



MUNLAWS 2025

FACULTY OF LAW, UNIVERSITY OF LJUBLJANA

EUROPEAN PARLIAMENT - AFET



Authors: Lana ILIĆ, Janja KUMIN, Rok TRETJAK



UNIVERSITY OF LJUBLJANA
Faculty of Law



European
Parliament



REPUBLIC OF SLOVENIA
MINISTRY OF FOREIGN
AND EUROPEAN AFFAIRS

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MUNLawS 2025 – AFET

1.1 About MUNLawS

It is our great pleasure to welcome, after a year of absence, the delegates, head delegates, observers, and faculty advisors back to the festive city of Ljubljana to once again take on the pressing issues of the day at the 12th MUNLawS Model United Nations Conference.

As the prospects of this year's conference were discussed, it fell upon us to determine its scope and focus. Facing wide array of global challenges – each significant in its own right – our instinct times and again was to return to the fundamental yet enduring discussion on the construction of the global order and its respect for international law – the solemn commitment of one for all with no one left behind. Reaching, in good faith, Beyond Divisions, Ensuring Security for All.

The unfolding year spares no shortage of anniversaries. Eighty years ago, the deadliest war in human history came to an end, and the foundations of a bold new vision for global governance were laid. Today, complacency toward the binding rules of this international order is being tested, as a series of conflicts steadily erodes its very ideal, rekindling the specter of wider confrontation. Thirty years ago, in Srebrenica, former compatriots turned against their own, committing one of the most horrendous atrocities in modern European history. Today, echoes of such despair resonate in many parts of the world, reminding us that the struggle for justice and the protection of human life and dignity remains urgent.

At the same time, the year 2025 is the one of considerable achievements. With the recent ceasefire in Gaza, the seeming resolution of the Armenian–Azerbaijani conflict, the groundbreaking Advisory Opinion of the International Court of Justice on the Obligations of States in Respect of Climate Change and other significant developments, a trebling light on the horizon reminding us of the promise of tomorrow still shines brightly. As a non-permanent member of the UN Security Council, the Republic of Slovenia devoted considerable effort to fulfilling its responsibilities. It is, therefore, a privilege to count the Ministry of Foreign and European Affairs of the Republic of Slovenia as our trusted partner in organizing this conference.

Furthermore, we extend our sincere gratitude to the European Parliament Liaison Office in Slovenia for their steadfast and invaluable support in bringing this conference to fruition. Representing a core institution of arguably the greatest peace project in human history, their involvement underscores the enduring importance of forging bridges in the pursuit of a cause far greater than ourselves. We are also deeply thankful to Tourism Ljubljana, which, together with the Liaison Office, made it possible to organise two incredible social events.

We sincerely hope you will delight in exploring this mosaic, forge meaningful new friendships, and cherish the experience of MUNLawS 2025. Let the festivities begin!

Yours truly,

Žiga Murn Lindič, Secretary-General of MUNLawS 2025

1.2 About Chairs

Rok Tretjak is a fourth-year student. He has previously chaired the OSCE Court of Conciliation and Arbitration. He has also represented his university at various Moot Court competitions, as well as serving as the official peer tutor for European Constitutional Law and Commercial Law. His main interests are European, international, and commercial law, as well as international politics.

Lana Ilić is a 20-year-old third year student at the school of economics and business in Ljubljana. She has done several MUN's, both chairing and being a delegate. She is passionate about global affairs and the economic aspects of it and is excited to help guide productive and engaging debate in this committee!

Janja Kumin is an alumna of IB DP and has started her undergraduate degree in October at the Faculty of Law in Ljubljana. Her interests mainly lie in the fields of international law and advocacy for women's rights, which are topics she wishes to pursue during her studies in the coming years. She has been attending international debate tournaments for a long time and has, throughout the past year, also adjudicated at many such events. Though her experience in Model United Nations is not as extensive, she is drawn to the dynamic nature

of sharing one's views in an environment full of skilled debaters and is thus thrilled to be a part of this upcoming occasion.

1.3 About the AFET

In an environment of multi-institutional competition, it has proved to be remarkably successful in influencing individual policies as well as co-shaping the agenda of system development. The EU Parliament holds legislative, budgetary, and supervisory powers, and covers a wide range of areas, such as economic and monetary affairs, immigration, energy, agriculture, fisheries, transport, the environment, and consumer protection. Parliament also partakes in matters of foreign policy and human rights. Parliament's in-depth political and legislative work is carried out by 20 standing committees. They examine legislative proposals, amend and vote on them and then submit their report to Parliament as a whole.

The European Parliament's Committee on Foreign Affairs (AFET) is a committee that contributes and oversees the implementation of the EU's Common Foreign and Security Policy and also monitors how external action funds from the EU are spent around the world.

Additionally, it approves international agreements signed by the EU. Its aspiration is to ensure that democracy, the rule of law and human rights are guaranteed in agreements between the EU and non-EU countries. AFET aims to ensure multilateralism, a global rules-based international order, while supporting openness, fairness and the necessary reforms around the world.

In MUNLawS 2025 delegates will be assigned a country and party and should form their positions based on that. Delegates do not represent actual MEPs but rather act as MEPs from the assigned party and country.

The committee will bring together a maximum of 27 participants, each from a different country and representing all European Parliament's political groups:

- Austrian MEP – European People's Party Group
- Belgian MEP – Renew Europe
- Bulgarian MEP – Progressive Alliance of Socialists and Democrats
- Croatian MEP – European People's Party Group
- Cypriot MEP – Greens/European Free Alliance

- Czech MEP – European Conservatives and Reformists Group
- Danish MEP – Renew Europe
- Estonian MEP – European People’s Party Group
- Finnish MEP – Progressive Alliance of Socialists and Democrats
- French MEP – Europe of Sovereign Nations Group
- German MEP – European People’s Party Group
- Greek MEP – The Left in the European Parliament
- Hungarian MEP – Patriots for Europe
- Irish MEP – Independent
- Italian MEP – European Conservatives and Reformists Group
- Latvian MEP – Greens/European Free Alliance
- Lithuanian MEP – European People’s Party
- Luxembourgish MEP – Renew Europe
- Maltese MEP – Progressive Alliance of Socialists and Democrats
- Dutch MEP – European People’s Party
- Polish MEP – European Conservatives and Reformists Group
- Portuguese MEP – Progressive Alliance of Socialists and Democrats - Romanian MEP – European People’s Party
- Slovak MEP – Independent
- Slovenian MEP – Greens/European Free Alliance
- Spanish MEP – The Left in the European Parliament
- Swedish MEP – Progressive Alliance of Socialists and Democrats

The main goal of the Committee is to adopt a final document. Issues that have not been discussed during formal debate may not be included in the document. Every delegate shall read the Rules of Procedure for Political Committees before the start of the MUNLawS Conference for a further detailed description of the procedure.

TOPIC ONE: ENLARGEMENT OF THE EUROPEAN UNION – YES, NO, AND HOW?

2.1 Introduction

The European Union today is home to more than 448 million citizens spread across 27 Member States, covering a territory of 4 million square kilometres.¹ It is not merely a common market or a customs union, but a unique supranational organisation that blends political, economic, and legal integration to an extent unmatched anywhere else in the world. Yet, the EU was not born as the entity we know today. It began with a modest project of economic cooperation, the European Coal and Steel Community (ECSC), established by the Treaty of Paris in 1951, whose aim was as much about preventing another war on European soil as it was about economic efficiency.² The founding logic was simple but revolutionary: by pooling sovereignty in key industries, war between France and Germany would become “*not only unthinkable, but materially impossible.*”³

From that starting point, the European project has continually evolved and widened. Successive treaties transformed the ECSC into the European Economic Community (EEC), then into the European Union, introducing new policy areas, new institutions, and ultimately new layers of shared sovereignty. Enlargement, the inclusion of new Member States, has been central to this process. With each enlargement, the Union has changed its character, extended its borders, and redefined its role in Europe and the world. The entry of new members has brought new opportunities for peace, stability, and prosperity, but also new challenges of governance, cohesion, and identity.

The idea of enlargement embodies a dual tension. On the one hand, it reflects the EU’s normative ambition to spread the values enshrined in Article 2 TEU: human dignity, democracy, the rule of law, and respect for human rights. Enlargement has often been a tool of stabilisation, particularly visible in the southern expansions of the 1980s and the eastern expansions after 1989, which anchored newly democratic states into a community

¹ European Union. (n.d.a).

² European Union. (n.d.b).

³ European Union. (n.d.c).

of shared rules and values. On the other hand, enlargement also tests the Union's capacity to absorb new members without diluting its effectiveness.

In the following sections, we will explore how enlargement has unfolded in the past, the legal and institutional framework that governs accession today, and the dilemmas the EU faces in dealing with current candidate countries. Understanding these dynamics is essential not only for assessing who may join the Union in the future, but also for grappling with what kind of Union enlargement will ultimately produce.

2.2 Previous enlargements of the EU

The EU, in the form as we know it today, developed from the European Economic Community (EEC). The EEC was founded by the so-called founding members, consisting of Belgium, France, Germany, Italy, Luxembourg, and the Netherlands, and began with the Treaty of Rome in 1957.⁴

From there, broad expansion of the EEC was not always a given. The EEC famously rejected the United Kingdom's bid to join twice, as French President Charles de Gaulle vetoed any idea of British membership.⁵

Consequently, the first enlargement of the EEC only occurred after De Gaulle had left office, when Denmark, Ireland and the United Kingdom joined in 1973, sixteen years after the EEC's founding.⁶

The second and third enlargements came in the wake of Greece, Spain and Portugal all abandoning their respective dictatorships in the 1970s. In a bid to help these newly democratic countries stay on the right course, the EEC allowed Greece to join in 1981, followed by Spain and Portugal in 1986.⁷

⁴ European Union. (n.d.d).

⁵ UK in a Changing Europe. (n.d.).

⁶ European Union. (n.d.e).

⁷ Ibid.

The fourth and fifth enlargements were largely a product of the end of the Cold War. The fourth enlargement in 1995 included Austria, Finland, and Sweden,⁸ all of which had been neutral during the Cold War. The end of the conflict allowed them to join the, by then renamed, EU without antagonising the USSR.

The fall of the USSR and the Warsaw Pact also enabled the EU to expand eastward to the former countries of the Pact. The fifth enlargement in 2004 included the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, and Slovakia. It also included Slovenia, which had gained independence from Yugoslavia in 1991, as well as Malta and Cyprus. This was the single largest expansion of the EU to date, both in terms of population and the number of countries.⁹

The final two enlargements were the sixth enlargement in 2007, which brought in Bulgaria and Romania,¹⁰ and the seventh in 2013, when Croatia joined.¹¹ The EU also lost a member in 2020, when the United Kingdom exited in the so-called “Brexit.” This brings us to 2025, with 27 EU Member States.¹²

2.3 Legal basis, conditions and processes to become a member of the EU

2.3.1 Basis in the Treaties

The legal foundation for the process by which a country becomes a member of the EU is set out in Article 49 of the Treaty on European Union (TEU).¹³ Article 49 states:

“Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union.”

⁸ European Union. (n.d.f).

⁹ European Union. (n.d.g).

¹⁰ Ibid.

¹¹ European Union. (n.d.h).

¹² European Union. (n.d.i).

¹³ *Consolidated version of the Treaty on European Union*. (2012).

In essence, Article 49 contains two seemingly straightforward requirements. First, the country must qualify as a “European State.” Second, it must respect the values set out in Article 2 of the TEU, which declares that:

“The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.”

While this legal wording appears broad, the general framework has been further clarified over time. In particular, the Copenhagen European Council (1993) and the Madrid European Council (1995) developed and reinforced the so-called Copenhagen Criteria, which provide more concrete conditions for membership.

2.3.2 Accession criteria before the Copenhagen council

Before the Copenhagen Council of 1993, accession conditions were not yet codified but had gradually taken shape through treaties and political practice. Article 237 of the Treaty of Rome, later echoed in Article O of the Maastricht Treaty, provided that “*any European state may apply to become a member.*” The meaning of “European” was left undefined, leaving geography, culture, and history open to interpretation.¹⁴ Initially, the focus was on economic integration and geographic belonging, but political undertones soon entered the debate. By the early 1960s, the European Parliament’s Birkelbach Report (1962) stated clearly that only parliamentary democracies respecting the rule of law and human rights could expect membership.¹⁵ This principle was reinforced by association agreements, debates over Spain’s application under Franco, and the post-war constitutional traditions that linked European integration to democratic governance.¹⁶

¹⁴ Commission of the European Communities. (1992 June 24).

¹⁵ Janse, R. (2018).

¹⁶ Ibid.

Despite these developments, accession conditions remained somewhat fluid, and challenges emerged in their application. Throughout the 1970s and 1980s, enlargement debates around Greece, Spain, Portugal, and Turkey highlighted tensions between geopolitical interests and democratic standards.¹⁷ The 1992 Commission report *Europe and the Challenge of Enlargement* stressed that enlargement without sufficient preparation could undermine both the candidates and the Community itself.¹⁸ Membership required not only democratic commitment but also economic convergence, administrative capacity, and readiness to participate in evolving EU policies such as the Common Foreign and Security Policy.¹⁹

2.3.2 The Copenhagen Criteria

The first detailed and concrete conditions for accession were formally codified at the 1993 Copenhagen European Council, marking a turning point in the history of enlargement. For the first time, political, economic, and administrative requirements were set out in clear terms, providing a structured framework for evaluating candidate states. These conditions were further reinforced by the Madrid European Council in 1995, which highlighted the importance of administrative capacity and the ability to implement EU law effectively. The Copenhagen conclusions stated that:

“Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.”²⁰

These criteria reflect the twofold nature of the European Union. On the one hand, the EU is a political union rooted in the rule of law, democracy, and human rights. On the other, it is

¹⁷ Ibid.

¹⁸ Commission of the European Communities. (1992 June 24).

¹⁹ Ibid.

²⁰ European Council. (1993).

also an economic union, born out of economic integration and still strongly shaped by market principles. Any membership requirements must therefore address both political and economic dimensions, as well as ensure the underlying administrative capacities needed for the full legal effects of EU law.

The Copenhagen criteria has consequently been separated into three distinct areas, which are:

- **Political criteria:** stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- **Economic criteria:** a functioning market economy and the ability to cope with competitive pressure and market forces within the EU;
- **Administrative and institutional** capacity to effectively implement the acquis²¹ and ability to take on the obligations of membership.²²

Although the Copenhagen Criteria may appear broad and relatively simple, meeting them is not a mere formality. They require extensive legal, administrative, and economic reforms, often carried out over many years, before accession can realistically take place.

2.3.3 Process

Building on the legal basis in the TEU and the Copenhagen Criteria, the EU has developed a highly structured and multi-stage process for accession.

The process begins when a country formally submits an application to the Council of the EU. The European Commission then conducts a detailed assessment and issues an opinion on whether the country should be granted candidate status.²³ This opinion does not decide membership itself but merely recommends whether negotiations should start.²⁴ The final

²¹ The acquis is the body of common rights and obligations that is binding on all the EU member states.

²² European Commission. (n.d.a).

²³ European Commission. (n.d.b).

²⁴ Ibid.

decision to grant candidate status lies with the existing Member States and requires unanimity.²⁵

Once candidate status is granted, the Commission proposes a negotiation framework, which outlines the principles, substance, and structure of the talks. This framework must also be unanimously approved by all Member States before formal negotiations can begin.²⁶

Negotiations are organised into clusters, each containing multiple chapters dealing with specific policy areas. Examples include the rule of law, competition policy, environmental protection, and agriculture. Progress is measured by the successful “opening” and “closing” of these chapters, as agreed by all parties.²⁷ The full list of all the clusters is pictured below.



Source: https://enlargement.ec.europa.eu/system/files/2022-10/eu_accession_process_clusters%20%28oct%202022%29.pdf

²⁵ Ibid.

²⁶ Ibid.

²⁷ https://enlargement.ec.europa.eu/enlargement-policy/conditions-membership/chapters-acquis_en

After all chapters have been closed, the Commission issues a final opinion on the country's readiness for membership. The European Parliament must then give its consent. The last the Member States to unanimously decide to conclude the negotiations.²⁸

Finally, the Accession Treaty is signed and ratified by all Member States and the candidate country, according to their respective constitutional procedures. Only after this ratification is complete does the country officially become an EU member state.²⁹

2.4 Case study: Slovenia

To understand how the accession process looks like in practice, let's look at a case study of how Slovenia joined the EU.

Slovenia submitted its membership application on the 10th of June 1996 and on the same day signed a Europe Agreement with the EU, which formed the legal basis for EU–Slovenian relations throughout the membership process. As with the other applicant countries, Slovenia had to present its National Program for the Adoption of the Acquis (NPAA). The first NPAA was limited to short-term objectives, and a new version of the NPAA was drawn up in 1999 to respond to Commission comments and to cover the period up to 2002.³⁰

Slovenia's path to membership, however, was not without challenges. While it fulfilled the Copenhagen political criteria, the European Commission repeatedly highlighted the slow pace of legislative reform.³¹ Transposing the *acquis communautaire* into national law proved difficult, and delays in the legislative process threatened to create bottlenecks. The judiciary, though gradually being strengthened, also struggled with capacity and efficiency, which raised concerns about the effective enforcement of new EU-compatible legislation.³²

Economic adjustments also presented hurdles. Although Slovenia had achieved macroeconomic stability and established the foundations of a market economy, the Commission noted that the business environment required further modernization.

²⁸ European Commission. (n.d.b).

²⁹ Ibid.

³⁰ European Parliament. (n.d.).

³¹ Ibid.

³² Ibid.

Structural reforms, especially the privatization of state-owned enterprises and the liberalization of the financial and insurance sectors, proceeded more slowly than expected.³³

Over time, however, the Slovenian authorities accelerated the pace of structural reforms, liberalized prices, and modernized the legal framework for businesses, which allowed the Commission to conclude by 2002 that Slovenia would be able to withstand competitive pressures within the internal market.³⁴

Beyond internal reforms, bilateral disputes complicated the picture. Longstanding disagreements with Croatia over the Piran Bay maritime border, the management of the Krško nuclear power plant, and unresolved financial claims from the Ljubljanska Banka created tensions that occasionally spilled into the accession debate.³⁵ While not all issues were fully resolved at the moment of accession, mechanisms for dialogue were established,³⁶ and both countries agreed that these disputes would not block Slovenia's EU membership. This pragmatic approach ensured that bilateral conflicts did not derail the accession timetable.

By 2000 Slovenia had closed 12 out of the 32 negotiating chapters for accession,³⁷ and by the end of September 2002 28 out of the 32 chapters had been provisionally closed.³⁸ At the end of 2002, the negotiations were successfully completed. Subsequently, Slovenia held a referendum on accession on the 23rd of March, which passed with strong support, and the Treaty of Accession was signed on the 16th of April 2003. Slovenia officially joined the EU on the 1st of May 2004.³⁹

³³ Ibid.

³⁴ European Commission. (n.d.c).

³⁵ European Parliament. (n.d.).

³⁶ European Commission. (n.d.c).

³⁷ European Parliament. (n.d.).

³⁸ European Commission. (n.d.c).

³⁹ Government of Slovenia. (n.d.).

2.5 Evaluation of the current legal basis, conditions and processes to become a member of the EU

2.5.1 PROs

The current framework ensures that any country joining the EU has already carried out extensive reforms across all major areas of law, governance, and policy. By the time of accession, candidate states are required to have transposed the *acquis communautaire* into their national legislation, built the necessary institutions to enforce it, and demonstrated the administrative capacity to apply EU rules in practice. This means that new Member States are fully integrated into the EU legal order from day one, avoiding transitional phases that could otherwise generate uncertainty, instability, or unequal treatment among members.

The demanding nature and length of the negotiations also serve as a safeguard. Only countries with a genuine, long-term commitment to EU membership are able to sustain the political will, financial resources, and institutional capacity necessary to see the process through to completion. This reduces the risk of admitting members that might later reverse reforms or undermine shared values.

Another advantage is the requirement for unanimity among Member States at key stages of the accession process. This ensures that enlargement takes place only with broad consensus and prevents new members from being admitted over the objections of existing ones. It gives all members a sense of ownership over enlargement decisions, which strengthens legitimacy and reduces the risk of friction after accession. Moreover, because consensus-building requires dialogue and compromise, it can also prepare both candidate and Member States for the type of negotiation and cooperation that characterizes decision-making inside the EU itself.

2.5.2 CONS

Despite these strengths, the framework also has significant drawbacks. The accession process is often long and highly complex, involving dozens of negotiating chapters, thousands of pages of EU law, and extensive technical benchmarks. For citizens in candidate countries, this complexity makes it difficult to track progress or understand

exactly where their country stands. Frustration can build when negotiations stretch over years, or when reforms demanded by the EU do not produce immediate improvements in everyday life.

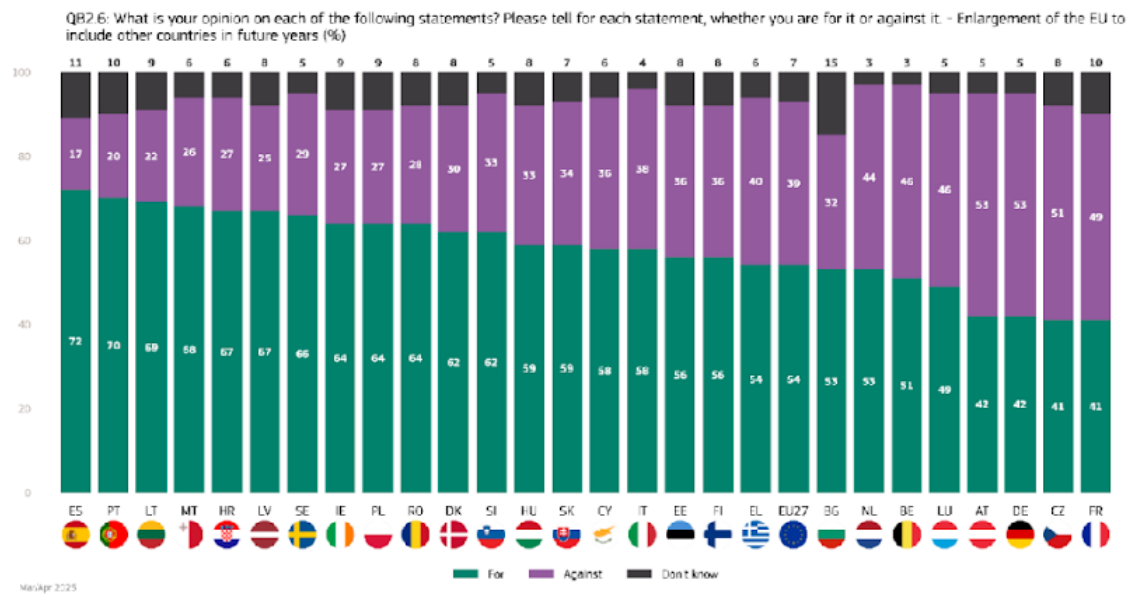
The unanimity requirement, while promoting consensus, also creates opportunities for political blockages. Individual Member States can use their veto power to stall or condition accession for reasons unrelated to EU values or criteria. Slovenia's disputes with Croatia over maritime borders and financial claims show how bilateral conflicts can spill into EU negotiations. North Macedonia is another striking case: despite fulfilling many technical criteria, its accession was delayed for years by Greece's veto over the country's name, and later by Bulgaria's objections related to language and history. These disputes highlight how political considerations at the national level can override the rules-based framework, forcing candidate states to make sensitive concessions to secure progress.

Finally, the very rigor of the framework, while safeguarding the Union's integrity, can dampen reform momentum in candidate states. Governments facing years or decades of uncertainty may lose the incentive to sustain costly reforms, especially when domestic opposition grows or alternative geopolitical partners step in.

2.6 Current public opinion in the EU regarding expansion

While the legal process for accession is of course crucial in any new country joining the EU, we must recognize that throughout the process all the final decisions rests with the governments of the current Member States. So, any discussion regarding membership must consider public opinion in the various Member States regarding any expansion.

As a whole, EU citizens are broadly in favour of an EU enlargement, with 54% in favour of "further enlargement of the EU to include other countries in future years" as of 2025. Here we can also see a slow but steady trend of more and more EU citizens being in favour (53% were in favour in 2024 and 51% in 2023). However, looking at numbers for each member state, the results are as follow:



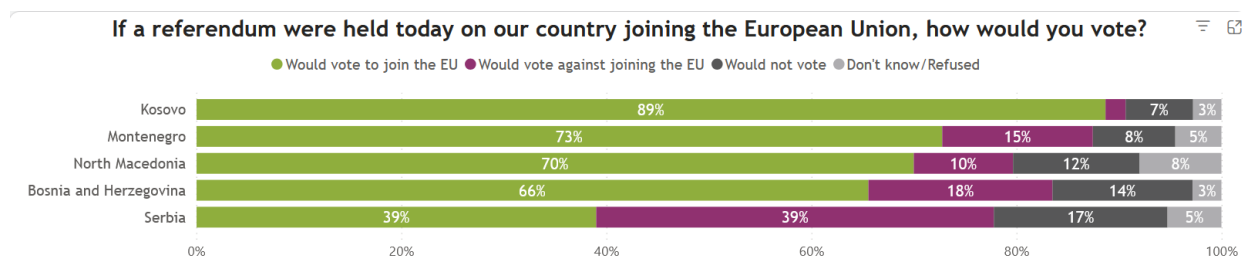
(Source: European Union, Standard Eurobarometer 103 – European citizenship report, Spring 2025. <https://europa.eu/eurobarometer/api/deliverable/download/file?deliverableId=99180>)

So, we can see that despite there being a majority for enlargement on the EU level, there are still several countries which have more people against enlargement than for, and in some cases, even outright majorities against enlargement. Here it is also important to note that among these countries are France and Germany, which are the two EU countries with the most people and also the biggest GDPs and consequently wield a tremendous amount of power in the EU.

Consequently, while there does exist a broad stance in favour of enlargement, we can see that the EU populace is very much divided on this topic, and there is so far not a very clear majority in either direction.

2.7 Current public opinion in the candidate countries regarding expansion

In all candidate countries, with the exception of Serbia, a large majority of people support EU accession. In the Balkans the highest support can be found in Kosovo (89%) and the lowest in Serbia, where only 39% would vote in favour of Serbia joining the EU.

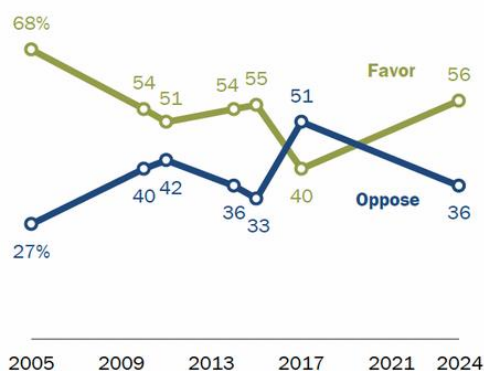


(Source: International Republican Institute, *Western Balkans Regional Poll May-July 2025*. <https://www.iri.org/resources/western-balkans-regional-poll-may-july-2025/>)

High levels of support can also be found in the eastern candidate countries, with 70% of Ukrainians⁴⁰ and 63%⁴¹ of Moldavians supporting EU accession for their respective country. Surprisingly, despite the deepening rift between the EU and Turkey a majority (56%) of Turks still support EU accession.⁴²

A majority of Turkish adults favor EU membership – the first time since 2015

% of Turkish adults who ___ Turkey becoming a member of the European Union



Note: Those who did not answer are not shown.
Source: Survey of Turkish adults conducted Jan. 29-March 11, 2024.
"Turks Lean Negative on Erdoğan, Give National Government Mixed Ratings"

(Source: Pew Research Center, *How people in Turkey view international affairs* (Oct. 16, 2024). <https://www.pewresearch.org/global/2024/10/16/how-people-in-turkey-view-international-affairs/>)

⁴⁰ European Neighbours East. (n.d.a).

⁴¹ European Neighbours East. (n.d.b).

⁴² Pew Research Center. (n.d.).

2.8 The position of parties within the European parliament

The European People's Party (EPP) reaffirms in its manifesto a forward-looking enlargement strategy for Ukraine, the Western Balkans, Moldova, and Georgia, while stressing that every candidate must fully meet the Copenhagen criteria before joining. Enlargement, in the EPP's view, cannot be an endless process but must be based on concrete results, respect for democratic institutions, the rule of law, human rights, and good neighbourly relations. The manifesto also calls for intermediate steps and closer cooperation to better prepare candidates for membership. Regarding Turkey, the EPP notes that accession is currently not possible but supports upgrading the customs union and visa facilitation to signal a renewed EU–Turkey partnership. Finally, the EPP pledges continued support for the Belarusian people and their democratic leaders, affirming that once a democratic breakthrough occurs, Belarus should also be able to follow the European path of peace and prosperity.⁴³

The Socialists and Democrats (S&D) group in the European Parliament present EU enlargement as a central element of Europe's peace project and as an investment in stability, prosperity, and democracy. They highlight their role in earlier enlargement rounds, particularly through the Willy Brandt Programme for EU Enlargement, which supported political partners in candidate countries between 2004 and 2013. The programme has now been relaunched for the 2024–2029 parliamentary term to assist pro-European actors and civil society in navigating the path toward membership. The S&D group emphasizes that enlargement has had significant impacts: in the countries that joined after 2004, child poverty fell from 41 percent to 17 percent, overall poverty was halved, real wages doubled, and six million jobs were created. Enlargement has also benefitted existing member states, with Spanish exports to new members doubling, Italian trade increasing by 77 percent, and intra-EU trade expanding by over 40 percent. Ten

⁴³ European People's Party. (n.d.).

countries are currently seeking to join the EU: Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia, Georgia, Moldova, Ukraine, and Turkey.⁴⁴

Renew Europe argues that the EU's approach to enlargement in the Western Balkans requires recalibration to overcome enlargement fatigue and strengthen its impact in the region. They highlight challenges such as weak visibility of EU projects, disinformation, and competition from external actors like China, Russia, and Gulf states, whose investments often appear more visible and less conditional but carry long-term risks. Cases such as the waste management plant in North Macedonia, delayed by disinformation campaigns, illustrate how poor communication undermines EU initiatives. While the EU remains the top donor and investor in the region, with a €6 billion Growth Plan, Renew Europe stresses the need to better connect EU support with citizens, including through direct funding, SME support, and more inclusive capacity-building programs such as TAIEX. They also note the risk of demographic decline as younger populations emigrate, leaving behind electorates more vulnerable to populism. For Renew Europe, enlargement should not be treated as a box-ticking exercise but as a process of genuine political and societal transformation, requiring stronger engagement with local, regional, and national actors, as well as partnerships with liberal organizations and parties in the region.⁴⁵

The Greens emphasize that the European Union must uphold its commitments to candidate countries, including Albania, Bosnia and Herzegovina, Moldova, Montenegro, North Macedonia, Serbia, Ukraine, and Georgia, while also supporting Kosovo's bid for candidate status. They stress that accession must be merit-based and grounded in the Copenhagen criteria, with priority given to democracy and the rule of law. The Greens call for stronger engagement with civil society in the accession process and advocate reform of the unanimity requirement in the Council, which they view as a barrier to enlargement. They underline that Ukraine's future lies within the EU and argue that support for its reforms should be linked to a climate-resilient and sustainable reconstruction. Finally, they highlight that welcoming new members should also drive internal reforms within the EU to

⁴⁴ Socialists and Democrats, *Reuniting Europe in peace, stability and prosperity – S&Ds revive iconic Willy Brandt Programme to drive EU enlargement*. (n.d.).

⁴⁵ Renew Europe CoR. (n.d.).

improve decision-making efficiency and that each candidate should advance at its own pace, independently of others.⁴⁶

The European Conservatives and Reformists (ECR) group supports further EU enlargement, framing it as a geostrategic investment in peace, security, stability, and prosperity. They stress that enlargement must remain a merit-based process, with candidate countries advancing only when they implement the required reforms and fully meet the Copenhagen criteria. The ECR argues that the EU should adapt its approach to each candidate rather than applying a uniform model, while also ensuring its own capacity to integrate new members. On Ukraine and Moldova, they call on the Council to adopt negotiating frameworks once the necessary steps have been taken. At the same time, they caution that enlargement should not be used to introduce treaty changes or expand qualified majority voting in sensitive areas such as foreign policy.⁴⁷

The Left group links EU enlargement to broader geopolitical ambitions of EU leaders and highlights the rapid political, economic, and societal changes it could bring in candidate countries such as Ukraine and Moldova. Rather than presenting a detailed enlargement strategy, they emphasize the need to involve alternative voices in debates on both the reforms expected in candidate states and possible changes to the EU Treaties.⁴⁸

The Patriots party and the Europe of sovereign nations (ESN) party do not have a publicly available or formally published position on EU enlargement. Unlike other major political groups in the European Parliament, they have not outlined a detailed stance on candidate countries, accession criteria, or the future of the enlargement process.

2.9 Current candidate countries

2.9.1 Western Balkans

The Western Balkans remain one of the European Union's most strategically significant yet politically and culturally complex regions. After the Balkan wars of the 1990s and the

⁴⁶ European Green Party. (n.d.).

⁴⁷ ECR Group. (n.d.).

⁴⁸ The Left. (n.d.).

dissolution of the former Yugoslavia that followed, the EU pledged integration and promised their dedication to help stabilize the region and help promote progress in the newly established states.⁴⁹

In order to preserve security and promote the rule of law during the Balkan wars, the EU sent out a number of peacekeeping, monitoring, and reform-support operations, including EUFOR Althea in Bosnia and Herzegovina and EULEX in Kosovo. They primarily emphasized infrastructure projects, regional connectivity, and youth exchanges. The Berlin Process, which was introduced in 2014, further aimed to strengthen collaboration between the EU and Western Balkan nations. Based on regional segregation, there exists a large difference in public opinion about EU integration: support is continuously high in Albania and Kosovo, while there is minimum development and increasing accusations of EU hypocrisy in Serbia and other nations which have decreased willingness and enthusiasm.⁵⁰

The European Union's commitment to expanding into the Western Balkans was formalised at the Thessaloniki Summit of 2003, where EU leaders declared that “the future of the Balkans is within the European Union.” However, over two decades later, progress has been uneven, as all the nations are in different stages of integration and are dealing with unique challenges which are preventing them from joining the European Union.⁵¹

2.9.1.1 Albania, Bosnia and Herzegovina, Northern Macedonia, Kosovo*, Montenegro, Serbia. What is preventing them from joining?

Albania:

They started accession talks in July 2022 after officially being declared as a candidate state in 2014. The administration has improved border control, stepped up anti-corruption operations, and implemented significant judicial changes in which they rewrote their constitution, vetted all judges and prosecutors for integrity and they dismissed those who failed. Along with these points, they also created new independent bodies such as High Judicial and Prosecutorial Councils, the Special Anti-corruption Structure and National

⁴⁹ European Council. (2003).

⁵⁰ European External Action Service. (n.d.).

⁵¹ European Council. (2003).

Bureau of Investigation. But long-standing patronage networks, political polarisation, and occasional anti-government demonstrations have undermined public confidence in institutions and delayed their EU accession. Progress has been hampered by the continuous dispute between the opposition and the ruling party, which has resulted in boycotts and rejected reforms, as the public is responding poorly to EU integration. Despite the actions of new anti-corruption organisations like SPAK, many residents continue to question their efficiency and impartiality due to the fact that results and fairness are not fully visible yet. For instance, few high profile convictions are occurring which makes it seem like there is little to no change, and they are still concerned that political influence and connections impact the organisation despite it being an independent branch. A good example of how political ties continue to have a significant impact on public services and hiring, which restricts accountability and transparency is the Albanian incinerator scandal. Government officials were giving waste incinerator contracts to politically connected firms in exchange for bribes, which led to corruption and misallocation of public funds. Because of these persistent issues, EU authorities are wary of Albania's preparedness for membership. However, according to polls, 90-92% of the population is in favour of joining the EU, making Albania one of the most pro-EU populations in Europe.⁵²

Bosnia and Herzegovina: Despite being given EU candidate status in 2022, they have faced significant internal obstacles that have slowed their journey towards gaining membership. The 1995 Dayton Peace Agreement, which put an end to the war but left behind a complicated and precarious framework, which established the nation's democratic system. It has built-in quotas and veto powers for the three major ethnic groups, Bosniaks, Croats, and Serbs, and it is based on the sharing of ethnic authority. Although the purpose of this system was to maintain peace, it has also made decision-making extremely challenging and frequently results in deadlock due to cultural, social and political differences. Mainly, deep political division still exists, particularly in Republika Srpska, where leaders such as Milorad Dodik tend to challenge the authority of the central government of Bosnia and Herzegovina by threatening to block or reverse reforms. These political disagreements have led to delays

⁵² European Commission. (2023a).

in EU mandated changes such as strengthening judicial independence, reforming public administration and imposing anti-corruption measures. This has left the country weak with a fragmented institution which fails to meet the criteria for EU membership.⁵³

North Macedonia: The nation received EU candidate status in 2005, but because of long-standing disagreements with its neighbours such as Greece and Bulgaria, development was slow for many years. In order to end a decades-long dispute with Greece, North Macedonia agreed to change its name from "Macedonia" to "North Macedonia" in 2018 as part of the Prespa Agreement, which was a significant breakthrough. Widely applauded, this historic accord eliminated a significant barrier to EU entry. But shortly after, due to differences over national identity, language, and history, Bulgaria blocked the beginning of admission negotiations. They insisted that the rights of the Bulgarian minority there had to be protected, and they wanted official recognition of historical and cultural ties before they permitted negotiations to begin. These disagreements have demonstrated how individual Member States can utilise bilateral problems and their interest to stall the expansion process, even when they have nothing to do with EU regulations. These political obstacles have hampered North Macedonia's route to membership despite its dedication to reforms and cooperation with many EU objectives, highlighting the precarious nature of expansion in a region which has extremely intricate historical tensions.⁵⁴

Kosovo (*Recognized by the UN, but partial international recognition*): A significant step towards deeper integration was taken in 2015 when Kosovo signed a Stabilisation and Association Agreement with the EU. However, the fact that five EU members (Spain, Greece, Cyprus, Slovakia, and Romania), do not formally recognise its independence complicates its path to admission. Since full membership requires unanimity in the Council, this lack of recognition poses a significant political challenge. The continuous hostility with Serbia is another significant obstacle. For more than ten years, the EU has been mediating a dialogue between the two parties, but little has been accomplished due to deep historic issues, social and cultural conflicts. In northern Kosovo, where there is a large ethnic Serb minority and

⁵³ European Commission. (2023b).

⁵⁴ European Commission. (2023c).

regular conflicts between local communities and the government, relations are still deeply strained. These outstanding problems hinder Kosovo's attempts to go along its EU path and continue to threaten political stability.⁵⁵

Montenegro: Since starting membership talks in 2012, Montenegro, is the most advanced nation in the EU accession process, because they have opened all negotiation chapters and provisionally closed several ones, the most important ones being the chapters on science and research and on education and culture. However, a number of institutional and political obstacles have caused progress to stall recently. With a large number of high-profile scandals and increasing corruption, doubt on the rule of law has increased along with the sway of influential political and corporate networks. One of the biggest high-profile scandals was when former agriculture ministers Petar Ivanovic and Milutin Simovic were arrested on charges that they misallocated over 300,000 euros worth of state funds by channeling them through certain NGOs between 2014 and 2019. Additionally, journalists are being threatened and harassed, undermining media freedom and democratic accountability. The most recent case was in November 2024 when Ana Raickovic, a reporter for *Pobjeda* was physically assaulted by a businessman, his son and their security. Maintaining a consistent reform program has also been challenging due to political instability and frequent changes of government. Despite Montenegro's continued commitment to join the EU, the EU is becoming increasingly doubtful of the country's preparedness for membership due to the lack of steady progress on important reforms.⁵⁶

Serbia: Serbia began EU accession talks in 2014 and has made steady progress in aligning its economy with EU standards. However, when it comes to politics and foreign policy, the path has been far more complicated. One major issue is Serbia's refusal to fully support EU sanctions against Russia, especially following the war in Ukraine. Instead, Serbia has tried to balance its relationships with the EU, Russia, and China which has led to them often sending mixed signals about its geopolitical intentions and their commitment to the EU's shared values. This balancing act has raised concerns in Brussels about Serbia's

⁵⁵ European Commission. (2023d).

⁵⁶ European Commission. (2023e).

commitment to EU values and long-term alignment with EU foreign policy. Despite Serbia, almost reaching EU standard economically, by improving their GDP growth, attracting more foreign direct investment and improving market regulations to align with those of the EU, they must address these political questions in order for their faith to become more certain.⁵⁷

2.9.2 Turkey

Turkey's relationship with the EU is one of the longest and most complicated in the Union's history. It became an official candidate all the way back in 1999, but accession talks have more or less come to a standstill since 2016. A number of serious issues have contributed to this freeze. Democratic backsliding in Turkey such as growing concerns over the independence of the judiciary, decrease in media freedom and increase in censorship, and the jailing of political opponents has raised alarm in EU headquarters. Human rights violations remain the most prominent concern point too, especially with the way Turkey has used anti-terror laws and its treatment of minority groups. On top of that, foreign policy tensions have only made things worse in all departments. Disputes over maritime boundaries and gas exploration in the Eastern Mediterranean, along with Turkey's military involvement in Syria and Libya, have strained relations even further. With political will lacking on both sides, many EU leaders now openly question whether Turkey's EU membership is still a realistic goal and the Turkish public's enthusiasm is declining.⁵⁸

Despite the political deadlock, cooperation continued in other areas. The EU and Turkey are deeply connected economically, especially through the Customs Union that's been in place since 1995, allowing tariff-free trade on industrial goods. Migration is another key area of partnership, particularly established through the 2016 EU-Turkey deal, which helped curb irregular migration to Europe in exchange for financial support to Turkey. However, the long-standing issue of Cyprus remains one of the biggest obstacles. Turkey does not recognise the Republic of Cyprus—an EU member and instead supports the Turkish Republic of Northern Cyprus, which no other country recognises. This continues to block

⁵⁷ European Commission. (2023f).

⁵⁸ European Commission. (2023g).

progress on several negotiation chapters, especially those related to foreign policy and regional cooperation.⁵⁹

2.9.3 Georgia

Georgia was granted candidate status in December 2023, contingent upon fulfilling key reforms. These include judicial independence, political depolarisation, protection of minority rights, and stronger anti-corruption measures. Despite these being basic key requirements of stabilizing a country and joining the EU, Georgia's geopolitical situation, bordering Russia and with two occupied regions (Abkhazia and South Ossetia), adds urgency as well as problems to its EU aspirations. However, recent political instability, including disputes over electoral reforms and media freedoms such as the oppositions boycotts of parliamentary elections, and media freedom concerns highlighted by the violent attack on a journalist in 2021 at the Tbilisi pride event, raises concerns about its readiness. The EU has been one of Georgia's largest donors and reform partners through the Eastern Partnership framework, offering financial aid, trade preferences, and technical support. The general population in Georgia remains strongly pro-European, often acting as a counterweight to perceived democratic backsliding. However, the government has made certain initiatives that critics say undermine media freedom and weaken judicial independence. This has drawn repeated warnings from Brussels, signalling that candidate status could be reconsidered if reforms stall and the government does not act accordingly in the best interest of the nation.⁶⁰

2.9.4 Ukraine

Ukraine's candidature was accepted in June 2022, just months after Russia launched a full-scale invasion, and it came at a crucial geopolitical and symbolic time. In addition to being a political objective, Kyiv sees EU membership as a way to strengthen its sovereignty, use the support for its post-war reconstruction, and integrate itself deeply into the European community. Ukraine still needs to undergo major reforms, such as addressing systemic corruption, guaranteeing an independent judiciary, and modernising its economy to

⁵⁹ European Commission. (n.d.c).

⁶⁰ European Commission. (2023h).

comply with the EU's standards and regulations, even though the war has reinforced the geopolitical argument for quick integration. However, despite these obstacles, there has been a noticeable improvement, particularly strengthening anti-corruption institutions like the Anti-Corruption Bureau and implementing reforms in the energy sector to more strongly align with those of the EU. Since 2022, the EU has provided solidarity which they have never given before by granting access to flagship programs like Erasmus+ and Horizon Europe, which integrated Ukraine's electrical grid into the European network. They also offered multibillion-euro macrofinancial assistance packages. In addition to offering short-term benefits, these actions have allowed Ukraine to establish long-term structural ties with the EU. To guarantee that solidarity will result in long-term stability, the EU has stated that the rehabilitation and eventual admission must be closely linked to verifiable changes.⁶¹

2.9.5 Moldova

As they were granted candidate status alongside Ukraine, Moldova has embarked on an ambitious reform agenda aimed at strengthening judicial integrity, combating corruption, and modernising public administration. The country faces a problem due to the fact that they are extremely vulnerable to Russian political and economic pressure, particularly through the unresolved separatist conflict in Transnistria, which makes EU integration a central national priority. In recent years, Moldova has reduced its dependence on Russian gas by diversifying its energy sources and connecting to the EU's energy network via Romania, a strategic shift that has increased both security and resilience. Public opinion in Moldova strongly favours EU membership, with support often exceeding 60%, fuelled by heightened security concerns following Russia's invasion of Ukraine. However, they still face significant challenges such as limited administrative capacity which slows the implementation of complex reforms, while pro-Russian disinformation campaigns are increasingly appearing everywhere and causing distrust in democratic institutions. These obstacles showcase that there is a need for sustained external support and careful

⁶¹ European Commission. (2023i).

institution-building in Moldova, and other candidate countries such as Ukraine, Georgia and Bosnia and Herzegovina are to successfully meet EU accession criteria.⁶²

2.10 Issues to address

2.10.1 Should the conditions and processes for joining the EU be changed? Are they adequate / not adequate? What should be changed? What should remain the same?

The Copenhagen criteria is an outline which showcases the main conditions for joining the EU and includes points such as: democracy, rule of law, human rights, a working market economy, and adopting EU laws. However, there has been a lot of debate in recent years about whether the current process is too rigid, too slow, or even too political at times. Critics say that the “all or nothing” approach can leave countries stuck in limbo for years, which can kill motivation for reforms and leave room for other powers to step in. One idea that’s been gaining attention is a staged integration process, where candidate countries get some benefits earlier, like for example joining certain EU programmes, parts of the single market, or getting access to development funds once they meet certain milestones, rather than having to wait for full membership to enjoy any or all real advantages. This could help keep the momentum going and motivate them to keep pushing for reforms. But there’s also the risk that if the EU makes the process too flexible, it could end up lowering its own standards or creating two tiers of membership, and they will lose credibility on the international stage. The difficult part is finding the right balance by keeping the standards high enough to protect the EU’s integrity, while also making the process more realistic and motivating for candidates.⁶³

The Copenhagen criteria remain the foundation of accession, but debates persist over whether the current model is too rigid or politicised. Some propose a staged integration process, where partial benefits of membership are granted earlier in exchange for verified reforms.

The Copenhagen criteria are still the backbone of the EU accession process, but there’s an ongoing debate over whether the current system is too strict, too slow, or influenced by

⁶² European Commission. (2023j).

⁶³ European Parliament. (2022).

politics more than it should be. Some people suggest moving towards a staged integration model, practically allowing candidate countries to enjoy some of the benefits of EU membership earlier, like access to certain programmes or markets, once they've met specific reform targets, instead of making them wait for full membership to see any rewards. When it comes to the current candidates, Montenegro and North Macedonia have been making steady technical progress and completing certain requirements from the Copenhagen criteria, while Ukraine and Moldova have very strong geopolitical arguments for joining, even though their reforms are still a work in progress and haven't opened nearly as many chapters as Montenegro has. On the other hand, Bosnia, Kosovo, and Serbia, are dealing with deeper political problems, internal conflicts and regional disagreements that could slow their path to the EU unless big changes are made.⁶⁴

2.10.2 Which of the current candidate countries should be granted EU membership? Why? Which should have their accession postponed / denied? Why?

There is a heavy ongoing debate about which candidate countries might be ready for EU membership. In past enlargements like when Bulgaria and Romania joined in 2007, the EU accepted members that still had unfinished reforms, and then relied on post-accession monitoring to keep them on track so that they would fully reach EU criteria. The history of past candidate countries raises a big fairness question: should today's candidates have to meet higher standards than some of their predecessors? For instance, Slovenia and Croatia faced less strict judicial impositions and anti-corruption requirements. Supporters of tougher rules and a more exclusive EU say yes, because it protects the stability of the Union and avoids problems that might occur down the line. But critics argue that this approach risks dragging out the process so much that it discourages and even alienates strategic partners who could bring real benefits to the EU. Realistically, countries like Montenegro and North Macedonia, which have shown consistent reform progress, could be considered strong contenders for earlier membership, if they were to receive the same treatment as Bulgaria and Romania did. On the other hand, Bosnia, Kosovo, and Serbia may need more time, given that they have unresolved political disputes and governance challenges, while

⁶⁴ European Parliament. (2024).

Ukraine and Moldova are in a unique category where they are seen as a geopolitically urgent cases that might require a more flexible approach if the EU wants to secure its influence and stability in the region, and if they want to provide more protection and assistance to the nations.

2.10.3 Did the countries in the past have to meet the same criteria? If not, is it fair to demand such a standard from the current candidates? Why yes and why not?

Countries that joined the EU in the earlier waves of enlargement didn't always have to meet the same strict standards that are expected today. For example, during the 2004 and 2007 expansions, some members like Bulgaria and Romania were admitted even though their reforms in areas such as judicial independence and anti-corruption were still incomplete. However, at the time the EU decided that the best course of action was to rely on post-accession monitoring to push these reforms forward. Even Croatia, which joined in 2013 and is the most recent country that joined the EU after a long negotiation process, was still working on deep-rooted corruption and judicial reforms at the time of its accession. Today's candidates face a tougher, more demanding process, with less willingness from the EU to compromise and thus could be due to several factors. Supporters of this higher standard argue that the EU has learned from past experiences, and that admitting members who aren't fully ready can create long-term governance problems that are harder to solve later. It can also cause internal problems in the EU and impact other Member States. Critics, however, point out that this

2.10.4 Do all the countries currently in the EU even meet all of the criteria?

While candidate countries are expected to meet increasingly strict conditions before accession, concerns have been raised about the extent to which all existing Member States themselves continue to comply with the Copenhagen criteria. The rule of law is a particularly striking example. Poland has repeatedly been found by the Court of Justice of the EU to be in breach of rule of law obligations,⁶⁵ while Hungary has faced sustained criticism for undermining judicial independence and democratic checks and balances. According to the World Justice Project's Rule of Law Index, four candidate countries,

⁶⁵ Court of Justice of the European Union (n.d.)

Georgia, Montenegro, Moldova and North Macedonia, currently score higher than Hungary.⁶⁶ This raises important questions about the consistency and credibility of the enlargement process: can the EU demand strict compliance from candidates while tolerating significant shortcomings within its own membership?

2.10.5 How does enlargement affect governance of the EU? What are the implications on the single market? Enlargement for its own sake - is it a value or are we being pragmatic?

Another question concerns the impact of enlargement on the functioning of the Union itself. Each new round of enlargement increases the number of voices around the decision-making table and adds to the diversity of political, economic and social systems represented in the Union. This can enrich debate and strengthen the legitimacy of EU policies, but it also risks making governance more complex and decision-making slower, particularly in areas that require unanimity. Enlargement also places new demands on the institutions and raises the issue of whether internal reforms are necessary to maintain efficiency and democratic accountability in a Union of thirty or more members.

There are also implications for the single market. New members must be able to fully implement and enforce the *acquis* in areas such as competition, consumer protection and environmental standards. If implementation is uneven, the integrity of the single market may be undermined. At the same time, enlargement can create opportunities by integrating new markets, expanding trade, and increasing investment. The challenge is to ensure that the benefits of enlargement for the single market are not offset by fragmentation or weaker enforcement of common rules.

Finally, enlargement raises a broader question: is it pursued as a value in itself, a political project aimed at unifying Europe and promoting peace, or is it approached pragmatically, with careful weighing of costs and benefits? The answer to these shapes both public support for enlargement and the EU's credibility in negotiating with candidate countries.

⁶⁶ World Justice Project, *Rule of Law Index 2024*. (2024)

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TOPIC TWO: THE ROLE OF THE EUROPEAN UNION IN THE GOVERNANCE OF ANTARCTICA

3.1 Introduction

Antarctica is a continent unlike any other—free of permanent human settlement, rich in scientific value, and governed by a unique multinational legal framework. The European Union does not claim territory but influences Antarctic governance through its Member States, environmental policies, and funding of scientific research. Its role centres on upholding the Antarctic Treaty System (ATS), promoting environmental protection, and ensuring the continent remains demilitarised and devoted to peaceful purposes.

3.1.1 Why is Antarctica important?

Antarctica plays an extremely important role in the international community, and it isn't just seen as a frozen far-off continent. Despite the fact that it has no permanent population, an independent governing system or direct economic activity, its purpose lies in its impact on the rest of the world. It's crucial in maintaining global ecosystems, influencing the planet's climate, and allowing scientific research to be conducted which would not be possible elsewhere. Due to the Antarctica Treaty System, this continent is a unique symbol of international cooperation, showing that nations are able to put peace, research and preservation above competition and self interest. However, Antarctica's importance doesn't lie only in politics but also in its resource potential, scientific research, climate regulation and geopolitical value.

a) Resource potential

Due to its unique geographic position, the Southern Ocean which surrounds it supports some of the richest and most unique marine life in the world. The Antarctic Krill forms the foundation of this ecosystem due to its vitality both ecologically and economically. It's a source of food for whales, seals, penguins, but it also has significant use for humans in supplements and pharmaceuticals. Since it's tied to the stability of marine life, and the economic interests of humans, overexploitation has become a common problem, which has caused problematic effects in the food web, since numerous species depend on it for survival.

Antarctica is also believed to have vast untapped reserves of minerals, oil and natural gas beneath the ice sheets. Although resource extraction is banned under the 1991 Madrid Protocol, the potential existence of these reserves adds further significance to the continent. The presence and potential of all these resources strongly impacts scientific investment and long term strategic planning on a global scale.

b) Scientific research

Antarctica is one of the most valuable *natural laboratories* for studying global issues such as climate change, and opening scientists up to endless prospects which wouldn't be possible anywhere else. Its large untouched environment allows scientists to conduct studies in research in all kinds of fields from marine biology to glaciology to astronomy and climate science. For example, the most important feature of Antarctica are its vast ice sheets whose layers provide a detailed record of climate spanning over thousands of years. It allows researchers to gain data on atmospheric conditions and greenhouse gas concentrations by drilling the ice cores, which provides important insights that can be used to develop a pattern of the earth's climate to see how it will progress in the future. Due to the fact that Antarctica is extremely isolated and cold, it's a perfect location to study unique ecosystems, which can help us develop models for how life could exist on other planets; for instance, organisms which can survive in subglacial lakes. It has also become an ideal spot for collecting astronomic data due to its dry and clear atmosphere. Telescopes have been placed at the South Pole Station and they are currently being used to study cosmic microwave background radiation, in attempts to help us gain insight into the early history of the universe.

Besides Antarctica's practical importance, its symbolic importance has had the greatest impact by becoming a model for international scientific collaboration. Over a dozen nations have research stations on the continent, and most of them are working together on projects, sharing data, and helping each other, which shows how they are prioritizing knowledge and further the human race over competition and self interest. This spirit of cooperation began with the Antarctic Treaty System, which was meant to ensure that science and development remain the sole purpose of activity in Antarctica, which it has

managed to do. Despite the constant conflict, instability and geopolitical rivalry in the world, the way these states manage to cooperate in Antarctica serves as a rare example, but also as a good motivator of how we can approach shared challenges as one, and cooperate for the benefit of all humankind, not simply for our own countries.

c) Climate regulation

The Albedo effect is a reflective process where light colored surfaces, such as ice and snow act as a large mirror and reflect sunlight back into space, which helps keep the planet cooler and global temperatures regulated. This is exactly what Antarctica's ice sheets and its vast sea of glaciers does, allowing it to be a more significant regulator of the earth's climate. However, due to global warming, the ice sheets are melting and the area covered by ice is decreasing, which is exposing the dark ocean water and land beneath, and now, more heat is being absorbed instead of being reflected. This phenomenon has fabricated a dangerous loop where global warming is leading to melting, and in turn causing more global warming. The consequences of this issue impact more than just Antarctica, they affect earth and its whole population through rising sea levels through the release of more water due to melting ice. Such a situation threatens coastal cities and disrupts the balance of global ocean systems.

The Southern Ocean, which surrounds Antarctica, is a key driver of the thermohaline circulation, which makes its role intertwined with the sole role of Antarctica. The Southern Ocean acts as a global conveyor of ocean currents which moves heat, oxygen and nutrients around the world, and the cold dense water flows north, which helps regulate temperatures and sustain marine ecosystems, not only in the surrounding areas, but thousands of kilometers away. This circulation is also being heavily impacted by global warming, because if the process is disrupted, there can be profound shifts in rainfall patterns, stronger or weaker monsoons, more extreme storms, and declining productivity in fishing which millions of people rely on for food.

Fundamentally, despite it being a remote continent, the ice and the surrounding waters are not features causing Antarctica to be isolated, but rather has allowed it to be the central component of the earth's climate system. Any instability or dysregulation in this region can

be felt globally such as altering weather, ecosystems and human society. This is why its conservation is of international priority and global interest.

d) Geopolitical and Symbolic Value

One of the last major unclaimed regions on earth is Antarctica and it is distinct in the way that it is administered by a system of international accords such as the Antarctic Treaty of 1959 and its implementation protocols, rather than being governed by a single country. Since all countries have stepped back from any territorial claims in the name of cooperation and human race development, no state possesses total sovereignty over the continent, in contrast to all other regions in the world. Due to this arrangement, it is now a global common, where all nationals are devoted to environmental preservation, science and peace, rather than resource exploitation or territorial rivalry. It can also be seen as a continuous experiment, and test in shared governance since countries must put aside their differences and focus on working towards their common goals on a daily basis.

The governance model that has been established in Antarctica has now become a model for how nations should manage unstable international regions. For instance, since both the Outer Space Treaty and the Antarctic Treaty system both strongly emphasize scientific research, peace, and territorial claim limitations, they are often compared. This contrast between the two treaties highlights that Antarctica wasn't just a one-time success, but rather that its framework has been applicable to other fields such as space. Along with this, the international regime for the deep seabed established by the **United Nations Convention on the Law of the Sea (UNCLOS)**, believes that certain areas are of *common inheritance of mankind*. This regime reinforces the idea that certain regions, which are treated as shared spaces, are part of a wider effort of preserving our planet. The governance model of Antarctica proves that if countries have enough political will, and motivating factors, they can set aside national differences to serve the larger, long term human needs

However, despite this ideal cooperative structure, this continent still possesses a deep geopolitical importance. It is strategically significant to all world powers due to its location, rich fisheries in surrounding waters, and the large untapped mineral and energy reserves beneath the ice. While it is a symbol of unity, with such a vital area, conflict is always

possible, as each nation does look out for their self-interest at the end of the day. Briefly said, Antarctica is not only important because of its richness in resources, and its global importance, but mainly the fact that nations choose international cooperation each day, and work towards agreements despite the realities of national and personal ambition.

e) How is Antarctica currently governed?

Antarctica is currently governed in line with the Antarctic Treaty System (ATS). The foundation of the ATS is the Antarctic Treaty, which entered into force in 1961. The Antarctic Treaty laid the groundwork for how Antarctica is governed to this day.

The Antarctic Treaty has since been augmented by the Recommendations adopted at Consultative Meetings, by the Protocol on Environmental Protection to the Antarctic Treaty,⁶⁷ which bans mineral resource activities except for scientific research and designates Antarctica as a natural reserve, and by two separate conventions: the Convention for the Conservation of Antarctic Seals and the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR), which regulates Southern Ocean fishing to preserve ecosystems. Governance under the Antarctic Treaty System operates by consensus among Consultative Parties—several of which are EU Member States. While this approach fosters cooperation, it also allows any single state to block proposals, as seen in recent disputes over the establishment of new marine protected areas. When the Madrid Protocol 50 year moratorium on mineral resource exploitation expires in 2048, the nations in charge would need to renegotiate new rules specifically on mining, and this might expose Antarctica to extraction which could lead to certain environmental problems.⁶⁸

3.1.2 What issues is it facing?

Throughout the years, the range of challenges that Antarctica has been facing have only progressively increased and are more often testing the limits of its governance structures and the nation's willingness to cooperate. These issues can be grouped into two categories: those that governing parties can realistically address through policy and treaties, and those

⁶⁷ Antarctic Treaty Secretariat. (n.d.)

⁶⁸ Secretariat of the Antarctic Treaty, n.d.

that extend beyond their immediate reach, to the point where their role is limited, which is even more problematic because even those points will drastically affect Antarctica along with the rest of the world.⁶⁹

Issues Within the Reach of Governance:

a) Ocean conservation and fisheries management

As a very complex region, in turn, complex international cooperation is necessary to ensure proper control over the Antarctic seas and the Southern Ocean. This is primarily done through the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). Their main goal is to protect biodiversity and they do this by setting quotas, controlling fishing through regulations and identifying marine protected areas (MPAs). Despite their importance, the commission has faced several obstacles due to member state disagreements primarily surrounding MPAs. Frequently, they can't reach an agreement due to differing national fishing goals, individual economic interests, and different interpretations of the conservation commitments. As a result of this failure to cooperate, certain biological areas have become extremely fragile and are now at a risk of exploitation.⁷⁰

The greatest concern regarding marine life is the overfishing of krill, which is a key species in the Antarctic food web. For most species such as seals, penguins and whales, the krill is their main food supply. Excessive harvesting harms these animal populations and also risks ruining the ecosystem as a whole. Due to this rising issue, the commission is focusing on enforcing stronger catch limits, improving their fishing activity monitoring, and increasing international collaboration to effectively address this issue. They aim to balance nations' conflicting interests and conservation of important ecosystems, by safeguarding marine biodiversity and ensuring stronger compliance procedures to encourage further collective decision making.

⁶⁹ Antarctic and Southern Ocean Coalition (n.d.)

⁷⁰ Ibid.

b) Environmental protection from human activity

Antarctica, like all the other wonders of the world such as the amazon rainforest and the great barrier reef which are crucial for our planet's ecosystems, can no longer be labeled as *untouched* by humans anymore. Scientific research, new infrastructure and the rise of tourism have all left a significant mark on the environment. For instance, research stations are crucial there in order to study climate change and the ecosystem, to help us learn how to better preserve it, but along with that it also harms the environment by producing waste, burning fuel, and even sometimes, leaking pollutants into areas. Scientists and researchers also had to build airstrips, storage sites and labs which can disturb the fragile natural habitats especially breeding spots for birds and designated areas for seals. Tourism is a growing problem generally since it adds a great deal of pressure, because even when managed and contained in groups of visitors, there is still a high chance of disrupting the wildfire, spilling fuel, or endangering animals when they wear certain clothing or gear.

However, these risks are manageable, and it calls for the imposition of stronger rules. For instance, there should be waste treatment systems at research bases, mandatory gear cleaning and biosecurity checks for visitors. Also, they should impose stricter limits on the number of tourists arriving at specific sites in certain time frames to avoid detrimental impact. Instead of each country building their own, they should cooperate to build shared facilities and reduce the infrastructure footprint.

The most important safeguard in the environmental protection of human activity in Antarctica is the *Madrid Protocol* which bans mining and makes the protection the number one priority. Nevertheless, rules are insignificant if they aren't reinforced, so inspections must be more frequent, violations must be taken seriously and member states must be willing to hold each other accountable and to rise to higher standards. They must find the

proper balance between allowing science and tourism to thrive and protecting such a vital region on our planet.⁷¹

c) Managing geostrategic rivalries

Although the Antarctic Treaty explicitly prohibits military activity on the continent, the growing presence of research stations run by major powers such as the United States, China and Russia, have caused controversy regarding whether these research stations' sole purpose is science or strategy. Despite the justification of building these facilities for climate or geophysical research, they can be used for other purposes. The runways that are built can accommodate heavy aircrafts and the satellite ground stations can aid military communications, or provide logistical networks to allow nations to infiltrate their influence in remote environments. For certain parties, the increasing number of these stations represent a growing concern that a pattern is forming which would eventually lead to geopolitical competition.⁷²

So far, the system that they developed through the treaty has managed to keep the situation regulated and the trust and diplomatic effort as the priority. They have already implemented mechanisms for inspections, data sharing and developing joint scientific projects, but its limit is reached when it comes to certain political disputes regarding the great powers' self interest. To prevent any conflict in the future, they should encourage reciprocal inspections, greater transparency, or even using multinational teams to reduce any suspicion. Within the Antarctica Treaty Consultative Meetings (ATCM), they have diplomatic dialogue which allows them to have a platform for *confidence building measures*, and promises that the scientific contribution is the main framework rather than rivalry.

Overall, as with any vital resource or ecosystem, Antarctica has become a center for potential great power competition, and without the reaffirmation of the treaty, there might be potential greater conflict in the future. It is extremely important to strengthen

⁷¹ Ibid.

⁷² Antarctic Treaty Secretariat (n.d.)

verification measures, promote collaborative initiatives, and for all nations to remain neutral in order to keep Antarctica as one of the rare places where the greater interest of our planet is more important than geopolitical tensions.

Issues Beyond the Reach of Governance:

a) Climate change and ice melt

The most serious threat to Antarctica comes from issues that are beyond the reach of governance, meaning, issues that the member states cannot intervene to fix. The biggest issue is global greenhouse gas emissions, which are largely beyond their control, and is rather a global issue of the whole population. Due to rising levels of carbon dioxide, methane, and other pollutants, the polar regions have experienced increased warmth, which has caused glaciers and ice sheets to melt at an accelerating pace, and an increasing pace nevertheless. This ice loss has directly contributed to rising sea levels which is putting coastal communities, islands and major cities at major risk of flooding which would lead to displacement. Within Antarctica, global warming has disrupted ecosystems, affected species like penguins, polar bears and krill, which shows us that even remote and isolated regions are highly sensitive to changes in the global climate.⁷³

No matter how strict the imposed conservation measures are, for example, ensuring marine areas are protected, imposing tourism limits, or strengthening research station regulations, the member nations cannot halt the impacts of climate change without broader international action from each individual globally. The Antarctic Treaty System can manage human activity on the continent, but it has no impact on global emissions and how they impact Antarctica. Fighting these threats requires coordinated global policies, such as those outlined in the Paris Agreement, to reduce greenhouse gas output. In this sense, Antarctica serves as both a warning and a barometer, its fate is closely tied to worldwide decisions on climate, and how the general population acts on a daily basis. Keeping the region intact can only succeed if supported by decisive international action.⁷⁴

⁷³ National Aeronautics and Space Administration (n.d.)

⁷⁴ Ibid.

b) Global resource pressure

Another large issue is the pressure on global resources. Although the Madrid Protocol currently bans mineral resource extraction in Antarctica, the continent is not immune to global pressures and the political conflicts that can arise from them. As the demand for energy, rare earth minerals, and other strategic resources rises, this is prompting some countries to reconsider or reinterpret the Protocol, to bend the guidelines in their favour. The interest in Antarctica's untapped mineral wealth is driven less by local governance and more by international markets, technological needs, and geopolitical competition, which means that even extremely well enforced protections could come under political scrutiny if global pressures intensify.⁷⁵

This dynamic between the local and international scene highlights a broader challenge for Antarctic's governance which is that the continent's natural resources exist in a global context since it is not directly owned by anyone. Economies focused on exploiting resources and shifts in energy markets may create incentives to push for exceptions, loopholes, or accelerate the exploration of the ice continent, despite the conservation commitments all the nations made.

The governance bodies must not only maintain strict adherence to existing treaties but also actively monitor international trends and strengthen diplomatic mechanisms to anticipate future challenges which might occur and tackle them before they cause any damage. Protecting the continent's environment ultimately depends as much on global economic and political decisions as on local regulations.⁷⁶

c) Geopolitical rivalries beyond the treaty system

As global strategic competition grows, Antarctica faces the risk of becoming a symbolic or indirect arena for great power rivalry since it is a rare unclaimed and relatively untouched region. Even though the Antarctic Treaty System prohibits militarization and emphasizes peaceful scientific cooperation between all nations, the continent can still serve as a stage

⁷⁵ British Antarctic Survey (n.d.)

⁷⁶ Ibid.

for signaling influence, allowing nations to project their international power, or testing logistics and military equipment in extreme environments. Despite the fact that the research stations, airstrips, and satellite facilities are primarily used for scientific purposes, they are also used to show other countries their capabilities and prove that they are a superior power. Such tensions reflect broader geopolitical dynamics, including competition over resources, technological dominance, and global prestige, and it shows that the road to peaceful cooperation is never smooth sailing.⁷⁷

While the Antarctic treaties provide certain mechanisms for managing disputes and building transparency, they cannot fully ensure the protection of the region from external pressures. Conflicts, mistrust, or strategic positioning elsewhere in the world can spill over into Antarctic affairs since there are so many parties involved, which could influence negotiations, inspections, and collaborative projects in a negative way. The continent's governance depends not only on local rules but also on the political climate among treaty members on the international stage. In this sense, maintaining Antarctica as a zone of cooperation requires constant diplomatic engagement and confidence building between nations in general, and in other conflicts, because following the treaties and protocols for Antarctica are simply not enough, when the stakes are high.⁷⁸

The importance of these issues:

All of these issues are of vital importance, not only locally, but internationally as well. The difficulties Antarctica faces serve as a reminder that the balance must be found between competition, collaboration, and conservation. In areas like fishing regulation, environmental damage prevention, and scientific transparency, so overall, local issues of Antarctica, governance organisations like the Antarctic Treaty Consultative Meetings (ATCM) and CCAMLR have the power to act decisively and impact the course of action. However, they have little impact on global concerns that go well beyond the continent, but still cause heavy impacts such as climate change or escalating geopolitical tensions in other parts of the world. Because conservation is the only area in which states can effectively act

⁷⁷ Congressional Research Service (n.d.)

⁷⁸ Ibid.

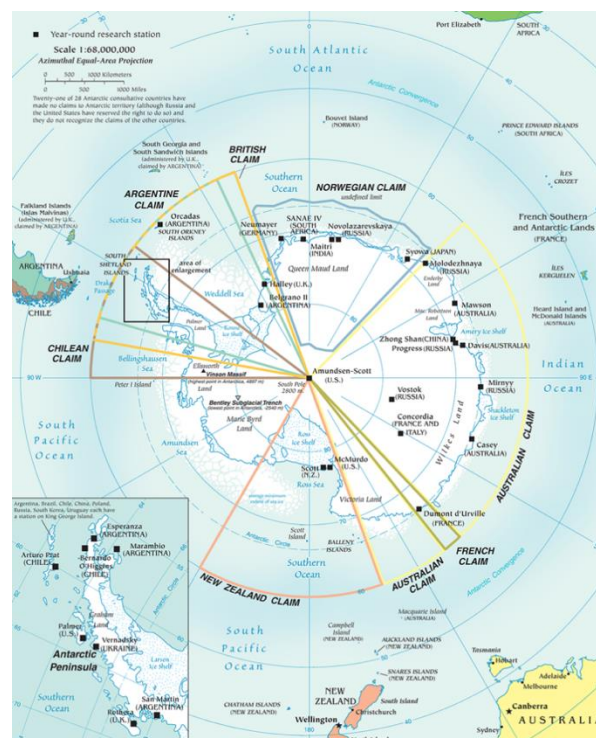
to protect ecosystems, support scientific research, and guarantee that Antarctica remains a place of peace and cooperation rather than a battlefield or a place for exploitation, it is then even more important that conservation continue to be the primary focus of Antarctic governance, and that issues out of their control, are resolved through peaceful negotiations.

3.2 History of the Antarctic Treaty System (ATS)

3.2.1 Claimant states and consultative and non-consultative parties in the ATS

CLAIMANT STATES:

“Seven different countries made eight territorial claims in Antarctica ahead of the adoption of the Antarctic Treaty: the U.K., Argentina, Chile, France, Norway, Australia, and New Zealand. Almost all of these land claims are sectors of pie-slice shape stretching north to south between the Antarctic Circle and the South Pole, and together they account for more than 80 percent of the White Continent.”⁷⁹



Source: Visual Capitalist. (n.d.). *Mapping territorial claims in Antarctica*. Retrieved September 27, 2025, from <https://www.visualcapitalist.com/mapping-territorial-claims-in-antactica/>

⁷⁹ Antarctica Cruises. (n.d.)

CONSULTATIVE PARTIES:

“The original Signatories to the Treaty are the twelve countries that were active in Antarctica during the International Geophysical Year of 1957-58 and then accepted the invitation of the Government of the United States of America to participate in the diplomatic conference at which the Treaty was negotiated in Washington in 1959. These Parties have the right to participate in the meetings provided for in Article IX of the Treaty – Antarctic Treaty Consultative Meetings, ATCM.”⁸⁰

“Since 1959, 46 other countries have acceded to the Treaty. According to Art. IX.2, they are entitled to participate in the Consultative Meetings during such time as they demonstrate their interest in Antarctica by “conducting substantial research activity there.” Seventeen of the acceding countries have had their activities in Antarctica recognized according to this provision, and consequently there are now twenty-nine Consultative Parties in all.”⁸¹

NON-CONSULTATIVE PARTIES:

“The other 29 Non-Consultative Parties are invited to attend the Consultative Meetings but do not participate in the decision-making.”⁸²

3.2.2 Political background of the ATS

To understand how the Antarctic Treaty eventually came into being, it is necessary to place it within the historical timeframe that spawned it. The first proposals for a treaty system addressing Antarctica emerged in the late 1940s, culminating in the adoption of the Antarctic Treaty in 1959. This development took place in the middle of the most intense phase of the Cold War, when geopolitical tensions were at their height and cooperation was rare.⁸³

⁸⁰ Antarctic Treaty Secretariat. (n.d.)

⁸¹ Ibid.

⁸² Ibid.

⁸³ Dreyer, I., Riddervold, M., & Saksenvik, B. (2023)

Despite its remoteness and harsh climate, Antarctica was far from immune to superpower rivalries and disputes over territory and resources. In the late 1940s and early 1950s, serious concerns arose that the continent could become a flashpoint for international conflict. Both the Soviet Union and the United States viewed Antarctica as strategically, scientifically, and economically significant.⁸⁴ Proposals circulated about potential mineral extraction, including uranium mining, and even the use of Antarctica for nuclear testing. Although neither materialized, the mere possibility reinforced the perception of the continent as part of the global geopolitical chessboard of the 1950s.⁸⁵

Moreover, it is important to recognize that tensions in Antarctica were not only shaped by the rivalry between the United States and the Soviet Union, but also by disputes among the seven sovereign states that had laid claims to Antarctic territory: Argentina, Australia, Chile, France, New Zealand, Norway and the United Kingdom.⁸⁶ These claims often overlapped, creating the potential for conflict and highlighting the urgent need for an agreed framework to prevent escalation.

The earliest proposal for such a framework, however, differed considerably from what eventually emerged. In 1948 the United States proposed establishing Antarctica under UN trusteeship among claimant countries. This proposal was supported only by New Zealand and strongly opposed by most other claimant states.⁸⁷ Consequently, this proposal was not successful.

A turning point came with the decision to hold the International Geophysical Year (IGY) in 1957–1958, which placed Antarctica at the centre of a major multinational scientific initiative. Twelve nations, who would later become the original signatories of the Antarctic Treaty, agreed on a set of “ground rules” to allow unprecedented scientific cooperation. Central to these rules was the principle that science must operate freely, preventing claimant states from obstructing the activities of others. This commitment ushered in a surge of research station construction, with the Soviet Union and the United States

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ International Court of Justice, (n.d. a); International Court of Justice, (n.d. b)

⁸⁷ Instituto Antártico Chileno, (August 2009)

establishing bases deep in the continental interior to demonstrate both scientific ambition and logistical capability.⁸⁸

The cooperative spirit of the IGY paved the way for a diplomatic breakthrough. In 1959, the United States invited the twelve IGY participants to Washington to negotiate what became the Antarctic Treaty. The Treaty suspended territorial disputes, prohibited military activity and nuclear testing, and established mechanisms for inspections to build confidence among states. It created the world's first nuclear-free zone, covering all areas south of 60° latitude, and set a precedent for international governance based on collaboration rather than competition.⁸⁹

The Treaty does not fall within the UN system but instead operates as an independent international legal framework. Its parties are those states that participated in the IGY, joined by others that later acceded to the Treaty and demonstrated substantial scientific activity in Antarctica. Today, more than fifty countries are parties to the Treaty, with a distinction between consultative parties, who have decision-making rights, and non-consultative parties, who do not. In practical terms, this arrangement has ensured that governance of the continent remains science-driven and insulated from broader geopolitical rivalries. It also means that Antarctica functions as a global common, with decisions made by consensus among those states most directly engaged in research there.

3.2.3 Developments after the Antarctic Treaty

After the Antarctic Treaty entered into force in 1961, the early decades were marked by a relatively closed system. The twelve original parties largely managed Antarctic affairs without external interference, and early attempts to bring the “Question of Antarctica” to the United Nations quickly faded. During the 1960s and 1970s, Antarctica was politically insulated, often described as a “pole apart.” This period of stability, however, began to shift in the late 1970s and early 1980s.⁹⁰

⁸⁸ European Parliament. (2023)

⁸⁹ Ibid.

⁹⁰ Ibid. p. 20.

Several factors explain this change. The accession of China and India, the two most populous states in the world, altered the balance of the Treaty system, as both were quickly accepted as consultative parties despite their limited initial Antarctic presence. At the same time, countries like Malaysia and a coalition of Global South states revived debates in the United Nations, questioning the legitimacy and inclusiveness of Antarctic governance. The continued participation of apartheid South Africa also generated controversy within the Treaty system.⁹¹

New challenges also emerged in the management of natural resources. The recognition of the ecological and economic importance of Southern Ocean fisheries led to the adoption of the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) in 1980. CCAMLR was groundbreaking in applying an ecosystem-based approach to conservation and extended its jurisdiction beyond the Treaty's 60° South boundary. Significantly, the European Economic Community was recognized as a party to CCAMLR, marking the first time a regional organization, rather than a sovereign state, became part of the Antarctic Treaty System. Meanwhile, civil society and NGOs began to take a greater interest in Antarctic affairs, raising concerns about environmental protection and the growing tourism industry.⁹²

The 1980s and early 1990s saw further transformation. Membership expanded with new consultative parties such as Brazil, South Korea, Finland, and Italy, which diversified the system. However, attempts to establish a convention on mineral resource exploitation (CRAMRA) collapsed when Australia and France refused to ratify. Instead, in 1991 the Protocol on Environmental Protection (Madrid Protocol) was adopted, banning mineral activities and recognizing Antarctica as both environmentally fragile and essential to global ecological systems, including climate regulation, carbon storage, and freshwater reserves.⁹³

⁹¹ Ibid.

⁹² Ibid.

⁹³ Ibid.

Since the Madrid Protocol, the ATS has remained functional but relatively static. No new treaties or protocols have been adopted despite the growth of tourism, which remains largely self-regulated by the International Association of Antarctica Tour Operators (IAATO). Similarly, bioprospecting has generated debate but no regulatory framework. Political tensions have also begun to affect the system more directly: at the 2022 Antarctic Treaty Consultative Meeting in Berlin, Russia's invasion of Ukraine caused sharp divisions, with many states condemning Moscow while also emphasizing the importance of maintaining Antarctica as a zone of peace and cooperation. These developments highlight that while the ATS has been remarkably resilient, its ability to adapt to new pressures remains an open question.⁹⁴

3.2.4 The Antarctic Treaty 64 years later

The Antarctic Treaty has undoubtedly proved to be one of the most successful international agreements of the twentieth century. It has prevented the militarization of the continent, created the world's first nuclear-free zone, and preserved Antarctica as a haven for scientific research and cooperation. Yet despite these achievements, the Antarctic Treaty System (ATS) is not without its drawbacks.

In line with Article 4 of the Treaty, the sovereignty question remains unresolved. While the Treaty prohibits new claims, the seven pre-existing territorial claims remain valid but suspended, leaving them in a state of legal limbo. Claimant states tolerate the activities of non-claimants, and all parties commit to cooperation, but the underlying issue of who Antarctica ultimately "belongs to" has simply been postponed to an uncertain future. This legal ambiguity has maintained stability but continues to cast a long shadow over the system's durability.

Meanwhile, human activity in Antarctica has expanded and diversified far beyond what the Treaty's drafters could have anticipated. Scientific research remains central, but tourism, bioprospecting, and illegal, unreported and unregulated (IUU) fishing have grown rapidly. More and more tourists now visit each year, creating cumulative environmental impacts

⁹⁴ Ibid., 21.

and raising questions about whether the continent is drifting toward commodification. Bioprospecting has attracted commercial interest in extremophiles with potential medical and industrial applications, while IUU fishing threatens fragile ecosystems that are difficult to police in a demilitarized environment. These activities test both the limits of the ATS and the capacity of states to enforce it.

3.3 Current role of the European Union

3.3.1 *Atlantic Treaty System*

As of 2025, the European Union has not yet communicated a clear stance on what its policies and strategic ideas for Antarctica may be. Furthermore, in the eyes of the European Parliament the continent is considered to be an emerging area of interest due to the shifting geopolitical dynamics of recent years. Depending on one's perspective, this rather outdated view could be considered a cause or a consequence of the EU not yet being a member of the ATS — neither as a consultative nor as a non-consultative party. As such, the Union plays no role in Antarctic policy making. However, this does not mean that European countries have no foothold in the region.

Because of historical exploration, geographical proximity and perceived strategic advantages some of the world's countries are considered claimant states of the Antarctic territory. Amongst those are two of the EU's Member States:⁹⁵

- Belgium
- France

All of the 12 Claimant States have in the past acceded to the ATS and thus have the right to vote on issues concerning the continent. Besides those, there are 17 other countries, who have demonstrated their interest in Antarctica by conducting substantial research activity there.⁹⁶ Those are the Consultative Parties, who hold status equivalent to that of the Claimant States. Nine EU Member States currently hold this position:

⁹⁵ Antarctic Treaty Secretariat. (n.d.)

⁹⁶ British Antarctic Survey. (n.d.)

- Bulgaria
- Czechia
- Finland
- Germany
- Italy
- Netherlands
- Poland
- Spain
- Sweden

The remaining 29 signatories are the Non-Consultative Parties, who have acceded to the Treaty, but do not have the right to decision-making. The eight EU Member States, who can thus be present at the Consultative Meetings, but cannot vote, are:

- Austria
- Denmark
- Estonia
- Hungary
- Portugal
- Romania
- Slovakia
- Slovenia

Insofar as the EU is not a signatory of the ATS, its stances and concerns remain unrepresented in the ATCMs, because the EU Member States are not obligated to stand in favour of any interests other than their own. This claim could be contested, were one to bring into question that the EU Member States are legally bound by the EU *acquis*, which means that this collection of common rights and obligations that constitute the body of EU law⁹⁷ must be abided by in all Member States' territories. However, this changes, when the topic of the conversation is not a part of the mainland. If a territory is considered an

⁹⁷ Publications Office of the European Union. (n.d.)

Outermost Region (OR) under the national law of its central government, then the *acquis* applies. However, if a territory is considered an Overseas Country or Territory (OCT) under the national law of its central government, then the *acquis* does not apply automatically since the decision for adherence by EU law must be made by the Overseas Countries and Territories Association (OCTA). France's sovereignty claims of the Terre Adélie and some sub-Antarctic islands are the only remaining territorial claims that any of the EU States hold in Antarctica.⁹⁸ Since those are considered OCTs and because they are uninhabited by a permanent or indigenous population and as such do not have a functioning government that could cooperate with OCTA, they are not governed by the EU *acquis*.⁹⁹ This means, that EU cannot interfere in Antarctic affairs.

Yet, there are still other commissions and agreements regarding Antarctica and the Southern Ocean, that the Union acceded or ratified.

3.3.2 The Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR)

European countries signatories of the CAMLR Convention are Belgium, France, Germany, Italy, the Netherlands, Poland, Spain, and Sweden. However, unlike ATS, Article VII of the CAMLR Convention states that any party fulfilling the following three criteria, is fit to vie for Commission Membership:¹⁰⁰

- a) each Contracting Party which has been present in the meeting at which the Convention was adopted;
- b) each State Party which may be currently engaged in research or harvesting activities in relation to the marine living resources to which the Convention applies;
- c) each Regional Economic Integration Organisation whose State members are currently entitled to the Membership.

⁹⁸ Previously, the United Kingdom held a claim over the British Antarctic Territory and some sub-Antarctic islands, however, since it is no longer a Member of the EU, it is being excluded from the discussion.

⁹⁹ Van Stappen, N., & Wouters, J. (2016). "The EU and the Antarctic: Strange Bedfellows"

¹⁰⁰ Commission for the Conservation of Antarctic Marine Living Resources. (n.d.)

Because it fulfils two of the above-mentioned criteria ((a) and (c)), the EU is at present an active member of the CAMLR Commission, as it has acceded the Convention in 1982.

3.3.3 Agreement on Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement)

The BBNJ Agreement is, as of August 2025, yet to enter into force, with 51 of the required 60 having ratified it. Amongst those are also eight European countries — Cyprus, Finland, France, Hungary, Latvia, Portugal, Slovenia and Spain — and the EU itself. The Union's holds the right to ratification due to:

- a) its enhanced observer status, which allows it to join in debates, submit proposals, take part in negotiations and participate in the general debate each September;¹⁰¹
- b) its legal personality under international law and its competence to conclude international agreements in its areas of competence.¹⁰²

This agreement is the most recent addition made to the United Nations Convention on the Law of the Sea (UNCLOS), an international treaty that establishes a legal framework for all marine and maritime activities. BBNJ, once passed, will fall under the jurisdiction of UNCLOS and will be legally binding for all UN member states.¹⁰³

In conclusion for this section, it must be noted that the ATS does not function in isolation, but is intertwined with UNCLOS and will cooperate with BBNJ in the future.

3.4 Future EU involvement

Considering the climate crisis and the major geopolitical shifts that can be currently observed, it would be in the European Union's best interest to secure a position amongst those governing Antarctica. It is imperative that the Union gains a decisive voice in the ATS in order to be able to represent its interests, especially in matters concerning the environment, domestic and international economy and collective security. However,

¹⁰¹ Council of the European Union. (n.d.)

¹⁰² Dreyer, I., & Stang, G. (2016)

¹⁰³ While its overarching framework is recognised as legally binding, it is pertinent to note that some of its specific provisions or their interpretations might still be debated or challenged, when called into question.

before addressing those issues, one has to be aware and understand on what terms the EU's involvement would even be possible.

3.4.1 EU's Potential Role in the ATCM

For the EU to be allowed to join the ATS and to participate in ATCMs the Antarctic Treaty itself would have to be altered, which had not been done since 1991.¹⁰⁴ As it stands, the ATS limits the right to accession to “any State, which is a member of the United Nations or [to] any other State, which may be invited to accede to the Treaty with the consent of all the Contracting Parties.”¹⁰⁵ The obstacle that the EU is facing here, is the limitation of accession to “states,” because its status is that of a regional economic integration organisation. Furthermore, there is the question of its membership in the United Nations. While it possesses an enhanced observer status, it is still prevented from voting on resolutions proposed by the General Assembly and the Security Council of the UN. This, in turn, means its status is inferior to that of individual member states, which suggests a lack of qualification for either accession to or ratification into the ATS.

There are several approaches, that the EU could take that would enable its participation:

a) Alteration of ATS

The first possibility would be to alter the Antarctic Treaty. This could entail including an article that would allow entities other than individual states to accede to the ATS. A precedent exists in the CCAMLR, which permits participation of economic organisations whose state members are also signatories of the Convention. However, such a change to the Treaty would most likely have to include the possibility of other organisations being allowed to vie for the membership. In cases of ASEAN, USMCA, MERCOSUR etc. acceding to it, this could give rise to concerns of further polarisation between Contracting Parties (competing resource claims and block-based voting alliances being the main concern) or even capitalisation (pressure for initiation of resource extraction, tourism and militarisation could arise) of the continent, that was intended to remain devoted to peace and science.

¹⁰⁴ The alteration to the Treaty of 1991 (coming into force in 1998) was the Madrid Protocol or the Protocol on Environmental Protection. It is noteworthy, that since then, no attempts of alteration have been instigated.

¹⁰⁵ Antarctic Treaty. (1959, December 1)

While prevention of other organisation from joining the ATS could be achieved through intentional avoidance of securing the required unanimous consent of all the Contracting Parties¹⁰⁶ or alteration of the Treaty exclusively in favour of the EU, it would undoubtedly spark international outrage and backlash. Thus, such an approach remains unlikely as well as inadvisable.

b) Statehood

While the alteration of the Antarctic Treaty is highly unlikely, there exists an approach that would not require any involvement of the international community. While the EU's *modus operandi* is currently that of an intergovernmental supranational organisation, it is often regarded as a unique combination of the two, though legally, it defies traditional categorisation. Considering its parliamentary arrangement and democratic structure further unification could be an option, especially since the idea of a unified Europe precedes even the Union's creation. In such a case, the EU would be faced with a question: should the new so-called nation be federative or confederative? Taking into account the rich European history with all its conflicts and competition, a centralised government is unlikely to be formed successfully, so while a federative system would resemble an individual and independent state more closely, its formation would be near impossible. A more likely solution would thus be the creation of a confederation. There are many characteristics of a confederation already present in the EU; an internal trade currency, common economic goals and similar defence and foreign policies being the most pivotal. As such its establishment would not be so much a matter of politics, as it would be of conflicts between cultures, language barriers, religious differences etc. Furthermore, the power of veto in matters of foreign policy, defense and enlargement, as well as the ongoing sovereignty disputes and the longstanding monarchical traditions, could pose serious drawbacks. In conclusion, this approach would be precarious for everyone involved, because of its possible destabilising ramifications. Though such consolidation could exploit the Treaty's ambiguous definition of a "State,"¹⁰⁷ it might also strain Europe financially, diplomatically and strategically — challenges it cannot afford in this time of geopolitical turmoil. Yet, the

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

possibility of it emerging stronger and more united, may deter some from dismissing the option outright.

c) Observer status

The last possibility builds upon the EU's pre-existing role in the United Nations as a model. In 2011, the European Union was granted an enhanced observer status in the UN's General Assembly permitting it to join in debates, submit proposals, take part in negotiations and participate in the general debate each September. Consequently, it can present and advocate for the unified positions of its 27 Member States on matters that span multiple areas and issues.¹⁰⁸ Crucially, it holds unique privileges — the right to reply once to any speech concerning EU positions and the right to present proposals and amendments orally — granting it a unique position of influence, atypical for a non-state party. The representatives allowed to present it and its Member States' positions in the UN General Assembly are the President of the European Council, the EU High Representative for Foreign Affairs and Security Policy, the European Commission and the Delegation of the EU to the UN.¹⁰⁹ Applying a similar arrangement to the ATS would not require altering the Treaty's understanding of a "State," but would merely require additional provisions for observer-like participation. While it is impossible to know whether the EU would be able to secure the same level of access it has in the UN, it is almost certain that the right to vote in the ATCMs would be excluded. Yet, no matter the limits that would be imposed on its participation, the limited formal recognition would still mark a significant improvement compared to its current exclusion. The advantages of this approach are that (1) unlike attempting to amend the Treaty itself (approach (a)), the observer status would not challenge its state-centric framework and (2) internally speaking, the deal is significantly more feasible than approach (b), because it demands no changes be made to the EU's political structure. However, no solution can be ideal, which is why it is pertinent to note that without voting power, the EU's ability to influence legally binding decisions and resolutions would be severely limited.

¹⁰⁸ Human rights, sustainable development, climate change and environmental protection, digital issues, peacebuilding, disarmament and non-proliferation, humanitarian assistance, fighting corruption and crime, advancing global health security, managing migratory flows and labour issues.

¹⁰⁹ Council of the European Union. (n.d.). "EU cooperation with the United Nations"

Notably, the biggest challenge to the EU's involvement in the ATS is the potential disapproval of some of the Treaty's key Members, namely China, Russia and the United States.

The first concern that all three states may share is the precedent that any form of EU's involvement might set for other international organisations. This issue has already been somewhat explored in approach (a), with the difference here being, that the states' disapproval could stem from the concern of individual nations' influence becoming diluted, due to current signatories being member states of such organisations, subject to their scrutiny, and due to such unions' compound influence on geopolitics.

The second concern expands on the Union's international sway, as a consequence of its established international influence and the rivalry that this could cause between it and the three nations. For China, Antarctica has always represented a strategic frontier for resource acquisition (mainly fisheries and minerals) and more recently scientific exploration, where the added competition could pose a challenge. Similarly, Russia's interests predominantly lie in access to Antarctic assets, with the additional assertion of its Soviet-era historic territorial claims. With the EU's combined fishing fleet and regulatory capabilities, the two countries' stakes could be severely challenged. While these issues are more straightforward, it is with the US, where the situation becomes more delicate. Because of their longstanding alliance, the EU and the US have always strived to remain on amicable, if not friendly terms. Furthermore, the opportunity to explicitly oppose Chinese and Russians stances, could warrant US support in the matter, however it would have its limits. With their most recent bids for exploitation of Alaska's "abundant and largely untapped supply of natural resources including energy, mineral, [...], and seafood,"¹¹⁰ it would be unsurprising, if such ambitions were to extend to the southernmost continent. Along with the unpredictable nature of their current foreign and domestic policies, it remains to be

¹¹⁰ The White House. (2025)

seen whether they would choose to honour the historic cooperation between Washington and Brussels.

3.4.2. Environment

a) Possibilities

Conservation of our environment is one of the main challenges that the European Union is routinely dealing with. However, the incessantly rising demand for natural resources created by our capitalistic society is not making its job any easier. Burning of fossil fuels, decreasing forest cover and farming livestock¹¹¹ are only a few of the causes for the escalating climate crisis. Between 1970 and 2020 the average summer temperature increased by 3°C and since the 1970s, 75% of excess heat and 40% of excess CO₂ was absorbed by the Southern Ocean.¹¹² The most well-known consequences of such changes are undoubtedly the melting of the floating ice shelves and the resulting uncontrollable rise of sea levels and loss of freshwater reserves. Besides those, the acidification of the ocean is reducing the availability of carbonate ions essential for shell and skeleton formation in clams, corals, pteropods etc. and the disruptions in water and air currents which are irrevocably changing the climates of entire continents. Though not as obvious, these problems are not only endangering natural ecosystems, but are simultaneously posing a threat to the civilization we had created for ourselves.

That is why the EU has been participating in the global initiative aiming to hold the average global temperature at well below 2°C of pre-industrial era or at the very least to limit its increase to maximum 1.5°C.¹¹³ This goal was first set in 2015 at a conference in Paris, the legally binding conclusion of which is today known as the Paris Climate Agreement, that came into power in 2016.¹¹⁴ The EU is one of its signatories and has also actively participated in COPs – especially the 26th, 27th and 28th ones. In accordance with goals set by such international conventions and in attempts to achieve them, the EU countries are required to participate in efforts described in the Green Deal. The policy launched in 2019 sets out a

¹¹¹ European Commission. (n.d.)

¹¹² Antarctic and Southern Ocean Coalition. (n.d.)

¹¹³ United Nations. (n.d.)

¹¹⁴ United Nations Framework Convention on Climate Change. (n.d.)

plan to transform Europe's economy, energy, transport and industries in ways that would ensure a more sustainable future. It aims to cut emissions by 50% by 2030 and also legally binds all Member States to carbon neutrality by 2050 through the European Climate Law. So far, the Union has been successful in establishing several funds that aid its Members in achieving the set goals, improving the internal trading system and developing border adjustment systems.¹¹⁵

Ever since the 1970s the EU has been formulating environmental action programmes that are aiming to protect our environment and restore what has been lost as efficiently and in as little time as possible. Thus far, there have been seven such plans, with The 8th Environment Action Programme currently being put to action. The current programme, which is supposed to be lasting from 2020 to 2030, is built upon the foundations of the Green Deal and is following six main objectives:

1. achieving the 2030 greenhouse gas emission reduction target and climate neutrality by 2050
2. enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change
3. advancing towards a regenerative growth model, decoupling economic growth from resource use and environmental degradation, and accelerating the transition to a circular economy
4. pursuing a zero-pollution ambition, including for air, water and soil and protecting the health and well-being of Europeans
5. protecting, preserving and restoring biodiversity, and enhancing natural capital (notably air, water, soil, and forest, freshwater, wetland and marine ecosystems)
6. reducing environmental and climate pressures related to production and consumption (particularly in the areas of energy, industrial development, buildings and infrastructure, mobility and the food system)¹¹⁶

¹¹⁵ European Commission. (n.d.)

¹¹⁶ WECop. (n.d.)

Though most of these exact objectives could not be implemented into the ATS in their current form, they could be adapted and changed to fit the environmental objectives that are currently being pursued in Antarctica. The biggest change to those specific goals would concern the lack of economic development in the southernmost continent and the fact that it's unpopulated. However, the ATS would at the same time greatly benefit from their introduction, since most of them had already been at least partially time-tested and have thus been improved upon through trial and error. Another thing that could be reused in Antarctic policy making is the monitoring framework utilised by the EU to ensure the optimal performance of individual establishments and signatories and to avoid corruption and misuse of funds.

b) Obstacles

A primary obstacle undermining the legitimacy and effectiveness of the European Green Deal is the profound disparity in global climate efforts. While the EU has positioned itself as a regulatory frontrunner, committing substantial financial and political capital to its decarbonization agenda, this leadership is not matched by all major global economies. Nations with less stringent environmental regulations, particularly economic powerhouses like China, the United States (depending on the administration), and India, can gain a significant competitive advantage by externalizing environmental costs. This asymmetry creates a tangible risk of carbon leakage, where European industries become less competitive, potentially leading to job losses and investment flight to regions with lower standards. This dynamic fuels a growing sense of inequity among European citizens and businesses, fostering a "why should we, if they don't" mentality.¹¹⁷ This resentment is politically potent; it erodes public support for ambitious climate policies, which are often perceived as incurring immediate domestic costs – such as higher energy prices or taxes – while the global benefits are diluted by the inaction of others. Consequently, this perceived lack of a level playing field becomes a major weapon for populist and Eurosceptic parties, who can frame the Green Deal as a unilateral economic self-sacrifice that weakens Europe's standing in the world.¹¹⁸ Without robust mechanisms like the Carbon Border Adjustment

¹¹⁷ Krah, M. (2020, January 22)

¹¹⁸ Baczyńska, G. (2023, December 4)

Mechanism (CBAM) to mitigate these competitive distortions and without successful diplomatic efforts to foster more uniform global commitment, this inequality of effort threatens to fracture the collective will essential for the Green Deal's long-term success.

3.4.3 Research

a) Possibilities

Antarctica is currently a continent dedicated to scientific research. There are hundreds of different research facilities stationed there, some permanent, some seasonal, that are each performing different explorations and are under the jurisdictions of various countries. Their work is covering a myriad of topics; from climate change, studying the ice sheet's role in sea level rise, ocean circulation, atmospheric changes, geosciences to understand past environments and atmospheric physics and chemistry to monitor ozone depletion and other phenomena, to investigations into marine and terrestrial ecology and the discovery of new species and previously ice-covered area. All of these topics are pertinent to prevention of escalation of the climate crisis we are currently experiencing and to development of more sustainable ways of living that should be invested in.

European countries (Belgium, Bulgaria, Czech Republic, Faroe Islands, Finland, France, Germany, Greenland, Iceland, Italy, Netherlands, Norway, Poland, Spain, Sweden, and United Kingdom) operate 64 polar research facilities, 32 of which are located in Antarctica:

- 16 facilities on the Antarctic Peninsula and sub-Antarctic Islands
 - 6 year-round stations
 - 5 seasonal stations
 - 3 seasonal camps
 - 2 seasonal laboratories
- 16 facilities in Continental Antarctica
 - 5 year-round stations
 - 6 seasonal stations
 - 2 seasonal camps
 - 3 seasonal shelters

Besides those, there are also 16 research vessels from 12 countries that regularly operate in Arctic and Antarctic waters and some aircraft fleets that carry out aerial monitoring.^{119 120}

Though none of these facilities or crafts are owned by the European Union, they are still sponsored by it through different programmes that allocate appropriate funds to individual Member States. The most significant plan amongst those is the Horizon Europe, a research and innovation programme that is set to last until 2027 and has been allocated €93.5 billion for the 2019 - 2027 period.

However, it must be noted that Horizon Europe funds projects spanning various topics and purposes, which means that the amount of funds allocated specifically to Antarctic research is significantly lower than the total budget. Horizon Europe and Horizon 2020¹²¹ have so far contributed €216 million to completion or initiation of 98 projects happening there. In comparison to the funds spent by other powers, e.g. the US, where the average annual spending on Antarctic facilities and operations is around \$230 million, this amount is abysmal at best,¹²²

Were the European Union seriously attempting to join the ATS, the restricted finances could be dealt with. On such an occasion a separate committee would need to be formed, the sole purpose of which would be to handle administration and funding for future Antarctic projects. This would also require a relocation and recalculation of money spent in various fields, which would likely result in more money flowing into Antarctic research, if such an

¹¹⁹ European Polar Board. (n.d.)

¹²⁰ More about this can be read about in the European Polar Infrastructure Catalogue (European Polar Board. (2020). *European Polar Infrastructure Catalogue* [PDF]. EU-PolarNet. Retrieved September 27, 2024, from <https://eu-polarnet.eu/wp-content/uploads/2020/11/European-Polar-Infrastructure-Catalogue.pdf>)

¹²¹ Horizon 2020 was the EU's research and innovation funding programme from 2014-2020 with a budget of nearly €80 billion and has been succeeded by Horizon Europe (European Commission. (n.d.). *Horizon 2020*. Retrieved September 27, 2024, from https://research-and-innovation.ec.europa.eu/funding/funding-opportunities/funding-programmes-and-open-calls/horizon-2020_en)

¹²² FY 2019 - \$210.94 million (National Science Foundation. (2020);
FY 2020 - \$208.02 million (National Science Foundation. (2021));
FY 2021 - \$216.27 million (National Science Foundation. (2022));
FY 2022 - \$244.67 million (National Science Foundation. (2023));
FY 2023 - \$237.14 million (estimate) (National Science Foundation. (2023));
FY 2024 - \$256.66 million (requested) (National Science Foundation. (2023));
Total: \$1.374 billion

initiative were to be demanded. Though this would not be without consequence, such as other projects losing funds, it would be an optimal solution when considering Antarctica, especially because its preservation and restoration are essential to our efforts of saving our global environment. Another advantage of such an initiative would be an increased likelihood of the EU being offered a signature of the Treaty. A precedent of this happening can be tracked back to the 1980s, when China and India established nascent scientific programmes and were consequently accepted as consultative parties with a rapidity that no other candidate before them had enjoyed.¹²³

b) Obstacles

Yet, besides the good intentions that the EU may have in increased involvement in Antarctic scientific research, there also exist valid concerns to be explored and accounted for. In the world of politics there exists an overwhelming precedent of those in power exploiting whatever means are at their disposal for achieving their goals. This makes the people reluctant to trust them and, more importantly, other politicians wary of their intentions.

There are two main past occurrences, which could hinder the EU in its efforts. The first one is the potential exploitation of the Marine Protected Areas. Despite Article 4 of the ATS effectively suspending the questions of ownership of Antarctica, the MPAs could be used by claimant states to bolster their sectoral claims and to increase their influence and jurisdiction in those areas. Furthermore, it is becoming ever harder to identify which measures of environmental nature and which are not, especially with the increasing popularity of dual use technologies that will be further talked about in the following section. Some other forms of abusing the authority given to the country under which the MPAs are established are:

- Creation of “paper parks” i.e. MPAs in name only, that lack meaningful enforcement, management plans and funding all of which lure people into a false sense of security;

¹²³ Dreyer, I., Riddervold, M., & Saksenvik, B. (2023). p. 20

- Weak zoning and regulations which are the product of fishing and tourist organisations lobbying the regulations and thus extorting weaker and more lenient legislation;
- Inadequate enforcement which is the direct result of lacking numbers of patrol boats and personnel and surveillance technology;
- Tourism overload that appears due to MPAs generally not warding nature against tourism but rather attempting to make it sustainable, which means that it remains unregulated and can thus cause damage to the protected environment in spite of the conservation efforts.

The second occurrence that could disrupt EU's efforts is the ongoing conflict around Antarctica's Dome A. In 2013 a proposal for an Antarctic Specially Managed Area (ASMA) was launched by China which in and of itself was not controversial since the purpose of such protected areas is to introduce measures that are meant to minimise the cumulative environmental impact. There was little support for the Chinese proposal, however in 2019 Australian media commentary took things a step further. They interpreted the ASMA proposal as an attempt at consolidation of Chinese presence in a strategically significant part of the continent.¹²⁴ As the conflict has not yet been resolved it is hard to determine which side is to be condemned for their actions and which is to be praised, yet what the conflict – one of many – clearly demonstrates is that claimant states have a history of prioritising their own interests over the greater good.

Considering the prevalence of mistrust in international politics the European Union could not avoid suspicion of having dishonest intentions in joining the ATS. Issues such as those with the MPAs and Dome A have shown that many countries would choose their prosperity over the preservation of the planet, which means that if the EU were to claim that its intentions for Antarctica are purely altruistic, this would undoubtedly be disregarded as an empty pledge. This would be exacerbated by the multitude of EU's resources, technological capacity and the geostrategic advantage that such a move would represent for it.

¹²⁴ Dome A is considered the best place for space observation and for satellite-based communication systems, thus China's ASMA proposal was considered to have been made in bad faith.

Furthermore, the Union would be questioned about advocating for disparate interests since its members such as France, Germany, Italy etc. are already either claimant states or are involved in the ongoing scientific programmes. Such a change would give those countries the power to outvote other ATS signatories and thus disturb the tenuous balance. There would be no simple solution to this issue, however the suspicion could be lessened through various methods. First requirement would be a continuous transparency in all affairs pre and post-commitment. This could be done with implementation of open data policies, invitation of observers – especially the sceptics – and through pre-emptive renunciation of any territorial claims and public reaffirmation of Article 4. The second condition would be funding of not only European but also international collaborative research and supporting the current secretariat without displaying unreasonable or unfounded opposition. While distrust has been avoided in the past to a quite remarkable degree, as can be observed in the negotiation of the Original Treaty (1959) and Madrid Protocol (1991), the partial repetition of this would still pose a challenge to the EU. However, if the Union were to be successful, it could represent a powerful force against exploitation of scientific resources by championing the greater good, setting a gold standard, helping with funding and enforcement (especially in IUU) and providing a counterweight to the polarised politics of ATCMs. What must be noted though, is that this could only be possible if the EU were to unwaveringly act with the utmost integrity and fairness, which is an exceedingly challenging standard to achieve.

3.4.4 Security

a) Possibilities

Antarctica's non-militarisation is one of the biggest achievements of global diplomacy,¹²⁵ especially considering that the ATS was negotiated and signed during the Cold War and still managed to ensure the cooperation of both the Eastern and Western Blocks. Currently, the southernmost continent is a Nuclear-Weapon Free Zone (NWFZ), which means that it must remain non-nuclear as that is demanded under international law and agreed upon by all ATS signatories. Those two things are integral to reducing nuclear and military flashpoints,

¹²⁵ Dreyer, I., Riddervold, M., & Saksenvik, B. (2023). pp. 19-20

building trust and stability by setting positive examples, freeing up natural and financial resources for more positive goals such as healthcare, education, infrastructure etc., creating legally binding verification that an area's geostrategic position will not be exploited for military causes, shrinking the map of nuclear weapons, as well as preventing environmental catastrophes and upholding human rights. As such, Antarctic neutrality should under no circumstances be compromised.¹²⁶

However, recent years have seen a rise in the number of newly emerging tensions and geopolitical conflicts all over the globe. While manageable in most areas of the world their presence and importance is greatly exacerbated when concerning Antarctica, because the continent's governance relies solely on international cooperation and consensus. Due to the dwindling amounts of accessible natural resources and mineral reserves, many countries have been eyeing Antarctica's untouched reserves, which is resulting in the rising strategic stakes in the region.¹²⁷ For the last few decades a balance of power has been present in international politics, but recently the shifts in power and alliances have been disturbing this status quo.

The most notable geopolitical changes that are influencing Antarctic politics are:

- **North Korean–Russian Treaty on Comprehensive Strategic Partnership of 2024:**

Recently, analysts have started to warn of the potentially destabilising effects of a strategic divide around the Korean Peninsula as it could result in putting the two prevalent axes against each other – U.S.–Japan–South Korea and China–North Korea–Russia. This deterioration of traditional alliances could potentially reshape geopolitical dynamics in regions far from East Asia, including the Arctic and Antarctic where South Korea and Russia have, until very recently, been collaborating in a number of sectors.¹²⁸

¹²⁶ Ibid.

¹²⁷ UK Parliament: Environmental Audit Committee. (2024, February 29)

¹²⁸ The Arctic Institute. (2023, November 28)

- **U.S. willingness to abandon its allies:**

US President Donald Trump has many times now cast doubt on his willingness to defend Washington's Nato allies, saying that he would not do so if they are not paying enough for their own defence.¹²⁹ The agreed upon percentage of annual GDP that Nato allies are supposed to spend on defence is 2%, however due to varying reasons such as domestic policies, economic crises and recessions, natural catastrophes etc. many member states are unable to do so. In recent years, the U.S. president has been none too discreet in his unwillingness to enact Article 5 if the nation under threat has not "paid up their due." This has served as a warning and a threat to western countries that have considered Washington a historic ally in most matters, including Antarctic policy making, and has done nothing but alienate them further.

- **Russia and China seeking to expand to Antarctica:**

Experts have long warned that Russia and China's plans to expand their presence in Antarctica may be linked to mining or military ambitions that are at odds with the nature reserve's peaceful governing principles. In late 2024 and early 2025, China announced plans to build a sixth permanent research station in Antarctica, while Russia is reopening and upgrading stations, as well as building a new runway for long-haul aircrafts. The two countries have also been accused of undermining conservation efforts by blocking new protections for marine areas. Some experts have raised concerns the infrastructure and logistical expansions could be underpinned by non-scientific motivations.¹³⁰ These plans do not only threaten the EU geostrategically and environmentally but are also endangering world peace as a whole.

Such changes have been making the dream of demilitarisation conceived after the Cold War seem all but unattainable and have even begun threatening Antarctica's neutrality. Yet,

¹²⁹ Borger, J. (2025, March 7)

¹³⁰ Gillespie, E., & Dziedzic, S. (2025, July 29)

shifts in power are not the only problem. The technological advancements of the recent years have given rise to the dual use technologies, which are singular devices that can be used for a multitude of purposes. Examples include satellite technology (GPS for navigation vs. missile warning), drones (environmental monitoring vs. military reconnaissance), AI (climate diagnostics vs. autonomous weapons), and biotechnology (natural life research vs. biological warfare agents).

Considering those circumstances, whether it joins the ATS or not, the European Union has a choice to make:

- a) it could strive for a continuation of Antarctic non-militarisation;
- b) it could begin actively participating in Antarctic militarisation.

b) Obstacles

Should the European Union choose to actively champion the continued demilitarisation of Antarctica, it would face a distinct set of challenges. While this path aligns with the EU's pacifist tradition and represents the most inexpensive course of action, its effectiveness is not guaranteed. The primary obstacle lies in the Union's ability to persuade other major powers, particularly China and Russia, to adhere to the spirit of the ATS when their own actions suggest a more strategic, resource-oriented approach. By promoting demilitarisation, the EU risks being perceived as naive or, worse, as attempting to enforce a moral standard that conveniently limits the ambitions of others while solidifying the scientific dominance of established Western powers. Furthermore, within the EU itself, this stance could face domestic opposition from members who view it as a missed economic opportunity or a failure to secure European interests in an increasingly competitive world, arguing that pacifism is misinterpreted by rivals as weakness.

Conversely, if the EU decides to participate more assertively in Antarctic geopolitics – driven by talks of European rearmament and a desire to ensure domestic security by following the example of other global powers – it would encounter a different, and potentially more dangerous, set of obstacles. Although a robust presence featuring dual-use infrastructure and enhanced surveillance capabilities might seem to guarantee more safety and protect

long-term strategic interests, it would almost certainly strain international relations to a breaking point. Such a move would be interpreted by Moscow and Beijing as an explicit escalation and an abandonment of the ATS's cooperative principles, likely triggering a reciprocal military and logistical build-up. This would transform Antarctica from a zone of peace into a new front for great-power competition, directly undermining the stability the EU seeks. The immense financial cost of such a strategy would also divert crucial resources from other Union priorities, and it would fundamentally compromise the EU's identity as a normative power based on rules-based cooperation.

Ultimately, no matter which strategic path the EU would select, it would have to prepare for significant opposition. The choice would not be merely external but would strike at the heart of the Union's internal contradictions. A push for demilitarisation would be criticized by proponents of a harder geopolitical line as idealistic and out of touch with reality. A move toward militarisation would be condemned by other member states and civil society as a betrayal of the EU's core values, potentially fracturing its internal unity. Externally, any substantial shift in the EU's Antarctic policy would be met with scepticism. A pacifist stance could be dismissed as ineffective, while an assertive one would be countered by the very actions it seeks to pre-empt. Therefore, the greatest obstacle for the EU would be navigating this dilemma without exacerbating the very geopolitical tensions that threaten Antarctic neutrality in the first place.

3.5 Conclusion

In conclusion, the EU's unclear stance on its future involvement in Antarctica (politics, research, economic potential...) can facilitate an interesting debate. What could be discussed is summarised in the following questions:

- Considering the varying statuses of the EU Member States — claimant, consultative and non-consultative — what impact could individual states have on the future decision making in the EU and potentially in the ATS?
- What could the EU Member States' (further) involvement in CCAMLR and BBNJ Agreement change in the EU and in Antarctica?

- How likely is it for the EU to take on a role in the ATS through: alteration of the ATS, declaration of statehood and received observer status? Would that be possible and/or desired?
- What could the EU's involvement in the ATS constitute for the environment, research and security? What effects would that have on the EU and on Antarctica?

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