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Commons for whom? New Coastal Commons on North-Norwegian Coasts

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There are dramatic events taking place on North-Norwegian Coasts during this period. On the surface this appears as a surprising shift in the opinion of the coastal population in crucial questions. One such fundamental question in coastal areas has been the issue of Norwegian membership in the European Union, where the opinion is tilting from opposition tied to fishing rights for wild fish towards support tied to marketing access for farmed fish. But underneath this there are other long term processes that might enable us to explain why the once crucial issue of local resource control now seems to be of less importance than it was in 1972 and even as late as 1994. This paper is an initial attempt to outline what is going on in a typical resource-dependent region when the fundamental institutional relations are changed. In doing so, it does not utilize contemporary concepts like privatisation, individualization, re-feudalisation, or other ideologically based constructs as explanatory factors. Rather it is using basic property rights as useful representations of an important analytical link between the biophysical world and the social world. By tracing the effects of different designs of property rights on both natural stocks of fish and on coastal ecosystems, and on social systems like coastal communities, firms, corporations and political parties, we might come nearer to possible explanations of seemingly surprising events.

The fundamental assumption here is that the attempts at a more "rational" resource management for wild marine fish have had unintended consequences. Over the years this benevolent political gesture has become much like a Trojan horse for coastal communities. Hidden inside precious gift that modern resource management regimes were to the coastal population, there are three dangerous soldiers: one is the soldier of increased social rigidity that rises from increased ecological uncertainty, the second is the soldier of inefficiency and lack of innovation that results from the accumulation of inequality, and the third soldier is the danger of unsustainable use of coastal ecosystems and ecosystem services.

The long transformation of North-Norwegian Coasts

The institutional history of the North Norwegian Coasts can be traced back to 1105, when a letter from the 3 sons of King Magnus gave the sea-commons back to the Háløyg population for their use to be as free as in the days of St. Olav (✞ 1030). During the following 700 years this pledge was supplemented by a Royal *fárbann* during Hanseatic and Danish rule. This prohibition of foreign and external ships in North-Norwegian waters gave room for the slow evolvement of the Lofoten regional commons institution and a number of smaller "coastal commons" with intricate self regulatory institutions. Most of these "traditional" regulations were in the form of input regulations, where the days at sea, the areas used and the permitted gear were agreed to and controlled in various ways. These commons were, if not completely open, characterised by easy access for new young entrants and migratory fishers from neighbouring districts (Namdalen/Trøndelag, etc.).

With the adoption of the doctrine of the Mare Liberum in the 17th century, and accelerated development of fishing gear technology, the fish resources came under increasing pressure. Both North Sea interests and Russian interests (Pomor) were active in periods of open access during the 19th century to try to get historical rights before "enclosure". Thus there was building a pressure for a search for a more "rational resource management system" than the old coastal commons institutions. A clearer definition of unshared property rights was strongly advocated as "the final solution" to the recurrent problem of over fishing and empty seas. The Law of the Seas

finally gave the nation-states the sovereign jurisdiction and *de facto* property rights over fish resources in the 200 mile extended economic zone outside the coasts in order to facilitate rational resource management and to avoid further tragedies of the open access regime. But although this "nationalisation of a natural commons" and the "quota of the nation" (TAC) ended the institutional void in fisheries, the problem of property rights at the sub-national level still remained unsolved. Should fish stocks remain a common property for each and every coastal community or for all fishers? Or should the logic of unshared and exclusive property rights be extended to the regional and local level? As it is well known to all Europeans, the chosen property rights design after two decades became individually owned quotas, the IVQs and the ITQs. In most cases these were also transferable in some way or another and could thus be used as collateral for operational credit or new investments in catching capacity. It is difficult de determine whether the choice of property rights design was conscious and based on political or ideological aims, or whether they were the outcome of a bewildered process with irreversible steps. Whatever the true objectives were, the outcome of the process was a massive enclosure of the coastal commons, a privatisation and accumulation of the rights to wild fish and an exclusion of new entrants to the traditional occupation of fishing along the North-Norwegian coasts.

The property rights to coastal ecosystems for aquaculture have undergone a parallel transformation to those of the wild fish stocks. Most aquaculture enterprises started as community type experiments where local northern entrepreneurs in the true Schumpeterian sense kept salmon in cages against the explicit advice from southern experts. These entrepreneurs took risks and developed the technology needed for the salmon farming industry with the wholehearted support from the coastal communities. The local ownership of rights to use certain "locations" meant that potential profit from utilizing local ecosystems would remain in the community. The local ownership was also legally protected in the first pioneer period, later the temptation to harvest the entrepreneurial profit became too tempting and intense lobbying was successful in removing these limitations to ownership transfers. The end result is clearly visible today, where most ownership of aquaculture locations is sold out of the coastal communities and is accumulated on the hands of a few distant and vertically integrated sea farming corporations. This "corporate occupation" of a large portion of coastal ecosystems and its heavy usage on these ecosystem services would not have been politically possible without the initial phase of local entrepreneurial activity. Now the same strategy for ecosystem acquisition and transfer/accumulation is tried for the farming of cod, but the success of such a repetition is not guaranteed. In addition to the occupation of sea area by aquaculture plants and their "buffer zones", state activity to protect remaining marine areas has accelerated. Some of this activity is based on a desperate hope to save some pristine channels for the remaining stocks of "free salmon" to roam and reach their childhood river. A number of coastal protection areas, salmon protection zones and marine parks are thus being established, often against strong opposition from the aquaculture business. Thus the amount of "free coasts" has decreased dramatically during the last two decades. This is one of the major reasons why community-based fisheries projects or marine cultivation has not been possible to implement; to an increasing extent coastal areas are either occupied by outside licence-holders or they are protected by the state. A large research programme, the PUSH programme, has developed scientific basis for stock enhancement of crucial stocks and sea ranching designs which would be suitable for community based enterprises. However, property rights and the institutional framework that has evolved during the last 3 decades gradually preclude such collective solutions for cultivating marine environments. When in addition the wild fish stock of coastal waters is tied up in quotas that to an increasing extent have become accumulated on outside hands, the coastal communities are also gradually loosing access to their traditional wild fish resources. The combined effect of these two slow processes of institutionalisation of new "rules of the game" is a widespread discontent among northern coastal communities with the political authorities, notably with the Ministry of

Fisheries. A number of high profile protest actions from coastal fishers and coastal municipalities in the North are based on such discontent and frustration. But alongside the discontent is also a sense of helplessness which is shared among coastal dwellers and politicians alike, that the institutional developments have their own course beyond the control of governance. Small changes of basic property relations have started profound processes that produce results which in turn take the key actors by surprises. How could this happen?

Why this shape of our coast?

The background for the current institutional straightjacket is again to be sought far back in history. With a low level of harvesting technology, the "coastal commons" that had developed for wild fish fisheries and for utilization of coastal environments for salmon farming were loose constructs. Access was easy, monitoring was lax and sanctioning was sloppy as long as there were a perceived abundance of both wild fish and fresh coastal ecosystems. With the first crisis in wild fish fisheries; the collapse of the Northern herring in the 1960s, both resource managers and scientists started the search for more "rational" resource management paradigms. The ideas that offered themselves during the period between 1970 and 2000 were mostly ideas based in the various paradigms of "New Public Management". If the resource manager could only "get the incentives right", the rest of the task would be easy; the stakeholders would act in their own interest in such a way as to preserve the resource in the best possible state. Recurrent crisis in several important species of fish, notably in the important Northern Cod, accelerated this search. In one fishery after the other, and most often against fierce opposition from the defenders of the old commons, quotas were introduced either as vessel quotas or as individual quotas. The original idea was that these quotas could be auctioned or in other ways could fetch a price in a market, thus they would provide an incentive for the quota holders to maintain the resource in the best possible way. In short, a quota system was advocated as the best way of achieving a long-term maximum sustainable yield from wild fish resources. Alternatives to quota systems could have been conceived, like an elaboration and sophistication of the age-old commons system, binding the stakeholders into more credible commitments towards the overall sustainability of the resource. But at the time, the individually owned quota was advocated as the "only solution" and more complex property rights designs were not seriously contemplated. The effects of this lack of fantasy in institutional design is now beginning to show, quotas have a tendency to accumulate on few hands, to become delocalised and to exclude new and young entrants to fishing.

Coastal ecosystems were also "commons" where local communities had some degree of control over the use of coastal resources. Local fishing grounds, egg and down islets, wild salmon-trap places, herring net places, seith storage places etc. were used and respected according to tacit agreements. With state licensing for salmon farming and recently for the farming of other species of fish, these local agreements are disrupted and a sense of individual ownership of localities was introduced. When the constraints on ownership were lifted so that non-locals could own aquaculture licences, a process of accumulation of licences on fewer and fewer hands started. The typical pattern has been that every time the "salmon cycle" has been in a slump, and bankruptcies have loomed, a further concentration of licenses have appeared. Since individual business ownership has to be non-discriminatory in the larger EEA-zone, foreign forms have also entered North-Norwegian coasts as owners. The price if the licence is not only tied to the strategic importance of the aquaculture firm being acquired, but also the ecological quality of the locations in its portfolio. It seems like good locations with sufficient depths and good currents that continually sweep the cages clean can fetch a higher price. This is because healthier environments are more profitable, a disease-free environment gives more stable production and lower insurance fees. But any particular locality is depending on a larger area, an archipelago or a fjord system, in order to function optimally in relation to aquaculture. On the other hand a

keystone locality "commands" a larger ecosystem and often leaves its "ecological footprints" far beyond so-called buffer zones. This means that other aquaculture operations cannot start using the same ecosystem services without reducing the quality for all operators.

The result of the state licensing policy is that the ecosystem services of a larger area has acquired a price in a market and can be bought and sold and accumulated on non-local and non-national hands. In many cases local communities, where the aquacultural entrepreneurial activity originated, are excluded from aquacultural activities and are unable to take control over these localities and use local resources to for local job-creation. Like in fisheries, this has resulted in massive political frustration among local politicians, and a sense of helplessness, most explicitly stated as a demand for the state licence fee for new aquacultural localities to be replaced by a municipal licence fee. This fee would then be perceived as a payment to the local community of the ecosystem services rendered by the local coastal ecosystem – or in some cases as compensation for a reduced ecosystem quality that has to be endured by the local population. Such demands have so far not been heeded by the central Norwegian government, coastal resources are persistently being defined as national property and national governance is deemed necessary if the full value potential of Norwegian marine cultivation (estimated to 240 billion NOK p.a.) shall at all be realised.

The final element explaining the contemporary picture of the northern coasts is the fact that the state is also the lead agency in protecting coastal and marine areas. This is often motivated by international agreements (EU, UN or IUCN) where member states have committed themselves to protect certain %-ages of various types of landscapes in the territory. Thus the national conservation strategies can most appropriately be seen as part of a larger globalisation process where environmental globalisation affects local communities directly. In the province of Nordland alone, as much as 74 coastal conservation areas have been proposed, in addition to a number of Marine Protection areas. A marine protection area or coastal protection area is usually an area where traditional coastal activities can continue, but where aquaculture, sea ranching, or other modifications of ecosystems are prohibited. Usually certain restrictions can also be applied, like prohibitions to disturb nesting birds, prohibitions against certain fishing gear etc. These restrictions will usually be designed by state environmental officers and based on biological or ecological considerations. The plans for these numerous protection areas have caused fierce opposition from coastal municipalities, who now feel that elected local government is loosing the last remaining control over their own coastal resources; it is international treaties and environmental bureaucrats that to an increasing extent decide what use they can make of their own coasts. To a large extent this local discontent is fuelled by local aquaculturalists – or would-be aquaculturalists – who see some of the keystone localities "taken" by the conservation interests and the area for aquaculture seriously diminished. But also other parts of the "fishing segment", the professional fishermen are afraid that the increased powers granted to environmental authorities shall hamper their mobility and operations and their ability to use the most efficient gear to catch their own quota. Although the wild fish fishers and the conservationist objectively should have the same interests in protecting important spawning and recruiting areas they have often been the major antagonists in a long battle over "use or protection" of the North Norwegian coastal areas.

From Coastal Freedom to Coastal Enclosure

The long process of closure of the coast has by some been termed a "refeudalization" of Northern Coasts. Some feudal land-lords and the Catholic Church had considerable control over harbouring and boarding facilities as well as transport and marketing facilities, together with power over taxation and the spiritual well-being of the coastal population. Still the fishing operations and the use of coastal ecosystems was characterised by freedom, or at least easy

access for the coastal population during most of the Middle Ages. So in many respects, there has never been a typical feudal situation and consequently it does not make sense to use the term "refeudalization". There is a marked difference between the ancient system of mighty sea-lords with both power and jurisdiction over land, sea and landless tenants - and the appearing contemporary coastal institutions described above. The fundamental difference is the crucial role of the state as both distributor of wild fish quotas, licensing authority for aquaculture and the guarantor of protected coastal areas. The total effect on the coast of state coastal policies is, however, the sum of effects of several sector policies. Especially the fisheries sector and the environmental sector have for a long time had difficulties in coordinating their policies and their strategies. Thus the coastal communities are also faced with a fragmented state that tends to provide only piecemeal and ad hoc solutions. As shown above, a number of the institutional designs applied by the fisheries sector have led to "coastal enclosures", the accumulation of crucial property rights on fewer and more distant hands and the resulting exclusion of large groups of the local coastal population from both wild fish fisheries and the aquaculture industry. Seemingly small changes in the basic property rights have over time had a number of unintended consequences: The multitasking, easy switching, flexible and robust coastal fisher has been replaced by the single tasking, specialized, capitalized, rigid and vulnerable quota holder. And the entrepreneurial and locally committed aquaculturalist has been replaced by the vertically integrated, international fish farming corporation with few innovative capacities apart from cost-cutting.

Thus the overall effects of the grand project we termed the "rationalisation of the coastal and marine resource management system" has become something like an unwanted straightjacket which nobody seems able to free themselves from. The new property rights, the quotas and the marketable aquacultural licences are "sticky" and have a tendency to live their own life before they eventually take the main actors by surprise. The contemporary rationality of the coastal resource management system is therefore more of an unwanted "iron cage" than a reappearance of a feudal system. A change in this system therefore requires a fundamental change in basic property rights, as is proposed by several northern politicians. However, it is not sufficient to transfer the quota and aquaculture licensing authority to the Northern provinces and keep the basic rationale of the system. A changed rationale would to a greater extent have to take into consideration that all coastal resources have both the subtractability characters of private goods and the considerable exclusion costs of public goods. Therefore regional or local institutions for governing coastal resources cannot be built on simple constructs like a single-specie quota or a site licence alone. Such institutions must be robust, that is they must be designed to avoid both resource tragedies as well as social exclusion. Experience shows that in order to achieve this, institutions must be strong, often quite complex and built on a credible commitment from all users of a coastal resource.

A special type of coastal enclosure gives some indications of possible paths the state can follow in its attempts at devolution of resource governing authority to regional levels. These are the coastal protection areas and the Marine Parks. These are often considered to have a wider circle of users than has been customary in other resource management issues on the coast. This extended group of stakeholders usually cover both urban and rural populations and both professional fishers, leisure fishers as well as hikers, kayakers, ornithologists, aquaculturalists and natural and cultural landscape conservationists. The relevant users would also typically include user groups not only from the municipality of the proposed area or park, but usually also user groups from neighbouring towns. In some of the more recent National Park processes, the involvement of such stakeholder groups have been thorough and the degree of commitment from these user groups to a "sustainable use" of the protected area have been considerable. The

experience from these protection-area processes points towards new avenues in managing coastal resources.

The fundamental paradigm for such a commitment is agreement about an ecosystem approach to the governing of coastal resources. This means an acknowledgement from fishers and aquaculturalists of their dependence on a constant flow of ecosystem services from the wild coastal environment. But it also means an acknowledgement from conservationists and leisure users of the importance of continued use and living culture in preserving an attractive cultural landscape on the coast. Thus for the first time, some of these processes are faced with the challenge of managing both pristine, conserved, enhanced and farmed coastal ecosystem elements simultaneously. This means in addition to an ecosystem approach, also a clear specification of different access, harvesting and exclusion rights on part of the various stakeholder groups. And it means that management rights and co-management duties must be clearly specified among the various user groups, who once the constitutional by-laws for the Coastal or Marine Park are established, must make credible commitments to adhere to these. All this preconditions are probably necessary in order for the state to hand down the management rights to the users of a complex coastal environment. However, before doing that, the state also has to obtain guaranties that no user group will attempt to alienate the coastal resource to outside interests, but will remain committed to use and manage it together.

Such a governing model, based on an ecosystem rationale, but with a specification of access, harvest and exclusion rights and a credible commitment of all user groups to management task, but without alienation rights, is the classic definition of a Commons: A Coastal Commons for people living and using the coast.

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