

The Grey Zone Agreement of 1978

Fishery Concerns, Security Challenges and Territorial Interests

Kristoffer Stabrun



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December 2009



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Title

The Grey Zone Agreement of 1978:
Fishery Concerns, Security Challenges and Territorial Interests

Publication Type and Number

FNI Report 13/2009

Pages

43

Author

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ISBN

978-82-7613-574-9-print version
978-82-7613-575-6-online version

Project

ISSN

1504-9744

Abstract

The Norwegian-Soviet Grey Zone Agreement – negotiated in 1977, and ratified and put into practice in 1978 – was a provisional solution that enabled the two countries to solve unanswered questions of jurisdiction and resource access in a disputed area in the Barents Sea. The report inquires into why and how the agreement came about as it did, focusing on the Norwegian position and the decision-making of the Norwegian government. The negotiations were initiated on the basis of the need to safeguard the fisheries, to avoid conflict and unstable conditions in the disputed area, and in order to prevent unwanted territorial consequences in the wake of the establishment of extended economic zones at sea. The negotiations leading to this provisional, practical fisheries arrangement became heavily influenced by the same foreign policy objectives as in the delimitation talks. Ultimately it was strategic foreign policy concerns that determined the final decision for the Norwegian government.

Key Words

Grey Zone, Gråsonen, Grey Zone Agreement, Gråsoneavtalen, Norwegian-Soviet relations, Norwegian Cold War foreign policy, High North policy, nordområdene, Jens Evensen, Nordli-regjeringen, omstridte området i Barentshavet, delelinjen

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Acknowledgements

I wish to thank all who have contributed generously to this report, first of all the interviewees who have provided valuable information, filled in gaps and added context to the historical analysis.

Secondly, I am thankful to the staff at the Fridtjof Nansen Institute who has assisted me on both practical and substantial matters.

This report was written during the summer of 2008 when I completed my Master's degree in History of International Relations at the London School of Economics and Political Science. I am deeply grateful for the guidance provided by the Department of International History throughout the Master's programme.

December 2009

Kristoffer Stabrun

I Introduction

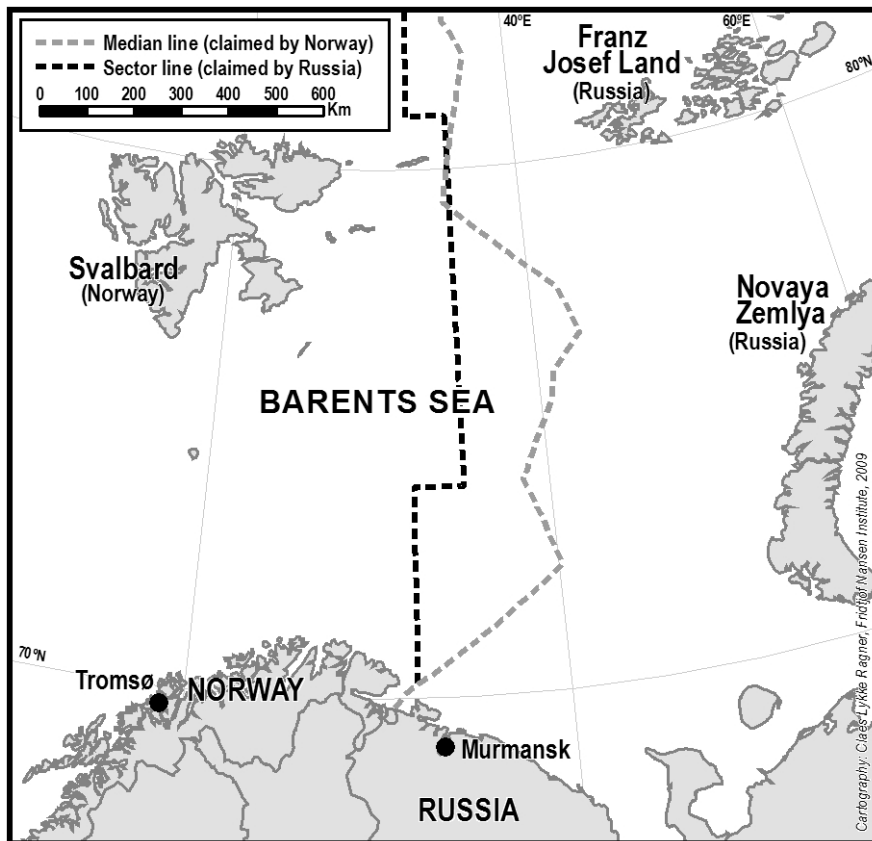
The Norwegian–Soviet Grey Zone Agreement of 1978 is a provisional practical arrangement, facilitating bilateral fishery co-operation in a disputed area in the Barents Sea. But the agreement is also a politically contested settlement between two parties with notably disproportional power capabilities, agreed upon during an increasingly tense Cold War period, and criticised in Norway for its alleged implicit territorial concessions to the Soviet Union. The agreement is still in existence and is subject to annual renewal. From the perspective of resource protection, it has arguably been successful. The wider politico-strategic implications cannot yet be fully assessed however, as the Russo–Norwegian maritime border remains incompletely delineated, making it impossible to know whether the Grey Zone Agreement will have prejudicial effects on this border. This report inquires into why and how the agreement came about as it did, focusing on the Norwegian position and the decision-making of the Norwegian government.

The origins of the Grey Zone Agreement are to be found in a disagreement over the maritime border in the Barents Sea. The two countries claimed, and still claim, the application of diverging jurisdictional principles – the Norwegian ‘median line’ and the Soviet ‘sector line’ – for the delimitation of the continental shelf.¹ This disagreement created a 155,000 square kilometre disputed area between the two diverging delimitation lines.²

In the 1970s, the existence of a disputed area in the Barents Sea was a delicate issue mainly for three reasons. First of all, the Barents Sea was of vital strategic importance in the security policies of both parties. It constituted the Northern Flank of NATO, as well as being the principal outlet to the Atlantic for the Soviet Northern Fleet. In the Cold War setting, any territorial concession in this area might have disastrous strategic consequences. Secondly, the Barents Sea was extremely rich in living resources and thus important for economic reasons. Thirdly, the disputed area was believed to hold significant oil and gas reserves, which made the issue of a final delimitation line highly sensitive to both countries.

¹ Robin Churchill and Geir Ulfstein, *Marine Management in Disputed Areas* (London, 1992) pp. 64–7. At the time, both parties abided by the 1958 Geneva Continental Shelf Convention, which stated that, in the absence of circumstances, delimitation of the continental shelf was to follow the median line. Norway disagreed with Soviet claims that geological conditions, the size of the population and a Soviet decree from 1926 made the sector line the only viable principle.

² The Norwegian Minister of Law of the Sea, Jens Evensen, was the first to label the disputed area ‘the Grey Zone’, in a public speech in March 1976. A ‘grey zone’ was a common expression in international maritime law for disputed areas at sea. In Norway, the Agreement came to lend its name from this idiom. However, this is to a certain extent misleading, as the area to which the Grey Zone Agreement applies is not the same as the disputed grey zone referred to by Evensen, but is an area that is extended primarily to the west – a result of the bilateral negotiations to be discussed below. In this report, neither the disputed area in the Barents Sea nor the area affected by the agreement will be referred to as the ‘Grey Zone’. The terms used will be ‘the disputed area’ and ‘the area of application’, respectively.

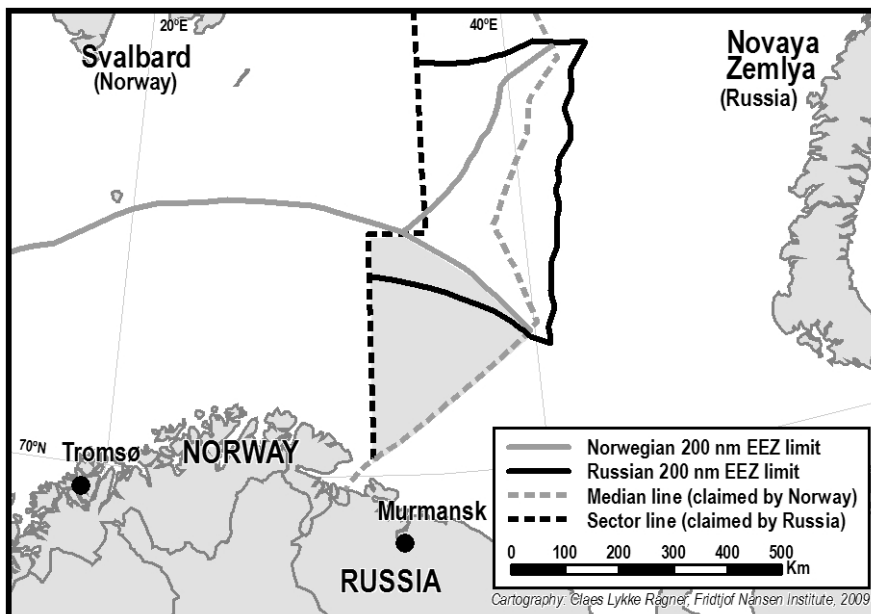


From 1975 onwards, the delimitation dispute was highlighted by a radical transformation within the law of the sea. As a result of the negotiations at the United Nations Third Conference on Law of the Sea (UNCLOS III), an international practice of ‘exclusive economic zones’ (EEZs) 200 nautical miles off the coasts was established. This was a form of nationalisation of the sea that placed the marine resources under the jurisdiction of the coastal state.³ The coastal state could not claim territorial sovereignty over the economic zone, but the living resources within the zone now effectively belonged to the coastal state. It was a judicial quantum leap, as similar maritime zones previously had been limited to a mere 12 nautical miles.

Norway and the Soviet Union announced the extension of their economic zones in October and December 1976, respectively. In light of the delicate delimitation dispute, they did so without specifying the zones’ outer limits in the Barents Sea. However, both parties acted on the assumption that their claims in the continental shelf delimitation dispute – the median line and the sector line – were *in principle* also the jurisdictional boundaries for their economic zones. In the absence of a delimitation line, the announcement of these economic zones meant that 60,700 square kilometres of the disputed area – those that were within the 200-mile range

³ Brit Fløistad, *Fish and Foreign Policy. Norway’s Fisheries Policy Towards Other Countries in the Barents Sea, the Norwegian Sea, and the North Sea* (Honolulu, HI, 1991) p. 1

of both countries and between the median and sector lines – were soon subject to overlapping jurisdiction.⁴ This was at the core of the problem facing the two countries in late 1976.



This situation – where one could question whose jurisdiction had precedence in the disputed area – caused two main problems from the Norwegian point of view. Firstly, such overlapping jurisdiction was considered a major source of conflict. Oslo feared confrontations between Norwegian fishing vessels and Soviet authorities on the fishing grounds. Secondly, overlapping jurisdiction was an obstacle to well-functioning resource management. The principle of exclusive economic zones had been advocated at the UNCLOS largely because such zones were expected to facilitate better resource management. The issue of unresolved jurisdiction in the disputed area now threatened the effectiveness of the zones.⁵

Indeed, over-exploitation of the fish stocks was a major cause for concern at the time. The 1970s saw an alarming pressure on the fragile ecological system in the Barents Sea. Fish stocks had decreased significantly as a result of more technologically advanced fishing vessels, larger fleets, and a growing number of third-country vessels in the area. The nature of the Barents Sea, where ‘joint fish stocks’ migrated naturally between Norwegian and Soviet waters, called for a bilateral approach to the problem. The two countries had therefore already initiated fisheries co-operation.

⁴ The Norwegian zone took effect on 1 January 1977. The Soviet zone was implemented on 25 May 1977.

⁵ An additional complicating factor was the disintegration of an important advisory body for international resource management at sea – the North-East Atlantic Fisheries Commission (NEAFC) – in the years 1976-78. The disintegration of NEAFC, partly a consequence of the radical changes within the law of the sea, threatened to weaken the marine management in the Barents Sea even further. See Geir Hønneland, *Kvotekamp og kyststatssolidaritet* (Bergen, 2006) p. 11.

Agreements from 1975 and 1976 had established a set of regulations for fishing gear and annual quotas – regulations meant to be enforced on both sides of the supposedly imminent delimitation line. However, without any geographical or legal solution, these regulations were inadequate.

Oslo's decision to effectuate the Norwegian economic zone on 1 January 1977 was justified by the prospects of overfishing in Norwegian waters – including the North Sea and the Norwegian Sea – in the absence of such a zone.⁶ However, the complicated situation that might ensue in the Barents Sea if Norway implemented its economic zone without having agreed to a delimitation line with the USSR had been recognised by Norwegian decision-makers at an early stage.⁷ Still, although talks since 1970 had proven fruitless, Oslo had been hoping for and had put considerable effort into a conclusion to the delimitation talks.⁸ Norwegian Foreign Minister Knut Frydenlund had called for mutual flexibility on the issue, as late as in a September 1976 meeting with Soviet Foreign Minister Andrey Gromyko. However, the Soviets were unwilling to compromise on the sector line principle, and Gromyko ascribed the lack of progress in the negotiations to Norwegian stubbornness.⁹ A last-minute attempt to reach agreement on the delimitation issue, from 13 to 20 December 1976, produced no results.¹⁰

Considering the resource and safety concerns caused by the unclear jurisdictional situation, the Norwegian government proposed bilateral negotiations on 22 December 1976, with the objective of finding 'a provisional, practical solution for the fisheries in the disputed area'.¹¹ From a Norwegian perspective, the parties needed to address the questions of jurisdiction and enforcement in the area, and define an 'area of application' in which fishing regulations could be implemented. The Norwegian government now sought to bypass the problem of a non-existing delimitation line and the overlapping jurisdiction in the disputed area.

In light of the territorial dispute, the definition of this 'area of application' would prove to be the bone of contention in the negotiations that followed in 1977. Norway claimed that the area should correspond to the coordinates for the disputed area, or at least be evenly balanced between the two diverging delimitation lines. The Soviet Union refused to accept the

⁶ Den utvidede utenrikskomité (DUUK), (the Enlarged Foreign Affairs Committee), 04.10.76.

⁷ UD 31.6/12J Sovjetunionen, Minutes from Evensen-Ishkov meeting, 28.10.75, Eliassen memorandum, 10.05.1976, Eliassen note to the Foreign Minister, 18.08.1976; DUUK, 04.10.1976

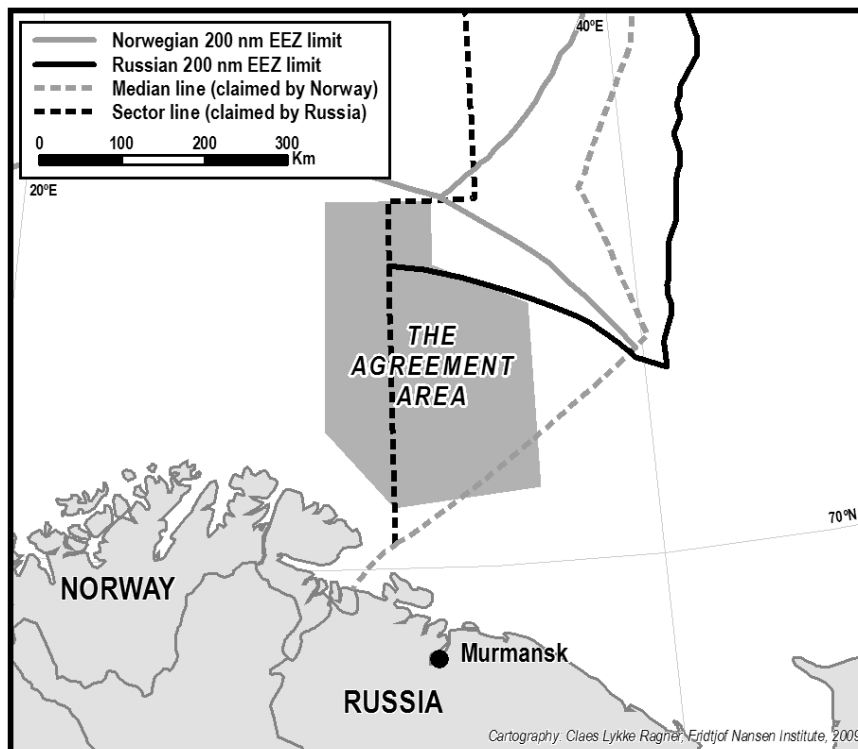
⁸ DUUK, Prime Minister Nordli, 04.10.76, 02.12.76

⁹ UD 31.6/12J Sovjetunionen, Minutes from Gromyko-Frydenlund meeting, 28.09.76

¹⁰ DUUK, 15.12.76 and 29.12.76. Curiously, at the meeting in the Foreign Affairs Committee on 4 October 1976, Minister of Law of the Sea, Jens Evensen, argued that the proclamation of a Norwegian economic zone, as a way of showing determination, would make the delimitation talks easier. With the benefit of hindsight, that seems to be one of the most misguided assessments in the prelude to the Grey Zone Agreement.

¹¹ UD 31.6/12J Sovjetunionen, Cable to the Norwegian Embassy in Moscow, 28.12.76

Norwegian proposal, and advocated a geographical solution based on the sector line.



The agreement negotiated in 1977, signed in January 1978 and ratified by the Storting (the Norwegian Parliament) in March the same year eventually provided an effective solution to the challenges related to resource management. The agreement was the centrepiece of a provisional, practical regime affecting the two countries' Arctic fisheries. However, the agreed 'area of application' was not the disputed area, nor was it geographically balanced between the median line and sector line. Instead, it was an 'adjacent area' considerably extended in the western direction, so that, to a considerable extent, the geographical terms accommodated Soviet demands.

In Oslo, the lack of territorial balance was seen by many in the political elite as a concession to Moscow. It was argued that the agreement would inevitably have a prejudicial effect on the delimitation dispute in favour of the sector line, moving the Soviet sphere of influence significantly to the west. Furthermore, it was said, Norwegian acceptance of such unfavourable terms would jeopardise the credibility of Norwegian policy in the High North.

Despite the risk of these consequences, the Labour government of Prime Minister Odvar Nordli accepted the conditions. It is reasonable to question the process and the deliberations that led to this decision. The key question considered in this report is, why and how did the Norwegian government come to agree to a settlement that deviated considerably from the objective of geographical balance and subsequently threatened to harm long-term Norwegian objectives in the Barents Sea?

Providing an answer requires firstly, an examination of the Norwegian government's motivations and objectives prior to the negotiations; secondly, an evaluation of how Oslo managed the interaction with Moscow during the negotiation process; and thirdly, an analysis of the final decision taken by the Nordli government.

II Historiography and Primary Sources

The Norwegian historical debate surrounding the Grey Zone Agreement has centred on three key variables for explaining how it came about as it did. Firstly, in contemporary works by political commentators such as Jahn Otto Johansen, it was argued that the Norwegian government had reached an agreement with the Soviets primarily out of concern for protecting the marine resources and accommodating the fishery interests. This prioritisation came at the expense of broader foreign and security policy goals, Johansen argued.¹² This view corresponds well with the political opposition's criticism of the government in the parliamentary debates about the agreement in 1977 and 1978.¹³ Secondly, scholars such as Rolf Tamnes have put more emphasis on the Norwegian government's fear of conflict with the Soviet Union. Key decision-makers found a refusal of the draft agreement to be too unpleasant, and saw no other option than to accept the agreement so as to maintain peace and stability in the High North.¹⁴ Finally, in memoirs by political actors such as Thorvald Stoltenberg, considerable attention is drawn towards what has been seen as mismanagement of the negotiation process, and the choices made by Norway's Minister of Law of the Sea, Jens Evensen. The agreement was arguably brought about by Evensen's tying-up of the government, as he had acted beyond his mandate in the final round of negotiations and delivered ill-advised public statements.¹⁵

These interpretations offer valuable insights into the Norwegian government's decision. Still, there is room for a new and detailed account of the varying importance of the economic, political, and personal factors involved. The intention in what follows is to assess these factors and their significance to the Norwegian decision, and to provide finer distinctions between their levels of influence. This will enable us to reach a nuanced understanding of how the agreement came about, and why the Nordli government accepted it.

The Grey Zone case belongs to the scholarly debate on how Norway conducted its High North policy during the Cold War. Dissecting the questions raised in this report facilitates a conception of how the case fits into the wider history of Norwegian foreign relations. A fresh look at the Grey Zone Agreement may also contribute to our understanding of key decision-makers on the Norwegian side, among them Prime Minister Nordli, Foreign Minister Frydenlund and Minister of Law of the Sea Evensen. Furthermore, a case study like this may deepen our knowledge

¹² Jahn Otto Johansen, *Vil Sovjet krig?* (Oslo, 1980)

¹³ Willy Østreng, 'Næroppgavene i norsk utenrikspolitikk, med spesiell vekt på nordområdene', in A. O. Brundtland (ed.), *Norsk Utenrikspolitisk Årbok 1977* (Oslo, 1978)

¹⁴ Rolf Tamnes, *Norsk Utenrikspolitisk Historie, Bind 6, Oljealder: 1965-1995* (Oslo, 1997). See also Nils Morten Udgaard's review of Tamnes, 'Verdenssamfunnets nullskatteyster', *Aftenposten* 05.01.99 (1999)

¹⁵ Thorvald Stoltenberg, *Det handler om mennesker* (Oslo, 2001). See also Berit Ruud Retzer, *Makten, myten og mennesket: Jens Evensen* (Oslo, 1999); and Odvar Nordli, *Min vei* (Oslo, 1985)

of how Norway and the Soviet Union interacted during the Cold War.¹⁶ And finally, the Grey Zone Agreement is of interest today due to the heightened focus on High North issues, both in Norway and internationally, for environmental, economic and strategic reasons. Questions related to the disputed area in the Barents Sea are still sensitive matters for the Norwegian authorities. The Grey Zone Agreement remains highly contested and the debate is surrounded by politically biased accounts. In the absence of a finalised Russo–Norwegian maritime border, the Grey Zone Agreement is still in existence, and its potentially prejudicial effects cannot yet be known.

This historical analysis is partly based on still-classified records from the meetings in the Enlarged Foreign Affairs Committee in the Norwegian Storting (Den utvidede utenrikskomité, DUUK). These records are stenographic transcripts of the secret meetings. The committee consists of members of parliament nominated by their parties, as well as relevant cabinet members, depending on the subject for discussion. It serves as the principal consultative body between the Cabinet and the Storting on foreign affairs. The Committee records are an invaluable primary source, giving insight into Norwegian positions and the decision-makers' thinking. It will be referred to as the Foreign Affairs Committee or just 'the Committee' in the text, and as DUUK – its Norwegian abbreviation – in the footnotes.¹⁷

Further, the analysis is based on previously declassified records from the Norwegian Ministry of Foreign Affairs. When issued, these documents were classified in the range from 'Restricted Circulation' up to 'Confidential', and they comprise a series of files relating to the bilateral Norwegian–Soviet negotiations. In this report, they will be identified by their exact archive reference, e.g. 'UD 31.6/12J Sovjetunionen, Minutes from Evensen-Ishkov meeting, 27.10.75'. In addition to the archive material, the account draws on memoirs and biographies by key political actors on the Norwegian side – among them the prime minister and the foreign minister – as well as interviews with Norwegian diplomats and other figures close to the negotiations and the decision-making.¹⁸

¹⁶ This seems useful given that – according to Helge Pharo – few historians have dealt directly with those Norwegian–Soviet relations in which Norway interacted with the Soviet Union outside the NATO context. This could be said to be the case here. See Helge Pharo, *Post-Cold War Historiography in Norway*, in T.B. Olesen (ed.) 'The Cold War and the Nordic Countries. History at a Crossroads', (Odense, 2004) pp. 122–3

¹⁷ Norwegian 'Cabinet Records' (Regjeringsnotater) from all Cabinet meetings related to the Grey Zone negotiations remain inaccessible to historians. However, Professor Rolf Tamnes, Director of the Norwegian Institute for Defence Studies, was granted access to these records in the mid-1990s for work on *Norsk utenrikspolitisk historie*, vol. 6, *Oljealder*. Yet, in his reply to the author on 1 September 2008, Norwegian Prime Minister Jens Stoltenberg concluded that he could not permit access to the documents as Norway is still undertaking negotiations with a foreign power.

¹⁸ Among the interviewees is Arne Treholt, Deputy Minister of Law of the Sea from 1976 to 1978 and Jens Evensen's closest aide during the Norwegian–Soviet negotiations. Treholt was in 1985 found guilty of espionage for the Soviet Union and Iraq, for activities in the years 1974–83 and 1981–3 respectively.

The findings will be presented in four steps, beginning with the Norwegian government's objectives and the internal Norwegian debate in December 1976; continuing with the Norwegian–Soviet negotiation process from January to June 1977; leading into the first phase of internal Norwegian discussions in the summer; and ending with the Norwegian government's decision to accept the Grey Zone Agreement in the autumn of 1977.

III December 1976 Norwegian Motivations and Objectives

In late December 1976, the Norwegian government was eager to find a solution to the unclear situation arising in the disputed area in the Barents Sea. The two countries' economic zones were about to be implemented without any agreed maritime border between the two states. A delimitation of the continental shelf would have solved the problem, but the latest efforts to agree on this issue had failed. On 22 December, Oslo proposed bilateral negotiations aimed at finding 'a provisional, practical solution for the fisheries in the disputed area'.¹⁹ Any immediate negative effects of the overlapping jurisdiction had to be neutralised.

The Norwegian strategy behind the proposal was presented to the Foreign Affairs Committee on 29 December. The Cabinet had five key objectives. First of all, the arrangement ought to be provisional. In Oslo's view, only a permanent border in the form of an agreed delimitation line would guarantee unambiguous rules in the Barents Sea. A certain fear on the Norwegian side was implicit in this objective, and it was symptomatic of Norwegian expectations of Soviet behaviour. It was held in Oslo that, without unambiguous rules, the Soviets might take advantage of the asymmetry in power capabilities – through episodes and threats – and effectively control the Barents Sea up to the sector line.²⁰ Permanent delimitation of the continental shelf was the ultimate goal, and the temporary nature of this arrangement – meant only to bypass the immediate challenges in the disputed area – had to be secured.

Secondly, the arrangement had to contribute to sound resource management. This objective stemmed from the situation on the fishing grounds, where fish stocks had shrunk significantly in recent years. The growing number of vessels from third countries – or 'distant water fishing states' – had contributed to the pressure on the stocks, and it implied that Norway and the Soviet Union had to find a solution to third-country fishing rights in the Barents Sea in the forthcoming process – a complicating factor, considering the alliance politics of the Cold War. Fishery interests had significant political impact in Norway. The sector constituted the country's second largest export industry, and through trade unions like the Norwegian Fishermen's Association (Noregs Fiskarlag), these interests exercised considerable political influence on the decision-makers in Oslo.²¹ The coastal populations were worried about their livelihood, and demanded that protection be provided for the fish stocks.²² Moreover, the fishermen demanded safer working conditions at sea, as several encounters with Soviet vessels had led to unpleasant episodes in recent years.

¹⁹ UD 31.6/12J Sovjetunionen, Cable to the Norwegian Embassy in Moscow, 28.12.76

²⁰ DUUK, 29.12.76

²¹ Interview with Reiulf Steen, 18.08.08, Nesodden; Tamnes, *Oljealder*, pp. 286–9

²² UD 31.6/12J Sovjetunionen, minutes from Evensen–Ishkov meeting, 27.10.75; Tamnes, *Oljealder*, pp. 286–9

Only a few months earlier, a Norwegian trawler had reportedly been fired at by a Soviet naval vessel in international waters in the Barents Sea.²³

The considerations relating to fishery interests and the coastal populations were in one respect a domestic issue, in terms of economic prosperity and party politics. However, the safety concerns on part of the fishermen were interlinked with vital foreign policy interests. This constituted the third objective – that the agreement had to prevent conflict and confrontation. Leaving the jurisdictional challenges in the disputed area unanswered without any agreed guidelines increased the possibility of conflict, it was argued.²⁴ Unpleasant episodes between Norwegian and Soviet vessels in the disputed area had underlined the sense of vulnerability in Oslo. The government and foreign policy experts saw it as imperative – considering the strategic importance of the Norwegian coast and the Barents Sea, the asymmetry in Norwegian and Soviet power capabilities, and because of Norway's foreign policy orientation – to maintain peace and stability in the High North.²⁵ The unclear situation in the disputed area represented a considerable threat to this objective.

To avoid confrontation, Norway proposed in the negotiations that both parties should refrain from inspecting each other's vessels in the area. Further, third countries should be given access if licenced from either Norway or the Soviet Union, but these vessels should be inspected only by the country that had licenced them. Within the area they defined, both parties had the right to enforce their jurisdiction, but not on the other party. This practice was termed *parallel* jurisdictional enforcement – the opposite of *joint* enforcement, where inspectors from one country would have had the right to inspect vessels from the other country.²⁶ This was an important distinction for the Norwegian side, which was trying to prevent the kind of close 'bilateral resource regime'²⁷ in the Barents Sea (a so-called *condominium*) which the Soviets sought to establish and which joint enforcement could have implied. The jurisdictional considerations related to resource management – in terms of steps taken to avoid confrontation and measures to prevent a condominium – show how fishery policies were interlinked with broader foreign policy objectives, as Fløistad also has argued.²⁸

The fourth objective the government presented to the Foreign Affairs Committee on 29 December was that the agreement's area of application had to be geographically balanced with respect to the median line and the sector line. This objective stemmed directly from the delimitation dispute.

²³ UD 31.6/12J Sovjetunionen, cable to the Norwegian embassy in Moscow on current reports in the Norwegian press, 09.10.76. (The records do not confirm that this event actually took place).

²⁴ DUUK, 29.12.76; UD 31.6/12J Sovjetunionen, Tresselt memorandum, 23.06.77

²⁵ Nordli, *Min vei*, p. 129

²⁶ Per Tresselt, 'Norsk-sovjetiske forhandlinger om avgrensning av kontinental-sokler og økonomiske soner', in *Internasjonal Politikk*, vol. 46, no.2 (1988), pp. 83–4

²⁷ Tamnes, *Oljealder*, pp. 291, 296.

²⁸ Fløistad, *Fish and Foreign Policy*, pp. 39–48

The diverging delimitation claims ought to be considered equal, and Norway sought to define the area by the co-ordinates for the disputed area, or at least keep it geographically balanced between the median and sector line.²⁹ This balance was meant to guarantee that the provisional arrangement would not have a prejudicial effect on a future delimitation line. Preventing prejudicial effects was the Norwegian government's fifth objective. It should be noted that no mention was made of any prejudicial effect turning to Norway's advantage during the Committee meeting – a point to be discussed below. In sum, from Oslo's point of view these five objectives – provisionality, sound resource management, conflict prevention, territorial balance, and non-prejudicial effects – provided the basis for a provisional, practical regime based on parallel jurisdiction until a permanent maritime border in the Barents Sea could be agreed.

One consideration, or concern, was not formulated into an objective. Still, it was a major driving force behind Oslo's diplomatic initiative. This was the fear of a Soviet unilateral proclamation of the sector line. Preventing such an event was vital. Prime Minister Nordli seemed worried at what the Soviets might do in the wake of a new situation in the disputed area. They could potentially – unilaterally and without discussion – declare all areas up to the sector line as part of Soviet jurisdiction, Nordli warned. In that case, the Norwegian government would be facing a most unfortunate situation with few or no ways of responding. He feared a Soviet *fait accompli* with the possible use of force.³⁰ Another cabinet member, Minister of Law of the Sea, Jens Evensen, shared Nordli's outlook. An unclear situation in the Barents Sea could be exploited by the Soviet side in a manoeuvre to make the sector line the *de facto* delimitation line.³¹ A provisional agreement's ability to prevent Soviet unilateral action was an important factor for Oslo from the outset, and this consideration continued to influence the Norwegian decision-making until the agreement was accepted in late 1977. Without such a danger being part of the equation, the level of vulnerability in Oslo would have been lower and the strategy would have looked different.

As noted, Moscow had not been willing to accommodate Norwegian requests for mutual flexibility on the delimitation issue. Soviet negotiators had even rejected the existence of a disputed area³² – a peculiar statement that must be considered nothing but a negotiation tactic. From the debates in the Foreign Affairs Committee in December 1976, it appears that the Norwegian cabinet members were less than confident in this situation. Or rather, the government was appearing somewhat schizophrenic. On the one hand, there was a sense of vulnerability caused by the uncompromising Soviet stance in the delimitation talks and the fear of what the Soviets might do unilaterally. When this was paired with the urgency stemming from the fishery situation, the government saw no real alternative to reducing the immediate negative effects other than to reach

²⁹ DUUK, 29.12.76; UD 31.6/12J Sovjetunionen, Minutes Evensen–Ishkov meeting, 05.01.77

³⁰ DUUK, 29.12.76, Nordli

³¹ DUUK, 29.12.76, Evensen

³² DUUK, 15.12.76, Frydenlund

some sort of agreement with the Soviet Union. Realising the weak negotiation position in which the Norwegian government found itself led to pessimistic sentiments of the kind voiced by Nordli.³³ Adding to the apparent nervousness was the political opposition. In the Foreign Affairs Committee, representatives from the Conservative Party held that the Soviet Union had all the 'advantages'. The only hope was that the Soviets, sensitive about their global political standing, preferred not to get into conflict with a small neighbour.³⁴

On the other hand, the atmosphere at the Committee meetings was at times more optimistic. Evensen underlined that Oslo and Moscow had already been able to agree on fishery regulations, in 1975 and 1976. He argued that, when it came to resource management, the Soviet side might be willing to agree to a provisional solution. Moreover, Moscow had refrained from referring to the sector line in its zone announcement earlier in December³⁵ – which indicated that there might be room for constructive bilateral talks. Foreign Minister Frydenlund also showed faith in the negotiation initiative. Moscow would be interested in fisheries co-operation, he said. It was, after all, the same fish, migrating from one side to the other. The Foreign Minister also opined that, in light of the Soviet Union's impending and potentially difficult fishery negotiations with the EC, it would not be an advantage for Moscow to be in conflict with Oslo at this stage. Still, he warned about a possible 'nyet attitude' from Moscow. At the 29 December meeting, the Foreign Minister informed Committee members that the Soviets were undertaking missile tests in the disputed area on that particular day. Unsurprisingly, it was interpreted as a political message.³⁶

Regardless of the uncertainty surrounding the government's assessments of the situation, the optimistic vein may also have fostered a more offensive tactic, one not discussed in the Foreign Affairs Committee nor mentioned in any government records accessible to the author. By aiming for a geographically balanced 'area of application' and thereby seeking to put the two delimitation principles on an equal footing, key Cabinet members may have sought to prepare the ground for a future fifty-fifty partition of the disputed area. If Norway had succeeded in obtaining a geographically balanced agreement, it would have implied a major step forward in the delimitation talks, given the previously deadlocked Soviet position.

The Norwegians argued that a balanced solution would be non-prejudicial. Certainly, such a solution would have favoured neither the median line nor the sector line in the long run. But still, such a definition of the area would also have had a potential prejudicial effect – it would

³³ Another pessimistic account was given by Foreign Minister Frydenlund, who stated that time was not working in favour of Norway at this point. He was referring to a supposed weakening of the median line principle in international maritime law (DUUK, comments by Frydenlund, 02.12.76 and 15.12.76).

³⁴ DUUK, 29.12.76, comment by Paul Thyness

³⁵ DUUK, 29.12.76, Evensen

³⁶ DUUK, 29.12.76, Frydenlund

juxtapose the two delimitation principles. Highly aware of possible prejudicial effects when carving out the negotiation strategy, Oslo must have had in mind the beneficial outcome of a balanced geographical solution. In the previous month, the Norwegian government had agreed that a fifty–fifty partition of the disputed area would be advantageous to Norway.³⁷ However, it was thought unwise to propose such a partition during the delimitation talks, since in the government’s view it was now up to the Soviet side to demonstrate more flexibility. The upcoming negotiations over a provisional, practical solution for the fisheries, on the other hand, might serve the government’s purpose. If this tactic at any point featured in the thinking of Norwegian decision-makers, the fishery agenda and shared concerns over the resource situation might have been considered a credible ‘cover’ for indirectly making progress in the delimitation talks.

The Norwegian negotiators were well aware of the obvious consequences of their territorial proposal. A memorandum from the Ministry of Law of the Sea in April 1977, stated, ‘[It] became clear that the Soviet delegation had no authority to agree to a solution that would imply a juxtaposition of the two lines.’³⁸ However, it is never stated that the objective of a geographically balanced agreement was aimed at a future fifty–fifty partition of the disputed area. Several years later, Odvar Nordli stated in his memoirs, ‘[The Soviets] eventually deviated from the sector line, if not as much as we had hoped.’³⁹

It does not seem far-fetched to interpret the Norwegian strategy in the direction that the government could have been hoping for a much-welcomed side effect to the provisional fisheries arrangement – a juxtaposition of the diverging delimitation lines and a possible argument for future fifty–fifty partition. Norway was a proactive participant at the United Nations Law of the Sea Conference. Jens Evensen acted as an innovative front-man, and was a key figure among his foreign colleagues.⁴⁰ It could be that one of the architects behind the new and radical Law of the Sea again seized the initiative, hoping for an indirect victory in the delimitation dispute.

But nonetheless, in light of Moscow’s uncompromising position in the delimitation talks, the hope of achieving absolute geographical balance was rather unrealistic. If any of the Cabinet members had been hoping for a bargain, the political realities were soon to manifest themselves.

It is evident from this examination that the Norwegian government’s objectives were shaped by immediate concerns about the resource situation, by the long-standing imperative of maintaining peace and stability in the High North, and by long-term aims regarding the delimitation line in the Barents Sea. These objectives formed the essential strategic foundation: to improve resource management, to prevent conflict, and to protect

³⁷ Tamnes, *Oljealder*, p. 295

³⁸ UD 31.6/12J Sovjetunionen, Fostervoll memorandum, 15.04.1977

³⁹ Nordli, *Min vei*, p. 135

⁴⁰ Tamnes, *Oljealder*, pp. 284–5

or if possible improve Norway's negotiating position in the delimitation talks. A permanent border with the Soviet Union remained the preferred solution, but, extended jurisdiction in the Barents Sea resulting from the new economic zones and the stalemate in the delimitation talks, had now necessitated a provisional, practical arrangement.

On New Year's Eve, the Soviet Embassy in Oslo announced that the Kremlin was willing to negotiate. Jens Evensen was invited to Moscow for a first round of negotiations in January.

IV January – June 1977

The Negotiation Process

Negotiating with the Soviet Union over jurisdiction in the Barents Sea was not an easy task for the Norwegian government. These waters represented the Soviets' most convenient outlet to the Atlantic, as well as being an optimal operational location for Soviet strategic nuclear submarines (SSBNs).⁴¹ The Barents Sea was thus essential to the global nuclear balance, and it was imperative for Moscow to protect its military complex on the Kola Peninsula. Norwegian-controlled parts of the Barents Sea could be used by NATO to collect intelligence on the Soviet Northern Fleet, and Moscow was to prove extremely sensitive to any territorial solution that might increase this danger.⁴²

It was impossible for Norway to equalise the dimensional differences, or 'power asymmetries', with the USSR. Regardless of Norway's NATO membership, the Barents Sea was the Soviets' backyard, and it was a standing Norwegian objective to avoid provocative action towards the superpower neighbour.⁴³ From this perspective, one may argue that Norway's room for manoeuvring was limited from the onset by the geopolitical imbalance. Foreign Minister Frydenlund indicated as much one year later, in an address to the Storting on Norway's relationship with the USSR: 'The question of closer contact and cooperation between a small country and a superpower neighbour raises its own set of problems. The differences in dimensions are too great for Norway alone to even out.'⁴⁴

Nevertheless, Norway sought to protect its economic and political interests in the High North, and there was after all reason to believe that Moscow favoured a solution to the fisheries issue. Norway had taken the diplomatic initiative, and maintained a proactive approach throughout the process. But how did Oslo manage the negotiations, and how were the objectives from December translated into achievements?

In view of the standstill in the delimitation talks and Norway's fears that the Soviets might decide to proclaim the sector line, as well as the relative urgency stemming from this perception and from the fisheries situation, Norway cannot be said to have been negotiating from a position of strength. However, the first round of negotiations in Moscow in early January 1977 did produce positive results. In terms of resource management, the two delegation leaders, Evensen and Soviet Fisheries Minister Alexander Ishkov, shared the same outlook.⁴⁵ In principle, the Soviets agreed to most of the Norwegian suggestions. There ought to be a

⁴¹ Clive Archer, *The Soviet Union and Northern Waters* (London, 1988) pp. 90–2

⁴² Archives of the Soviet Communist Party and the Soviet State. Fond 89: The Soviet Communist Party on Trial. Op. 9, d. 83, no. 2757. Central Committee of the CPSU, 3 November 1989 and 31 January 1990. (Chadwyck-Healey)

⁴³ Tamnes, *Oljealder*, pp. 36–41, 104–11

⁴⁴ UD-Informasjon, no. 27/78, *The High North and our relationship with the USSR*, Foreign Minister Frydenlund's address to the Storting, 15.11.78

⁴⁵ UD 31.6/12J Sovjetunionen, Report on the Norwegian–Soviet negotiations, 07.01.77

provisional and practical solution for the fisheries. The parties should inspect only their own vessels, as well as third-party vessels they had licensed. Regulations on fishing gear and quotas for the whole Barents Sea were to be decided by the recently established Soviet–Norwegian Fisheries Commission.

Not surprisingly, difficulties soon emerged in defining an ‘area of application’. The importance of this matter was highlighted by Ishkov’s meeting with Soviet Prime Minister Kosygin during the discussions. Kosygin was reportedly positive to the process, but Moscow found it unacceptable to define the area by the coordinates of the disputed area.⁴⁶ Ishkov returned from his meeting with Kosygin stating that the area would somehow have to be ‘disguised’, possibly by expanding it. The outside world should not be given the impression that there was any kind of territorial dispute involved.⁴⁷

Yet, the first round of negotiations was considered a success from Oslo’s point of view.⁴⁸ Ishkov had given the impression that the area might be geographically balanced according to the median line and sector line. Thus, at this stage, all Norwegian objectives seemed to be intact. Furthermore, the atmosphere had been friendly. That seemed in part to be due to Evensen’s standing in Moscow. He was believed to have a genuine interest in improving East–West relations, and he had stated that Norway and the Soviet Union ought to co-operate in a way that ‘not only promoted the friendly relations between the two countries, but also would help in advancing détente in Europe’.⁴⁹ There is reason to believe that this was more than mere diplomatic politeness on the part of Evensen. He enjoyed the support of the left wing of the Norwegian Labour Party and was known as an independent thinker.⁵⁰

However, the bilateral relationship was not to flourish in the months to come. On the contrary – and much to Oslo’s frustration – the bilateral relationship deteriorated, largely due to the most serious case of espionage in Norway since the Second World War. On 27 January, shortly after the successful meeting in Moscow, Ms. Gunvor Galtung Haavik, a secretary in the Norwegian Foreign Ministry, was arrested on charges of espionage for the USSR. This led to the immediate expulsion of six Soviet diplomats from Oslo, whereupon Moscow responded by expelling two Norwegians.⁵¹ The period following the arrest of Ms. Haavik has been characterised as one of the lowest points in Norwegian–Soviet relations during the Cold War.⁵² In turn, the nervousness resulting from the worsened climate left a footprint on Evensen’s handling of the negotiations.

⁴⁶ Ibid, cable from the Norwegian Embassy in Moscow, 07.01.77

⁴⁷ UD 31.6/12J Sovjetunionen, Report on the Norwegian–Soviet negotiations, 07.01.77

⁴⁸ DUUK, 24.01.77

⁴⁹ UD 31.6/12J Sovjetunionen, minutes from Evensen–Ishkov meeting, 12.10.76; Ibid, minutes from Evensen–Kozyrev meeting, 14.10.76

⁵⁰ Interview with Arne Treholt, 16.07.08, Oslo

⁵¹ DUUK, 18.02.77

⁵² Tamnes, *Oljealder*, p. 38

In truth, the Haavik case added pressure on what was already a strained bilateral relationship. One sensitive issue had been the awarding of the 1975 Nobel Peace Prize to Soviet dissenter Andrey Sakharov – a decision heavily condemned by the Kremlin. Half a year later, a Norwegian student distributing anti-regime flyers had been arrested for in Moscow – much to the dismay of Norwegian public opinion.⁵³ Simultaneously, the Soviets continued their missile tests from the Kola Peninsula, the centre of the impact area being the disputed area's north-east corner.⁵⁴ The Soviet Union was also carrying out seismic surveys in the Barents Sea, while taking steps to obstruct similar Norwegian explorations.⁵⁵ From a Soviet point of view, the participation of West German troops in NATO exercises in Norway – although a marginal number – caused irritation. The difficulties in the bilateral relationship had been discussed when Frydenlund met with Gromyko in New York in September 1976. The Soviet Foreign Minister had warned that if Oslo continued to be guided by internal 'cooligans',⁵⁶ who initiated 'anti-Soviet campaigns', the bilateral relationship would suffer.⁵⁷

Shifts in the bilateral climate were a recurrent phenomenon during the Cold War, but on this particular occasion Norway and the Soviet Union were in the midst of a negotiation process, discussing a matter of urgency – at least, as far as Oslo was concerned. Hence, the Haavik case was clearly a dilemma for the Norwegian government. In a meeting on 18 February Frydenlund told the Foreign Affairs Committee that Norway had reacted strongly and correctly in the form of expulsions. He expressed hope that there might be some room for continued negotiations, but judging from the harsh Soviet response, the chances were small. Moscow deemed the expulsions of Soviet diplomats completely unwarranted, and accused Norway of mounting the strongest anti-Soviet campaign of all the Western countries. From now on it would be up to Oslo to take steps to restore the relationship, it was argued. Consequently, Frydenlund admitted to the Committee that the situation – for the time being – seemed to limit what could be achieved between the two countries.⁵⁸

Interestingly, at the same meeting, former Prime Minister Trygve Bratteli noted that with regard to Norwegian–Soviet negotiations, one should always be prepared to take one's time.⁵⁹ Such a hard-headed calculation was not to influence key members of the cabinet in subsequent months. Evensen, in particular, feared a stalemate. He had received a message from Moscow clearly stating that Ishkov would not be coming to Oslo

⁵³ Ibid

⁵⁴ DUUK, 01.07.77, Minister of Defence Rolf Hansen

⁵⁵ Tamnes, *Oljealder*, p. 294; Interview with Kjell Eliassen, 12.08.08, Oslo

⁵⁶ 'Cooligans' is the word used in the Norwegian memorandum from the meeting. This may be a mis-translation however, as the word 'cooligan' does not exist in Russian (or in English or Norwegian). What was intended was probably 'hooligans'.

⁵⁷ UD 31.6/12J Sovjetunionen, minutes from Gromyko–Frydenlund meeting, 28.09.76.

⁵⁸ DUUK, 18.02.77, Frydenlund

⁵⁹ DUUK, 18.02.77, Bratteli

under these circumstances.⁶⁰ A stalemate caused alarm for two reasons. Firstly, Evensen feared that if he did not succeed within a short period of time, it might be a long time before he got a second chance. And who would be on the opposite side of the table at a later stage? Soviet Fisheries Minister Ishkov was, in Evensen's opinion, a relatively amenable opponent, compared to hard-liners from the KGB or the Ministry of Defence.⁶¹ Secondly, Evensen was again apprehensive of a prospective Soviet proclamation of the sector line, in light of the worsened climate and the imminent implementation of the Soviet 200-mile zone.⁶²

The fear of a halt in the negotiations had a strong impact on Evensen, and it influenced how he managed the negotiation process. It would appear that he broke with common diplomatic practice. Even though bilateral meetings always had alternated between Oslo and Moscow, he now told Soviet Ambassador to Oslo, Yuri Kirichenko, that Norway was flexible in terms of time and location for the next meeting.⁶³ Evensen's sense of urgency and his readiness to comply with a Soviet timetable for the negotiations were further evident in late March, when he left for Moscow at two-days' notice when the Soviets suddenly invited him for new discussions.⁶⁴

Evensen was living a hectic, jet-set lifestyle at this point. He travelled between the sessions at the Law of the Sea Conference and bilateral meetings with third parties that, until the extension of the economic zones, had had access to the resources in Norwegian waters. He seemed to thrive in the heady atmosphere of speedy international affairs, and he liked to be 'in the fast lane', more than anyone else in Norwegian politics.⁶⁵ Additionally, it has been said of Evensen that it was a part of his personality always to deliver results when he negotiated. Returning empty-handed was simply not his style.⁶⁶ These factors probably contributed to his eagerness to act rapidly. Nevertheless, the decline in Norwegian-Soviet relations after the Haavik affair seems to have been the ultimate cause for Evensen's somewhat 'rushed' diplomacy in the 1977 negotiations. He may have felt that an opportunity to apply a 'finishing touch' to his extensive work as Minister of Law of the Sea was slipping away.⁶⁷

Considering the potential effects of hastened diplomacy on Soviet perceptions of Norwegian eagerness, it is reasonable to question the way Norway managed the process. It was common opinion among the diplomats in the Norwegian delegation that one should not negotiate under

⁶⁰ UD 31.6/12J Sovjetunionen, Cable to the Embassy in Moscow, 10.02.77

⁶¹ Treholt interview (2008)

⁶² UD 31.6/12J Sovjetunionen, Memorandum by Finn Fostervoll, 15.04.77; Treholt interview (2008)

⁶³ DUUK, 18.02.77, Evensen; Eliassen interview (2008). This meant that all three rounds of negotiations in 1977 took place in Moscow – a factor assumed to have been an advantage to the Soviet side.

⁶⁴ DUUK, 23.03.77, Evensen

⁶⁵ Interview with Rolf Tamnes, 12.08.08, Oslo

⁶⁶ Eliassen interview (2008)

⁶⁷ Treholt interview (2008)

time pressure. That would weaken your position, and your opponent could afford to make greater demands.⁶⁸ In relation to the standstill in the delimitation talks in December, Prime Minister Nordli had underlined that time pressure was not to influence his government's handling of Norwegian–Soviet negotiations.⁶⁹ It is thus interesting to observe how the sense of time pressure, in the deteriorating climate, was after all influencing Evensen. The Soviet side could not have avoided noticing Norway's eagerness to solve outstanding bilateral questions in the High North in this period.⁷⁰ It is difficult to measure the direct effect of Evensen's diplomacy, but it seems reasonable to suggest that his fear of a stalemate played up to the image of Norway as the smaller, more vulnerable party. The Soviets were now becoming less forthcoming in subsequent discussions.⁷¹

The second round of negotiations, held in Moscow in late March 1977, marked a significant shift in the Soviet position. A geographically balanced area was now outright rejected by the Soviets, who instead proposed a repositioning of the area further to the west, centred on the sector line.⁷² It was obvious to the Norwegian delegation that Ishkov had been given new directions from the Kremlin. In an internal memo, one of Evensen's advisors concluded that 'other interests than fisheries have come to the fore in Moscow'.⁷³ The parties then met informally in Brussels in April. Evensen and his advisors now came up with new sketches for how the 'area of application' could be defined – all of them evenly balanced with regard to the median and sector lines. One of these sketches showed 'squares' drawn around the most important fishing grounds in the disputed area.⁷⁴ Surprisingly, despite the hardening of the Soviet position, Ishkov and his delegation took an interest in the solution, leading Evensen to assess the continuation of the process along more optimistic lines.⁷⁵

The third and final round of negotiations took place from 14 to 17 June 1977, again in Moscow. On 12 June, the day before departure to Moscow, Evensen and Deputy Minister Arne Treholt met with Frydenlund, Defence Minister Rolf Hansen, Fisheries Minister Eivind Bolle and their deputies to verify the Norwegian negotiation strategy. Evensen and Treholt have held that the final mandate given to the Norwegian delegation contained an element of flexibility – and Evensen came to act on that

⁶⁸ UD 31.6/12J Sovjetunionen, Memorandum by Helge Vindenes, 05.06.78.

⁶⁹ DUUK, 02.12. and 15.12.76

⁷⁰ UD 31.6/12J Sovjetunionen, minutes from Vindenes–Sobolev meeting, 14.06.78. A comment by Sobolev (Head of the Scandinavia Department in the Soviet Foreign Ministry) reveals this view.

⁷¹ UD 31.6/12J Sovjetunionen, Memorandum by Fostervoll, 15.04.77

⁷² UD 31.6/12J Sovjetunionen, Cable from the Norwegian Embassy in Moscow, 29.03.77

⁷³ UD 31.6/12J Sovjetunionen, Memorandum by Fostervoll, 15.04.77

⁷⁴ UD 31.6/12J Sovjetunionen, Cable from the Norwegian Embassy in Brussels 302/77, 31.03.77

⁷⁵ UD 31.6/12J Sovjetunionen, Treholt memorandum on the Grey Zone negotiations, 25.04.77

basis.⁷⁶ Other participants however, have stated that Evensen was given a specific mandate, which said that any geographical solution had to be evenly balanced between the median line and the sector line. This was in accordance with the Norwegian strategy since December. Evensen allegedly confirmed to the other cabinet members on 12 June that without this balance 'there was no agreement'.⁷⁷ Adding strength to the latter account is the testimony of Evensen's legal advisor, Helge Vindenes. According to Vindenes, Evensen had delivered the same clear message to him a few days earlier in New York.⁷⁸

In Moscow in June, Oleg Khlestov, Head of Legal Affairs in the Soviet Foreign Ministry, joined the negotiations. He had been involved in the Norwegian–Soviet delimitation talks in 1970, and was well-known to Evensen. The two had met briefly in January as well, but Khlestov had not been a part of the Soviet delegation at that point. With his authority, Khlestov now strengthened the Soviet side and effectively became the leader of the delegation.⁷⁹ This was a sign of the heightened foreign policy significance that Moscow attributed to the process.

Adding to Evensen's difficulties at the third round of negotiations was the highly sensitive case of the Soviet boarding and inspection of a Norwegian vessel in the disputed area on 8 June. This occurred immediately before the negotiations, and was seen by representatives from the Norwegian Navy Command as a demonstration of Soviet power, directly linked to the negotiation process.⁸⁰ The episode reminded Oslo of the possibility of Soviet unilateral action and of the dangerous situations that might arise in the absence of an agreement. It proves the difficulties that Norway was facing in the bilateral relationship, and it served to step up the pressure on Evensen at a time when he, more than anyone else, wanted a solution. It should also be noted that Norway announced the initiation of a 'fisheries protection zone' around Svalbard on 3 June. Svalbard was the source of many highly contested issues in Norwegian–Soviet relations, and on this occasion Moscow sent a note of protest, threatening to implement measures to 'protect Soviet interests'.⁸¹

The negotiations were close to a breakdown after the first day. Ishkov stressed the 'psychological importance' of the sector line in the Soviet Union, and held that an arrangement had to centre on the Soviet principle. 'If the median line came into play', he argued, 'Norway would invoke this principle in the next delimitation talks.' The USSR could not take that risk.⁸² Evensen countered with the logical argument that precisely such a risk was present on the Norwegian side as well, with regard to the

⁷⁶ Treholt interview (2008)

⁷⁷ Stoltenberg, *Det handler om mennesker*, pp. 160–1; Nordli, *Min vei*, p. 134

⁷⁸ Interview with Helge Vindenes, 26.07.08, Cornwall

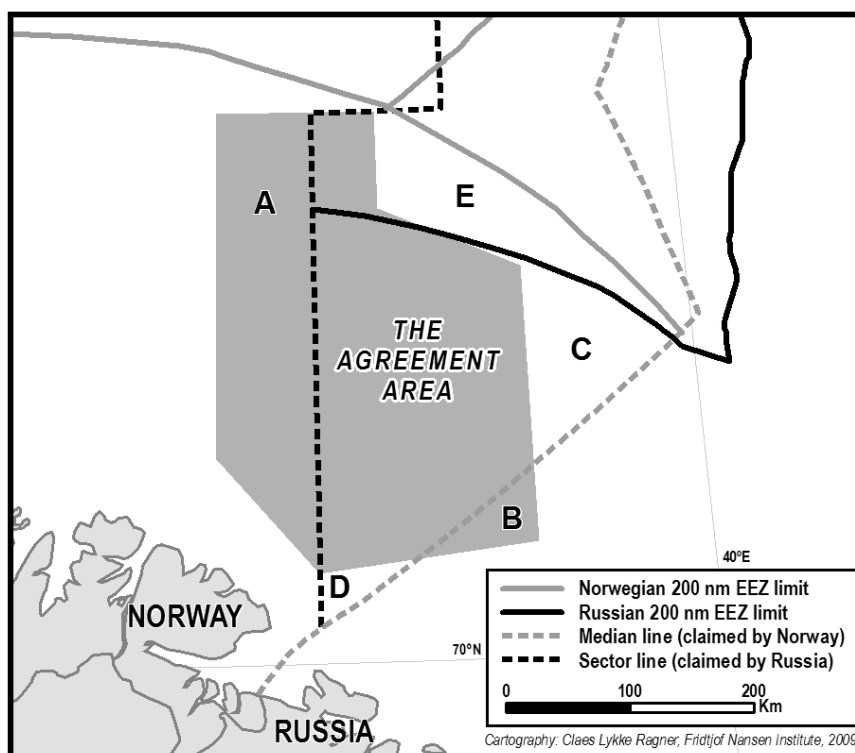
⁷⁹ UD 31.6/12J Sovjetunionen, Treholt memorandum, 23.06.77

⁸⁰ UD 31.6/12J Sovjetunionen, Cable to the Embassy in Moscow, 14.06.77; Harald Kjølaas, 'Forhandlingene om den grå sone', *Norsk Utenrikspolitisk Årbok 1977* (Oslo, 1978), pp. 49–50

⁸¹ DUUK, 02.06.77; Kjølaas, *Forhandlingene om den grå sone*, pp. 49–50; Tamnes, *Oljealder*, p. 313

⁸² UD 31.6/12J, Report of the Moscow negotiations, 22.06.1977

sector line. The differences seemed as significant as ever. However, on 15 June, during a private meeting between Khlestov and Evensen, the breakthrough was achieved. There seems to be no transcript of the meeting, but it appears that the Soviet side to a certain extent eventually adjusted its position. However, Evensen was unable to secure a geographical balance – the key objective verified only three days earlier. Of the 67,500 square kilometre area affected by the agreement, 23,000 were on undisputed Norwegian territory west of the sector line (area A on the map below). Only 3,000 were on undisputed Soviet territory east of the median line (area B). Moreover, significant parts of the disputed area were not included in the agreement, but instead placed under Soviet jurisdiction (areas C and D).⁸³ Another area that was outside the Soviet 200-mile range, but within the median line and the Norwegian 200-mile range and previously claimed to be Norwegian, was now regarded as international waters (area E). Norway had sought an agreement for the disputed area – previously known as the ‘Grey Zone’. Instead there was a draft agreement applying to an ‘adjacent area’ unevenly balanced to the west.



In Moscow, Evensen gave preliminary approval to the draft. It was countersigned by national officials and brought back to the Norwegian and Soviet governments for consideration. Evensen’s reasoning, as stated to the rest of the delegation, was simply that having an arrangement in place was in Norway’s interest, considering the objectives of resource management and conflict prevention.⁸⁴ Before leaving Moscow, he held a press conference at which he characterised the agreement as ‘the best we

⁸³ Churchill and Ulfstein, *Marine Management*, pp. 63–9

⁸⁴ UD 31.6/12J Sovjetunionen, Tresselt memorandum, 17.06.77

could achieve'. Both delegations had compromised, Evensen said. This was the optimal solution.

Evensen's conduct in the final phase of the negotiations has been subject to considerable criticism. If he was not given mandate to renounce Norway's demand for geographical balance, this is justified. In any case, he was responsible for tying up the government politically, through his public statements. These seem extremely ill-advised, since new negotiations were made highly unlikely after a cabinet member and law-of-the-sea expert had publicly accepted the terms. Oslo soon came to the conclusion that new initiatives would be fruitless.

The Norwegian management of the process was arguably characterised by a sense of urgency and time pressure caused by the fear of a negotiation stalemate in the face of a deteriorating bilateral climate. On the basis of the discussions in December, this sense of urgency and the feeling of negotiating from a fragile position can be attributed to the government as a whole. Still, it was Evensen who effectively implemented the Norwegian strategy, and he clearly feared a stalemate and the potential consequences of a deteriorating bilateral relationship. Until Soviet documents are released, it seems impossible to prove any direct effects of the Norwegian diplomacy. Yet, it seems reasonable to suggest that it contributed to more stringent Soviet demands, and may consequently have had an impact on the negotiated result. Who knows how the process might have unfolded if the Norwegian delegation had been prepared to take their time, as recommended by Bratteli? On the other hand, it is not difficult to imagine the bilateral challenges facing Norway if Evensen had not been able to bring the Soviets back to the negotiation table.

V Summer 1977

The Initial Discussion

Back in Norway, the draft agreement spurred an intense domestic debate – both in the Storting and in the press, but also within the Cabinet and within the Labour Party. Nearly five months passed before the government announced its conclusion, and another four months until the agreement was ratified by the Storting. The terms accommodated three of the Norwegian objectives. Firstly, the agreement was provisional. It was to expire on 1 July 1978, thereafter it was subject to annual renewal. Secondly, it contributed to sound resource management now that the regulations on quotas and gear could be applied to a defined area. Thirdly, it reduced the risk of conflict, as the two parties had agreed to inspect only their own vessels and those of the third parties they had licensed – the so-called *parallel* enforcement. The objective of balance was clearly not met, but supporters of the agreement argued that the terms were still non-prejudicial, as the parties had stated this intention explicitly in the agreement text. Assuming that this latter factor was of practical relevance and not merely theoretical, the December objective of avoiding prejudicial effects had also been fulfilled.

The most articulated criticism came from the Ministry of Defence and the Ministry of Foreign Affairs. Here it was argued that the terms had four critical consequences. Firstly, it was said the arrangement did indeed involve dramatic prejudicial effects. The geographical imbalance was a confirmation of the Soviet sector line, which in the long run would lead to a territorial concession. The passage in the agreement text highlighting the non-prejudicial character of the agreement *was* merely theoretical, the critics argued. It was believed that the Soviets would start increasing their military presence further west in the Barents Sea, and thereby solidifying their position.⁸⁵ Secondly, the Ministry of Foreign Affairs had reason to believe that Norway's allies saw the terms as a concession to Moscow, and as a result, the credibility of Norwegian foreign policy might be questioned. Norway might be considered incapable of protecting its interests in the High North.⁸⁶ Thirdly, it was argued that the settlement might eliminate the final incentive for the Soviets to reach a compromise over the delimitation line, since the Grey Zone terms were so advantageous to Moscow.⁸⁷ Hence, the agreement served to complicate the delimitation talks even more.

Ultimately, the draft agreement was said to include elements of a *condominium*, despite the steps taken – most importantly through parallel and not joint enforcement – to reduce just such a risk. Through the agreement's co-operative elements, Moscow was believed to be taking advantage of the asymmetry in power capabilities to become the de facto leader

⁸⁵ DUUK, 01.07.77, Defence Minister Rolf Hansen; Kjølaas, *Forhandlingene om den grå sone*, p. 54

⁸⁶ UD 31.6/12J Sovjetunionen, Stenseth memorandum to the Foreign Minister, 13.10.77

⁸⁷ Ibid

in the entire Barents Sea region.⁸⁸ It seems that the criticism concerning the agreement's potential to activate a condominium was accentuated by signals from Moscow immediately after the conclusion of the negotiations, when Soviet officials voiced their aspirations of seeing the many High North issues of Svalbard and the Barents Sea as part of a 'package'.⁸⁹ This was, however, not acceptable to the Norwegian government, neither at this stage nor during the rest of the Cold War.⁹⁰

At the key point of geographical balance, the draft agreement was certainly not in accordance with the aspirations of the Norwegian government. Several cabinet members were also irritated by what they regarded as Evensen's wilfulness and one-man diplomacy.⁹¹ In late June the Cabinet met four times within two weeks to discuss the issue. The internal disagreement was significant. Defence Minister Rolf Hansen and his deputy Johan Jørgen Holst – both considered hard-liners within the Labour Party – were the most critical. They advocated a rejection of the draft. Holst even labelled it 'a superpower dictate'.⁹² Frydenlund and Deputy Foreign Minister Thorvald Stoltenberg also had difficulties accepting the terms. Fisheries Minister Eivind Bolle had strongly supported the negotiations due to the importance apparently attributed to fisheries' interests. But Bolle became more reserved when the draft agreement was finalised and he heard the criticisms of his colleagues.⁹³

However, it seems reasonable to question the realism in some of the cabinet members' assessments. Given the Soviet Union's uncompromising stance in the delimitation talks and given the turbulence in the bilateral relationship throughout the spring, could Hansen and Frydenlund really have expected Moscow to accept a geographically balanced solution? Moscow had even held that there was no 'disputed' area. The median line and some sort of 'Grey Zone' were Norwegian fabrications, according to the Soviets.⁹⁴ And especially after the deterioration in the bilateral climate and the hardening of the Soviet position, a geographically balanced solution seemed unrealistic. One might wonder whether the internal frustration over the complex issue and the dismay caused by the cabinet's inability to find a unified solution were now directed at the strong-willed and politically ambitious Evensen, who enjoyed left-wing support and who in many respects was regarded as an outsider among the other cabinet members.⁹⁵ Evensen continued to stand by his claim that these were indeed the best terms that Norway could have achieved, and he was supported by major trade unions and left-wing newspapers.

⁸⁸ UD 31.6/12J Sovjetunionen, Eliassen memorandum, 27.06.77; DUUK, 01.07.77

⁸⁹ UD 31.6/12J Sovjetunionen, Gunnar Krane memorandum, 17.06.77

⁹⁰ Tamnes, *Oljealder*, pp. 291, 304

⁹¹ Arne Treholt, *Gråsoner* (Oslo, 2004) p. 147

⁹² Tamnes, *Oljealder*, p.299–300; Steen interview (2008)

⁹³ DUUK, 01.07.77; Treholt interview (2008)

⁹⁴ UD 31.6/12J Sovjetunionen, Cable to the Embassy in Moscow, 10.02.77; Ibid, Minutes from conversation Hansen–Kirichenko, 14.06.77

⁹⁵ Treholt interview (2008)

Trying to pull the government together was Prime Minister Nordli. He was clearly uncomfortable, not least since he was largely inexperienced in foreign policy.⁹⁶ With hindsight it seems clear that Nordli and his government had few cards to play. One consequence of how Norway had managed the negotiation process – and in particular how Evensen had acted in Moscow – was a narrow set of options. Firstly, an adjustment of the geographical terms seemed unrealistic, as a fourth round of negotiations was considered unfeasible.⁹⁷ Secondly, not proposing new negotiations largely excluded the option of outright refusal. A situation with no agreement and with no ongoing negotiations would lead to precisely the undesirable situation in the disputed area that the government had sought to avoid.

A possible rejection of the draft was further complicated by the fact that Moscow announced on 27 June that it had accepted the draft agreement. The pressure on Oslo was increased by Soviet Deputy Foreign Minister Igor Zemskov, who told Norwegian Ambassador to Moscow Petter Graver that ‘there was a limit for how long Moscow could be patient with Oslo.’⁹⁸ It seems that the Norwegian government at this stage was not prepared to risk straining bilateral relations even further. On the other hand, a third option – immediate acceptance – seemed impossible, due to the unfavourable geographical terms and the strong internal disagreement.

At this stage, Nordli, Frydenlund and high-ranking officials in the Ministry of Foreign Affairs wanted to consider a re-opening of the delimitation talks.⁹⁹ This reasoning may seem difficult to follow. How would Oslo, in the wake of the recent negotiations and in the unfavourable climate that apparently existed, have been able to reach any reasonable compromise with Moscow over a permanent border? What kind of substantial Norwegian concessions would have been necessary in order to get the Soviets back to the negotiation table if the government put aside the draft Grey Zone agreement? The idea may have originated from officials in the Ministry of Foreign Affairs who argued that the agreement could contribute to move a future delimitation line even further west than the sector line. This was backed up by the fact that, under the terms of the agreement, the Soviets would be given access to enforce their jurisdiction in the 23,000 square kilometre undisputed Norwegian area west of the sector line.¹⁰⁰ With the benefit of hindsight, it should be noted that this fear was greatly exaggerated, and seems to include elements of panic. The option was abandoned, but the fact that this alternative was seriously considered by those responsible for Norwegian foreign policy is a sign of the intense dissatisfaction caused by the negotiated result, and perhaps also a sense of powerlessness in the absence of alternatives.¹⁰¹

⁹⁶ Nordli, *Min vei*, p. 128; Steen interview (2008)

⁹⁷ DUUK, 01.07.77; Stoltenberg, *Det handler om mennesker*, p.161; Nordli, *Min vei*, p. 135

⁹⁸ UD 31.6/12J Sovjetunionen, Treholt memorandum, 27.06.77

⁹⁹ DUUK, 01.07.77; UD 31.6/12J Sovjetunionen, Assessment by the Legal Affairs Division, n.d.

¹⁰⁰ UD 31.6/12J Sovjetunionen, Stenseth memorandum, 13.10.77

¹⁰¹ UD 31.6/12J Sovjetunionen, Tresselt memorandum, 03.11.77

Instead, the Norwegian government decided to postpone the decision. That option was not without risks, as the Soviets might initiate episodes and put further pressure on Oslo.¹⁰² Nevertheless, Nordli's government opted for breathing space and may also have hoped to indicate its dissatisfaction with the terms – domestically and internationally. To the Foreign Affairs Committee on 1 July, Nordli stated that the government now wanted to assess all aspects of the agreement.¹⁰³ In reality, the Prime Minister now also had more time to smooth over differences within his Cabinet. Moreover, the national elections were only some two months away, and the government wanted to avoid an election debate over the agreement. Such a public debate was undesirable, as it would inevitably touch on Norway's relationship with the Soviet Union.¹⁰⁴ It may seem like a bargain for Nordli that the opposition generally accepted his request to leave the issue out of the election debates. However, since also the political opposition ascribed vital national interests to the draft agreement and considering the potential support to the agreement in coastal areas – hence an advantage to the Labour Party – it may have seemed a preferable option to the opposition.

The government now had more room to prepare its decision. It seems that one side of the government's strategy was to underline to the public that the Norwegian–Soviet talks had simply focused on fishery regulations in the Barents Sea.¹⁰⁵ The government sought to detach these negotiations from the delimitation talks, and to downplay the negative consequences of the draft agreement. Perhaps the government had realised at an early stage that it might be extremely difficult to reject the negotiated result.

As noted, the government had created this room for manoeuvring between June and until after the September elections to assess all sides of the draft agreement – and perhaps most importantly, to smooth over internal differences and negative sentiments surrounding the Grey Zone issue. One element in this strategy was to seek Moscow's acceptance of an additional declaration underlining the non-prejudicial principle behind the agreement. Evensen met with Khlestov in London in late September to discuss the matter, and in early October a draft text was proposed.¹⁰⁶ Moscow gave its consent to an additional declaration on 3 November.¹⁰⁷ Shortly after, on 11 November 1977, the Norwegian government announced its acceptance of the Grey Zone Agreement.

¹⁰² UD 31.6/12J Sovjetunionen, Assessment by Legal Affairs Division, n.d.

¹⁰³ DUUK, 01.07.77

¹⁰⁴ UD 31.6/12J Sovjetunionen, radio interview, Foreign Minister Frydenlund, NRK Dagsnytt, 15.08.77; Treholt, *Gråsoner*, p. 150; Kjølaas, 'Forhandlingene om den grå sone', p. 59

¹⁰⁵ UD 31.6/12J Sovjetunionen, Transcript of Prime Minister Nordli's press conference, 21.06.77; and radio interview, Foreign Minister Frydenlund, NRK Dagsnytt, 15.08.77

¹⁰⁶ Tamnes, *Oljealder*, p. 300; Treholt, *Gråsoner*, pp. 151–2; Kjølaas, *Forhandlingene om den grå sone*, pp. 60–1

¹⁰⁷ UD 31.6/12J Sovjetunionen, Cable from the Norwegian Embassy in Moscow, 03.11.77

The declaration was indeed meant for domestic use and not for changing the political realities, however. In a memorandum by the Division for Legal Affairs in the Norwegian Foreign Ministry it was argued that the additional declaration ‘hardly had any impact on the realities in the agreement’. The intention was rather to ‘give the matter a slightly different cosmetic appearance’ in the eyes of the Cabinet and the political opposition, and a refusal by Moscow to the idea of an additional declaration would not have implied any substantially different assessment of the situation. Foreign Minister Frydenlund – in a handwritten comment on this particular memorandum – shared the analysis.¹⁰⁸ This is evidence of how the additional declaration was meant to sweeten the pill for domestic consumption.

Even though it seems unlikely that the additional declaration was decisive for the government’s acceptance, the domestic considerations are not to be overlooked. It has been argued by Kjølås that the support of the agreement by fishery organisations and coastal populations, and Evensens popularity in the coastal regions, made it very difficult for the government to reject the agreement in the run-up to the 1977 elections. Furthermore, it seems plausible that the election victory for the Labour Party – where votes from the largely pro-agreement northern regions were influential – strengthened those in the party who advocated acceptance of the draft agreement.¹⁰⁹ Yet, the Grey Zone question was removed from the election debates, on the one hand because it was considered potentially harmful to have a public debate about the bilateral relationship with the Soviet Union, but probably also because neither of the political sides should capitalise on such a vital foreign policy issue as the Grey Zone case for domestic purposes. As will be argued below, the final decision remained a foreign policy decision based primarily on strategic foreign policy considerations.

108 UD 31.6/12J Sovjetunionen, Tresselt memorandum, 3.11.77

109 Kjølås, ‘Forhandlingene om den grå sone’, pp. 58-9

VI Autumn 1977

The Final Decision

Whether the terms achieved in Moscow in June 1977 were the best that Norway could get was never really the question in the government's final decision. 'We had no way of knowing', Prime Minister Nordli said many years later.¹¹⁰ The conditions were fixed, continued negotiations seemed unfeasible and there were only two options left – acceptance or rejection. Agreement or no agreement. The question was then if the gains were significant enough to justify approval, or if the consequences of the agreement would be so detrimental as to justify a refusal. Or rather, as many perceived the dilemma, if the consequences of refusal would be so detrimental as to justify an approval. And in that case, how much would the government be willing to risk in the longer perspective, in order to neutralise the more immediate concerns?

The final decision was made in the course of the autumn after the general elections in September, and on 11 November the government announced its acceptance of the Grey Zone Agreement. Considering the potentially grave consequences, the objections expressed by the Ministry of Foreign Affairs and the Ministry of Defence, and the dissatisfaction among key cabinet members, why did the government come to this conclusion? The debate in the autumn centred on fishery interests, the imperative of peace and stability in the High North and the bilateral relationship with the Soviet Union, as well as broader foreign policy goals, most importantly in terms of territorial interests. But what were the decisive factors in the end?

To begin with, the government's acceptance must be seen in light of the negotiation process. The way in which Evensen had handled the process, on behalf of the government, had reduced its manoeuvring room. Firstly, the time pressure and hastened diplomacy may have added to the imbalance between the two parties, in turn influencing Soviet demands. Secondly, Evensen tied up the government by publicly revealing his personal views on the draft agreement. Perhaps was it disadvantageous to have a minister as chief negotiator in the first place, since this – regardless of public statements – could be instrumental in linking the government to an agreement, as later indicated by Stoltenberg and others.¹¹¹ Continued negotiations seemed unfeasible after the third round in Moscow, and the government was left with two available options. This explains how Oslo ended up in this situation, but it does not account for why the Nordli government came to accept the agreement.

Norwegian fishery interests have been highlighted as the determining factor for Oslo's acceptance of the Grey Zone Agreement. The government publicly justified the Agreement in terms of fishery interests, while the political opposition criticised the government for having placed too

¹¹⁰ As quoted in Ruud Retzer, *Jens Evensen*, p. 225

¹¹¹ Stoltenberg, *Det handler om mennesker*, p. 161; Eliassen interview (2008)

much emphasis on this aspect.¹¹² Jahn Otto Johansen, former correspondent to Moscow, has claimed, ‘it was the consideration for Norwegian fisheries that mattered the most ... although it was wrong to prioritise these interests so disproportionately, at the expense of more long-term considerations’.¹¹³ In one respect, that assessment seems correct. Norway did risk long-term objectives, most importantly in relation to the delimitation dispute and the possible prejudicial effect. On the other hand, as will be shown below, it seems incorrect that fishery interests mattered the most.

As mentioned, fishery interests did have a significant political impact in Norway. Their demands for conservation of the fish stocks and safe working conditions close to Soviet waters were listened to and frequently mentioned in parliamentary debates. Moreover, they resulted in political initiatives like the 1974 Fishery Policy Declaration, and most importantly, the need for safeguarding the fisheries had been a major factor in instigating the Grey Zone negotiations in the first place, as the situation on the fishing grounds, with stocks shrinking significantly, was alarming.¹¹⁴

But with the geographical aspect in play, the question of a ‘provisional, practical fisheries arrangement’ was heavily influenced by the same foreign policy objectives as in the delimitation talks. Considering the Norwegian view on the delimitation issue and the government’s natural objective of safeguarding future interests and resource access, it was imperative to seek an optimal geographical solution. Hence, *during* the negotiations and *before* the draft agreement was a reality, it was clear that geography – in the event of a conflict of interest between government objectives – should be given priority. This was evident on a number of occasions. After the hardening of the Soviet position in March, Evensen suggested a geographical solution based on ‘squares’ around the most valuable fishing grounds.¹¹⁵ These grounds were by nature evenly distributed along the sector line and median line, and therefore implied a geographical balance. In the view of Evensen, this solution might provide the basis for a compromise. However, the solution was not met with enthusiasm among fishery experts, as between the squares there were gaps that would make inspection and enforcement quite complicated. They were afraid of problems and chaos.¹¹⁶ Nonetheless, Evensen maintained the strategy, hoping for geographical balance. The proposal was finally rejected by the Soviets, but Evensen’s strategy reveals that the geographical objective was given priority. This prioritisation became even more apparent as the end of the negotiations approached. According to Nordli, Stoltenberg and others, the geographical aspect would have terminated the negotiations for the time being if Evensen had acted in accordance with Norwegian objectives and the strategy from the 12 June meeting.

¹¹² Willy Østreng, ‘Situasjonen i Nordområdet’, *Norsk Utenrikspolitisk Årbok 1977* (Oslo, 1978) pp. 21–2

¹¹³ Johansen, *Vil Sovjet Krig?*, p. 147

¹¹⁴ DUUK, 04.10.77; Tamnes, *Oljealder*, pp. 281–90

¹¹⁵ UD 31.6/12J Sovjetunionen, ‘Kasse-løsningen’, 28.03.77

¹¹⁶ Kjølås, ‘Forhandlingene om den grå sone’, p. 48

The government was ready to return empty handed from the third round of negotiations in Moscow if geographical balance was not achieved, and fishery concerns would then have to wait. This does not indicate what steps the government would have taken next if no agreement had been reached in June. However, it shows the government's intention to give priority to long-term territorial considerations rather than the immediate concerns voiced by fishery interests.

When the draft agreement was on the table, however, the primary geographical objective was not met, whereas the fishery challenges seemed adequately addressed. But even though acceptance of the Agreement was justified by the positive effect for the fisheries, the government's handling of the question in the autumn of 1977 reveals other decisive factors. When Cabinet members Nordli, Frydenlund, Evensen, Hansen and Bolle met with the Foreign Affairs Committee in November 1977 to explain the government's acceptance of the agreement, it was noted by fellow Labour Party MP Valter Gabrielsen that nobody seemed concerned about the grave problems in the fisheries anymore. The debate was, from what he could see, all about security policies.¹¹⁷ That observation, with its implicit criticism – not denied by the ministers – clearly indicates that the fishery concerns were taking the back seat in the final decision.

What Gabrielsen was referring to with regard to security policies was the government's objective of avoiding conflict. This goal had primacy. The fear of conflict was significant and there was an impression that the Soviets might initiate 'episodes' in the Barents Sea as a means of getting their way – a view that was the product of the asymmetry in power between the two countries and previous experiences with Soviet behaviour. The asymmetrical sides of the relationship were obvious in actual military capability, and the asymmetry had been highlighted recently by various episodes and the use of tough language. Firstly, the numerous episodes, like the one already noted on 8 June. In the autumn of 1977, one Portuguese and two British trawlers were boarded and inspected, despite producing Norwegian licences. The fishing vessels were on several occasions accompanied by Soviet gunboats. This was a serious cause for concern in Oslo, and the Foreign Ministry maintained that all such episodes necessitated 'high level political response'.¹¹⁸ In the summer and autumn of 1977, Evensen and Deputy Minister Treholt – defending the agreement – argued that 'without an agreement, there was an increased risk of episodes in the area'. Treholt added in his report from the negotiations in June that 'rejection of the draft could easily produce spill-over effects and a further hardening of the Soviet position'.¹¹⁹ The anxiety resulting from the episodes and the prospects of an even more aggressive superpower neighbour fed directly into the final decision. In this way, fishery interests were still indirectly part of the decision, as there was an overlap between concerns for fishermen's safety and the foreign policy objective of peace and stability.¹²⁰

¹¹⁷ DUUK, 11.11.77, Valter Gabrielsen (Labour)

¹¹⁸ UD 31.6/12J Sovjetunionen, Minutes from meeting in 'Beredskapsgruppen', 12.07.77

¹¹⁹ UD 31.6/12J Sovjetunionen, Treholt memorandum, 27.06.77

¹²⁰ Flöistad, Fish and Foreign Policy, pp. 39–48

Secondly, there was the language and behaviour of the Kremlin. One example is Gromyko's warning to Frydenlund that the bilateral relationship might deteriorate if Oslo's 'anti-Soviet campaign' continued. Another example is Zemskov's comment to Graver that there was a limit for how long Moscow could be patient with Oslo. There was also an incident in Helsinki in December 1977, taking place after the decision on the Grey Zone Agreement, but yet very revealing of the Kremlin's tough approach. In a verbal attack on Nordli, Soviet Prime Minister Kosygin characterised Norway as the most militarised and unfriendly of the five Nordic countries. It was a direct attack on Norwegian foreign and security policies.¹²¹ Adding further tension to the bilateral relationship were the Soviet missile tests and seismic surveys in the disputed area and its vicinity.¹²²

The tension caused by the episodes and tough language was the backdrop to the decision-making, and the consequence was a continuation of the sense of vulnerability on the part of the Norwegian government. Defence Minister Hansen held that the Soviets clearly had hegemonious intentions in the Barents Sea, and emphasised the importance of unambiguous rules. During the meeting in the Foreign Affairs Committee on 11 November, he argued that without clear-cut agreements, the Soviets would act as they liked, recklessly.¹²³

The remarks of Foreign Minister Frydenlund to the Foreign Affairs Committee in the summer and autumn of 1977, are telling for the situation and the dilemma the government found itself in. Frydenlund admitted to the Committee that acceptance of the draft agreement could give the impression that Norway had complied with Soviet demands, and that prejudicial effects on the delimitation talks could not be ruled out.¹²⁴ Yet, he came out in favour of accepting the draft agreement. For him it was a decisive factor that the government had no real alternative for solving the problems it was facing, and that a rejection of the draft agreement would do considerable damage to the bilateral relationship, having an impact also on matters beyond the High North sphere.¹²⁵

Ultimately, the Prime Minister's argumentation in the Foreign Affairs Committee shows how the objective of avoiding conflict became a decisive factor. For him this was a dilemma between legitimate and well-defined national interests on the one hand, and, on the other hand, the importance of Norway's relationship with the USSR and peace and stability in the High North – a centrepiece of Norwegian foreign policy.¹²⁶ In one respect, Nordli decided to accept the Grey Zone Agreement for the sake of the latter, instead of more directly pursuing Norwegian objectives in the delimitation issue. Short-term considerations – to avoid immediate critical consequences – were given priority.

¹²¹ Knut Frydenlund, *Lille land – hva nå?*, (Oslo, 1982) pp. 91–2

¹²² DUUK, 01.07.77

¹²³ DUUK, 11.11.77

¹²⁴ DUUK, 01.07.77

¹²⁵ DUUK, 11.11.77

¹²⁶ DUUK, 01.07.77, assessment by Nordli

How the government perceived the dilemma – how they *framed* the decision – also proves the priority that was given to conflict avoidance. It seems that the decision to a large extent was made in light of the ‘disadvantages of non-acceptance’. Foreign policy advisors spoke of ‘what we must avoid’, instead of ‘what we get’.¹²⁷ The Foreign Minister stressed the lack of alternatives as a major argument *for* the Agreement.¹²⁸ A major gain was an agreed area in which fishery regulations could be applied, but this aspect seemed to lose importance in the final decision. Avoiding conflict was more important. Ultimately, the responsible ministers asked themselves, ‘which party stands to gain the most in a non-agreement situation?’¹²⁹ The answer was given by the government’s acceptance of the agreement.

Yet the fear of conflict, most importantly in the form of continued illegal Soviet boardings and inspections, was arguably about more than the objective of peace and stability. The most damaging aspect of such episodes was probably the creeping Soviet ‘annexation’ of the Barents Sea implicit in this type of enforcement. The inspections in the disputed area made it seem like it was subject to Soviet jurisdiction and consequently as if it was to be considered Soviet territory. There was a marginal difference between this situation and a point where the sector line was the *de facto* delimitation line. This was the worst-case scenario for Norway, and precisely the *fait accompli* that Nordli had feared in December.¹³⁰ Hence, while forceful Soviet actions towards Norwegian fishing vessels certainly were unpleasant and unwanted, the implicit consequences with regard to the delimitation issue were equally disquieting for the government.

Hence, when the government found itself in the situation where a draft agreement was on the table and further negotiations were considered unfeasible, it seems that despite its flaws and lack of geographical balance, the Grey Zone Agreement’s ability to prevent the sector line from being the *de facto* delimitation line through creating a provisional, jurisdictional regime – together with the risk of conflict and instability in the absence of an agreement – were the decisive factors for the government’s final decision. The assessment in December 1976, Evensen’s reported fear during the negotiations, and the government’s argumentation in the autumn of 1977 point in this direction. Evensen’s interpretation of the Barents Sea problematique, more than anyone else’s, carried these sentiments. He was originally opposed to attaching a time limit to the Agreement because if it expired before Norway and the Soviet Union had established a delimitation line, the Soviets might take unilateral action. In that case, everything would be lost, said Evensen.¹³¹ The statement indicates that a chief priority regarding these negotiations was to prevent the establishment of the sector line. This risk was thought to increase in the event that the government rejected the draft agreement, and in one respect it could be argued that the agreement was accepted *despite* its flaws and suboptimal

¹²⁷ UD 31.6/12J Sovjetunionen, Stenseth memorandum, 13.10.77

¹²⁸ DUUK, 11.11.77

¹²⁹ Steen interview (2008)

¹³⁰ DUUK, 29.12.76

¹³¹ DUUK, 24.01.77

geographical terms, but in the end also *because of* geographical reasons, due to its ability to prevent the worst-case scenario – Soviet proclamation of the sector line.¹³²

In the 1970s Norwegian scholars noted that the government seemed to manage its foreign relations in the High North in a ‘techno-judicial’ manner. Although Foreign Minister Frydenlund advocated a consistent ‘High North policy’ where all High North issues were seen as part of one policy, there was a tendency for Oslo to let specialised agencies – such as the ministries of fishery, law of the sea, industry, and the environment, and the aviation authorities (Luftfartsverket) – bear the main responsibility for specific High North issues. In one respect, it was considered an advantage for a small state with a superpower neighbour to focus on the technical sides of the relationship. Moreover, because matters relating to the High North in many instances occurred on Norwegian territory, it was a deliberate choice to let the competent national authority bear the main responsibility.¹³³ On the other hand, it was argued that this approach could lead to inter-departmental conflict, lack of a coherent High North policy, and, most importantly, that the government was running the risk of forgetting overarching foreign policy and security objectives in this technological, sector-oriented approach.¹³⁴ The Norwegian political opposition has argued that this was the case in the process leading to the Grey Zone Agreement.

The warnings of inter-departmental conflict seem validated in light of the strong internal conflict within the government, in particular a recurring ‘steel front’ between the Ministry of Law of the Sea and the Ministry of Foreign Affairs in the late 1970s.¹³⁵ However, archive research seems to provide no substantial evidence supporting the thesis that the government and its chief negotiator Jens Evensen lost sight of overarching foreign policy and security objectives at any point during the Grey Zone case. Evensen was occupied with much more than maritime law and the sector interests of the fisheries. The government did argue in favour of the agreement out of fishery concerns, and Evensen was particularly happy with securing Norwegian fisheries access to the Skolpenbanken area in the southeast corner of the area covered by the agreement. But several factors indicate that Evensen and the Norwegian government, more than anything else, emphasised the strategic foreign policy objectives. Even-

¹³² This somewhat defensive attitude may be explained by the fact that key cabinet members were under the impression that the median line had been weakened internationally. Among other maritime disputes, the United States and the Soviet Union were believed to apply the sector line principle in the Bering Sea (Nordli, *Min vei*, p. 133; DUUK, 02.12.76). Hence, Norway’s claims in the Barents Sea seemed weaker than before. Moreover, there was apparently little international support for Norwegian claims in the High North in general. Some argued that Norway was an ‘imperialist at sea’, which seemed to worry the Prime Minister (Nordli, *Min vei*, p. 135).

¹³³ Willy Østreng, ‘Nærøppgavene i norsk utenrikspolitikk’, i *Norsk Utenrikspolitikk Årbok 1977* (Oslo, 1978) pp. 19–22

¹³⁴ *Ibid*

¹³⁵ Stoltenberg, *Det handler om mennesker*, pp. 162–3; Tamnes, *Oljealder*, pp. 250–2, 300–301

sen was focused on equalising the two delimitation principles, and avoiding the Soviet sector line. As noted above, if this provisional solution failed in prohibiting unilateral Soviet action, everything would be lost, in Evensen's opinion. He never lost sight of the delimitation issue, and stressed the fact that the agreement was giving Oslo breathing space in the delimitation talks. Curiously, he even made a slip of the tongue, referring to the Grey Zone negotiations as 'delimitation talks' during a meeting with the Foreign Affairs Committee.¹³⁶ Some have also speculated that Evensen aspired to become Foreign Minister or even Prime Minister.¹³⁷ Regardless of his ambitions, the Grey Zone case demonstrates how Evensen, instead of being unevenly balanced towards 'techno-judicial' sector interests, was caught up in high politics.

¹³⁶ DUUK, 24.01.77

¹³⁷ Stoltenberg, *Det handler om mennesker*, p. 163; Eliassen interview (2008)

VII Conclusion

In the 1970s, the High North – holding unanswered questions of sovereignty, jurisdiction, and resource access – represented the key national security concern for the Norwegian government. Because of the country's geographic position, the government could not escape being influenced by the larger superpower calculus, and the Soviet military build-up in the immediate vicinity had a direct influence on Norway's political situation.¹³⁸

Norway took the initiative to the 1977 Grey Zone negotiations so as to solve the questions of jurisdiction and resource access in the disputed area for the time being, on the basis of the need to safeguard its fisheries, to avoid conflict and unstable conditions in the area, and in order to prevent unwanted territorial consequences in the wake of the establishment of extended economic zones at sea – a worst case scenario being a unilateral Soviet proclamation of the sector line. The negotiations for this provisional, practical arrangement became heavily influenced by the same foreign policy objectives as in the delimitation talks, and ultimately it was strategic foreign policy concerns that determined the final decision. Decisive factors became pursuing the objective of peace and stability in the High North and not complicating the bilateral relationship further, combined with the fear that the Soviets - in the absence of an agreement – could establish the sector line as the *de facto* delimitation line. That was the main question which this report has sought to answer.

It is worth highlighting the connection between the three motivations of fishery interests, conflict prevention, and avoidance of a Soviet *fait accompli*, and how these concerns were interlinked. First, the safety concerns in the fishing sector played into Norway's foreign policy imperative of maintaining peace and stability in the High North. Second, the objective of preventing conflict was arguably about more merely than avoiding unpleasant episodes on the fishing grounds: the *consequence of such episodes* might mean a *de facto* establishment of the Soviet sector line.

The agreement did not accommodate the Norwegian objective of geographical balance, and at the time the government was seen as unable to protect Norway's position in the delimitation talks. One might say that legitimate long-term national interests in the High North were jeopardized. On the other hand, it is not difficult to imagine the bilateral challenges Norway would have faced if the government had rejected the draft agreement.

The objective of complete geographical balance was at this point in time in part unrealistic, due to Moscow's position in the delimitation dispute. Improving the terms was then made impracticable to pursue after Evensen to a large extent had tied the hands of the government. In the end, Norwegian decision-makers seem to have considered it preferable to

¹³⁸ Frydenlund, address to Tromsø Labour Party, 16 June 1977, as quoted in Norsk utenrikspolitisk årbok 1977, p. 467

have a provisional agreement with potentially unfavourable long-term consequences, rather than risking immediate conflicts and a gradual Soviet annexation of the Barents Sea. Added pressure came from the lack of alternatives, and the fact that Norwegian–Soviet relations were at one of the lowest points during the Cold War.

How does the Grey Zone case correspond with the wider picture of how Norway conducted its foreign policy in interaction with the Soviet Union? In one respect, the Grey Zone case followed a pattern of *caution* – and some would even say *accommodation* – from the Norwegian side, evident in a number of areas. The Norwegian government was cautious not to provoke the Soviet side, as shown by several self-imposed restrictions. It rejected NATO exercises close to the Norwegian–Soviet border, and likewise the pre-positioning of heavy military equipment in Northern Norway. And although the government sought to appropriately meet the Soviet military build-up in the late 1970s, it has been argued that Oslo ‘guarded her low tension profile’ and demonstrated a policy of accommodation towards Moscow, particularly in High North matters.¹³⁹ In this light, the considerations in Oslo in the summer 1977 that an immediate rejection of the draft would be too risky, could be regarded as a continuation of a policy of non-provocation. In deciding to accept the agreement, Norway was willing to compromise a great deal to maintain good relations with its superpower neighbour. The Grey Zone process has been characterised as an archetypal case of negotiations between a small state and a superpower.¹⁴⁰ That observation may seem accurate, given the threat perceptions and the sense of vulnerability in Oslo in the face of Soviet unruliness – and consequently how the negotiations played out and the agreement ended up.

On the other hand, the Grey Zone negotiations were an integrated part of what Tamnes has called a new, proactive Norwegian High North policy in the 1970s, aimed at expansion and consolidation.¹⁴¹ The government arguably succeeded to a considerable degree in actively pursuing its legitimate national interests in the High North – examples being the establishment of trawler-free zones, the 200-mile economic zone and the fishery protection zone around Svalbard. Responding to criticism of the government’s handling of the Grey Zone case in the Foreign Affairs Committee in November 1978, shortly before he resigned as Minister of Law of the Sea, Jens Evensen claimed that Norway had forced the Soviets from post to post on the many High North issues, and had pressed them into accepting Norwegian terms.¹⁴² However, whether this interpretation of Norwegian-Soviet interaction in the 1970s High North arena adequately reflects the Grey Zone case, remains questionable.

The High North issues of the time – relating to the delimitation line and fishery jurisdiction in the Barents Sea, and the questions of military activity on Svalbard and a fishery protection zone around this archipelago

¹³⁹ Tamnes, *Integration and Screening*, p. 34 (Oslo, 1986)

¹⁴⁰ Steen interview (2008)

¹⁴¹ Tamnes, *Oljealder*, p. 249

¹⁴² DUUK, 24.11.78

– made up a complex of integrated and interacting policy issues. A move taken on one issue would easily lead to spill-over effects on other issues. Foreign Minister Frydenlund argued that the major problem in Norway's relations with the Soviet Union were the many unresolved questions in the High North.¹⁴³ He advocated a 'High North policy' (*'nordpolitikk'*) where he wanted to see all issues as part of one policy, and where all dimensions were integrated – security policy, international law, economic issues, research and environmental questions.¹⁴⁴ At the same time, it was considered an advantage to solve each issue separately, if possible, to a large extent because of Norway's resistance towards a bilateral 'package' solution.¹⁴⁵ An achievement of the Norwegian government in the Grey Zone process, not to be overlooked, is the fact that they were able to terminate or suspend *one* source of conflict, considered at the time to be a potential Soviet lever that could pose a significant threat.

However, others have emphasised that Norway's High North policy in the 1970s lacked unity and consistency.¹⁴⁶ Firstly, the ambition of the High North policy required coordination, and here many critics hold that the government failed to deliver. Secondly, it has been argued that the Grey Zone Agreement indicated that Norway was sliding away from its Western allies, particularly since Norway refrained from seeking allied support during the negotiations and because the Agreement included elements of a condominium.¹⁴⁷ To some, the Agreement therefore represented a break with an otherwise successful '*nordpolitikk*'.¹⁴⁸ On the domestic level, the Grey Zone case highlighted the differences within the Labour Party and within the Cabinet, and it arguably represented a weakening of the unity in the Norwegian government's High North policy. The Grey Zone case was in many respects instrumental in elucidating the internal in-fighting in Labour over the party's general foreign policy position in the 1970s.¹⁴⁹

What, then, might have improved the negotiating position of the Nordli government? Would greater involvement from Western allies have improved Norway's position, as suggested by some?¹⁵⁰ In late June 1977, the government had decided not to consult its allies over the draft agreement text. Prime Minister Nordli was of the opinion that Norway ought to assess the situation on its own.¹⁵¹ It would be mere speculation to suggest that a hard-nosed strategy involving allied pressure would have contributed to a better outcome for Norway. On the contrary, in fact, such a move would most likely have meant a worsening in the bilateral climate, and would have made the High North issues a more integral aspect of the Cold War. This is what Oslo sought to avoid, through the

¹⁴³ DUUK, 1.7.77

¹⁴⁴ UD-informasjon, no. 30/77, The High North in Norwegian Foreign Policy, Foreign Minister Frydenlund's address to Tromsø Labour Party, 16 June 1977

¹⁴⁵ Østreng, 'Situasjonen i nordområdene', p. 17

¹⁴⁶ Johan Jørgen Holst, as referred to in Tamnes, *Oljealder*, p. 299

¹⁴⁷ Interview with Nils Morten Udgaard, 25.03.08, Oslo

¹⁴⁸ Eliassen interview (2008)

¹⁴⁹ Tamnes, *Oljealder*, pp. 293, 300

¹⁵⁰ Udgaard interview (2008)

¹⁵¹ Tamnes, *Oljealder*, p. 283

imperative of maintaining peace and stability in the High North.¹⁵² The same kind of reasoning influenced Norway's policy on other High North issues as well, such as in the energy sector. Oil and gas were not to be used for foreign policy purposes. As Frydenlund argued in June 1977, 'the production of oil on the Norwegian continental shelf in the High North must entail civilian, peaceful and normal economic activity', removed from the Cold War'.¹⁵³ That underlines the Norwegian government's sensitivity towards confrontation. Interference from NATO allies in the Norwegian–Soviet negotiations would have endangered Oslo's goal of keeping the issue removed from global high politics, and it is also questionable whether any NATO ally would have wanted to become involved. There appears to have been little international support for Norway's claims in the High North; some even argued that Norway was an 'imperialist at sea'.¹⁵⁴

Despite the negative sentiments that have surrounded the Grey Zone Agreement in Norway, it could be regarded as an example of how two neighbouring states managed to solve a complicated judicial issue in a disputed area, for the time being. Tensions in the area have remained relatively low, and the fishery co-operation has been successful. The two countries have been able to work together fruitfully in a Joint Norwegian–Russian Fisheries Commission, agreeing on quotas and regulations to be applied to the Arctic fisheries. Indeed, the northeast Arctic cod is now one of the best administered cod stocks in the world.¹⁵⁵ With the benefit of hindsight, it might be argued that the criticisms at the time were exaggerated. Still, as the delimitation issue remains unsettled, we cannot yet know what the final consequences of the agreement will prove to be.

Johan Jørgen Holst once described the Grey Zone case as a dilemma where 'the long-term political task of shaping the pattern of jurisdiction and influence in the northern area came into conflict with the more immediate task of regulating access to vulnerable resources'.¹⁵⁶ This long-term political task of shaping jurisdiction and influence has not yet

¹⁵² Vindenes interview (2008)

¹⁵³ UD-informasjon, no. 30/77, *The High North in Norwegian Foreign Policy*, Foreign Minister Frydenlund's address to Tromsø Labour Party, 16 June 1977

¹⁵⁴ Nordli, *Min vei*, p. 130; Frydenlund, *Lille land*, p. 44; DUUK, 6.6.78; Tamnes, *Oljealder*, p. 249

¹⁵⁵ Hønneland, *Kvotekamp*, p. 142

¹⁵⁶ Johan Jørgen Holst, 'Norway's Search for a Nordpolitik', in *Foreign Affairs*, vol.60 (1981) pp. 83

been brought to an end, and, in light of today's growing attention to the High North it will be of considerable interest to observe to what extent the Grey Zone Agreement will influence future jurisdiction in the Barents Sea, as well as whether it will influence future Russo–Norwegian cooperation in the High North.

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