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Session: Enforcement and Control in Marine Fisheries

## **ENFORCEMENT AND CONTROL IN THE RUSSIAN ZONE OF THE BARENTS SEA**

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### **1. Introduction<sup>1</sup>**

This paper presents an overview of the Russian fisheries compliance control in the Barents Sea. In addition to this descriptive aim, a central issue to be dealt with is the question to which degree Russian authorities lost control with the Barents Sea fisheries after the breakdown of the Soviet Union. Furthermore, I shall suggest possible causes of this alleged deterioration in the control mechanism, and discuss the measures that have been taken to reestablish an effective enforcement system.

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<sup>1</sup> The questions presented in this paper have been more thoroughly elaborated in Norwegian language in Hønneland (1993 and 1994) and Davidsen, Hoel & Hønneland (1994).

## 2. "Sevryba" - A Short Background<sup>2</sup>

The Northwest-Russian fisheries embarked on a rapid development shortly after The Russian Revolution. Murmansk Trawl Fleet was established in 1920, and in 1926, a development programme for the fishery sector was launched by the central Soviet power. As a result of this programme, the building of Murmansk Fishing Combine was started. As in other areas of industry in the Soviet Union, the *branch principle* was the guide to organizing the fisheries sector. This implied that the economic sphere of the union was divided into a certain amount of branches, which were all subordinated their own ministry. Except from Khrushchev's attempts in the period 1957-1964 to implement a *territorial* organization of Soviet industry, the branch principle remained prevalent until the extensive post-Soviet privatization project started in 1992.

"Sevryba" ("North fish") was established in 1965 as a result of *the Kosygin reforms*. It was given the status of General Directorate of the Soviet Ministry of Fisheries in northwestern Russia. Similar bodies were set up in the Far East ("Dalryba"), the Baltics ("Zapryba"), the Caspian Sea ("Kaspyrba") as well as the Azov Sea and the Black Sea ("Azcherryba", later "Yugryba"). In 1973, the General Directorates were reorganized into so-called *all-union production combines* (VRPO's). These units were still directly subordinated the Ministry of Fisheries. VRPO "Sevryba" embraced all companies involved in or somehow connected to the fishing industry in the regions of Murmansk, Arkhangelsk and Karelia.

After a reorganization in 1988 of a more nominal character (from *all-union* to *state* production combine), the first extensive change in the structure of "Sevryba" took place in the spring of 1990. The state production combine was then replaced by an *association of independent enterprises*, which were responsible for their own financial affairs. This form of organization was rendered possible by a law on state enterprises from 1988. As

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<sup>2</sup> For a more comprehensive presentation of the history of "Sevryba", see Davidsen (1992).

part of Gorbachev's *perestroika*, the enterprises were now allowed to work on the principle of *self-support* ("khozraschet"). Davidsen (1994) has pointed out that the 1990 reorganization departs from other structural changes in the fisheries sector in not being initiated from the political centre. An extensive dissatisfaction among the member enterprises of "Sevryba" with the existing form of organization was expressed at a fishery conference in Murmansk in June 1989. A proposal to form an association was put forward and gained widespread support on the same occasion.

In the autumn of 1992, the organization was made into a private joint-stock company, A/O "Sevryba". 23 companies of various core activities (ranging from shipowners, on-shore processing factories, a shipyard, research institutions, sales and supply organizations and several other firms) constituted the founders of the company. A/O "Sevryba" is a joint-stock company of a *closed type*, which implies that only actors approved by the existing members are allowed to buy stocks. In April 1993, the "Union of private fishery enterprises in the north" was included in the A/O "Sevryba"-structure. This union, founded in 1992, comprises more than 130 small private firms directly involved in or connected to the fishing industry in northwestern Russia.<sup>3</sup>

### 3. "Murmanrybvod" - Resources and Control Procedures

After the collapse of the Soviet Union, the Ministry of Fisheries lost its ministerial status and was reorganized into a *Fisheries Committee* within the Ministry of Agriculture. The branch responsible for enforcement and control, "*Glavrybvod*" ("Main Fisheries Inspection") was re-named "*Rosrybvod*" ("Russian Fisheries Inspection"). "Rosrybvod" is responsible for the protection and reproduction of all natural resources in ocean areas

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<sup>3</sup> However, only 70 of these are involved in the catching of fish, and no more than 18 among them have a cod quota in the Barents Sea. The main share of the companies do not have fishery as their core activity; they resort to the catching or selling of fish primarily to raise funds for other kinds of production or trade.

under Russian jurisdiction as well as in Russian rivers and lakes. It produces plans and strategies for the conservation of marine and freshwater resources, whereas the enforcement itself is carried out by regional control bodies.

In northwestern Russia, there are three such control bodies: “*Murmanrybvod*” in Murmansk, “*Sevrybvod*” in Arkhangelsk and “*Karelrybvod*” in Petrozavodsk, the capital of The Karelian Republic. The responsibility for the marine fisheries in the north is rested with “*Murmanrybvod*” solely; the two remaining control bodies are exclusively involved in inspections of freshwater fishing.

“*Murmanrybvod*” employs over 450 persons, of which no more than 60 (20 inspectors and some 40 crew members on the inspection vessels) have their occupation in the controlling of the Barents Sea fisheries. Nearly 300 persons serve as inspectors in the freshwater fisheries, and approximately 100 work on fish farms.<sup>4</sup> The control body has 4 inspection vessels at its disposal, but more than 2 are seldom at sea at the same time. Three of the vessels are very old and ill-suited for the purpose of control and enforcement. In the spring of 1993, “*Murmanrybvod*” signed an agreement with the military Boundary Guard, which allowed fishery inspectors to conduct inspections from Boundary Guard vessels. At sea inspections normally comprise the control of fishing gears (e.g. the mesh size), the composition of the catch, the size of the fish and the presence of fry.

As in Norway, the closure of areas with too much undersized fish is an important protection measure for Russian management authorities. In the process of closing and re-opening ocean areas for fishing, “*Murmanrybvod*” cooperates tightly with the research institute *PINRO* (“Scientific Polar Institute for Marine Fisheries and Oceanography”) and the semi-scientific “*Sevrybpromrazvedka*” (“The Search Fleet of Northern Fisheries”), both co-founders of A/O “*Sevryba*”. If inspectors from “*Murmanrybvod*” during an

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<sup>4</sup> “*Murmanrybvod*” runs 4 fish farms, where mainly salmon is produced. Rivers are stocked with fry to contribute to the reproduction of the species.

inspection reveal excessive presence of undersized fish in an area, they have the authority to close the area for fishing for a period of 3 days. If the closure is to be prolonged, a further scientific foundation in the form of data from PINRO or "Sevrybpromrazvedka" is required. The latter offers information about the fish size in different ocean areas on a daily radio consultation, or *soviet*, where the captains of all Russian fishing vessels in the Barents Sea participate.

The Russian quota control has traditionally been a *passive*<sup>5</sup> one; authorities check the data they receive from the fishermen towards the allotted quota<sup>6</sup>. Russian captains are obliged to submit catch data to "Murmanrybvod" once a day, and this information constitutes the basis for calculating the remaining quota. The figures may, however, be double and triple checked through information submitted by the shipowners twice a month and through the accounts of "Sevryba's" representative at sea, who conducts the daily radio consultations with the captains. The reports of the shipowners are supposed to contain possible corrections arrived at after landings of fish. The physical on-shore control of the fish weight does not, however, meet my demand to an *active* control, as the check is not performed by independent inspectors. The inspectors of "Murmanrybvod" merely check the figures of the shipowners, who in their turn rely on the accounts of the processing factories on shore.

#### **4. 1991-92: New Incentives and Control Short-comings**

In the years 1991-92, Russian landings of fish abroad increased markedly. Landings of cod to Norway, for instance, reached a total of 94 000 tons in 1992, while in 1988, they

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<sup>5</sup> By the term *passive control*, I mean the examination of the information fishermen are obliged to submit about their activities at sea; authorities *passively* receive data from the vessels and examine whether they give evidence about a lawful behaviour or not. The concept of *active control* entails the physical checking by inspectors of this information.

<sup>6</sup> In Russia, quotas are allotted to shipowners, not to individual vessels. "Murmanrybvod", therefore, checks the remaining quota share of each shipowner, not of each vessel.

had only comprised 10 000 tons. The reason for this considerable increase in the export of fish is twofold. Firstly, it was rendered legally possible by a liberalization of Norwegian import regulations for fish. Secondly, "Sevryba" had to compensate for the termination of state subsidies along with a reduction in total catches. From 1990 to 1992, catches dropped by 25%, from 1,5 million tons to 1,1 million tons.<sup>7</sup> The main reason for this is the discontinuation of the Russian fishery in distant waters as a result, among other things, of increased fuel costs.

In the course of 1992, the Norwegian Coast Guard revealed an increase in underreportings from Russian vessels and took extra steps to calculate the total Russian catch in the Barents Sea this year. By the end of the year, Norwegian fishery authorities presented their Russian colleagues with figures pointing at a Russian overfishing of more than 100 000 tons.<sup>8</sup> These numbers were supported by export statistics, which showed that close to the total Russian cod quota in the Barents Sea had been exported to Norway. At the same time, one knew that considerable quantities had been exported to other Western countries, and a certain amount had also been landed in Murmansk.

How was this overfishing allowed to take place? The explanation no doubt lies in the Russian vessels landing their fish abroad. When the news of the overfishing was revealed, commentators tended to stress the fact that Russian control bodies had lost their possibility to inspect the catches since they were now landed abroad. This is not false, but in my opinion, it is more fruitful to start the explanation from the fisherman and his situation. Landing fish abroad not only made it *possible* for him to underreport catches; rather, it was only now that it became *profitable* for him to do so in the first place. Under the plan economy of the Soviet system, authorities had to urge fishermen to fulfil their

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<sup>7</sup> Later, the total annual catch of "Sevryba" continued to drop to 0,89 tons in 1993 and 0,56 tons in 1994. A possible increase in the future is dependent upon a renewal of the outmoded Russian fleet.

<sup>8</sup> The overfishing constituted one quarter of the total cod quota in the Barents Sea this year. Of a TAC of 396 000 tons, Russia had 170 000 tons at its disposal after internal quota exchanges with Norway.

plans rather than preventing them from overfishing their quotas. Since the merchandise was considerably scarcer than the purchasing power, minor rewards in roubles were not necessarily strong incentives to overfish quotas. The possibility to land fish abroad suddenly made it considerably more profitable to fish more than one reported. If the difference between real and reported catches could be sold to the captain's or the fishermen's own gain, the incentive to misreport had increased greatly.<sup>9</sup>

At this point, the Russian control system had proved insufficient, not primarily through its lack of information about the landings of the vessels, but through its failure to influence the incentive structure of the fishermen. The old system based on a passive quota control was probably sufficient in the Soviet period. The lacking incentives to exploit the commons rendered *coercive measures* (of which an active quota control is part) unnecessary. With the emergence of such incentives, the short-comings of the old system became apparent. The core of the control problem lied not only in the fact that catch data escaped "Murmanrybvod", but more important, in the absence of social mechanisms capable of urging the fishermen to a lawful behaviour.

## 5. The Cooperation with Norwegian Control Bodies

Towards the end of 1992, both Norwegian and Russian authorities had become aware of the short-comings of the control with the Russian fishery in the Barents Sea. At the 21st session of The Joint Russo-Norwegian Fishery Commission in November this year, the delegation leaders of the two parties jointly proposed to appoint an expert group to

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<sup>9</sup> Russian fishermen probably *did* underreport considerable quantities of fish in 1992. "Murmanrybvod" had no way to discover the misreporting as long as the fishermen were mainly fishing in the Norwegian Economic Zone or the Conservation Zone around Svalbard. The reports to "Sevryba's" representative at sea have proved systematically too low (Hønneland 1993: 140-141 and 1994: 505), and the same might have been the case with the direct reports from the captains to "Murmanrybvod". Alternatively, Russian authorities should have been aware of the overfishing but incapable or reluctant to stop it. There is, however, no proof to such an allegation.

consider the question of a cooperation between the control bodies of the two states. In May 1993, the expert group gave its recommendations, and the proposed measures soon materialized. The most important initiative was to establish a formal exchange of catch information. The Norwegian Directorate of fisheries now regularly forwards data from all Russian landings in Norway to "Murmanrybvod". Additionally, inspection data may be submitted on request. An organized exchange of information about the activity at sea is established between "Murmanrybvod" and the Norwegian Coast Guard. Moreover, an exchange of inspectors is regularly carried out; most important, Russian inspectors have been allowed to participate as observers when inspectors from the Norwegian Fish Control (a branch of the Directorate of Fisheries, responsible for the control on shore) inspect Russian vessels in Norwegian ports.

Yet another easily applicable measure was the reporting of the Norwegian Coast Guard to "Murmanrybvod" of which species the Russian vessels are fishing in the Norwegian Economic Zone and the Conservation Zone around Svalbard. Earlier, the Coast Guard only checked whether Russian vessels were licensed by Norwegian authorities to fish in the Norwegian Economic Zone. Now they know which vessels are allowed to fish which species by "Murmanrybvod", and use this information in their inspections. In the autumn of 1993, several Russian trawlers without a permittance to do so were caught fishing cod in the Svalbard zone.<sup>10</sup> The incidents were reported to "Murmanrybvod", and the violators were deprived of their general fishing license for one year. As soon as this news became generally known, the problem seemed to be eliminated.

## **6. Conclusion: Problems Solved?**

The cooperation between Norwegian and Russian control bodies has primarily served the purpose of supplying Russian authorities with information about the activity of Russian

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<sup>10</sup> Probably, they would report to their own authorities that they were fishing for shrimps, a species which is not yet regulated by quotas in the Barents Sea.



fishing vessels in Norwegian waters and ports. Russian fishermen can no longer report erroneous species and amounts of fish to “Murmanrybvod” without being discovered.

The crucial question is, however, whether this represents a sufficient step in adapting the control system to its new surroundings. As already suggested, access of information is in itself hardly enough to ensure a lawful behaviour from the fishermen’s part. If there is an incentive to over-exploit a common resource, this temptation should somehow be countered by the authorities. Coercive measures, for instance, necessarily rely on the ability to threaten with sanctions in the event of violation. Whether this is the case in today’s Russia, is to a large degree an open question. Firstly, one can question whether fishermen fear the sanctions of “Murmanrybvod”. How threatening is really a fine in roubles as long as both shipowner, captain and crew have outlooks to gigantic incomes in hard currency? Secondly, there is the question of the autonomy of control bodies from industry interest. Traditionally, there has been a tight coupling between “Sevryba” and “Murmanrybvod”. Leaders to the control body have been recruited from the companies of “Sevryba”, and inspectors have been picked among captains of the fishing fleet. This might create a problem of loyalty and in its worst form lead to lenience in the enforcement of regulations. Another pressing problem might be the interests and power of *les nouveaux riches* in today’s Russia. The sanctions of “Murmanrybvod” may easily prove too gentle in the face of excessive affluence, not to speak of organized crime.

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