



UiT The Arctic University of Norway

Faculty of Humanities, Social Science, and Education – Center for Peace Studies

Disagreement and Cooperation between Norway and Russia in the Svalbard Fisheries Protection Zone

An Analysis of Complex Interdependence in the Barents Sea

Ian Bolduc

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Abstract

The Svalbard Treaty confers full and absolute sovereignty of Svalbard's land and territorial waters of the Svalbard archipelago to Norway. It also stipulates that all states that have ratified the Treaty enjoy equal right of access to the land and the territorial waters. Following the development in the Law of the Sea in the seventies, which allowed coastal states to establish an exclusive economic zone off their coast, Norway rather decided to establish a Fisheries Protection Zone around Svalbard to avoid a conflict with several states. Contrary to most other states, Norway does not consider that the Svalbard Treaty applies to the zone since the Treaty refers only to the territorial waters of the archipelago. Consequently, only a handful of states have been granted access by Norway: Russia and some countries that have been traditionally fishing in the area.

This thesis explores the disagreement between Norway and Russia regarding the legal status of the Fisheries Protection Zone and their ability to manage their conflicts. It also looks at the extensive cooperation on fisheries management between Norway and Russia in the Barents Sea, where the Fisheries Protection Zone is located. Using the international relations theory of Complex Interdependence to analyze the relationship between the two states in the zone and, more broadly in the Barents Sea, it appears that, despite their disagreement, the two states are constraint to manage their conflicts in the zone and avoid an escalation because their mutual economic interest in the Barents Sea is too important. It seems that both Norway and Russia would have too much to lose if the status quo were to change.

Keywords: Barents Sea, Cooperation, Fisheries Management, Fisheries Protection Zone, Interdependence, Norway, Russia, Svalbard, Svalbard Treaty

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List of Abbreviations

EEZ	Exclusive Economic Zone
FNI	Fridtjof Nansen Institute
FPZ	Fisheries Protection Zone
Joint Commission	The Joint Norwegian-Russian Fisheries Commission
SFPZ	Svalbard Fisheries Protection Zone
TAC	Total allowable catch
IUU Fishing	Illegal, Unreported and Unregulated fishing
UNCLOS	United Nations Convention on the Law of the Sea

1 Introduction

1.1 General Overview

Considered a no-man's land prior to 1920, with no indigenous population and no state having sovereignty on it, the Svalbard archipelago acquired a new status when fourteen states signed the Svalbard Treaty (also known as the Spitsbergen Treaty) after the First World War. Nowadays, over forty states have ratified the agreement. The treaty, which took effect in 1925, conferred full and absolute sovereignty of the land and the territorial waters of the archipelago to Norway. It is however a sovereignty that is limited since the treaty also stipulates that all state parties that are signatories enjoy equal right of access to the land and the territorial waters, which is equivalent to 12 nautical miles. Norway's sovereignty is also limited by the fact that all signatories have equal rights to exploit resources on the land and its territorial sea. In that sense, the treaty somehow confirmed the no-man's land status of Svalbard, 'yet it also reflected a desire to see the establishment of some kind of legal and regulatory system' (Heininen L. and Nicol, 2015, p. 812). It is important to note that the sovereignty of Norway over the land and the territorial water of the archipelago is not disputed by the signatories of the treaty.

"The modern day legacy of the Treaty of Spitsbergen, however, is a current boundary dispute involving Norway's sovereignty over Svalbard's continental shelf and fisheries" (Churchill & Ulfstein cited in Heininen L. and Nicol, 2015, p. 812). In 1977, Norway asserted that "according to the UN Law of the Sea Convention, it has the right to declare a continental shelf and a fisheries protection zone of 200 nautical miles beyond the baselines of the Svalbard coast" (Heininen L. and Nicol, 2015, p. 814). The UN Law of the Sea Convention did not exist at the time the treaty was signed and the dispute stems from the fact that the treaty is silent about Norway's sovereignty on such a maritime zone. Russia, in particular, has been quite vocal in expressing its opposition. Even though the disagreement between the two states have not yet led to the use of military force, some conflicts have occurred.

By establishing a fisheries protection zone in the maritime zone surrounding Svalbard, rather than an exclusive economic zone, Norway decided to grant access only to states that had an history of fishing in the region and it also decided to impose quotas. With the Arctic fish stocks becoming more and more accessible because of climate change and consequently the warming water, the disputes for rich stocks of fish might cause an escalation of conflicts. Besides, there is also the prospect of Norway deciding to turn this fisheries protection zone into an exclusive

economic zone, which could lead to an escalation of disputes since Norway would then make a unilateral decision to have exclusive rights in the maritime zone.

1.2 Statement of Motivation

Having a background in international relations, I am interested in studying a peaceful area that is shared by two or more states and in which there is a potential for disputes or actual on-going disputes and explore how conflicts are prevented or managed in order to avoid an escalation. I decided to focus on the Barents Sea region and more specifically on the Svalbard Archipelago since it is an international area, despite Norway's sovereignty, where several states have a right to access the territory and exploit the resources on an equal basis. During my research, I was interested in exploring the relations between Norway and Russia regarding the Fisheries Protection Zone surrounding the Svalbard Archipelago. The two states disagree on whether the provisions of the 1920 Svalbard Treaty apply or not to the Svalbard's Fisheries Protection Zone.

1.3 Relevance to Peace and Conflict Studies

The disagreement between Norway and Russia in relation to the Svalbard's Fisheries Protection Zone is relevant to Peace and Conflict Studies. Despite a somewhat peaceful area, incidents have happened between the two states. These incidents could potentially lead to a conflict escalation. Moreover, the disagreement over the applicability of the Svalbard Treaty in the Svalbard's maritime zone is still not resolved and could lead to the escalation of a conflict, with potential dramatic consequences. So far, this agreement has only led to tensions and Norway and Russia have been capable of managing their conflicts, which mostly relate to the arrests by the Norwegian Coast Guard of Russian fishing vessels that had not respected the fishing regulations in the zone. For instance, as recently as April 2020, the Norwegian Coast Guard arrested a Russian trawler for illegal fishing. Following this incident, 'the Russian Ministry of Foreign Affairs sent an official note to the Norwegian Embassy in Moscow' to protest against the action taken by Norway and to share a 'serious concern on the Russian side' (Staalesen, 2020).

So far, the two states have been able to manage these conflicts despite their disagreement. However, there is no guarantee that the somewhat peaceful climate will remain between Norway and Russia in the Fisheries Protection Zone as none of them is willing to compromise on their divergent interpretation of the Svalbard Treaty in relation to the maritime zone. Besides, as the climate gets warmer in the Arctic and ice melts, natural resources become more

accessible, in particular fish stocks. This situation has the potential to escalate existing conflicts between the two states in the Svalbard Fisheries Protection Zone.

1.4 Research Objective and Research Question

Norway and Russia have been experiencing disputes over the access to the fish stocks present in the Fisheries Protection Zone surrounding the Svalbard archipelago. This research aims at discovering the mechanisms in place that influence their behavior in not escalating the conflicts and find ways to manage them. More specifically, the research question is: Why have Norway and Russia been capable of managing their disagreement regarding the status of the Svalbard Fisheries Protection Zone and their conflicts within it? The project could have also focused on the continental shelf of the Svalbard archipelago, which is suspected to be rich in oil. However, since this issue is relatively still in its infancy, the author determined that it was more interesting to focus the object of the research on a topic that has been of considerable debate: The fish stocks in the maritime zone of the archipelago.

1.5 Thesis Outline

This thesis contains seven chapters, including this introduction, which gives a general overview of the issue in the Svalbard's Fisheries Protection Zone, the objective of this research as well as its relevance to Peace and Conflict Studies. Chapter two reviews the literature on the topic. It presents the main authors who have written on the subject and draws on various themes, from history and international law to international relations and peace and conflict. The chapter explores the Svalbard Treaty and its main provisions, the cooperation, disagreement and conflicts between Norway and Russia in the Fisheries Protection Zone, climate change as well as the advent of new species in this maritime zone, and possible conflict scenarios.

Chapter three presents the theoretical framework. The Complex Interdependence theory, from the International Relations field of study, represents the foundation on which lies the analysis of the problematic. The chapter describes the assumptions of complex interdependence, its political processes as well as four models that can help understanding why international regimes change or persist over time. Chapter four presents the methodological framework used to conduct this research. It describes the research strategy, the method used to collect the data and to analyze them. The chapter also stresses the importance of reflexivity as well as the limitations and challenges of this research.

Chapter five provides a thematic analysis of the data gathered and chapter six presents the discussion and the findings. The theoretical framework guides the discussion to allow a better understanding of the problematic and to lead us to a potential explanation that answers the research question. Finally, chapter seven concludes this thesis with a summary of the key findings as well as considerations for future research.

2 Literature Review and Contextualization

2.1 The Path Towards an International Treaty to Manage the Svalbard Archipelago

Even though the sovereignty over Svalbard was claimed by several states at various times before the First World War (WWI), the legal status of the archipelago was widely seen among states as one of *terra nullius* – or no man’s land. In order to create a multilateral agreement on Svalbard’s legal status, international negotiations were conducted prior to the outbreak of WWI. The negotiations led to the drafts of two treaties, but these negotiations were stopped because of the war (Molenaar, 2012).

In total, three conferences took place in 1910, 1912, and 1914. The first one was held by Norway, Russia and Sweden in Oslo (called Christiania at the time). The outcome of the discussions was to hold other meetings in order ‘to create a supreme public authority for legal and administrative authority in Spitsbergen’. The three states met again for a second conference in 1912 where they “contemplated [the] establishment of a joint administration agreement – a condominium arrangement – whereby the territory would remain neutral and open to all nations but administered by Sweden, Norway, and Russia” (Rossi, 2016, p. 127). At the third conference in 1914, other states, that had developed historical links with the archipelago, joined the discussions. Thus, representatives from Belgium, Denmark, France, Germany, Great Britain, and the Netherlands participated to the conference. Various arrangements were discussed, but the states were not able to reach a resolution and they agreed to meet again in February 1915. That conference was cancelled a few days before the start of the First World War (Rossi, 2016).

After WWI, negotiations started again as part of the Paris Peace Conference in 1919 and 1920. Germany and Russia did not fully participate even though they had been active actors in the previous negotiations (Molenaar, 2012). In fact, Germany and Russia did not get an invitation to join the conference in which a total of 27 states participated. As a defeated power, Germany was in no state to negotiate. As for Russia, it had to withdraw from the war in 1917 because of internal problems due to the Bolshevik Revolution. It then gave up its obligation to pay back its debt owed to the Allies, and it was discovered that the state had secret plans for the postwar period. Consequently, the Allies adopted a non-recognition policy toward the Soviet state. At first, Russia was opposed to the Svalbard Treaty (Rossi, 2016). However:

The Soviets, desperate to secure international legal personality, dropped their opposition to the treaty, which it had protested on several occasions, and in 1924 agreed to recognize Norway's sovereignty over Svalbard in exchange for Norway's recognition of the USSR (Rossi, 2016, p. 131).

As of 2011, 40 states were participants to the Svalbard Treaty (Molenaar, 2012).

2.2 The Svalbard Treaty and Norway's Stronger Grip in the Area Over Time

The 1920 Svalbard Treaty conferred sovereignty over Svalbard to Norway. However, two important provisions restrict that sovereignty by granting to all state parties and their nationals 'equal enjoyment' as well as 'equal liberty of access' (Rossi, 2016, p. 95) to the land and the territorial waters of the archipelago. This means that companies and citizens of state parties to the Treaty can reside on the archipelago and have the right to fish in the territorial waters. They can also pursue maritime enterprises as well as other commercial activities. Initially, Svalbard's territorial sea had a length of four nautical miles. In 2004, however, Norway extended that zone to 12 nautical miles in order to be conformed to the United Nations Convention on the Law of the Sea (UNCLOS). Prior to this, and in accordance with the Law of the Sea, Norway established in 1976 an Exclusive Economic Zone of 200 nautical mile from the coast of its mainland. Then, it wanted to do the same around Svalbard, but the state parties opposed this idea since it was not conformed to the Treaty's provisions that guarantee an equal enjoyment. In order to avoid a conflict, Norway rather established in 1977 a 200-mile Fisheries Protection Zone around the archipelago with the intention of regulating fishing vessels. Access to the FPZ is only granted to state parties that have historically been fishing in that maritime zone ten years prior to its establishment (Rossi, 2016).

For the purpose of this project, the first three articles of the Svalbard Treaty are of utmost importance. They state, in essence, the following:

Article 1 recognizes "the full and absolute sovereignty of Norway over the Archipelago of Spitsbergen"; Article 2 provides for "[s]hips and nationals of all the High Contracting Parties shall enjoy equally the rights of fishing and hunting in the territories specified in Article 1 and in their territorial waters". (...) Article 3 then follows up on [a] declaration of equality of access (Tiller & Nyman, 2015, p. 144).

Norway did not have the ability nor the determination to establish its new jurisdiction over Svalbard in the few decades following the entry into force of the Treaty in 1925. Consequently, not much was done during that period to change the legal status of the area. Besides, Norway

was confronted to an important presence of Soviet citizens, who had their own settlements on Svalbard, and which represented approximately 2,500 mine workers in Barentsburg at the start of the 1950s. Despite that important Soviet presence, it is only in the 1970s that Norway started to show a convincing determination and an ability to exercise its jurisdiction on the archipelago. In 1971, Norway built an airport in Longyearbyen and then, two years later, it adopted important environmental laws. It also provided the Governor with a helicopter so that he could efficiently enforce the state's jurisdiction over the islands. For the first time in 1975, the Norwegian government issued a white paper on Svalbard, which aimed at strengthening its jurisdiction on the archipelago. In its third white paper on Svalbard in 1999, Norway claimed that its sovereignty over Svalbard had never been stronger (Pedersen, 2009).

Nevertheless, Norway's full and absolute sovereignty, stated in Article 1 of the Svalbard Treaty, has restrictions coming from the treaty, but also from external forces or international constraints. In the few decades after 1925, Norway did not take many actions regarding Svalbard in order to avoid provoking the powerful states. Then, in the 1970s, the shift in the Norwegian policy was only made possible because of a thaw between the West and the East during the Cold War. To this day, it is recognized that external forces keep on affecting Norway's policies in the High North and it is perceived that international relations prevent Norway from developing its jurisdiction as much as it otherwise could in the maritime waters around Svalbard (Pedersen, 2009).

Internal forces, or domestic politics, can also affect the development of the Norwegian jurisdiction on the archipelago. These factors of influence can be "domestic media, lobbyists, bureaucratic competition, budgetary processes, organisational behaviour, and so on" (Pedersen, 2009, p. 150). Even though there has not been a lot of research so far on how domestic forces have specifically affected Norway's jurisdiction on the archipelago, Pedersen explains that the public awareness regarding Svalbard was close to non-existent until the 1970s and, consequently, there was no urgent need to develop a firm Norwegian jurisdiction over the islands. However, this changed when "an increased interest in the potential oil reserves on Svalbard raised domestic concerns for the environment and demands for a proper environmental regime on the islands" (Pedersen, 2009, p. 150). The increase in public awareness and opinion then translated into a need for Norway to develop a stricter jurisdiction (Pedersen, 2009, p. 150).

2.3 International Law and the Treaty's Interpretation

The debate on Svalbard's sovereignty usually focuses on whether the Treaty applies beyond the archipelago's territorial waters. Rossi underlines that "the treaty's seaward extension will not be resolved easily, and probably not without Norway's further accommodation of competing interests" (Rossi, 2016, p. 98).

Norway claims that the restrictions on its sovereignty over Svalbard must be in line with 'the literal and ordinary meaning of the treaty' (Rossi, 2016, p. 103), which means that the restrictions apply only to the land and the territorial waters of Svalbard. On the opposite side, others prefer a dynamic interpretation of the Treaty, which means that if Norway has the right to expand, so do all other state parties' rights (Rossi, 2016). This dynamic approach considers the Treaty as being a document that is living and fluid and which evolves with time according to emerging challenges and needs. It therefore means that the maritime zone surrounding Svalbard as an EEZ would be subject to the provisions of the Treaty and therefore grant all state parties the right to fish in the zone without limitation, which could lead to a failure to protect the fish stocks (Tiller & Nyman, 2015).

Some experts think there is too much at stake not to settle the dispute; others see Russia and Norway on a collision course. Either way, the waters off Svalbard highlight increasing tensions regarding the legal status of the archipelago and its surroundings, making it an emerging centerpiece of a new global power race for influence and resources (Rossi, 2016, p. 103).

Norway claims that, under international laws, it is entitled to establish an Exclusive Economic Zone in the maritime zones around Svalbard. However, so far, it has not decided to establish one. Norway rather chose to establish a Fisheries Protection Zone in 1977, with the objective of preserving and managing the living marine resources (Molenaar, 2012). Establishing an FPZ rather than an EEZ was a way for Norway to show the other state parties to the Treaty that it aimed at managing the resources in the zone without being the only owner. Over the years, the FPZ "has gradually become institutionalized into a legitimate Norwegian management regime in practice. The establishment of an Exclusive Economic Zone at the time the SFPZ was created would not have worked diplomatically", given Russia's opinion about that maritime zone and concerns from the United States as well as from other powerful states (Tiller & Nyman, 2015, p. 143).

By establishing the FPZ, Norway extended to that zone ‘the principles of non-discrimination from the Svalbard Treaty’ and granted fishing quotas to the states that had historically been fishing in the area, which was seen as being ‘sufficiently non-discriminatory’ (Tiller & Nyman, 2015, p. 144). The management sovereignty of Norway in the FPZ has never been recognized officially by Russia even though it never challenged Norway’s managerial authority until the end of the 1990s when Norway arrested a first trawler from Russia in the FPZ. When the arrest took place, there were also 32 other vessels from Russia that were illegally fishing in the area. Furthermore, the fact that Russia refuses to notify Norway when it enters the FPZ is an indicator of Russia’s disagreement over Norway’s managerial authority in the zone. This non-recognition from Russia “clearly weakens the institutionalization of the Norwegian path towards an EEZ, and subsequently remains an important component in any discussion of Norwegian jurisdiction in the SFPZ” (Tiller & Nyman, 2015, p. 145). Russia therefore views the maritime zone around Svalbard as international waters in which regulations can only be set ‘by international fisheries organizations’ (Østhagen et al., 2020, p. 153).

Churchill and Ulfstein argue that it would not make sense if Norway could not claim sovereignty over Svalbard’s maritime zones, following the developments in international law after 1920, as it is very unlikely that the Treaty’s negotiators intended to have the scope of the concept of sovereignty to stay the same forever after 1920. They also point out that Norway’s sovereignty over the maritime spaces around Svalbard is acknowledged by other states parties to the Treaty. The focus of the authors is to present the views of the Treaty’s contracting parties regarding the applicability of the non-discriminatory rights in the extended maritime spaces surrounding Svalbard, namely the 200-mile fisheries protection zone and the continental shelf. Those rights include, among others, fishing as well as other maritime activities. Norway’s claim has always been that the provisions of the Treaty do not apply beyond Svalbard’s territorial sea, which was a view publicly supported by Canada and Finland, at least at some point in time (Churchill & Ulfstein, 2010). Norway’s view is reinforced by Fife’s reasoning:

The regime of the economic zone and other 200-mile zones does not, according to established international law, result from a conversion of prior territorial waters. Instead, it represents a special legal regime that replaced a prior regime of the high seas, under which international cooperation on resource management has not led to satisfactory results, prompting the establishment of coastal State zones. Moreover, in accordance with established international law, the notion of the continental shelf cannot be assimilated to the concept of territory of a State (Fife cited in Molenaar, 2012, p. 14).

Consequently, Norway's position is that, as a coastal state, it has the right to use enforcement to ensure that state parties comply with the management and conservation measures in force in the Fisheries Protection Zone (Molenaar, 2012).

It appears that the goal of Norway to limit the application of the Svalbard Treaty to the exact terms found in the 1920 document goes against the general political opinion, mostly from the states that have an important interest in the High Arctic and that have the capacity to operate in the region (Rossi, 2016). Therefore, on the opposite side, some contracting states consider that the Treaty's provisions do apply in the maritime zone around Svalbard. These states are 'Iceland, the Netherlands, Russia, Spain and the United Kingdom'. Some others have decided to reserve their position, such as 'France, Germany and the USA' and most of the contracting states have not publicly taken a stance. Churchill and Ulfstein underlines that most of the states, that have expressed a view on the matter, have not publicly shared any legal arguments that would support their position. (Churchill & Ulfstein, 2010, p. 565). According to Rossi, "it seems the prevailing view supports the proposition that recognizes Norway's sovereignty and jurisdiction in maritime areas adjacent to Svalbard's territorial waters while also acknowledging the application of Svalbard's non-discrimination treaty provisions" (Rossi, 2016, p. 105).

One of the major issues in the FPZ is that some parties to the Treaty, mainly 'Iceland, Spain and Russia', claim that 'Norway is not entitled to exercise jurisdiction over non-Norwegian vessels fishing' in the 200-mile zone (Churchill & Ulfstein, 2010, p. 584). Churchill and Ulfstein explains why this claim cannot hold by the following:

It is not clear whether the equal right to fish in the territorial sea, given in Article 2(1), extends beyond that zone to the FPZ, but if it does, it must logically follow that Norway's competence under Article 2(2) to enact fisheries conservation measures, together with its concomitant power to enforce such measures, must also so extend. The other State parties cannot pick and choose. Either the whole of Article 2, including Norway's jurisdictional competence, applies to the FPZ, or none of the Article's provisions apply. If the vessels of other states fish in the FPZ by virtue of Article 2, it must follow that Norway has the right to exercise jurisdiction over such vessels. If, on the other hand, such fishing takes place because it is permitted by the Norwegian authorities, it must follow *a fortiori* that Norway has jurisdiction over non-Norwegian fishing vessels, unless it has specifically agreed to forego the exercise of such jurisdiction, which in fact it has not (Churchill & Ulfstein, 2010, p. 585).

In other words, since Russia, Spain and Iceland claim that the Treaty's provisions apply in the FPZ, they cannot just agree on Article 2(1), which grants equal rights to fishing and then reject

Article 2(2), which grants Norway power over conservation measures and the means to enforce them.

Anderson explores the extent to which the Svalbard Treaty applies nowadays. For this author, the Treaty applies to post-1920 developments in the Law of the Sea, those changes in the law that could not have been possible to foresee for the Treaty negotiators. These developments go from a continental shelf and an exclusive economic zone to a fisheries zone, which are concepts that were created toward the end of the twentieth century, and which means that the land of a sovereign state now has a more extended maritime sovereignty compared to 1920. Consequently, Andersen's view is that the archipelago's continental shelf, its extended territorial waters and its fisheries protection zone all fall under the Treaty's provisions and that the stipulations applying to the land and the territorial water logically apply to Norway's current sovereignty over the extended maritime zone. He underlines that the Preamble of the Treaty indicates that the regime should be an equitable one in which all parties contribute and are compensated in return, creating a result that is balanced and fair while ensuring that the archipelago is utilized and developed. He further argues that considering the Treaty stipulations to apply on the land and the territorial waters, but not on the extended maritime spaces, to the disadvantage of the contracting parties other than Norway, does not produce a balanced or an equitable result (Anderson, 2009).

2.4 Norway and Russia's Cooperation in the FPZ Despite Arrests of Russian Trawlers

While doing research in 2007 on board of 'the Norwegian Coast Guard vessel KV Svalbard', Nyman and Tiller observed inspections of Russian trawlers by the Norwegian authorities. When asked if they had "submitted reports to the Norwegian Fisheries Directorate of their location and actions in the area", the Russian captains replied no (Tiller & Nyman, 2015, p. 146). Nevertheless, the Russian trawlers were not arrested and were only given warnings. Here is why:

The Coast Guard inspectors explained that though this would lead to an arrest of other nationals, they only issued warnings to the Russian vessels. The reason behind this, they explained, was that the relationship between the Norwegian and Russian fisheries directorates was very good, and that the Russian counterpart of the Norwegian Fisheries Directorate sent the Russian reports directly to Norway upon receipt from their fishermen (Tiller & Nyman, 2015, p. 146).

Over the years, Norway and Russia have had continuous interactions and have been cooperating in the FPZ. It is also the case more broadly in the Barents Sea as well as in the Norwegian Sea, where the states have been using the Joint Norwegian-Russian Fisheries Commission “to coordinate scientific research in the area, and to collectively contribute to a sustainable harvest of the living resources in the area shared by the two nations” (Tiller & Nyman, 2015, p. 143). Like the FPZ, the Joint Commission is also considered being an international regime, or institution, “that reinforces the formation and proliferation of the SFPZ” (Tiller & Nyman, 2015, p. 143). Norway and Russia thus meet annually to negotiate the total quota of fish catches that applies “in the whole Barents Sea, which comprises the Soviet/Russian EEZ, the Norwegian EEZ *and* the waters around Svalbard” (Østhagen et al., 2020, p. 153). This means that there are no specific quotas that apply in the Fisheries Protection Zone; the quotas are rather set for the Barents Sea as a whole. However, the FPZ has a significant economic value for Russia since approximately 25% of its fish catches made in the Barents Sea are in the maritime zone surrounding Svalbard. Besides, among the states active in the FPZ, Russia is the one that has the biggest catch each year (Østhagen et al., 2020).

In 2005, the Norwegian Coast Guard arrested the Russian trawler *Elektron* in the FPZ, which was caught ‘for illegal discarding of fish’ and for using ‘an illegal, small-meshed trawl net inside the ordinary one’. While being escorted to Tromsø, on the mainland of Norway, the Russian vessel escaped right before entering Norway’s Exclusive Economic Zone ‘with two Norwegian inspectors onboard’ and sailed to Russia (Østhagen et al., 2020, p. 156). Following this spectacular incident, which was resolved by diplomatic means, Russia’s Foreign Minister, Sergei Lavrov, expressed his desire to discuss the fisheries occurring in the maritime waters surrounding Svalbard. Thus, starting in 2005, this topic became an item that was regularly on the agenda of the Joint Commission. In the following years, Norway and Russia “appeared to reach a mutual understanding of the need to react to violations in the Zone. Between 2006 and 2010, six trawlers were arrested in the FPZ, without triggering formal protests from Russia” (Østhagen et al., 2020, p. 157). Besides, the two states were able to agree “on common rules for mesh size in trawls, minimum size limits for fish and regulations concerning closing/opening of fishing grounds” (Østhagen et al., 2020, p. 157).

After a tense session at the Joint Commission in 2011, which is the year that saw the highest number of arrests since 1997, the climate has improved in the past years and, despite the deteriorated relationship between Norway and Russia after the annexation of Crimea in 2014, the Joint Commission's activities continued and so did the dialogue between the two states about the FPZ (Østhagen et al., 2020). This can be explained by Russia's extensive "interests in the area, both military and economic; there is also a historical dimension, involving strong feelings" (Østhagen et al., 2020, p. 163).

Since Russia has never officially recognized Norway's unilateral decision to establish a fisheries protection zone around Svalbard, why has it not provided a stronger response in sign of protest to the six arrests that occurred from 2012 to 2019? The answer could be that since Norway is a member of NATO, the use of force by Russia to avoid the interventions of Norway's Coast Guard could be a risky calculation that leads to 'an open conflict in the Zone' and 'such a conflict could escalate to dangerous levels'. While this is a possibility in explaining Russia's acceptance of its fishing vessels being arrested in the FPZ, it is more likely that 'Russian fisheries interests has more explanatory power'. Indeed, if Russia takes actions that lead to the collapse of the FPZ, and the zone becomes international waters, then the regulations, put in place by Norway and which protect 'Russian fisheries interests well', would no longer apply. Besides, the zone would no longer be restricted to state parties that have a fishing history in the area, but to all 'third-country vessels', which 'would basically have free rein'. This could lead to an increase of newcomers 'to the detriment of Russian fishers' (Østhagen et al., 2020, p. 165).

Hønneland points out that there is a high compliance by Russian fishing vessels in the FPZ even though the country does not officially recognize the Norwegian management regime in the zone and despite the fact that 99% of the Russian trawlers are considered violators in the FPZ (Hønneland, 1998). This statistic is actually more of a reflection of 'the international dispute over the Svalbard Zone'. Indeed, the Russian government requires its fishermen 'to not notify Norwegian authorities before they start fishing there' and, consequently, they receive a warning as required by the Norwegian regulations (Hønneland, 1998, p. 347). Besides, Russian trawlers don't 'report to Norwegian authorities about their catches' in the zone and 'Russian captains consistently refuse to sign the inspection forms of the Norwegian Coast Guard'. However, the Russian fishermen do let the Norwegian inspectors come on board for the inspection

(Hønneland, 1998, p. 342). It seems like this process satisfies both Norway and Russia. On one hand, Russia does not have to formally accept the current Norwegian management regime in the zone and, on the other hand, Norway makes sure that the marine living resources are well managed and protected. “Thus, the fact that statistics show that 99% of Russian fishermen are violators merely reflects the intergovernmental dispute; the Russians nevertheless comply with the rules of the ‘tacit regime’ of the Svalbard Zone” (Hønneland, 1998, p. 347). Hønneland points out that, even though there are no sanctions for fishermen who violate the Norwegian regulations in the FPZ, Norway has maintained ‘a relatively successful management of the fish stocks’, which includes ‘a relatively high degree of compliance on the part of individual fishermen’. That is achieved despite the disagreement on the legal status of the zone (Hønneland, 1998, p. 352).

2.5 Climate Change, Marine Harvesting, and the Advent of New Species in the Maritime Zone

Nyman and Tiller explain that the ongoing changing climate will bring ‘changes in species composition, size and distribution’ in the Arctic waters and this could potentially make Norway want to change the current ‘environmental regime’ in place in the Svalbard Fisheries Protection Zone into one that is ‘a property regime’, which would take the form of an Exclusive Economic Zone (Tiller & Nyman, 2015, p. 141). They explore whether it would be more beneficial to Russia to keep Norway administers the 200 nautical mile zone around Svalbard as a Fisheries Protection Zone or to have Norway administers it as an Exclusive Economic Zone. They argue that, even though Russia keeps on officially being against the FPZ, which the state demonstrates by not abiding to the submissions of reports to the Norwegian Fisheries Directorate when entering the FPZ, Russia is most likely not to challenge the current regime. It is therefore unlikely that Russia brings the case to an international court. However, this could change if Norway decides to convert the FPZ into an EEZ (Tiller & Nyman, 2015).

Even though Russian trawlers have instructions from their government not to cooperate with the Norwegian officials, Russia rarely escalates the incidents happening in the FPZ. Hundreds of warnings may be given by the Norwegian Coast Guard to Russia annually; however, Russia has made official contestation less than once a year, showing that the vast majority of incidents do not escalate. This might be because Russia benefits from Norway’s strict management in the zone and Norway’s recognition and consideration of Russia’s rights to fish due to its history in

the area. Besides, the method used for quotas distribution greatly benefits Russia – as well as Norway – and not a lot of third parties receive quotas (Tiller & Nyman, 2015).

Kaltenborn et al. explore the most important issues to be aware of and to be ready to address when it comes to environmental governance regarding Svalbard. These issues that present future challenges are climate change, oil and gas exploration, securitization, infrastructure and logistics, as well as marine harvesting (Kaltenborn et al., 2020). More specifically on the latter, the authors point out that “while the current interpretation of how to manage fisheries in the Svalbard waters has ensured relative stability in fisheries management during the last four decades, things could easily change in the future” (Kaltenborn et al., 2020, p. 36). Apart from the challenge of determining whether the provisions of the Svalbard Treaty apply to the 200 nautical miles around the archipelago, another governance challenge linked to the previous one is the ‘advent of the snow crab (*Chionoecetes opilio*) a few years ago’ in the zone. Since experts expect this ‘new species in the area’ to ‘amount to a billion-euro industry in the future’ and since there is currently no governance regime in place yet to manage that species in the area, Norway and the European Union are attempting to “find a solution without involving more complex international deliberation, as this could turn out to be a Pandora’s box of international policy conflicts” (Kaltenborn et al., 2020, p. 37). Indeed, the snow crab situation could potentially seriously put to the test ‘Norway’s overall management regime’ and challenge its legitimacy (Kaltenborn et al., 2020, p. 37). Besides, several states have already disagreed with Norway’s interpretation of its responsibilities and rights when it comes to environmental governance in the maritime zone surrounding the archipelago, “and international disagreements may well escalate in the future” (Kaltenborn et al., 2020, p. 40)

Regarding the snow crab, Tiller and Nyman further explains that Norway could choose to exploit this resource without consulting the other states. If this is accepted at the international level, it could:

Cement the Norwegian path towards a property regime in the marine areas surrounding the archipelago of Svalbard. It could also be a vehicle for escalating disputes about this contested area, that will find its way to the international courts and settle the uncertainties surrounding the Svalbard treaty, and whether it is a living document, adaptable to changing international laws, or if it is to be treated literally (Tiller & Nyman, 2017, p. 24).

Tiller and Nyman explore four possible scenarios that could happen considering the proliferation of the snow crab in the FPZ. The most likely scenarios are the establishment of a

‘snow crab regime’, which would have a low impact on potential conflicts, or the ‘management under the Continental Zone principles’, which would have a high impact (Tiller & Nyman, 2017, p. 29). The former scenario, establishing a separate management regime specifically for the snow crab, has the advantage of having all interested states agreeing on how to manage jointly ‘the snow crab fishery’ while avoiding having these states to change their opinion on other issues that involve Svalbard and the ‘Norwegian management/state jurisdiction of its waters and their resources’. However, the creation of such a regime would take a long time and would require great efforts in terms of diplomacy and science, without guarantee ‘of a binding regime at the end’. The latter scenario, managing this marine resource as being part of ‘Norway’s continental shelf’, would strengthen Norway’s management in the zone and its state jurisdiction, but it would also most likely raise a strong opposition among the state parties (Tiller & Nyman, 2017, p. 31).

The less likely scenarios are the ‘management under the Svalbard Treaty’, which would have a low impact on potential conflicts, or the transformation of the FPZ into a ‘Norwegian EEZ’, which has a high impact (Tiller & Nyman, 2017, p. 30). The former scenario, extending the provisions of the Treaty to manage the snow crab, is the ‘simplest solution’ that has the potential to satisfy most interested states. However, since this solution implies the ‘existence of a Svalbard continental shelf separate from that of Norway’ – which is something the country refutes – it is not probable that Norway will opt for this option (Tiller & Nyman, 2017, p. 31). The latter scenario, converting the FPZ to a Norwegian EEZ, would cause the same effects as considering the snow crab around Svalbard being located within the continental shelf of Norway, namely greater state jurisdiction, but strong opposition from other states (Tiller & Nyman, 2017).

2.6 What if Norway Converts Svalbard’s FPZ into a Norwegian EEZ?

Nyman and Tiller explain that climate change and the rising sea temperatures will have an impact on the distribution of fish stocks, which will migrate toward the poles. This means “increased catch potential in high latitude region, such as around Svalbard in the High North, with a corresponding decrease in low altitude regions” (Nyman & Tiller, 2020, p. 1). Mackerel and the snow crab are new species that have already been recorded in the maritime zone around the archipelago. The change in the distribution of marine resources will most likely affect the contested FPZ and could awaken dormant conflicts regarding the sovereignty in that zone. The

authors assess a hypothetical scenario that could happen in the future: Norway decides to transform the current FPZ – which is a management regime – to an EEZ, in which Norway would then have exclusive rights on all the resources in that maritime zone. With this assessment, they explore the mechanisms in place to resolve a dispute if one or more third parties were to challenge Norway’s decision and which tribunal or court would represent the best choice for the opposing state(s) (Nyman & Tiller, 2020). If one or more states decide to legally challenge this hypothetical situation, four options would be available:

1) the International Tribunal on the Law of the Sea (ITLOS), 2) the International Court of Justice (ICJ), 3) an Arbitral tribunal, or 4) a special arbitral tribunal that is in accordance with *Annex VIII Regime of Islands*. We will consider both courts in turn before examining arbitration options. This ability for states to choose their court means that they can engage in what is known as forum shopping – a strategic selection by the state to bring their case to the court that they see as most favourable to their cause (Nyman & Tiller, 2020, p. 2).

When Norway ratified UNCLOS in 1996, it selected the ICJ for the settlement of maritime disputes. As such, if a state party wants to challenge Norway over a maritime disagreement in front of another court – the ITLOS – it would first require Norway’s agreement before proceeding and have that court hear the case. If there is no agreement and states have chosen different mechanisms, then the default procedure is arbitration. For Russia, the favored dispute settlement mechanism is an arbitral tribunal except if the case involves crews and vessels that were detained. In that case, Russia’s choice is a court: The ITLOS. Therefore, for a case to be heard by a given court, both or all parties must agree on the choice of the dispute settlement mechanism, while some states may have a preference over a particular court because they foresee a more favorable result for them (Nyman & Tiller, 2020).

Following a hypothetical conversion of the FPZ into an EEZ by Norway, Nyman and Tiller explain that the choice of the ICJ by one or more plaintiffs is a very likely one since it is the court chosen by Norway to settle maritime disputes. It is not clear, however, which state would have the stronger legal arguments in such a case. The ITLOS could also be an option only if Norway agrees to have the case heard by that court. Furthermore, since the jurisdiction of the ITLOS is limited to UNCLOS, and since it is not the only treaty that applies to Svalbard – The Svalbard Treaty also does – it is likely that the ITLOS rather recommend the case to be heard by the ICJ or an arbitration instrument (Nyman & Tiller, 2020).

Arbitration represents ‘an appropriate forum for this dispute’ if neither the ICJ nor the ITLOS are considered a good option by one or more parties. This could be particularly interesting for Russia if it is the state challenging a hypothetical Norwegian EEZ around Svalbard. Indeed, the secrecy of the procedures during an arbitration can allow states to make concessions privately without the public knowing about them and even though Russia has been protesting the FPZ since its establishment, Norway and Russia ‘have still found unofficial ways to’ cooperate in spite of ‘this official disagreement’. However, in the event of an agreement between Norway and Russia, other states may want to challenge it especially if they feel resentful about having been ignored during the proceedings (Nyman & Tiller, 2020, p. 6).

2.7 Svalbard: Possible Conflict Scenarios

Svalbard is a ‘prospective site for conflict’, mainly because of its natural resources and where it is located. Combined with the archipelago’s ‘legal history and status’, it makes the area “a potential focus for violence at the sub-national and international levels” (Ash, 2020, p. 58). With climate change, maritime zones in the Arctic are becoming more accessible and so are their resources, hence bringing the ‘potential for resource-related conflict’ (Ash, 2020, p. 58). Indeed:

With greater catch potential in Svalbard’s waters, and increased demand for the product, we may expect a greater risk of IUU fishing – and a consequent increase in the risk of conflict in the region as government endeavours to retain control over the fishery (Ash, 2020, p. 63).

Ash presents four possible conflict scenarios that could erupt in the maritime zone surrounding Svalbard. These scenarios are subjectively ranked by the author from the most probable to the least probable: (1) ‘Fish pirates’, or illegal, unreported and unregulated fishing; (2) Terrorism, or ‘insurgency’; (3) ‘Fish wars’; and (4) an ‘Interstate war’ (Ash, 2020, p. 71). For the purpose of this project, the possibility of a fish war in the FPZ is of particular interest. “Fish wars are conflicts in which unlikely antagonists take violent action against each other’s flag vessels, and in some cases, sovereign platforms” (Ash, 2020, p. 72). This could take the form of a state party to the Svalbard Treaty, that decides to use force to support its fishermen, claiming that they have the right to access the FPZ. This scenario is interesting to consider in the realm of the present study because it lies on three components: ‘the legacy dispute over’ the Svalbard Treaty’s interpretation, ‘the prospective increased availability of biomarine resources’ in the archipelago waters, and ‘increased global demand for the product’ (Ash, 2020, p. 72). The possibility of an interstate war is also of interest for this project. Ash underlines that in the event

of this scenario, the war would most likely spread ‘to the Arctic, rather than igniting within the region’ (Ash, 2020, p. 74). In such a case, states would try to secure Svalbard before their enemies in order to take advantage of its geographic location, which represents a strategic point if there is a war in the Arctic. However, Norway has the advantage of being a member of NATO, which “provides both a deterrent to conflict and a means of resisting the potential military harms of a more powerful nation” (Ash, 2020, p. 73).

2.8 Identification of a Gap in the Literature

As we have seen, many studies have discussed the legal disputes over the Svalbard Treaty in relation to its maritime zone or the relative peacefulness in this international area thanks to conflict management as well as the possible escalation of existing and potential conflicts. However, little if any literature explores the relationship between Norway and Russia in the Svalbard Fisheries Protection Zone through an in-depth analysis that uses the Complex Interdependence theory, which stems from the field of International Relations. This research aims to use this theory to study the relationship between Norway and Russia in the FPZ and, more broadly, in the Barents Sea.

The next chapter presents the theoretical framework.

3 Theoretical Framework

3.1 World Politics and Interdependence

In their book *Power and Interdependence*, published in 1977, Robert O. Keohane and Joseph S. Nye introduced a new paradigm in the field of International Relations: The theory of Complex Interdependence. They developed this theory to offer an alternative to realism when analyzing world politics. In this book, the authors first explain the concept of interdependence in politics at the international level. For interdependence to exist, there needs to be ‘reciprocal effects’ between two or more countries or between actors from diverse states (Keohane & Nye, 2012, p. 7). Moreover, this reciprocity has to generate ‘costly effects of transactions’ (Keohane & Nye, 2012, p. 8). Otherwise, if these effects are not significantly costly enough, interdependence does not exist and there is rather simply a relationship of interconnectedness between countries or actors. The reason why costs are present in interdependence is because this type of relationship imposes restrictions on a state autonomy. On the other hand, there should also be benefits that emanate from an interdependent relationship and two methods can be used to analyze the benefits and costs: One looks at ‘the joint gains or joint losses to the parties involved’ and the second focuses on ‘relative gains and distributional issues’. The latter method of analysis brings into the light the division of the gains among the parties and allows us to understand ‘who gets what’ in an interdependent relationship (Keohane & Nye, 2012, p. 8). Furthermore, if a bigger joint gain is eventually available, conflicts could arise among the participants over its distribution. There is also competition involved in ‘the politics of economic and ecological interdependence’ even if substantial benefits can be generated through cooperation (Keohane & Nye, 2012, p. 9). Interdependence is therefore not necessarily characterized by ‘situations of evenly balanced mutual dependence’. Indeed, participants can gain influence when dealing with each other if ‘asymmetries in dependence’ are present in the relationship. In turn, “less dependent actors can often use the interdependent relationship as a source of power in bargaining over an issue and perhaps to affect other issues” (Keohane & Nye, 2012, p. 9).

Since asymmetries in an interdependent relationship can provide power to one or more actors, Keohane and Nye explain that this power can take two forms: First, it can be ‘power as control over resources’, that is initial resources that give a participant ‘a potential ability’, and it can also be ‘the potential to affect outcomes’, which translates in the influence an actor has ‘over

patterns of outcomes’, a process that usually entails bargaining in politics (Keohane & Nye, 2012, p. 10). The authors write that in order to grasp the role that power plays in interdependence, one has to understand the distinction between ‘sensitivity and vulnerability’. In an interdependent relationship, sensitivity refers to the ‘degrees of responsiveness within a policy framework’, that is the speed at which a change in one state generates ‘costly changes’ in one or more other states as well as the magnitude of these changes. In order to measure this sensitivity, one must assume that the framework of policies is not changed (Keohane & Nye, 2012, p. 10). This means that the faster a state is affected by costly effects resulting from an external change – that is before policies can be modified in an attempt to mitigate the situation – the more sensitive is that state to this specific change – and vice versa (Keohane & Nye, 2012).

An example of sensitivity interdependence is the way the United States, Japan, and Western Europe were affected by increased oil prices in 1971 and again in 1973–1974 and 1975. In the absence of new policies, which could take many years or decades to implement, the sensitivity of these economies was a function of the greater costs of foreign oil and proportion of petroleum they imported. (Keohane & Nye, 2012, p. 10).

As for vulnerability interdependence, it considers the situation that could arise after an external change if the ‘framework of policies’ could be altered (Keohane & Nye, 2012, p. 11). Are there any alternatives available to implement new policies and adjust to the change? If so, how many are there? And, importantly, what are the costs of these alternatives? Therefore, “the vulnerability dimension of interdependence rests on the relative availability and costliness of the alternatives that various actors face” (Keohane & Nye, 2012, p. 11). This means that the more costly it is for a state to adjust effectively to an outside change, the more vulnerable is that state to this specific change – and vice versa (Keohane & Nye, 2012). To better illustrate the distinction between sensitivity and vulnerability, let us consider figures 1 and 2 presented by Keohane and Nye, which shows three states that import oil and that are faced with an increase in oil prices as the external change.

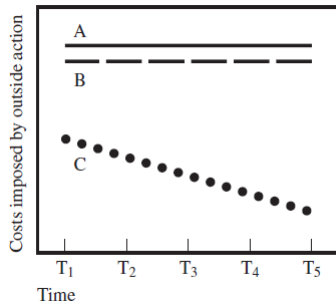


Figure 1 – Sensitivity of three hypothetical countries (assume policies unchanged) (Keohane & Nye, 2012, p. 12)

- Country A: Sensitivity is slightly higher than B to a change, but substantially higher than C.
- Country B: Sensitivity is slightly lower than A, but substantially higher than C.
- Country C: Sensitivity decreases over time even if policies remain unchanged – For example, this could happen if C is able to reduce its oil import each time period from the first to the fifth.

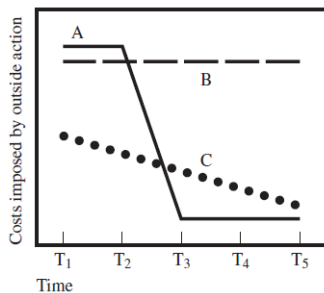


Figure 2 – Vulnerability of three hypothetical countries (Keohane & Nye, 2012, p. 12)

- Country A: A change of policy is implemented at the start of time period 2, which drastically reduces the costs resulting from the outside change by time period 3. This decreases its vulnerability and shows that the new policy implemented was effective. An example would be that the government was able to quickly develop new energy sources. Its vulnerability is therefore less than its sensitivity and even though A is more sensitive than B and C, it is less vulnerable than both of them.
- Countries B and C: They are not as capable as A to change the course of events and therefore remain as vulnerable as they are sensitive.

Vulnerability is particularly important for understanding the political structure of interdependence relationships. In a sense, it focuses on which actors (...) can set the rules of the game. Vulnerability is clearly more relevant than sensitivity, for example, in analyzing the politics of raw materials such as the supposed transformation of power after 1973 (Keohane & Nye, 2012, p. 13).

In the case of imports of a raw material, it is therefore important – when assessing vulnerability interdependence – to determine if a change in policies can be effective in bringing enough ‘quantities of a raw material’, or a similar one, as well as the cost that this will incur (Keohane & Nye, 2012, p. 13).

The distinction between sensitivity and vulnerability helps understanding how power and interdependence are linked to each other. Even though sensitivity has its importance – an increase could lead to efforts at the political level to correct the situation – it is not as important as vulnerability to provide ‘power resources to actors’ (Keohane & Nye, 2012, p. 13). In the long run, sensitivity is therefore not a good indicator of that type of power. The reason is that there is a strategic aspect included in vulnerability interdependence, which lacks in sensitivity interdependence. Indeed, when deciding on which strategies to adopt ‘policymakers and policy analysts’ have to examine the ‘underlying patterns of vulnerability interdependence’ in order to establish what their state can do and the cost of such action as well as what other states can do in return and their associated cost (Keohane & Nye, 2012, p. 14).

If an actor wants to manipulate vulnerabilities in an asymmetrical interdependence, it faces the risk of a counteraction. Moreover, one must remember that military force is more powerful than economic strength since the latter alone will most likely not be effective against a serious military attack. At the same time, military interventions usually come with a high cost. Table 1 below shows the asymmetrical interdependencies and their uses, as elaborated by Keohane and Nye. They are ranked by their dominance and their cost and we can see that the more dominant a power resource is, the more costly it is. It follows that the use of military power dominates the decision of implementing a new policy and both dominate the choice of changing an existing policy.

Table 1 – Asymmetrical Interdependence and Its Uses (Keohane & Nye, 2012, p. 15)

Source of independence	Dominance ranking	Cost ranking	Contemporary use
Military (costs of using military force)	1	1	Used in extreme situations or against weak foes when costs may be slight.
Nonmilitary vulnerability (costs of pursuing alternative policies)	2	2	Used when normative constraints are low, and international rules are not considered binding (including nonmilitary relations between adversaries, and situations of extremely high conflict between close partners and allies).
Nonmilitary sensitivity (costs of change under existing policies)	3	3	A power resource in the short run or when normative constraints are high and international rules are binding. Limited, since if high costs are imposed, disadvantaged actors may formulate new policies.

The authors explain that:

Exercising more dominant forms of power brings higher costs. Thus, *relative to cost*, there is no guarantee that military means will be more effective than economic ones to achieve a given purpose. (Keohane & Nye, 2012, p. 14)

When an actor finds itself at a disadvantage because there is a substantial inconsistency between how the power resources are distributed and how the actor feels how they should be distributed, it could improve its position by using a source of independence that appears higher in the table. Therefore, it is a useful start to consider ‘asymmetrical interdependencies as source of power among actors’ when conducting an analysis of an ‘international interdependence’ at the political level (Keohane & Nye, 2012, p. 15). Indeed, an actor that is disadvantaged by a framework of policies will most likely attempt to change it if the cost of doing so is reasonable.

The ability to manipulate an asymmetrical interdependence can help understand ‘power measured in terms of resources or potential’. However, it fails to explain the results that can emerge from a bargaining process. That other type of power then – ‘power measured in terms of influence over outcomes’ – can help understanding why a weaker state could be more influential than a stronger state in an interdependent relationship if the weaker is, for example, more dedicated and committed than its stronger counterpart on a given issue (Keohane & Nye, 2012, p. 16). This is the reason why the authors indicate that they “do not expect a measure of potential power, such as asymmetrical interdependence, to predict perfectly actors’ successes

or failures at influencing outcomes” (Keohane & Nye, 2012, p. 16). The measurement of power based on potential or resources will therefore only give an initial estimation of the advantages a state has when entering into a bargaining process. It is this process that will translate ‘power resources into power over outcomes’ (Keohane & Nye, 2012, p. 16).

Interdependent relationships often find themselves within networks of procedures, norms, and rules. These networks may affect the relationships and shape the actors’ behavior. Keohane and Nye “refer to the sets of governing arrangements that affect relationships of interdependence as international regimes” (Keohane & Nye, 2012, p. 16). These international regimes can emanate from an agreement or a treaty between states or they can be tacit. They can also be extensive or not and vary in the level of adherence of the most important actors. In order to understand an international regime’s effect on an interdependent relationship, one has to consider ‘structure and process in international systems’ and look at what effects they have on one another. A system’s structure refers to how capabilities are distributed among comparable units, with the most important ones being the states, and their ‘power resources’, which are represented by their ‘relevant capabilities’. The process, on the other hand, ‘refers to allocative or bargaining behavior within a power structure’ (Keohane & Nye, 2012, p. 17). To illustrate this, the authors use a game of poker as an analogy and explain that process, in that context, is ‘how the players play the hands they have been dealt’. As for the structure, one must look at how the cards and chips were distributed’ at the start of the game. Having established what structure and process are in an international system, Keohane and Nye explain that an international regime represents an intermediate factor ‘between the power structure’ ‘and the political and economic bargaining that takes place with it’. This means that the system’s structure affects how the regime is designed – with its procedures, rules, norms – and the regime affects the bargaining process ‘that occurs within the system’. One of the goals of the theory developed by the authors is to seek to understand and explain why and how international regimes – that is ‘patterns of norms, rules, and procedures that govern interdependence in various issues’ – change or persist over time (Keohane & Nye, 2012, p. 18). This aspect will be developed later in this chapter.

3.2 Complex Interdependence and Realism

There are three assumptions that are at the core of the realist theory in international relations:

- 1) States are the predominant actors in world politics and represent units that act coherently;
- 2) Force can be used and represent an ‘effective instrument of policy’. It is also the most

effective instrument to exercise power; 3) ‘High politics’ – that is military security matters – dominate ‘the low politics of economic and social affairs’. The authors explain that this set of assumptions create an ‘ideal type’ of international politics, allowing one to picture a world where existing and possible conflicts are constant and where states have the possibility to use force at all times (Keohane & Nye, 2012, p. 19). In other words, states’ survival depends solely on the use of force or the possibility to use it to defend their interests and their territory from threats that can be perceived or real. The system is then considered stable when a ‘well-functioning balance of power’ is achieved (Keohane & Nye, 2012, p. 20).

Keohane and Nye write that it is possible to challenge the assumptions that define realism and, by doing so, they aim to build a different ideal type that opposes realism: Complex interdependence. They explain:

Each of the realist assumptions can be challenged. If we challenge them all simultaneously, we can imagine a world in which actors other than states participate directly in world politics, in which a clear hierarchy of issues does not exist, and in which force is an ineffective instrument of policy. Under these conditions—which we call the characteristics of complex interdependence—one would expect world politics to be very different than under realist conditions (Keohane & Nye, 2012, p. 20).

Because complex interdependence and realism are ideal types, the authors do not expect either of them to depict perfectly the reality of world politics. Instead, “most situations will fall somewhere between these two extremes” (Keohane & Nye, 2012, p. 20).

3.2.1 Complex Interdependence and Its Characteristics

Complex interdependence is defined by three key features:

- Societies are connected by several channels;
- In an interstate relationship, the issues on the agenda do not have a clear hierarchy;
- In a complex interdependent relationship, states do not use military power toward each other in the region or in relation to the issues at stake (Keohane & Nye, 2012).

The first characteristic of complex interdependence assumes that states are linked to each other through multiple channels. These channels can take various forms: 1) ‘Interstate relations’, which represent ‘formal foreign office arrangements’ and which are the ones found in realism; 2) ‘Transgovernmental relations’, which are represented by ‘informal ties between governmental elites’; 3) and ‘Transnational relations’, which take the form of ‘informal ties among nongovernmental elites’ (Keohane & Nye, 2012, p. 20). According to the authors, the

role of these actors is important because they pursue their interests on one end and ‘because they act as transmission belts’, which helps make the policies of various governments ‘more sensitive’ to each other’ (Keohane & Nye, 2012, p. 21). The second characteristic assumes that there is no clear hierarchy among multiple issues on a given agenda. This mainly means that the top priority of the agenda is not consistently made up of military security concerns. Besides, these multiple issues are not just considered by the foreign office of a government, but also by other departments and at different levels. Citing the former US Secretary of State Kissinger, the authors provide examples of these issues: “The problems of energy, resources, environment, population, the uses of space and the seas now rank with questions of military security, ideology and territorial rivalry which have traditionally made up the diplomatic agenda” (Keohane & Nye, 2012, p. 22). The third characteristic assumes that the use of military force is nonexistent in a complex interdependent relation even though it can be an important factor present in other regions or issues. Military force is a central element of ‘national power’ because states strive to secure their survival and if the worst case scenario arises, ‘force is ultimately necessary to guarantee survival’ (Keohane & Nye, 2012, p. 22). However, the perceived safety has increased, especially among industrialized countries, and the fear of being attacked has generally declined. Furthermore, “force is often not an appropriate way of achieving other goals (such as economic and ecological welfare) that are becoming more important” and it often comes with high costs and uncertain results (Keohane & Nye, 2012, p. 23).

3.2.2 Complex Interdependence and Its Political Processes

The assumptions of complex interdependence generate ‘political processes’ that ‘translate power resources into power as control of outcomes. (Keohane & Nye, 2012, p. 24). It is interesting to note that the way these processes are conducted are quite different under complex interdependence than they are under realism. First, unlike the realist view in which states’ main goal is military security, the complex interdependence view explains that states actually have a variety of goals that ‘vary by issue area’. ‘Typical political processes’ as well as the power distribution will also vary depending on the issue area. Second, realism assumes that military force is the instrument considered the most effective to pursue states’ policies, even though other instruments may be used such as economic ones, whereas complex interdependence assumes that the most relevant instrument is ‘power resources’ that ‘are specific to issue areas’ (Keohane & Nye, 2012, p. 31). The main instruments are: “Manipulation of interdependence, international organizations, and transnational actors” (Keohane & Nye, 2012, p. 31).

‘Transnational relations’ can indeed have an effect on ‘the outcomes of political bargaining’. These ‘multiple channels of contact’ can include ‘nongovernmental actors’ as well as ‘governmental bureaucracies’ that pursue similar assignments. These contacts may influence the perspectives of the agencies involved and create ‘transgovernmental coalitions’ on certain policies. These agencies can try to include ‘actors from other governments’ as allies in their ‘decision-making processes’ in order to increase their ‘chances of success’ (Keohane & Nye, 2012, p. 28). Besides, when bureaucracies from different nationalities communicate with one another directly – that is ‘without going through foreign offices’ – it becomes increasingly difficult for government officials to maintain a ‘centralized control’. As such, if a state is more agile in maintaining its political coherence among its various governmental units, it “will be better able to manipulate uneven interdependence than fragmented states that at first glance seem to have more resources in an issue area” (Keohane & Nye, 2012, p. 29).

A third political process that differs from realism under complex interdependence is called linkage strategies. The traditional view assumes that strong states’ dominance will ‘prevail on their weak issues’, therefore ensuring “a congruence between the overall structure of military and economic power and the pattern of outcomes on any one issue area” (Keohane & Nye, 2012, p. 25). This in turn reinforces hierarchy in the international system. However, this congruence is less likely to happen under complex interdependence. Indeed:

As military force is devalued, militarily strong states will find it more difficult to use their overall dominance to control outcomes on issues in which they are weak. And since the distribution of power resources in trade, shipping, or oil, for example, may be quite different, patterns of outcomes and distinctive political processes are likely to vary from one set of issues to another (Keohane & Nye, 2012, p. 25).

Furthermore, whereas military strength is the linkage instrument used by strong states – an instrument that usually implies high costs – weak or poor states rather use international organizations as an instrument for linkage. And as linkages are less effective for powerful states, “outcomes of political bargaining will increasingly vary by issue area” (Keohane & Nye, 2012, p. 26).

The fourth political process is the formation of the agenda, which includes issues of importance that are closely monitored by governments’ officials. Under traditional views, the agenda formation is strongly influenced by changes in the ‘overall balance of power’, whether ‘actual or anticipated’, as well as by states’ perception of threats to their security (Keohane & Nye,

2012, p. 27). Complex interdependence, however, assumes that the agenda will be influenced by problems at the international and the domestic levels. These problems are “created by economic growth and increasing sensitivity interdependence (...). Discontented domestic groups will politicize issues and force more issues once considered domestic onto the interstate agenda. Shifts in the distribution of power resources within sets of issues will also affect agendas” (Keohane & Nye, 2012, p. 27). A change ‘in the importance of transnational actors’ can also affect the agenda even when there is no change in a state’s capabilities. Therefore, various sources can induce the politicization of an issue, and this happens when there is controversy or agitation over a given issue. For instance, if an international regime is no longer considered effective, it may generate ‘increasing politicization’ since discontent governments will ‘press for change’. The politicization of an issue ‘can also come from below’ (Keohane & Nye, 2012, p. 27).

A fifth and last political process described by the authors is the one that takes place within international organizations. For realists, these organizations do not play a significant role in international politics because they view the world as anarchic where states act solely according to their self-interest and where ‘security issues are dominant; war threatens’. One could then assume that international organizations would only be used in the rare occasions where the interests of states converge. However, the ‘existence of multiple channels’ assumed by a complex interdependent relationship, with ‘multiple issues imperfectly linked’ and with transgovernmental et transnational coalitions, “the potential role of international institutions in political bargaining is greatly increased” (Keohane & Nye, 2012, p. 29). Such institutions can contribute to the formation of political coalitions, act as a forum where weak states can undertake initiatives and pursue linkage strategies, and assist in setting the agenda at the international level. Besides:

Governments must organize themselves to cope with the flow of business generated by international organizations. By defining the salient issues, and deciding which issues can be grouped together, organizations may help to determine governmental priorities and the nature of interdepartmental committees and other arrangements within governments (Keohane & Nye, 2012, p. 29).

Table 2 below shows the political processes mentioned above and provides an explanation on how they are conducted under realism and complex interdependence.

Table 2 – Political Processes under Conditions of Realism and Complex Interdependence (Keohane & Nye, 2012, p. 31)

	Realism	Complex interdependence
Goals of actors	Military security will be the dominant goal.	Goals of states will vary by issue area. Transgovernmental politics will make goals difficult to define. Transnational actors will pursue their own goals.
Instruments of state policy	Military force will be most effective, although economic and other instruments will also be used.	Power resources specific to issue areas will be most relevant. Manipulation of interdependence, international organizations, and transnational actors will be major instruments.
Agenda formation	Potential shifts in the balance of power and security threats will set agenda in high politics and will strongly influence other agendas.	Agenda will be affected by changes in the distribution of power resources within issue areas; the status of international regimes; changes in the importance of transnational actors; linkages from other issues and politicization as a result of rising sensitivity interdependence.
Linkages of issues	Linkages will reduce differences in outcomes among issue areas and reinforce international hierarchy.	Linkages by strong states will be more difficult to make since force will be ineffective. Linkages by weak states through international organizations will erode rather than reinforce hierarchy.
Roles of international organizations	Roles are minor, limited by state power and the importance of military force.	Organizations will set agendas, induce coalition-formation, and act as arenas for political action by weak states. Ability to choose the organizational forum for an issue and to mobilize votes will be an important political resource.

3.3 Explanations for International Regime Change

In order to understand ‘the politics of interdependence’, it is essential to understand how international regimes develop and collapse. These regimes ‘provide the political framework within which international economic processes occur’ (Keohane & Nye, 2012, p. 32). Why do these regimes change and why do they persist over time? Keohane and Nye developed four models in an attempt to answer that question. The following models are the simplest:

- ‘Economic processes’; and
- ‘The overall power structure in the world’.

The two other models add some more complexity into the equation:

- ‘The power structure within issue areas’;
- ‘Power capabilities as affected by international organization’ (Keohane & Nye, 2012, p. 32).

The authors explain that one model alone is not likely to be adequate in order to explain a situation or an event in the realm of international politics. They therefore recommend combining two or more of them when conducting a political analysis. I will first provide a description of the four models, then I will present the two that were chosen for the purpose of this research and explain the reason behind that choice.

3.3.1 The Economic Process Model

An economic model of regime change includes three premises. The first one “is that technological change and increases in economic interdependence will make existing international regimes obsolete” (Keohane & Nye, 2012, p. 33). Confronted with a higher number of transactions or with new types of organizations, then, the procedures, rules, and institutions that make up the regime could prove to be no longer effective or simply collapse. In this case, the international regime would no longer be effective in its existing form. Another premise indicates that governments are very ‘responsive to domestic political demands for a rising standard of living’. Consequently, the ‘national economic welfare’ will be a prevailing goal politically and the political success of the government will be measured by the evolution of the ‘gross national product’ (Keohane & Nye, 2012, pp. 33-34). The last premise of the economic process model is that as ‘international movements of capital, goods, and in some cases labor’ provide greater benefits economically, there will be ‘strong incentives’ for governments to change regimes in order to ensure that they remain effective (Keohane & Nye, 2012, p. 34).

Even if there are arguments on how gains are distributed and complaints ‘about the loss of autonomy’ that comes with a growing ‘economic interdependence’, governments will usually find that the disruption of an international economic relation brings higher ‘welfare costs’ than ‘autonomy benefits’. For this reason, governments will reluctantly allow the economic interdependence to expand and will cooperate to create ‘integrated policy responses’ in order to establish ‘new international regimes’ that will be more adapted to the new ‘transnational economic’ reality (Keohane & Nye, 2012, p. 34). In a nutshell, “governments will resist the temptation to disrupt or break regimes because of the high costs to economic growth” (Keohane & Nye, 2012, p. 34). However, even though this model ‘can provide important insights into regime change’, it cannot provide by itself a proper explanation because it lacks a political component or ‘explicit political assumptions’ (Keohane & Nye, 2012, p. 33).

3.3.2 The Overall Power Structure Model

According to the overall power structure model, the essence of international regimes is determined by how power is distributed in the system – in other words, it is determined by the structure of the system. Therefore, if there is a change to the structure, ‘the rules that comprise international regimes will change accordingly’ (Keohane & Nye, 2012, p. 36). This model does not therefore make a distinction between various issue areas in international politics and rather predicts similar outcomes throughout the issue areas. Even when there is no war or an ‘overt use of force’, this approach can still explain why international regimes change because if a strong state decides the rules, ‘then shifts in politico-military power should affect economic regimes’ (Keohane & Nye, 2012, p. 37). The overall power structure approach focuses on ‘hegemony and leadership’. Leadership implies that an actor is willing to let go bargaining gains in the short-term in order to maintain the regime, knowing that it will greatly benefit from it in the long run. Such a leadership in preserving a regime is most likely to exist ‘in a hegemonial system’, according to realists (Keohane & Nye, 2012, p. 37). This can happen:

When one state is powerful enough to maintain the essential rules governing interstate relations, and willing to do so. In addition to its role in maintaining a regime, such a state can abrogate existing rules, prevent the adoption of rules that it opposes, or play the dominant role in constructing new rules. In a hegemonial system, therefore, the preponderant state has both positive and negative power (Keohane & Nye, 2012, p. 37).

With this view, it appears that there are two possible causes for the breakdown of an hegemonial system and its related economic regime: “War or major shifts in the overall balance of power” (Keohane & Nye, 2012, p. 38). However, these kinds of systems can also collapse because less powerful states alter their assumptions and modify their policies ‘as their economic power increases’. It will ensue an erosion of ‘the rule-making and rule-enforcing powers of the hegemonic state’ that will in turn change its policies as well. “Bilateralism and autarky, formerly rejected as inefficient, are once again recommended. Their adherents stress the benefits of economic security, or risk aversion” (Keohane & Nye, 2012, p. 38). Therefore, as the hegemonial system is eroding, states are likely to adopt policies that are guided by an aversion to risk, and which have less implications in the system or internationally. There are, however, limitations to the overall power structure approach: It does not ‘differentiate among issue areas’ and it does not take into account the ‘multiple channels of contact among societies’ (Keohane & Nye, 2012, p. 41).

3.3.3 The Issue Structure Model

In issue structuralism, force can only be used at a high cost, 'military security' is not a top priority on the agenda, and there is no 'clear hierarchy of issues for governments'. This model therefore assumes that linkage strategies will not be effective from one issue area to another and implies that 'power resources' cannot be easily transferred. Unlike the overall power structure approach, the issue structure model considers that 'military capabilities' will be ineffective 'in economic issues' and that 'economic capabilities' applying to a specific area 'may not be relevant to another'. Even though the issue structure is different in many ways from the overall structure, they both hold the argument that 'the strong states' (overall or 'in an issue area') will decide the rules of the game (Keohane & Nye, 2012, p. 42). Both also make a distinction "between activity taking place within a regime and activity designed to influence the development of a new regime" (Keohane & Nye, 2012, p. 43). For the first type of political activity, and specifically for the issue structure, the most important states view as legitimate the regime for a given issue area even if some 'minor disagreements may exist'. Besides, each state options for a new policy 'are constrained by the regime'. Therefore, "governments attempt to take advantage of asymmetries in sensitivity, but do not manipulate vulnerabilities very much — since the regime itself constrains policy change" (Keohane & Nye, 2012, p. 43). For the second type of activity for a given issue, which refers to the making of the rules, the essence of the regime and the rules it contains are challenged by the major actors and the question is then whether the nature and the structure of the regime should be reviewed and, if so, what form it should take. "Thus the concept of vulnerability interdependence is most appropriate here" (Keohane & Nye, 2012, p. 43). On regime change, the authors explain:

Issue structuralism allows us to predict that when there is great incongruity in an issue area between the distribution of power in the underlying structure, and its distribution in current use, there will be pressures for regime change. (...) When there is an incongruity between the influence of a state under current use rules, and its underlying sources of power to change the rules, issue structuralism predicts sharp rather than gradual regime change (Keohane & Nye, 2012, p. 44).

As we can see in figure 3 below, it is initially the power capabilities of states that will determine the nature of the regime. Then, it is a bargaining process between states that ultimately determines their power over outcomes. If the ensuing pattern of outcomes is intolerable to some states, they will work toward changing the regime.

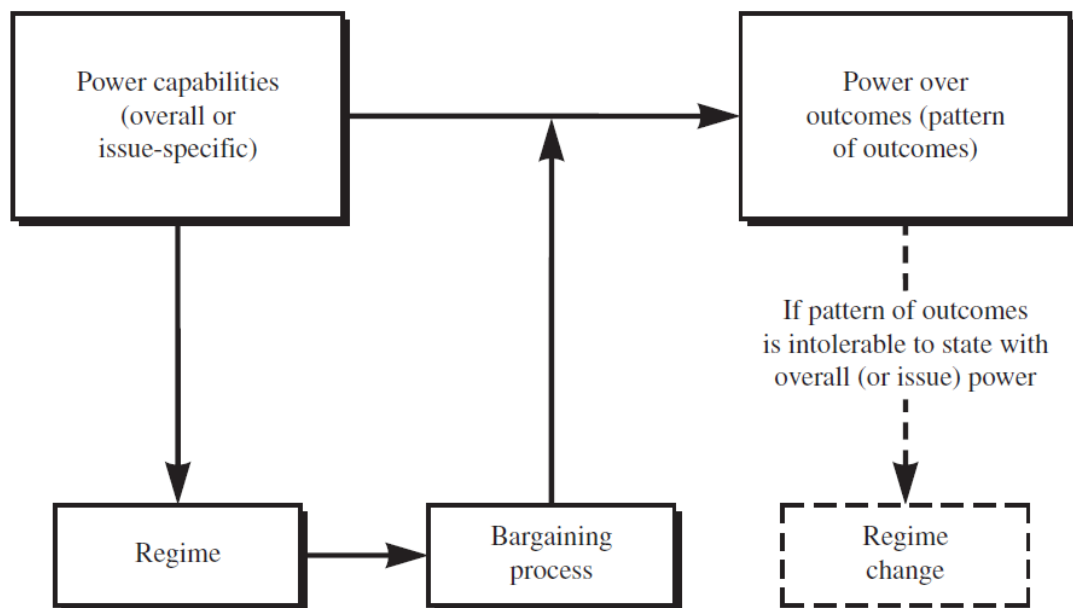


Figure 3 – Structural models of regime change (Keohane & Nye, 2012, p. 45)

3.3.4 The International Organization Model

As we have seen, the structural approaches see the structure of international politics as being the ‘distribution of capabilities’ in a system (‘overall or within issue areas’). However, Keohane and Nye write that it is possible to think differently about the structure. Indeed, one can consider that governments are linked not only “by formal relations between foreign offices but also by intergovernmental and transgovernmental ties at many levels — from heads of government on down” (Keohane & Nye, 2012, p. 46). Then, the existence of norms that prescribe certain behaviors and sometimes ‘formal institutions’ may strengthen the ‘ties between governments’. The authors use ‘the term international organization’ to represent those norms, ‘multi-level linkages’ or networks, and institutions. Therefore, defined like this, international organization is ‘another type of world political structure’ (Keohane & Nye, 2012, p. 46). This model assumes the following:

The international organization model assumes that a set of networks, norms, and institutions, once established, will be difficult either to eradicate or drastically rearrange. Even governments with superior capabilities — overall or within the issue area — will find it hard to work their will when it conflicts with established patterns of behavior within existing networks and institutions (Keohane & Nye, 2012, p. 46).

The authors explain that the establishment and the organization of regimes are in concordance with how the capabilities are distributed among states. However, the institutions, norms, and

networks will subsequently ‘influence actors’ abilities to use these capabilities’. Therefore, over time, ‘the underlying capabilities of states’ will not predict very well the features of an international regime; It is rather the ‘organizationally dependent capabilities’ that will pave the way toward power over outcomes’, as it is illustrated in figure 4 below. By considering ‘only the solid lines’, one can see that this type of system can be ‘self-perpetuating, with considerable stability’. “The dotted line indicates the major source of change: other networks, norms, and institutions may interfere with the specific organizational configuration under consideration, thus affecting the nature of the regime” (Keohane & Nye, 2012, p. 47).

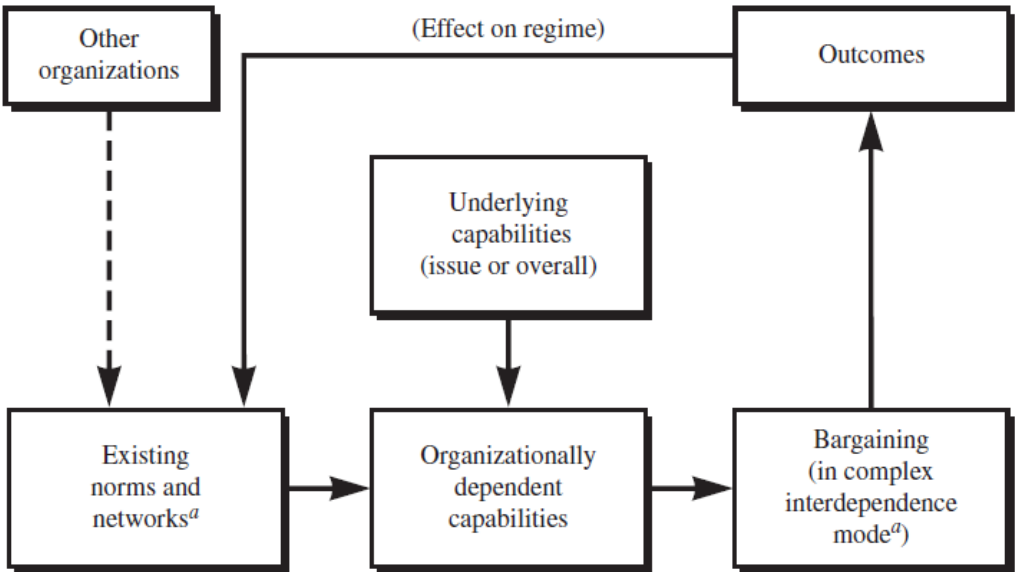


Figure 4 – An international organization model of regime change (Keohane & Nye, 2012, p. 48)

Unlike structural models which assume that a regime change is the result of ‘a single variable such as international structure’, the international organization model assumes that ‘the evolution of international regimes’ can be affected by the strategies of the actors involved and ‘their cleverness in implementing them’ (Keohane & Nye, 2012, p. 48). This model also assumes a stable regime in which “actors will manipulate each other’s sensitivity dependence for their own gain; and they may make marginal policy shifts to improve their vulnerability positions” (Keohane & Nye, 2012, p. 49). However, if a policy shift is too drastic, the regime will not only be challenged, but also be destroyed.

3.3.5 Combining Models

The first model chosen for the purpose of this research is the economic process model. Given that the fisheries in the studied area are an important economic activity for both Norway and Russia and that the fish stocks are abundant and valuable, it is possible that this model provide interesting insights to understand why the international regime in place is likely to change or persist over time. The international organization model will also be used to bring the analysis further. Using this model is appropriate because Norway and Russia seem to be tied at many levels regarding the fisheries in the area. Since there is an extensive cooperation for the management of this marine resource, the existence of an international organization as well as norms and procedures in place, it is likely that this model will also be useful in explaining whether the current international regime is likely to change or not. As for the two structural approaches, they were not considered for the analysis because they see the structure of international politics as being the ‘distribution of capabilities’ in a system (‘overall or within issue areas’) (Keohane & Nye, 2012, p. 46). In this quite unique cooperation between Norway and Russia in the Barents Sea, their capabilities in the overall international system or their capabilities in the issue area, the Barents Sea, do not seem to represent a good variable to explain international regime change.

In the next chapter, the methodological framework is presented.

4 Methodology

This chapter presents the qualitative research strategy used for the project, which includes a deductive approach, a positivist epistemology and a constructivist ontology. It also discusses the methods used for the research project, which include a collection of data done through interviews with experts on the topic and a thematic analysis of the data. The chapter ends with a note on reflexivity and the presentation of the limitations and challenges in connection with this research.

4.1 Purpose of This Research

This research project aims to explore the relationship between Norway and Russia in the Barents Sea regarding fisheries management. By doing so, I seek to understand the dynamics behind their cooperation in that area and more specifically their interactions in the Svalbard Fisheries Protection Zone, which is located in the Western part of the Barents Sea. The research seeks to answer the following research question: Why have Norway and Russia been capable of managing their disagreement regarding the status of the Svalbard Fisheries Protection Zone and their conflicts within it?

4.2 Qualitative Research Strategy

4.2.1 Theory

Considering the ‘principal orientation to the role of theory in relation to research’, this project used a deductive approach. (Bryman, 2016, p. 32). Indeed, an international relations theory was selected with the goal of testing it and see if it can explain the case study as well as answer the research question. It is the theory of Complex Interdependence that was selected to approach this research project. This theory was developed by Keohane and Nye and published in 1977 in their book *Power and Interdependence*. The theoretical framework was useful to develop the interview questions asked to participants during the data gathering process. It was also used to shape the discussion while using the analyzed data.

4.2.2 Epistemology and Ontology

Bryman explains that “an epistemological issue concerns the question of what is (or should be) regarded as acceptable knowledge in a discipline” (Bryman, 2016, p. 24). Since a theory was selected to analyze this research project and because the goal is to test it and determine whether it is useful in explaining the case study and answering the research question, the epistemological

position is positivism. This position implies “a fairly sharp distinction (...) between theory and research. The role of research is to test theories and to provide material for the development of laws” (Bryman, 2016, p. 24). As for ontology, it is “concerned with the nature of social entities” (Bryman, 2016, p. 28). Bryman shows that there are two ontological positions: Objectivism and constructionism. Objectivism “asserts that social phenomena and their meanings have an existence that is independent of social actors”, whereas constructionism “asserts that social phenomena and their meanings are continually being accomplished by social actors” (Bryman, 2016, p. 29). The position that was adopted for this research is constructionism. Because the relationship and the cooperation between Norway and Russia in the Barents Sea is ‘produced through social interaction’ and is ‘in a constant state of revision’, I believe that it was the best position to adopt while reading the literature, conducting the interviews, analyzing the data, and discussing the analyzed data in order to end up with some findings as well as to answer the research question (Bryman, 2016, p. 29).

4.3 Methods

4.3.1 Data Collection: Interviews

The data were exclusively gathered through semi-structured interviews with experts on the topic. It was therefore mainly the same set of questions that was asked to all interviewees, but with the flexibility of asking different questions to all of them based on their answers. This allowed to explore diverse angles or to have an interviewee providing a more thorough answer. The questions developed were all open-ended questions in order to allow interviewees to express their ideas and thoughts. The interviews were conducted on Teams from March 20, 2023 to April 17, 2023. They were recorded with the interviewees’ consent, and a transcript of each was produced in order to do a more efficient and thorough analysis of the data gathered. The length of each interview was about 45 to 50 minutes each, providing several pages of transcript to analyze.

4.3.2 Experts’ Selection

The four experts interviewed were selected based on their expertise and research experience on Svalbard, the Fisheries Protection Zone, the Barents Sea fisheries, Norwegian and/or Russian fisheries management, and the relationship between Norway and Russia in the North. The experts selected were all Norwegians. However, given their occupation – two professors, one senior researcher and one former journalist, it is very likely that they provided neutral and

measured answers that don't favor one side over the other, as demonstrated in the Data Analysis chapter.

4.3.3 Experts

As mentioned above, the four experts are all from Norway. However, given their occupation, their answers to the questions were impressively neutral, exposing with great details the views of both Norway and Russia on the topic. Below is a brief description of the experts interviewed. They appear in alphabetical order of their last name.

Geir Hønneland – Hønneland is a Research Professor at the Fridtjof Nansen Institute (FNI) and an Adjunct Professor at Nord University and at the University of Tromsø. His research interests focus on "international fisheries management, with an emphasis on enforcement and compliance issues [and on] relations between Russia and the West, primarily Norway, in the European North" (Fridtjof Nansen Institute 1, n.d.). He has published extensively on these subjects, such as the book *Making Fishery Agreements Work: Post-Agreement Bargaining in the Barents Sea* as well as the articles "Norway and Russia: Bargaining Precautionary Fisheries Management in the Barents Sea", published in *Arctic Review on Law and Politics* and "Compliance and Post-Agreement Bargaining in the Barents Sea Fisheries", published in *Ocean Development and International Law* (Fridtjof Nansen Institute 1, n.d.).

Anne-Kristin Jørgensen – Jørgensen is a Senior Researcher at the Fridtjof Nansen Institute and her areas of research are the Barents Sea fisheries and Russian fisheries management. Among her peer-reviewed articles and chapters, there are "Stock Shifts and Regime Resilience in the Barents Sea", published in the book *Marine Resources, Climate Change and International Management Regimes*; as well as the following articles: "The Svalbard Fisheries Protection Zone: How Russia and Norway Manage an Arctic Dispute", published in *Arctic and North*; and "The Coast Guard's Enforcement of Norwegian Sovereignty around Svalbard: Russian Perceptions and Reactions" (in Norwegian), published in *Internasjonal Politikk*. In the past, she was a Counsellor for Fisheries at the Embassy of Norway in Moscow as well as an Interpreter and an Inspector for the Norwegian Coast Guard (Fridtjof Nansen Institute 2, n.d.).

Arild Moe – Moe is a Research Professor at the Fridtjof Nansen Institute (Norway). His degree in political science is from the University of Oslo, where he also studied Russian language and public law. Most of his research has been devoted to Russia, especially the energy sector,

energy and climate politics, and Arctic shipping, with emphasis on political and legal conditions for navigation on the Northern Sea Route. His work also includes Russian-Norwegian relations in the North, and Norwegian High North policies (A. Moe, personal communication, 25.04.2023).

Per Arne Totland – Totland is the author of the book *Kaldfront – konfliktområdet Svalbard gjennom 100 år* (Coldfront – The conflict area of Svalbard through 100 years), which is a book about Svalbard's political history and current politics. He has been following Norwegian Svalbard policy for many years and he is now a full-time writer. Prior to that, he evolved in the corporate communication field and was also a journalist at NRK, the Norwegian Broadcasting Corporation (P.A. Totland, interview, 23.03.2023).

4.3.4 The Interview Questions

Below are the main questions asked during the interviews. Since they were semi-structured interviews, the questions appearing below are not necessarily the only ones that were asked to gather data on the topic.

- What are respectively Norwegian and Russian interests in the FPZ?
- Why has Russia accepted the status quo, for the time being, in the FPZ, despite a formal disagreement on Norway's management sovereignty in that zone?
- What are the factors influencing Norway and Russia in the management of their conflicts in that zone?
- Why did cooperation emerge between Norway and Russia in the Barents Sea and how robust or significant is that cooperation between the two?
- Can we say that Norway and Russia have an interdependent relationship in the FPZ and more broadly in the Barents Sea?
- Who are the actors that participate to the meetings of the Joint Commission?
- Are there any other actors than the foreign offices of Norway and Russia that are involved? Are there other relationships than the official channel?
- Let's assume that the current international regime collapses because of a unilateral decision from Norway to establish an Exclusive Economic Zone around Svalbard, how is Russia likely to react? What could it do?
- Let's assume that the current international regime collapses because Russia decides to bring the case to an international court and wins its case, which either results in the zone becoming international waters or in the Svalbard Treaty's provisions applying to the zone, how is Norway likely to react? What could it do?

4.4 Data Analysis

The research strategy is qualitative, and a thematic analysis was used to study the data gathered through interviews. Once a transcript was made for each interview, a coding approach was used to identify the main themes. The themes were selected according to their relevance to the

research topic and the research question as well as according to their recurrence in the interviews. The segments of each interview that had the same theme were grouped in one document for further analysis. Below are the themes identified to analyze the data.

- National Interests in the FPZ – And More Broadly in the Barents Sea
- Enforcement of Norway in the FPZ
- Factors Contributing to the Management of their Conflicts
- Cooperation and Interdependent Relationship
- Multiple Channels of Interaction
- A Potential International Regime Change?

In the Discussion and Findings chapter, the analyzed data were used along with the theory and some elements of the literature review in an attempt to provide a satisfactory answer to the following research question: Why have Norway and Russia been capable of managing their disagreement regarding the status of the Svalbard Fisheries Protection Zone and their conflicts within it?

4.5 Reflexivity

Bryman defines reflexivity as “a term used in research methodology to refer to a reflectiveness among social researchers about the implications, for the knowledge that they generate about the social world, of their methods, values, biases, decisions, and mere presence in the very situations they investigate” (Bryman, 2016, p. 695). As such, I recognize that the need to be self-reflective is of utmost importance and that I therefore needed to be aware of my values and biases in order to prevent them from interfering with my research. It was therefore important to view both states with a neutral point of view and not prioritize one over the other. As a Westerner with limited knowledge about Russia, and being much more familiar with Norway, I had to set aside, to the best of my ability, any preconceptions that I could have had toward Russia. In order to avoid any ambiguity on a preferred side when naming both countries in the same sentence, they appear in alphabetical order, as follow: Norway and Russia.

4.6 Limitations and Challenges

4.6.1 Few Official Documents Available

Initially, the goal was to use documents to gather relevant data in line with the research topic. However, there are very few official documents on the topic, if any, that are issued by both states. The same applies to the Joint Norwegian-Russian Fisheries Commission, which is the

institution through which both states cooperate in the Barents Sea. In an email received from Geir Hønneland, he says:

I'm not quite sure where you'll find the most appropriate primary sources – most of this is difficult to document through official documents, which most often say little beyond stating Norway's official position on the Protection Zone. And it's hardly mentioned at all in the protocols from the Joint Commission, which, by the way, are in Norwegian and Russian only (G. Hønneland, personal communication, 06.10.2020, updated 27.04.2023).

Consequently, a decision was made to rather conduct interviews with experts to gather relevant data.

4.6.2 Study Area of the Fisheries Protection Zone

In order to understand why both states are able to manage their disagreement and conflicts in the FPZ, it is necessary to broaden the area of study to the Barents Sea, which comprises the FPZ. It is only by understanding the interactions regarding the fisheries management between Norway and Russia in the whole sea that one can attempt to explain their behaviors in the FPZ. For this reason, the Data Analysis as well as the Discussion and Findings chapters include information and details on both the FPZ and the Barents Sea.

4.6.3 The War in Ukraine

Since this Master's thesis project started in 2020, before the outbreak of the war in Ukraine, the research has not included this new development and this issue is therefore not addressed in this dissertation. Even though the experts were made aware of this prior to the interviews, the topic was sometimes referred to during the discussions. When it was the case, those extracts were discarded for the data analysis. However, the topic will be briefly mentioned in the conclusion of this manuscript, under the section Considerations for future research.

In the next chapter, the data analysis is presented.

5 Data Analysis

5.1 National Interests in the FPZ – And More Broadly in the Barents Sea

The data gathered through the interviews with experts show that, when fisheries resources are concerned, Norway and Russia have a substantial economic interest in the FPZ and, more broadly, in the Barents Sea. Indeed, the “food resources are extremely valuable. The FPZ is probably the area in the Barents Sea with the richest fisheries resources. So, it’s obviously in the interest of Norway to maximize control and access to the resources. On the other side of that coin, it’s obviously of interest to Russia to have as much access to these resources as possible” (P.A. Totland, interview, 23.03.2023). When it comes to cod, for instance, Hønneland points out that the Barents Sea is home to the largest stock in the world. “Cod is a very attractive species commercially. So, there are obviously big economic interests” for Norway and Russia (G. Hønneland, interview, 17.04.2023). It is therefore important for both countries to ensure the sustainability of the fisheries resources and they do so by managing them together in the Barents Sea. As neighbors, and because they both have an EEZ in that sea, Norway and Russia have to “manage in cooperation (...) in the sense that fish stocks are moving freely all around the Barents Sea” (A. Moe, interview, 20.03.2023). Besides, “both countries export a large share of the resources taken in the Barents Sea, mostly the most valuable ones. So, it’s a source of export income as well. There is some additional value in that” (A.K. Jørgensen, interview, 22.03.2023).

The second important interest that both states have is to defend and maintain their respective view and position in relation to the applicability of the Svalbard Treaty’s provisions outside the territorial waters of the archipelago. Thus, it is in Norway’s interest to maintain its view that the Treaty’s provisions do not apply beyond the 12 nautical miles around Svalbard. Therefore, in Norway’s view, it has exclusive rights in the FPZ and it also has the right to enforce jurisdiction. Conversely, Russia’s interest is to defend its position that the Treaty’s provisions do apply in the FPZ. Moe notes that Russia’s official position and its actual interest are not completely consistent. Indeed, Russia claims “that Norway has no right to establish a jurisdiction in that area, especially without consulting Russia. At the same time, Russia benefits from the Norwegian jurisdiction in this area” (Moe, 20.03.2023). It is beneficial for Russia because it prevents new third-party vessels to start fishing in the zone as Totland explains: “If it’s a strict Norwegian sea area, Norway has 100% control of the area whereas if the Treaty is

valid also on the continental shelf and in the FPZ, Norway is still the governing body of these areas, but you need to adhere to the non-discrimination clause in the Svalbard Treaty” (Totland, 23.03.2023). It is therefore in the interest of both countries to keep new third-party vessels out of the zone because if the Treaty’s provisions apply to the FPZ, then “because any country in the world can be a party to the Treaty, a possible effect would be that lots of states would come and want to fish in that zone” (Jørgensen, 22.03.2023). Moe also mentions that if Russia’s position was implemented, it would then be impossible to keep all the signatory parties of the Svalbard Treaty out of the FPZ. It is therefore “clearly in Russia’s interest that Norway carries out jurisdiction even if they say the opposite” (Moe, 20.03.2023). Another interest, which both states share, is the international strategic significance of Svalbard and its surroundings. Totland notes that: “This is a vast area of extremely high strategic importance and the control of these areas is highly relevant to both NATO and Russia” (Totland, 23.03.2023). This means that there are security and geopolitical issues that are at stake as well, according to Jørgensen. She explains that, from time to time, “Russian authorities are very eager to ensure that no military activities occur on the Svalbard archipelago and they have referred to this area as very important to secure Russian presence in the Western Arctic. Perhaps, that goes more for the land part of the archipelago, but Russian submarines from the Northern fleet have access to the Atlantic via the Barents Sea and Russia has been very eager to ensure that Norway or NATO do not militarize Svalbard, secretly or otherwise” (Jørgensen, 22.03.2023).

5.2 Enforcement of Norway in the FPZ

Even though Russia does not formally accept the Norwegian management sovereignty in the FPZ, the enforcement of Norway has worked relatively well over the years and Russia has accepted, in practice, the regulation in the zone and the inspection of their fishing vessels by the Norwegian Coast Guard. Russians have acknowledged “Norway’s right to inspect Russian fishing vessels, but that is where they draw the line” (Totland, 23.03.2023). Indeed, Jørgensen explains that even though Russia accepts the inspectors from the Norwegian Coast Guard on board, the Russian captains never sign the inspection protocols because they are instructed not to. However, when the inspectors issue an order indicating that the vessel needs “to move from an area because there is a lot of undersized fish or for another reason, then the Russians would generally follow those orders or recommendations” (Jørgensen, 22.03.2023).

Hønneland points out that since Russia has ‘silently accepted’ the enforcement and monitoring of Norway in the FPZ, one can then assume that it is also in Russia’s interest to have Norway monitoring the fisheries resources in the zone because without proper enforcement in this vast area of the Barents Sea, problems would arise. Whether Russians “think explicitly about this or not, they at least have shown this kind of implicit understanding of the Norwegian position because they are relatively happy with the access they have to the resources” (Hønneland, 17.04.2023). If we consider the entire Barents Sea, Hønneland mentions that Norway and Russia concluded two agreements in the mid-70s, which can provide some insights regarding Russia’s silent acceptance of the Norwegian enforcement in the FPZ. The first agreement, in 1975, introduced the joint management of the Barents Sea’s fisheries with the establishment of the Joint Norwegian-Soviet fisheries Commission. At the time, it is assumed that Norway wanted to negotiate a cod quota of around 60% to 70% in its favor, which is in line with the distribution of the cod stock in the Barents Sea. However, Norway rather agreed to a 50/50 ratio. “That’s part of why Russia is genuinely quite accommodating to Norway’s interest, because they know that Norway has given them more than they should have had based on biological biomass of the fish” (Hønneland, 17.04.2023). The second agreement, in 1976, gave the right to both parties to fish in each other’s exclusive economic zone, which is of utmost importance for Russia. Indeed, the fish is bigger in the Norwegian waters and it is also more easily accessible. Therefore, the smaller fish in the Russian zone is ‘less interesting commercially’ (Hønneland, 17.04.2023).

For a long time after the establishment of the FPZ in 1977, “Norway’s enforcement was lenient, so there were only warnings, but no arrests” (Jørgensen, 22.03.2023). However, in the mid-90s, Norway started to be stricter on the enforcement and started arresting third-party vessels – not Russian ones – “because there were some incidents that the Norwegian Coast Guard felt that they could not let that pass” (Jørgensen, 22.03.2023). Then, there was the first arrest of a Russian trawler, which was not brought to port and the situation was resolved with diplomatic means. This first arrest of a Russian vessel was followed by other ones. The most serious incident happened in 2005 when a Russian trawler was arrested and escaped with “Norwegian inspectors on board and [it was] pursued by the Norwegian Coast Guard until [it] reached the Russian waters. That was a very dramatic episode. However, the most interesting is that the Russian government did not escalate that story; They played it down” (Moe, 20.03.2023). Despite this instance and the fact that there were a few other arrests afterwards, which ‘created

some political protests' from Russia, Moe adds that 'by large it has worked well' (Moe, 20.03.2023). Furthermore, there has not been many arrests in recent years, according to Hønneland. In the few instances where an arrest occurred, "Russia has not protested. (...) So, there have been speculations, all of this is of course confidential, but there have been speculations that there was some kind of tacit, informal agreement between Norway and Russia in the years leading to the delimitation agreement" of both countries' overlapping EEZ in the Barents Sea in 2010 (Hønneland, 17.04.2023).

5.3 Factors Contributing to the Management of their Conflicts

Apart from a mutual economic interest and the necessity to maintain the fish stock in a sustainable way, there are a few other factors that contribute to the management of the conflicts between Norway and Russia in the FPZ. While it is important for Norway to be firm on its position that it has authority in the FPZ, Totland says that the enforcement can be flexible. "Norway does not step away from taking a conflict over a single vessel if a situation occurs, but while Norway is trying to be very clear on the principle, they are very flexible in terms of enforcement" (Totland, 23.03.2023). As for Russia, Totland's interpretation is that the state 'has put the issue for many years sort of in the drawer' in the sense that it has not seriously followed up on the disagreement and 'has not gone all in' to bring the issue to a 'real conflict level'. He further explains that there have been official statements from Russia to underline their disagreement, 'but overall it has been quite peaceful' even if the FPZ remains a tool for Russia should it deem it necessary to provoke Norway (Totland, 23.03.2023). It has therefore been important for both Norway and Russia to avoid a conflict escalation as well as to 'maintain stability in the area and to ensure that' the fisheries interests are protected "because if there was a major conflict in the area, that would make the cooperation on the management of the resources harder" (Jørgensen, 22.03.2023).

More broadly in the Barents Sea, Hønneland points out that "there is this general give and take practice between Norway and Russia (...) and the fisheries management cooperation between [the two] is characterized by pragmatism and compromise. It's a very extensive cooperation, institutionally speaking" (Hønneland, 17.04.2023). At the same time, there is a limit to the compromise they can make. "You cannot go too far in compromising in order not to undermine your own position" (Jørgensen, 22.03.2023). It is therefore 'a fine balance' as Moe puts it.

(Moe, 20.03.2023). Both need to ensure that they maintain their respective position while ensuring that what they get from the fisheries resources is beneficial for them.

5.4 Cooperation and Interdependent Relationship

Cooperation is a central element of the relationship between Norway and Russia regarding the fisheries management in the Barents Sea. This cooperation emerged as the Law of the Sea evolved in the mid-70s to allow coastal states to establish a 200 nautical mile exclusive economic zone. It also stipulated that coastal states “should cooperate on the management of fish stocks. This was a case of very successful diplomacy in the mid-70s where the Norwegian and the Soviet Union delegations managed to establish this broad cooperation encompassing the whole Barents Sea” (Moe, 20.03.2023). Norway and Russia realized that, ‘from a resource management efficiency perspective’, it is better if both catch the fish in the Western part of the Barents Sea – that is in the Norwegian Exclusive Economic Zone and in the Svalbard Fisheries Protection Zone – rather than in the Eastern part where is located the Russian Exclusive Economic Zone (Moe, 20.03.2023). The reason is that the fish stock spawns and grows up in the East. It is therefore smaller in that area and then grows as it moves to the West. If there was no cooperation and both countries were limited to their own zone, Russia ‘would catch a lot of small fish in the Eastern Barents Sea’ and Norway would most likely end up having ‘less grown fish’ in its zone, resulting in a situation that would be detrimental to both Norway and Russia (Moe, 20.03.2023). Moreover, ‘if the cooperation were to break down’, that would be very problematic in the long run for Norway and Russia “because it might mean that both would engage in more unsustainable fisheries and that would threaten the resources” (Jørgensen, 22.03.2023).

The Joint Norwegian-Russian Fisheries Commission, established in the mid-70s, is the institution that “provides efficient joint management of the most important fish stocks of both countries, in the Barents Sea and the Norwegian Sea” (Joint Norwegian-Russian Fisheries Commission, n.d.). It represents the central element of the cooperation between Norway and Russia and it is an important forum that is “recognized as one of the main arenas for Norwegian-Russian political contact in general in the High North” (Hønneland, 17.04.2023). The Joint Commission has proven to be solid and continued its work despite sometimes difficult political climates, such as in the late 70s and early 80s ‘when the Cold War was at its most intense’, in

the 1990s with ‘the new tightening so to speak after Putin came to power’ and in 2014 ‘after the annexation of Crimea’ (Hønneland, 17.04.2023).

Every year in the fall, the Joint Commission meets to set the total allowable catch in the Barents Sea for the upcoming year. Both parties also discuss and decide on rules and regulations, equipment, and standardized definitions (Moe, 20.03.2023). The meeting unfolds over a week and takes place ‘every other year in Norway and every other year in Russia, normally’, but in recent years it was held digitally (Jørgensen, 22.03.2023). Jørgensen explains that once the total allowable catch is determined and accepted by both parties, then the quotas “follow automatically because there are these fixed allocation keys for all those stocks. So, that is an important conflict avoidance mechanism that has been in place from the start. They agreed early on these allocation keys and they have remained in place for the main stocks” (Jørgensen, 22.03.2023). As mentioned above in the section Enforcement of Norway in the FPZ, the quotas are shared equally for ‘the most important stocks’ between Norway and Russia – there are some minor variations depending on the species. Specifically for the cod stock, we saw that it is a ratio of 50/50 (Hønneland, 17.04.2023). To this effect, Moe notes that, despite the fact that Norway should probably have been entitled to a higher percentage if we take into consideration the distribution of the fish stock, “politically, it was very wise to establish 50/50 and that has worked well” (Moe, 20.03.2023). Hønneland adds that “this has been extremely important for the success of the bilateral regime (...) [and] it kind of cements the picture of this as a genuinely joint resource” (Hønneland, 17.04.2023).

There were times when issues pertaining specifically to the fisheries in the FPZ were addressed at the Commission. ‘Around the turn of the millennium’, Norway started arresting Russian trawlers in the FPZ and that led to issuance of ‘protest notes’ and the use of a ‘hard rhetoric’ from Russia. However, over time, “that rhetoric became less strong and instead there were attempts to move those discussions into the Commission and to focus for instance on further harmonization of fisheries rules” in order to avoid incidents in the FPZ because Norwegian and Russian rules were different. If the regulations were as much as possible the same on both sides, then this could help avoiding conflicts (Jørgensen, 22.03.2023). Russia has ‘always been interested in harmonizing fishing rules’, so that the same rules apply in all areas of the Barents Sea. Norway and Russia have tried to do this and it has worked to a great extent. It has “been very important for regulating any conflict, especially in the FPZ, because when you have the

same fishing rules for the whole Barents Sea, it means that the Russian vessels don't have to change gear and relate to different rules in areas under Norwegian jurisdiction" (Jørgensen, 22.03.2023). However, despite this effort from both parties to harmonize the regulations in all areas of the Barents Sea, Norway has always been clear that it is the one that makes the rules in the areas under its jurisdiction (Jørgensen, 22.03.2023).

5.4.1 Interdependent Relationship

Because of their mutual 'economic interests' and their 'sustainability interests' regarding the fisheries resources in the FPZ, and more broadly in the Barents Sea, Jørgensen acknowledges that Norway and Russia find themselves in an interdependent relationship in the area. "The parties need to cooperate to ensure that the resources are managed in a sustainable way" (Jørgensen, 22.03.2023). Hønneland also shares the view that both countries have an interdependent relationship in the region, "especially through their joint management of the rich fish resources in the area", which is achieved thanks to the work of the Joint Commission (Hønneland, 17.04.2023). This interdependence is mostly created by the fact that "the stocks stay in both Norwegian and Russian waters during different parts of their life cycles" (Hønneland, 17.04.2023). It is therefore important that Russia is given access to the Norwegian waters in the Western parts of the Barents Sea where the fish are commercially more valuable because they are bigger. As for Norway, it "has an interest in Russia de facto accepting Norwegian enforcement in the Svalbard Zone. And more generally, for Norway, as a small state bordering Russia, it's important to have as good of a relationship with Russia as the geopolitical situation at any time allows" (Hønneland, 17.04.2023). It is also important for both countries that Russia does not overfish in its EEZ, where the fish is smaller before growing up while moving to the West, because that would be detrimental to the 'whole fish stock' in the Barents Sea (Jørgensen, 22.03.2023).

5.4.2 Vulnerability and Evenly Balanced Mutual Dependency

The mutual dependency of Norway and Russia in the Barents Sea is "relatively evenly balanced [since] they have 50% each of the most important fish stocks" (Hønneland, 17.04.2023). Because the resources are divided roughly equally, Jørgensen agrees that 'it's a quite balanced dependency'. However, it is important to also consider what the fisheries in the Barents Sea represent for their respective economy. In relative terms, the fisheries are more important "economically to Norway because it's a smaller country and a more fisheries dependent

country” (Jørgensen, 22.03.2023). Besides, when the relationship between the two countries started to cool down after the annexation of Crimea by Russia in 2014, “some have claimed that having such an important cooperation with Russia may make Norway vulnerable (...) and there were fears in the early years of the cooperation as well. Norway as a small country entering in a cooperation with a much bigger and powerful neighbor, that it might be problematic” (Jørgensen, 22.03.2023). On the other hand, the most valuable resources are found in the West where Norway has jurisdiction. “We can see in many Russian texts that, on the Russian side, many feel that they are more vulnerable than Norway because the Russian fishing fleet in the North takes a very large share of their catches in the Norwegian Economic Zone and the FPZ, and Norway carries out enforcement in both of those regions” (Jørgensen, 22.03.2023).

5.5 Multiple Channels of Interaction

Norway and Russia benefit from multiple channels of interaction in their joint management of the fisheries in the Barents Sea. First, there are the Norwegian and Russian delegations that meet annually at the Joint Commission. These delegations include actors from various fields and are led by Norway and Russia’s respective ministry that is responsible for fisheries management: The Ministry of Trade, Industry and Fisheries for Norway and the Ministry of Agriculture for Russia. They are represented by ‘civil servants responsible for fisheries management’. The respective agency that ‘performs fisheries management’ are also present – The Directorate of Fisheries for Norway and the Federal Fisheries Agency for Russia. The main research institute from both sides also take part to the session – For Norway, it is the Institute of Marine Research, and for Russia, it is the Federal Research Institute of Fisheries and Oceanography. Researchers are therefore well represented on both delegations. Hønneland adds that “when the Joint Commission comes together, I often say that it does not look like negotiations; It’s more like a scientific conference” (Hønneland, 17.04.2023). Among the other actors from both sides are: The fishing industry, regional authorities, various fishing associations and, for Norway, the Sámi Parliament. The Norwegian Ministry of Foreign Affairs is also represented, but “Russia does not have the Ministry of Foreign Affairs in their delegation. They might have had at times, but I don’t remember having seen that” (Hønneland, 17.04.2023).

Even if the Joint Commission meets only annually, the cooperative work between Norway and Russia is conducted on a continuous basis throughout the year thanks to the Permanent

Committee, which is supervised by the fisheries agencies and which also reports to the Joint Commission. “The main task of the Permanent Committee is to take care of those issues where the Joint Commission does not agree at its formal session or whether the commission decides that there is an issue that should be further explored. So, very much of the groundwork is done in the Permanent Committee” (Hønneland, 17.04.2023). This committee also appoints sub-committees to explore specific issues, when needed. (Hønneland, 17.04.2023). Even before the establishment of the Permanent Committee and the Joint Commission, Jørgensen notes that “the researchers have always cooperated with each other directly, that started before the management regime, which was established in the mid-1970s” (Jørgensen, 22.03.2023). Therefore, the “scientific cooperation is very tight and has even longer roots [that were] established more than a century ago, but formalized since the late 1950s” (Hønneland, 17.04.2023). Outside of the Joint Commission, the Permanent Committee and its sub-committees, there exists direct contacts between the Norwegian and the Russian coast guards and between their ‘lower management bodies for fisheries’ (Jørgensen, 22.03.2023). There is also a relationship between the Russian fishers and the Norwegian inspectors. They know each other and, for the Russian vessels that fish in the Norwegian EEZ and in the FPZ, the Norwegian Coast Guard represents “a safety measure. They can take out Russian sailors if they get sick, so they are thankful to have them. It is a much wider relationship than just these inspections” (Moe, 20.03.2023).

5.6 A Potential International Regime Change?

During the interviews, the experts were presented with two hypothetical scenarios where the current status of the FPZ was changed. In the first scenario, Norway decides to convert the FPZ around Svalbard to an EEZ. They were asked how Russia would likely react and what it could do. Jørgensen mentions ‘that there would be immediate protests’ and that ‘would probably lead to tension in the cooperation’. She does not ‘see why Norway would want to do that’ because there is not just Russia to consider in this hypothetical scenario, but also the Svalbard Treaty ‘and the whole regime’ (Jørgensen, 22.03.2023). Totland doesn’t think that Norway would move away from the current FPZ “because Norway knows that this will provoke not only Russia but also the international community and Norway is quite happy with the status quo” (Totland, 23.03.2023).

Moe explains that even if Norway claims that it has the right to convert the zone into an EEZ, it has not done it because it could create problems ‘in terms of resource management’. However, he says that the conversion of the zone would not necessarily impact Russia in terms of fishing if Norway decides to grant Russia access to the new EEZ around Svalbard, like it is in the FPZ, and the fisheries resources management regime is maintained. Norway would probably do so ‘because of the larger cooperation agreement in the Barents Sea’. However, Russia is “of course extremely focused on the formalities, so they would probably react very harshly even if it does not mean much in terms of their access to the zone” (Moe, 20.03.2023). It is therefore important to make the distinction ‘between the resource realities and diplomatic interpretations’. In its newly established EEZ, Norway could also maintain the special quotas given to third-party countries that have historical fishing rights in the zone. This could still create a problem at the political level with those states because it would then be Norway’s decision to give them quotas, whereas the third parties ‘pretend they have a right’ and that would make a difference to them. ‘It is a fine difference’ and the FPZ was explicitly established “to avoid tensions, because there was an international disagreement about the states using these waters. So, it was a solution that took care of the need to manage the fisheries, but the price Norway had to pay was that it had to give access to some states that had traditionally fishing in the area” (Moe, 20.03.2023). In the case where Norway would rather stop giving quotas to the third-party states in its new EEZ, ‘it would create a lot of problems’ (Moe, 20.03.2023).

By establishing its new EEZ around Svalbard, Norway could also decide that Russia has no longer the right to fish in that zone. ‘Russia would be incredibly provoked by’ this decision and ‘it would be unacceptable’ to them. As a response, if Russia decides to cancel their agreements of 1975 and 1976 and thereby break ‘all cooperation with Norway’ in the Barents Sea, Norway would most likely close the EEZ adjacent to its mainland to Russian fishing vessels. Since Russia has never formally accepted Norway’s jurisdiction in the maritime zone surrounding Svalbard, ‘they would most certainly continue to fish there’ and ‘increase their presence’. This would be ‘an extreme provocation to Norway’ since it would now be a Norwegian EEZ where Russia would have no right to fish. This scenario represents ‘a very dangerous road to go for Norway’ and ‘a milder variant’ of that scenario can be imagined, like the one where Russia still has access to the newly established EEZ around Svalbard and the fisheries resources management regime is maintained (Hønneland, 17.04.2023).

In the second scenario, Russia decides to bring the case to an international court and wins its case, which either results in the zone becoming international waters or in the Svalbard Treaty's provisions applying to the zone. The experts interviewed were asked how Norway would react and what it could do. First, Totland says that this is "very hypothetical because I'm not sure Russia recognizes the International Court of Justice. Russia is outside of most of the international legal system" (Totland, 23.03.2023). As for Jørgensen, she does not think that Russia would bring the case to an international court, even if it has an interest in maintaining that these are international waters, because both Norway and Russia benefit from the current regime. Both states agreed on a joint fisheries management and they 'can fish in each other's waters, including the Svalbard zone'. According to her, "if anyone were to bring this to an international court, it would perhaps be one of the other states who fish in the FPZ, and whose quotas in the zone are based on historical fisheries" (Jørgensen, 22.03.2023). Besides, these states would probably not want the zone to be international waters or that the Svalbard Treaty applies because "that might attract lots of other fishing nations apart from the ones that are there now". (Jørgensen, 22.03.2023). Whether it becomes international waters or the provisions of the Svalbard Treaty apply to the zone, any state with "a stake in the current fisheries could tend to lose potentially" (Jørgensen, 22.03.2023).

Moe points out that if the zone becomes international waters, 'there would be a control race for fisheries resources' because 'Norway would not be able to carry out [its] jurisdiction' anymore. On the other hand, if the provisions of the Svalbard Treaty apply, a new fisheries management system would need to be set up because all the states that sign the Svalbard Treaty would now have access to the zone. Because Norway would still have sovereignty over the zone, "it would still be up to Norway to manage the zone and probably to set the total catch, but it would have to be distributed differently" (Moe, 20.03.2023). Moe adds that this is 'a very unlikely scenario' and mentions the Norwegian Supreme Court decision made on March 20, 2023 regarding 'the snow crab fisheries' around Svalbard. It is a different issue because it is a 'sedentary species' and concerns the continental shelf, but it is still related to the geographical scope of the Svalbard Treaty. The case was brought to court by a shipping company from Latvia and the Norwegian Supreme Court ruled that the Svalbard Treaty's provisions do not apply in the maritime waters surrounding Svalbard, meaning that the "provisions on non-discriminatory and rights have no relevance outside the territorial waters" (Moe, 20.03.2023). When it comes to Russia specifically, its 'goal is to put pressure on Norway' in order to have as little constraints as

possible ‘but not so much that the zone disintegrates’. “There are [therefore] limitations on what [Russia] could do” (Moe, 20.03.2023).

Hønneland also agrees that “there is always this possibility that another state takes Norway to an international court. And obviously Norway has been afraid of that from day one. Not so afraid as the years have passed because it has become a regime that works very well and is also in the interest of third states in general” (Hønneland, 17.04.2023). On the other hand, Russia is not likely to do such a move because the status quo is in its interest and the country is not interested, in practice, in the ‘zone becoming international waters’ because other states would be ‘given equal rights with Norway in managing the resources’. If the zone do become international waters, however, and ‘Norway no longer has jurisdiction in the Svalbard zone’, it is then possible to ‘theoretically imagine’ a larger organization that would be responsible for managing the fisheries in these waters and where all the ‘interested parties’ would ‘be represented’ on this now ‘multilateral joint commission’ (Hønneland, 17.04.2023).

The next chapter presents the discussion and the findings.

6 Discussion and Findings

This section presents the analyzed data while using the theoretical framework and some of the information found in the literature review. There are two objectives. One is to determine whether the theory of complex interdependence can help us understand the relationship between Norway and Russia in the Svalbard's Fisheries Protection Zone and, more broadly, in the Barents Sea. The other objective is to attempt answering the following research question: Why have Norway and Russia been capable of managing their disagreement regarding the status of the Svalbard Fisheries Protection Zone and their conflicts within it? As it was indicated in the Limitations and Challenges section of the Methodological Framework chapter, it is necessary to consider the interactions of Norway and Russia in the whole Barents Sea if one wants to draw conclusions on their behavior in the Svalbard's Fisheries Protection Zone. This is because the FPZ is a part of that sea and because the fisheries management takes place in the whole area, with the total allowable catch being set for the entire Barents Sea – There is no specific TAC that applies to the FPZ.

6.1 Interdependence in Politics at the International Level

As neighbors, Norway and Russia are interconnected because they share the fish stocks available in the Barents Sea. Regarding fisheries management in the area, the behavior of one therefore affects the fish stocks in the area and each are consequently dependent on the other to maintain the level of fish at a sustainable level. In that sense, we can see that the action of both in the Barents Sea have reciprocal effects. This reciprocity generates costly effects of transactions because without cooperation, the fish stock could easily become endangered and that would have important economic consequences for both. According to the theory, this means that their relationship in the area is not simply one of interconnectedness, but rather of interdependence because this relationship imposes restrictions on their autonomy.

As the data analyzed show, an absence of cooperation in the fisheries management could mean that each state would fish in their own EEZ. Since the fish spawns in the Eastern part of the Barents Sea and then grows as it moves toward the Western part, this would result in Russia fishing small fish in the East and Norway would end up with a lesser number of grown fish in the Western part. Besides, because Russia would catch small fish, it could potentially start overfishing, which would result in even less fish in the Norwegian zone. In a nutshell, the fish stock in the entire Barents Sea would not be managed in a sustainable way. Inversely, the

current situation where there is cooperation between the two in the fisheries management, and the fact that Russia is allowed to fish in the Western part of the Barents Sea, ensure the sustainability of the fish stock and protect their mutual economic interests.

Cooperating in the fisheries management in the Barents Sea therefore brings gains to both Norway and Russia. As for the relative gains and distributional issues, we have seen that the fixed quota for the main fish stocks is divided equally – a ratio of 50/50. Since the equal quota is fixed, which means that it remains the same year after year, this has the advantage of avoiding conflict over the distribution of the resources if a bigger joint gain is eventually available. This would not be true, however, if one state would want to renegotiate the quota, which could happen, but would be surprising since it has remained the same since its establishment in the mid-70s. A bigger joint gain available could make the annual negotiation harder at the Joint Commission, but not necessarily either since the goal of this bargaining process is to agree on a sustainable total allowable catch for the upcoming year. If they decide to increase the TAC because the fish stocks have increased, they would both get equally more, and the target would need to ensure the sustainability of the fish stocks.

As the data show, Norway and Russia's interdependence prove to be quite an evenly balanced mutual dependence since the stocks are shared equally. Consequently, it appears that neither of them is less dependent than the other regarding the fisheries in the Barents Sea and, therefore, neither of them seems to benefit from an extra bargaining power over the TAC. This means that there are no asymmetries in this interdependence and the two find themselves in what seems to be a symmetrical dependence. Perhaps one thing that Russia could do to increase its bargaining power and make Norway more vulnerable is to start catching more fish in its own EEZ. That would reduce the amount of fish available to Norway in the West, but this is highly unlikely to happen since the majority of Russia's catch is in the Norwegian EEZ and in the FPZ. Such action by Russia would therefore also hurt itself economically.

Interestingly, it follows that even though Norway and Russia may have different level of sensitivity to an external change, they seem to have a shared vulnerability – with neither of them being more vulnerable than the other regarding the fisheries in the Barents Sea. Perhaps the most probable external change that could affect them in the Barents Sea is a decrease in the total fish stocks available. Both would be very sensitive at first. In such an event, Norway is

probably more sensitive than Russia because, as Jørgensen mentioned, Norway is a more fisheries dependent country. However, as for their vulnerability, it will depend on their joint continued commitment to manage the fisheries in a sustainable manner and their ability to keep on working together to modify current policies and rules that would bring back the fish stocks at a sustainable level. This would mean a lower equally distributed TAC for a certain period. In a sense, it seems that it is therefore a shared vulnerability – Neither of them seems to be less or more vulnerable than the other since they need to cooperate in the area. Indeed, a joint fisheries management is necessary if they both want to ensure their economic interests in the Barents Sea. Furthermore, since they find themselves in a quite symmetrical interdependence, if one attempts to manipulate the vulnerability of the other by restricting the access to its zone or by fishing in an unsustainable way, then that state would actually end up also hurting its own interest.

More specifically in the FPZ, if a conflict escalates, one state always has the possibility to use force by undertaking military actions. That would of course be potentially costly for both states and bring dramatic consequences. While this is a possibility, it is very unlikely to happen. Even though the Russian part of the Arctic is highly militarized, and Norway is a weak actor in military terms compared to Russia, Norway is a member of NATO, which is a factor to consider when thinking of a military conflict. Besides, as we have seen in the Data Analysis chapter, even though Russia does not officially acknowledge Norway's jurisdiction and enforcement in the FPZ, it has in practice informally accepted it and nothing seems to indicate that Russia finds itself at a disadvantage by the current framework of policies in the zone. This indicates that the likelihood of Russia attempting to change the current status by any means is quite low.

As indicated in the Data Analysis chapter, Norway and Russia concluded two important agreements in the mid-1970s. The first established the Joint Norwegian-Russian Fisheries Commission and the second allowed the two states to fish in each other's exclusive economic zone. These agreements are the foundation of the current international regime that sets the networks of procedures, norms, and rules that apply in the fisheries management of the Barents Sea, and it sealed the cooperation between Norway and Russia to ensure sustainable fishing.

6.2 Complex Interdependence

In the previous section, we established that Norway and Russia find themselves in an interdependent relationship. Drawing on the theoretical framework and using the analyzed data,

the following section explores whether their relationship in the Barents Sea is one of complex interdependence. To do so, we will determine whether the three characteristics of complex interdependence apply to Norway and Russia's relationship in the fisheries management of the Barents Sea. These three characteristics are: Societies are connected by several channels; the issues on the agenda do not have a clear hierarchy; and states do not use military power toward each other in the region or in relation to the issues at stake.

6.2.1 Several Channels of Connection

As we have seen, Norway and Russia main political and scientific arena is the Joint Norwegian-Russian Fisheries Commission. It is the central element of their cooperation in the Barents Sea regarding the fisheries management. One channel of connection is the official delegations on both side, which are composed of various actors, and which meet once a year for a week. It is quite an important channel where the total allowable catch is decided for the upcoming year. As Hønneland pointed out, it is the main forum for political contact in general between Norway and Russia in the High North. During that week, there are also smaller gatherings where working groups discuss specific issues, representing sub-channels during the annual session. We have seen that the cooperation between Norway and Russia is not only a one-time event during the year. Indeed, the cooperative work is ongoing throughout the year. This is performed by another channel of connection: The Permanent Committee, which explores issues that the Joint Commission was not able to agree on at the annual session or various other issues mandated by the Joint Commission. Within the Permanent Committee, there are yet other sub-channels that take the form of sub-committees, which are responsible for studying specific topics. According to the data, it seems like the main channels are found within the Joint Commission and its working groups as well as within the Permanent Committee and its sub-committees. However, Jørgensen mentioned that, outside the Joint Commission, some actors have direct contacts with each other. It is the case of the Norwegian and Russian coast guards as well as the two states' lower management bodies for fisheries. Moreover, there is also a direct contact between the Norwegian Coast Guard and the Russian fishers. Moe said that they know each other, and their relationships go beyond the inspection routines.

6.2.2 No Clear Hierarchy of Issues on the Agenda

We have seen that there are multiple issues in a variety of fields that are discussed at the Joint Commission as well as throughout the year at the Permanent Committee. When Keohane and

Nye state that there is no clear hierarchy of issues on the agenda in a complex interdependent relationship, they imply that the top priority is not consistently related to military security concerns. Even though Svalbard and its surroundings have an international strategic significance for both countries, they also want the area to stay demilitarized. Besides, the analyzed data do not suggest that military security is a topic discussed by Norway and Russia at the Joint Commission and it is not a topic explored and studied by the Permanent Committee and its sub-committees. Considering that Norway is a member of NATO, it would be very unlikely that the two states discuss military security issues together.

According to the analyzed data, we cannot say that the foreign offices of each state play a significant role in the cooperation on fisheries management in the Barents Sea, even though the Foreign Ministry, for Norway only, is part of the delegation at the Joint Commission. The multiple issues on the agenda are considered by other departments at various levels. Indeed, the data show that it is rather the following ministries that are responsible for fisheries management in both countries: The Ministry of Trade, Industry and Fisheries in Norway and the Ministry of Agriculture in Russia. Furthermore, the multiple issues are considered by their respective agency that performs fisheries management as well as by their respective main scientific research institute.

6.2.3 No Use of Military Power

Keohane and Nye argue that, in a complex interdependent relationship, the use of military force is nonexistent even though it can be an important factor present in other regions or issues. The Barents Sea is for the time being a peaceful area where the fisheries are managed in cooperation by Norway and Russia. In the Svalbard's Fisheries Protection Zone, more specifically, there is of course a disagreement between Norway and Russia on the status of the zone and there have been conflicts because of Russian fishing vessels that were arrested by the Norwegian Coast Guard. However, since its establishment, the zone has remained a peaceful area where the two countries have managed not to escalate their disagreement and their conflicts. As Keohane and Nye note: "force is often not an appropriate way of achieving other goals (such as economic and ecological welfare) that are becoming more important" and it often comes with high costs and uncertain results (Keohane & Nye, 2012, p. 23).

Because the three characteristics apply to the interdependent relationship between Norway and Russia regarding the fisheries management in the Barents Sea, we can therefore conclude that they find themselves in a complex interdependent relationship.

6.3 Complex Interdependence and its Political Processes in the Barents Sea

In complex interdependence, Keohane and Nye explain that the goals of state depend on the issue area. Here, the specific issue area is the fisheries management in the Barents Sea and, because Norway and Russia have developed an extensive cooperation in that area, we can see that their main common goal is to ensure the sustainability of the fish stocks in order to preserve their economic interest over time. As for another political process, we can identify the instruments used by Norway and Russia to pursue their interests: we find an international organization, which is represented by the Joint Commission, as well as transnational actors, which were described above. Keohane and Nye note that ‘transnational relations’ can have an effect on ‘the outcomes of political bargaining’ (Keohane & Nye, 2012, p. 28). The scientific community on both sides, for instance, are certainly influential when the delegations meet annually to decide on the total allowable catch. As Hønneland pointed out, when the Joint Commission meets, it resembles a scientific conference. It is important to note that the instrument of manipulating an interdependence does not really apply in this case since we have established that Norway and Russia find themselves in what seems to be a symmetrical dependence in this issue area. This is because of the equal distribution of the fish stocks and the fact that the fish is found in different area of the Barents Sea depending on its life cycle. A third political process presented in the theory, and which applies in the Barents Sea, is the process taking place within an international organization. As we have seen, the Joint Commission acts as the political and scientific forum where Norway and Russia negotiate the total catch in the whole Barents Sea. Besides, the cooperative work is constant throughout the year thanks to the Permanent Committee, where multiple channels of connection tackle multiple issues.

6.4 International Regime Change or Persistence

The theoretical framework presented four models that can be used to analyze international regimes and try to understand why they change or why they persist over time. Keohane and Nye explain that one model alone is not likely to provide good analytical results when studying an international politics situation or event. As explained earlier, the economic model and the

international organization model will be used to analyze the international regime developed by Norway and Russia in the Barents Sea to manage the fisheries.

6.4.1 The Economic Model

As we have seen in the analyzed data, both Norway and Russia have a substantial economic interest in the FPZ and, more broadly, in the Barents Sea. Totland noted that the fish stocks available in the area are extremely valuable and Jørgensen pointed out that both states export a large proportion of their catch, in particular the most valuable ones, which increases the economic interest of the resources. Keohane and Nye explain that an international regime could become obsolete if there is a ‘technological change’ or if there is an increase in ‘economic interdependence’ (Keohane & Nye, 2012, p. 33). Regarding the fisheries in the Barents Sea, it is difficult to imagine how such changes would impact the rules, regulations and norms developed by the two states. Indeed, if technology allows to fish more efficiently and at a lower cost, neither of them will be allowed to catch more fish than what they agree on at the Joint Commission. Besides, always in terms of fisheries, it is difficult to see how there could be an increase in their economic interdependence in the Barents Sea. For instance, an increase in the fish stock would not make their economic interdependence more significant than it already is; It would simply allow them to catch more fish in a sustainable manner. However, the emergence of a new species would probably bring some changes to the regime, but most likely not to the extent that the international regime would be threaten. Norway and Russia would then need to negotiate on the total catch allowed for this new species and how it is distributed between them. It is most likely that the Joint Commission and the current general rules, regulations, and norms already in place would still apply or would simply need to be slightly adjusted for the new species. Finally, according to the economic model and under the current economic conditions and cooperation, the current international regime of fisheries management in the Barents Sea is set to persist.

6.4.2 The International Organization Model

Keohane and Nye mentions that it is possible to think of the structure in international politics as made of “intergovernmental and transgovernmental ties at many levels — from heads of government on down” (Keohane & Nye, 2012, p. 46). This is what they also call multiple channels of contact and it has been demonstrated in this chapter that Norway and Russia benefit from such a structure in their cooperation of fisheries management. This type of model is not

only composed of multi-level interactions, but also of norms and institutions. As described in the theoretical chapter, this model can be ‘self-perpetuating, with considerable stability’ (Keohane & Nye, 2012, p. 47). Only other organizations, with their own institutions, norms and networks could trigger a regime change. According to the data gathered, it is difficult to identify with certainty other organizations that could affect the regime in place in the Barents Sea. However, one can assume that a change in the current status of the FPZ around Svalbard has the potential to ‘interfere with the specific organizational configuration’ of the cooperation in the Barents Sea, ‘thus affecting the nature of the regime’ (Keohane & Nye, 2012, p. 47).

6.4.3 A Change of Status in the FPZ?

Using the economic model provided by the theory of complex interdependence, combined with the data gathered through interviews with experts during this research, it seems like the current situation and the foreseeable short-term developments in the area would leave the existing Barents Sea’s fisheries management regime intact. However, it appears that a status change of the FPZ could potentially have an effect on the nature of the international regime in place in the Barents Sea. Therefore, in order to establish whether this regime is likely to change or persist in a foreseeable future, one might consider the likelihood of a status change of the FPZ, or its status quo.

Table 3 below shows the likelihood of a given status in the FPZ and the effect on the parties in terms of fisheries in the zone. It appears that the current status of the FPZ is very likely to remain because the current fisheries in the area are beneficial to both Norway and Russia. They can fish as much as they want in the zone within their share of the TAC set for the whole Barents Sea. Besides, it is also beneficial to the third-party states because they are granted quotas based on their historical fishing rights. For the other states that are signatory to the Svalbard Treaty, however, it is neither beneficial nor detrimental since they never had access to the zone. Since it is the only scenario in which both Norway and Russia get benefits with certainty in the long run in terms of fisheries, it is therefore unlikely that Norway takes the unilateral decision to convert the zone into a Norwegian EEZ or that Russia challenges the status of the zone in an international court.

Table 3 – The Likelihood of the Status Quo or a Status Change in the FPZ and the Effect on Actors – Developed by the author (Ian Bolduc)

Status of the Maritime Zone around Svalbard	Likelihood of the Status Quo or a Change	Effect on Parties for their fisheries			
		Norway	Russia	Third-Party States	Other States
The current Fisheries Protection Zone	Very likely	Beneficial	Beneficial	Beneficial	Neutral
The Svalbard Treaty applies	Possible	Detrimental	Detrimental	Potentially beneficial	Beneficial
A multilateral Fisheries Commission – Including Third-Party States	Possible	Detrimental	Detrimental	Beneficial	Neutral
The FPZ becomes a Norwegian EEZ	Unlikely	Potentially beneficial	Potentially detrimental	Detrimental	Neutral
International Waters	Very unlikely	Detrimental	Detrimental	Detrimental	Potentially beneficial

Therefore, if the status of the zone is legally challenged, it would most likely be done by one or more of the third-party states or the other states signatory to the Treaty. If it is challenged by

the other states, they would most likely prefer a status where the provisions of the Svalbard Treaty apply. Since they never had access to the zone, they would gain from an allocated quota to fish there. The zone would still be under Norwegian jurisdiction, but this would change the distribution of the resources in the area. As for the third-party states, their quota might be increased, but this is not a certainty as it would depend on how many new states would want to enter the zone to fish. It is therefore only potentially beneficial for them because a great pressure would be put on the fish stocks and its sustainable management. We can of course see how detrimental such a situation would be for both Norway and Russia because of substantially lower catch in the zone. If the status is rather legally challenged by one or more third-party states that have historical rights, they may want to be included in a multilateral fisheries commission, specific to the maritime zone around Svalbard, with Norway and Russia, in an attempt to increase their quotas, which would be beneficial for them. However, while being a possibility, the verdict of such legal challenges is unknown and it does not guarantee a status change of the zone.

As for Norway converting the FPZ to a Norwegian EEZ, it would be beneficial to Norway at least in the short run as it would substantially reduce its constraints in the zone. However, as we have seen in the data gathered, this decision would provoke not only Russia, but the international community. Whether it is detrimental to Russia depends on the willingness of Norway to grant it access just like it does in its EEZ adjacent to its mainland. This avenue has the potential to preserve the extensive cooperation currently in place in the Barents Sea. However, if Norway decides to deny access to Russian fishing vessels, Russia is likely to keep fishing in the area anyway and perhaps even increase its presence since it has never formally accepted Norway's jurisdiction in the zone. This would obviously be detrimental to Norway. As for the third-party states, if Norway decides to deny them access to the newly established EEZ, it would be detrimental to them and might even be an incentive to challenge Norway's decision in an international court. Therefore, it might not be a path that Norway would likely take. When it comes to international waters, this is a very unlikely scenario. The other states could benefit from this status in the short run, but since there would be no jurisdiction anymore, the fish stocks would be endangered and, in the long run, it would be detrimental to all states.

6.5 The Research Question Answered

The previous section showed why Norway and Russia prefer the status quo in the FPZ even if it implies constraints on Norway and even if Russia does not formally recognize the jurisdiction and enforcement of Norway in the zone, while silently accepting it. It appears that the status quo in the FPZ is the most beneficial for both and, therefore, the most likely scenario for these two states. According to the international organizational model, the status quo in the FPZ has the advantage of not threatening the international regime in the Barents Sea and the two states' cooperation therein. On the opposite, all the other status explored above could potentially affect the nature of the international regime in the Barents Sea as well as negatively impact both Norway and Russia in terms of their fisheries in the Svalbard's maritime zone.

Consequently, it appears that if a conflict escalates between Norway and Russia in the zone, the unknown consequences could damage the current status quo in the FPZ and potentially endanger the international regime in the Barents Sea and their extensive cooperation in the whole area. If Russia decides to escalate its disagreement about Norway's jurisdiction in the zone, it might trigger the incentive of third-party states and other states to legally challenge the current status quo. In turn, if Norway starts being stricter toward Russian fishing vessels in the FPZ and choose to escalate the issue with Russia when the Norwegian Coast Guard makes an arrest, it might challenge the status quo and also have consequences for the whole Barents Sea. Therefore, why have Norway and Russia been capable of managing their disagreement regarding the status of the Svalbard Fisheries Protection Zone and their conflicts within it? According to what was demonstrated throughout this thesis, the answer is that they simply don't have the choice to manage their disagreement and conflicts if they don't want to hurt themselves economically. This disagreement and these conflicts must be kept at a low level to ensure that the current status of the FPZ as well as the international regime in the Barents Sea are preserved. Otherwise, if the status of the FPZ is changed, it would lead to detrimental economic consequences for both.

Finally, the theory of complex interdependence has proven to be useful to understand the relationship of Norway and Russia in the Barents Sea, more broadly, and in the Svalbard's Fisheries Protection Zone, more specifically. The characteristics and the political processes of complex interdependence helped us understand how extensive their cooperation is in a peaceful area where military force has not been used to settle disagreement and conflicts. The theory

also provided useful tools to analyze the persistence of the international regime in place in the Barents Sea as well as its potential change if the status of the Svalbard's Fisheries Protection Zone is modified.

7 Conclusion

7.1 Summary of Key Findings

This research explored the relationship between Norway and Russia in the Fisheries Protection Zone surrounding the Svalbard archipelago and, more broadly, in the Barents Sea. It also explained that the two states benefit economically from cooperating regarding fisheries management in the area. No cooperation in this regard could lead to unsustainable fishing, which would potentially endanger the fish stocks and would therefore have serious negative economic consequences for both states. Thanks to the theory, it was established that Norway and Russia find themselves in an interdependent relationship in the area. The main reason behind this is that the fish stocks spend different parts of their life cycle in different areas of the Barents Sea – The young and small fish is found in the Russian zone whereas the grown and more valuable fish in the Norwegian zone. Moreover, since the total allowable catch of the main fish stocks is divided equally between Norway and Russia, they seem to have a quite evenly balanced interdependent relationship, which prevents any of them to benefit from an extra power in influencing bargaining outcomes at the Joint Commission. Furthermore, even though Russia has never acknowledged the jurisdiction and enforcement of Norway in the FPZ, it has in practice silently accepted it.

Using the theory as an analysis tool to approach this case study, it was possible to establish that the relationship of the two states is one of complex interdependence. One of the reasons is that they are connected through several channels, with the most important ones being the Joint Commission and the Permanent Committee. There are also other actors who have direct contacts with each other on a regular basis. Another reason is that concerns over military security do not appear on the Joint Commission agenda and is therefore not a topic discussed by the two states. Besides, the multiple issues on the agenda are considered by different bodies at various level on both sides, namely their ministries and agencies responsible for fisheries as well as their scientific research institutes. The third and last reason explaining their complex interdependence is that the use of military force does not exist in the Barents Sea and, more specifically, in the FPZ despite their disagreement and conflicts in the zone.

From the principle of complex interdependence and the political processes attached to the concept, it was deduced that their main common goal is to ensure the sustainability of the fish stocks in the Barents Sea. Besides, they pursue their common environmental and economic

interests through a significant contribution of the scientific community from both sides as well as with the use of an international organization. Indeed, the Joint Commission is the political and scientific arena where their extensive cooperation in fisheries management proceeds, and the Permanent Committee ensures that the multiple channels of contact are maintained throughout the year to address various issues.

To understand if the Norwegian-Russian international regime in the Barents Sea is likely to change or persist over time, two models provided by the theory were used to do the analysis: The economic model and the international organization model. Using the economic model, it was demonstrated that a technological change or an increase in both countries' economic interdependence is not likely to impact the rules, regulations and norms that form the basis of the international regime. Indeed, if there are technological advances that allow to catch more fish more efficiently, none of them could in theory benefit from a larger catch since the TAC is decided by both states every year to ensure the sustainability of the fish stocks. Moreover, an increase in their economic interdependence does not seem probable. If there is an increase in the fish stocks, it will simply allow them to catch more fish equally in a sustainable manner. However, it is likely that the advent of the new species in the area bring some changes to the rules, regulations and norms of the international regime, but most likely not to the extent where the regime collapses and is replaced by a new one. Consequently, the economic model shows that, under current economic conditions, the international regime is set to persist. As for the international organization model, a change in an international regime could only be triggered by another organization with its own set of institutions, norms and networks. With the data gathered, it was difficult to identify such an organization that could impact the current international regime in the Barents Sea. However, it is possible that a change in the status of the FPZ can affect the nature of the regime in place in the Barents Sea.

In order to establish if a change of the current FPZ's status is likely or not, a matrix was developed to show whether various statuses would have a beneficial or detrimental effect, in terms of fisheries, on the parties involved or not in the Svalbard Fisheries Protection Zone. The various FPZ's statuses analyzed include: The current one; The Svalbard Treaty applies; A multilateral fisheries commission that includes Norway, Russia and the third-party states that have historical fishing rights in the zone; A Norwegian EEZ; and international waters. As for the parties, they included Norway, Russia, the third-party states, and other states that are

signatories of the Svalbard Treaty. In light of this matrix, it appears that the current status of the FPZ is the most likely scenario in the foreseeable future since it is the only one that is beneficial with certainty for Norway and Russia in the long run. Besides, it is also beneficial to the third-party states with historical fishing rights in the zone. As for the other states that are signatories to the Treaty, it is neither beneficial nor detrimental since they have never fished in the zone.

Because the current status of the FPZ is the only one that is beneficial with certainty in the long run for Norway and Russia, they both have the interest to ensure that this status is maintained. All the other hypothetical statuses could possibly affect the international regime in place in the Barents Sea and have a detrimental effect on both states regarding their fisheries in the FPZ. This brought us to the research question of this project: Why have Norway and Russia been capable of managing their disagreement regarding the status of the Svalbard Fisheries Protection Zone and their conflicts within it? If there is an escalation of a conflict in the zone, it could potentially have a negative effect on the FPZ's current status and possibly hurt the international regime in place in the Barents Sea as well as Norway and Russia's extensive cooperation in the whole area. Consequently, if both states want to avoid hurting themselves economically and preserve their cooperation in the Barents Sea, they need to ensure that the status of the FPZ remains unchanged and that their disagreement and conflicts remain at a low level. Managing their disagreement and conflicts in the zone is an important factor contributing to the preservation of the current status of the FPZ.

7.2 Considerations for Future Research

Future research is possible to study issues that fall outside the scope of this project. One issue regards the continental shelf of the Svalbard archipelago and the oil and gas resources that it is expected to contain. As the climate gets warmer and the ice melts in the Arctic, this resource becomes increasingly available and, since it is an extremely valuable resource, this might have potential consequences on the geographical scope of the Svalbard's Treaty applicability and whether it reaches up to the 200 nautical miles. Indeed, other states that are signatories to the treaty might be tempted to legally challenge Norway's current interpretation of its applicability in order to get access to this oil and gas. Another resource that relates to the continental shelf is a species that has recently migrated on the ocean floor of Svalbard's maritime zone: The snow crab. Like oil and gas, the snow crab could encourage states to challenge Norway's

interpretation of the Treaty. A shipping company from Latvia has already legally challenged it and the case ended up being heard at the Norwegian Supreme Court. However, on March 20, 2023, the Supreme Court ruled that the Latvian company had no right to fish snow crab on the Svalbard's continental shelf, thereby confirming Norway's interpretation that the Treaty's provisions don't apply in the maritime zone of Svalbard (Bye, 2023).

The war in Ukraine is another issue to consider. Since Russia is involved and the member countries of NATO support Ukraine, future research will be necessary to understand the possible implications of this war for the cooperation of Norway and Russia in the Barents Sea as well as their ability to manage their disagreement and conflicts in the Fisheries Protection Zone around Svalbard. As Moe points out, the relations between Norway and Russia are now at 'very low levels' (A. Moe, interview, 20.03.2023). Hønneland adds that since the war broke out, Norway has been following "EU's sanctions by and large, but continuing this formalized cooperation with Russia is a very clear exception". According to him, there are only "two fields where Norway has not broken cooperation with Russia; It's search and rescue at sea and the fisheries cooperation" (G. Hønneland, interview, 17.04.2023). Finally, Totland mentions that "if things get worse between the West and Russia in the North, maritime management, search and rescue, environmental activities and so on might suffer" (P.A. Totland, interview, 23.03.2023).

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