



Having the cake and eating it too: To manage or own the Svalbard Fisheries Protection Zone



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ABSTRACT

The Svalbard Fisheries Protection Zone (SFPZ) is an international institution that is on an institutional path that is gradually moving it towards a transformation into a Norwegian property regime. Disturbances to this institutionalization have historically come from fisheries disputes. However, there are other valuable resources in these waters that are harvestable, and the implications of future offshore oil drilling within the SFPZ and climate change causing rising temperatures and new species compositions in the area are possibly much greater. Though other actors routinely challenge Norway's inspection routines in the zone, this article suggests that as a management regime, it is a surprisingly robust institution still in its current state. This is especially true with regards to the de facto cooperation with Russia on fisheries issues. Russia has much to gain by Norway being de jure owners of the Svalbard zone, in terms of fisheries protection and the prevention of undesirable activities in the SFPZ. But although this relationship is relatively strong in the present, potential future changes may upset this delicate balance and be too critical of a juncture.

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1. Introduction

Management and conflict resolution in the Arctic has been a top priority in Norwegian and international negotiations for decades. Political interests in the Arctic have been growing rapidly in recent years due to emerging climate effects on marine resources. It has predicted that climate change will lead to poleward shifts in distribution and size of fish stocks and redistribution of potential fisheries catch that leads to increase in catch in high latitude region [5,43]. Particularly in the Arctic, fish stocks may shift beyond state jurisdiction leading to the emergence of new potentially exploitable resources. These rapid changes raise interests in resource extraction and tourism and increased traffic in the maritime environment. On the other hand, these changes also pose immense management challenges for Arctic nations and their resource uses to maintain the sustainability of the natural, cultural, and economic resources of the region. In light of climate change, some of the current management regimes and agreements may have to be amended to include these changes while new management and governance regimes may have to be established to address conflicts over resource uses, both new and old. Norway

has since 1977 managed the area around Svalbard from an environmental angle, and as sovereigns of the archipelago under the Svalbard Treaty. A changing climate, and ensuing changes in species composition, size and distribution may be a fluid set of events that triggers wishes to solidify the zone into a property regime rather than an environmental regime, thereby ensuring access to natural resources, both living and non-living.

In light of this, the current article will look at the ongoing institutionalization process of the Svalbard Fisheries Protection Zone (SFPZ), located to the far north in the Arctic and managed by Norway (Fig. 1), though under protest from the international community. The process that has been ongoing is transforming the zone from an environmental to a Norwegian property regime, and the current article explores how this process could be affected by a changing climate and the environmental effects of these, and the political ramifications thereof. Disturbances to this institutionalization have historically come from fisheries disputes, but there are other valuable resources in these waters that are harvestable, and the implications of future offshore oil drilling within the SFPZ are possibly much greater. In addition, the political tensions between Russia and the global community could currently be rocking the decades of de facto cooperation in fisheries matters Norway has enjoyed. This paper considers whether or not allowing Norway to administer the SFPZ as an EEZ is more beneficial to Russia than the alternative, were they to have to

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Fig. 1. A map of the Svalbard Fisheries Protection Zone (northernmost area) and surrounding areas in the Norwegian Arctic. Adapted and translated from map provided by statkart.no.

choose, and argues that currently available evidence indicates that the status quo of Norwegian administration is not something that Russia is particularly interested in challenging at this time. Russia may continue to protest the SFPZ officially through refusing to report to the Norwegian Fisheries Directorate when they enter the zone, but it still appears unlikely that a serious challenge, like bringing Norway to the International Court of Justice in The Hague,

is in the near future. This paper argues that this would likely change, however, were Norway to alter the regime to a property regime (EEZ) in light of climate change.

In order to highlight this argument, the following article will first present background information on regime theory, and place the SFPZ and the institutionalization thereof within this context. This is followed by a section highlighting the methods employed

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