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## <pn>PART III

<pt>Issues and topics in Norway's High North

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<s:chapter>

<cn>6. <ct>Sea, fish, and resource management in the High North

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<fs:lrh>Norway's Arctic policy

<fs:rrh>Sea, fish, and resource management in the High North

<p:a\_no\_indent>INTRODUCTION

<p:text>With more than five times the land area of the kingdom, Norway's oceans extend from 55 degrees north in the North Sea to 85 degrees north in the Arctic Ocean north of Svalbard – a distance of more than 3,000 kilometres. More than 80 per cent of these sea areas lies to the north of the Arctic Circle. As for natural resources, these sea areas are very productive and sustain large commercial fisheries. Deep fjords and a sheltered coastline also facilitate a major aquaculture industry. These are the natural starting points for Norway's position as the world's tenth largest fishing nation, the world's largest producer of Atlantic salmon, and the world's second largest exporter of seafood (FAO 2020).<sup>1</sup>

Developments within ocean law in the 1970s led to extended coastal state jurisdiction, the establishment of 200-nautical-mile zones, and new relations among neighbours sharing sea borders (Tamnes 1997). While Norway has three neighbouring countries on land, it has seven at sea and therefore significant foreign policy interests there.<sup>2</sup> Most of the large fish stocks that sustain the Norwegian fishing industry are shared with neighbouring countries, which requires cooperation in the management of resources. Many of these stocks are in the Barents Sea and the Norwegian Sea; therefore, international cooperation on fisheries management is an important dimension of foreign policy in the North. This applies at the circumpolar level through the development of a system to prevent unregulated fishing in the Arctic Ocean, regionally in the management of pelagic stocks in the Norwegian Sea, and bilaterally in the relationship with Russia, with whom Norway has its most economically important and extensive fisheries cooperation. Fish are an important aspect of our foreign policy and always have been (Kolle 2014).

Here we look more closely at the role of fisheries management in foreign policy, especially in the North. Norwegian fisheries negotiators annually conduct some 20 rounds of negotiations and consultations with other countries, the most important of which are Russia, Greenland, Iceland, the Faroe Islands, the UK, and the EU. The total value of the fisheries in these agreements was around NOK 55 billion in 2019, of which around one-third were granted to Norway.<sup>3</sup>

## <p:a no indent>THE GLOBAL FRAMEWORK

<p:text>In recent decades, the global framework for the management of living marine resources has undergone a revolution (Hoel and VanderZwaag 2014). The development of the law of the sea in the 1970s and the adoption of the 1982 United Nations Convention on the Law of the Sea gave coastal nations sovereign rights over living marine resources within 200 nautical miles (370 km) of their shores. The Convention also included obligations to manage resources sustainably, utilise them, and cooperate with other countries on management where resources were transboundary.

In the 1990s, a precautionary approach and stronger commitments to international cooperation were established through the 1995 UN Fish Stocks Agreement.<sup>4</sup> This prompted a revitalisation of regional fishery cooperation, and today there are some 20 Regional Fisheries Management Organisations (RFMOs) in the world (Løbach et al. 2020). Norway participates in seven such RFMOs.

In the 2000s, we have seen a number of new, normative international agreements for fisheries management, with stipulations for, among other things, deep sea fishing, illegal fishing,<sup>5</sup> appropriate equipment, consideration of ecosystems, small-scale fishing, and flag state responsibility (Rice 2014). The Food and Agriculure Organization (FAO) has been the central force in developing these norms. In addition, the UN General Assembly negotiates annual resolutions on fisheries, providing the direction the world community would like fisheries governance to take. In 2015, the General Assembly also adopted 17 sustainability goals, with goal number 14 on marine life having several targets relating to fisheries management.<sup>6</sup>

Overall, there have been major developments in the global framework determining who has the right to manage and exploit living marine resources, as well as outlining how international cooperation should be organised and under what principles management should operate. An important aspect of this development is that environmental considerations and conservation of not only the resources but also their ecosystems and natural diversity are increasingly important (Hoel and VanderZwaag 2014). Such concerns are also reflected in the Norwegian Sea Resource Act of 2008.

While there are good international guidelines for fisheries management, their implementation is lagging. About one-third of the world's fish stocks are overtaxed (FAO 2018), and the

trend over time is negative. This is largely due to a lack of management. Where scientific knowledge, regulations of fishing activities, and enforcement of the regulations are present – in short, management – fisheries governance by and large works (Hilborn et al. 2020). When there is no management, the pressure on resources is often too heavy.<sup>7</sup>

<p:a no indent>NORWAY AND INTERNATIONAL FISHERIES COOPERATION <p:text>Norway established a 200-mile economic zone off the mainland in 1977,<sup>8</sup> a Fisheries Protection Zone around Svalbard later in 1977, and a fishery zone around Jan Mayen in 1980. Together, these three areas cover more than two million km<sup>2</sup>. The sequencing and format of the zones must be understood in light of the political conditions prevailing at the time. Twohundred-mile zones were not firmly established international law at that time, and the security policy climate in the North was delicate - the Cold War was at its coldest. Until the zones were established, there had been considerable foreign fishing activity up to the Norwegian fisheries' boundary at 12 nautical miles. When Norway established these zones, foreign fishing vessels lost access to areas and resources and had to find new fishing grounds. At the same time, the most important commercial fish stocks are shared with other countries. Norway and the Soviet Union entered into agreements in the mid-1970s on how to manage shared fish stocks in the Barents Sea (Stokke and Hoel 1991). Today, the stocks of cod, haddock, Greenland halibut, redfish, and capelin in the Barents Sea are shared with Russia. A joint Fisheries Commission was established in 1975 and meets annually to set total quotas for how much can be fished from the shared stocks.<sup>9</sup> This system was continued in the 2010 boundary agreement between Norway and Russia (Henriksen and Ulfstein 2011). A portion of the total annual quotas of the shared fish stocks may be fished by third countries (the EU, Iceland, Greenland, the Faroe Islands, and the UK). A number of other regulatory measures, such as fishing-gear regulations and minimum sizes for fish, are also decided cooperatively. Within the framework of the Fisheries Commission, there is also extensive cooperation in the research and control of fisheries.<sup>10</sup>

The bilateral cooperation arrangements with Greenland, Iceland, and the Faroe Islands are less extensive but important for the participating vessels. They are also among the most important contractual relations Norway has with these countries. These are annual agreements on the exchange of fishing quotas, in which the access given to these countries is balanced by corresponding Norwegian access to fisheries in their waters. In addition, annual consultations on fisheries issues are held with Canada and the US, where Arctic issues are a central topic. Cooperation with the EU in fisheries is regulated by an agreement from 1980.<sup>11</sup> The starting point was cooperation in the management of a number of shared fish stocks in the North Sea. As part of the EU fisheries policy, the member states transferred the authority to manage fisheries to the community. Norway is therefore negotiating with the EU Commission and not with its member states. Since some EU countries have traditionally been fishing in the North, an exchange of quotas allowing EU vessels to fish in the North and Norwegian vessels to fish in EU waters is also part of these negotiations. In recent years, the EU has not been able to find a balancing volume in the South, and Norway has held back part of the EU's quota in the North. The EU and other countries are also given fish quotas in the Fisheries Protection Zone. In addition to these bilateral arrangements, regional fisheries cooperation involving three or more parties is also important in our Northern areas and elsewhere. There are several regional fisheries management organisations (RFMOs) in the North Atlantic. The most important is the North East Atlantic Fisheries Commission (NEAFC), which regulates fishing in the areas beyond the 200-mile limits in the Norwegian Sea, the Barents Sea, and in the European sector of the Arctic Ocean (Bjørndal 2009).<sup>12</sup> There is a similar organisation in the Northwest Atlantic (the Northwest Atlantic Fisheries Organization), as well as separate regional organisations for the management of marine mammals (the North Atlantic Marine Mammals Commission), wild salmon (the North Atlantic Salmon Commission), and tuna (the International Commission for the Conservation of Atlantic Tunas).<sup>13</sup> A circumpolar agreement has also been established to prevent unregulated fishing in the Arctic Ocean. In addition to these regional bodies, there are also ongoing negotiations among the coastal states around the Norwegian Sea on the management of the pelagic stocks of mackerel, herring, and blue whiting. This has been and remains a controversial issue because changes in stock abundance and geographical distribution have resulted in varying constellations of coastal states participating in agreements on the management of these stocks from the 1990s onwards. While there is general agreement on the need for management and total quotas, there is rarely complete agreement on the allocation of said quotas.

Norwegian efforts are also being made in international fisheries negotiations and policies in regional organisations in the South East Atlantic in the Antarctic and globally in relation to whaling. Norway also participates in fisheries-related processes in the UN General Assembly, the UN FAO, and the international environmental processes where fisheries are affected. Ongoing negotiations on a new implementation agreement on the conservation and use of biodiversity in areas beyond national jurisdiction under the Law of the Sea Convention are important now (Balton 2019).

In summary, there is an extensive apparatus in continuous operation to advance Norwegian interests in fisheries in relation to other countries. There are, as mentioned, some 20 rounds of negotiations and consultations annually that are partly about dollars and cents for the Norwegian fishing industry and partly about the development of principles and standards for the management and conservation of resources. This constitutes a foreign policy platform beyond issues purely related to fishing, since fishing issues are often an important aspect of bilateral relations.

Much of this flies under the radar of the foreign policy discourse in Norway but is nevertheless important for Norwegian interests, in particular in the North. The total landed value of fish in the agreements for 2019 has been estimated at NOK 55 billion, and Norway receives around one-third of this (NOK 18.3 billion).<sup>14</sup> The topic is not entirely unnoticed, however. Since 1995, annual reports to Storting have described the fisheries agreements and their implementation. The most recent report is St. Meld. 8 2021–2022.<sup>15</sup>

<p:a\_no\_indent>THE ARCTIC OCEAN

<p:text>The Arctic Ocean is covered by some 15 million km<sup>2</sup> of ice in the winter and around five million km<sup>2</sup> in the late summer. The summer ice extent is rapidly decreasing, and by the middle of the century, it is expected to be essentially gone (Overland and Wang 2013). An area of 2.8 million km<sup>2</sup> outside national jurisdiction and centrally located in the Arctic Ocean will gradually become more accessible for human activity. This scenario prompted an American initiative in 2008 for international cooperation to prevent possible future fishing in this area.

An initial meeting between the five coastal states of the Arctic Sea (Norway, Russia, the US, Canada, and Greenland/Denmark) was held on this matter in Oslo in 2010. This meeting led to several meetings between research institutes in those countries where the main conclusion of the research was that future fishing in the central Arctic Ocean was unlikely in the near future. In 2015, the five coastal states signed an agreement to refrain from fishing in areas outside national jurisdiction and to cooperate on further research. In addition, talks would be initiated with potential remote fishing states about their refraining from future fishing (Wegge 2015).

Such talks began later that year, and in 2018, an agreement was signed where the signatories agreed to refrain from unregulated fishing in the international area of the Arctic Ocean. The parties to the agreement undertake not to let their vessels fish in the high seas area in the absence of a fisheries management body there. In addition to the five coastal states, the agreement also includes Japan, China, South Korea, Iceland, and the EU. The parties commit

to refraining from fishing for 16 years from the entry into force of the agreement and subsequently in five-year intervals until someone says otherwise (Balton 2019). Research cooperation is also continued with the establishment of a joint programme of research and monitoring, and a procedure has been established for how to proceed if researchers were to determine at some point in the future that there are commercial quantities of fish that could be harvested sustainably. The NEAFC has a mandate over the European sector in international waters and a number of its regulations already apply there.

The agreement is not a fisheries agreement in the usual sense but rather a precautionary measure to stay a few steps ahead of possible future economic activity. The agreement, which entered into force in 2021, is politically significant in demonstrating the ability to address problems proactively before they arise. One important point in this regard is that non-Arctic states are parties to a regional agreement on the Arctic Ocean. The law of the sea grants all states the right to fish in the open sea outside the 200-mile zone, and it was thus important to get potential distant waters fishing actors on board.

<p:a\_no\_indent>SCIENTIFIC BASIS

<p:text>The United Nations Convention on the Law of the Sea requires that the management of living marine resources be based on the best available scientific knowledge. The North Atlantic region has an advantageous position in this regard. The International Council for Marine Research (ICES) is a world-leading marine science cooperation organisation that plays a central role in the scientific advising of coastal states and regional organisations in the Northeast Atlantic (Ballesteros et al. 2018).

Most of the bilateral and regional cooperation mechanisms in which Norway participates are based on scientific advice from ICES when fishing quotas and other regulations are determined. Scientists from different countries cooperate on the analysis of data on the state of fish stocks and the marine environment. On the basis of this, ICES develops scientific advice on fisheries regulations for member countries and regional organisations. This independent international scientific process provides a better basis for agreement on management measures among states than would be the case without this common scientific foundation.

## <p:a\_no\_indent>RESULTS AND CONTROVERSIES

<p:text>Most of the large fish stocks mentioned here are in satisfactory condition – they are sustainably managed and harvested. The basic explanation for this is that experience has taught that resources and fishing activities must be managed (Gullestad et al. 2015) and that global standards for sustainable fisheries management are implemented. During the 1970s and 1980s, Norway experienced several near collapses of both herring and cod stocks. Herring fishing had to be suspended for many years, and cod fishing around 1990 was only a fraction of its 2020 level. Since then, cooperation both nationally and internationally has increasingly taken into account the scientific advice on appropriate sustainable levels of harvest, implemented more extensive regulations of fishing activities, and strengthened enforcement and compliance with regulations.

Since the early 2000s, the Norwegian-Russian Fisheries Commission has adopted a precautionary approach to quota levels (Hønneland 2014). Based on scientific guidance from ICES, established rules of conduct ('harvest control rules') provide guidelines for the level of fishing quotas to be established for subsequent years. Enforcement of the regulations has also been tightened, and the extensive illegal fishing of the early 2000s was virtually eliminated some years later. In the Norwegian Sea, lasting agreements on the management of pelagic stocks have not materialised. This is partly due to the greater number of players involved, partly because the temptation to take advantage of the management efforts of others is great, and partly because the stocks appear to have tolerated prolonged overfishing – it's not a crisis.

The Fisheries Protection Zone around Svalbard was established to protect fish resources. The introduction of the 200-mile zone off the mainland forced countries that had traditionally fished there to reduce their activity. Some then headed north and continued fishing on the same stocks beyond the Norwegian 200-mile limit. The decision to establish a Fisheries Protection Zone and not to extend the economic zone to Svalbard had to do with the tense security policy situation at that time – plus the concept of 200-mile zones had not yet been firmly established under international law (Tamnes 1997).<sup>16</sup> Today, 200-mile zones are well established under international law and Norwegian fisheries regulations apply in the Fisheries Protection Zone in the same way that they do in Norwegian waters overall.

The Svalbard Treaty gives Norway full and absolute sovereignty over the land and territorial waters under the terms in the Treaty, among them the equal treatment of economic entities from the parties to the Treaty in certain respects. In regard to fisheries, several countries claim that the Treaty's provisions on equal treatment also apply outside the territorial waters (Pedersen 2009). As the coastal state, Norway considers, in line with the law of the sea, that it has the authority to regulate fishing and enforce the regulations in Norwegian waters. In relation to the EU, there have been controversies surrounding the Fisheries Protection Zone, often linked to internal tensions in EU fisheries politics that end up affecting third countries. One challenge with regard to the EU in recent years has been the harvesting of

snow crab (Østhagen and Raspotnik 2019). Vessels from EU countries started fishing for snow crab in the Barents Sea around 2014. But fishing requires the consent of the coastal state, which had not been granted. Vessels from these countries were therefore arrested and convicted of illegal fishing. Cases have gone to the (Norwegian) Supreme Court, where the Norwegian prosecuting authority prevailed (Henriksen 2019). Snow crab fishing has not turned into the bonanza that many envisioned a few years back. The total quota now stands at around 5,000 tonnes and provides a basis for the activity of a handful of vessels. There have also been disputes with Russia about the Fisheries Protection Zone, mostly concerning the enforcement of fisheries regulations.

Another challenge is related to disagreements about resource allocation. The law of the sea has principles for this, but they are not precise enough to provide sufficient guidance on solutions in specific situations (Henriksen and Hoel 2011). Disagreement about the allocation of fish quotas between countries is one reason that no long-term agreements have been reached by all parties on the pelagic stocks in the Norwegian Sea. An important reason for the stability of the Norwegian–Russian cooperation further north is that the allocation of quotas on shared fish stocks is settled, so the annual negotiations revolve around the level of total quotas and not the distribution of resources, as is the case in the Norwegian Sea. In the latter context, Brexit has resulted in the UK becoming an independent party in Northeast Atlantic fisheries, and allocation issues in the Norwegian Sea have become even more complicated.

<p:a\_no\_indent>FUTURE CHALLENGES FOR FISHERIES MANAGEMENT IN THE NORTH

<p:text>As most large fish stocks are in the North and are shared with other countries, fishing
is a central foreign policy matter in the North. Some of our most important areas of conflict
and some of our most important areas of cooperation in the North therefore have to do with
fisheries management.

A major challenge in the years to come will be the impact of climate change on marine ecosystems and thus fisheries, both globally (Hollowed et al. 2019) as well as in the Northern areas (Frainer et al. 2017). Climate change results in a changing geographical distribution of fish stocks (Fossheim et al. 2015). Oceans in the North will eventually also be subject to increasing acidification (Mathis et al. 2015), with unpredictable consequences to some species. While global warming so far has led to increasing biological production – the biomass in the Barents Sea is now twice as large as it was 20 years ago – and increasing icefree areas, it is not certain that continued warming will result in a further increase in biological production or more fish (Wassmann et al. 2011). All of this poses challenges for fisheries management – challenges that have associated foreign policy implications. One challenge is the competing uses of the sea. Much of the Norwegian High North euphoria has been associated with the expansion of petroleum activities in the North. Experience shows that the coexistence between fisheries and petroleum activity is complicated. This was an important driving force behind the development of management plans for Norwegian sea areas (Olsen et al. 2016). Based on our increasing understanding of the impacts of climate change and the need to transition to  $CO^2$ -free energy forms, the further expansion of the petroleum industry to the North can be questioned. This is interesting in relation to fisheries, as debates about the use of the oceans in the North and potential conflicts between various uses may not be as urgent as we have believed them to be.

Russia's invasion of Ukraine will bring new, significant challenges to the management of living marine resources in the High North. As of April 2022, it is too early to draw firm conclusions regarding how international cooperation in this respect will be affected. It is, however, evident that there will be impacts, and this has already been demonstrated by the ICES, which has suspended Russian participation in its work.

<p:a no indent>NOTES

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<sup>&</sup>lt;sup>1</sup>. Thirty-five million seafood meals are exported from Norway every day.

<sup>&</sup>lt;sup>2</sup>. Russia, Greenland/Denmark, Iceland, Faroe Islands, UK, Denmark, and Sweden.

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- <sup>13</sup>. ICCAT's area also includes the southern Atlantic Ocean.
- <sup>14</sup>. According to St. Meld. 13 2019–2020, 8, the numbers refer to landed value and do not include the value of processing.

<sup>15</sup>. https://www.regjeringen.no/no/dokumenter/meld.-st.-8-20212022/id2903591/. Accessed 11 April 2023.

<sup>16</sup>. The Convention on the Law of the Sea came into effect in 1994. Norway joined in 1996.