

Sealing Regimes:
*A Regime Theoretical analysis of the effects of EU -
Regulations*

Rune Karlsen
STV- 3900 - Master thesis in Political Science - May 2017

ABSTRACT

This thesis utilizes the framework of Regime Theory to analyze the relationship between legislation implemented within one actor and the effects of this legislation in other actors of the same regime. The legislation I have chosen to exemplify this is Regulation (EC) No 1007/2009, which has been implemented within the EU. This regulation effectively bans all products derived from seal from the internal market of the EU. To analyze the effects of this regulation, I have analyzed documents put forth by Canada and Norway, two of the leading nations in the sealing industry, to see how the regulation has effected this industry and the management of Arctic stocks of seal. Additionally, I have studied the effects of the regulation on the political environment between the actors, and the result and precedence set by the challenge put forth to the WTO by Norway and Canada against the regulation.

This thesis concludes that the industry and management has been affected negatively as a result of the regulation. The political environment has been affected to some extent where the EU has been refused admittance to the Arctic Council, albeit not preventing the continuation, evolution and emergence of trade agreements. The WTO verdict was in the favor of the EU, setting precedence on questions of animal welfare vs. trade.

ACKNOWLEDGEMENTS

I would like to thank my supervisor Hans-Kristian Hernes for guiding me in the process of writing this thesis. His inputs on structure and contents have been invaluable, and I am deeply grateful.

At times, the writing of this thesis has seemed a Sisyphean task where however much time and effort I devoted, the list of things to do seemed to never stop growing. As such, I need to thank everyone around me for positivity and support. Special thanks go out to Ann-Heidi, Hauk, Dina and Sigbjørn for taking the time to proofread and helping me elevate the quality of my thesis.

“Don’t Panic” – Douglas Adams, The Hitchhiker’s Guide to the Galaxy

Word count: 27989

Tromsø, 15. Mai 2017

CONTENTS

Abstract	iii
Acknowledgements	v
Tables	ix
Figures	ix
Abbreviations and Terminology	xi
Abbreviations	xi
Terminology.....	xi
1 Introduction.....	1
1.1 Thesis.....	2
1.2 Research questions.....	3
1.3 Norwegian sealing	3
1.4 Sealing in the Arctic.....	3
1.5 Sealing defined	4
1.6 What’s the catch?.....	5
1.7 EU and Norway.....	5
1.8 Topic and Background	7
1.9 The ethics of sealing	8
1.10 structure	8
2 Regulation (EC) No 1007/2009	9
2.1 Moving towards a ban.....	9
2.2 Contents	10
2.3 Exceptions	12
2.4 Interpretations	13
3 Theoretical framework.....	15
3.1 Regime theory	16
3.2 Regimes of interest.....	19

3.3	Emergence of Regimes	22
3.4	Persistence and change.....	23
3.5	Canada and the EU	26
3.6	The European regime	26
3.7	Regime of nature management	27
3.8	Summary.....	30
4	Method of research.....	31
4.1	Qualitative design.....	31
4.2	Document analysis	32
4.3	Quantitative method.....	33
4.4	Credibility, weaknesses and Strengths.....	34
4.5	Validity and reliability: ensuring quality.....	35
4.6	Utilizing data.....	36
4.7	Statistics and tables.....	38
4.8	Ethical Considerations	38
5	Analysis & discussion.....	39
5.1	WTO trade dispute	40
5.1.1	Challenging interests	40
5.1.2	Outcome and consequences	42
5.2	Norwegian management.....	45
5.2.1	Structure of reports.....	45
5.2.2	Leading up to the Regulation	46
5.2.3	Aftermath of the Regulation	48
5.2.4	Regional management, local problems.....	51
5.3	Norwegian export and industry.....	52
5.3.1	Export	53
5.3.2	Industry and subsidies.....	55
5.4	Political relations	57

5.4.1	The Norway-EU Dimension	58
5.4.2	EU and Canada - Arctic shutout.....	60
5.4.3	Trust, Trade and Agreements.....	62
5.4.4	Conflicting cooperation and clashing culture.....	64
5.5	Summary.....	64
6	Concluding comments.....	67
6.1	Findings.....	67
6.2	Shortcomings.....	68
6.3	Further research.....	69
6.4	An uncertain future	70
7	Sources	71
8	Appendixes	75
8.1	Appendix 1.....	75
8.2	Appendix 2.....	77

TABLES

Table 1:	defining schools of Regime Theory.....	18
Table 2:	TAC and taxation 2005-2010	47
Table 3:	TAC and taxation 2011-2015	49
Table 4:	Kilos of fur exported from Norway.....	53
Table 5:	Taxation, blubber production and revenue from the Norwegian sealing industry.....	56

FIGURES

Figure 1:	Area of distribution, feeding and shedding for Harp seal	4
Figure 2:	TAC process	46

ABBREVIATIONS AND TERMINOLOGY

ABBREVIATIONS

AC – The Arctic Council in its current constellation

EEA – European Economic Area

EEC – Former abbreviation for the European Union (European Economic Community)

EU – The European Union in its current constellation

GATT – General Agreements on Tariff and Trade

IR – International Relations

NAMMCO – the North Atlantic Marine Mammal Commission

TAC – Total allowable catch

WGHARP – Joint ICES/NAFO/NAMMCO working group on harp and hooded seal

WTO – The World trade organization

TERMINOLOGY

By-catch – animals accidentally caught in nets and other instrument not intended for them

Commercial hunt – Hunt of animals conducted with the goal of making a profit

Fertility rates – The potential production of individuals within a population

Landing/Land – when used in relation to sealing it means to take the catch in to harbors

Population – The total number of individuals within a species at the time of estimation

Robustness – a populations ability to withstand external and internal pressure

Sustenance hunt – Hunt of animals carried out to sustain a family or community

Stock – A population of animals which is being taxed

Taxation – The total number of individuals removed from a population

Yearlings – Animals younger than one year

1 INTRODUCTION

In the world of politics and nations there are institutions that in one way or another overarch national sovereignty. Some delve into issues of economics, some administrate human rights, some deal with military security and some are coalitions between nations that have been erected to ensure equality in trade and legislation across borders. One such supranational institution is the European Union (EU). The EU is an organization that started simply as a trade regulating institution by the name of The European Coal and Steel Union in 1951 (Glencross, 2014: 34). Since then it has evolved, and taken upon itself tasks of legislation, an expanded mandate on trade and trade regulations as well as a multitude of other areas of economics (Glencross, 2014: 58).

In 2009 the EU parliament passed a regulation on the trade of seal products within and into the EU. This regulation banned all import of products derived from- or containing products derived from commercial seal hunts. In effect shutting down the entire market for seal products in the EU, and subsequently, in most of Europe. This regulation has been discussed vividly, and it is proposed by Canada and Norway in particular, that this is an illegal trade embargo (Hossain, 2013).

The goal of my thesis is to examine and analyze how legislation in the EU affects Norwegian management and businesses. The thesis' main focal point will be turned upon the EU regulation named Regulation (EC) No 1007/2009 (EU, 2009), regulating import of seal products into the EU, and how this regulation has affected Norwegian sealing business and -management. On the business side, I will be focusing on whether the export pattern of Norwegian sealing has been altered after the implementation of the regulation, in terms of quantity. On the management side, I want to look at whether or not the Norwegian government has changed its mode of management as a result of the regulation. Norway is a significant actor within the Arctic sealing industry, with Canada being the largest (Hossain, 2013: 2). It goes without saying that a regulation imposing restrictions on the sealing industry hits hardest in these two countries. This also provides us with a backdrop on why these two states in collaboration have chosen to impose a challenge to the World Trade Organization (WTO), where they want to contest the legality of the regulation, per WTO rules on trade.

1.1 THESIS

How and why does regime interaction affect the management and industry of sovereign nation-states?

This is the main problem of my thesis, from which all of my research questions have originated. I have chosen the 2009 EU ban on seal products as a case on how legislation in one regime actor can affect others (EU, 2009). I have chosen to look into the Norwegian sealing management and -industry to look at the effect of the regulation.

The theory I have chosen to apply to my thesis is Regime Theory. A regime theoretical approach has the ability to comprehend that my empirical data stems from different fields of science without problem. This is due to the fact that it allows me to treat the different rules and norms governing nature-management and trade within the concept of regimes. The regimes I will deal with in my thesis are as follows: The European trade-regime, the WTO trade-regime and the scientific regime of nature-management.

The subject of my thesis is to discover *How and why does regime interaction affect the management and industry of sovereign nation-states*. The main focal point will be on the relationship between EU and Norway. I have chosen Norway and the EU as I believe they are good examples of how supranational regimes have the ability to affect national states. This is due to Norway not being a formal member of the EU, but still a subject of EU legislation, norms and politics. The EU-Norway dimension is also of interest since it has quite a long history and many cases that can be highlighted to exemplify how supranational legislation affects nation-states. The reasoning behind choosing the sealing industry and Regulation (EC) No 1007/2009 is that this is a fairly new regulation, and a rather dramatic one. Where most regulations impose some sort of change in legislation, taxation or tariffs, this regulation has in effect banned the import of all products derived from seal into the EU (EU, 2009). This is potentially detrimental to Norwegian sealing industry.

Additionally, I have chosen to include the Canada-EU dimension into my thesis. This is because Canada is the biggest actor in the sealing industry (Hossain, 2013: 2), and such a regulation should have an effect on Canada as well. The WTO regime has been included in my thesis as the regulation in question is one of trade, and in effect it breaks with the norms and rules of the WTO. Thus, it is interesting to see how this regime deals with infractions. For the record, I

will sometimes be referring to the Regulation (EC) No 1007/2009 by its full name, and sometimes simply as the regulation when I deem it unnecessary to write out the full name. No other regulations will be utilized in my thesis.

1.2 RESEARCH QUESTIONS.

- Has Regulation (EC) No 1007/2009 implemented by the EU had an effect on the management practice of the management regime pertaining to the populations of the Arctic seal stocks?
- Has Regulation (EC) No 1007/2009 implemented by the EU had an effect on the Norwegian sealing industry and the export of seal products?
- Has Regulation (EC) No 1007/2009 had an effect on the relationship within the European political regime or the relationship between Canada and the EU?
- How did the Norwegian and Canadian challenge to the WTO trade regime, against the EU end, and what are the after-effects?

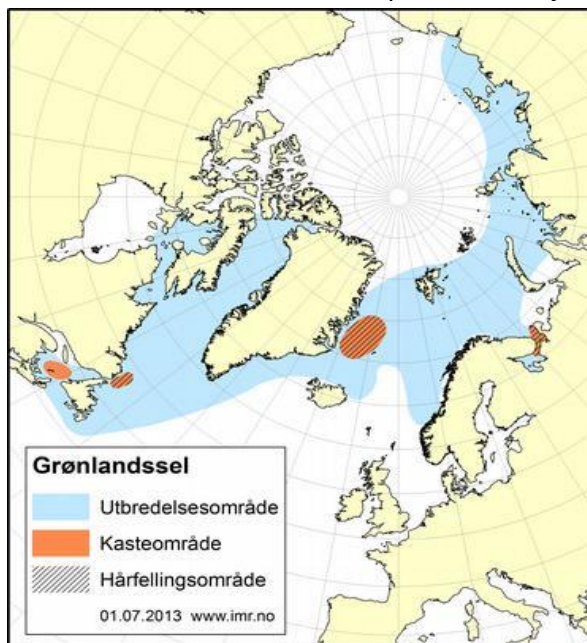
1.3 NORWEGIAN SEALING

Sealing has a longstanding position in Norwegian history. Sealing as a means of sustenance has been present for as long as there has been people living along the coastline of Norway. The last century, technological advances has enabled the launch of an unprecedented sealing adventure further into the Arctic Ocean. Ever since, Norwegian sealing has been subject to critique and criticism. Much of this critique is justified, as exemplified by the information which surfaced in 1988, when a sealing inspector stood forth with damning evidence on how the hunts were carried out (Aftenposten, 2010). However, sealing as a business and management of seal-stocks has come a long way since the lawless conditions of early industrial sealing. It has evolved into an enterprise heavily regulated and controlled through various measures. Thus, sealing and the cultural heritage it carries has become a legitimate industry to a majority of people within the constitutional monarchy of Norway (Fiskeribladet, 2016) (Sellheim, 2015: 200).

1.4 SEALING IN THE ARCTIC

All the Arctic states are in one way or another involved in sealing. However, it is only Norway and Canada that participate in commercial seal hunts. In Sweden and Finland, sealing is a

means of pest control, as certain species of seal are bearers of parasites and diseases that affect fish-stocks, in addition to the belief that seal exert unwanted taxation on fish-stocks (Sellheim, 2016a: 2). In Russia, there is some commercial sealing, but it is not considerable in size. Additionally, Russia has some activity in the seal stocks the Norwegian sealing industry tax (Sellheim, 2015: 202). Commercial sealing in the Arctic is carried out in the East- and West-ice, as well as outside of Newfoundland. The West-ice is an area just outside of eastern Greenland, between Svalbard and Iceland. This is the area where most of the Norwegian sealing takes place. The East-ice is an area covered in drifting ice, which is located in the Arctic Ocean, between the western part of Novaja Semlja and the eastern White Sea. Recreational



seal-hunting is still carried out in all Arctic states, and it is a vital means of population control. Earlier, seal hunting as a means of sustenance has been essential in all Arctic states. However, there are few societies where seal-hunting is carried out as a means of sustenance in modern time. Although one such society still exists in Newfoundland (Sellheim, 2016b). There are a few indigenous communities as well who are reliant on sealing for their sustenance hunts (Hossain, 2013: 1).

Figure 1: Area of distribution, feeding and shedding for Harp seal¹

1.5 SEALING DEFINED

As mentioned, sealing has a long and substantial history in Norwegian context (Norway, 2010: 79-82). In later years, as more regulation on sealing has been introduced, we can with a high level of confidence estimate how many individuals of the different species of seal there are in the areas where commercial hunt occurs. This is also the case along the coast of Norway where recreational hunting occurs, giving a good baseline for the total allowable catch (TAC) quotas in local hunting. The recreational hunting along the coast of Norway will however not be included in my research, as it is not included in the statistics pertaining to commercial sealing.

¹ NORWAY. 2009b. *Grønlandssæl*. <http://www.imr.no/temasider/sjopattedyr/sel/gronlandssel/nb-no> [08.01 2017].

However, the absence of commercial sealing may have an effect on the seal populations along coastal Norway (Aftenposten, 2015).

The yield of the catches is registered as it is brought in. This makes it possible to collaborate with the tables provided by the Norwegian Institute of Marine Research and analyze these. By examining these tables in the years prior to Regulation (EC) No 1007/2009 (EU, 2009) as well as subsequent years to see if there has been a difference in TAC and yields prior to and after the regulation. Thereafter, I will go through statements and strategies concerning both sealing business and management from the Norwegian government and the Norwegian private sector to see how the differences in taxation can be given the best explanation. Additionally, I will present some of the numbers concerning distribution of products derived from seal. More specifically, I want to see if there has been a decrease in export of seal products and if there has been a shift towards internal distribution of products derived from sealing within Norway.

1.6 WHAT'S THE CATCH?

Sealing is a general term meaning the hunt and killing of species of pinnipeds, or as they are commonly known, seals. However, the way I utilize the term sealing in my thesis does not include all pinnipeds. This is because my thesis focuses on the Arctic, and the commercial sealing executed there. Within modern sealing, the species that are taxed by Norwegian and Canadian vessels are harbor seals and hooded seals. These are, however, not the only species that have been taxed by vessels. Up until the 1950s, vessels also caught quite a bit of walrus. Additionally, Norwegian vessels were hunting bearded seals and ring seals in the Arctic. Hunting of the latter two species subsided and stopped completely in the 1980s. Since the turn of the millennium, rather few vessels have been involved in sealing on the Norwegian side (Haug and Øigård, 2009: 1) (Haug and Øigård, 2015: 1).

This means that whenever I mention sealing in my thesis, it is the hunting and killing of harbor- and hooded seals. This is because of the period of my empirical data, which stretches from 2005, and up until 2015. Thus, the remaining species of Arctic seals are exempt from my thesis.

1.7 EU AND NORWAY

The sovereign state of Norway, as well as a few others have a special relation to this supranational institution. Norway is not a member of the EU, but the country has signed a

trade treaty that gives it a special position in regards to the EU. This agreement bears the name of EEA (European Economic Area) and is an alternative to the EU (Claes and Tranøy, 1999: 8). In essence, this agreement is a less invasive version of the EU, where its members are subject to most of the legal implications and decisions made in the EU. Although a membership in EEA is less comprehensive than a membership in the EU, the EEA does in reality force much of the EU legislation on trade upon its signing parties (Norway, 2012a: 235).

Norway has on four occasions considered EU/EEC membership, first in 1962, secondly in 1967, thirdly in 1972 and lastly in 1994 (Norway, 2012a). On the first and second occasion, it was turned down by the EEC itself. The question of EU membership was turned down by Norwegian referendum on the two subsequent occasions (Claes and Tranøy, 1999). Thus, it becomes evident that, in modern times, Norway as a nation has not wanted to become a full member of the EU, but rather a trade partner. The EEA agreement compels Norway to adapt to legislative action taken by the EU. With legislative action, we are in essence thinking of legislation pertaining to the business world. Under this umbrella we find legislation pertaining to animal welfare, safety regulations in a wide range of businesses, the legality of trade regulations, customs and much more (Hoekman and Kostecki, 2009: 60).

Before we delve into the subject of my thesis, we have to give a general outline of the EEA agreement and a short rendering of how the EU exerts formal and informal power over the members of EEA, specifically how it affects Norway. Historically, Norway has not had the ability to choose which of the measures produced by the EU it has had to adapt to through EEA. However, the Norwegian government recognizes that the current globalized economy and overall market situation requires regional cooperation (Norway, 2012a). The EEA agreement is an alternative to countries who do not want to be a formal and constituent part of the EU, but still want to be a part of the tariff-free and free trade environment. The EEA carries the base idea of the EU which is to create and maintain a free flow of trade, people, services and products (Claes and Tranøy, 1999: 3). The EEA agreement is of such importance for Norway that all of the departments of the Norwegian governments have ongoing projects concerning the practical utilization of the agreement. The reason I am keeping a high focus and devoting a lot of time to the EEA agreement, and subsequently omitting other important agreements in the EU-Norway sphere is that this is the main agreement concerning trade, both import and export, between Norway and the EU. Thus, the EEA agreement is the channel

most affected by import bans and -restrictions between Norway and the EU. The EEA is somewhat unique in a global sense. It gives its constituents a unique access to the open market economy of the EU while giving the EU a reciprocate access to their economies (Norway, 2012a: 254). There are other agreements like the EEA in other regions of the world, however, these are not as comprehensive and invasive as the EEA agreement and do not affect the focal point of my thesis to a relevant degree.

Although there are several other agreements across several areas of politics, economy and security, the EEA is one of the most comprehensive regional agreements in Norwegian context. There are other signatory members of the EEA agreement (Norway, 2012a: 18). However, as these are not subjects of my thesis, I will not devote any time to these countries. There are other regional agreements of note, however, I will not devote much time to these. Examples of such agreements are NATO, Barents Council and the Arctic Council. Although these are important, they are but side-steps in my thesis and I will mention them where relevant, without discussing their historical background or contemporary importance.

1.8 TOPIC AND BACKGROUND

It is the regulation of 2009, regarding the import of products derived from seal into the EU that makes the base of my topic. Through this I will explore how the EU as an institution can affect the management, businesses and legislation in the sovereign state of Norway, specifically within the context of sealing. Thus, I will investigate whether Norwegian sealing has changed since the implementation of the regulation in the EU by analyzing the management practices prior to, and after the regulation came into effect. Additionally, I will look into what statements the Norwegian government has released pertaining to the sealing business, and see if these correspond with reality.

The reason the topic of my thesis is of interest is due to sealing having a long and robust position in Norwegian society and culture (Norway, 2010: 79-82). Subsequently, when a large part of the market for products from Norwegian sealing business shuts down, the effects are of interest. By extension, it is interesting to see how supranational institutions have the ability to affect and guide the actions and interests of sovereign national-states. The potential political and legal impact of the regulation is also an inherently interesting dimension, as legislative and regulative actions can have unintended consequences in areas outside of trade.

1.9 THE ETHICS OF SEALING

There is an inherent ethical component in sealing, as there is with any forms of hunting and animal husbandry. One of the key points in the preamble of Regulation (EC) No 1007/2009 specifically states that “Seals are sentient beings that can experience pain, distress, fear and other forms of suffering” (EU, 2009: (1)). This is in part what has sparked the discussion on the ethicality of sealing and led to the decision of the EU, under pressure from its citizens, to ban seal-products from entering the EU market. This discussion is a very interesting one, and has sparked the emotions of people both in favor of- and against sealing. What I want to emphasize here is the word emotions, because it is emotions that rule much of the public debate. Due to this, I have elected to disregard this debate. I will do my best to keep an objective view on sealing and rather delve into the effect of the trade regulation on Norwegian sealing management and business, and the legality of the trade regulation.

1.10 STRUCTURE

My thesis is divided into six chapters. In chapter 2 delve into Regulation (EC) No 1007/2009 and give an outline of its contents and impact areas. In chapter 3 I comprehend the theoretical framework of my thesis and how I have chosen to utilize it. In chapter 4 I go through the method I have used to analyze my empirical data and how that data has been collected. Chapter 5 will contain my analysis and discussion, which is based on my theoretical framework. In chapter 6 I will give concluding remarks upon the contents of my thesis, as well as the future impact on and advice to further research in this field.

2 REGULATION (EC) NO 1007/2009

The Regulation (EC) No 1007/2009 is a trade regulation conceived in 2009 and is meant to regulate the import of products derived from seal hunts into the EU areas (EU, 2009). This regulation is a response to a movement within the constituents of the EU where large parts of the population of these constituents deemed the large-scale hunt of seal illegitimate and cruel. This movement had the support of celebrities and environmental organizations such as Greenpeace which, in the eyes of the people displeased with sealing, legitimized their stand on sealing. As mentioned, I will not take a stand on the ethics and legitimacy of the anti- or pro-sealing movements. It is however important to give an account of how the Regulation (EC) No 1007/2009 came to be, and to do that I have to devote time to the narrative preceding the regulation. This is what I will do in this segment of my thesis. First, I will give an outline on how the regulation came to be. Secondly, I will give a general outline of the regulation, both the preamble and the Articles of the regulation.

2.1 MOVING TOWARDS A BAN

Although the EU has been tightening the regulations regarding sealing over years, there was an increased resistance against sealing in several European countries in the 2000s, where people expressed concerns about how sealing was carried out (Wegge, 2013: 255). As commercial sealing in practice is only carried out in the Arctic states, the Arctic sealing became the tangible target of this critique. The movement quickly spread throughout Europe and found support in profiled organizations and people. This proved effective, and in 2009 a regulation was passed within the EU. The regulation was originally meant to limit which actors could import seal products into the EU, and labelling was proposed to ensure that the seal products in the EU market were derived from humane hunting regimes. However, when the regulation came into force, it had changed character. Regulation (EC) No 1007/2009 effectively barred all products derived from commercial seal hunts from the inner market of the EU (EU, 2009). Thus, a large part of the market for the sealing nations Norway and Canada was shut down, practically overnight. What is interesting here is the process where a trade restriction on products derived from sealing turned into trade ban on products derived from commercial sealing.

The movement started out with people expressing their concern about how sealing was carried out. In particular, pictures of seal pups being clubbed to death on the Arctic ice awakened ire (Martinsen, 2014). As a response to this, politicians in Brussel started drafting a regulation which would further limit the import of products derived from sealing. The early drafts were originally intended to force the actors involved in sealing to impose stricter regulations on how the sealing was conducted, in order to enforce a more ethically responsible and humane regime on how seals were killed. The movement against sealing has a long history in Europe, as the first directive regulating the import of seal skin was adopted in 1983 (Hossain, 2013: 1).

Ever since, the regulations have tightened and the market for products derived from seal has become harder to get into. The regulation from 2009 is the last in a long line of regulations mirroring the disdain the people of the EU hold for sealing. The results were, as mentioned, not the foreshadowed stricter regulation as a continuation of the preceding regulations. The result was the emergence of a regulation that almost completely banned products derived from seals from entering the internal EU market (EU, 2009). The commission, which is the body of the EU which proposes legislation, had drafted a proposal which would attempt to both appease the inhabitants of the EU and its fellow WTO members Canada and Norway (Wegge, 2013: 256). After going through the European Parliament, the legislative body of the EU, the regulation had changed drastically. Instead of trying to appease both the inhabitants of the EU and countries invested in the sealing industry, the European Parliament had taken the side of the voices criticizing commercial sealing and carried their wishes out to the fullest (Wegge, 2013: 256). The result is a total ban on products derived from commercial sealing from the internal market of the EU.

2.2 CONTENTS

In its preamble, the regulation explains what the sentiments behind the regulation are, as well as how it is to be adopted. To get a better understanding of the regulation, I will give a short rendering of the preamble.

The first point in the preamble describes seal as sentient beings. Further, it goes on to state what limitations the EU already have established, as well as describing where seals are hunted, and what commodities derive from seal. Next it describes the concerns the people of the EU

have in regards to sealing practice and the discrepancy between the demands the different constituents of the EU have towards the origins, marketing and distribution of products derived from seal. It is argued that this makes it difficult for consumers to distinguish products containing seal-produce from products not containing seal-produce. Thus, the preamble argues that the regulation should create a unison set of rules governing the import and distribution of products derived from seal (EU, 2009). The preamble subsequently argues for a holistic set of rules for the market, to ensure that the responsibility the EU has towards its inhabitants, as well as its responsibility towards animal welfare is fulfilled. Next it states that it is very difficult to establish that the killing and skinning of seals is done in accordance to prevailing standards in animal welfare. After this, it goes on to argue that coordinated labelling of products containing seal-produce can't produce the desired effects, as well as stating that this regulation should not only apply to products originating within the EU internal market, but also products entering the market externally (EU, 2009).

This is followed by a point establishing that economic and social interests of Inuit societies and their subsistence hunts are to be exempt from the language of the regulation. Next it describes why this regulation is without prejudice towards national or Community rules regulating sealing, and how the regulation should be adopted through the power of the Commission. It also argues that the Commission is to define the conditions for the placing of seal-products on the market by Inuit communities. Next, it entails that the Commission should give technical guidance towards the adoption of the regulation. Additionally, it encourages member states to lay down rules on penalties for infringing upon the regulation as well as encouraging member states to report on actions taken towards implementing the regulation. Lastly, the preamble argues that a regulation such as this wouldn't be feasible through member state legislation, and must be done on a Community level, and that this regulation has been drafted and put into force to harmonize rules for the entirety of the EU and its member states (EU, 2009).

The core of the legislation is rather brief, as most of the conditions of the regulation is contained within the preamble. Still, this is where we find what it actually entails and why it is potentially severe towards non-member countries. Article one states that the purpose of the regulation is to "harmonize rules concerning the placement on the market of seal products" (EU, 2009: Article 1). Article 2 consists of definitions, where "seal" is defined as all species of

pinnipeds, “seal products” is defined as all products containing produce from seal. “Placing on the market” is all activity where products are introduced to the EU internal market. “Inuit” is defined as all members of indigenous communities of Arctic Inuit areas and “import” defined as all goods entering the EU through customs (EU, 2009: Article 2). Article 3 is of such a nature that it is necessary to deal with it in a separate segment of the thesis, but it mentions parties exempt from the regulation. Article 4 demands that the parties mentioned in Article 3 shall not be impeded in the placing of seal products onto the market (EU, 2009: Article 4). Article 5 establishes that the Commission shall be assisted by committees relevant to the regulation in enforcing and regulating the procedures relating to the regulation (EU, 2009: Article 5). Article 6 establishes that Member States are to lay down rules and penalties where the word of the regulation has been infringed upon (EU, 2009: Article 6). Article 7 demands that reports are to be made every four years relating to actions taken to implement the regulation, as well as stating that the Commission is to report to the European parliament and to the Council on the implementation of the regulation within 12 months of the last report period. Article 8 states that the regulation is to be applicable from the 20th day after publication in the *Official Journal of the European Union* (EU, 2009: Article 8).

2.3 EXCEPTIONS

As mentioned, the regulation limits the import of products derived from seal into the internal market of the EU. However, you find important divergences from the general regulation in article 3 (EU, 2009). As is often the case, some of the most interesting parts of legislation is in its exceptions. Point 1 in this article states that seal products derived from indigenous hunts are exempt from the regulation. This means that seal products that are labelled in such a way that they are distinct and recognizable, as well as indisputably derived from indigenous hunt can be circulated into the internal market of the EU (EU, 2009: Article 3 , 1). However, this article in the regulation has proven difficult to fulfill (Sellheim, 2016b). Indigenous people have had difficulties placing products derived from their sustenance seal hunts onto the EU market (Sellheim, 2016b: 123). This is due to the market lacking the mechanisms required to recognize the difference in seal products derived from these hunts, as opposed to commercial hunts. As this recognition is necessary to be able to place seal products derived from sustenance hunts onto the EU market, communities in areas such as Newfoundland have had one of their main modes of income barred to them (Sellheim, 2016b). As per Newfoundland, it is important to

mention that the regulation differentiates between sustenance hunts for indigenous and non-indigenous communities. The latter is not by any means covered in article 3.

Additionally, there are two minor exceptions from the ban on products derived from sealing. Firstly, people can bring products derived from sealing across the border from outside of the EU into the EU if it is clear that there is no intention of distributing the products within the EU for commercial reasons. The non-commercial restriction in the regulation refers strictly to the nature and quantity of the products brought into the EU (EU, 2009: Article 3, 2 (a)). Secondly, products derived from hunts driven by “hunting that is regulated by national law” (EU, 2009: Article 3, 2 (b)) are exempt from the regulation. This means that hunters in states such as Sweden, where hunting is a means of population regulation can distribute products from their hunts within the EU. It is however an important wording in this exempt that explicitly states that this circulation of products derived from seal shall be non-profit. Thus, the Regulation (EC) No 1007/2009 does not ban the distribution of products derived from sealing within the internal market of the EU. It only bans products derived from commercial sealing. However, the exemptions are heavily restricted, and the nature of the regulation makes it difficult to actually distribute such products.

2.4 INTERPRETATIONS

Now that the facts of the Regulation (EC) No 1007/2009 have been established, it is time to interpret what this entails for the inner market of the EU. Again, I will return to Article 3. This is because this is where the language is most concise. This article states that placing seal products onto the market is “allowed only where the seal products result from hunts traditionally conducted by Inuit and other indigenous communities and contribute to their subsistence” (EU, 2009: Article 3, 1). Thus, all seal products from commercial hunts are to be excluded from the market. This is also stated other places in the regulation, but Article 3 is where the letter of the regulation is the least ambiguous and most clear. Most of the other articles, as well as the preamble states that the regulation has set out as its only mission to harmonize rules of import in regards to seal products, but does not state unambiguously that these products are going to be banned from the internal market of the EU.

3 THEORETICAL FRAMEWORK

The goal of this chapter is to give an insight into the theoretical framework I am utilizing as an analytical tool. In my thesis, I am interested in finding out *How and why does regime interaction affect the management and industry of sovereign nation-states*. Additionally, I am interested in what ripples EU legislation cause in countries and institutions outside of Europe.

The framework for my discussion will be contained within Regime Theory. Regime Theory, is able to give a satisfactory explanation on how actors of a regime are able to make decisions that affect other actors. In my thesis, the former is the EU and the latter are singular nation-states, predominantly Norway. However, the piece of legislation that will be my main indicator of how the EU regime affects Norway has had effects outside of Europe. To elaborate; there has been a trial in the World Trade Organization (WTO) on whether or not the Regulation (EC) No 1007/2009 is in accordance to rules on international trade (Perišin, 2013: 9). This trial was incited by Norway and Canada in collaboration and proposes that the EU is in violation with international trade law. Thus, Canada has been included into my thesis as a nation state.

Regime Theory highlights relationships between countries and institutions in a way that largely omitted hard power as an asset, while still pertaining to the notion of countries as holistic actors. The need for a “non-hard power” approach quickly led me to discard Realism as a working theory. Although Neorealism has tools that are capable in dealing with international institutions, it struggles with delving into the inner workings of international trade. Liberalism would be a good fit. However, Liberalism in all its forms is more apt to discuss and to analyze democratic movements or the deterioration of democratic ideals. Additionally, Liberalism and its economic theory concerns itself more with how infringement upon free trade, and why infringement upon free trade happens. Although the Regulation (EC) No 1007/2009 is an example of this, the how and why of trade is of less interest to me than the effects of the regulation on nature management and the political environment.

The common denominator for the aforementioned theories (omitting Regime Theory) is that they have difficulties grasping the concept of non-political and non-state-centric institutions and ideas. As part of my thesis delves into nature-management, a theory which can comprehend this, in addition to state-centric dimensions is essential. Regime theory treats

the institutions and rules concerning the management of seal stocks as norm- and rule-governing regimes. Additionally, Regime Theory is able to comprehend and analyze the different types of constellations actors enter, as well as the institutions they are a part of. Regime Theory does not differentiate between military, trade or environmental constellations in the same way as, per say, Realism. This allows me to use the same tool of analysis on different constellations and institutions, regardless of how and why they were erected. Thus, Regime-theory provides me with the tools to analyze all the facets and assets that are important to give a legitimate and extensive analysis of my research questions.

3.1 REGIME THEORY

Regime theory is a theory of political science that pertains to the framework governing actions between a constellation of actors, be they states or organizations (Rittberger and Mayer, 1993: xii). However, the way I will utilize Regime Theory focuses mainly on inter-state relations. The theory tells us something about how one actors' actions and its regime affects and produces effects within other actors. These effects may be intended or unintended from the side of the regime-establishing actor.

In my case, I want to examine how the EU affects the national legislation, management and the business sector of the sovereign nation-state of Norway. Additionally, I want to examine how, if at all, EU achieves the impact it wants on Norwegian sealing. This will be done in the framework of international regimes, where the EU is either the regime head or at least a very influential actor.

Before I give an in-depth introduction of Regime Theory, we have to further define the key traits of Regime Theory and ask ourselves; What is a regime? As with many of the terms within social sciences, the word "regime" has a multitude of different meanings. The only definition of regime I will be focusing upon however, is the IR definition of regime. In IR, a regime is defined as a constellation of actors who coincide or have common interests in a set area of international relations (Rittberger and Mayer, 1993: xii). These actors in turn form a set of rules and decision-making bodies to ensure that the convergence of interests is made in a manner acceptable by all parties. As with any collaboration between actors, there are a set of norms and principles laid down in a regime that guide and correct members of the regime. The norms of a regime often consist of a combination of formal rule (or law) (Rittberger and

Zürn, 1991: 1), that members have a written obligation to comply to and a set of informal rules that a member isn't obligated to comply to (Hasenclever et al., 1997: 9). Though defection from informal rules and norms is definitely frowned upon. It is important to note that depending on which theoretical strand of Regime Theory you utilize, the definition of both regime and its constituents, the actors, broaden and narrow (Hasenclever et al., 1997: 199). When embarking on the task of analyzing regimes, it is important to define who the actors within the analysis is. Within my thesis, the actors are nation-states, where the EU is a constellation of such. For simplicity, I will consistently refer to the countries subject to my thesis by their name and EU by its name, as opposed to naming the different departments within the nation-states and the EU that have trade and animal welfare as their areas of expertise.

Within Regime Theory there are three distinctively different schools of thought. The difference between these schools is intrinsic and defined by four variables; Central variable, degree of institutionalism, meta-theoretical orientation and their behavioral models (Hasenclever et al., 1997: 6-12). It is important to keep in mind that these schools are not separate theories. Although they draw upon theoretical principles from other theories, all three schools are contained within Regime Theory. The three schools are the Realism-, Neoliberalism- and Cognitivist schools (Hasenclever et al., 1997: 1-2). Before presenting a table visualizing these constellations, I will delve into a brief explanation of the different schools and a description of the variables with their effect upon each school. In the Regime Theoretical Realism school, power is the central variable, institutionalism is weak, the meta-theoretical orientation is of a rationalistic approach and behavioral models are based on the assumption of relative gains (Hasenclever et al., 1997: 6). In the Neoliberalism school, the central variable is interests, there is a stronger institutionalism, the meta-theoretical orientation is still a rationalistic approach and the behavioral model is based on absolute gains maximizing. Lastly, in the Cognitivism school, the central variable is knowledge, there is a strong institutionalism, the meta-theoretical orientation is sociological and the behavioral model is role-play (Hasenclever et al., 1997: 6).

	Realism	Neoliberalism	Cognitivism
Central Variable	Power	Interests	Knowledge
Degree of institutionalism	Weak	Medium	Strong
Meta-theoretical orientation	Rationalistic	Rationalistic	Sociological
Behavioral model	Concerned with relative gains	Absolute gains maximizer	Role-Play

Table 1: *defining schools of Regime Theory*²

Although similar in many ways, the three schools have crucial differences. Therefore, it is useful to discuss the schools briefly together, as to get an inkling to how and why they are arranged as they are. In the Realist school power is the center. According to Max Weber, power is defined as the ability to coerce someone to ones' own agenda (Weber, 1971: 68). In this wide definition of power there are several facets and nuances to what power actually is. In the Realism school of Regime Theory this accounts for regime-forming. Rational actors, i.e. states, go together to form utility maximizing constellations to increase their own relative power. The aspect of relative gains thrown into this mix is paradoxical (Hasenclever et al., 1997: 6). Regimes, according the Realist school, are subsequently viewed as more porous, less effective and more vulnerable to defection than they are by the other schools (Hasenclever et al., 1997: 26). In the Cognitivist school, regimes are formed from a common strategical will, based in the actors' perceived- identity and knowledge (Hasenclever et al., 1997: 5-6). To sum up, regimes are funded upon what actors know about other actors, and by finding common ground for collaboration (Hasenclever et al., 1997: 32).

It is also of import to note that within the Cognitivist school, we have moved from the notion of actors only being states. Here, actors can be defined as the intellectuals and the elite (i.e. the decision makers) of a nation (Hasenclever et al., 1997: 136). The cognitivist school uses identity to visualize how actors act and react in certain dilemmas, and how they would construct and deconstruct regimes (Hasenclever et al., 1997: 5-6). This entails that institutionalized behavior predicates future behavior. Subsequently, Cognitivist theorists can put themselves in the mindset and identity of an actor and "role-play" their behavior

² (Hasenclever et. al., 1997: 6)

(Hasenclever et al., 1997: 156). These role-play games entail a high degree of information, and are subsequently predominantly modelled by software.

For Neoliberalism, let us return to power. Neoliberalists do not turn down power as a factor in regime-forming, but rather they utilize the wider definition containing more than the military power of states. As in other forms of liberalism, power encompasses economic strength, institutional robustness, resources and more, not excluding military power. Neoliberalists do however think that power is not the predominant factor in regime-forming. Rather, it is economic interests and incentives, combined with utilitarian and problem-solving aspects that brings a regime together (Hasenclever et al., 1997: 27).

For my thesis, I will mainly be utilizing the Neoliberalist school of Regime Theory. This is due to the lack of a distinctive power dimension in my research questions, and it would not be useful to exemplify the ban on seal products in a role play setting. Though arising from a utilitarian desire founded in animal welfare, the EU sealing ban has had adverse effect upon small societies and an effect upon sections of the economies of some nation-states. Thus, I find it useful to utilize the Neoliberalist brand of Regime Theory to analyze my research questions, as it has the tools necessary to comprehend them.

3.2 REGIMES OF INTEREST

Neoliberalist regimes, or interest-based regimes as they are called, are defined as rationalist regimes. This identifies states as utility-maximizing actors, which means they will first and foremost maximize their individual utility (Hasenclever et al., 1997: 23). Meaning that actions are taken on a rational basis to meet this end. Rationality in this sense is that the actors assume that they have sufficient information to make decisions and take actions. Another assumption made by the neoliberalist branch of Regime Theory is that actors' desires and preferences do not change notably over time (Hasenclever et al., 1997: 23). This means that actions can be predicted and counteracted by other actors within the regime. As such, actors collaborate in order to obtain outcomes which provides the most utility for everyone involved. This does not mean that actions and policies must be unchanging over time. An actor may change its mode of cooperation, or its means of cooperation in order to gain utility (Hasenclever et al., 1997: 24). A state may change its patterns of trade and consumption, both in terms of commodities and industry, as long as it works towards the goal of increased utility (Hasenclever et al., 1997:

24). Another important idea behind the Neoliberalist branch is that preferences can explain interaction, but interaction cannot explain preferences. This means that when an actor takes action, you can look at the preferences of the actor to explain why the action was taken. However, one cannot look at the actions of a state in order to try to explain preferences (Hasenclever et al., 1997: 25). To exemplify this, if a state of a regime were to shut its borders to immigrants, you can look at its preferences and deduce why action was taken. You cannot however look at the shut borders and deduce what the states preferences are. In this example, shutting down borders could be explained as a security measure, a wish to curb smuggling, protecting the working market of the state and many more potential preferences. Thus, it is essential to know the preferences of an actor before drawing conclusion as to why measures are taken.

One of the core terms of my thesis is defection. As such, I need to define what it means, what causes it and the potential outcomes following defection while putting the Neoliberalist school up against the other schools. Defection, simply put, is to abstain from behavior that is deemed appropriate within the regime (Hasenclever et al., 1997: 15). What defection means in practical terms depends on the type of regime. Within realist regimes, defection most often means some form of military action or power display that is conducted outside of an actors' sovereign ground. To exemplify, if USA were to conduct an unannounced military exercise just outside of Norway's EEZ this would be perceived as regime defection. Although Norway and USA are close allies through several regimes, this would be seen as an unnecessary display of military power, and out of terms with norms set by both the UN and NATO. Within cognitivist tradition, defection would most often mean that despite an actors' best knowledge, they would abstain from abiding by the rules invoked by all the involved actors (Hasenclever et al., 1997: 179). In the Neoliberalist school, defection is talked of mostly in terms of trade (Hoekman and Kostecki, 2009; 85). Here there is a low degree of power in play, and it is economic incentives that are most important. Defection subsequently means that an actor chooses not to comply with the norm in fees and tariffs on products, restricting export or import of one or more products as well as subsidizing one or more sectors. A consequence of defection would most likely entail repercussions in the way of higher tariffs or reduced import on one or more products. Thus, there are several ways defection may occur, and several consequences to potential defection (Hasenclever et al., 1997: 179).

However, why do actors defect? Actors defect because they are displeased by the status-quo of one or more aspects of the regime, or if a situation arises where they cannot be expected to comply (Hasenclever et al., 1997: 179). However, defection may also occur if an actors' principles are incompatible with the current regime. This is the case of the challenge of Norway and Canada in the WTO, where Canada and Norway claim that EU has defected on the trade regime, while the EU deems this defection necessary on grounds of animal welfare. The EU's preferences lie in the conservation, evolution and maintenance of animal welfare concerns in the sealing industry (EU, 2009). I will however return to this discussion later in my thesis.

When discussing defection, it is necessary to bring up the term cooperation. Cooperation is in many ways the opposite of defection. Where defection is the refusal to meet on common ground between two or more points of interest, cooperation is to have the will to compromise on some areas to win forth on others. However, cooperation rarely comes without dissent and conflict (Hasenclever et al., 1997: 32). Reaching common ground demands views that are opposing and somewhat incompatible. If states didn't have different interests and preferences, there would not be any need for institutions facilitating cooperation. This is what regimes are (Hasenclever et al., 1997: 32). Regimes are not the modes of cooperation found between states, but rather the institutions that facilitate said cooperation (Hasenclever et al., 1997: 33). Without regimes there would be no room for a term such as defection. Of course, conflict would still be abundant, and cooperation would be less present. With no institutional boundaries, states would be fending each for themselves and their interests. This entails that in a regime-less world, the international system would be more anarchical than the one we have today (Hasenclever et al., 1997: 28).

It is argued by some Neoliberalist scholars within Regime Theory that the core term concerning the function of regimes is uncertainty (Hasenclever et al., 1997: 33-34). Within the realm of international politics, there has been a prevailing belief that a state could not know the intention, interests or goals of other states. The lack of information has been cause of distrust and has made states hesitant to broke deals with other states, even when they are inherently beneficial. Regimes have made the information on actors relatively easily accessible and reliable (Hasenclever et al., 1997: 34). Thus, even when states try to cheat the system, the rules, norms and principles of regimes make cheating less likely to increase utility (Hasenclever

et al., 1997: 35). This is due to the fact of the reputation the cheaters would achieve within the regime. If one state was known as an avid cheater, there would be less incentives for the other states to cooperate with the cheater. As such, this would decrease the utility of the cheating state (Hasenclever et al., 1997: 34). Thus, regimes have an inherent mechanism for facilitating cooperation and utility maximization.

3.3 EMERGENCE OF REGIMES

I will not go into the specifics of how the regimes of my thesis were erected, but to understand regimes the reasoning behind the construction of regimes has to be made clear. Traditionally, there are two mainstream ideas of why regimes are constructed within Regime Theory. On the one hand, we have the Realist notion of regime emergence. On the other, we find the Liberal tradition of regime emergence (Rittberger and Mayer, 1993: 139). I will not deal with the Realist arguments of why states enter regimes, as I have chosen not to take a Realist approach to my thesis. Suffice to say, it deals in length with issues of power and relative gains (Rittberger and Mayer, 1993: 140). The incentives for constructing regimes within the Liberal branch of Regime Theory is akin to what we would expect to find within any Liberal theory. This branch of Regime Theory states that the emergence of regime can be explained best by a desire to construct trade relations which are steady and have longevity (Rittberger and Mayer, 1993: 139). This is in order to prevent market failures. However, as the literature I have on my theory precedes the 2009 market crash, it does not take in the complexity of this financial crisis, which has been argued by some to be a direct effect of our institutional interdependence.

As with regime interaction, once again, we find convergence and divergence at the core of Regime Theory. It is argued that a regime arises when there are differences and convergences in interest areas. As to try to ameliorate the differences and to find common solutions on the areas of common interest states enter conversations, either individually, or with one state representing the voice of many and try to fixate agreements on which they can cooperate (Rittberger and Mayer, 1993: 205). When discussing regime emergence, we must keep in mind that states involved in regime emergence are selfish entities (Hasenclever et al., 1997: 37). Thus, they strive to forward their own interests and their own agenda as to increase their own utility. In the case of Neoliberal regimes, utility is increased by decreasing the cost of moving

products onto the markets of other states, and subsequently increasing the profit (Hasenclever et al., 1997: 37). If joining a regime shows no prospect of increasing utility, states will subsequently be hesitant in joining said regime.

Once again, the term information is essential, although here in a different guise. When making a regime, the states entering the regime need to be sure that the other states are trustworthy (Rittberger and Mayer, 1993: 206). As such, trust is at the core of regime construction. States need to trust that the other states are not going to back out or cheat the system before entering the regime. It is very difficult for a state to prove it is trustworthy before entering a collaboration, so to measure the term “trust” one looks for the absence of evidence. This means that states look for the absence of cheating and the absence of detrimental behavior in the history of other states when seeking to construct a regime (Rittberger and Mayer, 1993: 206). This means that a state which historically has acted negatively in former collaborations and agreements would find other states hesitant to enter a regime with it. Likewise, if states find no evidence of such detrimental behavior in the history of other states, the emergence of a new regime is more likely. This is also reliant on experience (Hasenclever et al., 1997: 38). If a state has partaken in regimes in the past, and have good experiences with regime interactions, and with the potential future collaborators, the emergence of a new regime is more likely. Thus, the factors leading up to the emergence of a regime is that there are common and diverging areas of interest and some level of trust, as well as a belief that entering the regime does increase utility. It goes without saying that there are other, minor facets influencing whether or not a regime would arise. However, these are core elements required for a regime to form (Hasenclever et al., 1997: 184).

3.4 PERSISTENCE AND CHANGE

As regimes emerge, they sometimes persist. The factors affecting the emergence of regimes also have a saying in whether or not their existence is continued (Rittberger and Mayer, 1993: 213). Trust, common areas of interest and increasing utility still play a role when the question of whether a regime should persist arises. Additionally, institutionalized thinking is an important factor of whether or not regimes persist (Rittberger and Mayer, 1993: 215). This entails that there is a set way of behaving and acting within a regime, and that past beliefs and actions guides future beliefs and actions. However, sometimes the constellations and

functions of regime change, and there are two different theories concerning why they change (Rittberger and Mayer, 1993: 217).

The first incentive of change is also found in the theory of evolution, and concerns crisis' (Rittberger and Mayer, 1993: 218). It is proposed that the actors of a regime work together for long periods where it is business as usual, and suddenly a crisis occurs. This crisis may have an effect on certain actors of the regime, or the regimes function as a whole. The point of this is that the regime suddenly has to adapt to a new environment, and as such change happens suddenly and lurches the regime forward. If it does not change, it is likely that the regime will succumb to the crisis and cease to exist or simply fall behind and become ineffective. This is as with the evolution of species. Where and when a crisis occurs, species either adapt or succumb to it and become extinct. Some regime theorists do reject this form of regime change, as "states rarely disappear" (Hasenclever et al., 1997: 37). However, I do believe that the point being made here is not that the states disappear, but rather their roles as actors in the disappearing regime. The other form of regime change is slower (Rittberger and Mayer, 1993: 218). This form of change is concerned more with learning than adaptation. Whereas the first form adapts to an upcoming crisis, this form learns over time what works and what doesn't work. So when new problems occur and new agendas arise, they learn how they can meet these problems and so change the form of the regime (Rittberger and Mayer, 1993: 219).

Inherent in the latter of the two forms of regime change, we find two criteria that need to be present for regime change to occur. First, the coalition of states need to be somewhat coherent on what the interests and future of the regime is to be (Rittberger and Mayer, 1993: 219). Secondly, there has to exist a considerable amount of consensual knowledge on which all actors of the regime agree upon, as to test the solutions for the new problems that arise. Without both of these criteria being met, the slow form of development and change in a regime cannot occur (Rittberger and Mayer, 1993: 219). Thus, the persistence of regimes depends on a few more factors, in addition to the ones pertaining to the emergence of regimes. It is important that the states are somewhat likeminded in their institutionalized thinking, in addition to being flexible in the face of crisis. As such, regime change may be an important factor in regime persistence, but regimes can persist without change as change is not always vital for regime survival.

Although the emergence and function of the regimes I deal with in my thesis have differing origins and interest areas, Neoliberal Regime Theory is able to handle them adequately. The emergence of the Coal and Steel Union, now known as the EU wasn't only for trade purposes (Glencross, 2014: 36). However, the radical evolution of the EU in the later decades has transformed it into an unprecedented trade-regime where almost every European country is a member (Zimmermann and Dür, 2012: 2). With the implementation of the EEA agreement in 1994, a continental trade regime was born (Norway, 2012a: 35). This is one of the regimes I will be dealing with, the EU- and EEA trade regimes combined in their modern form. The WTO has always been a regime bent on coordinating trade internationally between nations with several diverging and covering interests, even in its former incarnation, the GATT agreement (Hoekman and Kostecky, 2009: 47). Thus, the WTO is possibly the clearest case of a Neoliberal regime in my thesis. The last regime I have chosen to include in my thesis falls somewhat on the outside of the Neoliberal regime tradition. I have named the regime a "regime of nature management". The Neoliberal school of Regime Theory should be able to deal with because there are several populations of animals that make up the basis for trade and income for states (Norway, 2012a: 680). It is highly in the interest of nation-states to preserve these populations so that they can be taxed year after year. Which enables states to move these products onto the international market and generate revenue for states over lengths of time.

The reason for persistence in all my regimes is found in their relevance and their ability to adapt to new scenarios. The regime of nature management is a scientific regime, forced to change its behavior and recommendations in the face of new evidence and has to continually adapt to external forces affecting the populations being managed. External forces in this context means storms, diseases, crashes in food sources for populations, etc. The EU has continually proven that it is capable of both adaption in the face of crisis and learning over time. With the crash of the Soviet Union, several new European countries emerged, and thus proved a challenge for the constellation and function of the EU (Zimmermann and Dür, 2012: 205). When it comes to the WTO, it has also seen considerable change, and not only since its original organizational form in the GATT agreement. It has expanded to include nearly every country in the world, erected a court for judging the legality of trade regulations and oversees the implementation of trade agreements between constituents (Hoekman and Kostecky, 2009: 1). All of these regimes have managed to stay intact over time, and have achieved a certain

robustness and presence that enables them to affect decision-making over several fields and areas of interest.

3.5 CANADA AND THE EU

Canada is a sovereign country with a long historical connection to Europe. In its modern history, Canada has been settled mainly by European immigrants, and its demographic composition is still mainly of European descent (Kelley and Trebilcock, 1998: 26-60). The relationship between the EU and Canada is more complicated than the relationship between Norway and the EU. As Norway has direct borders towards the EU, a formal and extensive relationship would seem somewhat natural. The discussions of joining the EU and subsequently being an essential party in the creation of EEA also seems somewhat natural. However, the mere size of the economies of both Canada and the EU has been incentive enough to create bi-lateral agreements between the two actors (Canada, 2016). Additionally, they are both part of the WTO regime, which establishes and regulates rules and norms on trade and tariffs on a global scale (WTO, 2017) (Hoekman and Kostecky, 2009: 1). The WTO regime is a global regime on trade and tariffs. Within it, there is no clear regime head, as the power within this regime is theoretically divided horizontally between actors. However, it is worth noting that actors which have large economies and trade in commodities which are sought after have more leeway and persuasive power than actors who are low on sought after commodities. This falls well into the aforementioned Weberian definition of power, showing that power can take on a multitude of guises.

3.6 THE EUROPEAN REGIME

By now it is necessary to ask: how does Norway fit into the European regime along with the EU? Though Norway isn't a direct member of the EU, it is affected indirectly by legislation and decisions in the EU through the EEA. Although the EEA-members have channels where they can reserve themselves from EU legislation, these channels have never been utilized to limit or remove actions taken by the EU (Norway, 2012a: 101). However, most European countries, EEA members included, have followed the customs of having lobby groups in Brussels (Norway, 2012a: 179). This gives them a channel where they can exert pressure on the decision makers of the EU, and where they can have their voices heard. Norway has a special position to the EU where it is, as stated by the Norwegian government, "outside and inside

the EU” (Norway, 2012a). This idea of a European regime gives me a “ground-zero” where I can commence my discussion about the effects of the Regulation (EC) no 1007/2009 on Norwegian sealing management and business. The EEA agreement is also a good base for discussing how, or rather if, the political environment between Norway and the EU has changed considering the regulation.

Additionally, we can view the EU regime as a regime by diffusion. By this I mean that decisions made within the EU have severe and adverse effects on states outside of the EU. This is due to the enormous economic, military and soft power of the EU. The mere size of the European economy, of which most countries are a member of the EU, is enough to have both formal and informal sway over non-European countries and non-Eurocentric organizations. Thus, the reverberations of regulations decided in the EU can often be felt globally. This is the case of Regulation (EC) no 1007/2009, which is felt by, while not limited to, Norway, Canada, Russia and Greenland (Denmark). This means that the regime of the EU stretches far past the constituents of the EU and into the inner workings of nation states. Here we should also mention the WTO. The EU consists of 28 countries which means the institution has a tremendous sway within this regime (Zimmermann and Dür, 2012: 165).

3.7 REGIME OF NATURE MANAGEMENT

In this segment, I will be dealing with one of the more problematic aspects of my thesis. Namely, how does the prevailing themes and theories of nature management fit into the landscape of international politics and relations, and why I define this as a regime.

Within nature management there are some principles and rules regarding the approach to stock regulation. Some are written rules in the form of legislation, while some are closer to norms in demeanor. While these norms are still predominantly written, they are more like guidelines than laws. An example of law is the Nature Diversity Act. This act was drafted to ensure that the Norwegian government was to be responsible for the species, geology and habitats within their jurisdiction (Norway, 2009c). This ensures that the Norwegian government have to do whatever they can to prevent habitat destruction or the extinction of a species. One could argue that the Norwegian government have failed miserably in this, by allowing global climate change, and not doing what is necessary to stop it, but this would be a theme for a different thesis. Another example is the principle of sustainable growth. This

principle holds a multitude of different definitions, and the definition you receive relies upon which source you ask to define it. The general definition is that sustainable development is development that does not destroy the foundation for coming generations. Within economics, this means that one should create and uphold a mode of economy which can sustain itself without crashing. However, what I will concern myself with is what sustainable development means within nature-management, and more specifically, population management. Here, it means that populations shall be taxed and managed in a way that ensures that the robustness of the population is as high as possible (Norway, 2015a: 12).

The number of individuals within a population must be controlled in a way that ensures that it is contained within its maximum and minimum population boundaries. A population with too high a density of individuals is at a higher threat of diseases spreading within the population, which could wipe out large parts of the population, or in the worst-case scenario, the population as a whole (Dawkins, 2016: 110). In addition to this, a high population could cause the population to exhaust the resources (food) available to them. A too low number of individuals could mean that the population would be unable to reproduce at a rate necessary to withhold it (Lande and Barrowclough, 1987: 87). Also, a low population can lead to inbreeding and as a result, cause genetical deformities and diseases. The last principle I will touch upon is the precautionary principle. This principle is one of the most important guidelines within nature management. It dictates that no intervention into nature should be done without knowing what the possible consequences and outcomes might be (EU, 2016). The most important function of this principle is to prevent actions that have a possibility of being detrimental to whatever or wherever the impact of said action may be. This entails directly that any action that cannot be proven beyond reasonable doubt to be non-consequential for a population of animals or to the environment as a whole should not be undertaken, according to the language of the precautionary principle (EU, 2016).

Thus, I arrive at the core of this deliberation, to confine these principles within the boundaries of Regime Theory. First, to define the actors of the nature-management regime. The actors of this regime are defined as any country or coalition of countries which has formally accepted the notion of a scientifically guided nature management. The principles and rules I have already touched upon are some part of this notion. However, I need to stress that these are not all the norms and rules, but these are the ones which are most important to my thesis.

The norms and rules are widely regarded as valid, and has been adopted by several countries around the globe. For example, all of the actors of my thesis have adopted the precautionary principle (EU, 2016) (Canada, 2010) (Norway, 2009c).

The reasoning for entering and maintaining this regime can be found in the long-standing and scientific tradition nature-management has, as well as in the ambition to preserve nature and in turn the livelihoods of future generations (Norway, 2013). This wish is also according to some social traditions treated as a responsibility, though this is not a discussion I will embellish in here. Additionally, as management done within the confines of these rules and norms will ensure greater stability in stocks, the economic yield from stocks being taxed will be more stable (Jentoft, 1989: 137). Thus, avoiding the well-known tragedy of the commons. Although this isn't of a great concern in the sealing industry since the volume involved in- and subsequent monetary value of sealing is rather low. However, these are guiding principles in the large Norwegian industry of fisheries within which sealing is legally confined (Norway, 2000: §3). As such, the idea behind maintaining this regime should still be present when designing strategies and giving TAC advice for the taxation of seal-stocks.

While we are within the sphere of economics, there is also the belief that seals are bearers of parasites that are detrimental to the fish-stocks, and that they perform unwanted and uncontrolled taxation on the fish-stock that we ourselves tax (Norway, 2011b). This means that there are economic incentives in the larger fishing-industry to contain and control the population of seal along the coast of Norway as well as in the areas in Norwegian proximity (Norway, 2011b). Following this narrative, there are two core elements within the regime I have outlined. On one side, there exists an element of social responsibility to the environment where humans have a responsibility to the environment. In addition to this, the management of the environment must follow guidelines that ensure the survivability the environment, and the subsequent lesser cogs within it. On the other side, we find the economic incentives where discontinuing taxation on stocks of seal not only could have adverse effects upon the populations of species of seal, but also on different fish-stocks.

The way I will utilize this regime later in my thesis, is that I present this as an antithesis to the idea that the EU, through Regulation (EC) No 1007/2009, is affecting Norwegian nature-management. I want to discuss whether it is the European trade-regime or the nature-management regime which is paving the road for how populations of seal are managed. As a

part of this, I want to analyze the language of the Norwegian reports and strategies to see whether or not they have turned towards the anti-sealing rhetoric of the EU. This, as opposed to the language of the reports being neutral, constructing arguments based on the principles of sustainable and proper management of seal-stocks.

3.8 SUMMARY

I have now gone through the different aspects of Regime Theory, and given an account of the most prominent and important aspects of the theory. Although there are inherent and dramatic differences between the different regimes I will be dealing with in my thesis, I will be using the same terminology and core aspects of Regime Theory when analyzing the implications of the regimes to my different research questions. Thus, the preferences of actors, the actual- and potential defection of actors, trust between actors and the maximizing of utility for actors will be the central terms guiding my analysis

4 METHOD OF RESEARCH

In this chapter I will give an account of how I have solved my research questions. The most important aspect of this chapter to give a proper presentation of my approach towards my empirical data. In order to ensure transparency and scientific reliability, I will give an outline of how I have gathered, analyzed, reflected upon and produced my material.

For my thesis, I will be using secondary data. This means that I will not generate my own data, but rather utilize already existing sets of data. To elaborate: primary data is data that a scientist produces himself through interviews, cases, experiments, and so on. Secondary data is data which has already been produced, but is analyzed in a new way. Tertiary data is data collected by analyzing data that has already been analyzed.

4.1 QUALITATIVE DESIGN

I have chosen a qualitative research design. The reasoning behind this is that I want to analyze documents on Norwegian sealing policy and see how these coincide, or don't coincide with regulations on sealing and seal import within the EU. To do this, I gathered documents put forth by both actors. Additionally, I have delved into the legal case the Canadian and Norwegian governments raised against the EU in the WTO. In this case, the Norwegian and Canadian governments claimed that the restrictions put forth by the Regulation (EC) No 1007/2009 was out of compliance with international trade regulations and law. I also want to see how the Regulation has affected the Norwegian export of seal, if at all. This segment could have been done with quantitative methods, but there is a relatively low amount of data publicly available, and it would not be very beneficial towards what I want to examine.

As for choice in design, I have utilized document analysis. I have made this choice as opposed to pure case analysis, as I believe that an analysis of a broad spectrum of articles produced within the social sciences and reports produced within the natural sciences will give me a broadened insight that I would not achieve with a quantitative approach. I could also have supplemented my documents with interviews. However, any data collected from interviews would have been colored by the person interviewed and by my questions. Additionally, document analysis allows me to utilize newspaper articles to broaden my knowledge about my different research questions. Utilizing document analysis, I do admit that I will lose some

of the depth I could have achieved through case analysis. However, given that I have a broad spectrum of research questions, I do not believe that case analysis would have enabled me to deal with all of them in the narrow and limited scope of a masters' thesis.

My sampling unit is broad and has a high number of units. This is due to the fact that I have analyzed documents both from the natural- and social sciences. It is the combination of genres that compel me to utilize a relatively high number of units. As I need to not only compile the population statuses and research of several annual reports published by the Norwegian Institute of Marine Research, but articles discussing the political and economic side of the current and prior sealing regimes as well.

4.2 DOCUMENT ANALYSIS

Document analysis is one of the predominant modes of analysis within the qualitative social sciences (Brinkmann et al., 2012: 16). As the name entails, this method concerns the analysis of documents. Within social sciences one can utilize a broad definition of documents. However, in my thesis I will concern myself with the narrow definition, namely: written documents. "A document can be defined as language fixated in text and time" (Norwegian in original) (Brinkmann et al., 2012: 170).

There is, as in the division of data, a trinity in division of types of documents. The different types of documents are divided accessibility and where they are published. Firstly, we have primary documents. An example of these are private notes from meetings, which are not readily available to the public (Brinkmann et al., 2012: 156). Secondly, we have secondary documents. An example of this are reports from meetings which are made publicly available (Brinkmann et al., 2012: 156). The common denominator for the two first types of documents are that these arise at the same time as said event. Lastly, we find tertiary documents. These documents are of a slightly more diverse nature. Contained within the tertiary definition we find news articles, scientific articles, books on events and cases and much more. The common denominator between tertiary documents is that these are analyzes written after the event described (Brinkmann et al., 2012: 156). As I will not have access to the private reports of councilmembers and other persons that are present at the inner meetings of the EU and its parties, or have access to personal reports of Norwegian decision-makers, I will not be utilizing primary documents. Secondary documents, i.e. published reports from meetings have not

been used in my thesis, as I have not found any that pertain to my area of inquiry. Tertiary documents will be my main source of scientific material. Contained within this definition we find field reports from sealing expeditions made by research vessels, books and articles on the Norway – EU relationship as well as legal breakdowns on rulings in the WTO.

The main documents I have utilized in my thesis is the white paper published by the Norwegian government in 2012 named “outside and inside – official Norwegian report” (Norway, 2012a). As well as Regulation (EC) No 1007/2009 on the import of products derived from seal into the EU and the regular reports on the state of seals in the Arctic released by Norway. To supplement I have utilized different scientific articles regarding the function of WTO and the trendsetting power WTO has and utilized documents released by EU, Canada and Norway to show how the political relations are and have been. Additionally, I have utilized statistics from Statistics Norway to put the documents into perspective. The Norwegian government has, in addition to releasing the mentioned white paper, released a strategy delving into the future of EU-Norway collaborations, which I have utilized to further analyze the relationship.

I will give a general outline of the structure of the reports I will be basing parts of my analysis on later in my thesis (5.2.1). This will enable me to discuss these reports without having to interrupt my discussion to explain what I am referring to during the remainder of the analysis. This is made possible as the structure the reports from the Norwegian Maritime Institute are all the same and a generalization can be used as a template for understanding the reports. The reports are produced as a collaboration between several scientific institutions. Together they form WGHARP, which is the regional working group regarding scientific advice pertaining to the Arctic populations of pinnipeds which are exploited commercially (Haug and Øigård, 2011: 1). The reason I have chosen to present these documents like this, and not others, is that the reports are documents pertaining to the field of biology. As such, it is necessary for my thesis in political science to give a more comprehensive presentation of the data I have collected from other fields.

4.3 QUANTITATIVE METHOD

In my thesis, I did not utilize quantitative methods of research. However, I have been using quantitative data. This is due to the fact that the results of the reports made by the Norwegian Institute of Marine research are presented this way. These reports are the tools of the

Norwegian government when they decide how many individuals of seal are to be extracted from a population. I have confidence in the data that the Norwegian Institute of Marine research and Statistics Norway deliver. This is due to their long history and their position as independent bearers of knowledge in the Norwegian context. Thus, I do not see any reason to comment in-depth on the tables they have constructed. As mentioned, some parts of my thesis could have been solved using quantitative methods. However, the amount of data contained in my statistical tables is low. This means that the amount of knowledge that could be drawn out of it is minimal. Thus, I deem it more useful to analyze my data qualitatively and subsequently gaining more knowledge from smaller datasets.

4.4 CREDIBILITY, WEAKNESSES AND STRENGTHS

Although document analysis is one of the more widely used methods within political science, the method is not without weakness. Inherently, it lacks the ability to make deep analysis of material. This is because the material sometimes does not give sufficient information to make concrete conclusions (Brinkmann et al., 2012: 164). As such, it lies in the hands of the scientist to make assumptions and conclusions with limited material. With document analysis, the non-written aspects of a case may be lost to the scientist as well. The non-written dimension is mostly a product of interviews, where the scientist has the opportunity to talk to the interviewee in a different setting than the subject is used to. In this situation, the interviewee may say things that it would not have written or even thought of without being posed a question (Brinkmann et al., 2012: 22). With document analysis, there is also a possibility of constructing a skewed image of the state of the area being researched. This may stem from the ability of the scientist to collect documents, or just be a result of how many documents are available from all relevant parties (Brinkmann et al., 2012: 167).

As well as containing apparent weaknesses, there are inherent strengths in the methodology of document analysis. It is a very useful methodology when trying to discern trends over time, or to compile documents to analyze the effects of an event over a period of time (Brinkmann et al., 2012: 153). Additionally, the method allows for the generation of new indicators and questions you can “ask” the documents as the process of analysis is moving ahead (Brinkmann et al., 2012: 163). This is in stark contrast to e.g. the method of interviews. The scientist does not have the opportunity to go back into the interview situation and ask new questions that

have arisen as the analysis evolves. In document analysis, this is unproblematic as documents remain static and can be subject to new questions without the contents of the document being altered. The fact that documents remain static is also an inherent strength. It gives the scientist time to reflect upon the material and gives the scientist an opportunity to test out different theoretical approaches to the material without the contents of the material being altered (Brinkmann et al., 2012: 163-164)

Gathering all my empirical data has been a challenge in itself. Starting the work on my thesis, I drew on my earlier experience with studying fisheries, and thought that data on sealing would be as readily available on sealing as it was on fisheries. However, as I soon found out, the data pertaining to sealing has not always been complete, and at times absent. This is especially true for statistical data. Thus, I have had to contact several public Norwegian agencies in order to be guided to, and get access to data.

Regarding the credibility of my data, I do need to mention that the data I have collected from governmental sites are written both by and for their government. As such, they do provide me with a one-sided presentation of the relationship. Additionally, the reports regarding the status of populations of seal are written and presented by people who have a scientific interest in the management of these populations. This makes it so that I only comprehend the scientific side of sealing management, disregarding the ethical considerations of sealing. On top of this, it needs to be mentioned that there is no scientific process behind the statements collected from newspapers and they are not fail-safe in the face of scrutiny. Nevertheless, they are still an important part of my thesis, as they are the only channels through which the sealing industry can be represented directly due to my choice of methodology.

4.5 VALIDITY AND RELIABILITY: ENSURING QUALITY

Validity and reliability are two core terms within any science, and it is fruitful to delve into a short presentation of these two methodological terms.

Validity is the foremost control of how valid the results of any scientific production is (Ringdal, 2009: 87). To elaborate; validity is the key indicator on whether you are measuring what you think you are measuring and that your results are trustworthy (Ringdal, 2009: 87). In my thesis, this means that I have to be sure that what I am measuring is the effect the Regulation (EC) No 1007/2009 on Norwegian sealing, as opposed to vessels failing to comply to regulations,

independent changes to management regimes, disease or other environmental factors. Validity then refers to the integrity of the scientist, and the integrity of the theoretical framework. Therefore, to ensure validity it is important that the research questions are asked in a way that ensures you get reliable answers, that they cover the entirety of what you are researching and that you have the proper terminological and theoretical basis to conduct your research (Ringdal, 2009: 87).

Where validity concerns itself mainly with theoretical interpretations, reliability concerns itself with the empirical production of results and utilization of method (Ringdal, 2009: 86). To elaborate; reliability concerns itself with how the results are produced. A test on how reliable results are, is to have someone else repeat the project and subsequently arrive at the same results. To exemplify using my thesis; another researcher using Regime Theory and analyzing the same source material as I have acquired using document analysis should be able to arrive at the same conclusions and results as I do (Ringdal, 2009: 86).

4.6 UTILIZING DATA

Most of my reports are field reports released by the Norwegian Institute of Marine research. In these reports, data from research-expeditions in the West- and East-ice has been compiled and released to give advice on TAC and further management of the populations. I have utilized these data as they are. By this, I mean that I have not manipulated or altered any of the tables presented in my thesis. I have utilized these data to look at how the Norwegian governing of seal-stocks is carried out, and whether or not anything has changed in the language of said reports since 2009. Additionally, I have gathered statistics to see if the pattern of export of products derived from the seal hunts has changed since 2009. To analyze the relationship between Norway, Canada and the EU, I have analyzed a multitude of different documents stemming from governmental reports, newspaper articles, scientific articles and governmental statements. In my research on the WTO case, I have only utilized peer reviewed scientific articles.

The data on Norwegian sealing policies and how the future of sealing looks has been gathered mainly from the Norwegian governmental site regjeringen.no. The documents gathered here are mainly documents pertaining to the policies of the Norwegian state, both on sealing and the relationship with the EU. From Statistics Norway, I have mainly gathered statistics on how

many individuals that have been taken out of the population by commercial sealing vessel. Additionally, the numbers related to the export of products derived from sealing has mainly been gathered from Statistics Norway. To gain access to all of the relevant information needed for my thesis, I also had to engage in correspondence with the Norwegian directorate of fisheries, from which I gained the information contained in appendix 1 and 2. These are the documents I have compared to find out whether or not there is a relationship between the Regulation (EC) No 1007/2009 and Norwegian sealing management and policy, as well as the relationship between the regulation and export. The governmental documents are also my main source on the EU-Norway relationship. The governmental documents have also been used in collaboration with documents gathered from google scholar and Bibsys to analyze the relationship between Canada and the EU, as well as between Norway and the EU. These documents have been found by searching for key phrases pertaining to sealing, nature management and political relations in the databases. To deal with the state of the export of products derived from seal in Norway I have, in addition to utilizing statistics found at Statistics Norway and the Norwegian directorate of fisheries, been sifting through some of the major newspapers in Norway, collecting statements from businesses who cater to the external seal market. The way I have gone forth in finding news articles is that I have searched for key words pertaining to the sealing industry, and subsequently sifted through them to find information. These articles are used as supplementary data to the statistics I have gathered, as to give some explanation to the tables of content. This is necessary, as the statistics I utilize from Statistics Norway do not come with any background on why the numbers are as they are. Thus, utilizing statements from actors from the sealing industry is necessary in contextualizing the numbers.

To analyze the written documents used in my thesis I have read through them whilst looking for key phrases and examples highlighting the key terminology of my theoretical framework. The key terms guiding my analysis is trust, defection, preference and utility (3.8). This does not mean that I have searched for these terms specifically, but rather that I have read my documents looking for signs of these terms. Of course, at times other dimensions have presented themselves along the way, and I have been forced to deal with these as they arise. One such dimension is the brief mention of animal welfare organizations and their effect on the actors (Haug and Øigård, 2015: 1), which I had to categorize with the EU as per their coinciding preferences due to my state-centric theoretical framework. After recognizing the

key terms in my documents, I have collaborated these to see how they coincide and diverge across actors. This is done across regimes and interest areas. To use utility as an example; utility gained in one regime may entail utility gains in another regime. Likewise, utility gain in one regime may entail a lessening of utility in another regime. This is true for all of the key terms utilized in my method.

4.7 STATISTICS AND TABLES

In my thesis, I am utilizing quite a bit of statistics publicly available at Statistics Norway. Though these statistics are of a different nature than my other documents I believe that using them will be unproblematic. This is because they will be mostly supplementary to the documents I am utilizing. Mainly, I will look into documents and analyze the cases being presented, and the language used to present these cases. The statistics will mainly be used to back up or refute claims being made in my documents. This is because statistics by themselves would not provide me with enough background to make any assumptions or conclusions, as they do not tell me what the reasons behind the numbers are. The statistics I utilize are gathered from two sources. One being Statistics Norway, and the other being the reports which generate TAC advice.

4.8 ETHICAL CONSIDERATIONS

There are few inherently ethical considerations to take within my thesis. This is because none of my documents hold sensitive information which has not already been publicly disclosed. There are some newspaper articles that I have chosen to integrate into my thesis, but these have already been published in news-outlets. However, as mentioned, there are some names that can be found through my utilization of news-articles, but I will not be mentioning them by name in my thesis. Neither will I name any of the people within any of the segments of Norwegian or Canadian governments, nor within the EU. Neither in any of the companies and organizations I have been in contact with will I use names of people.

5 ANALYSIS & DISCUSSION

How and why does regime interaction affect the management and industry of sovereign nation-states?

In this section of my thesis, I will be discussing my research questions and try to give an in-depth analysis of them. I have chosen to do this by analyzing them separately. First in each segment, I will present the research question, before presenting my empirical data and giving a subsequent analysis of whether or not the empirical data gives me a clear answer to my research question. The reason I have chosen to deal with my research questions separately is that some of my research questions utilize entirely different empirical data. Thus, presenting them all together would inevitably provide difficulties in presenting them properly as well as making it harder for the reader to follow. Additionally, presenting my research questions separately allows me to utilize conclusions and discussions made in the earlier research questions in the subsequent discussions.

Since the Regulation (EC) No 1007/2009 came into force, the market for sealing has changed drastically and affected the business sector of sealing heavily as a large part of the market for seal products shut down. It is interesting to see whether or not the sealing business has managed to readjust and diversify in order to maintain the same level of export as before. Additionally, it is interesting to delve into Norwegian management and the numbers and statements related to this, to see if anything has changed since the implementation of Regulation (EC) No 1007/2009. Whether the political landscape, with Norway and Canada on one side and EU on the other side, has changed as a result of the regulation and if so, which areas have been affected is going to be intriguing as well. I will start off with the research question which has to be answered before delving into the other research questions. Thus, I will first delve into the WTO challenge from Canada and Norway ended, and the possible consequences of the WTO verdict.

5.1 WTO TRADE DISPUTE

How did the Norwegian and Canadian challenge to the WTO trade regime, against the EU end, and what are the after-effects?

In this segment, I will discuss the WTO-trade challenge put forth by Norway and Canada in response to the Regulation (EC) No 1007/2009, claiming that it is in direct dissent with the WTO trade agreements regarding product limitations. What I want to discuss regarding the challenge is what the WTO court decided, what the future consequences may be and why they made their decision. This is immensely interesting as the WTO is the world's largest and foremost regime on trade relations and economy. As you will notice, this segment is more descriptive than those of my other research questions. This is due to it being a recount of a legal case that has already been played out. However, I will make conjectures and conclusions as to what the future effects and -consequences may be.

5.1.1 Challenging interests

Following the Regulation (EC) No 1007/2009, Norway and Canada in collaboration brought forth a legal challenge to the WTO incited against the EU (Perišin, 2013). In this challenge, both Norway and Canada claim that the EU trade ban on seal products is in violation with WTO law and regulation. This matter has recently been solved in the WTO trials and it will be the subject of this section of my thesis. The reason I want to integrate this challenge into my thesis is that it exemplifies one of the many ways the EU can affect and dictate the inner machinations of nation-states through supranational regimes through internal legislation. Additionally, I think this challenge melds nicely with the main part of my thesis, which comprehends how the Regulation (EC) No 1007/2009 has affected Norwegian sealing management and business.

Before beginning the analysis of the legal challenge by Norway and Canada it is necessary to establish what the WTO is and how it is possible for two countries to put forth a legal challenge against a supranational regime institution. The WTO has its origin in the GATT, the trade regime where several states had an agreement on trade regulations, and most notably, tariffs. The GATT agreement was conceived in 1947 and set out to lower trade barriers and to liberalize markets across state borders (Hoekman and Kosteci, 2009: 7). In the post-war world, this step away from protectionism was unprecedented at the time, and the process of developing the GATT agreement was fitful. However, the GATT resulted in a sensational

development of relations of trade which has laid much of the groundwork for the modern channels and modes of trade (Hoekman and Kostecki, 2009: 7). The WTO is an even more comprehensive trade regime and an improvement on the GATT agreement (Bello, 1996: 416). The mission of the WTO is to facilitate cooperation and fairness in trade, economic growth and jobs across nations. As with most regimes, the WTO has a set of rules and norms guiding and correcting the behavior of the regime constituents, which in this case are the nation-states signatories of the WTO agreement. This means that the constituents of the WTO have a responsibility and duty to ensure that trade legislation and tariff barriers are compatible with the obligations they have in force of being members of the WTO. Breaches to the rules set in the WTO can be brought to the WTO trade dispute settlement understanding (Bello, 1996: 417). The dispute settlement organ of the WTO can be seen as a judicial system, or court, for the members of the WTO. However, it is important to note that the WTO cannot enforce punishment upon its members, as opposed to the national courts of a nation state. Rather, it utilizes trade incentives in order to counteract defection to the WTO rules (Bello, 1996: 417).

When a challenge is brought forth towards the WTO by one or more of its constituents, a panel is named to settle the dispute. It is to this segment of the WTO that Norway and Canada has brought their challenge against the EU. The claim is that closing down and discriminating to such a degree the trade on one specific product and business-sector a breach on the rules of the WTO to which the EU as a whole is a constituent (Perišin, 2013). The EU is countering the challenge by claiming that considerations towards animal welfare should count more than considerations towards trade (Krämer-Hoppe and Krüger, 2016: 13). Thus, the challenge is a stale-mate between two of the areas where states have the monopoly on final authority. By itself the challenge is interesting, both from a legal and an IR point of view. This is the first time a challenge has been brought forth solely on the grounds of animal welfare and ethics (Krämer-Hoppe and Krüger, 2016: 12).

This means that this challenge has the rare opportunity to set precedence for future challenges brought forth towards the WTO and other international trade regimes. If Norway and Canada should win their challenge, there are three scenarios that may unfold as a result, for the EU (Bello, 1996: 417). In the first scenario, the EU may retract the Regulation (EC) No 1007/2007 and avoid any further retribution. In the second scenario, the EU may keep the Regulation (EC) No 1007/2007 and provide Norway and Canada with other trade incentives

that compensates the loss of the trade in the seal sector. If this were to be the case, the areas of trade and level of compensations that would rectify this is to be agreed upon by the parties (Bello, 1996: 417). In the third scenario, the EU may choose to disregard WTO ruling and uphold the regulation. However, this would without a doubt bring forth retaliatory measures by Norway and Canada in the form of trade sanctions and higher tariffs. Moreover, a defection like this would cause the EU to lose legitimacy and credibility within the WTO and other trade regimes (Bello, 1996: 417). Likewise, if Norway and Canada were to lose their challenge and they choose to put forth stricter trade regulations and higher tariffs towards the EU, they too would lose credibility and legitimacy. Thus, much rests on this challenge for both Norway and Canada in collaboration, and the EU.

5.1.2 Outcome and consequences

After years of deliberation, the challenge was decided in 2014 (Krämer-Hoppe and Krüger, 2016: 7). The panel arrived on the decision that although the Regulation (EC) No 1007/2007 is out of compliance with WTO rules, the EU should not be subject to punishment (Krämer-Hoppe and Krüger, 2016: 13). The reason given by the WTO panel was that the concerns the EU had for animal welfare regarding the hunting practices within the sealing industry were real and legitimate. Before giving an account of the impact of said decision, let's reflect on why this is significant in terms of Regime Theory. Per Regime Theory, defection from the rules and norms of a regime is undesirable and can produce adverse effects, and should result in repercussions. When I write "should" in this context, I am not referring to some normative sense of justice, but rather that defecting from any form of rules or norm, punishment is the usual response.

It is of interest that a panel within a regime can arrive at the decision that a constituent of the regime can violate the rules set down for the regime without adverse effects. This sets a precedent for future potential defectors of the regime rules, who seek to still be a part of the regime after defection. Of course, the defection has to follow the same procedure and the precedence set by the original defector to obtain the same level of legitimacy. In this case, it means that the defector must be subjected to a challenge within the WTO, which in turn is reviewed by a WTO-panel and subsequently deemed legal by said panel. Although regime defection now as a result is more "desirable", there is still a lot of work and risk related to defection. Moreover, even when gone unpunished, defection may result in resentment

between constituents (Hasenclever et al., 1997: 15). This resentment may not manifest itself at once, but can lie dormant for a time and then emerge at a later point in relation to other disputes or potential agreements within the regime. As Canada and the EU have several areas of common interest in a multitude of different geographical- and institutional areas, a conflict is almost destined to arise at some point (Hasenclever et al., 1997: 32).

The case of Norway is more nuanced. This is because of the strong ties the state already has towards the EU, where the EU often is the head of said ties. Thus, a “subordination” towards the EU is less likely to arise from Norway as a result of the defection. Sealing in Norway has not been self-sustainable in many years, and the industry is heavily reliant on subsidies. This entails that the mere financial motivation behind a repercussion towards the EU is low. A subsequent repercussion would most likely stem from Norway perceiving the shut-down of the market as an insult towards Norwegian values and culture. To sum up: a repercussion from Norway is unlikely, but not impossible within the perspective of Neoliberal Regime Theory. Additionally, it would have to take place outside of the realm of trade, seeing as an increase in tariffs or restrictions on trade would be illegitimate. An important note to take, is that the WTO challenge should not be deemed as a repercussive action on the side of Norway. The challenge is an institutionalized process where constituents can put forth claims of grievances caused by other constituents. As such, it is a test on whether trade regulations are legal or not, proving whether or not similar regulations put forth by constituents are legitimate and legal, or not (Bello, 1996: 417).

The stated preference of both Canada and Norway is to restore the sealing to its former status (Wegge, 2013: 270). This means that the desire of the two states is to restore seal products to their former position on the internal market of the EU. The challenge to the WTO does take the countries a far way in trying to achieve this. The preference of the EU is to keep the sealing products off of its internal market through legal and legitimate practices. The challenge is positive for the EU as well. The reasoning behind this statement is that winning the challenge provides the EU with the legitimacy and right to keep the regulation. Thus, the preference of Norway and Canada did not win forth (Krämer-Hoppe and Krüger, 2016: 356).

The legal challenge is also a way of maximizing utility without any fear of backlash. If the challenge had gone the way of Canada and Norway, the EU would have to retract the regulation, or provide some compensation for the challenging states. The compensation

would come in the form of less tariffs, or a lessening of trade restrictions towards Norway and Canada. In addition to this, Norway and Canada could have legitimately increased tariffs against the EU. Either way, this would have been a win for Norway and Canada. Even if the EU had not, in the event of a loss in the WTO, retracted the regulation. As utility already has been lessened by the implementation of Regulation (EC) No 1007/2009 and the EU cannot further lessen utility for Norway and Canada within the same framework of law and regulation, the only potential outcome from the challenge was status quo or increased utility.

Although there are some costs connected to taking a challenge to the WTO, it is minimal compared to the potential utility gain of getting their challenge through. This is due to the Canadian and Norwegian desire of maximizing utility. The challenge means a lessening of utility for the EU either way. The only option the EU had as opposed to face the challenge would be to redact the regulation before the treatment of the challenge in the WTO system. This would mean that the EU has used a lot of time and resources on a regulation, only to redact it before it could fulfill its purpose, and in the process letting down the EU inhabitants opposing the sealing industry. Facing the regulation means that the EU uses time and resources on an industry which has a minimal market impact in the EU. All additional resources spent on the regulation lead to a lessening in utility as both time and money could have been spent different. However, the only logical option for the EU was to face the challenge and hope that it would win forth, as it did. Thus, the utility of the states stands at a status quo.

The WTO judgement should not have any adverse effects on the WTO regime due to the inherent utility maximizing function of the WTO, where regulations and rules are harmonized across borders throughout the world. Additionally, the size of the sealing industry, which we will return to in a later segment, not creating that much utility on a national scale for Norway and Canada. A potential result of this ruling lies in the animal welfare aspect. The EU has for a long time been subject to heavy critique for the way livestock are treated. As this judgement creates precedence on animal welfare, the EU (and other countries) may see regulations from other countries limiting their export potential in the future. The challenge and the following result of the challenge will not impose any change upon the regime itself, nor the constellation of constituents. As mentioned, the WTO provides massive amounts of utility for Canada and Norway through coordination of trade regulations and tariffs. Thus, if they were to leave the WTO as a result of the ruling, they would be significantly disadvantaged on the international

market, as they would leave the regime ensuring an environment of fair trade for its constituents.

5.2 NORWEGIAN MANAGEMENT

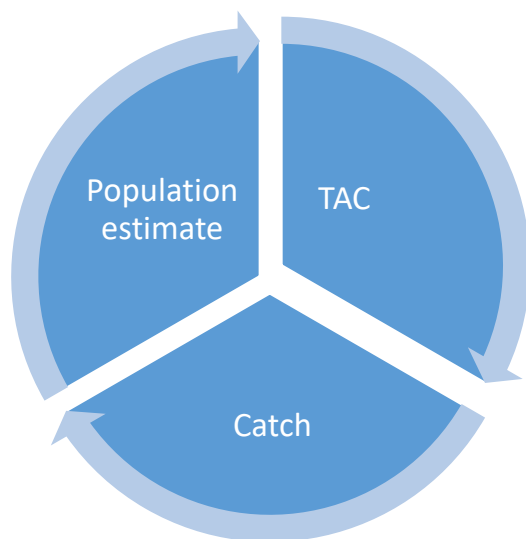
Has Regulation (EC) No 1007/2009 implemented by the EU had an effect on the management practice of the management regime pertaining to the populations of the Arctic seal stocks?

Norwegian nature management is subject to heavy regulations and is supposed to follow norms and rules that have developed in the natural sciences over decades. What I want to find out is whether the advice and decisions of scientists has changed in the years after the regulation. I will view this in light of the prevailing debate against sealing in the EU, and want to find out if any change has come as a result of this. The way I will do this is to compare numbers from TACs and estimations and look at how these have changed. Additionally, I will look at the language in the reports presenting these numbers and see if the way scientists present TACs and estimations have changed and to see if any eventual changes can be traced to this. To supplement my findings, I will draw on parliamentary reports (so called White Papers) to see if any change in management of seal populations can be traced to official statements by the Norwegian government, and if these changes in turn can be traced back to the regulation. What I expect to find is that any changes, or lack thereof, in management of populations of seal can be traced back to some regime or the other. Thus, the EU regime is not the only one affecting my results. The nature management-regime is of equal if not greater importance to my results regarding this particular research question. As mentioned (4.2), before I delve into the discussion, I will give an outline of how the reports are structured, and their general contents.

5.2.1 Structure of reports

First, the catches of previous years are presented, both in the form of text and graphs. Next, the models for population estimates are presented, giving a backdrop on how the TACs are estimated. Additionally, TACs from previous years are presented, as to give a contextualization on the upcoming TAC. Next the species are introduced along with the TACs. The TACs are made out a desire to of a specific population size (Haug and Øigård, 2011: 4). This is the reason for varying TACs, as the condition of a population may vary as a result of internal and external factors that are difficult to control. Population estimates are also presented along with the

TACs. This entails that TACs must reflect a desire to keep a population down, to increase a population or to keep it at its current level. The estimates are mainly made out of observations from vessels and from flyovers (Haug and Øigård, 2012: 8). The estimates made from observations are a crucial part in determining TACs, as they are the leading source on how many seals there are in the relevant populations. To avoid confusion the species are presented separately in the reports (Haug and Øigård, 2015). Next, the reports present strategies connected to the estimation and taxation of populations. These vary from report to report, as technological and methodical advances develop in time. For example, in the 2015 report, it is suggested to exchange flyover by plane for flyover with drones (Haug and Øigård, 2015: 9).



To show how TACs are drawn up, I have made a simplified illustration depicting the process. First, a population estimate is made. Secondly, the TAC is given. Lastly, the annual hunt commences and the number of seals caught are counted. Then the population estimates are made anew, and the process goes around once more. Although this is a shallow recount of how the process is done, this is the basics of it.

Figure 2: TAC process

Additionally, it is important to keep in mind that TACs are given as adult equivalents. This means that the number of animals that can be killed according to a TAC is given in adult animals. This means that when cubs are killed, two cubs make up an adult equivalent. As such, for every two cubs killed, one individual adult equivalent of the TAC is filled (Haug and Øigård, 2012: 4).

5.2.2 Leading up to the Regulation

To comprehend how the EU regulation affects Norwegian nature-management, we first need to go through some of the numbers and reports describing how the situation was prior to the regulation. From this, I will make a backdrop for the analysis on whether the EU regime has affected the Norwegian management of the Arctic seal stocks. The reports analyzed in this

segment deal with sealing up until the 2009 season. The post-regulation reports start in 2011, as the regulation was effective from August of 2010 (Norway, 2011a) and the 2009 report was launched in January of 2009 (Haug and Øigård, 2009). Additionally, the sealing season for 2010 commenced in March and ended in May, which means that the hunting season of 2010 also precedes the regulation (Haug and Øigård, 2011).

The years prior to the regulation were characterized by large fluctuations in taxation (table 2). The hunt had its peak in the years of 2005 and 2006, where 21,597 and 17,037 animals were caught, respectively. The bottom was decisively reached in 2008 where no more than 1,325 animals were caught. I am only utilizing the data of hooded- and harp seals. Thus, any pinnipeds being caught due to by-catch are omitted from my analysis. Harp- and hooded seals caught for scientific purposes are included where relevant (Haug and Øigård, 2009).

	Total Taxation (Individuals)		Harp Seal (Individuals)		Hooded Seal (Individuals)	
	TAC	Taxed	TAC	Taxed	TAC	Taxed
2005	20,600	21,597	15,000	17,771	5,600	3,826
2006	35,200	17,037	31,200	13,390	4,000	3,647
2007	31,200	14,043	31,200	13,981	0	62
2008	31,200	1,325	31,200	1,263	0	62
2009	40,000	8,437	40,000	8,035	0	402
2010	42,400	4,652	42,400	4,652	0	0

Table 2: TAC and taxation 2005-2010³

The observed fluctuation in catches has been well documented in the reports of the Norwegian Maritime Institute. For 2008, the low catch can be explained mainly by the low population of hooded seals (Haug and Øigård, 2009: 7). The report from 2009 establishes that they could not give any commercial vessels access to this population, as it was in crisis. Additionally, only one Norwegian vessel ventured into the West Ice to hunt harbor seal. The reason for this is unclear. The result however, is completely clear, as the number of individuals caught was as low as 1,263 compared to 13,981 the year before and 8,035 the following year (table 2).

As for the language of the reports, there is little that indicates that there is a pro- or anti-sealing message behind them in the pre-2010 reports (Haug and Øigård, 2009). The reports are designed so as to give the best advice for sustaining the populations of hooded- and harbor

³ NORWAY, S. 2012c. 368 Selfangst. <http://www.ssb.no/a/aarbok/tab/tab-368.html>.

HAUG, T. & ØIGÅRD, T. A. 2015. *Ishavssel: fangst, bestandssituasjon og forskning*. Havforskningsinstituttet.

seal at their optimal level. This means that the populations should not exceed their theoretical maximum sustainable limit, nor go below their minimum sustainable limit. The maximum and minimum limits for the populations are there to give us a somewhat solid goal on how the TACs should be advised.

What needs to be mentioned is that the hunt for hooded seal was closed off in 2007 due to the population of hooded seal in the Arctic rapidly declining (Haug and Øigård, 2009: 1). There has not been given any conclusive evidence as to why this is, but as a precautionary measure, the hunt was stopped. This is a good example on the responsibility and accountability of the management branch of sealing. When a decline is observed, the hunt is closed until such a time where the population increases again. In my data, there are however few years where no hooded seals have been caught. The reason behind this is that scientific vessels are exempt from the decision to close off the hunt. Thus, the hooded seal caught after 2007 are caught for scientific purposes (Haug and Øigård, 2015: 6).

5.2.3 Aftermath of the Regulation

Now that we have gone through how the reports were constructed prior to the Regulation (EC) No 1007/2009, it is time to go through the aftermath of the regulation. As with the last segment, I will present numbers from reports, as well as analyzing the language of said reports to get a grip on whether or not the anti-sealing message from the EU has had an effect on the governing of the Norwegian governing of seal-stocks. The antithesis to this will be that there are other regimes pertaining to how these seal-stocks are governed, namely the aforementioned regime of nature management, laid down to ensure proper and sustainable management of populations.

After Regulation (EC) No 1007/2009, the taxation of populations of seal is still somewhat sporadic (table 3). Where 2015 was a new bottom year with only 2,237 animals caught (table 3). This can be explained by two factors though. First of all, the commercial hunt on hooded seals has been closed off since 2007, and will continue to be closed in the future seeing that the populations future is uncertain (Haug and Øigård, 2015: 1). There has been launched some scientific projects seeking to understand why the pup-production in this population has been low, but as of yet they have not found any conclusive answers (Haug and Øigård, 2015: 11). Additionally, no Norwegian vessels partook in the hunt in the East Ice in 2015. The top year after the regulation was 2013, when 15,939 animals were caught (table 3).

	Total Taxation (Individuals)		Harbor Seal (Individuals)		Hooded seal (Individuals)	
	TAC	Taxed	TAC	Taxed	TAC	Taxed
2011	42,400	10,334	42,400	10,334	0	0
2012	25,000	5,614	25,000	5,593	0	21
2013	25,000	15,939	25,000	15,939	0	-
2014	21,270	11,980	21,270	11,980	0	-
2015	21,270	2,237	21,270	2,237	0	-

Table 3: TAC and taxation 2011-2015⁴

The reports after the implementation of Regulation (EC) 1007/2009 still withhold their scientific language, and are characterized by this. Thus, the TACs still seem to be made on the basis of scientific inquiry. However, one important change to how the hunts are carried out came in 2009. In the years from 2009 to 2014, there was a prohibition in place forbidding vessels to hunt yearlings (Haug and Øigård, 2015: 1). Though the effect on the Norwegian hunts have been limited, the Russian hunts which were planned within this timeframe were cancelled, as Russian vessels base most of their catch on these individuals. The prohibition on hunting yearlings was put in place by the industry after pressure from animal protection interest groups. It is worth mentioning that although the prohibition was lifted in 2015, Russian vessels still did not partake in the hunt as the ice conditions in the East Ice were particularly difficult (Haug and Øigård, 2015: 1).

There are two regimes interplaying when it comes to the management of seal populations and the state of the industry. Primarily, the management advice and the subsequent taxation is governed by the regime of nature management. Both before and after Regulation (EC) No 1007/2009 came into effect, the scientific community governs the TACs and have had the heaviest hand when deciding how many individuals may be taken out of the populations. However, we see that after 2009 interest groups representing the same ideals as the EU have had a say in how the hunt is executed. This makes it apparent that the interests of the European regime with the EU in the front have had an effect upon the management. Although this effect has not been particularly detrimental for the Norwegian sealing industry, it has effectively barred the Russian sealing industry from partaking in the hunt.

In this segment, the defection of the EU is not of particular interest. The most interesting thing here is another of the Regime Theoretical terms, namely preference. The stated preference of

⁴ NORWAY, S. 2012c. 368 Selfangst. <http://www.ssb.no/a/aarbok/tab/tab-368.html>.

HAUG, T. & ØIGÅRD, T. A. 2015. *Ishavssel: fangst, bestandssituasjon og forskning*. Havforskningsinstituttet. Appendix 2

the Norwegian Maritime Institute regarding harbor seal is to limit the growth of the population. This is due to the data of the Norwegian maritime institute showing that if the taxation continues to be as they have been in recent years, the population will grow. Meanwhile, the preference of the EU on harbor seal populations is that the commercial hunts are to subside completely. Here, the two preferences have met at a middle ground for a period of time. While the hunt did not subside, the decision not to kill yearlings in the period of 2009-2014 must seem as a victory for those wishing for the disappearance of commercial sealing. This is due to the killing of yearlings, or pups, is seen as especially horrible. All over, this does restrict how many animals are killed in the hunt, due to the practice regarding how many animals are killed. In the TACs two yearlings are worth one older animal. This means that the ban on killing yearlings actually had a significant effect on how many animals were removed from the population while it was in effect.

Regarding hooded seal however, the stated preference of the reports is to guard the population from further taxation. The reason behind wanting to guard the hooded seal population lies in the poor reproduction rates within the population. As taxing a population with limited reproductive capabilities would be detrimental to the population, the wish for conservation regarding hooded seal is funded in the natural sciences. Thus, the preferences of the EU and of the regime of nature management coincide for the population of hooded seal. This is because the stated preference for the EU is to remove the commercial hunting of seal, while the preference of nature management is to preserve populations, and not put unwanted strain on a population. From this we can see that preferences may converge in opposing regimes, even if the reasons behind the preferences differ vastly.

There has been an apparent change in how the management of populations of seal in the Arctic has been conducted. The rhetoric carried by the EU and interest groups has managed to sway those giving advice on management, so that younglings have been exempt from the hunts over several years. The interesting point here is that the reports state that it is not the EU that has pressured it, but rather interest groups (Haug and Øigård, 2015: 1). However, it is likely that it is the same interest groups which have pressured the EU to take the stand that it has on sealing. As previously stated, it was the people of the EU who called out for a stricter regulation on the import of products derived from sealing. As the cry originated from within

the population, and not from the EU officials themselves, I would dare to say that the interest groups who have pressured the Norwegian management originate from continental Europe.

5.2.4 Regional management, local problems

Pertaining to the discussion of the management, and the desire for a lower population of harbor seals, it is necessary to provide some context as to why this would be a problem. I will now discard any of the potential biological problems that could arise, as this would take me out of the language of Regime Theory, and deeply into the language of biology. Instead, I will deal with which problems this poses for Norwegian economy and Norwegian industry. The belief is that if the Arctic populations of harbor seal grow out of control, we may see a seal invasion along the northernmost coast of Norway (Aftenposten, 2015). Right now, one might wonder what the Arctic population of seal has to do with the Norwegian coast. The reality is that the northernmost coast of Norway, namely the coast of Finnmark county, is very near the feeding areas of the Arctic harp seal. As harp seal is a migrating species, there is a real chance that an unprecedented increase in the harp seal population leads to an invasion of harp seal along the coast of Finnmark, as has happened before (Aftenposten, 2015).

An invasion of seal in areas where the seal populations are kept low would drastically increase the amount of biological mass the seal extract from the environment. This biological mass would be taken out in the form of fish. As Northern-Norway is home to large fishing industries, this would impact said industry heavily. It could potentially force the industry to put severe limitations as to how much fish could be caught by vessels. Additionally, there are numerous fish-farms along the northern coast of Norway, and the seals can absolutely destroy the nets of fish-farms to get to the fish inside (Aftenposten, 2015). Although fish-farms have contraptions dissuading seals from coming close to the facilities, there is no guarantee that they will continue to be effective in the case of a mass-influx of seal. A seal breaking into a fish-farm would cause mass-escape of genetically enhanced fish into the wild resulting in a dilution of the gene-pool of wild fish, as well as causing enormous monetary losses for aquaculture companies. Thus, it is in the preference of the Norwegian government to contain the Arctic seal populations, not only on the side of biology, but also on the side of economy. However, if the state of sealing continues as is, with cuts in subsidies, few vessels partaking in the hunt and no market for the products from the industry, the Arctic population of harbor seal may continue to grow.

When dealing with the present and past of sealing, a need to comprehend its future arises. As the ice in the Arctic is melting, the habitat of pinnipeds in the Arctic is disappearing. As cubs rely on the ice when growing up, they are doomed to die if it disappears, making the future of Arctic pinnipeds uncertain. Drawing on the evolutionary heritage of Regime Theory, we could hope that this crisis is handled by the seal through an evolutionary leap where the pinnipeds reliant on the ice adapt and start bearing offspring on dry land. This means that Norwegian nature management may find itself with a “Catch 22”, where the pinnipeds and other Arctic species disappear regardless of the management of these populations.

5.3 NORWEGIAN EXPORT AND INDUSTRY

Has Regulation (EC) No 1007/2009 implemented by the EU had an effect on the Norwegian sealing industry and the export of seal products?

Prior to the regulation, the EU was one of the largest transit markets for products derived from seal on a global trade scale (Norway, 2009a). based on this, the logical assumption would be that a sudden closure of this market would have adverse effects on the Norwegian export of seal products. What I expect to find is that one of three things have happened. My first assumption is that the Norwegian export market has restructured its export pattern, and that products that used to go to the EU now goes to other countries and regions. My second assumption is that the export has subsided. This means that the products that were exported to the EU earlier now go into the Norwegian internal market. My last assumption is a combination of these two scenarios, where some products earlier meant for the EU are circulated into the internal market of Norway, and some products go out to other countries.

An important note to this research question is that empirical data has been exceptionally difficult to find. I have been in touch with all of the institutions governing and monitoring the export of marine produce and products from Norway and most of them could not help me find what I was looking for. Statistics Norway was the only institution that could hprovide me with data, albeit to a limited degree. This means that the tracking of where products derived from seal end up is limited at best. Therefore, my empirical analysis consists of a combination of statistical data and newspaper articles featuring businesses involved in the export of seal.

5.3.1 Export

The export of raw-materials has, to my knowledge, been low in quantity. In the period 1988-2012 meat derived from seal hunts has only been exported twice; in 2007 and 2009. On both occasions, it was a rather small quantity. Both in 2007 and 2009 the export went exclusively to Canada (Norway, 2016). What I draw from this is that the meat derived from Norwegian seal hunts and landed in Norway caters predominantly to the Norwegian inner market. However, this has proved difficult to confirm. According to news articles, the vessels participating in the hunt sell meat from their boats in harbors where they land their catch, but this has not been tracked by Statistics Norway as far as I can tell (NRK, 2016). regarding the sales and export of seal skins, it is difficult to find any concise and definite details. I have, through Statistics Norway, found numbers pertaining to the general export of all fur from the fur industry. Within this statistical table however, pelts from all sides of Norwegian pelt industry are included.

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Canada	400	0	0	0	0	0	0	0	0	0	0
Denmark	0	116	0	0	0	0	0	0	0	5000	7560
Finland	450	308	7	0	4000	13567	5180	132	5762	9850	6500
Japan	0	231	0	126	0	0	0	0	50	113	0
Latvia	0	0	0	0	0	0	0	0	0	0	2000
Russia	0	0	0	0	0	0	800	0	0	0	0
Great Britain	0	0	0	0	0	0	0	0	0	15	0
Sweden	0	0	0	0	0	0	0	0	0	0	60
USA	1	0	0	0	0	0	0	0	0	0	98

Table 4: Kilos of fur exported from Norway⁵

Contradictory to the expectations of a trend where we would export less pelts to EU members, and subsequently export more pelts to non-EU members, the case seems to be quite the opposite. The EU member countries within my table have seen an overall increase in import of pelts from Norway since the implementation of Regulation (EC) No 1007/2009. This trend is particularly visible in Denmark, where no import from Norway found place in the 2005-2013 period, while importing 5000 and 7560 kilos of pelts in 2014 and 2015 respectively (Norway, 2016). In other countries, the import of Norwegian pelt has been non-consequential with the

⁵<https://www.ssb.no/statistikkbanken/selectvarval/Define.asp?subjectcode=&ProductId=&MainTable=UhmDVarerLand&nvl=&PLanguage=0&nyTmpVar=true&CMSSubjectArea=utenriksokonomi&KortNavnWeb=muh&StatVariant=&checked=true>

exception of Finland which has seen a steady, albeit fluctuating, import of Norwegian pelt. Drawing conclusions about the export of seal pelts is a difficult task, seeing as it is not separated from other animals within this table, I will however discuss the table as a whole and see what can be read from it. If there had been a noticeable decrease in the export of pelts to European countries, we could speculate whether or not this decrease was related to the regulation. However, as this is not the case, the task becomes more difficult. What we can see outright is that the export of pelt from Norway to European countries has increased since 2009 (table 4).

At the same time, the export of pelts to other countries has been either modest or decreasing. Thus, with basis in the data I have collected, the regulation has had next to no effect upon the pelt market of Norway, and by extension, the export of seal pelts. Another conclusion that I would draw from this table is that the export of seal pelts has not found a new external market since the implementation of Regulation (EC) No 1007/2009. The basis for this claim is that the countries that have seen an increase in import of pelts from Norway are European countries. As the regulation prohibits the import of products derived from seal, seal pelts could not have gone into these markets. The other countries have a minimal import of pelts from Norway. I would deem that pelts from seal do not enter these markets either in any notable or consistent volume, falling in line with what has been stated by parties involved in the Norwegian sealing industry. With the shut-down of the EU market, the sealing industry has tried to distribute the pelts onto the Chinese market (Lofotposten, 2014). Pelts distributed to the inner market of Norway, as with the meat derived from seal hunts, has not been tracked by Statistics Norway.

Though the preference of the Norwegian exporters of seal pelt is to move the pelts out of the Norwegian market and onto the international market, it seems that they have been unable to do just that. It is possible that the aforementioned company has managed to move their pelts onto the Chinese market through an intermediate country such as Japan. However, the fact that the quantum of pelts going to non-EU countries is so low I do not believe that this has been done. As such, the preference of the EU, to stop the trade in seal pelts seems to have been at least in part successful.

There are two components yet to be discussed in my thesis as of now which are derived from the seal hunts, namely blubber and oil. This has for a long time been used in dietary

supplements and has been exported, at least at some point in time. As far as I can tell, Statistics Norway does not carry numbers for this. Statistics on oils derived from sea mammals are available, however, there is no discerning what sea mammals these oils derive from. Thus, it is difficult to use this data draw conclusions. Especially due to the whale industry being far larger than the sealing industry. There are also numbers on how many tons of blubbers that derive from sealing, but no information of the distribution of it (Norway, 2012c).

From this, it is clear that the regime head EU has formidable power over fellow constituents within regimes of trade. Through trade regulations it has been able to shut down an entire export industry in a fellow European country. The EU inhabits the power to forcibly limit or stop the practice of industries it does not agree with on ethical grounds. This consolidates my view of EU as the regime head in the European region, and that when the EU acts, the reverberations can be felt throughout European waters.

There has been no apparent retort in the export sector from Norway as a response to the defection of the EU. Although some politicians and citizens have expressed clear dissatisfaction regarding the regulation, it has produced no clear response towards the EU outside of the WTO challenge (Fiskeribladet, 2016). I believe this can be expressed purely in Regime Theory terms. As the preference of Norway is to maximize utility, an altercation with the EU is not preferred by Norway. Once again, explained by the high value the European trade regime holds for Norway. There is little incentive for Norway to take on the EU, as Norway is far more reliant on the EU than vice-versa. As there are far more profitable areas of trade between these two actors, the relatively small industry of sealing cannot do much to worsen the relationship between them. This is as the EEA-agreement creates vast amounts of utility for the Norwegian state, far surpassing the actual or potential utility of the sealing industry. Concerning legitimacy, there are no export measures (such as tariffs and import bans) that can be taken by Norway that would be legitimate to the international society. At least, no measures that would not hit Norway harder than the EU.

5.3.2 Industry and subsidies

A realization that has to be made is that the part of the sealing industry involved in the actual catch is small. The total annual revenue of this part of the industry has not been higher than 4.5 million NOK in the years between 2005 and 2012 (Norway, 2012c). To compare, the total export revenue of Norway in 2015 came to more than 836 billion NOK (Norway, 2015b). Thus,

it would be naïve to think that the sealing industry would have the weight to influence Norwegian trade relations towards the EU. Additionally, it is important to keep in mind that the 4.5 million NOK in revenues from 2006 are not translated into export value. Within political relations, I have found no evidence that Norway has changed its tone towards the EU. It continues to be a one-sided relationship, where the EU passes regulations and Norway complies. This is because the EU has not as of yet passed any regulations that are detrimental towards Norwegian trade and its ability to increase utility. The reality is rather that the tariff-free regime of the EEA has contributed to increasing utility for Norway far more than it is physically possible for the sealing industry to do.

	Total Taxation (individuals)	Blubber Production (in 1000 kg)	Revenue (in 1000 NOK)	Subsidies (for vessels, in 1000 NOK)
2005	21,597	340	3,895	13,274
2006	17,037	516	4,488	13,958
2007	14,043	291	2,542	10,558
2008	1,325	17	377	1,677
2009	8,437	123	1,713	6,442
2010	4,652	46	1,070	4,620
2011	10,334	95	1,923	7,500
2012	5,614	66	1,604	4,201

Table 5: Taxation, blubber production and revenue from the Norwegian sealing industry⁶

Not only is the monetary revenue of the sealing industry near invisible when compared to other sections of Norwegian industries, but sealing has been granted a high level of subsidies. Between 2005 and 2012 The vessels of the sealing industry received ca. 62 million in subsidies. In comparison, the vessels brought in ca. 17 million in revenues. This means that the sealing industry has not been a sustainable industry in this period. Earlier, when vessels were numerous and the catches were bountiful, the situation was different. Then, the industry brought in high levels of revenue. In 1965, one of the top years for Norwegian sealing, the revenue was just below 23 million NOK (Norway, 2012c). As 23 million NOK was a lot more worth in 1965, it is obvious that the industry was more profitable in the past. The top year in recent history was 2006, where the industry generated 4.4 million NOK in revenues. However, at this point in time, the industry was receiving heavy subsidies. The point to be made here is that if the industry was larger in size, and profitable, Norway would have more reason to

⁶ NORWAY, S. 2012c. 368 Selfangst. <http://www.ssb.no/a/aarbok/tab/tab-368.html>.
Appendix 1

challenge the EU as it would threaten the utility of the nation. As of now, the sealing industry's only purpose for the Norwegian government is to ensure reliable and proper management of the population as is the preference of the Norwegian government. Additionally, as Regulation (EC) No 1007/2009 does not infringe on the EEA trade in products derived from seal, Norway does not have probable cause to punish the EU through trade regulations (Bello, 1996: 417).

It is possible that if Norway had pressured the EU harder on the subject of Regulation (EC) No 1007/2009, the EU may have buckled. This is as the two actors have been trade partners for several decades, and a degrading the relationship could have posed losses in utility for the EU. However, as the industry has not proved to be a major source of utility for Norway I see three possible reasons for the way the Norwegian government reacted. First, there has to have been a fear of the power the EU has in the EEA relationship with a belief that the utility mechanism would have been lessened for Norway. Secondly, the belief that the challenge from Norway and Canada would be settled in their favor must have been high. This stems from the fact that the regulation is a de facto product ban, which is in direct conflict with the WTO rules. If the Norwegian government was sure of this, the need for direct action in the untested channels of the EEA would not have been preferable. Lastly, one of the biggest companies in the Norwegian export sector of seal pelts did not believe that the EU ban would be detrimental to the industry (NRK, 2009). An industry which is sure that the it would prevail and restructure whatever happened to the EU market must have had a dampening effect on how the government reacted. It is worth noting that the company since has subsided their export of pelts derived from seal (Lofotposten, 2014).

5.4 POLITICAL RELATIONS

Has Regulation (EC) No 1007/2009 had an effect on the relationship within the European political regime or the relationship between Canada and the EU?

In this segment, I have set out to see how the political relations between the EU-Norway relationship and the EU-Canada relationship has changed because of Regulation (EC) No 1007/2009. The EU has an outspoken ambition of being an observer in the Arctic Council (AC) and has applied for a permanent observer seat. Before I delve into the implications and result of this, I will provide some general outlines of the AC.

Within the AC, three EU members have permanent seats, namely Sweden, Denmark and Finland. As such, it is only natural for the EU to want to partake in the decision-making in the AC, as it has immense normative effect in the Arctic region (Graczyk et al., 2017: 124). The way I have analyzed the political climate between the two states and the EU is by looking at statements made by Norway and Canada, and see whether Norway or Canada lead a language of resentment towards, or a hesitation to cooperate with the EU following the Regulation (EC) No 1007/2009. I do believe that such a hesitation in cooperation will be visible. I do, however, also believe that this resentment will be manifest mostly in areas where Norway or Canada and the EU are not already deeply involved and established as co-constituents.

As Regime Theory dictates, defection from established rules and norms will cause resentment and distrust between actors. The logical assumption regarding the EU defection from the trade regime of the WTO, where Norway, Canada and all member-states of the EU are constituents should produce adverse effects for the EU (WTO, 2017). Though, as we already established, the EU defection was proved legitimate in the WTO court, if not legal. However, according to Regime Theory, the defection can manifest itself in other regimes. What I expect to find from this is that Canada and Norway have an outspoken hesitation towards letting EU into the AC as an observer state, shutting the EU from the Arctic regime of the AC. Additionally, still following the effects of defection, I assume I will find that Norway and Canada may back trade-rulings or embargos that are detrimental to the EU, and that they would hesitate to make deals with the EU.

5.4.1 The Norway-EU Dimension

As we have mentioned, the EU and Norway has a long, intertwined and complicated history where the EU is the deciding actor, and Norway for the most part complies with the regulations put forth by the EU (Norway, 2012a). In 2012, the Norwegian government published a White Paper regarding the agreements that Norway has with the EU. In this paper, the relationship between the sovereign state of Norway and the EU is discussed quite exhaustively. This White Paper will be the bedrock of my discussion on the Norway-EU relationship. Of course, other sources will be used complementary.

The report describes the relationship between the EU and Norway as an asymmetric and one-sided relationship where the EU decides and Norway complies. The White Paper also mentions the EU as the leading arena where Europe is concerned. Although the EU isn't Europe, it

consists of a majority of the European countries giving it tremendous sway when the time comes for setting different agendas for the continent (Norway, 2012a).

Repercussions from the Norwegian state has as of yet not been present. Regime Theory gives some explanation for this. This may be found in the Norwegian preference of a stable and prosperous continued cooperation with the EU (Norway, 2012a). The Norwegian export market as a whole is highly reliant on the EU market. This is due to the EU being the largest “recipient” of Norwegian exported goods, whereas roughly 80% percent of Norwegian export entered the EU in 2010 (Norway, 2012a: 322). As such, challenging the EU on areas of trade would prove, at best, a difficult task. As the preference of Norway is to maximize utility, conserving trade relations would be in its best interest. This is as the cost of realigning trade relations and the loss of relations with continental Europe would far outweigh any possible rewards. As long as the EEA agreement stands and the EU prevails, pressuring the EU will never give Norway any benefits. This is because there is a vast difference in dependence between the two actors. Norway’s dependence on the EU far outweighs the EU’s dependence on Norway (Norway, 2012a). This disparity is recognized by both the actors.

A logical assumption is that the regulation was drafted in such a way that it does not infringe directly upon Norway’s trade in seal products. The EU could have proposed that the regulation would be applicable to the EEA trade regime, but it didn’t. If the regulation had been made a part of the EEA agreement, the whole situation may have been different. The Norwegian sealing industry, one of the leading nations in the market of seal products, would have seen an entire industry shut down over night. When the Norwegian government and the Norwegian people expressed anger towards the market shutdown, outrage would most certainly have been the result if the entire industry had been shut down from the outside. As such, questions would have been raised as to whether the EEA is an agreement Norway could have been part of. The difference lies in regulation and dictation. The EEA agreement does regulate the trade of products and what controls products must go through to be circulated into the EU/EEA market. However, if the EEA agreement proves to be able to perform such a severe intervention into the affairs of a nation-state, the agreement would surely see revision, or cancellation. To conjecture wildly, in such a scenario, we would see either the disbandment of the EEA agreement on the part of Norway, or a new referendum where full EU membership would be the issue. Although, it must be mentioned that there are two dimensions heavily

influencing the Norwegian stand on the EU. Oil and fisheries are two of the bedrock industries on which Norwegian economy is founded (Norway, 2012b). As long as Norway has oil, and is able to manage their fisheries properly, EU-membership is the less likely outcome of my two proposed consequences of overzealous EEA regulation from the EU (Claes and Tranøy, 1999: 158 & 209).

However, it is unlikely that the EU will pass a regulation which would severely infringe upon EEA members in the political climate of today. As Great Britain is leaving the EU by referendum, and right wing leaders in several EU countries are urging their people to make their countries leave the EU, the European regime may well be bound for change (Dagbladet, 2017). As such, putting unwanted strain on the relationship between the EEA constituents and the EU could have damning effects on the European regime. At the very least, Great Britain's leaving once again forces change upon the regime, and time will tell if other countries follow suit, and it will be interesting to see whether the European regime persists.

Another indicator that the relationship between Norway and the EU has not suffered much from the dispute over Regulation (EC) No 1007/2009 is the strategy released by the Norwegian government in 2014 (Norway, 2014). The strategy is a presentation on how Norway plans to further the cooperation between the EU and Norway in the period 2014-2017. The strategy is extremely positive towards the possible and existing modes of cooperation between the two actors, and envisions a future where the EU and Norway work together even closer to further improve areas such as health, education and trade (Norway, 2014). This does not signify a new chapter in the political relationship between Norway and the EU, but rather a normalization of their historical relationship. The dispute over Regulation (EC) No 1007/2009 has been an unprecedented one when it comes to the post-EEA relationship between the actors. Furthermore, it seems that with the finalization of the WTO verdict, the conflict between them has ended as well.

5.4.2 EU and Canada - Arctic shutout

Regarding Canada, the EU possesses less power. Thus, Canada has a broader playfield when it comes to deal with the head of the European regime. This is due to the completely different arena these two actors meet. One of these arenas, the AC will be the primary focus of my discussion in this segment. However, there are also some bilateral agreements that are crucial to my thesis, and these will be discussed as well.

In the AC we find eight permanent seats, which have votes on issues taken to the council. As mentioned, three seats are taken by EU-states, while the others belong to USA, Canada, Russia, Iceland and Norway (Hønneland, 2012: 76). In addition to these seats we find observer-states, as well as indigenous groups and other interest groups with observer status. In the last decade, the EU has been seeking to consolidate their position as an Arctic actor beyond just the three member countries with Arctic borders. The EU has applied for an observer seat in the AC. However, this application has been blocked by Canada (Hønneland, 2012: 79-80). This has been a huge blow to the EU's interests in the Arctic region. What I mean by this is not that the channels the EU has into the Arctic has been blocked, but rather that by refusing the EU an observer seat in the AC, Canada sends a decisive message that the EU is not wanted in the region.

However, this is not a surprising development according to Regime Theory. The EU performed an insult when closing its market to a commodity of which Canada is the leading world exporter (Hossain, 2013: 2). As well as being a defection from the rules and norms of the WTO, the regulation can be perceived as a rather personal and direct political affront towards the values and interests of Canada as a nation. As I mentioned, defection from a regime may result in adverse effects further down the road and not necessarily within the same regime relation as the defection was performed in (Rittberger and Mayer, 1993: 288). Thus, Canada refusing the EU an observer seat within the AC can be viewed as a rebuttal, where the EU is punished for its defection in the WTO. Canada can do this, as it is a sovereign nation without strong ties being jeopardized by refusing the EU an observer seat in an institution where it already has presence. An important factor in the Canadian refusal is that it cannot be viewed as defection. It is not a refusal of cooperation within a regime where the EU is an equal actor, but rather a legitimate denial of EU membership within an exclusive cooperative regime. The EU could answer this rebuttal with whatever means it has at hand. However, in my opinion the EU does not have legitimate grounds of doing so due to there being no appropriate channels of doing so. This is due to the AC being a separate regime, and any repercussions through other regimes are by definition illegitimate.

Following the narrative of the last paragraph, let us move into the realm of conjecture. The EU could answer the rejection of an observer seat within the AC with disbandment of bi-lateral trade agreements or a higher level of tariffs towards Canada. However, within the regime

governing this, namely the WTO, this would be seen as an “unlawful” rebuttal towards Canada. It would be frowned upon, and Canada would be in its full right to answer blow for blow. This is because the AC question is not one of trade and tariffs, but rather one of institutional structure and high politics in a regional institution. What the EU could do, however, would be to answer with a rebuttal in other institutions and regimes where both the EU and Canada are actors. The problem with this is that most of the regimes where Canada and the EU cooperate are trade- or security regimes. Where non-compliance within a trade regime would be illegitimate and potentially unlawful, it could be outright dangerous and destabilizing within a security regime.

5.4.3 Trust, Trade and Agreements

As a direct effect of the regulation, it is apparent that trust between Canada and the EU has been diminished. Canada does as of now not wish to welcome the EU as an actor in the AC, even if the role of observer is one with next to no power. It does possess a rather high degree of signal-effects. However, it seems that the relationship between the two actors is normalizing or even deepening as of now. In 2017, the EU and Canada ratified a bilateral trade agreement called the Comprehensive Economic and Trade Agreement (CETA) (Canada and EU, 2017). Although this is not the only bilateral agreement made between the two actors after the regulation, it is among the most comprehensive. This signals a new era between the two actors, where they engage in a greater deal of coordinated trade and cooperation. The scope of this agreement is to restrain severely, or remove completely all tariffs on products originating in either Canada or the EU. Additionally, it sets precedence on how future implementation of regulations is to be conducted, as well as setting rules on which products and services can benefit for subsidies. This means that the regulation is a rather invasive and exhaustive agreement for both of the actors involved (Canada and EU, 2017).

An interesting part of the CETA agreement is article 2.11, regarding import and export restrictions (Canada and EU, 2017). In this article, the criteria for a lawful restriction of the import or export restriction for either of the actors are laid out. The interesting part of this article is that it does not in any way infringe upon already existing import or export restrictions. This means that Regulation (EC) No 1007/2009 is untouched by this article which entails that the regulation will persist. This entails two things. Firstly, the EU has a lot invested in the regulation and will not retract the regulation on any grounds. Secondly, it is more

important for Canada to create new incentives and channels for international trade than it is to reverse the regulation. By extension, there has to be some political goodwill between Canada and the EU.

Although the implementation of Regulation (EC) No 1007/2009 became a thorn in the relationship between the EU and Canada, they have managed to put it aside to engage in more coordinate commerce to further their position on the international trade market. I do not believe that the CETA agreement could have been possible without the historical context into which it has been conceived. Although the regulation was a breach in trust between the two actors, they have had a long history of mutually beneficial cooperation, where defection from existing regimes has been minimal and relatively inconsequential. This also means that there exists a tradition of trust between the two actors. Additionally, the gains in utility this agreement present for both of the actors involved is potentially immense. Simply put, CETA could never have seen the light of day if the element of trust had been absent from the EU – Canada relationship (Hasenclever et al., 1997: 184).

This goes to show that although the regulation has had significant effects in some Canadian communities, the Canadian government has an interest in upholding trade relations with the EU. As the EU is the second largest recipient of Canadian export, a complete breakdown in the trade relationship would be disastrous for the Canadian economy (EU, 2017). Again, I do believe that this can be explained in the significance of the sealing industry on a national basis. The limitations put on the Canadian sealing industry by the EU cannot combat the effects a trade-breakdown between the two actors. From this it is apparent that the utility gain of a continued trade relationship towards the EU for outweighs the utility of the sealing industry as a whole. Though some Canadian local societies do see a clear limitation on their ability to maximize utility, the Canadian government has to take decisions for the nation as a whole, and engage in trade deals and maintain relationships on the international arena. This does not mean that the resentment between the EU and Canada is gone. It does however signal that Canada will restrict the EU through regime interaction, or the absence of this, on arenas which affects Canada's ability to maximize utility to a minimal extent. It is also worth mentioning that the EU is more important for Canadian export than vice-versa (EU, 2017). As such, the EU holds the position as head of this trade relation as well.

Regulation (EC) No 1007/2009 has strained the EU-Canada relationship, and the fallout of this has shown us an example of what adverse effects can be produced from defection within a regime. A seemingly benign and well-meaning political decision grounded in ethical considerations has the ability to sow seeds of dispute between time-tested and trusted allies, when it affects important interests of a constituent within a regime.

5.4.4 Conflicting cooperation and clashing culture

As with any regime, within both the European regime and the WTO regime there is dissent, conflicting interests and common interests. Regulation (EC) No 1007/2009 is an example of how issues can be transferred between areas of interest and prove a challenge for cooperation between actors of a regime, souring the political arena. For the EU, it is a question of ethical responsibility, while in Canada and Norway it is a question of culture, sustainability and commerce. Although it has manifested through reluctance to engage in new cooperative schemes, the old modes of cooperation have persisted. The EEA agreement between the EU and Norway still stands strong in the eyes of the Norwegian government, and the two actors engage in a high degree of trade and collaboration (Norway, 2012a). Additionally, the bilateral agreements between Canada and the EU persist and evolve. This proves that both the European regime and the WTO regime possess an inherent robustness and an arena for maximizing utility which actors cannot discard easily.

5.5 SUMMARY

Through my analysis, we have seen how the EU as a resourceful and powerful actor can affect the management and trade of sovereign nation states through trade regulations. Through the language and actions of Norway and Canada it is apparent that the regulation in question was not received well. However, due to the immense size and significance of the EU economy, the regime connections and relationships of trade stay intact.

We have seen how the EU decisively is the regime head of the European regime, where it is able to ratify regulations which have a large degree of impact in Norway. At the same time, the Norwegian state has few opportunities to deny or oppose the regulations as there are no established channels for doing so. Although the situation is different in the WTO regime, the EU is still a strong actor, and has through the WTO challenge from Norway and Canada created precedence in the legality of making considerations for animal welfare more important than

rules and norms on trade. Additionally, we have seen how defection within one regime can have adverse effects outside of said regime. Canada has through its position in the AC denied the EU an observer seat, which is an action containing a powerful symbolic message.

In addition to the internal regime conflicts, there is also a clear conflict of interests between regimes, crossing both disciplines and modes of preference. The regime of nature management and the European regime head, the EU, have inherently opposing views when it comes to how the Arctic populations of seal are to be managed. Although the regime of nature management has tried to keep a scientific mode of management, the values of the EU have managed to affect the management. Thus, the two opposing regimes have met on a middle ground, where the preferences of both regimes are met, albeit to a lessened degree.

6 CONCLUDING COMMENTS

Through my analysis, I have utilized the theoretical framework of Regime Theory in order to find out how and why regulations and legislation within one constituent of a regime affect other constituents. My assumption when starting the work on my thesis was that I could discern a clear connection between regulations released by one actor in a regime, and the consequences of this regulation in the behavior of other actors within the same regime. Additionally, I assumed that defection within the boundaries of a regime would entail both political and economic backlash for the defector.

6.1 FINDINGS

Using Regulation (EC) No 1007/2009 as an example, I have shown that a regulation borne from the preferences of one actor can severely affect both the industry and management within other actors of a regime. However, there is also an historical aspect to these interactions. As the EU is an important and time-tested trade partner for both Canada and Norway, any defection affecting these nations and the consequences of said defection has to be analyzed while keeping their inherent ties in mind. I have discovered that although both Norway and Canada reacted extremely negatively towards the regulation, their relationship with the EU has stabilized over time (see section 5.4). This is undoubtedly due to the strong economic interdependence between both Norway and the EU, and Canada and the EU. The regimes of trade I have utilized in my thesis have shown a high degree of robustness and have withstood the conflict between the actors. Additionally, I have found that the EU stance on sealing has to some degree affected the management of seal. Through interest organizations, the management sector has at times been forced to restrict what individuals can be killed by the sealing industry. The cease in hunting of hooded seal could have been seen as a staple of the impact of the regulation. However, as this particular hunt was closed down prior to the regulation, and has been justified with principles from nature management, it is not a result of the negative attitudes against the sealing industry (Haug and Øigård, 2009: 1).

I have not been able to prove my assumption of an economic backlash in the form of reciprocal import bans or higher tariffs. This can be explained primarily by the verdict passed in the WTO, where the defection of the EU proved legal and legitimate. I have however found evidence of

political backlash in the form of Canada shutting the EU out of the AC. In the absence of economic backlash, the trade relations between Canada and the EU have deepened after the implementation of the regulation. The relations between Norway and the EU also seem to be going on as usual. The Norwegian government talks warmly about the relationship and economic potential between Norway and the EU (Norway, 2012a).

My thesis has shown that there exists an asymmetrical relationship between Norway and the EU. This is no surprise given that the Norwegian government has expressed this on numerous occasions. However, what my thesis does is to show that the Norwegian government is reluctant to go up against the EU even when it threatens and shuts out a traditional and culturally important Norwegian industry. Thus, it is evident that if Norway ever was to leave the EEA agreement, a rather cataclysmic event has to have taken place.

The case of Regulation (EC) No 1007/2009 is also an example of a power play in some respect. The implementation of the regulation can be an attempt from the side of EU as being a display of how powerful it is in the different regimes. By implementing an internal legislative framework within its own boundaries, with the knowledge of the negative effects in other actors the EU has made an attempt to consolidate itself as the decisive regime head in relation to Norway and Canada. The attempt has proven successful, as neither Norway nor Canada has been able to prevent or reverse the regulation. Thus, as a future extrapolation of my thesis, I would advise the utilization of the Realist School of regime theory, to see whether the EU has come to be regarded as a hegemon of trade and international relations. This would of course demand the expansion of the number of regulation and interest areas in the analysis.

The findings of my thesis will bring us a little closer to understanding the complex interaction and interdependence between actors of international regimes. Additionally, I think that my thesis has an important function in shedding light on the availability of the data surrounding the sealing industry. A more transparent industry will most likely lead to a legitimization of the sealing industry.

6.2 SHORTCOMINGS

There are some weaknesses to my thesis that should be addressed. First of all, it is the difficulties I have had with gathering my empirical data. Some of the official data-sets provided by the governmental database Statistics Norway do not have data from recent years.

Additionally, some of the data sets do not distinguish which products are derived from seal, and which products are derived from other animals. The second weakness I need to address is that I have no statements from neither the sealing industry or from proponents and opponents to sealing. This is an inherent quality of my choice of method. As such, it is difficult to say anything about what the people involved in sealing or organizations whom oppose sealing have to say about the matter. Lastly, my choice of theory makes it difficult to incorporate individual and local impacts of the regulation, as it compels me to look at events on the arena of nation state actors.

Applying a wider range of methods would allow me to delve deeper into the actual effects of the regulation on the industry, and a wider range of opinions about the regulation. Additionally, utilizing other theories, or simply utilizing more theories to interact with Regime Theory could have given me a broader and more nuanced analysis.

6.3 FURTHER RESEARCH

In the light of my investigation and subsequent discoveries, I will give advice to further research and to the implications of my thesis. First, I would like to draw lines between Regulation (EC) No 1007/2009 and the recent law passed in France regarding plastic cutlery. France has banned plastic cutlery in an attempt to curb the proliferation of plastic in our seas and waterbeds. It has been argued that this law is illegal and detrimental to the European trade regime, and might be tested in the courts of the EU and WTO. However, the WTO challenge from Norway and Canada in which the WTO ruled in the favor of the EU has created precedence. Thus, the French ban on plastic cutlery may hold its ground as it is a law passed with the environment and animal welfare in mind. Secondly, the future of the sealing industry stands on uncertain and shaky ground. Ice melting in the Arctic may well ruin the habitat of all Arctic populations of seal, as well as a multitude of other animals. Subsequently, monitoring and restraint should lie at the core of sealing in the future. Thirdly, the infamous “Brexit” has shaken the EU to the core. This is the first time a constituent of the EU has put through a referendum to leave the EU, and the first time a country will be leaving the EU. As such, a close eye should be kept on the European regime to see whether it can withstand this crisis as this may have an effect on the membership of other European countries, and may well prove to be the demise of the EU in the long term.

6.4 AN UNCERTAIN FUTURE

In the two years since I first started the work on my master's thesis, the business sector and management considerations of Norwegian sealing has changed drastically. As a direct effect of melting ice, the future of sealing is uncertain. This naturally has a detrimental effect on my research and the results I have produced. However, I do defend the validity of my research as it concerns a period of time preceding the dramatic environmental revolt we now see in the Arctic. However, reality is that there is a real probability that a myriad of extraordinary flora and fauna, including seals, polar bears and Arctic cod, may go extinct within the scope of years.

7 SOURCES

- AFTENPOSTEN. 2010. Skandalejakten ble filmet. *Åge Winge*, 13.02.2010 [10.02.2017].
- AFTENPOSTEN. 2015. Den siste selfanger. *Ole Magnus Rapp*, 16.04.2015 [14.01.2017].
- BELLO, J. H. 1996. The WTO Dispute Settlement Understanding: Less is More. *The American Journal of International Law*, 90(3), pp. 416-418. doi: 10.2307/2204065.
- BIRKELAND, A. 2017. Head of the Section of Economics, Directorate of fisheries, Bergen.
- BRINKMANN, S., TANGGAARD, L. & HANSSEN, W. 2012. Kvalitative metoder. Empiri og teoriutvikling. *Oslo, Gyldendal akademisk*.
- CANADA 2010. The Precautionary Principle. In: OFFICE, S. D. (ed.). <https://www.ec.gc.ca/dd-sd/default.asp?lang=En&n=06E31414-1>: Canada.
- CANADA. 2016. *Trade Negotiations and Agreements*. http://www.canadainternational.gc.ca/eu-ue/policies-politiques/trade_agreements-accords_commerciaux.aspx?lang=eng: Canada [14.04. 2017].
- CANADA & EU, T. 2017. The Comprehensive and Economic Trade Agreement. In: CANADA (ed.).
- CLAES, D. H. & TRANØY, B. S. 1999. *Utenfor, annerledes og suveren?: Norge under EØS-avtalen*. Fagbokforlaget.
- DAGBLADET. 2017. Høyrepopulisme i Europa. *Marie Simonsen*, 11.02.2017 [22.04.2017].
- DAWKINS, R. 2016. *The selfish gene*. Oxford university press.
- EU 2009. Regulation (EC) No 1007/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 September 2009 on trade in seal products. In: UNION, T. E. (ed.).
- EU. 2016. *The precautionary principle*. <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3A132042>: EU [03.03.2017 2017].
- EU. 2017. *Countries and regions - Canada* [19.04. 2017].
- FISKERIBLADET. 2016. - Det er min plikt å kjempe for selfangsten. *Jørn Mikael Hagen*.
- GLENCROSS, A. 2014. *Politics of European Integration: Political Union or a House Divided?* John Wiley & Sons.
- GRACZYK, P., ŚMIESZEK, M., KOIVUROVA, T. & STĘPIEŃ, A. 2017. Preparing for the Global Rush: The Arctic Council, Institutional Norms, and Socialisation of Observer Behaviour. In: *Governing Arctic Change*. Springer, pp. 121-139.
- HASENCLEVER, A., MAYER, P. & RITTBERGER, V. 1997. *Theories of international regimes*. Cambridge university press.
- HAUG, T. & ØIGÅRD, T. A. 2009. *Fangst og reguleringer av ishavssel*. Havforsningsinstituttet.
- HAUG, T. & ØIGÅRD, T. A. 2011. *Ishavssel: fangst, bestandssituasjon, og forskning. 2011*.
- HAUG, T. & ØIGÅRD, T. A. 2012. *Ishavssel: fangst, bestandssituasjon, og forskning. 2012*.
- HAUG, T. & ØIGÅRD, T. A. 2015. *Ishavssel: fangst, bestandssituasjon og forskning*. Havforskningsinstituttet.
- HOEKMAN, B. M. & KOSTECKI, M. M. 2009. *The political economy of the world trading system: the WTO and beyond*. Oxford University Press.
- HOSSAIN, K. 2013. The EU ban on the import of seal products and the WTO regulations: neglected human rights of the Arctic indigenous peoples? *Polar Record*, 49(02), pp. 154-166.
- HØNNELAND, G. 2012. *Arktiske utfordringer*. Høyskoleforlaget.
- JENTOFT, S. 1989. Fisheries co-management: delegating government responsibility to fishermen's organizations. *Marine policy*, 13(2), pp. 137-154.
- KELLEY, N. & TREBILCOCK, M. J. 1998. *The making of the mosaic: A history of Canadian immigration policy*. University of Toronto Press.
- KRÄMER-HOPPE, R. U. & KRÜGER, T. 2016. International Adjudication as a Mode of EU External Governance? The WTO Seal Case. *JCMS: Journal of Common Market Studies*.

- LANDE, R. & BARROWCLOUGH, G. F. 1987. Effective population size, genetic variation, and their use in population management. *Viable populations for conservation*, 87, pp. 87-113.
- LOFOTPOSTEN. 2014. Lofotfirma vil selge spekk og skinn av sel til Kina. *Magnar Johansen*.
- MARTINSEN, S. 2014. *Selfangsten - Norge gambler med dyrs rettigheter*.
<http://www.dyrsrettigheter.no/havet/selfangst/selfangsten-norge-gambler-med-dyrs-rechtsvern-i-wto/>: NOAH [23.03. 2017].
- NORWAY 2000. Lov om retten til å delta i fiske og fangst (deltakerloven).
https://lovdata.no/dokument/NL/lov/1999-03-26-15/KAPITTEL_1#§3: Norway.
- NORWAY. 2009a. *EUs forbud mot handel med selprodukter - hva skjer nå?*
https://www.regjeringen.no/no/tema/naringsliv/handel/ud---innsiktsartikler/sletting/nyhetsbrev_tidligere/eus-forbud-mot-handel-med-selprodukter--/id570096/: Norway [07.04.2017 2017].
- NORWAY. 2009b. *Grønlandssel*. <http://www.imr.no/temasider/sjopattedyr/sel/gronlandssel/nb-no> [08.01 2017].
- NORWAY 2009c. Nature Diversity Act. <https://www.regjeringen.no/en/dokumenter/nature-diversity-act/id570549/>: Norway.
- NORWAY 2010. Sjøens pattedyr 2010. *Fisken og havet*.
<https://brage.bibsys.no/xmlui/bitstream/handle/11250/113960/Sjoens-pattedyr-2010.pdf?sequence=1&isAllowed=y>.
- NORWAY. 2011a. *Norge tar selsaken til WTO*.
<https://www.regjeringen.no/no/aktuelt/selprodukter/id635879/?id=635879>: Norway [23.04. 2017].
- NORWAY. 2011b. *Norges forvaltning av havets levende ressurser*. Regjeringen.no: Norway [13.03. 2017].
- NORWAY 2012a. NOU 2012: 2
- Utenfor og innenfor— Norges avtaler med EU. *In: AFFAIRS, M. O. F. (ed.)*. Norway: Norway.
- NORWAY. 2012b. *Utenrikshandel med varer, årsserier 2011*. <http://ssb.no/uhaar>: Norway [17.02.2017 2017].
- NORWAY. 2013. *Naturmangfoldlovens formål og virkeområde*.
<http://www.miljodirektoratet.no/no/Regelverk/Lov/Naturmangfoldloven/Naturmangfoldlovens-formal-og-virkeomrade/>: Norway [11.04 2017].
- NORWAY 2014. Norge i Europa. *In: UTENRIKSDEPARTEMENTET (ed.)*.
https://www.regjeringen.no/globalassets/upload/ud/vedlegg/eu/norge_i_europa.pdf: Norway.
- NORWAY 2015a. Natur for livet - norsk handlingsplan for naturmangfold. *In: MILJØDEPARTEMENTET, K.-O. (ed.)*. <https://www.regjeringen.no/no/dokumenter/meld.-st.-14-20152016/id2468099/sec1>: Norway.
- NORWAY, S. 2012c. 368 Selfangst. <http://www.ssb.no/a/aarbok/tab/tab-368.html>.
- NORWAY, S. 2015b. Utenrikshandel med varer, 2015, endelige tall.
<https://www.ssb.no/utenriksokonomi/statistikker/muh/aar-endelige/2016-05-19>.
- NORWAY, S. 2016. Utenrikshandel med varer. *In: 02089095 (ed.)*.
<https://www.ssb.no/statistikkbanken/selectvarval/Define.asp?subjectcode=&ProductId=&MainTable=UhArVareLand&nvl=&PLanguage=0&nyTmpVar=true&CMSSubjectArea=utenriksokonomi&KortNavnWeb=muh&StatVariant=&checked=true>.
- NRK. 2009. Selforbud har lite å si for Norge. *NRK* [01.05.2017].
- NRK. 2016. Selkjøtt:- Det er så utrolig godt. *Amanda Rørmark Åsberg*, 20.03.2016 [24.04.2017].
- PERIŠIN, T. 2013. IS THE EU SEAL PRODUCTS REGULATION A SEALED DEAL? EU AND WTO CHALLENGES. *International and Comparative Law Quarterly*, 62(2), pp. 373-405. doi: 10.1017/S0020589313000079.
- RINGDAL, F. 2009. Vigmostad & Bjørke AS 2001, 2. utgave. *Enhet og mangfold*, pp. 24-25.

- RITTBERGER, V. & MAYER, P. 1993. *Regime theory and international relations*. Oxford University Press, USA.
- RITTBERGER, V. & ZÜRN, M. 1991. Rittberger, V. and Zürn, M. Regime Theory: Findings from the Study of "East-West Regimes". *Cooperation and Conflict*, XXVI, 1991, 165-183. *Cooperation and Conflict*, 26(4), pp. 165-183. doi: doi:10.1177/001083679102600401.
- SELLHEIM, N. 2015. Seal Hunting in the Arctic States. An analysis of Legislative Frameworks, Incentives and Histories. *The Yearbook of Polar Law*, 7 (2015), pp. 188-224.
- SELLHEIM, N. 2016a. Early sealing regimes: the Bering Sea fur seal regime vis-à-vis Finnish–Soviet fishing and sealing agreements. *Polar Record*, 52(01), pp. 109-114.
- SELLHEIM, N. 2016b. Legislating the blind spot: the EU seal regime and the Newfoundland seal hunt.
- WEBER, M. 1971. Makt og byråkrati, Red. *Dag Østerberg*.
- WEGGE, N. 2013. Politics between science, law and sentiments: explaining the European Union's ban on trade in seal products. *Environmental Politics*, 22(2), pp. 255-273.
- WTO. 2017. *Members and observers*.
https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm [20.04.2017 2017].
- ZIMMERMANN, H. & DÜR, A. 2012. *Key controversies in European integration*. Palgrave Macmillan.

8 APPENDIXES

8.1 APPENDIX 1

This table was provided to me through personal correspondence with the Norwegian Directorate of Fisheries⁷ (Birkeland, 2017).

SUBSIDIES FOR SEALING *)

1983 - 2017

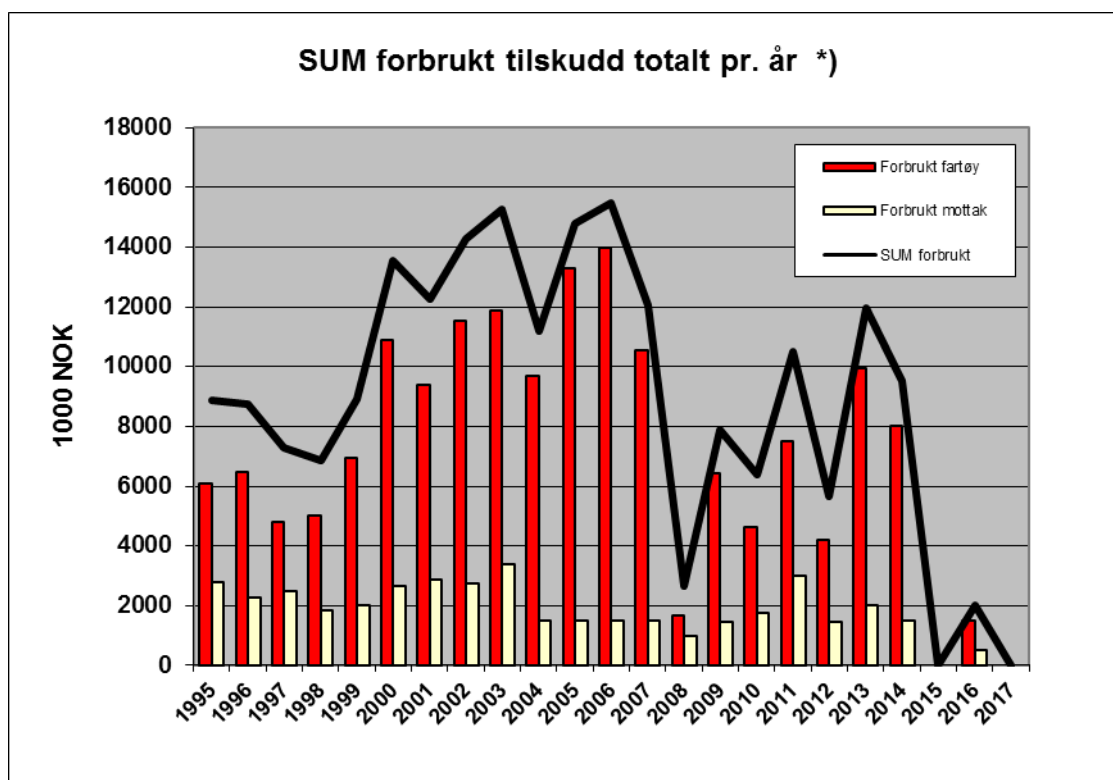
(Numbers in 1000 NOK)

Year	Granted vessels	Granted landing station	SUM of grants	Expenditure vessels	Expenditures landing station	SUM expenditures
1983	4 150		4 150	4 150		4 150
1984	5 000		5 000	5 000		5 000
1985	4 800		4 800	4 800		4 800
1986	4 875		4 875	4 840		4 840
1987	7 000		7 000	7 000		7 000
1988	6 700		6 700	5 996		5 996
1989	8 500	3 900	12 400	7 107	3 900	11 007
1990	9 000	3 900	12 900	8 610	3 900	12 510
1991	9 000	3 900	12 900	8 694	3 900	12 594
1992	7 000	3 000	10 000	6 909	3 000	9 909
1993	7 200	2 800	10 000	6 781	2 800	9 581
1994	7 200	2 800	10 000	6 961	2 800	9 761
1995	7 200	2 800	10 000	6 084	2 800	8 884
1996	7 000	2 700	9 700	6 483	2 275	8 758
1997	7 500	2 500	10 000	4 800	2 500	7 300
1998	8 000	2 000	10 000	5 017	1 839	6 856
1999	11 000	2 000	13 000	6 935	2 000	8 935
2000	12 100	2 900	15 000	10 911	2 654	13 565
2001	12 100	2 900	15 000	9 403	2 864	12 267
2002	12 100	2 900	15 000	11 514	2 751	14 265
2003	12 000	3 500	15 500	11 889	3 365	15 254
2004	10 000	2 000	12 000	9 681	1 500	11 181
2005	14 000	1 800	15 800	13 272	1 500	14 772
2006	14 000	1 800	15 800	13 958	1 500	15 458
2007	13 500	1 500	15 000	10 558	1 500	12 058
2008	7 160	1 500	8 660	1 677	986	2 663
2009	13 000	1 500	14 500	6 442	1 461	7 903

⁷ Translated from the original correspondence in Norwegian.

2010	7 500	3 000	10 500	4 620	1 770	6 390
2011	7 500	3 000	10 500	7 500	3 000	10 500
2012	7 500	3 000	10 500	4 201	1 450	5 651
2013	10 000	2 000	12 000	9 945	2 000	11 945
2014	8 000	1 500	9 500	8 000	1 500	9 500
2015	0	0	0	0	0	0
2016	1 500	500	2 000	1 500	500	2 000
2017	2 000	500	2 500			0
SUM	285 085	68 100	353 185	241 238	62 015	303 253

Note: years from 1995 shown in diagram



*) Additionally, subsidies have been granted to:

- Seal related development projects.
- Governmental expenditures related to the inspector arrangement, courses for sealers, etc.
- Compensation for hunt of coastal seals.

8.2 APPENDIX 2

This data was provided to me through personal correspondence with the Norwegian Directorate of Fisheries⁸ (Birkeland, 2017).

Translated transcript of e-mail from Atle Birkeland:

2013: 15,939 animals, total value of catch without subsidies was 3,3 mill. NOK.

2014: 11,980 animals, total value of catch without subsidies was 2,6 mill. NOK.

2015: No subsidies this year and therefore I do not have good data on the catch, but as far as I remember, the vessel "Havsel" went as the only vessel which was captained by Bjørne Kvernmo, went out as only vessel, without subsidies this year.

2016: Subsidies this year but the number of animals/value of catch was not a criteria for receiving it. As such I do not have precise numbers, but this year also, the only vessel was "Havsel" captained by Bjørne Kvernmo and from what I find the catch was about 1400 animals and the value of the catch was circa 800 000 NOK.

⁸ Translated from the original correspondence in Norwegian.