

Tore Gundersen,  
The Royal Ministry of Foreign Affairs,  
Oslo,  
Norway

### **NORWEGIAN POLICY ON RESOURCE MANAGEMENT IN THE NORTH.**

**ADDRESS OF WELCOME BY POLITICAL ADVISER TORE GUNDERSEN TO THE 5th WORLD CONFERENCE OF IASCP - THE INTERNATIONAL ASSOCIATION FOR THE STUDY OF COMMON PROPERTY, BODØ, NORWAY, 24 - 28 MAY 1995.**

Resource managers, scientist, ladies and gentlemen. It is a great honour for me to welcome you to Norway. And considering the topic of your concern, I am particularly pleased that you've taken the long way to Northern Norway.

Through all times, natural resources have been a cornerstone of Norwegians' way of life. And nowhere are natural resources more crucial than here in Northern Norway. In this harsh, Arctic environment, people have learned to live with nature in a very special way. The numerous local communities along the coast have turned to the ocean for a living. Thus, the bounty of the ocean - the living marine resources - have always been at the centre of attention in this part of the world. And one thing we know for sure; the bounty of the ocean has important common property features!

To this day, fish has been by far the most important of the living marine resources. Introducing you to Norwegian policy on resource management in the north, I will therefore emphasize fisheries management. But first, let me elaborate on a central issue regarding the management of indigenous people's resources.

To parts of the sami population, Norway's indigenous people, reindeer herding has been the main source of income through generations, not least of great cultural value. The present situation in reindeer management policy offers interesting perspectives on the practical challenges of common property.

Current Norwegian policy, in line with the development in international law, acknowledges the importance of securing the material base for traditional Sami activities. A vital indigenous culture is dependant on this material basis. As for reindeer herding, this connection is obvious.

The industry in itself represents an important part of Sami culture, and is totally dependant on the use of traditional grazing grounds for its continuance. Today, reindeer grazing lands are not only threatened by industrial development, communications, mass tourism and pollution. Traditional Sami reindeer herding, with individual ownership of the animals and collective rights to the grazing lands, has now proven unable to self-regulate the number of reindeer to put in the field.

With the development of specialized meat production for marketing, on top of continous loss of land, the means of traditional internal regulation have been inadequate to keep herd sizes in accordance with the available grazing capacity.

In consequence, Government in cooperation with the Association of Sami reindeer herders, has been compelled to take the measures for reduction of herds, in order to prevent disaster. Positive results have been achieved, but the problem is not permanently resolved, and will need further attention. There is broad agreement between Government, herders and the Sami Assembly (Sametinget) that regulation is necessary, and also that measures must be shaped in accordance with traditional Sami common resource use. In spite of difficulties ahead, this consensus gives reason for optimism

The management of Norwegian fisheries is a more complex issue, an issue of international dimensions. Fish is shared by groups of nationals. Fish is shared by nation-states. And fish is shared by generations. As you would probably be more aware of than most others, these features create great challenges. One has to ensure that the resources are harvested on a sustainable basis, and at the same time one has to be concerned with fair distribution of access to the resources. These two concerns are not easily reconciled.

The global shortage of fish is steadily increasing. World catches are doubled since 1970 and are currently in the order of 80 million metric tons a year. Of a total of 170 different groups of fish stocks globally, only 50 are not either overfished or fully utilized. At the same time we know that if every one of us is to consume the same amount of fish thirty years from now as we do today, world fish production would have to be doubled once more. Fish farming cannot fill the gap. Thus, the strategic importance of controlling fish resources will be increasing. As will the pressure on managers of world fisheries. So how do we maximize the yield, and at the same time protect the biodiversity of the ocean? This is at the crux of Norwegian fisheries management.

Generations of experience have taught us that knowledge, regulation and enforcement are the crucial prerequisites for success. Norwegian fisheries management is a thorough intermixture of scientific investigation, diffusion of knowledge to regulators and strict enforcement of the rules. The fishermen themselves are closely involved throughout the process, thus the voice of those regulated is heard. The latter is not the least important, since it enhances the legitimacy of the management regime.

Norwegian fishermen take part in all phases of the management process, from collection of data for scientific purposes, through the regulatory decision-making, to the enforcement and control systems. Most important in this respect is the Norwegian Fishermen's Association, with its many sub-organizations. Hardly a single piece of legislation or regulation is passed without a formal hearing of the Fishermen's Association's view. Together with other relevant organizations, the Fishermen's Association also has representatives at the Council of Regulations, an advisory body to the Director of Fisheries. In this advisory body, the entire industry is given a formal right to influence the regulation of Norwegian fisheries. Also there are well developed channels of day to day communication between the Fishermen's Association and various governmental bodies.

The fishermen and representatives of the industry also take part in the shaping of Norway's international fisheries policy. They are members of Norwegian delegations to negotiations, and take a significant part in the preparations of these.

There are several important benefits from this system of direct fishermen influence. First of all, it gives the authorities the best available knowledge of the fishermen's positions on various issues. Secondly, it facilitates the distribution of quotas, since the various groups of fisheries have to agree among themselves before their umbrella organization presents their joint position to the government. And thirdly, as already mentioned, it improves the legitimacy of the system, thus increasing the probability of compliance.

Our knowledge about the marine ecosystem is vastly improved the last few decades. We have bitterly experienced the consequences of overfishing, and our scientific community has improved their means and methods. We now work hard on the multi-species approach to fisheries management, which reveals how different species interact. This involves not only different species of fish, but also marine predators such as whales and seals. Improved knowledge of multi-species interaction has in some instances enabled Norwegian administrators to set more precise catch quotas, thus reducing the risk of inadvertently damaging fish stocks.

Proper regulations have been made more achievable as our knowledge is improved. Norwegian commercial fisheries in general, as well as the fishing efforts in specific fisheries, is restricted and regulated by a body of legislative and administrative instruments. Restrictions on fishing effort include licences restricting entry, restrictions to which gear to be used and quantitative limitations on the catches, such as quotas and minimum size. Another essential part of the Norwegian conservation philosophy is the ban on discarding. The discard ban applies to all economically interesting species.

A basic problem in fisheries, which is true in Norway as well as internationally, is the vast overcapacity in the industry. Too much capital is invested per unit of fish resource to be harvested, thus creating a dangerous incentive for overfishing. Due to this, both knowledge and regulations could be in vain without proper control and enforcement measures. One has to make sure that the catch quotas are respected. It can be no surprise to anyone that the respect for regulations is directly related to the quality and frequency of the control measures, and the character of the sanctions for breaking the rules.

The Norwegian control and enforcement system is horizontal: We control the fishing activities and enforce the regulations at every level, from the fishing operations at sea to the fish trading on shore. The essential part of the Norwegian enforcement scheme is the commonly agreed need to physically survey all the transactions in relations to fishing. The corner-stones of control and enforcement are the Coast Guard, the Directorate of Fisheries and the sales organizations. The latter plays a crucial part, as it is owned by the fisheries industry itself. Again, one important purpose of incorporating the industry is to increase the legitimacy of the control and enforcement scheme.

This triangular management scheme of knowledge, regulation and enforcement has given very promising results: The total allowable catch for cod in the Barents Sea has not been as high as the current level since the late 1970s. And Norwegian spring-spawning herring, the silver of the ocean, is more abundant today than it has been for 30 years. As a matter of fact, it is currently one of the world's largest fish stocks.

As a leading nation within international fisheries, Norway has always played an active part in the United Nations' long endeavours towards an international regime for the management of the seas. The strong pursuits payed off in 1977, with the establishment of 200 nautical miles economic zones - an important breakthrough for coastal state interests. This assignment of property rights was a giant leap away from the almost anarchic situation which had ruled the seas throughout history. The result was to improve dicipline by giving management authority to those with a vested interest in sound and sustainable management.

The coastal states can not stand alone one by one, though. The creation of national economic zones did not change the fact that many of the largest and most important fish stocks are straddling or migrating stocks - they are shared between two or more states. Such common stocks can only be sufficiently managed by establishing direct negotiations and cooperation between the coastal states regarding the regulation within the zones. In the Barents Sea, a system of cooperation and negotiation has been established between Norway and Russia. In the context of the Joint Norwegian-Russian Fisheries Commission the two countries share the responsibility for management of the fish stocks in the Barents Sea. The cooperation rests on a set of agreements which serves to ensure rational and responsible management, based on joint measures. The Joint Commission manages resources worth more than one billion dollars annually.

Through our common efforts, Norway and Russia have improved the connection between science and management at the international level. The annual quotas for total catch are based on recommendations about harvesting levels given by the International Council for the

Exploration of the Sea (ICES). This is an international organization, where Norwegian and Russian scientists are represented, together with scientists from a number of other countries.

It is important to Norway that all countries involved in the management of a common resource have the same routines and efforts regarding control. Thus, we have developed close cooperation with Russia in this field as well. We have continuous exchange of data of registered fishing and landings at Norwegian ports, so that Russian authorities can double check the data they receive from their own fishing fleet. We encourage other countries receiving Russian landings to do likewise. We also receive information on all Russian vessels allowed to fish cod, so that the Norwegian Coast Guard can intervene if anyone should act illegally. Representatives of Russian authorities have been observers at port controls of Russian vessels in Norway. In addition, Norway has supported Russia in developing new fisheries legislation, as well as the creation of a new control regime.

Through annual agreements, the two countries decide total catch quotas and the distribution of these, including the distribution to third countries. It is particularly in cod fisheries this joint effort has led to strict regulation, and periods of extremely small quotas. At times, this has been a painful process, but it has been necessary to ensure our common long term goal; maximum sustainable yield. Currently this yield is 10 billion Norwegian Kroner annually in landed value.

The relations between Norway and Russia have been further strengthened since 1993, when the Barents Euro-Arctic Council was established. This multilateral forum of all the Nordic countries, Russia and the European Union has the potential of providing an important framework for dealing with problems of transnational character in the Barents region. The Council is still in its infancy, and since it does not deal with the oceans and marine issues, I prefer not to elaborate this further. Instead I would like to lead your attention to the challenges of high seas fisheries.

The national economic zones of 200 miles constitute not only a limit, but a serious limitation, to the current regime of international fisheries management. This became evident in the recent conflict between Canada and the European Union in the Northwest Atlantic. It is equally evident to Norway in the Barents Sea, where third country vessels have entered the fishing banks outside our National Economic Zone - tempted by the rich and healthy fish stocks, a result mainly of prudent management by Norway and Russia.

Norway and Russia seek to ensure that when we make quota agreements with third countries, these countries limit their fishing to the quotas given by the coastal states, regardless if the fishing takes place inside or outside the coastal states' areas of jurisdiction. This has been complied with by vessels from states with quotas in the Barents Sea.

In the summer of -93, however, a number of trawlers sailing under flags of convenience, followed by a number of Icelandic trawlers, started unregulated fishing operations in the "Loophole", international waters just outside Norway's and Russia's national economic zones. Since the Convention of the Law of the Sea does not accord coastal states the authority to enforce regulations in international waters, even if the stocks in question are subject to regulation, Norway and Russia have not undertaken any form of physical intervention.

The situation deteriorated dramatically last summer, when trawlers from Iceland and trawlers under flag of convenience, such as Belize, the Dominican Republic and Cyprus, started to fish illegally in the fisheries protection zone around Svalbard. This zone is not international waters, but rather, subject to Norwegian regulation. Not one of the countries mentioned has historical rights either in the Barents Sea in general or in the fisheries protection zone. The Norwegian Coast Guard reacted in accordance with the rules currently in force and international practice, by giving verbal and written warning, firing warning shots and finally by severing trawls after

repeated, provocative contravention of the prohibition against fishing in the fisheries protection zone.

The area around Svalbard is the most important nursery area for cod in the Barents Sea, and is therefore particularly vulnerable. Resource management in the Barents Sea would become impossible without regulation of fisheries in this area.

Genuinely equal treatment is the aim of Norwegian fisheries management in the Barents Sea. In order to achieve this, on the basis of traditional fisheries, the European Union, Poland and the Faroe Islands may fish in the fisheries protection zone, in addition to the coastal states, Norway and Russia. Norwegian management practice is generally accepted by all countries that have traditionally fished in the area, since this ensures sustainable utilization of the resources and high yields for the holders of fishing rights.

If the free riders continue to serve themselves in the Barents Sea, this treasury in the far north is very much in danger of serious depletion. What is more, nations allowing their vessels to undermine sincere conservation efforts, are undermining not only management regimes, but also basic tenets of ocean law.

In a situation where the international fishing fleet has vast overcapacity, and serious shortage of resources due to years of overfishing in national economic zones, it is of the utmost importance to reduce fleet capacity. Measures to this end must thus be an integral part of any country's resource management policy.

The development of proper rules and enforcement measures for international fisheries is of vital importance to Norway. As a matter of fact, it is so important that a few months ago we signed a bilateral agreement with Canada regarding mutual enforcement of fisheries regulations outside the two countries' economic zones. Through this agreement Canada and Norway have made a pioneering achievement in the pursuit of responsible fishing.

But bilateral agreements on international waters can not replace multilateral ones. It is widely acknowledged that the Law of the Sea has to be supplemented regarding high seas fisheries. The United Nations Conference on Straddling and Highly Migratory Fish Stocks currently in its fifth session, gives a strong and convenient framework for this extremely important endeavour. The objective is to reach agreement on a convention which will supplement and specify international law, in order to strengthen the position of the coastal state.

Norway plays an active and important part as a member of the so-called core group at the conference, which works to ensure the interests of the coastal states regarding straddling and migratory fish stocks. In this respect we place great emphasis on enforcement. From what I already mentioned regarding domestic fisheries regulation, it is obvious that an agreement on international fisheries management is of limited value if there is no enforcement regime for such management. At the UN Conference, Norway holds that the main concept must be to give enforcement authority to parties with actual fishing rights within regional fisheries arrangements. In our view, this is the only way of achieving sustainable management of this common property of global importance.

Against this background, I hope Bodø and Northern Norway will give you inspiration to share and deepen the knowledge of your intriguing and very important field of study.  
Thank you!