



Cod Peace

Peace, Crises, and the Joint Norwegian-Russian Fisheries
Commission

SVF-3901

Adam E.C. Sørensen

*Master's Thesis in Peace and Conflict Transformation
Faculty of Humanities, Social Sciences and Education
University of Tromsø
Spring 2013*

Abstract

The thesis uses a peace-studies perspective to examine the relationship between crises, peace-values, and the Joint Norwegian-Russian Fisheries Commission. It uses crises as focal points to shed light on values, and to explore alternatives. The thesis has triangular data collection at its empiric basis, and uses 4 qualitative interviews along with Commission protocols, to better understand the relationship between values and the Commission's function. The theoretical framework used for analysis extensively based on Johan Galtung's peace theory.

Findings indicate that crises can be understood meaningfully from a peace-value perspective, and that a value based approach can contribute to understanding crises in new ways. This is important analytically, as the complexity of integrated management can be seen as inherently value-based.

The study suggests that applied peace theory risks an inherent theoretical contradiction in peace-violence based practical peace-work, where a focus on violence can lead to entrenchment instead of change.

Key words: Peace theory, Galtung, violence, peace, values, crisis, ecosystem approach, Barents Sea, fisheries management, Norwegian-Russian Fisheries Commission.

Acknowledgements

I would like to thank the many people who made this thesis possible:

My informants, for their time, and for generously sharing knowledge that helped give this paper meaning.

My supervisor Bjørn-Petter Finstad, for his endless patience and learned insights as I worked on this thesis in any of its incarnations.

The staff at CPS, for assistance with both practical and academic matters.

My family, for being there.

The people I have talked to, and who have generously shared their thoughts with me.

Table of Contents

1.0	Introduction	1
1.1	Research Questions	2
1.2	Thesis Statement	3
1.3	Related Research	3
1.4	Thesis Structure	5
2.0	Background	6
2.1	The Barents Sea	6
2.2	The Legal Context	7
2.3	The Ecosystem Approach	9
2.4	The Joint Norwegian-Russian Fisheries Commission	9
3.0	Method	11
3.1	A Qualitative Approach	11
3.2	Study Area	13
3.3	Protocols	15
3.4	Interviews	15
3.5	Challenges and Reflections	15
4.0	Theory	17
4.1	“Peace by Peaceful Means”	18
4.2	Beyond Peace and Violence	21
4.3	Holistic Understanding and the Balance of Probability	25
5.0	Findings: Presentation and Analysis	25
5.1	The Fisheries Commission as an Institution of Peace	25
5.2	Categories	28
5.3	Crises	31
5.3.1	Closing the Commons (1989-1998)	32
5.3.2	Gridlock (2000)	36
5.3.3	Maximum Sustainable versus Maximum Economical Yield (2012-2013)	38
5.3.4	Outlook	40
6.0	Summary and Concluding Remarks	40
	Literature	42

1.0 Introduction

In 2012, The Joint Norwegian-Russian Fisheries Commission (The Commission) set the Total Allowable Catch (TAC) for North East Atlantic (NEA) Cod at a historic 1 000 000 tons for 2013 (*Fishery Commission Protocols 42nd Session 2012:3*). While slightly above scientific advice of 940 000 tons (*ICES Advice 2012 Book 3: 7*), the quota record symbolizes a preliminary end to a stock rebuilding process that saw TAC advice at 110 000 tons as recently as for the year 2000 (*ibid.*).

The Commission's success can be measured by other metrics than stock preservation. It reflects bilateral cooperation over more than 35 years, and took place against the backdrop of two countries working together despite standing on adversarial sides during the Cold War.

Since the 200-mile exclusive economic zones were introduced in the mid-1970s, Norway and the Soviet Union/the Russian Federation have managed the major fish stocks in the area together, through the Joint Norwegian-Russian Fisheries Commission. Some three and half decades later, this bilateral management regime would appear to be a successful exception to the rule of failed fisheries management: stocks are in good shape; moreover institutional cooperation is expanding, and takes place in a generally friendly atmosphere. Both parties present their accomplishments in the Barents Sea as an example for emulation. (Hønneland 2012: 1).

Bilateral management efforts have not been without difficulties. In addition to cod stock crises in the late 80s and early 2000s (*ICES Advice 2012 Book 3: 7*), cooperative issues have arisen in other areas even while the Commission consistently maintained important functions.

All in all, the establishment of the Joint Fisheries Commission as a central link in the mechanism of Russian-Norwegian fishery cooperation was the most important event in the [fishery] relations between Norway and Russia...It cannot be claimed that Russian Norwegian collaboration in the field of fishery developed without problems. There were some differing positions and contentious debates, and unilateral decisions were sometimes taken by scientists, managers and politicians. Some problems have not yet been solved (Alekseev et al. in Jakobsen and Ozhigin 2011: 36-37).

While direct stock crises and cooperation problems do not represent a complete catalogue of contentious issues, they are enough to provisionally claim that the general success of the Commission has been disrupted by problems serious enough to be termed crises.

Crisis are important from a peace-studies perspective. They serve as motivators; or puzzles calling for attention. Crises are often inter-subjective; they represent issues that are recognizable as problems to a wide audience. The potential for wider recognitions provides

relevance; crises are worthy of examination. Finally, crises represent problems that are often related to a peace-theory understanding of values. All values are not created equal; some are “better” than others. This gives peace-studies their defining characteristic; they differ from other social-studies due to an emphasis on normative values, though peace-studies remain bound to general good research practices (*Galtung 1996*)¹.

In this study, crises should be understood to mean problems that disrupt, or have the potential to disrupt, the Commission’s ability to legitimately cooperate on ecosystem protection. This is not exclusive, in the sense that crises are only relevant to the Commission. For example; a breakdown in stock would be a crisis for virtually anyone or anything involved in the fisheries, in addition to being a crisis for the Commission.

The relationship between the Commission, crises, and peace-values is the topic of this paper.

1.1 Research Questions

The basic thesis question on how crises relate to the Fishery Commission’s peaceful characteristics raises the following supplementary questions:

How should the term crisis be understood?

Is the Fisheries Commission in an Institution of Peace?

What then are the Commission’s peace-value characteristics?

How can crises be found?

What conceptual relationship can peace have with the Ecosystem?

Are there any fundamental problems related to applying Galtung’s Peace theory?

The introduction gave a preliminary answer to the first thesis question.

¹ This is explored more fully in the paper’s method and theory chapters.

1.2 Thesis Statement

This thesis approaches the issue of fisheries management from a peace-studies perspective. More specifically, it seeks to apply elements of Johan Galtung's peace theory in order to shed a different light on workings of the Joint Norwegian-Soviet/Russian Fisheries Commission. The point is not to capture the results of the Commission's work, nor is it meant to be a historical overview, or an analysis of reactions to regulations stemming from the Commission's work. The focus here is to use crises as focus points to examine how peace-values impact on the Commission.

From a peace-studies perspective, gauging the Commission a successful institution rests on 'successful' meaning the institution represents, is influenced by, and/or promotes peace-values. While this has not yet been established, it seems reasonable to make a provisional leap towards accepting that it does; institutional cooperation developed against the backdrop of the cold war, and successfully managing stocks is more than an ecological protection issue related to international obligations; it relates directly to protecting the basis for mutually beneficial economic activity, and is relevant to food security, employment, community sustainability, and cultural heritage.

Essentially then, the Commission can be seen as an institution of peace. Crises have, by definition (see introduction above), the potential to in some manner impact on peace-values associated with the institution. Which gives the basic question: How do crises impact on the Commission's role as a peaceful institution? Reformulating this question fully into peace terminology gives the following thesis question to act as a guide through this paper: What are the associations between crises, peace-values, and the Joint Norwegian-Russian Fisheries Commission?

1.3 Related Research

Olaf Schram Stokke's research interests include "*regime theory applied to regional cooperation and joint management of natural resources and the environment*" with a focus

on European Polar regions². His book *“Disaggregating international regimes”* (Stokke 2012) provided crucial inspiration used to detach violence and peace as two interlinked concepts, and gave this thesis its angle of attack.

Alf Håkon Hoel’s work includes the effects of market based instruments on stock conservation, the practical implications of both national regulations and international agreements relating to fishery management, including relationships between sovereign states and super national entities such as The European Union.

Geir Hønneland has written about discursive and post agreement enforcement and bargaining issues, within the context of Commission decisions in order to examine how the decisions are accepted and dealt with by actors in the fisheries. His works provided historical background on the Commission as referenced in this paper. In addition, it provided a historical context from which to construct questions used in interviews.

Johan Galtung has produced an enormous number of contributions to peace-studies and other social studies fields. His academic background has doctorates in mathematics and sociology at its basis, and he has mediated over 100 conflicts (from inter-personal to international) since 1957³. He is perhaps best known for his contributions to peace theory. This thesis uses his book *“Peace by Peaceful Means”* (1996) extensively.

Some of Stokke’s, Hoel’s, and Hønneland’s works have been invaluable in providing context, impetus, and inspiration to the formulation and development of this paper’s thesis statement. However, this is a peace-studies thesis; it should not be viewed as an elaboration or development of themes from other fields. The paper’s emphasis on peace-values should first and foremost be viewed as an attempt at applying peace-theory in a context of fisheries management relating specifically the Commission. Galtung’s *“Peace by Peaceful Means”* is this thesis’ point of departure.

²<http://www.fni.no/cv/cv-oss.html>

³ <https://www.transcend.org/galtung/#bio>

1.4 Thesis Structure

The thesis is divided into 6 chapters. The next chapter gives relevant background. Chapter 3 covers method. Chapter 4 provides the theoretical basis. Chapter 5 presents findings, and covers discussion and analysis. Chapter 6 gives concluding remarks.

Some sources used in the paper are quoted in their original language. Translations by this writer are provided in footnotes. Those translations should not be considered authoritative. Footnotes are also used to provide detail and elaborations not suited for the text proper. Finally, Casual sources are referenced in footnotes to avoid congesting the paper's bibliography.

2.0 Background

The purpose of this chapter is to provide relevant background information

2.1 The Barents Sea⁴

The Barents Sea is an Arctic/Subarctic sea located north of the Arctic Circle. It covers an area running from the Norwegian Sea to the coasts of Novaya Semlja in the east.



Figure 2.1 Location of the Barents Sea⁵

The Sea is one of richest in the world and, with interlinked portions of the Norwegian Sea, is often viewed as a common ecosystem straddling the jurisdiction of Norway and Russia. The common ecosystem concept forms the basis for bilateral/multilateral fishery management; particularly for straddling species. It is also relevant on a wider scale; given the interconnected nature of ecosystems, and the Barents Sea arctic and sub-arctic ecosystem vulnerability.

⁴ Ref: Ozhigin et al. in Jakobsen and Ozhigin 2011:39; Hoel 2007; www.npolar.no/en/the-arctic/the-barents-sea

⁵ http://no.wikipedia.org/wiki/Fil:Barents_Sea_map.png

2.2 The Legal Context⁶

By the 15th century, technological improvements began to allow for sailing in open seas as opposed to being confined mostly to coastal waters. The *Mare Clausum* (closed Seas) principle had, since Roman times, addressed littoral waters and internal seas. The discovery of spice-routes to the east and the Americas raised new challenges. Papal sponsored treaties (1455, 1494) divided non-Christian land (and later; oceans) between Spain and Portugal along a meridian running through South America. The division was contentious; Francis I of France purportedly exclaiming “show me Adam’s will” (James R. Miller 2000:20).

By the 17th century, Dutch Hugo Grotius had been instrumental in formulating *Mare Liberum*; freedom of the High Seas. It was based on the assumption that humans could not exert natural territorial sovereignty on the high seas beyond the 3 nautical mile limit it could reach with the canons of the day, nor impact on its bounty. In Norwegian waters, the limit was increased to 12 nautical miles in 1935. While not as dramatic as the Cod Wars between the UK and Iceland in the early 1970s, The British-Norwegian base line dispute was finally resolved; by a 1951 International Court of Justice ruling in Norway’s favor.

After the 2nd world war, new technology (bigger trawlers with stronger, oil based, engines, refrigeration, synthetic fishing gear, sonar), industrial capacity, government intervention, and demand fueled by a growing human population, soon changed the basic assumption that humans could not degrade ocean resources.

By the end of the 1960s, nations began introducing 200 mile EEZs in anticipation of the third United Nations Convention on Law of the Seas (UNCLOS) (though not part of UNCLOS). This global phenomenon had local and regional consequences; after first seeking a multinational agreement for the Barents Sea, Norway and Russia opted for a bilateral approach. This was formalized in the 1975 and 1976 agreements, and led to the Commission’s first meeting in 1976.

⁶ Ref: Christensen og Hallenstvedt; Hoel (2007); White Paper 7 (2012)

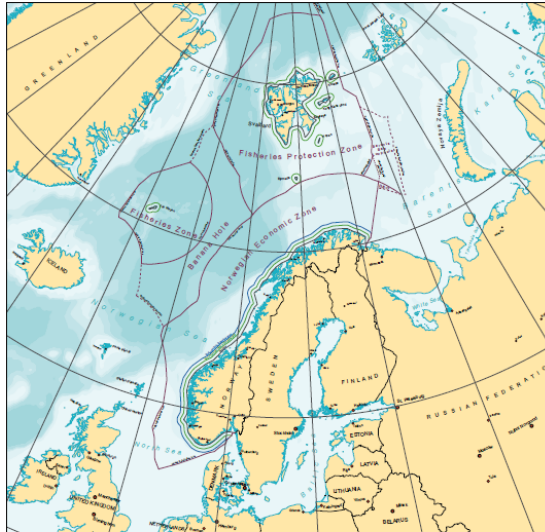


Figure 5.1 Norwegian maritime boundaries.
Source: Norwegian Military Geographic Service

Figure 2.1 Norwegian Maritime Boundaries

The legal context was complicated by the Svalbard treaty. Norway established a 200 nautical mile Fisheries Protective Zone in 1977, instead of claiming outright sovereignty over the waters, as most if not all other signing nations believed was implicit to the Svalbard Treaty.

The treaty grants rights to exploitation rights equal to that Norway has, and risk departing from the historical quota division basis, as opposed to an arguably non-discriminatory regime currently being enforced. The divergent views have yet to be settled in court – due mostly to practicalities that make a final solution uninteresting for the involved parties, no matter the outcome (see commission as an institution of peace).

The 2011 treaty between Norway and Russia “*concerning Maritime Delimitation and Cooperation in the Barents Sea and the Arctic Ocean*” concludes this section of the background. The treaty is mostly known for resolving a long-standing boundary dispute. It also codifies cooperation in fisheries, petroleum, and environmental protection. This is relevant to the Commission as it affirms its position. But it also provides a treaty based justification for potential competing interests in oil and gas exploration, transport and production, and environmental commitments that may impact on fishery practices.

Quota regimes covered nationally will not to be examined here.

2.3 The Ecosystem Approach

Joint Russian-Norwegian custodianship of the North-East Atlantic cod has in recent years overseen fish stock recovery and stabilized human exploitation at sustainable levels. The success is due in part to adopting Ecosystem Approach principles such as pre-cautionary limits on total allowable catches.

The Ecosystem Approach is broadly defined as “a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way (*TBS 810*). “A main aim of fisheries management is a more holistic approach of ocean-related human activities” (*ibid.*).

This is not an idealized research perspective on what management should be. The Ecosystem Approach has been adapted as a matter of Government policy:

Norway is a maritime nation. The Government’s goal is for Norway to be a pioneer in developing an integrated, ecosystem-based management regime for marine areas. Our work on management plans for Norwegian sea areas has attracted considerable international attention. (*St.m. 10:12*)

More interdisciplinary research and cooperation between natural scientists, technologists and social scientists is needed to address complex challenges. It is also essential to give priority to training and development of expertise to support the research being undertaken. (*St.m. 7: 40*)

A holistic, interdisciplinary approach rests at the basis of peace theory as understood by J. Galtung. This approach raises a legitimate opportunity to view elements, of which the Commission is one, of a future integrated, ecosystem-based management regime from a peace studies perspective.

2.4 The Joint Norwegian-Russian Fisheries Commission⁷

Norwegian-Soviet/Russian research cooperation can trace its roots back “first contacts and growing cooperation in marine research” between 1850 and 1914. After a hiatus lasting until

⁷ Sources <http://www.jointfish.com/OM-FISKERIKOMMISJONEN/HISTORIE>

the 1950s, scientific cooperation re-emerged to form an academic basis for bilateral cooperation (*Alekseev et al. in Jakobsen and Ozhigin 2011*).

Norway and the Soviet Union signed an agreement on Fisheries Cooperation in 1975, and with elaborations included in a 1976 agreement, gave the formal basis for the Joint Norwegian-Soviet/Russian Fisheries Commission. It convened for the first time in 1976, and has held meeting at least yearly ever since.

The Commission emerged against the backdrop of the 200 nautical mile EEZ, and is based on a number of important principles; including a 50/50 division of cod and haddock (with variants for other species), an awareness of research importance to rational decision making, and the mandate to agree on common TACs.

The Commission has faced challenges relating to having sufficient knowledge about stocks, sufficient regulation to protect stocks, and sufficient controls to ensure that regulations are upheld (Hoel 2007). Issues relating to these three points have at times been contentious, but have only infrequently threatened overall cooperation in the Commission.

The Commission has the mandate to agree on guidelines that are usually followed at national levels. Though at times, intra-governmental fragmentation can cause decisions to be set aside at departmental levels.

In addition to the yearly meetings, numerous workgroups meet regularly, and the Commission generally has a preliminary meeting between heads of delegations in order to avoid unexpected episodes when full delegations have gathered.

3.0 Method

This chapter covers issues related to method. It outlines where the data was located, the types of sources used, data collection methods, and the intended purpose of various sources. The chapter also includes some challenges and reflections relating to method.

This chapter uses a first person form to underline the personal perspective choices and decisions are based on.

3.1 A Qualitative Approach

Any study must define itself through a choice of method. From Galtung's peace theory perspective, the choice is, in principle, open:

Epistemologically, peace studies will share some assumptions with all scientific endeavours, some with other social sciences, and some with other applied sciences such as medical (health) studies, architecture, and engineering. Thus, peace studies follow such general rules for scientific research as intersubjective communicability and acceptability. Premises (data, values, theories), conclusions, and the links between them must be open to public scrutiny (Galtung 1996:9)

Initially, I tried quantifying aspect of my subject within the context of peace theory. While it was relatively easy to accumulate quantitative data from the Commission Protocols, the data did not seem meaningful to crises and their association to the Commission's peaceful functions. Having explored quantitative method and found little use for it, the process of elimination lead me to a qualitative approach.

Meaningful Peace is more than the mere lack of conflict. It accepts that peace as a field of study reaches further than a traditional political science or historical understanding of it being relevant to the dealings between nation-states. "*Peace studies is [sic] an **interdisciplinary academic field** that draws on political science, sociology, history, anthropology, theology, psychology, philosophy, and other fields*"⁸. However, in preparing for this thesis, I noted that meaningful peace has not translated into a general use of Galtung's more comprehensive perspective.

⁸ <http://kroc.nd.edu/about-us/what-peace-studies>

Part of this relates to how Galtung is understood. If peace studies are normative social studies (Galtung 1996), then social studies can be understood as being peace studies to the extent that the topic matter somehow involves violence and/or conflict, and their reduction/elimination potential is at least mentioned somewhere in the paper. While this interpretation may be understood, and even a legitimate perspective on peace studies, I am not sure it honours the spirit of Galtung's more generalized thoughts on peace. I believe the dichotomy between the popular interpretation of Galtung, and what Galtung actually presented in "*Peace By Peaceful Means*" (1996) is partly the reason for why his peace theory can be difficult to unravel, and so why it is academically dangerous to use his peace theory as part of the conceptual basis for research. Galtung's use of language is often challenging to deconstruct, and he repeatedly invites re-invention of 'peace' as part of any analytic process.

With that said, it follows naturally that I would use a multi-disciplinary, eclectic approach to the topic at hand, and use my main thesis question as a touchstone to keep close to the value based core of Galtung's understanding of peace. I am not examining the Commission so much as I am examining peace-values; with Commission crises acting as case studies to be examined.

I have applied these systematically: The qualitative approach relates to core data collection. The multi-disciplinary aspect is used mainly to provide context, though portions of the analysis touch on other fields. The eclectic contribution is found mainly in analysis. Here I use what I know, or could find out, to verify and understand the peace-values I am examining.

The choice of using both the Commission Protocols and interviews represent a triangular approach to data collection (*Silverman 2010:xx*). I chose this method simply because it is true to what I actually did. I had intended to use the protocols as my data source. When it became clear that route would not bear fruit in a manner I found meaningful, I changed tack and decided on a qualitative study that included interviews of key figures in the Norwegian delegation. It soon struck me that part of what is interesting about this study is the complimentary roles the protocols and informants have.

3.2 Study Area

There is no easy way to define where the role of the Fisheries Commission ends and where national responsibilities begin.

It seems clear that both Norwegian and Russian authorities have carefully avoided transferring sovereign rights to the Commission. This is implicit in the early wording of protocol decisions that provided “recommendations” to national authorities. There is additionally the problem of intra-state fragmentation where the Commission may agree on something based on fishery department/ministry approval in both countries, only to have the decision voided by other departments or ministries - for example on national security grounds.

But in general, the study is limited to the Commission geographical of endeavour:

Hver av de Kontraherende Parter skal, i samsvar med de bestemmelser som følger nedenfor, gi adgang for den andre Kontraherende Parts fiskefartøyer til fiskeressursene i det område utenfor tolv nautiske mil fra de anvendelige grunnlinjer der den utøver forvaltningen av bestander av fisk og andre levende ressurser, herunder bevaring av disse, og regulering av fiske og fangst.⁹

(Norwegian-Soviet fisheries Agreement 1976)

⁹ Each of the contracting parties shall, in accordance with stipulations that follow, grant the other contracting party's fishingvessels access to fishery resources in the area beyond 12 nautical miles from the applicable baseline, where it manages stocks of fish and other living resources, including their protection, and the regulation of fishing and hunting.



Figure 1.1 A conceptual view of the Commission's present geographical area of operations (Adapted from White Paper 10 2012:13)

Figure 1.1 gives a geographical overview of the Commission's current geographical area of operations¹⁰. The delimitation line outlined in red marks the boundary between Norwegian and Russian jurisdiction. It is slightly larger than the 200 nautical mile Exclusive Economic Zone (EEZ) and leaves an area termed the *Loophole* with unclear regulatory and enforcement authority. The delimitation line was ratified and came into force in 2011 and has not been important to the function of the Commission; its goal is to manage straddling species shared by both nations in a common ecosystem¹¹.

¹⁰ The fisheries zone around Jan Mayen is not shown.

¹¹ Ref.: Hoel 2007

3.3 Protocols

The protocols are the defining documents of Commission Sessions. They consist of two main parts: The minutes and the appendices. The minutes are the actionable parts of the protocol that tell what the Commission has agreed. The appendices provide background information and consists in part of reports from workgroups under the commission, and in part documents relevant to the minutes.

Commission protocols are available at the Commission's website: www.jointfish.com

3.4 Interviews

The four informants were individuals with high formal or informal authority when serving in the Commission. The lowest number of sessions attended was seven. They were all men of mature age. The gender imbalance was a product of selection criteria, as was the age spread.

A small number of people were interviewed. The data selection was too small to be used quantitatively. The interviews were thus qualitative.

Interviews took place in Tromsø during the spring of 2013. An interview guide had been written and used during the interviews. The interviews were half-structured as that seemed appropriate. The purpose was to gain data on what the informants perceived to be crises. Each individual interview lasted for 1-2 hours. Two of the interviews were taped. The other two were recorded by hand for practical reasons.

3.5 Challenges and Reflections

My primary concern relates to communicating the purpose of this study. This is a peace-studies thesis, not a paper in history, political science, fisheries management, social economy, sociology, or any other field. The first problem relates to clarification on the distinction between peace studies and other social studies. Galtung (1996) is very clear on the distinction

that peace-studies emphasize values as a defining characteristic. His perspective is the one used in this paper.

The second issue relates to having the proper analytical tools for the task at hand. I had decided to apply Galtung's concept of peace early in the process. There is a formal requirement to use curriculum from my peace studies in the thesis paper, but I like peace-theory and wanted to apply it actively in my research paper. The challenge is that Galtung's peace categories and dimensions are not directly applicable. However, while not useful analytically in a direct form, the concepts seemed malleable enough to adapt to a useable analytical tool. Devising appropriate tools to the task at hand and interpreting the concept of peace to suit those needs thus being a prerogative in keeping with Galtung's "*...never-ending exploration of the term 'peace'...*" (Galtung 1996: 22).

A third issue related to scope. The subject covers the time reaching from adaptations to the pending introduction of the 200 mile EEZ. As of now, the Commission has held 42 meetings since its first in 1976, and has generated thousands of pages of protocols (including appendices), and has had hundreds of individual delegation members since then. The Commission's work and challenges relating to peace-values cannot be understood properly in isolation. Nor is the term "crisis" entirely helpful, as by design it is given meaning through subjective understanding, so it could mean virtually anything depending on how events are weighted, and by whom.

I ultimately decided to interview four people with long standing in the Commission, high levels of formal and informal authority, and specialized knowledge relating to their positions. My task became ordering their perspectives in a manner relative to crises and peace-values, and putting their views into appropriate contexts.

Additional limitations in scope are an organic result of the interview structure that allowed informants to define areas of importance according to their own criteria. It follows that the decision to use Norwegian informants exclusively does, to some degree, give a national bias to issues discussed in the paper. Another product of using informants is a likely tendency to weigh recent crises more heavily than those further in the past. This has consequences for the temporal scope of this paper: While in principle it should cover events stretching back to 1976, it is likely the focus will fall on more recent events.

This approach to scope limitation is arbitrary, as are other methods. Different informants may have weighed things differently, and excluding Russian informants was a painful decision. The eclectic approach is not exactly objective either, although arguably it responds to “*a plea for eclecticism, for combining different styles creatively*” (Galtung 1996: 22). I cannot possibly apply all possible relevant information even if I could identify it. Nor can I design a universally robust classification system that could cover any possible understanding of peace-values associated with the Commission. But it does amount to an approach I believe suited to the task at hand.

The above points relate to a holistic perspective. Any paper trying at a perspective going beyond a researcher’s comfort zone has inherent “jack of all trades, master of none” risks associated with it. But risks do seem inherent to Galtung’s approach to data and data analysis: “*When it comes to data, it can be argued that the transdisciplinary nature of peace studies would make it possible to draw upon data collected in the disciplines feeding into peace studies. This is correct up to a certain point; beyond that there is the need for data to verify the triadic spirals*” (Galtung 1996:22). Interdisciplinary collaboration is one way of reducing such risks; simply talking to people involved is another. I feel that due diligence has been followed as an inherent part of the writing the thesis. While any errors in this paper are my own, I know with certainty that that specialists I have communicated with in this process have provided insights that alleviated many of its flaws.

4.0 Theory

This chapter provides an overview over the conceptual basis for this study.

4.1 “Peace by Peaceful Means”

Galtung’s understanding of peace studies has already been touched on in earlier chapters and is further elaborated on here.

Galtung differentiates between 3 types of peace studies:

1. *Empirical peace studies* based on empirical reality (data)
2. *Critical peace studies* based on criticism
3. *Constructive peace studies* based on constructivism

Empirical peace studies are broadly defined as an approach where “*data prevail over theory...The canons of research are the same as for other social sciences: careful data collection, processing, and analysis, and inductive theory formation*” (Galtung 10). The second point: “*Critical peace studies would evaluate data or information about the present in general, and present policies in particular, in light of peace/violence values*” forms a bridge between an empirical base and: “*Constructive peace studies take theories about what might work and brings them together with values about what ought to work.*”. Or, as Galtung puts it: “*Constructivism transcends what empiricism reveals, and offers constructive proposals. Criticism is an indispensable bridge between the two. There has to be motivation, anchored in values*” (Galtung 10-11)

The relationship can be seen in figure 4.1:

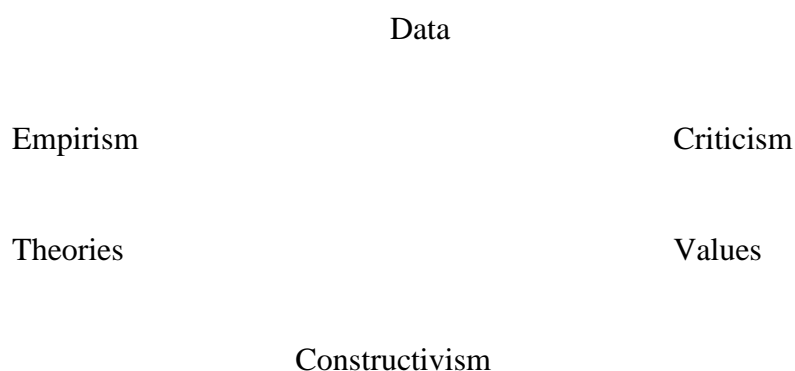


Figure 4.1 Data-Theories-Values Triangle (Galtung 1996:11)

The is not arcane science, given that “[g]ood peace theory is good social science theory, even if the reverse is not necessarily the case” (Galtung 2006: 16). The defining distinction between social studies and peace studies rests in Galtung’s emphasis of the normative: “Without values, peace studies becomes social studies in general and world studies in particular” (ibid.:13) where “peace studies is the study of the conditions of peace work”, and “peace work is work to reduce violence by peaceful means” (ibid.: 10). Peace is then the “absence/reduction of violence of all kinds” (ibid.).

Peace is inherently linked to values in a manner indistinguishable from values. This is of course perfectly logical, as seen in Galtung’s *Value-Thesis No 2*: “The core value, peace,” (1996: 13). Peace is a value: It is often called peace-value in this paper for clarity, and is often understood through its negation: violence.

Violence Typology

According to Galtung, understanding peace requires the exploration of its counterpart; violence (Galtung 1996). This is axiomatic to his peace theory, as peace is the absence/reduction of violence. In essence, a path to better peace is found by identifying violence in any form inherent to existing value sets, and transforming those values to better ones without as much violence.

Galtung differentiates between 4 types of violence described schematically here:

1. Direct violence
2. Structural violence
3. Cultural violence
4. Time violence

Direct violence is perpetrated by “individuals acting singly or inside collectivities”. Direct violence “can be divided into verbal and physical, and violence harming the body, mind, or spirit” (ibid.:31). The second form of violence is termed structural violence:

“Structural or indirect violence is defined as built into the person, social, or word spaces, and is unintended”. It divides into political, repressive and economic, exploitive; supported by structural penetration, segmentation, fragmentation and marginalization...Structures can be too dominant (vertical), too tight (horizontal), too much (both/and), and too little (neither one, or the other)” (ibid.)

Cultural violence is the third type. It “*serves to legitimize direct and structural violence*”. It “*divides by content: religion, law and ideology, language, art, empirical/formal science, cosmology (deep culture) and by carriers: schools, universities, media.*” (*ibid.*)

The final type: “*Time violence means negative impacts on future life generations. Extreme case: life is no longer reproducible (‘sustainable’)*” (*ibid.*).

Negative peace is defined as “*the absence of violence of all kinds*” and positive peace assigned a typology of highly desirable values (*ibid.*). Both are very important concepts, but one is simply a statement of what it is not, while the other can be seen to represent ultimate goals. A practical peace worker would be aware of both terms, but also understand that contexts do not generally function in absolutes: Peace work is more often aimed at the reduction of violence in any given context, than it could be its elimination in all forms. Value transformation towards positive peace typologies is not a one step process. At a practical level, value-change leading towards something “better” is really all that can be aimed for.

This paper is based on the assumption that while understanding violence is a critical part of any peace scholar’s skill set, applying violence typology when promoting value transformation is often – if not always – counterproductive. Conceptually, this is because doing so does not meet inter-subjectivity requirements (*ibid.*:15). Practically: it could trigger defensive mechanisms and would tend to entrench held value systems.

This assumption indicates an inherent contradiction between understanding peace-violence from a theoretical standpoint, and accepting that this understanding is of limited use (and is potentially quite damaging), in practical value transformation work. The matter is more fully discussed in the “Beyond Peace and Violence” segment of this chapter.

Peace-Value Dimensions

Galtung neatly conceptualizes the peace-violence dimension in his chapter on “*Externalities*” (*ibid.*: 154-176). He exemplifies this by considering six spaces where peace-violence values are considered part of a value dimension, and where extreme positions on the dimension are characterized. For example, in the ‘*Nature space*’, ‘*Ecological balance*’ is the value dimension. Extremes on the value dimension run from ‘*shallow*’ (low peace-value), to ‘*deep*’

(high peace value). ‘*Depletion*’ and ‘*Pollution*’ are the shallow values. ‘*Diversity/symbiosis*’ are the deep values. Note that the value dimension departs from violent terminology – where *ecocide* is the extreme counterpart of *symbiosis*.

The value dimension understatement of extremes (depletion compared to extinction, symbiosis compared to diversity) should not be seen as a contradiction of the extremes, but rather as an inter-subjective approach to the topic at hand. The terminology used is less provocative in sense that many can accept that depletion is a possible result of current activity, but fewer would imagine ecocide as possible. On the same terms, most might think diversity desirable, but how many would think symbiosis a goal to strive for?

The concepts given here are not understood to be absolute. Value dimensions do not exist in one space or another. Value systems overlap and spaces are in any event malleable, conceptual constructs. It is up to the peace scholar to deal with value dimensions in a manner meaningful to the task at hand; the ultimate goal of peace studies is always value transformation to something “better” – or deeper on a value dimension line. How that goal is reached depends on the circumstances at hand, and must not be hamstrung by applying Galtung dogmatically.

4.2 Beyond Peace and Violence

*“Und wenn du lange in einen Abgrund blickst,
blickt der Abgrund auch in dich hinein”¹²
Friedrich Nietzsche*

Consider a *warrior code*, or *stock depletion avoidance* as peace-values. A peace scholar may consider those to be poor values that contribute to perpetuating violence, and would work towards finding new values more appropriate and with deeper peace-values. A *duty to protect* or a *stock rebuilding* policy could have deeper peace values than the first two values mentioned. This does not mean a peace-researcher has successfully purged violence in any and all forms. It simply means he or she is working towards deeper peace-values than the existing ones.

¹² “And when you look into the abyss, the abyss looks back at you”

The key is however to identify what values are, before trying to replace them with something better. Dissecting values to uncover the violence typographies associated with them is a valid approach, but I would argue that it is often a side-track. If the goal is to replace old values with new ones, then what purpose does it serve to present an autopsy of the former's flaws? While doing so may serve well on occasion, I would suggest that transformation to new values is not based on demonstrating the old values are bad, but by conveying that the new values are better. I believe this is best done by providing value options: Here are the values that *are*, and here are the values that *could be*. The choice would almost need to be intuitive: That is the only way to reach a degree of inter-subjective consensus within a reasonable timeframe, as changing values can be paradigmatic in a T. Kuhn sense; where it would otherwise would be required to wait until the holders of old values die before the new can be established in full¹³.

Another problem with an argumentative, violence based approach to peace-value transformation relates to the Nietzsche's words given in the introduction of this section. An emphasis in violence in argument can easily make the application of peace theory violent itself: "Peace by violent means". The process could be inherently violent and represents an inherent contradiction between understanding the nature of peace through its counterpart violence, and seeking value transformation by "reducing/eliminating violence" through arguing that violence in a pre-existing value set exists. The more convincing the argument, the more violent the approach is. This does not mean it was a peace scholar's intent to be understood in this way, the level of violence in application depends in a high degree on how the scholar's message is received. Or to what extent it meets inter-subjectivity criteria.

If this thesis had a violence argumentative style at its root, then it could have explored irregularities in delegation gender representation, or pointed to the Commission facilitating mass death on an industrial scale, or underlined fisher exceptions to workplace safety and wage protections, or high fisher workplace mortality. A violence based approach would inevitably be brutal, intrusive, and could for example conclude that the oil industry, with its possibility of acute ecosystem damage, is better than the certainty of endemic ecosystem

¹³ Popularized by Kuhn; "a new scientific truth does not triumph by convincing its opponents and making them see the light, but rather because its opponents eventually die, and a new generation grows up that is familiar with it." (Plank in Hull et al.1973:718)

damage from the fisheries. It could point out that the oil sector is held to higher environmental standards, and offers practitioners much better wage and benefit packages than the fishery industry can.

The formal problem rests with the act of discovery and the act of justification. Revealing values both old and new is critical, as how else can values transcend? But in this writer's experience, most of the trouble in applying Galtung is found in acts of justification where peace-values are measured and compared through the filter of violent typology. This is awkward, as outlined above, because the process is likely to be inherently contradictory to the premise of peace by peaceful means. Secondly, it is impractical, as it would be unreasonable to expect an audience to adopt new values by highlighting the flaws in the ones they hold. The method is more conducive to alienation than it is to transformation.

A more appropriate understanding of justification would relate to examining an identified phenomenon from peace-value perspective, and simply outline other values that may be comparable and perhaps even intuitively superior. It is important to remember that sets of values do co-exist; a better value may be based on eliminating a contradictions value sets. Thereby providing a deeper peace-value, and improved internal logic to the value system in question, or allow seemingly contrary values unite in the form of a new compromise value.

This does not mean that dissecting values from a violence perspective is always inappropriate. It is sometimes important to understand the nature of a value in detail, and it would be relevant to a peace scholar exploring a conflict, crisis, or problem in order to better understand what it is. But the autopsy is not directly conducive, and often contradictory, to peace-value transformation.

A relationship between Peace Studies and the Ecosystem Approach

Peace-studies tie into The Ecosystem Approach, which is not so much a theory, as it is an understanding that a huge number of considerations need to be taken in regimes managing ecosystems. Those considerations are holistic in outlook. They are value based in terms of how interconnections are weighed (see below), and what the approach aims to achieve. The similarities allow for a provisional proposal on a possible relationship between the Ecosystem Approach and Peace Studies:

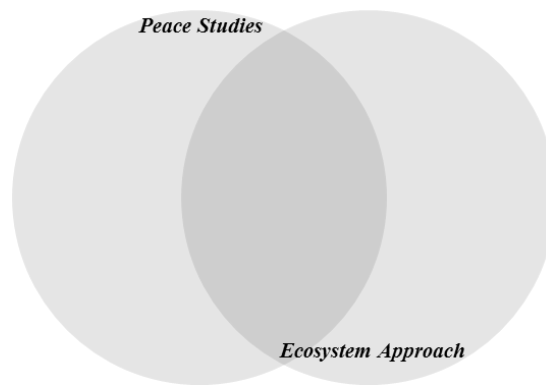


Figure 4.2 Venn diagram illustrating a conceptual relationship between Peace Studies and the Ecosystem Approach

The strength of a peace studies contribution to the Ecosystem Approach (the overlapping portion of the Venn-diagram) revisits inter-subjectivity. In the case of environmental monitoring: *“Ecological quality has different meanings in each sector. Consequently, the monitoring framework builds upon a traditional division of labor between the different departments and institutions. This segregation has long been the object of concern among scientists”* (Knoll 2013:22). The issue can also be phrased from a value perspective, where different actors hold different values. This in turn affects priorities and decisions. By extension, ecosystems can be seen as human constructs concerned with interrelationships that engage humans to various degrees. This implies that other, perhaps critically important relationships may be missed simply because humans have not seen them, and have little interest in exploring them. The distinction between important and less important is actually determined by the values held.

Peace studies inevitably questions values. While the goal is transformation, the theory itself does not have a pro-human bias (though it might very well have it in practice), and new values may have the side effect of looking at the ecosystem in new ways. This provides momentum towards uncovering interrelationships that earlier may have not seemed interesting

4.3 Holistic Understanding and the Balance of Probability.

There may always be alternative explanations, the reason why this book is called 'peace studies' not 'peace study'. This would argue strongly in favor of a polytheistic rather than a monotheistic conceptualization of theory-formation in the field, with explanatory force/light coming from multiple sources and not only from one (Galtung 1996: 20)

One of the main problems with a holistic perspective on any issue is the potentially unlimited factors that may have relevance to the issue in question. The proverbial butterfly may have fluttered its wings and through a cascade of consequences have been the true reason behind any crisis. There needs to be an exclusion criterion. Analytically, this study uses the balance of probability as a principle tool. Technically a legal term used in some arbitration cases and civic courts in some jurisdictions (for example the USA), a 'balance of probability' represents a lower evidentiary threshold than the 'beyond reasonable doubt' burden used in criminal proceedings (Clermont et. al. 2002:243) . For the purposes of this study, if it is more likely than not that a crisis is associated with a certain category, then the association is made.

5.0 Findings: Presentation and Analysis

This chapter consists of 3 distinct parts. The first section gives an overview of the main sources. The second provides findings and gives an analysis of peace contributing categories derived from the Commission protocols. The third part provides an overview of crises, and ties these analytically to categories identified in the first section. The chapter concludes with a summary of findings and associations.

5.1 The Fisheries Commission as an Institution of Peace

The introduction provided a provisional claim that the Commission could be considered an Institution of Peace. Fisheries Commission's primary functions: It should cooperate effectively, it should protect the ecosystem, and it should do both in legitimate ways. This understanding was indirectly supported by the informants in sense that it seemed to cover the essence of undisrupted Commission functions.

The Commission was created as the result of expanding the 200 mile limit as a means to save marine species and ecosystems. Its bilateral cooperative form was established and maintained during the cold war. It incorporated core mechanisms institutionalizing common economic interests “the smartest Norway has done was to allow fishing in its waters” (*Informant interviews 2013*).

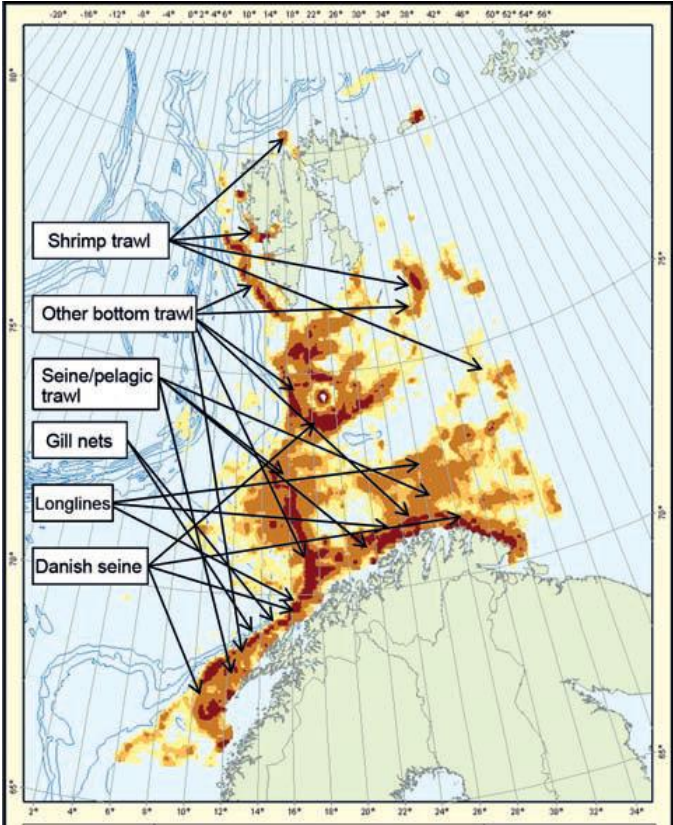


Figure 5.1 Fishing vessel (20m+) density in Norwegian and Russian waters (20m+) (*White paper 10: 55*)

This figure clearly illustrates the point raised by the informant. Norway’s position in any bargaining context is strong simply because Norwegian waters give the best basis for rational economic exploitation of fishery resources. While satellite positioning data is relatively new, the understanding that Norwegian waters have the highest concentrations of the best quality fish on a seasonal basis has always been part of “good seamanship”.

The potential of a ‘nuclear option’, illustrated in the figured is one thing. It is constrained by long standing agreements and potential retaliation. Even if Norway did decide not to allow

individual foreign vessels ¹⁴into its waters, Russia could still seriously impact on juvenile stock in its waters, and the signing parties to the Svalbard treaties with quotas do have juvenile stock targeting measures to enact if they wanted. Never mind the producer-market issue where Norway depends on the EU as a market for the fish it catches.

However if we view overall fish concentrations as implicit leverage at a national level, then the black listing is explicit at individual ship level. Essentially, while national quotas may be agreed, Norway still has the right to target individual vessels that may or may not have been assigned quotas nationally. This is a huge deal as a lot of a vessel's value is tied to quotas it has at its disposal, and the economic viability of the quotas are tied to access to high valued fishing locations.

Black listed ships are black listed by hull. Ownership or nationality is not relevant as the black listing relates to a physical vessel. The significance of being black listed is that it destroys a vessel's value as an asset, and brings into question the value of the quota attached to the vessel. This can seriously disrupt ship owner–bank relations, as it impacts on the value of the ship itself. The resale value of a fishing vessel that is permanently banned from operating in Norwegian waters is lower than would otherwise be the case; thus giving a loss in security for possible loans.

The best fishing grounds are within Norway's 200-mile EEZ. This helps explain why uncertainties in the Svalbard zone have not been clarified using the legal recourses available: In simple form, it is in no one's interest as the Norwegian position is backed by serious leverage at both national and individual vessel level.

An informant used the term “from Anarchy to Order” to describe the period from 2001-2001 (*Informant interviews 2013*). While the period was not without problems, it still denotes a remarkable transition. The NEA cod recovery is one of the significant achievements. Informants point to a developing transparency and openness (*ibid.*). The introduction of the precautionary approach, and automated TAC regulating mechanism removed debates on

¹⁴ This is a critical distinction. Norway could give quotas to nations according to agreements. Nations would then assign quotas at a national level. Norway could bar individual vessels with assigned quotas from fishing; for example through spurious regulations, or inequitable enforcement practices. The quota would still exist; it would just not be attached to a boat legally able fish within Norway's 200-mile limit.

correct TAC levels and allowed delegations time to focus on other issues. Unregulated Catch levels were also gradually brought to heel during that period. Informants attribute much of the success to delegation leadership (*Informant interviews 2013*).

In terms of the Commission's work, the leverage gives a backdrop for understanding, as one informant suggested, that Russians are master chess players and negotiations can be seen as a chess game (*Informant interviews 2013*). By extension, he is suggesting that it is reasonable to consider Russian counterparts rational, and that crises have rational explanations, even if those explanations are not immediately evident. Assigning actors rational motives is consistent with a non-violent approach to the topic. It also seems reasonable to consider non-transparency more likely an explanation than irrationality in circumstances where actions are not understood. This again ties in to the importance of inter-subjectivity; that people understand each other's position.

In terms of a broader picture, I asked my informants if the long established and uninterrupted cooperation could have influenced the 2010 delimitation agreement that resolved Norway and Russia's longstanding territorial dispute¹⁵. Only one of the four was categorical in stating the Commission as a role model was critical to reaching an agreement. However, the other 3 commented that while good cooperation in the Commission may not have affected the timing, they were certain that disruptive, distrustful, or dysfunctional cooperation in that forum would have delayed reaching an agreement.

5.2 Categories

In the introduction, the study initially assumed the Joint Norwegian-Russian Fisheries Commission could be viewed as an institution of peace as a function of its peace characteristics. It is appropriate to examine and define peace functions through the use of categories.

¹⁵ an ocean area covering 175 000 square km, or the equivalent of about 2/3ds of mainland Norway's total landmass

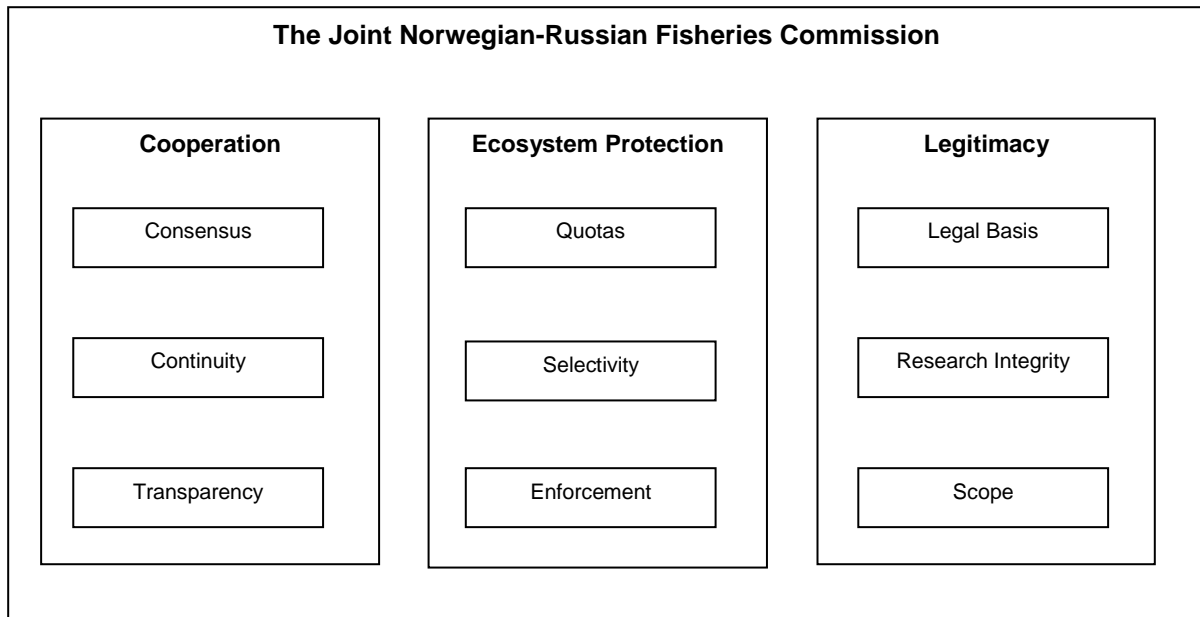


Table 5.1 Possible Peace-value dimensions

Legitimacy can be viewed as a necessary part of any peaceful institution. While legitimacy can be measured by various metrics, the focus here is on the legal basis underpinning the Commission and its activity, the scientific integrity on which the Commission bases many of its decisions, and the scope decisions as a whole cover.

Scope is a particularly important feature of legitimacy, given the inherent nature of the Fisheries Commission. The Commission is a cooperative venue that Norwegian and Russian authorities use to pursue certain obligations. The agreement is not self-enforcing in sense that parties are bound by Commission decisions (though non compliance may impact on future cooperation), nor does the Commission's existence abrogate national obligations. Norway and Russia are free to agree on what issues should be dealt with through the Commission, and what matters are best pursued nationally. However, limiting Commission responsibilities do impact on overall legitimacy, particularly if the limitation is on a high profile issue.

The categorizations seem to make intuitive sense, as the identified peace carrying categories overlap with what could reasonably be seen as the Fisheries Commission's primary functions: It should cooperate effectively, it should protect the ecosystem, and it should do both in legitimate ways. This understanding was indirectly supported by the informants, in sense that it seemed to cover the essence of undisrupted Commission functions. They were not asked directly about this, as the focus of the interviews was more towards crises. This may be a

weakness with the formulation of the interview guide, but was the result of priorities outlined in the method chapter. The categories stemming thus in part from what peace-value dimension seemed to have been disrupted without being able to tie definitely tie peace-value dimension to informant perceptions beyond the interviewer's perception of what the connections might be.

Peace-value dimensions should be malleable to avoid dogmatic use. The normative understanding (implicit to 'should') ties into the defining nature of peace studies according to Galtung: Peace studies are normative social studies. The classification also relates to his understanding of peace: "*Value thesis No. 2 – The core value, peace, has to be well, but not too well defined*" (Galtung 1996:13). Here the core value 'peace' is defined by category from which it stems. The categories themselves are loosely defined, but are defined in a manner that is logical and in keeping with a generalized understanding of what the Commission does (it cooperates on ecosystem protection in legitimate ways).

Table 3.4.2.1 Cod in Subareas I and II (Norwegian coastal waters cod). ICES advice, management, and landings.				
Year	ICES Advice	Predicted catch corresp. to advice	Agreed TAC ¹	ICES landings ²
1987	Not assessed		40	61
1988	Not assessed		40	59
1989	No advice		40	40
1990	No advice		40	28
1991	Included in TAC for Subareas I and II		40	25
1992	Shot forecast included in TAC for I and II		40	42
1993	Shot forecast included in TAC for I and II		40	53
1994	No advice		40	55
1995	No advice		40	57
1996	No advice		40	62
1997	No advice		40	63
1998	No advice		40	52
1999	No advice		40	41
2000	No advice		40	37
2001	Reduce F considerably	22	40	30
2002	catches should be reduced by the same proportion as for Northeast Arctic cod	13	40	41
2003	Reduce F considerably	8	40	35
2004	A recovery plan	0	20	24
2005	A recovery plan	0	21	22
2006	A recovery plan	0	21	26
2007	A recovery plan	0	21	23
2008	A recovery plan	0	21	26
2009	Zero catch and a recovery plan	0	21	25
2010	Zero catch and a recovery plan	0	21	23
2011	Same advice as last year	0	21 ⁴	29
2012	Rebuilding plan, action dependent on autumn survey	-	21 ⁴	
2013	Rebuilding plan, action dependent on autumn survey			

Weights in thousand tonnes.
¹ Until 2003 40 000 tonnes were added annually to the agreed TAC of Northeast Arctic cod; 20 000 t were added in 2004 and 21 000 t in 2005–2012.
² Estimated according to otolith type, does not include estimated recreational catches.
³ No official landings.
⁴ Additional regulations were introduced to meet the objectives of the recovery plan, while the 21 000 t were still included in the combined TAC for coastal cod and NEA cod.

Table 3.4.1.1 Cod in Subareas I and II (Northeast Arctic cod). ICES advice, management, and landings.						
Year	ICES Advice	Predicted catch corresp. to advice	Agreed TAC	Official landings	ICES landings	Unreported landings (including ICE landings)
1987	Gradual reduction in F	595	560	552	523	
1988	F = 0.51; TAC (Advice November 87, revised advice May 88)	530	590	451	435	
1989	Large reduction in F	335	300	348	332	
1990	F at F _{lim} ; TAC	172	160	210	212	25
1991	F at F _{lim} ; TAC	215	215	294	319	50
1992	Within safe biological limits	250	356	421	513	130
1993	Healthy stock	256	500	575	582	50
1994	No long-term gains in increased F	649	700	795	771	25
1995	No long-term gains in increased F	681	700	763	740	
1996	No long-term gains in increased F	746	700	759	732	
1997	Well below F _{msy}	< 993	850	792	762	
1998	F less than F _{msy}	514	654	615	593	
1999	Reduce F to below F _{msy}	360	480	506	485	
2000	Increase B above B _{pa} in 2001	110	390		415	
2001	High prob. of SSB < B _{pa} in 2003	263	395		426	
2002	Reduce F to well below 0.25	181	395		535	90
2003	Reduce F to below F _{msy}	305	395		552	115
2004	Reduce F to below F _{msy}	398	486		606	117
2005	Take into account coastal cod and redfish bycatches. Apply catch rule.	485	485		641	166
2006	Take into account coastal cod and redfish bycatches. Apply amended catch rule.	471	471		538	67
2007	Take into account coastal cod and redfish bycatches. F _{pa}	309	424		487	41
2008	Take into account coastal cod and redfish bycatches. Apply catch rule.	409	430		464	15
2009	Take into account coastal cod and redfish bycatches. Apply catch rule.	473	525		523	0
2010	Take into account coastal cod and redfish bycatches. Apply catch rule.	577.5	607		610	0
2011	Take into account coastal cod and redfish bycatches. Apply catch rule.	703	703		720	0
2012	Take into account coastal cod and redfish bycatches. Apply catch rule.	751	751			
2013	Take into account coastal cod and S. marinus bycatches. Apply catch rule.	940				

Weights in thousand tonnes.

Table 5.2 North-East Arctic cod, and Norwegian Water coastal cod advice, TAC and estimated landings 1987-2013¹⁶

¹⁶ Ices Advice 2012

5.3 Crises

The association between peace and crises was axiomatic and an inherent consequence of the study's preliminary definition of crisis provided in the introduction of this paper: '*crises should be understood to mean problems that disrupt, or have the potential to disrupt, the Commission's ability to legitimately cooperate on ecosystem protection*'

Deep inside every conflict lies a contradiction, something standing in the way of something else. A problem in other words. And what could serve better as a 'force motrice' for any actor, individual or collective, than a problem demanding to be solved? (Galtung 1996: 70)

The term crisis can in this sense be understood to cover the middle ground between a problem and a conflict – that is understood as something more serious than a problem, but less serious than a conflict. It does not matter what it is called really; it was up to the informants to assign meaning to the term, though moderated by interview prompts (see below).

Interview guide construction may be a possible source of bias. The guide refers to a number of potential crises. This is partially inherent in informant selection criteria where informants were found based on their having participated in a number of Commission meetings. An expected bias in time was expected, as informants may have focused on more recent events without prompts indicating past events were also of interest. There is also the factor of unreasonable expectations; as the informants had participated in numerous Commission meetings, it would be unreasonable to expect total recall of events occurring relatively long ago. On the other hand, the informants are people with relatively high formal and informal authority. When combined with the half-structured interview format, it seemed quite likely they would talk about what they wanted to talk about instead of responding systematically to exemplifications provided by the interviewer. This assumption largely verified by looking at what issues were raised:

Issues (crises)	Interviewer triggers	Informant emphasis
The Svalbard Protection Zone	X	
Unregistered Catches (IUU)	X	
Murmansk- and Norwegian coastal cod	X	
Research access	X	
TAC exceeding ICES advice	X	
The Red King Crab	X	x
Organizational issues	X	x
Research funding		x
Market mechanisms versus biomass metrics		x
Spillover from inspection regime		x
Seal related activity		x
Environmentalism		x
Petroleum related activity		x

Table 5.2 Issues (crises), interviewer triggers and informant emphasis

5.3.1 Closing the Commons (1989-1998)

The 1998 Commission session protocols contained a small, important passage: “*Fishing with nets, lines and handheld equipment must be within the quotas set by the parties*” (Fishery Commission Protocols 25th session 1998: 2). The timing is interesting: Norway had introduced domestic regulations in 1989 that from a practical perspective marked the end to an exception in national Norwegian quota regulations. Previously, fishing with conventional gear had been permitted after TAC limits had been reached. The exception had been contentious almost from the beginning of the Commission’s meetings: “*Fishing i 1979 with nets, lines and handheld gear may continue after the quota has been filled. Quota division by type of gear is a national question*” (Fishery Commission Protocols 7th session 1978: 4).

The exception did tend to make a mockery of setting TACs, as those would inevitably be exceeded. It helps explain why ICES estimates on landing exceeded TAC levels in both coastal and open waters until 1998 (See table 5.2). The exemption also helps explain why ICES advice was not solicited for coastal cod before 2001 (with the exception of 1991-1993 when recommendations were included with NEA cod advice).

On a peace-value level, the exemption seems to make very little sense. It is obviously damaging to stock preservation. The bombastic protocol: “*Allocation of quotas by gear is a*

national question” (*ibid.*) suggests the exemption was not entirely unproblematic from a Russian standpoint. This becomes clearer in later protocols: “*The Soviet party expressed serious concerns about the considerable overfishing above the total quota for cod in 1981, due to fishing with nets, lines, and handheld gear, and asked about the necessity of limiting fishing with this equipment to within national quotas*” (*Fishery Commission Protocols 10th session 1981: 3*).

The issue relates to cooperation, with the Norwegian delegation accepting in principle that something was seriously wrong with the exemption. It ties into legitimacy at several levels including research integrity (overfishing impacts on stock projections); scope (in practice excluding cod from meaningful TAC limitations), and Commission parties’ base legal obligation; the duty to protect marine resources. In an overriding sense, it undermines the Commission’s peaceful functions simply by keeping it from doing what it should do - cooperate to protect fish stocks in legitimate ways.

Protocol wording did try to maintain a sense of addressing the exemption issue, and it was followed up by national regulations putting some barriers into place: “*Fishing with nets, lines and handheld gear should be limited by both parties with due consideration to quotas and stock conditions. The parties will make regulatory measures in 1986 with the aim of reaching such limitations in fishing*” (*Fishery Commission Protocols 14th session 1985: 4*).

But there is a limit to how far semantics and limited measures can go in terms of enhancing cooperation, stock protection and legitimacy as fundamental peace-value dimensions.

The Norwegian position had essentially shielded a sector from Commission scrutiny by reserving national rights on the issue. By shielding a sector, individual participants are, of course also protected as their rights to fish continue unabated, independent of the Commission’s TAC. Open fishing with conventional gear was in principle available for both countries, but the Russian fleet had very few vessels (if any?) using conventional gear, as its fleet was trawler based. The reasons behind the exemption was very likely political (the term “conventional” perhaps evoking imagery of a few men fishing with hand held lines, but the exemption covered gillnets and auto-liners too).

While domestic politics behind the exemption are outside this study's scope, values are not. Recalling the fundamental link between values and peace from Galtung's perspective, let's try to see what was actually going on:

The exemption allowed for free participant involvement in the fishery, at least in principle (there were some administrative hurdles in place). So it essentially represents a *Commons* problem. The *Commons* can be viewed as a fundamental value – open to all, instead of open to some. On the other side, you have stock protection as a fundamental value. In a Commission perspective, the stock protection value retains a peace function.

Ecosystem protection and the Commons are of course interrelated; without stock protection you might soon have little in the Commons to share. Closing the Commons necessarily targets both current and future professional fishers by eliminating them from the fishery. Although decreasing numbers of fishers has been a long term trend reaching back more than a century; for reasons relating to technological advances to name one, closing the Commons is highly likely to have accentuated the trend.

The number of full-time¹⁷ fishers in Norway fell from 22 456 in 1983 to 9 825 in 2012. For the 3 northernmost counties the reduction in the same period was 11 932 to 4 619¹⁸.

It should be noted that while TAC exemptions were removed for professional fishers, individual Norwegians retained the right to fish four tons each per year outside of the TAC regime. It is debatable how closed the Commons had become from a principle perspective as any individual could catch as much fish as he or she could possibly need; the four tons is in round weight, but still is some 150 times greater than current minimum dietary recommendations for personal fish consumption.

The point here is the organic (though no doubt designed specifically to address 'old men in skiffs using hand held lines' concerns) emergence of what could be termed a new value founded on compromise based co-existence. Stock sustainability merges with Commons access to give a still-uncertain long term perspective on stocks, but allowing all Norwegians

¹⁷ Defined as listed on the Blad-B register

¹⁸ Compiled by writer using data from Fiskeridirektoratets statistikkbank: <http://www.fiskeridir.no/statistikk>

access to the Commons at an individual level, with quotas large enough to cover any possible personal need but too small to sustain professional fishing outside of the TAC system.

The four ton personal limit was obviously not designed for all individuals to exercise that right. 16 000 000 tons¹⁹ would dwarf all other quotas and certainly exceed any possible outtake a stock could sustain for even a short period. But that would be true of any common good, from grazing lands to tennis courts. No common good could ever be dimensioned to allow absolutely everyone to use at potential. It is sufficient that those that want to use it do so.

The individual limit was later reduced to two tons. In 2012, the Norwegian delegation presented findings on the scope of recreational fisheries of 7 000 tons (of which 1 500 tons were non-national tourist fishing²⁰) and reserved an equivalent amount of the total Norwegian TAC to cover it (*Fishery Commission Protocols 25th session 2012: 3*).

The current situation can be viewed as a full normalization of Commons access within the framework of a TAC system by noting the assigned quota is a function of outtake, not the reverse. The decision does not distinguish between sustenance fishing for private consumption and recreational fishing, but that would not be required either for as long as the reserved quota continues to represent best estimates of what the outtake is, and not an attempt to limit recreation fishing to set quotas.

Informant sources only touched on the exemption removal briefly, commenting that a position on the issue depended on where you were sitting at the table (*Informant interviews 2013*).

It should be noted that Norway formally agreed to exemption removal in 1998 (close to a decade after removing it domestically through regulations) at a time when the Norwegian delegation was pushing heavily for the comprehensive introduction of selective sorting grids²¹ on trawlers. This was not necessarily in line with the Russian position that tended to weigh spawn stock preservation more heavily than selectivity. The point being that ending the exemption in 1998 could be seen as part of an anticipated trade off where the Russian

¹⁹ 16+ years of age

²⁰ Regulated by export limitations per tourist of 35 kg processed fish (about 50 kg round fish).

²¹ A device that allows undersized fish to escape trawls through steel grids.

delegation, could at the very least, be expected to accept more widespread grid regulations in Norwegian waters, if not introducing comprehensive selective measures in the Russian zone themselves. The expectation would be in line with informant information on viewing the Commissions work at least in part as a rational, strategic and tactical game between delegation parties (see section 5.1), which is a useful peace-value perspective as noted earlier²².

The 1998 Commission Session marks the formal end of an endemic crisis that impacted on the Commission's main peace characteristics since 1976. Given the negative effects in all areas, the best explanation for the crises is found at a value level where ecosystem protection as a value clashed with an open Commons as a fundamental value, with the end result an emerging new value based on co-existence between stock sustainability and individual (though not industrial) access to the Commons. The mechanisms behind the timing of the shift are unclear, but likely relate to increasing stock concerns, changes in delegation leadership, and developments in Norwegian domestic politics. At a cooperative level, the shift can be seen as a Norwegian concession to the Russian standpoint that heavily weighed spawn stock preservation. This in turn suggests a cyclic trade off, with implicit Norwegian expectations to Russian concessions on selectivity.

5.3.2 Gridlock (2000)

ICES advices for North-East Atlantic cod TAC for 2001 was reduced to 110 000 tons compared to 360 000 tons the year previously. The Commission reduced TAC to 390 000 tons from 490 000 the year before (see table 5.1). Russia had just begun its economic recovery after sharp economic contraction in 1999. The recovery was oil/gas driven; with Brent crude averages increasing from 17,9 USD per barrel in 1999 to 28,5 USD in 2000²³.

Fuel price increases could be a disaster for Russian ship-owners. This took place against the backdrop of structural ownership unbundling inherent to liberalization following the collapse

²² The peace value approach used in this paper does have similarities with cooperative and non-cooperative game theory. Those similarities should be considered purely coincidental.

²³ Compiled by writer at http://www.eia.gov/dnav/pet/pet_pri_spt_s1_m.htm

of the Soviet Union and almost exclusive industrial state ownership. It is fair to assume that preferential fuel prices at below market value were in the process of being phased out²⁴.

In addition, the Sort-X grid had become mandatory in Norwegian waters. This was a unilateral introduction with the Norwegian party informing the Russian delegation of the new regulations in Norwegian controlled water. It applied to all vessels regardless of nationality.

The problem with introducing the Sort-X relates to costs: A unit cost close to 15 000 dollars²⁵. This is at a time when a Russian fisherman might make 500 dollars a month. Even as late as in 2003, average monthly wages in Murmansk and Arkhangelsk were 298 and 234 dollars (USD) respectively (*Brunstad et al. 2004:23*)²⁶. The cost issue was compounded by the need to reregg for fishing in Norwegian waters, and the perception that the grid reduced productivity as some larger cod would somehow inevitably escape.

A second problem relates to the Sort-X being a proprietary grid system, and the only grid system that met regulation criteria. An alternate Sort-V system was under development, but would at best suffer from late entry competitive disadvantages.

It is hard to find a peace-value term that could be used. But the term would need to relate to an existential level due to the sum of pressure outlined above. The Norwegian position is easier to grasp, and relates to ecosystem protection and maintaining research validity.

Hønneland (2006) and others have written about high tension levels at the 2000 session, and suggest the Commission was close to breaking without an agreement. This could indicate a certain lack of sensitivity to the Russian position and thus relate to transparency at an inter-subjective level:

From the Norwegian side, one would point out that the quota levels for cod in this agreement are worrisomely high relative to stock assessments and ICES advice. Taking into consideration the importance of fisheries for the struggling population in North-West Russia, and the need for common management...the Norwegian party has been able to commit to this agreement” (Fishery Commission Protocols 28th session 2000:2)

²⁴ Anecdotal – We were buying fuel from Russian/Ukrainian bunker vessels, presumably in competition with Russian trawlers.

²⁵ Anecdotal – I worked at an outfitting company and the units to Russian vessels, while on shore.

²⁶ Nominal, not purchasing power parity adjusted.

It is interesting to note that cooperation weighed more heavily than environmental protection in this case. Far more heavily if one considers that Norway did not depart from the 50/50 key. If Russia was to overfish, then so would Norway. This is linked to cooperation due to the likelihood departure from the key would cause problems at some point down the road. The Russian value position seems clearer, if harder to name. Some existential value was more important than stock protection, and likely more important than cooperation. However, the 2000 session can also be linked to great strides in protection: The adaptation of the precautionary approach, and the reunited (?) *omforent* key that limited yearly variations in TAC. These points have been touched on briefly in the “Anarchy to Order” segment in 5.1.

5.3.3 Maximum Sustainable versus Maximum Economical Yield (2012-2013)

In 2012, The NEA cod TAC for the next year was set at 1 000 000 tons (*Fishery Commission Protocols 42nd Session 2012:3*). This is 60 000 tons higher than ICES advice (*ICES Advice 2012 Book 3: 7*). Minimum prices for 2.5-6 kg cod fell from Nkr 15,50 in September 2011 to Nkr 10,50 in April 2013²⁷.

Anecdotal evidence suggests that current pricing may be below minimum prices as buyer may increasingly be using the *large hundred*²⁸ measure in purchasing practices. This is rather a big deal as landing papers (fangstsedler) are important to the control of unregulated catches and form part of the basis for scientific stock assessment. If this becomes entrenched, then understatement in electronic reporting can also be expected to become a reasonable fisher adaptation to pricing below minimum list prices²⁹. It is also important to note another enforcement consideration: Purchasers are legally part of the Norwegian control regime.

Two informants were quite clear that while the price drop was initially triggered by the June 2012 ICES advice, but that the matter was compounded by the Commission’s willingness to go beyond recommendations (*Informant interviews 2013*). The reasons are unclear and possibly relate to the prestige of breaking the 1 000 000 ton mark for NEA cod. The decision

²⁷Compiled at: <http://www.rafisklaget.no/portal/page/portal/RafisklagetDokumenter/Pressemeldinger>

²⁸ A Norse measurement based on a duodecimal (12-base) system where 100 = 10x12. Used in Northern-Norwegian fisheries into the 1900s. Today it is used to denote purchases abiding by the minimum price list for a kg fish simply by demanding the documented kg is lower than the real amount of fish received.

²⁹ Reasonable in this writer’s eyes against the backdrop of having worked on trawlers for several years

was made under protest where private industry delegate actors stating that market considerations need to be taken when setting TAC (or a $F(ey)$ perspective), while the Commission landing on maintaining the established $F(sy)$ perspective as what is covered by its mandate “rational fisheries”.

The problem itself is actually related to the Commission’s success in rebuilding the NEA cod stock and is a “new” management problem; While $M(ey)$ is always smaller than $M(sy)$, they are actually pretty close for as long as stocks are under pressure and market demand is considerably higher than available fish. However, if $M(sy)$ is larger than the market’s saturation point, then things change and the distance between $M(ey)$ and $M(sy)$ increases. Generally, its $M(ey)$ could be seen as a needless complication when $M(sy)$ is lower than market demand, and given that this is generally the case, then it explains why $M(sy)$ is an established principle. But under current conditions, $M(ey)$ may be more appropriate, at least to a point where soliciting $M(ey)$ calculations in future ICES Advice would seem logical, and give the Commission a better jump off point for “rational resource management”

From a peace perspective, policies aimed at limiting outtake at an individual level would represent a better value than those that focus on maximizing biological outtake over time. There is a clear link between price and size, and remembering that to fishers, catching fish is a goal to the end of earning a livelihood. This gives an unlikely alliance of peace theory aligning neatly market principles; it is not the volume that is important, it is the value generated from the volume. Better prices for fewer, larger fish overlap nicely with a value aimed at reducing the number of individuals harvested. This alliance on values between unlikely partners (though the reasoning may differ) suggests that the Commission biomass value may have become outdated by the success of Commission activity. The link between biomass and value has been broken simply because there now are larger cod, and more cod than the market can easily digest. Incorporating value based considerations into future TACs seems to be an obvious solution. Time will show if future Commission Sessions agree.

The point is more that violence in any form, though often at the basis of a peace scholar’s value formation, are irrelevant to a value transformation process. The strength of a peace value based approach is simply that it helps identify different values that ultimately actors need to choose between. There is simply no need for an adversarial, violence-based argument for a “better” value, and such a presentation is likely to do more harm than good, as it is

human nature to find attacks on their values inherently intrusive. It is exactly the intrusive element that is an internal contradiction common to applying Galtung's peace theory. Violence based arguments cannot be 'peace by peaceful means' as their application has an inherent violent potential at a cultural level.

5.3.4 Outlook

The 2010 Treaty on Delimitation and Cooperation not only affirmed the Commission's position in the years to come, but also codified cooperation in environment protection, and the oil and gas sector. In some ways, the Commission can be considered a victim of its own success. The moratorium on oil and gas exploration ended with the ratification of the treaty, and the Commission's role has been explored previously.

One of the informants was clear on the competitive use perspective between oil/gas and fisheries. He noted a number of difficulties; seismic detonations in the water column and security zones where particularly problematic. Ultimately the position was that maturing technology may very well resolve fundamental problems, but that was for future consideration (*Informant interviews 2013*). It is clear that co-existence between these sectors raises clear challenges.

6.0 Summary and Concluding Remarks

The papers start off point was crises. How should the term crisis be understood? This was resolved analytically using Galtung's understanding of the concept. A conflict, crisis or problem is a motivator that grabs the researcher's attention. Crises were identified through informants perspectives, protocol minutes, and related literature.

The thesis explored the Commission's role as an institution of peace and findings indicate peace-values are firmly associated with the institution. The Commission's peaceful characteristics are understood to be on peace-value dimensions examined in the theory section

of the paper. The peace-values were identified by category (cooperation, environmental protection, legitimacy), but not systematically evaluated along a shallow-deep axis.

Peace studies share features that are characteristic for integrated management (or the Ecosystem Approach). Both are holistic and invite to interdisciplinary approaches. On a deeper level, peace studies emphasis on values may have explanatory potential within the framework of very complex interactions.

Galtung's violent typology has serious issues in practical application. The approach used in this paper was simply to detach peace from violence, and consider issues from a peace-value perspective without evaluating violence within concepts or positions.

The Commission seems to have an overall tendency to promote cooperation ahead of other peace carrying categories. Cooperation is perhaps overstated. Irreconcilable differences in the quota levels do not void national responsibilities. If Norway and Russia fail to agree on a quota level, then the likely result is not free fishing and stock decimation, but rather that both countries set quota levels nationally. This would of course still be a serious blow to the prestige and legitimacy of the Commission in some cases (cod), while in others it might be an administrative decision of no particular note (the king crab).

Literature

- Avtale mellom Regjeringen i Unionen av Sovjetiske Sosialistiske Republikker og Regjeringen i Kongeriket Norge om samarbeid innen fiskerinæringen.* (1975).
- Avtale mellom Regjeringen i Kongeriket Norge og Regjeringen in Unionen av Sovjetiske Sosialistiske Republikker om gjensidige fiskeriforbindelser.* (1976).
- Brunstad, B. (2004). *Big oil playground, Russian bear preserve or European periphery?: the Russian Barents Sea region towards 2015.* Delft: Eburon.
- Clermont, K. M., & Sherwin, E. (2002). *A Comparative View of Standards of Proof American Journal of Comparative Law* (Vol. 50).
- Ebbin, S. A., et al. (2005). *A Sea change: the exclusive economic zone and governance institutions for living marine resources.* Dordrecht: Springer.
- Four Norwegian delegates in the Joint Norwegian-Russian Fisheries Commision (2013).* Interviews.
- Galtung, J. (1996). *Peace by peaceful means : peace and conflict, development and civilization.* London: Sage.
- Hoel, A. H. (2007). *Internasjonale utfordringer for bærekraftig forvaltning av levende marine ressurser.* Refleks - Utenrikspolitisk ordsifte. Ministry of Foreign Affairs. Retrieved from <http://www.regjeringen.no/en/dep/ud/campaigns/refleks/>
- Hull, D.L. et al. (1978). *Plank's Principle.* Science (Vol. 202)
- Hønneland, G. (2012). *Making fishery agreements work: post-agreement bargaining in the Barents Sea.* Cheltenham: Edward Elgar.
- Hønneland, G. & L. Rowe (2010). *Nordområdene - hva nå?* Trondheim: Tapir Academic Press
- Hønneland, G. (2006). *Kvotekamp og kyststatssolidaritet : norsk-russisk fiskeriforvaltning gjennom 30 år.* Bergen: Fagbokforlaget
- Jakobsen, T., & Ožigin, V. K. (2011). *The Barents Sea: ecosystem, resources, management : half a century of Russian-Norwegian cooperation.* Trondheim: Tapir Academic Press.
- The Joint Norwegian-Russian Fisheries Commission Protocols: Sessions 1-42 (1976-2012).* Retrieved from <http://www.jointfish.com>
- International Council for the Exploration of the Sea (2012). *ICES Advice 2012, Book 3.* ICES.
- Knol, M (forthcoming). *Making ecosystem-based management operational: Integrated monitoring in Norway.* Accepted for publication in *Maritime Studies*, January 2013.
- Kooiman, J. (2005). *Fish for life: interactive governance for fisheries.* Amsterdam: Amsterdam University Press.
- Miller, J. R. (2000). *Skyscrapers Hide the Heavens: A history of Indian-white relations in Canada* Toronto: University of Toronto Press
- Ministry of the Environment (2011) White Paper No. 10 (2010-2011): *Update of the management plan for the marine environment of the Barents Sea-Lofoten area*
- Ministry of Foreign Affairs (2011) White Paper No. 7 (2011-2012): *The High North Visions and strategies*
- Ostrom, E. (1990). *Governing the commons: the evolution of institutions for collective action.* Cambridge: Cambridge University Press.
- Silverman, D. (2010). *Doing qualitative research: a practical handbook.* Los Angeles, Calif.: Sage.
- Stokke, O. S. (2012). *Disaggregating international regimes: a new approach to evaluation and comparison.* Cambridge, Mass.: MIT Press.
- Treaty between the Kingdom of Norway and the Russian Federation concerning Maritime Delimitation and Cooperation in the Barents Sea and Arctic Ocean.* (2010).