



Contested Coastal Commons and Blue Spatial Justice: Enclosures, Rescaling, and Resistance in Northern Norway

RESEARCH ARTICLE

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ABSTRACT

The coastal commons are increasingly contested around the world, coming under pressure from competing interests. In particular, the discourses of ‘blue economy’ and ‘blue growth’ have become powerful buzzwords, giving rise to concerns about the impacts on communities depending on coastal resources, such as small-scale fishers. In Norway, aquaculture is the second-most important export industry in the country, but there are increasing conflicts with other interests, including small-scale fishers and coastal Sami. In this article, I trace how the push for gaining recognition for a State-backed fundamental right to fish for small-scale fishers in Finnmark, including coastal Sami, was modified and rescaled to become an issue of balancing competing interests at the local level through municipal planning processes. Drawing on insights from socio-spatial scholarship, I argue that more explicit attention to spatialities of coastal conflicts is important in understanding conflicts in the coastal commons. I propose the term ‘blue spatial justice’ as a means to supplement and enrich the existing concept of blue justice to encompass a sensibility to the spatial dimensions of justice struggles.

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1. INTRODUCTION: CONTESTED COASTAL COMMONS

Coasts and coastal zones are some of the most productive areas on Earth, and around the world, coastal zones are experiencing increasing pressures from competing interests (e. g. Arbo & Thù, 2016; Jentoft et al., 2022). The ocean and coastal spaces are characterised as the new frontiers (Jay, Ellis, & Kidd, 2012), where existing and new users and actors jostle for discursive and physical dominance. Ocean frontiers are spaces of both opening and closing – as new opportunities emerge, there are associated processes of enclosure (Steinberg & Kristoffersen, 2018; Steinberg, 2018) and territorialisation (Campling & Colás, 2018; Satizábal & Batterbury, 2018). In recent years, powerful discourses of ‘blue economy’ and ‘blue growth’ have emerged that have come to dominate policies on coastal and ocean governance. There is a lack of consensus on what the ‘blue economy’ encompasses as there are multiple perspectives, including viewing oceans as ‘natural capital’, as ‘good business’, but also as important for ‘small-scale fisher livelihoods’ (Silver et al., 2015). The concept has attracted criticism and raised concerns of resource grabs, like ‘ocean grabbing’ (Barbesgaard, 2018; Bennett, Govan, & Satterfield, 2015; McCormack, 2017) and ‘coastal grabbing’ (Bavinck et al., 2017), which represent serious threats to small-scale fishers and coastal communities and further fuels conflicts of interest in marine and coastal zones.

A core contention of this paper is that there is a need to pay more specific attention to spatialities in issues of coastal conflicts and struggles for rights and access. Generally, there has been a dearth of critical social science studies of marine and coastal conflicts, according to Bavinck, Jentoft and Scholtens (2018). There is an emerging literature concerned with small-scale fishers’ struggles for justice, which draws on the notion of ‘blue justice’, a term coined by Isaacs (2019) and which is premised on the notion that small-scale fishers have a human right to livelihoods (see e.g. Bennett et al., 2020; Ertör, 2021; Isaacs, 2019; Jentoft et al., 2022). ‘Blue justice’ is a powerful concept for mobilising and raising awareness, and it can be seen to have emerged as a response to the ‘blue economy’ discourse (Bennett et al., 2020). In parallel, there is also a growing body of scholarship that deals with the spatial and material dimensions of oceans and coasts (e.g. Campling & Colás, 2018; Steinberg & Peters, 2015; Walsh & Döring, 2018). However, there has been relatively little attention to the spatial dimensions of struggles for justice, even though justice struggles arguably are profoundly spatial in nature (Iveson, 2011; Philippopoulos-Mihalopoulos, 2014; Soja, 2013).

I propose the term ‘blue spatial justice’ as a way to bring the spatial dimensions of coastal conflicts more firmly into the question of blue justice. In doing so, I draw on Soja’s (2013) argument that space is not a derivative sub-category of justice but key to understanding processes of injustice, and on Lefebvre’s (1991) theory on the production of space. I argue that more attention is needed on the interaction of abstract conceptions of space, its perceived, physical materiality and ‘lived’ space in order to understand struggles over access and rights. This is a particularly acute observation as ‘blue growth’ and ‘blue economy’ discourses contribute to reconfiguring marine spaces (see e.g. Satizábal et al., 2020).

The focus of attention in this article is the competing interests, processes of enclosure and resistance in the coastal spaces of northern Norway. Norway has a long and meandering coastline and vast swathes of coastal space, but competition is increasing here as well, and conflicts over access and rights to use coastal spaces are becoming more intense. Aquaculture is a huge industry in the Norwegian context, being the second largest export earner.¹ The emergence of coastal planning practices came about as a response to the increasing need to mediate between different interests in the coastal zone, as aquaculture grew from being a small cottage industry in the 1970s to becoming an important economic actor, there was a realisation that access to coastal spaces had to be regulated through coastal planning (Olsen, Tokle, & Vadstein, 2012; Stokke, 2017; Sætre & Østli, 2021). While aquaculture has been largely concentrated in the western part of Norway, companies are looking increasingly towards the northern regions, as climate change causes temperatures to rise. The northern coastal regions are also where the indigenous coastal Sami have been practising (Eypórsson, 2008; Pedersen, 2015) and hence the aquaculture industry’s quest for good sites is increasingly coming into conflict with coastal Sami interests. There have been policy efforts to protect and guarantee the rights of coastal Sami to fish in what they regard as ‘their’ traditional waters. The coastal Sami are, like the more well-known reindeer herding Sami, recognised as Norway’s indigenous people, and have a long history of being marginalised. The question I pose in this paper, therefore, is: How are coastal spaces produced in northern Norway, and what are the implications for coastal Sami struggles for rights and access?

In the next section, I briefly describe the methodological approach, before moving on to discussing socio-spatial relations and the concept of ‘blue spatial justice.’ I then move on to the empirical part of the paper, laying out how key policy documents construe particular versions of coastal space, before using a case study of local conflict to shine a light the spatial dimensions of struggles for justice.

I offer a few reflections on the utility of the ‘blue spatial justice’ term by way of conclusion.

2. METHODOLOGICAL APPROACH

The paper draws on research conducted during a four-year period, 2017 to 2020, in connection with a research project on coastal planning practices.² Methodologically, I employ a mixed-methods approach that combines document analysis with interviews of key informants. The purpose of conducting the key informant interviews was first and foremost to gain a better understanding of the context and details around the history of Sami fishing rights and the nature of current conflicts. In the period June 2018 to May 2019, I interviewed four representatives from the Sami Parliament, a representative from the regional office of the Fisheries Directorate in Finnmark, and the leader of *Fjordfiskeremda* (the fisheries committee), as well as interviewing three academics, including members of the Coastal Commission, who were working on Sami fishing rights in various ways. I went on two field visits to Finnmark in October 2018 and February 2019 to engage with a group of coastal Sami fishers, as well as various Sami interest organisations and interviewing a local historian. Moreover, I interviewed two people in the county council of Troms who had been involved in developing coastal management plans, as well as planners from the Kvænangen municipality.

For the document analysis, I read up on an extensive literature on Sami fishing rights, fisheries regulation, and coastal planning, which included academic articles, dissertations, reports, white papers, consultation responses and ‘grey’ literature, identifying key official documents to study-up. The documents that I chose to focus on, based on relevance for the research question, included the report by the Coastal Commission from 2008 that explored the basis for a fundamental right to fish for the people of Finnmark (NOU, 2008), the State Attorney’s consultation response (Regjeringsadvokaten, 2009), and the white paper entitled ‘The world’s foremost seafood nation’ (Fiskeri- og kystdepartementet, 2013b). The reasons I focused particular on these three documents, is that they explicitly engage with the issue of rights for coastal small-scale fishers. In analysing documents, I drew on Asdal and Reinertsen’s (2021) practice-oriented method of document analysis, emphasising that documents are material as well as textual. Documents are worked on, and also do work of their own. The authors observe that ‘rhetoric and stories are powerful tools for shaping and changing not only our view of the world, but also the transformation of society – they have real-world effects’ (ibid: 7). They offer six ‘moves’ as elements of doing document analysis, treating

documents as i) *sites*, ii) *tools*, iii) *work*, iv) *text*, v) *issues*; and vi) *movements*. Viewing document as *sites* implies adopting an ethnographic approach to documents and the sites in which they emerge and make up (such as parliaments), and one can also explore the texts in themselves as sites of action. Further, documents are *tools* – they make things happen. They can be different kinds of tools – a governing tool (such as a white paper), a knowledge tool (such as an expert report), an economic tool (e. g. an annual report), or a combination of the three. Documents enable us to see certain things and not others; they thus offer a way of seeing, a particular form of optics. Document work refers to how documents are being worked with, but also the work that documents *do*, how they are performative and affect the issues they intervene in. Document *texts* is not only about the content of the text – understood broadly as signs that we can interpret, so not just words, but also maps, images, graphics, etc. It also involves paying attention to the style and format, and the evocative power of the document. Document *issues* refers to identifying what the issue really is, and how it is being modified. Finally, document *movements* refer to how documents move within the field of which they are part, how they are taken up. I draw on these very helpful concepts when analysing the documents, I have chosen to focus on. The concepts offered by Asdal and Reinertsen have helped make sense of how the documents can be understood as tools, how they work and move to shape the issues of which they form part.

3. THE PRODUCTION OF COASTAL SPACE AND ‘BLUE SPATIAL JUSTICE’

Generally, there has been a relative paucity of attention to the spatialities of the commons, its contested geographies, and the ubiquitous issues of space, place, scale, and territory (Moss, 2014). To this observation, one may add that more focus is needed on the spatial dimensions of social struggles for rights and access in marine and coastal areas, or the ‘blue commons’ (Schlüter et al., 2023; Standing, 2022), more specifically. There is some attention being paid already – for example, Ertör (2021) conceptualises spatial justice in terms of spatial distribution conflicts, categorising it as one of three pillars– the other two being materiality and small-scale fishers’ struggles for sovereignty. However, spatial justice is not just about spatial distribution, but how space itself is produced and affect struggles for justice (Iveson, 2011; Soja, 2013). It is arguably fruitful to think about marine and coastal areas as produced spaces, drawing on the theories of Lefebvre (1991), as it brings out the importance of seeing the physical, abstract, and social space not as separate entities, but as interacting

in producing space. Hadjimichael (2018) uses Lefebvre's theories of space in her article on stealing the seashore, arguing that what we are now witnessing, is a second wave of enclosures. It is an apt analogy, but it doesn't really deal with the production of coastal space more specifically.

Space is relational, and the organisation, use, and meaning of space is a product of social translation, transformation, and experience (Soja, 1989). Lefebvre's influential triadic conceptualisation of space outlines space as produced through perceived (physical) space, conceived (or mental/abstract) space and 'lived' space (how space is experienced and given meaning in everyday life).

Perceived space refers to the material/physical nature of space. While the built environment of the urban and terrestrial environment more generally is mostly stable and fixed, marine and coastal areas are dynamic, moving masses, 'indisputably voluminous, stubbornly material, and unmistakably undergoing continual reformation' (Steinberg & Peters, 2015: 247). Moreover, water use and control in one place may have significant repercussions elsewhere. For example, currents and tides transport nutrients, pollution, salt, sediments, and other substances, having ecological consequences over a wide area and affecting and often dispossessing other potential and existing uses. Hence, dispossession may also occur without water necessarily becoming enclosed or a property, for example through pollution that may have negative affective, reproductive, recreational, socio-cultural, and biophysical effects on local people and their livelihoods (Dewan & Nustad, 2023). The notion of blue spatial justice requires that specific attention is paid to the specificities of the material character of the medium of the sea which differs radically from the relatively fixed and stable urban contexts, and terrestrial environments more broadly.

How space is conceived by planners, bureaucrats, and scientists is an important element in the triadic conceptualisation of the production of space. A key example is how urban space is conceived through land use maps (Blomley, 1997). Massey (2005: 50) highlights space as emergent, a 'simultaneity of stories-so-far.' How space is conceived in particular policy documents form part of such storytelling. Space is arguably not just conceived through land-use maps, then, but also through the rhetoric and textual elements of documents, and the work that documents themselves do. The way coastal spaces are constructed in policy and planning documents, may 'negate or contradict its particular materiality, the latter holding great significance for how different actors relate to the ocean' (Ntona & Schröder, 2020: 241). A close examination of such key documents can help untangle the ways in which coastal spaces are conceived and situated in political struggles over rights and access.

Lived space is about how space is infused with meaning – the notion of 'lived space' balances carefully between the poles of conceived and perceived space, it is the space of what Elden terms 'less formal or more local forms of knowledge' (Elden, 2004: 190). Lived space is intimately tied up with place (Massey, 2005). Places should be perceived of as processes, rather than things (Leitner, Sheppard, & Sziarto, 2008), that are made through 'social, political and material processes by which people iteratively create and recreate the experienced geographies in which they live' (Pierce, Martin, & Murphy, 2011: 54).

The concern with spatial justice emerged from the scholarship on the social production of space (Butler, 2003; Lefebvre, 1991), which was particularly preoccupied with urban contexts. The increasing realisation that neoliberalism was a marginalising force, which gave rise to the term 'right to the city' (see e.g. Harvey, 2012; Lefebvre, 1996; Purcell, 2014). However, it is useful to transpose Lefebvre's theories to encompass the non-urban, and in another article, we have introduced the notion of a 'right to the coast as commons' (Movik, Adam, & Alankar, 2023).

The concept of 'blue spatial justice', therefore, is useful in highlighting the power-laden dynamics of the social production of 'blue' spaces, and how such processes shape the emergence and nature of struggles for access and rights. The concept of 'blue spatial justice' helps draw together some of the ideas within the existing scholarship, in that it explicitly brings attention to the centrality of space and the peculiar characteristics of the material nature of the 'blue realm' of marine and coastal environments, and the interaction with conceived and lived spaces. Exploring conflicts through the lenses of spatiality may thus offer a broader understanding of the processes that have given rise to conflicts.

4. CLAIMING THE COASTAL COMMONS: THE NORWEGIAN STORY

THE COAST AS SPACES FOR TRADITIONAL LIVELIHOOD: RECOGNISING A RIGHT TO FISH FOR THE COASTAL SAMI?

In Norway, fishing has historically been open to anyone, at least in theory. Around the early 1930s there emerged some early attempts at regulating the nascent trawling industry. The watershed moment, so to speak, came in the early 1990s and marked a culmination of what Hersoug (2005) has called the gradual 'closing of the commons.' This was the time when the authorities decided to introduce what they labelled 'vessel quotas', which meant that fishers who wanted to fish in the coastal waters needed to meet certain fixed criteria regarding vessel length and volume

of fish caught in preceding years. The fishing fleet became organised into two distinct categories, a ‘closed’ and an ‘open’ group, where the restrictions for allowing entry into the ‘closed’ group were quite rigid. The ‘open’ group was intended as a hold-all for those who did not live off fishing but engaged in it as an additional income activity. The phasing of this new regulatory regime effectively meant the exclusion of many small-scale fishers,³ who either were not able to meet the vessel specifications or the catch volume set. Thus, from the 1990s onwards, the whole fishing industry became skewed towards the larger vessels and the wealthier fishers, squeezing out the smaller ones – and particularly affecting coastal Sami fishers (Hersoug, 2005; Pedersen, 2015).

This was the precursor to the process set in motion in the early 1990s, whereby the Sami Parliament⁴ asked the Department of Fisheries and Coasts to look into the case for whether a right to fish outside of the quota system could be recognised for coastal Sami fishers, who predominantly live in Finnmark. A Coastal Fisheries Commission was set up in 2006 at the Ministry of Trade and Fisheries’ behest, with a mandate to explore the possibility for recognising a right to fish for fishers settled in Finnmark. The Coastal Fisheries Commission published their report in 2008 (NOU, 2008).⁵ Such NOUs form particular *sites* of government, and can also be explored as sites of their own, studying the documents themselves as sites (Asdal & Reinertsen, 2021). NOUs in general serves as *knowledge tools*, and the purpose of this NOU was to explore the possibilities for creating a new law that would enshrine fundamental right to fish for the people of Finnmark. As Asdal and Reinertsen (2021) point out, documents can *do* things – this document could potentially bring into being a new piece of legislation. The authors unanimously concluded that there was indeed a basis for recognising a fundamental right for the people of Finnmark, including the coastal Sami, to engage in fishing without having to be part of the restrictive regulatory regime.⁶ They also emphasised that the conditions in Troms and Nordland were not likely to be very different from those in Finnmark. The Commission highlighted the State’s responsibilities towards ensuring Sami livelihoods and culture. The right to fish is based on the long-term use of coastal resources in the region stretching back for centuries, in combination with the Sami status as an indigenous people. This implies particular responsibilities on the part of the State, as set out in article 27 of the United Nation’s Commission on civil and political rights, which requires States to actively protect minorities.⁷

The report, completed in 2008, was a veritable tome, running to 574 pages, attesting to the enormous amount of work that had been invested in writing it. Observing on what work documents do, (Asdal & Reinertsen, 2021:

58) urge the question to be asked: ‘What does it take for a document to be read and used?’ The style of writing is dense and erudite, there is a sense that few readers will reads the whole thing, but rather will likely dive into specific chapters. In terms of textual *devices*, such as graphics and imagery, the cover photo is a black-and-white reproduction of a painting of fishermen navigating rough seas in small, open vessels.⁸ The painting portrays the men as calm and stoic in the face of peril, steadfast against the wind (see Figure 1). Unlike other portatifs of fishers in traditional gear hanging in homes along the coast, this painting is different, as the men are wearing traditional Sami dress. Such depictions are rare, and is a reminder that Sami fishers are even more invisible than their Norwegian fishing colleagues (NOU, 2008, p.: 247). Apart from that illustration, the remainder of the report is sparsely illustrated, with a few scattered figures, tables, and maps, and there are no maps that attempt to show the extent of fishing, or more recent photos or illustrations. The chapters offer dense and detailed descriptions of past and current regulatory frameworks, the historic foundation for fishing in Finnmark, an overview of settlement and livelihoods of fisherfolk in the region, including the coastal Sami. It also provides an in-depth explanation of the obligations of the State towards the Sami as an indigenous group. The two last chapters present the Commission’s evaluations and recommendations. The message that emanates from this weighty volume is one of a collective, whose culture is severely threatened, pointing to. The time for saving coastal Sami culture is ‘five to twelve’ in the report’s evocative and highly symbolic terms, which draws attention to the importance of rhetorical devices in structuring arguments. A key observation is what documents bring to life, they establish objects in specific ways. The coastal spaces that this document performs are characterised by dynamism, risks, and uncertainty, that is deeply imbued with cultural identity and sense of place.



Figure 1 NOU 2008 cover illustration.

Concerning *issue formation*, the issue at stake is how to present a convincing argument for a right to fish. The focus is relatively firmly on the *geographical* basis for a right to fish, focusing on Finnmark as the basis of coastal Sami culture. The report takes great care in emphasising that the right should be based on the place where fishers are living and their adjacency to the fjords, rather than a fundamental right to fish being premised on ethnicity. Moreover, while the issue is demarcated as one of granting rights to the people of Finnmark, it is acknowledged that ‘Similar conditions of coastal Sami communities in Finnmark and the counties of Troms and Nordland could be an argument for suggesting measures extending beyond the geographical focus of Finnmark’ (NOU 2008: 23, *author’s translation*), thus opening up for a more expansive interpretation of ‘place.’ The Commission stated that the right to fish encompasses everyone settled along the coast of Finnmark. The rich and detailed descriptions of the historical regulations and restrictions, particularly as they are provided in chapter five on the history of fishing rights in Finnmark and chapter six on the settlement patterns and culture of the coastal Sami of Finnmark, render the coastal commons as spaces that were not freely accessible to all, but where local fishers, and particularly the coastal Sami, were competing with ‘outsiders’, larger-scale actors, and where regulatory practices played a key role in shaping small scale fishers’ access to ‘their’ coastal waters. His emphasis on geography aligned well with fishers’ own notions of fairness and justice, as there was a strong perception among the coastal fishing communities that the principle of *adjacency* should be accorded importance in determining who should have a right, as well as the principle of *dependency* (NOU, 2008; Skogvang, 2012: 205). Thus, the Commission clearly recommended a collective right to fish for people living along the fjord in Finnmark to be recognised.

The report was sent on an extensive round of consultation, to all the three northernmost county council and their municipalities, NGOs, and civil society organisations, as well as the relevant national departments, directorates, and research institutions, causing much positive reaction.

The State Attorney, however, was dismissive. In a brief, nine-page letter dated 11 March 2009, the Commission’s recommendation is rejected on the grounds that there is no reason to recognise a fundamental right to fish on the basis of historic use. The *work* that this letter does is effective – it is apparently penned by one individual, and it basically refutes in nine pages the unanimous recommendation of a commission that has spent two years carefully analysing the premise for recognising such a fundamental right. It is interesting to note here what is happening in terms of *issue formation*. The attorney states that there appears little

reason to recognise a specific right given that everyone has a right to fish under the ‘*allemannsretten*’ – the public trust doctrine allowing anyone access to the commons – rejecting the notion that any particular consideration should be given to historic use rights. Since the sea is a commons open to all, why should the coastal Sami be afforded differential treatment? Interestingly, then, the discourse in the letter is one of invoking the nature of an accessible commons as an argument against recognising a collective right to fish. There is no mention of the fact that the commons are heavily regulated, effectively making it a ‘closed’ commons. While the Commission emphasise the negative effects that the ‘closing’ of the commons had on the coastal Sami, this is not even acknowledged in the brief response.

Concerning document *moves* what happens next is intriguing. The NOU was commissioned to shed light on the possibility for whether or not there was a basis for proposing that a collective right to fish was recognised. The committee, based on thorough work, arrived at the conclusion that there was, and this was the unanimous recommendation. But the proposition that was eventually prepared for parliament (Fiskeri- og kystdepartementet, 2011) did not follow the recommendation of instituting a fundamental right. Rather, it advocated a compromise, suggesting changes in existing pieces of legislation that would accommodate Sami interests.

AQUACULTURE: A STORY OF COASTAL TRANSFORMATION

The early days of experimenting with aquaculture in the 1970s (Østli & Sætre, 2021) it was quickly recognised that there was a need to come up with measures to cater for the increasing demands on coastal space, giving rise to coastal planning practices influenced by the idea of integrated coastal zone planning that had emerged in the US (Stokke, 2017) and that became much more widespread following the Rio Summit in 1992 (Le Gentil & Mongruel, 2015). From its modest beginnings, aquaculture rapidly grew into an expansive industry, capturing politicians’ imagination as an alternative post-petroleum future income stream, based on an apparent sustainable bioeconomy basis, aligned with ideas of ‘blue growth’ (Bjørkan & Eilertsen, 2020; Garlock et al., 2020). The industry was, however, already in deep waters, struggling with how to deal with the spread of sea lice, escapees, and organic waste – not to mention the actual physical encroachment of the commons, affecting other alternative uses (Movik & Stokke, 2015; Sandersen & Kvalvik, 2015; Stokke, 2017; Sætre & Østli, 2021) and there was also a widespread perception among those fishing in the fjords that aquaculture farms caused the wild fish to disappear (Sætre & Østli, 2021).

The regulation of aquaculture centres on the licensing regime, i. e. the procedures for granting companies a licence to operate at a particular locality. The municipality designates potential suitable localities through their planning processes, but they do not have much say in the granting of the actual licence, which is handled at the regional level. This regulatory regime has been dubbed a ‘wicked problem’ by several scholars (e. g. Sandersen & Kvalvik, 2015), as there is much uncertainty associated with the externalities. It is somewhat curious that it is the licences that are the key focus, given that it is the locality that is the scarce resource, as Sandersen (2018) points out. The upshot is, nevertheless, that once a licence has been granted to a particular locality, that locality represents, in effect, an enclosure, and effectively a private property (Skogvang, 2012). While the language and concepts used to describe the governance of aquaculture revolves around regulation, aquaculture localities represent property rights to a particular volume portion of sea or coastal space, thus with enclosures of the coastal commons (see also Tiller, Brekken, & Bailey, 2012).

In 2013 a white paper, entitled ‘The World’s Foremost Seafood Nation’ (Fiskeri- og kystdepartementet, 2013a) was published.⁹ The purpose of the paper was to lay out a vision for Norway as a seafood nation, and the growth discourse runs thick through the pages of this document. It declares that there is potential for a five-fold increase in aquaculture production, a figure which had been gleaned from another report of a rather hard-to-define nature (Reinertsen & Asdal, 2019). The text of the report exudes an exuberant optimism. The cover photo (see Figure 2) depicts a person holding a large fish with translucent fins, its size suggestive of the message of the growth potential that permeates the white paper’s pages. It’s not very long – 120 pages – and richly illustrated. Colourful photos depict verdant underwater kelp forests, delicately arranged sushi pieces, happy, ruddy-cheeked children tucking into healthy seafood and workers busy cutting fillets. The textual devices – the straightforward language and ample use of figures and illustrations – makes it an easy and accessible read. The text and pictures comprise a discourse of controlled, sustainable production, healthy people and environments and employment opportunities to ensure sustainability. The coastal spaces that the white paper construes are stable and controllable through a strategy of territorialising the coast into sties of production.

Chapter 10 picks up on the NOU 2008. It notes that changes have been made to existing legislation governing fishing and other uses of sea and coastal waters, such as the Marine Resources Act 2008 and the Participants’ Act, to ensure that consideration is given to recognising Sami interests. In terms of *issue formation*, the issue is re-shaped



Figure 2 Cover illustration of ‘Verdens fremste sjømatnasjon’.

from one of recognising a fundamental right to fish for the people of Finnmark, to ‘paying attention to’ coastal Sami interests as reflected in different pieces of legislation, which it is largely left to the municipal planning authorities to interpret. The recommendation of recognising a fundamental right had been modified and rescaled, making it largely *an issue of local planning concern* rather than a State-sanctioned right.

5. SCALING DOWN AND SCALING UP: SPATIAL PRACTICES, ENCLOSURE, AND RESTIANCE IN THE MUNICIPALITY OF KVÆNAGEN

The planning responsibility for the coastal area’s rests with the municipalities, in accordance with the Planning and Building Act of 2008. Through their spatial plans, the municipalities have the option of demarcating five different categorisations of use of coastal areas. These are fishing, navigation, aquaculture, nature/recreation, and multiple use. However, while the municipality has the authority to designate particular coastal areas as ‘suitable’ (or not) for fish farming purposes, it is the regional level – the County Council – that ultimately decides on whether or not an aquaculture licence will be granted, in co-ordination with other relevant authorities.

The municipality of Kvænangen is situated in the north of Troms county (see Figure 3). In 2015, the municipality approved a coastal plan, with the planning map demarcating several localities that were set aside for aquaculture. One of these localities – called locality A10, situated on the east side of the Spildra island (see Figure 4) – caused concern when the Country Governor reviewed the plan, and was removed, because there was a high degree of conflict around this locality. The conflict related to the fact that this area is a rich fishing ground,

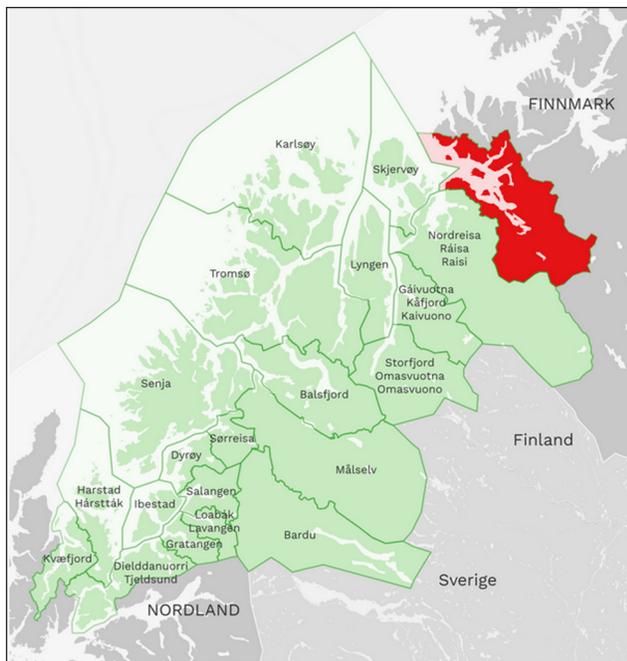


Figure 3 Kvænangen municipality, located in northern Troms. Source: SNL.¹⁰

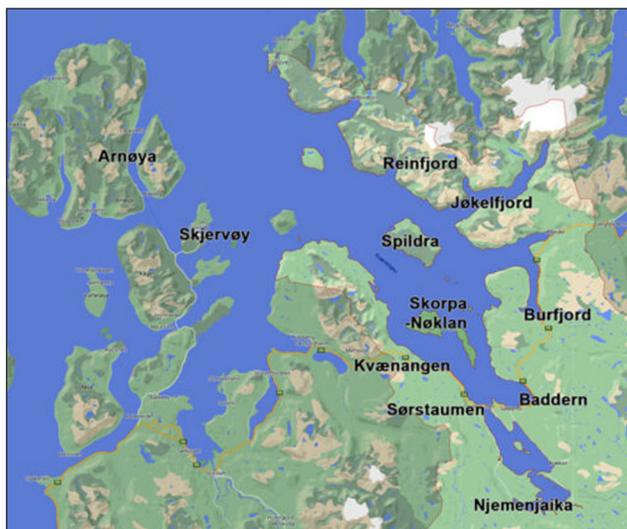


Figure 4 Map showing the location of the Spildra island. Source: Norsk Fisk.¹¹

designated as such in the original plan, and much used by the local coastal Sami fishers. After being discussed with the political representatives, the municipality thus decided to remove the locality from the plan. The area was originally designated as a fishing ground, and it is an important area for the coastal Sami, even though this may not be easily visible. As highlighted by Bratland and Eythórsson (2016), the spatial practices of the coastal Sami in Spildra are characterised by variability both temporally and spatially, and while the aquaculture locality occupies

and encloses relatively small area on the planning map, it will affect a much wider area in practice, due to currents carrying pollution across large swathes of the fjord, as well as the risk of increased lice densities and escapees.

Early in the following year, the company Marine Harvest applied for an exemption from the plan, insisting that they needed the A10 locality to enable expansion of their production. The municipality agreed to process the application, and it was sent on a round of public consultation. According to local newspaper reports, municipal politicians had initially been opposed to the idea of Marine Harvest getting an exemption, but then there was a change of minds – allegedly as a result of lobbying by representatives from the industry (Solvang, 2016).

The Fisheries Directorate pointed out that the area is important as it is particularly species-rich, and that around 90 coastal Sami fishers used the area regularly for traditional fishing. The smallest boats would be particularly badly hit, as they had no option to go further out to sea (See also summary provided in County Governor Troms, 2016). The dynamic nature of fishing practices, subject to the fluid properties of the coastal waters, are not easily captured (Bratland & Eythórsson, 2016). In contrast, the settled nature of the aquaculture is clearly indicated in the brightly coloured rectangles on the map. In spite of the concerns raised during the consultation process, the municipality still went ahead and approved the application for exemption. The mayor argued that it would be favourable to secure the future survival of local fish slaughtering facilities. The responses to the municipality’s decision to approve the application for exemption and allow Marine Harvest to use the locality for expansion were scathing:

This will spell the end of traditional fishing, and I am deeply shaken by the fact that a municipality allows a multinational company to squeeze out local small-scale fishers from an area they have been using for centuries (...). Kvænangen is a good illustration of the challenges that the aquaculture industry is creating for the environment and other traditional livelihoods (...). The area east of Spildra is regarded as a particularly important fishing ground. It is a spawning area for sea cod, and it is also protected against rough weather, so that small boats can access these grounds. This is a case where coastal Sami livelihoods are clearly marginalised. If one cannot engage in traditional harvesting of fish resource, such as the fishers here have done for centuries, then there will not be a coastal Sami culture. (Interview with former regional director by a local newspaper, see Solvang 2016, author’s translation).

The president of the Sami Parliament stated:

We clearly see great challenges associated with the planned expansions of aquaculture production more generally. The need for coastal space within traditional coastal Sami areas will have a significant impact on local fishing, and we believe, following the Commission on Fishing Rights in Finnmark, that there are still many questions and issues that need to be clarified around the question of rights (interview from the magazine *The Fisher*, July 2015).

This statement directly invokes the Commission's report and highlights the lingering ambiguity around fishing rights. The municipality further received several formal complaints from individuals as well, which largely reflected the concerns that had been raised during the earlier consultation round, including the lack of a proper environmental impact assessment. Affected neighbours had not been made aware of the application, depriving them of an opportunity to express their opinion.

These quotes bring out the sense of identity, history, and place associated with the coastal Sami, as well as the rough nature of the deep-sea waters affecting their fishing practices. While there were strong arguments for according to these small-scale coastal fishers' particular importance, the municipality persisted and still refused to renege on its decision. In June 2016, the Sami Parliament asked for a consultation meeting with the County Governor of Troms. This process, which was introduced in 2005, offered the Sami Parliament an opportunity to raise the issue of coastal Sami rights. The County Governor, in a decisive intervention in August 2016, decided to overturn the municipality's decision, enabling the coastal Sami fishers to continue using their traditional fishing grounds.

6. DISCUSSION

CONCEIVING COASTAL COMMONS AS SIMULTANEITY 'STORIES-SO-FAR'

Spaces are produced through the interaction of what Lefebvre (1991) terms conceived, perceived, and lived space. Exploring how key official documents conceive of coastal space has brought into view the subtle and not-so-subtle ways in which documents engage in storytelling that empowers and eviscerates, and that are performative of socio-spatial relations (Massey, 2005).

The Commission's report rendered coastal spaces as the foundation of coastal Sami livelihoods, emphasising the place-based cultures along the fjords and the strong sense of history, heritage, and culture. There is a heavy

emphasis on coastal communities' sense of identity and their association with coasts as living landscapes where traditional livelihoods have historically been intimately tied up with cultural practices, vividly depicting the risks involved in engaging in artisanal fishing. The coastal spaces that emerge is one of liveliness and struggles, as rich historical details bring to life the nature of competition and suppression which coastal Sami were facing from other fishers and the authorities' construction of regulatory schemes. Further, the report brings out how the notion of 'reasonable' use and dependency defines people's reflections and relations with the coast and its resources. It highlights how the sense of place animates claims of access to particular spaces (Jessop, Brenner, & Jones, 2008; Leitner, Sheppard, & Sziarto, 2008) in struggles for blue spatial justice.

Contrast this with how the rise of the seafood industry, and particularly aquaculture, is presented. The imaginaries associated with the oftentimes hubristic discourse on the growth potential of aquaculture, reflected in titles such as the 'world's foremost seafood nation' ("*The Final Frontier*,"; *Fiskeri- og kystdepartementet*, 2013b) served to transform coastal spaces into sites of capitalist production through strategies of territoriality (Campling & Colás, 2018; Ntona & Schröder, 2020). It engaged in 'rendering technical' (Li, 2007) coastal commons through reconfiguring coastal waters into neat categorisations (Satizábal et al., 2020) that can be controlled and governed (Steinberg, 2018). It reflects the point made by Childs and Hicks (2019: 330) that 'it becomes a political economic project in which the promises of capitalist expansion shape the sea into a commodity that is inert, without place and history.'

COASTAL COMMONS AS PERCEIVED AND LIVED SPACES

What the local planning case brings into view, is the intimate links between perceived and lived space; how fishing practices are shaped by the fluid properties of the coastal waters. While the aquaculture localities enclose seemingly small areas, pollution has much wider affective consequences, thus widening the process of enclosure. This underscores Dewan and Nustad's (2023) argument that the fluid properties of water affect processes of dispossession in complex ways, and Lien's observation that water 'yields', I.e. it gives way, covers, and conceals (Lien, 2023, p. 5: 5). Moreover, the material nature of the coastal waters and the roughness of the sea further out in the fjord constrain the spatial practices of the fishers – the perceived, material nature of the coastal waters, therefore, has significant repercussions on the small-scale fishers. The fjord as place and the spatial practices of the fishers is intimately tied up with their sense of culture and identity as coastal Sami.

MODIFYING AND RESCALING THE ISSUE OF RIGHTS AND ACCESS

The attempt of the Coastal Commission to build a case for recognising a fundamental right to fish for the people of Finnmark was felled by the State Attorney's invocation of the commons as accessible to all. In the brief letter refuting the comprehensive work of the Commission, 'coastal commons' are rendered as open, unfettered spaces in which everyone has equal opportunity to access – implying that there is no need for 'special treatment' for anyone. What this rendering fails to take into account, are the processes of enclosure – the closing of the commons (Hersoug, 2005) – that is occurring through extensive regulation of fisheries as well as the demarcation of aquaculture sites that not only prevent fishers from accessing specific sites, but also has wider consequences for access. Through the stories that these documents tell, what emerges is renderings of coastal commons as co-existing and emergent multiplicities (Massey, 2005).

While the issue formation in the official report from 2008 was one of delineating a geographically based right to fish for the people of Finnmark, its rejection by the State Attorney, and the attempts at redefining the issue, resulted in a muddled compromise where several legislations were amended to ensure that coastal Sami interests were considered. The process of *issue modification* (Asdal & Reinertsen, 2021) happened through the amendment of existing legislation. This issue modification process transformed the issue of gaining recognition for a fundamental right to fish for the people of Finnmark into an issue of taking into consideration coastal Sami interests. Thus, the notion of 'rights' was modified into 'interests' and scaled down to the level of the local planning authorities to translate and interpret at their discretion. Local politicians are clearly influenced by the discourse of growth. They are also susceptible to lobbying from powerful lobbying activists, as the local planning case attested to, which means that the spaces for contesting are scaled down to a case of local politics. Municipal planning practices are tasked with identifying suitable localities for aquaculture, and as the Kvænangen case illustrates, the demarcation of such localities is premised on the terrestrial-inspired spatial planning practices that render coasts into flat, two-dimensional space. It is through the local planning processes that the actual acts of possession and dispossessions occur, through the practices of markings on maps and processes of inclusion and exclusion of certain voices and interests. However, the coastal Sami that were dispossessed through these processes made use of the consultation right afforded them in 2005 to scale up

the conflict, bringing in the State's representative at the regional level as an arbiter, and advancing the arguments that had been put forward in the 2008 report, of the importance of protecting coastal Sami culture through ensuring access to fishing grounds – which proved, in this case, to be a successful strategy.

7. CONCLUSION

In this paper I have suggested the term 'blue spatial justice' as a means to incorporate a spatial sensibility within the concept of 'blue justice.' I have focused on how coastal commons are conceived in key official documents, interactions with perceived and lived space, taking into considered issues of place, scale, and territoriality in shaping struggles for access and rights.

In Norway, the efforts to recognise a fundamental right to fish for the people of Finnmark relied on a conception of the commons as highly regulated and contested, with small-scale fishers facing multiple challenges in pursuing their livelihoods. The Attorney General's refutation of the recommendation of a right to fish invoked a conception of the commons as unfettered and accessible for all, neglecting to acknowledge the history of marginalisation documented in the Commission's report. Simultaneously, the powerful discourse of growth reflected in documents such as the white paper from 2013, emphasised coastal areas as zones for production through a strategy of territoriality, and as a basis for nurturing a globally oriented export industry. The attempt by the Coastal Commission to raise the issue of advocating for as fundamental right to fish for the small-scale fishers of Finnmark was modified from an issue of a State-backed right to fish to downscaling it to become an issue of balancing competing interests at the local level, which tended to favour aquaculture interests because of the economic benefits involved. The dispossessed fishers responded through re-scaling the issue, bringing in the State representative at the regional level, and drawing on the arguments presented in Commission's report on the necessity to grant access to coastal waters as a means of maintaining their cultural practices.

The story of the conceptions and contestations over the coastal commons in northern Norway has brought to light how the production of space plays a key role in shaping struggles for access. Making these visible is an essential pathway towards claiming blue spatial justice in the coastal commons, as this. It also suggests the need for a thorough reimagining of the coastal spaces that have come to dominate the Norwegian policy.

NOTES

- 1 For example, in 2010 the value of salmon exports was to the tune of 68 billion NOK, with more than 1,3 million tonnes of fish slaughtered, source <https://www.intrafish.no/nyheter/oversikt-dette-tjente-privateide-lakseselskaper-i-fjor/2-1-887875>.
- 2 The PLANCOAST project, led by Katrine Broch Hauge, was funded by the Research Council of Norway for the period 2016–2020 (grant no. 255772). (I joined the project a year after it had started).
- 3 Small-scale fishing in Norway is defined as fishing done from vessels smaller than 15 metres, and that fish within 12 nautical miles of the coastline.
- 4 The Sami Parliament has a double role, being both a planning authority and a representative body of a particular group. It emerged from a situation where ‘any reference to the Sami was associated with social stigma, to become a constitutional counterweight to the Norwegian State apparatus’ Falch, T., & Selle, P. (2018). *Sametinget. Institusjonalisering av en ny samepolitikk. (The Sami Parliament: Institutionalising a new Sami politics)*. Gyldendal Akademisk.
- 5 Such reports are called *Norsk Offentlig Utredning* (NOU) and are a series of government reports with the purpose of presenting and discussing the knowledge status and possibilities for action and strategies to deal with a particular issue or problem in society (source [https://snl.no/Norges_offentlige_utredninger_\(NOU\)](https://snl.no/Norges_offentlige_utredninger_(NOU))).
- 6 In 1990, Norway ratified the ILO Convention no. 169, which acknowledges the Sami as an Indigenous people that implies a duty on the State to protect and support this group. See <https://www.regjeringen.no/en/topics/indigenous-peoples-and-minorities/urfolkryddemappe/the-ilo-convention-on-the-rights-of-indi/id487963/> There is no official registration of how many Sami there are.
- 7 This responsibility is also manifested in the ILO Convention no. 169 relating to the rights of indigenous peoples.
- 8 Painted by Milton J. Burns, 1853-19533.
- 9 White papers (Meld.St.) are drawn up when the Government wishes to present matters to the Storting that do not require a decision. White papers tend to be in the form of a report to the Storting (parliament) on the work carried out in a particular field and future policy. These documents, and the subsequent discussion of them in the Storting, often form the basis of a draft resolution or bill at a later stage. Source; <https://www.regjeringen.no/en/find-document/white-papers-/id1754/>.
- 10 <https://snl.no/Kv%C3%A6nngen>.
- 11 <https://norskfisk.no/2021/05/21/kvaenangen-i-videste-forstand/>

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