

The struggle over illegal, unreported and unregulated fishing in the Barents Sea

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The Elektron

It doesn't happen every day: a fishing vessel escapes from arrest – with foreign inspectors on board and a well-armed foreign coast guard ship only a few hundred metres away. But it did, in the case of the Russian trawler *Elektron*, now back home after having eluded the Norwegian coast guard cutter *Tromsø* following apprehension in the waters off Svalbard. This incident can be seen as an expression of the aggressive self-assurance that has become increasingly apparent in parts of the Murmansk fishing industry in recent years. And as an expression of worries about the big money at stake if the Joint Norwegian-Russian Fisheries Commission should manage to tighten up the loopholes in the control system that have been making it possible to overfish cod quotas by up to 100,000 tonnes a year. In terms of normal landing prices in the EU, this means that €100-200 million worth of Barents Sea fish may have been sold every year since 2002. Hardly surprising, then, that the *Elektron* was so eager to get away...

The fishing company that instructed the *Elektron* to make a dash for it is run by Gennadi Stepakhno. He also happens to head the Union of North Russian Fishing Companies in Murmansk, whose members control about one hundred vessels in the Barents Sea. Some years ago, one of Stepakhno's predecessors was a member of the Joint Commission and successfully pressed for a total quota so high that the dismayed Norway delegation insisted on a disclaimer to the effect that the quota had been agreed 'in view of the importance of these fisheries for the economically disadvantaged population of Northwestern Russia'.

In 1998, the precautionary principle was introduced in the management of Northeast Arctic cod. This has produced scientific advice with greater security margins, which has proven exceedingly unpopular in Russia's fisheries industry. Many have depicted quota negotiations as a battle where Norway, wealthy enough to be able to afford a few lean years, has been scheming for low quotas so as to force its Russian competitors out of the market. The lack of raw materials and high unemployment in the fish processing industry of Murmansk have provided fertile soil for nationalistic rhetoric along such lines.

Svalbard.

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If Stepakhno was trying to whip up nationalistic sentiment, he made a good choice in taking the confrontation in the waters off the Svalbard archipelago. The Fishery Protection Zone established here by Norway has not been expressly recognised by other states involved in fisheries in the area, although the Norwegian regulations have generally been respected. Part of the explanation may be that Norway's coast guard has played it safe, in practice setting a somewhat higher threshold for reactions than in the economic zone off the Norwegian mainland. This 'tread gently' policy underwent some modifications in 1993/94, when the coast guard fired at a flag-of-convenience trawler and chased it out of the Protection Zone, as well as arresting an Icelandic vessel in a separate incident. Four years later, Norway took the final step, making its first arrest of a foreign trawler with fishing rights in the area. Resentment in Russia was considerable, reaching new heights when the trawler *Chernigov* was apprehended in April 2001 for violation of Norwegian mesh size regulations. A formal protest was delivered to the Norwegian Foreign Ministry. More sensationally, Yevgeniy Nazdratenko, head of the Russian State Committee for Fisheries, informed the home media that, should anything similar happen again, the Northern Fleet would be called in, to shoot at and sink Norwegian coast guard vessels in the Svalbard zone, and – as he is widely quoted as saying – 'do nothing to save their crews'.

Mutual interests

On the other hand, vessel-owner Stepakhno may have over-estimated his power to stir up officialdom in the case of the *Elektron*. Russian military authorities were quick to deny that they intended to impede the Norwegian hunt for the trawler. Contact was established between the Norwegian coast guard and the Russian border control forces. And indeed, as soon as the vessel was back in Russian waters, it was arrested – by the Russian authorities. Proofs and documentation were provided, and Norway's coast guard was allowed access to Russian waters, to bring home the stranded inspectors. Such an approach from the Russian side is very different from attitudes to infringements only a few years back. An important reason for this is that today's Russia is very well aware that its fisheries cooperation with Norway is of great benefit to both nations.

Russian and Norwegian researchers have developed a broad and increasingly close collaboration that has helped both sides considerably in ascertaining how much exploitation existing fish stocks can stand. Annual deliberations in the Joint Committee may focus on the size of cod quotas – the distribution has been agreed at the outset, although leaving room for manoeuvre. The quota is split in two, and Russian fishing vessels are allowed to take part of its share in Norway's EEZ, where the fish tend to be larger and more accessible. Frequently, Norway has negotiated exchanges that provide it with a larger cod quota, in return for allowing Russian vessel access to wholly Norwegian stocks.

In a large disputed area of the Barents Sea, between the median line and the sector line, both the Russian and the Norwegian Coast Guard are free to exercise their own regulations vis-à-vis the vessels they have allowed to fish there. Had there been no 'grey zone agreement', each side would

have to fear that inspections or other actions carried out by the other party might undermine its own sovereignty. The danger of unregulated fishery and eventual resource collapse would thus have to be weighed against the fear of political confrontations. For Russia, the silent agreement that Norwegian regulations – softly enforced – are to be followed in the Protection Zone must also be advantageous. Some fifty Russian trawlers can continue their traditional fisheries in the waters around Svalbard throughout the autumn and early winter, well after their Spanish and other colleagues have been sent packing by the Norwegian authorities – as long as Russians still have some quotas left in the Barents as a whole. After all, it is the Russians who catch most in the Protection Zone, so they would stand most to lose from anarchy there.

Each year, the border control forces and the coast guard meet for seminars. The Norwegians regularly provide their Russian colleagues with information on the catches taken by Russian trawlers outside their own national waters – data that the Russians can check against the vessels' reports. The two countries also collaborate on satellite tracking in the Barents Sea area. All these mutual interests are part of the Barents collaboration, making it strong. It is highly unlikely to collapse – merely swing back and forth a bit, at a reasonably high level.

Transshipment

Another reason why the Russian authorities are now talking more about resource management than the legal basis for enforcement in the Protection Zone is that much of the Russian catch in the Barents is destined for other countries, and this makes for fewer ripple effects in the Murmansk region. Instead, it is illegal, unreported and unregulated (IUU) fishing that threatens the resource basis for that portion of the fishing fleet that still delivers to the Russian home market, and is easier to control. Russia has already agreed to certain restrictions on transshipment of fish at sea. Such transshipment is an old tradition in Russian fisheries. In earlier times, it involved a fine-meshed network of trawlers, mother ships and transport vessels that, working under the Soviet cooperative aegis, were to deliver animal protein from the deep seas to the workers of the vast country. All vessels were securely 'anchored' in Sevryba, the once-dominant fisheries association for the northern basin. It was a simple matter to check the trawlers' catch figures against the figures supplied by the receiving processing industries. Today transshipment is among the major tools employed by a plethora of private companies and brokers to avoid control of how much fish has been taken by each individual vessel.

Nor is it only in the Barents Sea that transshipment represents a challenge to sustainable fisheries management. High on the agenda in the global battle against IUU fishing is the development of systems for tracking fish, from landing and back down the chain to the fishing vessel in question – as with tuna in the Pacific and Patagonian toothfish in Antarctic waters. In the Barents Sea, it is no longer permitted to transfer catches to flag-of-convenience transport ships, or to vessels not participating in international systems for reporting and satellite tracking. However, these rules are difficult to enforce, because the potential gains of infringement are great, the ocean areas vast, and

there is no shortage of transport vessels. Better registration and control in the receiving ports of Europe will be essential in the future, because even ships flying flags of convenience must accept such control. And here joint pressure from Norway and Russia will be important.

High stakes?

Back to the *Elektron*. Whatever penalties may await the fishing company and captain at the hands of the Russian legal authorities will perhaps be more lenient than if the Norwegian coast guard had succeeded in its arrest attempt. All the same, it may well be that Mr Stepakhno has, in effect, succeeded only in shooting himself in the foot. The spectacular flight of the *Elektron* has made overfishing in the Barents Seas into a test case: it will be the first test of Norway's new Stoltenberg government and its pledged policy of greater emphasis on the northern areas. The case has led to official Russian reactions that have been far less permissive towards their own vessels than when Norway last flexed its muscles in the Svalbard Protection Zone. And it has put enormous pressure to bear on the Joint Norwegian-Russian Fisheries Commission, scheduled to meet only days after the incident to discuss new measures to combat uncontrolled fishing and transshipment in the Barents Sea.