

A social contract for fisheries?

The level of conflict among fishermen in Norway would seem to call for a social contract for the fishery

I come from an area in Norway—far north of the Arctic Circle—where the most important industry was always fisheries. We would not have been able to sustain ourselves and to live as comfortably as we did, if it hadn't been for the fishery and our marine resources. In fact, it is the riches of the ocean, combined with the free and easy access, that explain the dispersed settlement structure along the northern coast of Norway. What happened with the fishery had a crucial impact on our economy, on our communities and our way of life. Due to the Gulf Stream we are, in spite of the Arctic location, blessed with mild temperatures, and, due to the easily available fish resource, we never starved.

These days we exploit other things from our waters—oil, for example. But the oil is not what we eat. In the north, where I live, the oil industry does not provide many jobs either. During the last 25 years, salmon aquaculture has gained importance, but still, it cannot replace the capture fisheries; the cod, the herring, the shrimp, the saithe, the haddock, the capelin and the mackerel that we harvest, process, and—in the case of 95 per cent of the total catch—export. The expectation is, though, that aquaculture will become increasingly important for our regional and national economy. There is now also an enormous optimism with regard to the new marine biotech industry.

The optimism is only matched by the pessimism that for the time being reigns in the traditional capture fisheries, where one crisis somewhere in the system is followed by another crisis somewhere else. At present, we're down. Now it is the situation with the cod in the North Sea and the strong Norwegian currency that creates worries. In the early 1990s, we had a severe resource crisis with the cod in the

Barents Sea. Since then, there have been ups and downs.

Norway's fisheries have traditionally been free and open. It was possible for everyone to start a career in the fisheries. The crisis that hit the cod fishery in 1990 eliminated that freedom—probably forever. Before 1990, we had a quota and a licensing system for the offshore, large-scale fleet, whereas the inshore, small-scale fishery was subject to few restrictions. But in 1990, the government suddenly had a severe problem on its hands and had to do something rapidly and drastically. The coastal fisheries were transformed from open-access to closed. Today, 95 per cent of the fishery is subject to quota management. Now a young person, in order to establish himself as a fisherman (in Norway a fisher is almost always a he), must not only afford a boat, but he must also have the financial muscle to buy a quota. And quotas are currently very expensive, if indeed available at all.

These days a fisherman must also live with a heavy battery of rules and regulations that confront him every day he goes out to fish. He also faces a control and inspection system on the fishing grounds as well as when he lands his fish. This is a system that works on the assumption that he is a potential felon who would do everything he can to cheat. For a young fisherman, this has always been a fact of life.

Management system

For those who were recruited into the fishery in the 1970s and the 1980s, however, the change that has happened in the 1990s is breathtaking. The new management system was not introduced overnight. It has taken more than 10 years to build it. Gradually, new rules were added. Also, more and more resources

were spent on enforcement, which, of course, revealed more violations, or even triggered them. The outcome of this vicious circle is a management system so complex that fishermen complain that they risk breaking rules they never knew existed.

It should be added, though, that much of this management system was not imposed on the fishermen. In many instances, they asked for it. Rules pertaining to the fishing operations have resulted from demands from the fishermen themselves, often from one group of fishermen who wanted some form of protection against another group, for instance, a group that fish with a different type of gear. I am sure that this kind of dynamics is not unique to Norway. The quota system was controversial when it was introduced. It was accepted as a preliminary measure that would be abolished once the cod stock was back to normal. The cod stock recovered in the mid-1990s, but the quota system remained without much protest from the fishermen. Today, there are few in the industry who want to get rid of it. Changes, yes, but removal, no.

It is a notable fact that Norwegian fishermen, through their national association, are fairly well organized and are, therefore, also highly active and involved in fisheries policy-making including resource management. They are

in a position to influence the management system and rules put in place. Traditionally, fishermen in Norway were able to speak with one voice. Today, however, there is much more disagreement among them. The national fishermen's association has, for some years now, been on the brink of collapse due to internal strife. The large-scale vessel-owners have repeatedly threatened to break out. Many small-scale fishermen, those that fish close to shore and with traditional gear, did so in the early 1990s, and formed their own association, The Norwegian Coastal Fishermen's Association. Its membership has been growing ever since.

The national fishermen's association is, in reality, a federation of suborganizations of different gear groups and regional associations. (The Coastal Fishermen's Association does not belong here.) It used to be able to strike agreements and reach consensus on important political and legal issues. The quota system introduced in 1990 has changed all that. The fishermen as a group have, therefore, lost much of their power in Norwegian fisheries as compared to processing and aquaculture.

Fewer numbers

It has not helped Norway's fishermen, of course, that they are getting fewer and fewer in numbers. In 1950, they were 100,000; today they are 14,000 and their number will most likely continue to drop.

This makes fishermen less of a force in Norwegian politics. One should perhaps expect that it would make them more—and not less—united. Instead, the level of conflict among fishermen has increased. The reason has much to do with the fish resources becoming increasingly scarce. I would argue, however, that the quota system itself must take much of the blame. When fish quotas become a privately held right—as is largely the case with the Norwegian system—unavoidably it creates a system of privilege. Winners will, of course, support the system, while the losers will condemn it.

In Norway, quotas are attached to the vessel; thus, the quota inflates the price of the vessel dramatically when it is sold. Since vessels are freely bought and sold, so also are quota rights. Such a system is bound to have an effect on the structure of the industry. In essence, this is also what the system aims at. But it benefits those who can muster enough capital. In our situation, the large-scale operators in the southwestern part of the county come out as winners, while smaller operators who dominate in the northern fishing communities are losing out. We see, therefore, a geographical concentration of fishing capacity and quota rights that is threatening the existence of many fisheries-dependent communities. Conflicts in Norwegian fisheries thus also have a regional dimension.

This is not a unique situation for Norway. It is happening everywhere where quotas are bought and sold. Iceland has gone farther than Norway and other Scandinavian countries in introducing a system that turns fishing quotas into a market commodity. This has changed the Icelandic fishery and has concentrated fishing rights in fewer hands. It has transformed the nature of fishing, the relations between fishermen, and between the fleet and the processing sector. It has altered the very meaning of being a fisherman. Some see this as not only inevitable, but also as commendable.

No doubt, there is too much fishing capacity out there. Many problems would have been solved if this capacity were reduced. Individual transferable

quotas (ITQs) may be a means of obtaining such a goal. But the downscaling also has social and cultural consequences that can be quite dramatic. Iceland is a good illustration, and Norway is not a bad one either. No wonder, therefore, that a quota system that allows the market to determine who will prevail in this industry is controversial. Currently, the issue is burning hot in Denmark.

In 1994, the Fishermen's Association agreed on an allocation key between the large-scale, ocean-going fishing fleet and the coastal, small-scale fishing fleet regarding the cod stock, leaving the former group with 35 per cent of the total allowable catch (TAC). It was also agreed that when the TAC is low, the coastal fleet should have a higher percentage than when it is high. Later, other species were included.

In 2001, a long-term allocation key for most species was agreed upon, which gives specific groups of vessels a fixed share of all TACs. In many ways, this is remarkable. First, it is a rather fragile compromise among groups of fishermen who have conflicting interests pertaining to quota allocation, but who share the view that it is their responsibility to arrive at a workable agreement. Second, the government has accepted the deal without objections.

In 2002, for example, the Fisheries Minister proclaimed that he would not alter the arrangement one iota but stick to the key agreed by the partners involved. He was heavily criticized in the media for abstaining to intervene in such an important issue of distribution. One may, of course, question whether that was a sensible thing to do for a fisheries minister who is ultimately responsible for all aspects of fisheries.

Greater trust

Nevertheless, it can be interpreted as a real devolution of management authority, signalling a great level of trust in the organization's ability to act responsibly. (There is, of course, a less flattering interpretation: the minister—and the political system—finds it politically convenient to leave controversial issues of public concern to the parties involved. Political opportunism, rather than

genuine devolution, is thus perhaps the name of the game.)

Whether the agreement will continue to receive support among the fishermen and the government in the future remains to be seen. If it does not survive, fishermen may become even more divided than they are today. If conflict cannot be avoided, it is better to have the fishermen fighting one another each time the allocation key is renegotiated than having them fighting all the time. Bringing fishermen into a responsible partnership may also allow them to break out of the role of the villain that the current management system places them in. No voluntary organization, such as the Norwegian Fishermen's Association, can survive conflicts that are never addressed and resolved in an orderly fashion.

Our management system depends on such an organization. Both the fishermen and the government need it. In fact, it was the government, which, in the late 1920s, took the initiative to form the organization. The government needed someone in the fishery to deal with who could speak on behalf of all the fishermen. The fact that the fishermen were able to unite has since then been an important precondition for their power in Norwegian fisheries. When the crisis hit in 1990, the government had a representative voice of the fishermen that it could listen

to and seek advice from. The apparatus for negotiation was already in place. The two parties did not first have to establish a working relationship before they could start to address the crisis.

Fisheries management cannot be focused on one thing only—for instance, economic efficiency. There are many other concerns involved and we need to address them in ways that do not alienate those who have most at stake—those whose lives are dependent on both healthy fish stocks and healthy fishing communities. The issues are of such a nature that we need to thoroughly debate what to do. When things are complex, diverse and dynamic, we need to be flexible. Our convictions are constantly challenged by new events, and we cannot be dogmatic as to solutions. Instead, our perspective must be broad and inclusive.

Importantly also, we must be able to learn from experience, to learn from each other and debate what we learn, because we never learn the same things from what we experience.

Different conclusions

In Norway, we still debate what we learned from the fisheries crisis of the early 1990s, and typically, people draw very different conclusions. There are those who argue that we didn't learn a thing. When the crisis was over, we went back to the old habits. Therefore, perhaps,

history is bound to repeat itself. This is something we can hardly afford. Norway certainly cannot permit a new decimation of the herring stock, as happened in the late 1960s. It took 30 years to rebuild it. Neither can we allow another Barents Sea cod crisis as we had in the early 1990s.

We have to learn to live with the fact that conditions in the fishery will remain unstable and that there will always be a crisis somewhere in the fishery. But if we ask ourselves what this means, what conclusions we can draw from this fact pertaining to fisheries management, what then would be our answer? How do we deal with all the complexities, diversity and dynamics that the fishing industry must somehow relate to? Do we build an equally complex, diverse and dynamic management system?

The Norwegian experience is that there are limits to complexity. We need to turn the trend around, and make the management system simpler. But how do we do it, given the fact that (a) the industry, and the environment in which it finds itself, is characterized by increasing globalization; and (b) that fisheries management must address several concerns that are frequently in conflict and cannot be easily reconciled.

There are no simple answers to these questions. But I do think the allocation key contract in the Norwegian fishery, negotiated among the fishermen themselves and with the government as facilitator, may provide some clues. Much would be gained if we could somehow arrive at a social contract for the fishery—a general agreement among those involved about what we, as a collective, want to accomplish and what we must avoid. Those for whom the fishery is a matter of life or death must be involved in deliberating and deciding on what such a social contract should contain. Today, the allocation key pertains only to quota shares between inshore and offshore. The contract should also be extended to include other contentious issues, such as the allocation between regions, and between onshore and offshore activities, and between existing and future generations. A contract should also specify who should

be considered as stakeholders with a legitimate claim to be represented in decision-making forums.

Importantly, a social contract for the fishery cannot be imposed from the top down. Instead, we must build on democratic principles, where all affected stakeholders must be allowed to voice their concerns. Only through such a contract can issues of social justice inform the decision-making process. Far too often, concerns of social justice are suppressed, while fisheries management is reduced to a technical fix. No wonder, therefore, that fisheries management continues to be among the most contentious areas of public policy, where lack of legitimacy is turning management into an increasingly repressive affair. ¶

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