs. But despite the increasing involvement of TNAs in the marine fishery regime complex, the access of these forces might not be significant enough at the polity level to provoke either conflict or stimulate cooperation. In contrast, states do have the access but still do not seem to provoke either conflict or cooperation. States share the long-term interest to stop overfishing but have a hard time agreeing on how this common goal should be reached in the here and now. However, these tensions seem not to erupt which does not confirm H1a or H1b, but leaves the development of cooperation and conflict mostly in the middle. Moreover, in line with H2a, the secretariats of IOs seem to relieve some of the tension at the polity level by increasing the inter-regime interaction, especially among the non-trade regimes. This means that the objectives of the law of the sea, food security and environmental regimes are sufficiently compatible to, at least for the most part, facilitate inter-institutional interaction through observership status, MoUs and other cooperative efforts and solve normative conflict through the adoption of broad rules that allow for multiple interpretations. This leaves us to conclude that at the polity level, compatible interests in the broadest sense, lead to a certain extent indeed to cooperation.

4.3. Politics

The second dimension concerns the concept of politics (Rittberger & Zangl, 2003, p.91). Politics covers the procedural aspects in which both diverging and shared interest are brought together and developed through negotiations with the goal of reaching an outcome that is acceptable for all the relevant actors involved. This process is not solely based on arguments but often the result of a complex powerplay between the players of the game that goes hand in hand with several political strategies like framing and forum shopping. Hence, this dimension captures the legislative side of politics that is concerned with the distribution of resources and largely influenced by the distribution of power among the actors involved.

4.3.1. Strategic navigation

While most of the relevant actors recognize the urgency to deal with overfishing, there is still a debate about how to deal with this problem. Hence, despite the common goal, the most effective and just way to govern the access to and distribution of the marine fishery resources, is still up for discussion (World Bank, 2017, p.17). In the meantime, the actors involved get to choose from a sea of available institutional arrangements which one is the most favorable to further their agenda.

For example, since the 14th Conference of the Parties where the MoU between CITES and the FAO was finalized, the FAO has the right and responsibility to assist the CITES regime with scientific and technical reviews of proposals to amend the appendices (Sky, 2010, p.36). Consequently, the CITES secretariat must respect these reviews to the greatest extent possible. Yet, even though the two secretariats are willing to cooperate, the listing recommendations based on the FAOs technical and scientific expertise are far from being applied consistently (Sky, 2010, p.40). Mostly because fishing nations prevent listing recommendations that harm their practices, arguing that listing would endanger the livelihoods of people. So, on the one hand, the MoU between CITES and the FAO is a way to enhance cooperation and coordination between the two organizations, but on the other, it is also an instrument through which countries seek to promote weaker rules and prevent cooperation in favor of their domestic agenda (Young, 2010, p.447).

Meanwhile, the “friends of fish”, as they call themselves, are supporting stricter fisheries regulations through binding institutions. These countries support the regulation of endangered species through a cooperation between the FAO and CITES and want to eliminate all capacity enhancing subsidies through the WTO (Campling & Havice, 2013, p.845). This movement mostly consists of states without a large fishing industry assisted by environmental civil society organizations like Greenpeace and the WWF. As most of these countries have adequate nutritional resources and no significant economic interest in fish, their primary concern is to enhance cooperative and coordination efforts in favor of the long-term sustainability of the oceans.

However, setting up sustainable systems of governance is very expensive, starting with research to develop the most effective management system and ending with continuous enforcement costs (World Bank, 2017, p.18). Since a large part will fall upon the public sector, this might form a problem for several, primarily developing, countries. Moreover, when

developing countries grant developed states access to their EEZs, they have to bear the monitoring costs of foreign vessels. In the end, the contrasting short-term interest might outweigh the will to tackle overfishing. The establishment of the FAO can therefore for a large part be explained by the dedication of a large group of developing countries, such as Argentina, Brazil and Mexico, who advocate the developmental dimension and felt unable to voice their interests and forced to adhere to western standards in other forums (Raustiala & Victor, 2004, p.301).

For the past few years, there has been a growing number of TNAs aiming to defend and enhance the position of fishworkers to ensure their survival, such as the WFF and the WFP (Borras et al., 2008, p. 171). Due to its openness, the FAO is also popular forum to advocate their agenda, especially since the overall access of TNAs during negotiations in the marine fishery regime complex is still rather limited and depends largely on informal ways.

On the other end of the spectrum, fishing nations are more likely to prevent binding regulations and coordinated cooperation between regimes so that they can continue their fishing practices. Large fishing nations like Japan, South Korea, Taiwan and some European countries like Spain, initially opposed the involvement of the WTO in fishery governance by claiming that the current laws and rules are sufficient, and that IUU-fishing is the real problem (Campling & Havice, 2013, p.846). Large developing countries like China and India also keep hampering any changes in the current fishery regime complex by emphasizing the importance of equal treatment of all fishworkers in developing countries regardless of their size.

In addition to their own resources, these fishing states often receive support from some of the most powerful global corporations. A study found that roughly 40 percent of the total marine fishery revenue is accounted for by the top 160 companies (Österblom et al., 2015, p.5). The 13 largest fishing companies even captured as much as ten million tons of fish while 23 countries together did only account for one million tons of fish. Some scholars therefore even argue that transnational corporations supersede the power of most nation states and that transnational financial capital drives the global policy agenda in favor of the corporate elite (McMichael, 1994). A case in point is Unilever. Unilever is not a fishing company, but one of the largest buyers of frozen fish and the manufacturer of brands like Iglo, Birds Eye and Gorton's (Constance & Bonanno, 2000, p.129). In 1996, this company created the Marine Stewardship Council (MSC) together with the WWF. With the MSC-label, Unilever and the WWF aimed to create a market incentive for consumers to buy sustainable caught fish (MSC,

2019). But at the same time, they delivered the message that intergovernmental organizations had failed and that it was now time for others to take responsibility by creating a new mechanism outside of the established institutions (Constance & Bonanno, 2000, p.134). Moreover, these large companies like Unilever are not only economically powerful outside the intergovernmental sphere, they are also often able to participate and defend their interest in several forums as observers or as members of national and/or industry delegations (Österblom et al., 2015, p.11). In some cases, companies are even directly working together with governments of several countries to prevent a stricter governance system and to secure continued access.

4.3.2. Conflict versus cooperation

There is no single plan, bargaining happens at several tables, over a number of moments in time, weighted by power and consequently dominated by alternating actors. Difficulties when aiming to establish cooperative interaction beneficial to the elimination of overfishing, frequently ensue from the use of strategic behavior and tactics as a consequence of actors wanting to steer the outcome in a direction that is favourable for their interests. The fragmentation and lack of coordination at the political level seems to be the result of negotiators who often attempt to avoid responsibilities and seek the most beneficial forums to acquire more rights. Hence, some actors are primarily concerned with cross-institutional strategies to stimulate a certain policy agenda across an array of international institutions at the cost of a coordinated regime complex that would likely be most effective way to stop overfishing. Most of the fragmentation and complexity of the governance system can therefore be explained by the different interests and accompanying strategies.

Strategic behavior is a typical feature of the political dimension. States, IOs and TNAs like corporations, NGOs and other civil society groups all participate in the political games in order to defend and enhance their interests. IOs themselves have probably the most positive stance towards cooperation, as they oftentimes acknowledge and stimulate efforts to exchange information and coordinate tasks for capacity enhancement. As long as the secretariats are not feeling threatened by the activities of other IOs, their capacity and effectiveness will likely only increase with cooperation.

Besides IOs, efforts of non-state actors are increasingly visible, audible and effective, but only whenever there is a sufficient number of TNAs able to stand together, who possess enough

resources and moral legitimacy, like with the united effort of Unilever and the WWF. Without a considerable amount of (monetary) resources or a considerable group of TNAs promoting their united interest, the influence of TNAs remains roughly negligible. Nevertheless, a considerable number of NGOs, in combination with several non-fishing nations, supports the attempts by IO secretariats like the FAO and CITES to create more coherence in favor of long-term fishery sustainability. In the absence of short-term nutritional and trade goals, their focus is on establishing an effective and sustainable marine fishery governance system.

Developing countries with a marine fishery industry, while acknowledging the need to protect the oceans through the FAO, primarily focus on the importance of the developmental dimension and reject any restricting mechanism that could harm their food security. Meaning that in the case of contradictory interests, they will often employ strategies to impede closely coordinated institutions, regardless of the affixed damages to the ocean's resources.

Similar to developing fishery nations, the developed countries with a relatively large marine fishery industry will often not stimulate cooperation in the interest of the long-term sustainability of the marine fisheries. Maybe not for reasons that have to do with a lack of nutrition, but trade profits most certainly will play a role. The interests of fishing nations, and their powerful corporate allies, contradict with policy measures that restrict the amount of fish they are permitted to catch or trade. Consequently, they eagerly exploit the absence of hierarchy between two or more institutions as a strategy to promote certain policies and create opportunities to circumvent obligations by playing institutions against one another.

So, although the interests of IOs are relatively reconcilable, the contrasting interests among states and TNAs are harder to reconcile, especially since the different states all choose the institutions most beneficial to further their interests. The lack of cooperation and the turf battles among regimes can therefore, predominantly, be explained by the paradoxical interest of states and TNAs and the accompanying strategic behavior in order to avoid stricter conservatory policies.

In sum, the global effort to stop overfishing by creating a sustainable marine fishery governance system resulted into the increasingly institutionalized landscape defined by changing inter-regime relations, ranging from conflictual to cooperative. In line with hypothesis H2a, the interactions among the secretariats of the IOs can predominantly be characterized as cooperative. In contrast, the inter-regime dynamics concerned with national

trade interests seem to have a hard time finding common ground with other objectives, especially with the continuous strategic efforts, most notably by fishing nations and transnational corporate actors, aiming to prevent and circumvent restrictions. This confirms H1b and H3b, as states and TNAs impede cooperation and hamper the common effort to effectively deal with the problems inherent in a common pool resource as the marine fisheries. Hence, the absence of close cooperation can be expected because of the lack of shared interests between states and TNAs, while IOs are predominantly responsible for the cooperative efforts.

4.4. Policies

The last dimension is the policy dimension (Rittberger & Zangl, 2003, p.91). This dimension highlights the content part of the political processes and is mostly concerned with analyzing why, how and with what the relevant actors deal with the consequences of the international legislative processes. Hence, this part of the analysis highlights the functional aspects by focusing on the output and outcome, and pays attention to the different areas of international governance like the economic, ecological and developmental domain.

4.4.1. Policies to turn the tide

For the past decades, several policies have been introduced in an attempt to turn the tide, and effectively tackle the problem of too many vessels chasing too few fishes. One of the most noteworthy changes came with the creation of EEZs under UNCLOS. EEZs provide states with the rights to charge fees to vessels wanting to access the EEZs for fishing purposes, initiate production criteria, and restrict the access to these areas (Pinkerton, 2017, p.714). Meaning that national or regional regulators can design policies through which property rights can be assigned to determine who gets access and how much (Knott & Neis, 2017, p.10). This privatization and marketization of fishing rights created mechanisms for monetary exchange and exchange of individually transferable quotas (ITQs) on the free market. The purpose of these rights are the accompanying responsibilities. In order to manage the fish stocks within the EEZs, UNCLOS requires states to cooperate in a RFMOs, and to adopt the accompanying conservation and sustainable fishery management policies (Young, 2013, p.447).

However, the effectiveness of the law of the sea to stop overfishing, is hampered by a widespread incoherence of policies and varying implementation rates. Moreover, the introduction of the system of open registration, often referred to as Flags of Convenience (FoC), has opened the possibility for ship-owners to select a flag and avoid strict conservation regulations within the home country's EEZ (DeSombre, 2005, p.73). In theory, the system was designed to place each vessel under the responsibility of a state. In practice, the process is more analogous to the process of regime shopping, a term often used to describe the process of choosing locations with the least intrusive standards (Merk, 2011, p.77). Moreover, a change of flags does not even require a vessel to actually enter a states' shore, thereby allowing them to stay away from possible inspections (Tickler et al., 2018, p.2). Hence, FoC-practices undermine conservatory policies and discourage states from tightening national policies in order to protect the fish stocks, as vessels can simply try to find a new flag state with less responsibilities and more rights.

Besides enforceable rules and laws, there are also softer techniques employed to inspire change in the current marine fishing practices, primarily by the FAO but also by means of private efforts. So, complementary to intergovernmental efforts, some TNAs have tried to stimulate consumers to buy fish that is caught in a sustainable way through campaigns, eco-labeling, and consumer guides (or Fish wallet cards) (Oosterveer & Spaargaren, 2011, p.107). If supported by consumers, these soft power mechanisms prove that efforts of corporations, NGOs and similar other non-governmental organizations are able to bypass national jurisdiction, and can bring about real change in the global political economy (Constance & Bonanno, 2000, p.134).

However, although in theory these efforts should complement the overall effort to create a sustainable fishery governance system, critics have accused such initiatives of being a marketing trick to increase profits, while ignoring most of the stakeholders in the fishing industry, especially the small-scale fishers in developing countries whose livelihoods are most effected as they lack the resources to comply with all the necessary certification standards (Oosterveer & Spaargaren, 2011, p.110). Other critics have highlighted the fact that an eco-label is a form of western eco-imperialism as to what accounts as sustainable fishing practices and how developing countries should manage their marine fisheries resources (Constance & Bonanno, 2000, p.131).

Besides the accusations regarding the lack of inclusiveness, voluntary measures like eco-labels and IPOAs are in general a lot less effective in enforcing compliance than binding agreements (Goodman, 2009, p.163). For example, both the UN Fish Stocks Agreement as well as the FAO CODE with two associated IPOAs (IUU fishing and Capacity), cover straddling and migratory fish stocks. But while the FAOs voluntary arrangements have often failed to inspire national policies, the principles from the UN Fish Stocks Agreement have been adopted and keep on developing far more successful through RFMOs.

Another noteworthy policy is a policy that is not fully there yet. Some studies estimated the annual amount of fishery subsidies to be around \$35 billion, which is equal to value of one-third of the global fishery production (Sumaila et al., 2010). The WTO's SCM-agreement provides binding rules, but is in its current form unable to tackle the negative externalities of fishery subsidies. The key concepts with regard to the fisheries are defined in ways that make it hard to determine whether government expenditures and other interventions in the fisheries sector fall within the domain of the agreement (Stokke & Coffey, 2006, p.133). The SCM-agreement is therefore since 2001 officially under review in an attempt to regulate subsidies among the members of the WTO.

From an ecological perspective, the most notable policies to stop overfishing originate from CITES. CITES specifically targets international trade that contributes to the extinction of certain animals and plants, and increasingly aims to cover commercially exploited aquatic species (Franckx, 2011, p.41). For example, a situation occurred, when CITES started to get involved with the management of cetaceans and the secretariat of the International Whaling Commission (IWC) started to get worried that this development might supersede their mandate to deal with the conservation and management of the whaling stock (Gillespie, 2002, p.18). This debate had already played out during the creation of CITES, but arose once again in 1994. Some states, primarily Japan and Norway, even suggested that the IWC had no competence on the issue of trade in cetaceans. These whaling states chose the regulation from CITES and the WTO over that of the IWC with the aim of decreasing the status and legitimacy of the IWC as an international institution. Today, interactions between CITES and the IWC are regulated by Resolution Conf. 11.4,341 wherein the relationship is described as complementary instead of overlapping (Franckx, 2011, p.54). However, the debate is still far from settled.

The increasing coverage of the CITES regime also led to an increasing overlap with the policies of the FAO and UNCLOS. Take for example the bluefin tuna, a species that is included in the UN Fish Stocks Agreement, the FAO's Compliance Agreement and PSMA as well as listed in the CITES Appendices. In case of a conflict, uncertainty exists as to which institutions should take precedence, and consequently, whether the port state or the flag state should issue certificates to ensure the legality of the catch (Goodman, 2009, p.167). To deal with this uncertainty and defend their effectiveness, the FAO and CITES negotiated a formal structure to enhance cooperation and information exchange. Hence, the secretariats themselves seem to have embraced the need for communication and cooperation, and are able to reconcile their interests concerning some of the proposed CITES listings (Young, 2010, p.479).

Besides cooperative arrangements, another way to deal with regulatory inconsistencies and normative conflict is by means of a dispute settlement body. However, to decide what norms and rules take precedence is not made easily considering that there is not only one regime at play, leaving room for dispute settlement shopping (Powell & Mitchel, p.12). Under UNCLOS, states can choose between four dispute settlement procedures namely the International Tribunal for the Law of the Sea (ITLOS), the International Court of Justice (ICJ), arbitration under Annex VII of the UNCLOS treaty, or lastly arbitration under Annex VIII of the UNCLOS treaty. This way, UNCLOS incorporated the wish from several countries to leave room for flexibility in conflict management. Both the ICJ, ITLOS and several other ad hoc tribunals have ruled on issues regarding the interpretation of the international law of the sea. Yet, these dispute settlement bodies do not seem to be in agreement with one another. Therefore, we could also say that with this, UNCLOS incorporated the wish from several countries to incorporate the possibility to shop for the forum best suited to further domestic interests. For example, the European Community filed a complaint against Chile before the WTO dispute settlement body, claiming that port restrictions placed on their vessels constituted discriminatory trade practices (WTO, 2010a). As a reaction, Chile filed a complaint with ITLOS, claiming that they have the right to deny access to vessels that are not conform to the conservation standards in UNCLOS with regard to swordfish (ITLOS, 2009). The conflict was eventually solved through negotiations without a conclusion from either ITLOS or the WTOs dispute settlement body. It is however quite likely that both the European Community and Chili would have gotten a ruling in favor of their own complaints by their own dispute settlement body of choice.

4.4.2. Conflict versus cooperation

Too many vessels chasing too few fish does not only deplete the oceans of certain fishery species, nor does it only effect the yield of artisan fishers. The World Bank, in cooperation with the FAO, published a study which revealed an economic loss of \$83 billion in 2012 in the fishery industry, compared to the annual revenue that could potentially be accumulated if major reforms of fisheries governance and practices would be initiated (World Bank, 2017, p.3). Hence, overfishing inspired efforts across the elemental regimes from a range of states, IOs and TNAs with varying interests.

With regard to IOs, it is almost always in their bureaucratic interest to stimulate trade restrictions, decrease the number of fishing vessel, and above all, to lower the total amount of catch. Aside from a few exceptions, when certain IOs felt threatened by other IOs, most of the secretariats of IOs often showed signs of goodwill with respect to increasing cooperation and policy coordination, or at least no sign to decrease the interaction to an even lower level. IOs are most often put on this earth to fulfill certain tasks and objectives. In other words, if their policies are unable to fulfill these tasks and objectives, their whole reason of existence disappears. Increasing policy effectiveness through cooperative efforts is therefore in their best interest to defend or even enhance their position within the marine fishery regime complex.

But although these cooperative international efforts are often framed as a triple win to include environmental, food security and trade interests, in practice, the triple win can often be described as an impossible trinity that seemingly never fails to benefit the trade interest of the wealthiest actors (Raustiala & Victor, 2004, p.278). For one, a study concerning AIS-detectable fishing efforts, revealed that in 2015-2016 roughly 97 percent of the industrial fishing can be attributed to vessels from higher-income states (McCauley et al., 2018, p.3). With 86 percent, the vast majority can be attributed to only five major fishing nations namely China, Taiwan, Japan, South Korea and Spain. Within the EEZs from developing countries, 78 percent of the vessels are flagged to high- and upper middle-income states. The estimated revenue that developing nations make of these agreements is only around six percent of the total revenue from the yield of these vessels (Havice & Campling, 2010, p.89). In contrast, the EEZs of these higher income countries are, with a rate of 90 percent, almost solely domestically used (McCauley et al., 2018, p.3). Aside from the uneven distribution of revenues between countries, the generated revenue within the host country is often distributed among

a few select elites without benefiting the rest of society (De Schutter, 2012, p.13). This puts artisan fishers, mostly in the global south, in a vulnerable position in relation to the core capitalist countries (Gereffi, 2014, p.29). Hence, instead of fair and inclusive policies, the small-scale fishers seem to have to deal with the consequences of the governance policies that favor the larger fishing vessels.

Moreover, limiting the access and economic profitability to some fishers undermines the position of fish as a source of livelihood. Whilst restricting fishing practices and profits may be positively correlated in the long run, it is oftentimes not in the short run. And although most developed countries presumably possess the ability to compensate for this temporary loss in trade profits, some critics argue that the commodification of fishing rights in developing countries may undermine macroeconomic growth, especially in very poor countries where limiting access to a source of nutrition and income during times of need could have disastrous consequences (FAO, 2018, p.76; The Economist, 2014). Specific concerns about restricting access include reduced employment in the harvest sector, loss of identity, emigration from coastal communities, and promotion of economic inequality. Moreover, in developed countries, policies to recover the marine ecosystem are often only initiated if the decrease in catch can be compensated by importing fish or a move away of the fishing fleets to waters of nations without strong conservation commitments (FAO, 2018, p.91).

From the section above, we can conclude that conflict within the marine fishery regime complex is often the result of contrasting interests among those affected by the consequences of the marine fishery policies. Predominantly because of contrasting interests between countries with a fishery industry and those without one, as well as the contrasting interests between developing and developed countries. None of the states seems happy with the depleting oceans nor with the current governance system to deal with it, but for different reasons than their fellow states. Consequently, these contrasting interests of the relevant states discourage the development of cooperation among the elemental regimes.

In contrast to the polity and politics dimension, the involvement and influence of TNAs in the policy dimension is relatively extensive. Some of the most resourceful TNAs have the ability to initiate efforts without interference of national or international authorities. But mostly through their ability to monitor the extent of implementation by states and the degree of compliance by fishworkers, as well as through their function as representative of people who have to deal with the policy outcome, ranging from everyone with a direct interest while trying

to make a living, to people concerned with the effects of a distorted ecosystem on global warming. However, despite the shared interest to stop overfishing, TNAs are seemingly not able to reconcile their priorities.

So aside from IOs, TNAs and states seem to be divided into camps, and unwilling to reach a consensus among their contrasting interests. The co-existence of a variety of interests within the marine fishery regime complex results into a diverse range of inter-regime relations ranging from conflict to cooperation. We can therefore conclude that the marine fishery regime complex did not engender the creation of a single comprehensive policy regime but rather that policies differ per sea, state or even locally, allowing fishworkers to maneuver through a densely populated landscape where they can cherry pick policies that allow them to continue to deplete the marine fisheries.

Overall, it can be concluded that states are the main instigators of conflict as a consequence of their contrasting interests. Followed by TNAs, who progressively add some complexity to the entanglement of institutional arrangements. Hence, conform to H1b and H3b, both states and TNAs are impeding forces for cooperation, especially with regard to the interactions between the WTO and the non-trade regimes. They aim to stop overfishing but seem unable to reach a consensus among the bulk of TNAs, and are instead representing contrasting interests of different direct and indirect stakeholders. All the while IOs stimulate cooperation in an effort to fulfill their tasks and objectives and to justify their existence, in line with H2a. Hence, the policy dimension can be characterized by its constantly evolving contrasting and cooperative inter-regime interactions.

4.5. Summary

In this section, I used the trichotomy of polity, policy and policies to systematically address the broad range of relevant institutions that all represent part of the marine fishery regime complex. It is generally accepted that to protect a critical source of nutrition, a profitable industry, and to prevent the collapse of the marine ecosystem, a governance system is necessary. Except, the kind of system and policies that are necessary to govern the marine fisheries is not something that is easily agreed upon. And while the various interest at the polity level seem to be compatible enough to prevent any tension from erupting, at the

political and policy level tension is likely to turn into something more, especially if trade interest of states and powerful enterprises are contrasting with the objectives of other regimes. The political and policy level are therefore characterized by a diverse range of inter-regime interactions ranging from conflict, mainly caused by the contrasting interests between states and TNAs, to cooperation, predominantly engendered by IOs. On the one hand, these evolving interactions mean flexibility, as it leaves room for the inclusion of multiple objectives and the adaption to future developments. On the other hand, it mostly seems to benefit the large fishing nations and corporations, as they are able to maneuver through a densely institutionalized landscape without committing themselves to regulations that could harm their self-interests. Whereas less powerful actors seem to be left with a decrease in food security, lower economic profits and a distorted marine ecosystem.

5. Conclusion

There are NOT plenty more fish in the sea. Today, Grotius's illusion of inexhaustible marine resources can no longer be upheld. One would think that with the depleting stock and decreasing catches, the number of fishing vessels would decrease as well (Jacques & Lobo, 2018, p.90). Well, the opposite is true. Due to the development of new capacity enhancing innovations and fishing techniques, the aggregate fishing fleet is now capable of exploiting the fishing stocks two times per year (De Schutter, 2012, p.2). Hence, today's fishing practices are still relentlessly vacuum cleaning the oceans leading to a situation where the total amount of marine species that is fully fished, overfished, depleted, or recovering from overfishing has now reached the disturbing rate of 90 percent (World Bank, 2015, p.1).

As the demands to deal with overfishing have been growing steadily, efforts to satisfy these demands have not disappointed. The complexity and diversity of issues accompanying the common goal to eliminate overfishing has initiated regulatory responses that represent a plurality of interests. So not only did the number of agreements increase drastically, but also the scope, referring to the number of relevant actors as well as the variety of subject matters incorporated in the agreements. Be that as it may, it did not engender the creation of a single comprehensive regime, but a bundle of elemental regimes with overlapping norms and rules emerging from distinct forums with differing membership (Raustiala & Victor, 2004, p.278). Each regime comes with specific objectives, mandates and designs to govern specific policy areas (Alter & Raustiala, 2018, p.339). So, what seemed unnecessary in the past has become today's reality. From the historically free and open oceans, a regime complex emerged consisting of competing and cooperating forces aiming to govern the marine fishery resources.

Regime complex theory provides a framework through which the puzzling emergence and development of the marine fishery regime complex and all the internal and external dynamics that influence the polity, politics and policy dimension of the governance system can be thoroughly analyzed. For a while now, regime complex theory has been receiving more and more attention, primarily because of the broad scope which increases the representation of the complex reality of the global political economy. Despite the increasing interest in regime complexes, most scholars still fail to reveal the full story of the emergence of both cooperation and conflict within a single regime complex. Moreover, scholarly attention seems mostly devoted to the conflicting norms and rules of the green revolution in the agricultural

sector, even though its blue counterpart is just as important for the global well-being. The little attention it does receive is mostly devoted to specific oceanic areas or fishery species. Notwithstanding their importance, it reflects only part of the marine problems, and diverts attention away from the global challenge to stop overfishing in its entirety (FAO, 2018, p.30). In sum, this thesis is concerned with the puzzling shift from the historically free and open oceans towards the enclosure of the marine fisheries with the goal to eliminate overfishing. This relatively understudied regime complex illustrates how dynamic interactions between an interplay of actors with a broad range of objectives and strategies shape different forms of inter-regime interaction ranging from harmonious cooperation to downright conflict.

From the theoretical framework, three main hypotheses, each divided into two extremes, have been drawn based on the assumption that cooperation and conflict can be expected depending on the presence or absence of diverging interest. Whether interests are shared or diverged can be recognized by means of the priorities and/or perceived compatibility of individual priorities. Conflict can be expected when priorities are mutually exclusive, but if the priorities of states, IOs and TNAs are mutually inclusive or even reinforcing, cooperation is the expected outcome.

To systematically present the challenges and opportunities arising from the interaction between the diverging set of elemental regimes within the marine fishery regime complex, I used the trichotomy of polity, politics and policy. With regard to the polity dimension, it appears that the various interests seem to be sufficiently compatible to prevent any tension from erupting. For the sake of the overarching goal to eliminate overfishing, the structural design is relatively focused on preventing conflict, especially among the law of the sea, food security and ecological regimes. This does however not mean that the priorities of the relevant actors are not contractionary. Especially when the inter-regime dynamics include trade interests of the more powerful states, common ground with the other regimes can be hard to find. Tension between the different interests is often relieved through the creation of ties in the form legal references, saving clauses, observatory status or joint projects that help mediate and often allow for multiple interpretations. Driving forces in the marine fishery regime complex for these types of coherence, or at least absence of conflict, are in particular the secretariats of IOS. Hence, the objectives of the law of the sea, food security, ecological and trade regimes are sufficiently compatible to, at least partially, facilitate institutionalized

cooperation. Be that as it may, the downside of these arrangements is perhaps that the relatively broad governance provisions might be too vague to be effective.

In contrast to the relatively stable polity dimension, the political dimension contains a more diverse and volatile range of inter-regime interactions ranging from conflict to cooperation. IOs are still inclined to stimulate cooperative efforts as inconsistency or ambiguity can undermine their bureaucratic authority. Meanwhile, the most notable impeding forces are states, especially if states' trade interests supported by powerful enterprises are contrasting with the objectives of other regimes. These opposing interests during negotiations are hard to reconcile, especially in light of the continuous strategic efforts within this institution-heavy context to pursue one's own preferences. Hence, the overall political objective to stop overfishing became engulfed by the strategies of different states and TNAs to further their contrasting self-interests.

Lastly, reflecting upon today's policies, they mostly seem to benefit the large fishing nations and corporations. While the disadvantages from conservational policies will immediately affect the livelihoods of millions of people and harm the profit of firms, the benefits will take more time to deliver. This mainly seems to affect the artisan fishers, primarily in developing countries, where the export value of fish is generally higher than the aggregated value from coffee, bananas, cocoa, tea, sugar, and tobacco, and where limiting access to a source of nutrition can potentially have disastrous consequences for the wellbeing of a large part of society (FAO, 2010). At the same time, the more powerful actors have the resources to maneuver through a densely institutionalized landscape without committing themselves to regulations that could harm their self-interests. Hence, the less powerful actors seem to be left with a decrease in food security, lower economic profits and a distorted marine ecosystem. We can therefore conclude that the marine fishery regime complex, despite the efforts of IOs, did not engender the creation of a single comprehensive policy regime. Instead, the abundance of policies in line with the contrasting interests between states and TNAs gave fishers the opportunity to cherry pick the policies that allow them to continue depleting the marine fisheries.

In general, the results of this qualitative content analysis support the view of regime complex theory as a better and more realistic approach as opposed to theoretical approaches solely focusing on one single regime, and unrealistically assuming that issues can be decomposed

into separate areas. Furthermore, the findings contribute to the wider body of regime complex literature by illustrating the existence and relevance of both conflicting as well as cooperative inter-regime interactions within one single regime complex by means of the understudied emerging marine fishery regime complex. In the existing body of regime complex literature, most scholars seem to focus on either cooperation but predominantly conflict. However, singling out one situation of conflict would not even catch a glimpse of the complicated co-evolution process that results into a regime complex. It is therefore crucial to acknowledge the presence and relevance of studying the interplay of both impeding and uniting forces within regime complexes that give rise to harmonious cooperation or rivalry respectively. I argue therefore, that the inclusion of evolving interactions ranging from conflict to cooperation, provides scholars with a better and more realistic framework, and will therefore lead to a deeper understanding about the dynamics within a regime complex.

With regard to the marine fishery regime complex in specific, I hope to have familiarized the readers with a previously understudied research topic. For starters, the findings add to a deeper understanding about the driving forces behind the emergence of the marine fishery regime complex. Furthermore, my case suggests that actors with shared, or at least mutually inclusive interests, stimulate cooperative inter-institutional interaction, whereas conflicting interests between relevant states, IOs and to an increasing extend TNAs impede cooperation. These findings about the innerworkings at the polity, politics and policy level of the marine fishery governance system might also be relevant in other regime complex cases. However, we should be careful when generalizing the findings to other regime complexes as this was just one study, solely focused on the marine fishery case. Since every regime complex will be different from the marine fishery regime complex, more research is needed. Despite the need to dive deeper into the topic, the analysis does provide a solid look into the world of regime complexes and provides sufficient new insights for future research to build upon.

Besides the theoretical contributions, the societal implications are also worth stressing. The findings can inform relevant actors about the dynamics and changes regarding the structural design, political processes and policies that inspire certain effects. Overfishing is a serious problem that needs a serious governance system. With this thesis, I hope to have convincingly shown that regime complex theory can be used as a framework to analyze how the interplay of interests and strategies among states, the secretariats of IOs and TNAs as relevant actors contributes to the development of inter-institutional relations ranging from conflict to

cooperation among regimes within the marine fishery regime complex. So, with regard to the overarching goal to stop overfishing, it will be beneficial to understand the links between elemental regimes and the underlying principles and priorities of the relevant actors and to get a broad sense about the broader effects arising from the institutional interplay.

This thesis can best be seen as a first step in the right direction. Further steps need to be taken to reveal the whole story of regime complexes in general as well as the marine fishery regime complex in specific. A few of which I will discuss here. First of all, I delineated the range of my research topic by solely focusing on the marine fishery catch in order to keep this thesis manageable. This means that I had to ignore the accompanying topic of aquaculture, even though today 19.3 million people are engaging in aquaculture, a number that has been doubled over the last 25 years (FAO, 2018, p.30). Besides the increasing trade profits in fish produced in fish farms, there is also the added benefit of increased food security. On the other hand, there are strong signals that fish farms destroy local marine ecosystems and harm the lives of local communities. It therefore seems plausible that diving deeper into the topic of aquaculture will add to our understanding of the dynamics and interests in the broader institutional structure, the political dynamics as well as in the successive policies. In my view, it would therefore be beneficial to dive deeper into this issue and to explore how aquaculture relates to the dynamics in the marine fishery regime complex.

The second recommendation for future research, again, concerns an expansion of the area of interest, as I have simplified, and therefore undervalued the role of regional organizations. Regional organizations are increasingly playing a role in the global marine regime complex (Kellow, 2012, p.331). These organizations historically started off as soft law bodies but developed into conservation and management bodies with the competence to take legally binding measures. Besides their increasing power, these regional institutions are also growing in numbers. As a consequence of the changing global power distribution, an upcoming developing country such as China for example creates new Asian institutions in an already densely institutionalized system. Even though this theme is mostly neglected in this thesis, regional sea agreements might not be of less important. Hence, it would be interesting to go beyond the inter-institutional interplay between global institutions, and study the dynamics between regional and even local institutional arrangements (Isailovic et al., 2013, p.13). Ideally, further research would add another layer of complexity by including RFMOs.

A further limitation of my research has to do with my data collection method. Even though some institutions seem rather closed to non-state actors and inter-regime interaction appears rather limited, interactions are not always routed through the official channels. Instead, evidence suggests that informal interaction, institutional linkages and information sharing, is not uncommon (Young, 2009, p.496). The FAO for example, although not formally granted observer status during the WTO subsidy negotiations, some members of the FAO secretariat have attended negotiations in an informal capacity. Moreover, there is evidence that the formal restrictions of access do not prevent informal deliberations between the WTO and some civil society organizations as well as other IOs at seminars and symposia. This informal interaction is difficult to prove empirically, especially in terms of scope and influence. There are research methods, like interviews, that are able to dive deeper into the influence of informal deliberation between the parties of different regimes. Interviews are a qualitative research technique, involving in-depth conversations with relevant respondents in order to obtain more detailed information about the steps taken to pursue certain interests, and to probe for information for a specific research purpose. This allows for example, to investigate to what extent some crucial state representatives, IO administrators and TNAs have employed informal diplomatic strategies to further their interests, and to explore how this relates to the formal structures, legislative processes and policies. This is especially important with regard to TNAs, as their contributions often follow informal channels. For these reasons, interviews would not only be useful to check the findings of this study but would also enrich our understanding of the marine regime complex.

A last recommendation worth exploring is to refocus attention from the development and dynamics of regime complexes in general and the marine fishery regime complex specifically, to questions concerning the effectiveness of the current structures, political processes and policies within a regime complex. The regulatory and normative divergence across the elemental regimes of the marine fishery regime complex, composed of the law of the sea, the trade, the food-security, and the ecological interests, creates tremendous tensions with the potential of resulting in downright conflict. The absence of comprehensive and coordinated regimes will likely hamper the efforts to effectively deal with the problems inherent in the governance of the oceanic resources. However, evidence suggests that the complex relations across the elemental institutions are beneficial for international cooperation since it is more flexible and capable of adapting to the demands from various

actors over a longer period of time. Hence, more research is needed to find out when cooperative inter-regime interactions supersede conflict, and when more loosely uncoordinated elemental regimes with regulatory inconsistency are more effective. This is especially important since the current management system of the marine resources is not sufficiently effective to stop overfishing.

The most important challenge facing scholars, decision-makers and other stakeholders is to continue to develop and work towards an even better understanding of the marine fishery regime complex. Both for the sake of the theoretical understanding of regime complexes but above all to develop an effective governance system to reverse the damage that we as humans have done to our oceans, oceans that cover 75 percent of our planet and are vital for the survival of all life on earth. And then hopefully, some day in the future, we can once again say that there are plenty more fish in the sea.

6. References

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