

ARTICLE

Offshore Creations: The Invention of International Ship Registries in the 1980s

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The setting up of “second registries” by European governments in the 1980s was a formative moment in contemporary maritime history. Developed in an effort to counteract the growing use of offshore flags of convenience, these registries provided European shipping companies with spaces of exception from normal regulation, lifting national manning requirements and allowing for foreign labor to be hired on local wages. This article investigates the emergence of the Nordic variants, called “international ship registries” (ISRs). Employing a global perspective which focuses on the interplay between business actors, narratives, and national politics, it argues that the influence of offshore actors in shaping the Nordic developments was more pronounced than previous research suggests. The ISR policy was originally proposed to Norwegian policy-makers by an offshore shipowner living in Bermuda. From there, it transferred to Denmark and Sweden, shaping their policy debates in the 1980s and 1990s.

Keywords: globalization; shipping; offshore; the Nordics

A formidable challenge was presented to maritime Europe in the 1980s. With oil prices soaring after the 1970s’ OPEC embargoes and world trade plummeting as a consequence, European shipping companies increasingly had trouble competing in the global market.¹ A major obstacle to competitiveness, shipowners deemed, was the relatively restrictive European regulatory regimes, and many opted to cut costs by “flagging out” their ships to the offshore system of “flags of convenience” (FOCs).² In FOC havens, such as Panama or Liberia, ship-owners could seek refuge from taxation and regulation in exchange for a small registration

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1. Stopford, *Maritime Economics*, 43–44 & 671–672.

2. The term “flags of convenience” was first used during the US investigations into the PanLibHon registries in the late 1940s and has since become a standard term. A synonymous term often used today is that of “open registries.” Carlisle, *Sovereignty for Sale*, 142–143.

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fee.³ This practice intensified throughout the 1980s and crisis-laden narratives began to form in Europe that whole maritime sectors were at stake.⁴ To counteract such disaster, some governments resorted to measures of emulation by setting up alternative ship registries of their own. The formative significance of this event is hard to overstate: signifying a European turn toward offshore-like maritime governance, even among the Nordic social democracies, these “second registries” provided shipping companies with deregulated spaces of exception from normal regulation—with lower crewing costs and fewer manning requirements than ordinary registries—and came in two forms: either as offshore registries, resembling the FOC competition by being located in semi-dependencies, or as domestically based, international ship registries (ISRs).⁵ A curious fact, however, is that the latter type was not originally conceived by the governments enacting it; the initial suggestion came from an offshore shipowner, Erling Dekke Næss, living in the tax haven of Bermuda.⁶

Struck by this fact, this article investigates the origins of the ISR suggestion and analyzes its role in shaping maritime policymaking in three Nordic countries. Focusing mostly on the invention of the Norwegian International Ship Register (NIS) in 1984–1987, it asks: How was the ISR suggestion constructed and presented by Næss as a solution to the shipping crisis in Norway? How was it negotiated and eventually enacted by Norwegian policymakers? And in what ways did the NIS policy come to shape policymaking in Denmark and Sweden?

In asking these types of questions, which move the scope of analysis beyond national contexts, the article seeks to fill a gap in the research literature. As it is presently, studies focusing on the political processes leading to the ISR policies exclusively concentrate on cases where governments chose to enact them.⁷ This leaves important cases, such as the Swedish one where the ISR suggestion was debated but never enacted, unexamined.⁸ Moreover, existing studies tend to be primarily nationally focused in analytical scope. While some do point out that Næss was the one to propose the ISR suggestion, for example, or that the NIS policy

3. DeSombre, *Flagging Standards*, 71–79.

4. The world share of FOC-registered tonnage rose from around 18 percent to around 33 percent between 1970 and 1990. Sornn-Friese and Iversen, “The Establishment of the Danish International Ship Register,” 87.

5. The first offshore registry was set up on the Isle of Man in 1984 and the first international registry was set up by Norway in 1987. Carlisle, “Second Registers,” 319–322. From a historical perspective, it makes sense to differentiate between these types because their historical emergences followed different trajectories. Even though the Isle of Man Registry was established before NIS, the sources investigated in this article do not indicate that the emergence of the latter was brought about directly as a result of the former. For a study on the development of the Isle of Man Registry: Bernfeld, *States, Ships and Secondary Registers*, 2007.

6. Næss is credited for having suggested the Norwegian International Ship Register in 1984. Tenold, *Norwegian Shipping in the 20th Century*, 234–235. A suggestion to establish an open registry on the autonomous island of Åland in Finland had actually been made by Finnish shipping interests in 1983, but no indications of a connection between this event and the Norwegian developments have been found in the sources. Kalnæs, *Opprettelsen av Norsk Internasjonalt Skipsregister*, 35.

7. For studies on the cases of Norway and Denmark: Brautaset and Tenold, “Globalisation and Norwegian shipping policy,” 2008; Sornn-Friese and Iversen, “The Establishment of the Danish International Ship Register,” 2013; Iversen and Tenold, “The Two Regimes of Postwar Shipping,” 2014.

8. A few studies analyze the economic consequences of the non-enactment of the ISR policy in Sweden, but these do not thoroughly investigate the political process behind the decision. Sjögren, Lennerfors and Poulsen, “The Transformation of Swedish Shipping,” 2012; Poulsen, Sjögren, and Lennerfors, “The Two Declines of Swedish Shipping,” 2012; Iversen et al., “The Role of National Shipping Policy,” 2015.

became a model for others to follow, the larger analytical implications of these observations are not thoroughly investigated.⁹ Overall, the view within the literature is that the enactment of these policies was in large part the results of domestic lobby campaigns which were timed with growing tonnage flight around the mid-1980s. More specifically, in the cases of Norway and Denmark, the argument goes that the national shipowners' associations through the early to mid-1980s laid the groundworks for institutional change by drafting up arguments, publishing reports, and meeting with politicians.¹⁰ Such efforts at 'softening up' policymakers at first led to a series of small-scale adjustments to the existing policy frameworks. And then, when a window of opportunity opened due to shipowners flagging out on a larger scale, governments were primed to accept more radical measures.¹¹ The emergence of these registries, furthermore, is often linked more broadly to the rise of post-Fordism and the related wave of neoliberal policymaking in the 1980s and 1990s.¹² Drawing on the varieties of capitalism literature, for example, Sornn-Friese, Poulsen, and Iversen point out that the Danish shift in approach fell well in line with concurrently emerging neoliberal agendas of national competitiveness and deregulation.¹³ This being said, while these institutional factors were no doubt all important for the enactment of the ISR policies, this article contends that for historians to get a clearer picture of how these policies came to take the form that they did in the first place, more emphasis needs to be put on the role of the offshore actors who suggested them.

The argument presented is twofold. First, it is argued that it was not a coincidence that the ISR suggestion came from an offshore shipowner. This is evidenced by the fact that both domestic shipping interests and policymakers in Norway were initially dismissive toward the suggestion, deeming it "politically impossible" at the time, and only warmed up to it as tonnage flight began to intensify.¹⁴ As an offshore shipowner who was not embedded within the domestic policy community, Næss was in a position to push for measures that would otherwise have been deemed too far-reaching. The eventual success of the ISR suggestion, then, lay in its capacity to adapt parts of the existing FOC framework from the offshore world to the Norwegian socio-political context in such a way that an international registry seemed like a viable solution to the crisis. This involved, most crucially, addressing the concern of policymakers to preserve a "genuine link" between the shipping companies and other parts of the maritime industry. Second, the article nuances existing research by analyzing in more detail how the NIS model came to shape debates in other Nordic countries. In Denmark, a similar registry (DIS) was set up in 1988, while in Sweden, policymakers ultimately decided against it. The differing outcomes in these two countries had much to do with the chronological timing of the ISR suggestion, as both increases in tonnage flight and the ensuing narratives of crisis developed differently in each context, as well as with differences in the perceived significance

9. Brautaset and Tenold, "Globalisation and Norwegian Shipping Policy," 577; Sornn-Friese and Iversen, "The Establishment of the Danish International Ship Register," 92-93.

10. Iversen and Tenold, "The Two Regimes of Postwar Shipping," 731.

11. Sornn-Friese and Iversen, "The Establishment of the Danish International Ship Register," 90; Brautaset and Tenold, "Globalisation and Norwegian Shipping Policy," 577.

12. Sletmo, "The End of National Shipping Policy?," 333-335; Sornn-Friese and Iversen, "Incentives, Capability and Opportunity," 199-200; Selkou and Roe, *Globalisation, Policy and Shipping*, 195-205.

13. Sornn-Friese, Poulsen, and Iversen, "Knowing the Ropes," 80-82.

14. *Norges Handels- og Sjøfartstidende*, "Næss og Næringen," 16 January 1984.

of the shipping industry to their national economies. Whereas shipping was viewed as a cornerstone sector in the Danish economy, its significance was overshadowed by other sectors, such as shipbuilding and banking, in Sweden. It is noted further that DIS, while keeping the core elements of NIS, was altered in significant ways to fit the Danish socio-political context. Finally, the article concludes that given the key influence of what could be called the offshore paradigm in forming Næss' original suggestion, the ISR policies were, in a discursive sense, offshore creations.

The source material consists of shipowner biographies, lectures, newspaper articles, public and private reports, parliamentary sources, and archival material.¹⁵ Analytically, the article seeks to add a global perspective to the history of Nordic shipping policy by focusing on the interplay between business actors, narratives, and politics. This move is inspired by global history approaches that bring attention to the influence of cross-border phenomena and processes of integration on national politics.¹⁶ In this case, it involves first of all looking not only at struggles between business actors (i.e., shipowners and their business associations) and other political actors within national contexts but also having an eye for the role of global actors (offshore shipowners) as potential innovators and promoters of policies. Moreover, it involves being sensitive to the contextual dynamics of policy transfers. This has in recent years become a frequent topic of research within social policy studies.¹⁷ A key insight from this literature is that the transfer of policies across borders rarely is the outcome of systematic government investigations, but that they often come about through more informal channels of communication. As historian Daniel T. Rodgers, for example, points out, it is frequently the case that a certain model is pushed by a few influential members of the policy community without genuine comparisons to other possibilities being made.¹⁸ To better study how such processes work, Rodgers proposes to look at contextual factors such as social networks and narratives.¹⁹ This article takes up his suggestion by incorporating a narrative approach into the analysis. The idea here is to see narratives as both potential facilitators and barriers to transfer processes: it is by using storytelling devices such as association and analogy that political actors compare their own context with other contexts, thereby simplifying and reframing the problems they are facing, as well as possible solutions.²⁰ One takeaway from this global approach is that the historical role of the FOC system, both as a competitor to the Nordic regulatory regimes and as a paradigmatic framework shaping their responses to this competition, becomes more apparent. Another takeaway is that it helps better explain why the three governments in focus, despite their shipping industries facing similar structural problems, responded in different ways to the 1980s recession.

15. The archival material consists primarily of ministerial correspondences, committee reports, and internal and external memos which can be found at the Danish and Norwegian national archives.

16. For example: Rodgers, *Atlantic Crossings*, 2000; Adelman and Eckert, *Narratives, Nations, and Other World Products*, 2024. For a survey of global history approaches: Conrad, *What Is global history?*, 2016.

17. Dolowitz and Marsh, "Learning from Abroad," 2002; Obinger, Schmitt, and Starke, "Policy Diffusion and Policy Transfer," 2013; Rodgers, "Bearing Tales," 2014.

18. Rodgers, "Bearing Tales," 305.

19. Ibid. 307-308.

20. Ibid. 310-311. For a more elaborate introduction to the study of narratives in history: Hansen, "Business History," 2012.

In a larger context, the article relates to research focusing on the rise of the offshore economy in the twentieth century.²¹ One strand of this research focuses specifically on how an emerging network of global shipowners during the twentieth century furthered different processes of globalization through their business practices.²² Gelina Harlaftis, for example, writes in *Onassis Business History* about how the Greek shipowner Aristotle Onassis built an “offshore empire” based on tax avoidance and the use of FOCs.²³ Onassis’ practices, she argues, eventually became a business model for other shipowners to follow.²⁴ In a similar fashion, this article seeks to highlight the role of Næss in promoting offshore-inspired institutional change in the Nordic countries. An *enfant terrible* in the political mainstream, Næss was depicted as antagonistic to social democracy in his home country; yet this peripheral position was also what allowed him to be more radical and persistent in his advocacy for offshore practices than his domestic counterparts were. As such, the article demonstrates that institutional change, especially when it is sudden, sometimes needs to be catalyzed by actors who are not constrained by local allegiances and politics.

Another strand of research focuses more broadly on the influence of the FOC system itself in the development of global capitalism.²⁵ Nathan Lillie, for example, argues that the rise of the FOC system during the postwar period, and with it the transnationalization of shipping capital, gradually served to restructure the relationship between states and shipowners, allowing the latter to work around national class compromises and paving the way for a global market for maritime labor and capital to emerge.²⁶ This pattern also came to characterize other sectors. In addition to shipping, Lillie points out, functionally similar spaces of exception were also created onshore for the European construction, telecommunications, and metalworking industries through the use of transnational subcontracting between the Eastern and Western blocs within the EU.²⁷ Following this line of thinking, this article points out that because the second registries were made to resemble the FOC competition, their emergence can be seen as an important legitimizing moment for offshore in the European countries.

The article is divided into four sections. The first section outlines the business career of Næss during the interwar and postwar years as well as his political engagements prior to the ISR suggestion in 1984. The second and third sections zero in on the Norwegian context by first investigating the political developments in the country in the years leading up to Næss’ suggestion and then analyzing its reception, negotiation, and enactment in the form of the Norwegian International Ship Register in 1987. The fourth and final section shifts focus to the Danish and Swedish contexts by analyzing the transfer of the ISR policy and its role in shaping their policymaking practices.

21. For example: Palan, *The Offshore World*, 2003; Lillie, *A Global Union for Global Workers*, 2006; Ong, *Neoliberalism as Exception*, 2006; Shaxson, *Treasure Island*, 2011; Jacobsen and Lipartito, *Capitalism’s Hidden Worlds*, 2020; Slobodian, *Crack-up Capitalism*, 2023.

22. Miller, *Europe and the Maritime World*, 2012; Ekberg, Lange, and Nybø, “Maritime Entrepreneurs,” 2015; Harlaftis et al., *Onassis Business History*, 2023.

23. Harlaftis et al., *Onassis Business History*, 94–116.

24. Ibid. 1.

25. Lillie, “Bringing the Offshore Ashore,” 2010; van Fossen, “Flags of Convenience and Global Capitalism,” 2016; Campling and Colás, *Capitalism and the Sea*, 2021.

26. Lillie, “Bringing the Offshore Ashore,” 687–693.

27. Ibid. 694–696.

Flags of Convenience and the Rise of an Offshore Shipowner

In 1979, the Norwegian-born but Bermuda-residing shipowner Erling Dekke Næss held a speech at the Baltic and International Maritime Conference, addressing what he perceived as a surge in socialist tendencies across the international shipping landscape. Singling out the UNCTAD Liner Code debates, through which developing countries sought to institute a “40-40-20” cargo allocation scheme, as especially troubling, he took aim at the shipping industry’s own failure to make its societal contributions more widely known.²⁸ As an example of this failure, he pointed to the public opinion of the tanker business which had in recent years come to be associated with, on the one side, “polluted beaches and ducks with oil on the wings,” and on the other, “matadors with giant yachts and uncounted billions.”²⁹ This perception, he asserted, needed to be challenged, and it was therefore “of urgent necessity” for business leaders to explain the positive role that the tanker business actually played in society:

In a period of 30 years, the European-socialist systems have had violent inflation to follow from under-budgeting, high prices and very high taxes. The contrast of the unhindered and free international tanker business is at least one perspective that should be brought forth for the man on the street to understand how a branch of industry can work to the benefit of everyone when it is free from bureaucratic intervention.³⁰

The speech was not only related to the UNCTAD debates. Just a year prior, in 1978, the second OPEC embargo had hit world markets, stagnating trade and causing overcapacity in shipping tonnage across the maritime sectors. The tanker sector, having pioneered economies of scale in the 1950s and 1960s, had been hit especially hard and was now experiencing a recession like never before.³¹ Adding to this, the oil industry more generally had become a target for environmental movements, with debates spurring worldwide in the wake of oil spill disasters such as the sinking of the *Torrey Canyon* in 1967 and the *Argo Merchant* in 1976.³² Pressed both economically and politically by these events, Næss worried that European governments would intervene in the market, thereby limiting the “unhindered and free international tanker business” which had enjoyed so much commercial success in the 1950s and 1960s. As he ended his speech, therefore, he reminded shipping leaders about the power that lies in being able to shape public narratives: “Robespierre understood the power of the written or spoken word during the French Revolution and said: ‘He who can formulate it, can do it.’”³³ In retrospect, these words seem prophetic as only a few years later, in 1984, Næss himself would be the one to formulate the future by suggesting the ISR policy. But before focusing on these events, Næss’ background needs to be explored further. It is suggested here that his prior experience as an offshore shipowner played an important part in enabling him to develop the ISR suggestion in 1984.

28. On the UNCTAD Liner Code debates: Nybø, “International Maritime Trade Politics,” 161-165.

29. Næss, “Bladet fra munden,” 65.

30. Ibid. 67.

31. Tenold, *Norwegian Shipping in the 20th Century*, 198-203.

32. Carlisle, “Second Registers,” 321-322.

33. Næss, “Bladet fra munden,” 67.

Næss' involvement in offshore shipping began in the 1920s when he entered the whaling business. While simultaneously pursuing an economics degree at the London School of Economics, he formed the multinational Viking Whaling Company in 1928 alongside the British businessman Rupert Trouton.³⁴ The company was backed by both British and Norwegian capital but because its headquarters were located in London, thus being subject to British law, the Norwegian shareholders had to pay extra taxes on their dividends, called withholding tax. To avoid this arrangement, Næss came up with the idea to move the headquarters to a third location, Paris, and to register the ships in the newly established Panamanian ship registry—a scheme which he knew US shipping companies had begun using in the early 1920s to avoid the effects of the La Follette Seaman's Act and the Prohibition laws on American passenger ships.³⁵ By doing this, he became one of the first Europeans to take advantage of the emerging FOC system.³⁶

Viking Whaling Company did well in the early 1930s but since the stock of whales at the time was becoming scarce due to overfishing, the commercial potential was limited. During the Second World War, Næss therefore sold his ships and instead spent the war years serving as a vice-deputy of the Norwegian Shipping and Trade Mission in the United States (Nortraship).³⁷ After the war, he shifted his focus to the booming tanker sector, creating a new company, initially named Norne Shipping Company, which also made use of FOCs and would undergo several offshore-facilitated ownership changes through the postwar period.³⁸ According to himself, Næss used his foresight and knowledge of business cycles to finally sell his shares in July 1973, just a few months before the breakout of the first oil crisis.³⁹ This claim, however, is nuanced by business historian Stig Tenold, who points out that Næss had already sold most of his vessels quite cheaply in the late 1960s and was only titled an “honorary chairman of the board” in the company in 1973.⁴⁰

Alongside his business career, Næss became increasingly engaged in international shipping politics. One of his main concerns was to defend the FOC system against union and government criticism. Most notably, he participated in the *New York Times* debate in 1958 about the International Transport Workers' Federation's (ITF) campaign to boycott all ships sailing under flags of convenience.⁴¹ Arguing on behalf of American shipowners who supported the free use of FOCs, he contended that the FOC system as a whole should not be blamed for the increasing prevalence of substandard shipping since not all shipowners using

34. The Trouton-connection seems to have been significant for Næss at the time. Trouton was rather well-connected and, for instance, had a close relationship with John Maynard Keynes, whom he had worked with during the First World War, studied under, and become financially involved with in 1928 when Keynes invested in his company. Basberg, “Keynes, Trouton and the Hector Whaling Company,” 477-480. Næss, *Shipping – mitt liv*, 22-23 & 30-38.

35. Næss, *The Great PanLibHon Controversy*, x & 2-3.

36. Carlisle, *Sovereignty for Sale*, 59-61; Harlaftis et al., *Onassis Business History*, 109-110.

37. Næss, *The Great PanLibHon Controversy*, 7. For a history of the FOC system: Carlisle, *Sovereignty for Sale*, 1981.

38. Næss, *Shipping – mitt liv*, 129, 221-223, 235, & 279-281.

39. Ibid. 285.

40. Tenold, *The Shipping Crisis of the 1970s*, 15.

41. *The New York Times*, “Union Cautioned on Ship Boycott,” 17 October 1958; “U.S. Shipowners Unite in Fight To Back Flags of Convenience,” 11 November 1958.

these flags also lowered their standards.⁴² Instead, he wanted the European shipowners to look inwards and realize that it was their own countries' high tax levels that were the problem: "[...] I hope that shipowners in Britain and Norway will secure as many tax and other concessions and as much freedom from their respective governments as they feel they need in order to equalise competition with other countries' fleets."⁴³

In addition to participating in public debates, he served as chairman of both the American Committee for Flags of Necessity, an organization set up by American shipping and oil companies to offset the efforts of the ITF campaign, and the International Association of Independent Tanker Owners (INTERTANKO), which by 1976 had come to represent more than 75 percent of the world's privately owned tanker fleet.⁴⁴ The main purpose of the latter organization was to promote collaboration and information sharing between the tanker companies and to institute practices of self-regulation as a means to lower the potential of government intervention.⁴⁵

Through such organizational activities, as well as more informal connections, Næss had by the 1970s become one of the most recognizable figures in the shipping world.⁴⁶ He was part of an emerging network of offshore shipowners, including the infamous Greek shipowners Aristotle Onassis and Stavros Niarchos, who during the postwar years worked together both in business ventures and in advocating for the FOC system.⁴⁷ He was a particularly staunch critic of government intervention in shipping, contending more generally that "free enterprise' is the most effective way to deal with fundamental socio-economic problems."⁴⁸ Given his political views, and especially his promotion of offshore business practices, however, he gained a mixed reputation in his home country of Norway. On the one hand, he did have sympathizers within liberal circles and regularly gave lectures at the Institute of Shipping Research (Skipsfartsøkonomisk Institutt) in Bergen, which he had also financed in 1958.⁴⁹ On the other hand, he was labeled a "pirate" and called "worse than the Greeks" by unions and domestic shipowners alike, and the Norwegian Shipowners' Association criticized him for being disloyal toward the Norwegian flag.⁵⁰

A Moment of Opportunity: Crisis and the Næss Plan

At first glance, it could seem a far-fetched assertion that an offshore shipowner like Næss should have been able to shape the Nordic responses to the FOC system. Quite to the contrary, these countries are well-known for their social democratic welfare institutions, often summed

42. Næss, *The Great PanLibHon Controversy*, 20-26; Næss, *Shipping – mitt liv*, 195-196 & 204.

43. Næss, *The Great PanLibHon Controversy*, 33-34.

44. Næss, *Shipping – mitt liv*, 197 & 294-298.

45. Ibid. 296.

46. He also wrote a book about the FOC controversy and gave lectures at conferences: Næss, *Tankfartens problemer og utsikter*, 1965; *The Great PanLibHon Controversy* in 1973; *INTERTANKO*, 1975; *Shipping – mitt liv*, 1979.

47. Harlaftis et al., *Onassis Business History*, 45, 92-93, 108-110.

48. Næss, "Bladet fra munden," 67.

49. Næss, *INTERTANKO*, preword. Næss, *Kan Norge overleve som skipsfartsnasjon?*, 1.

50. Næss, *Shipping – mitt liv*, 219 & 231.

up as “the Nordic model,” which were built up through the postwar period. In Norway, however, tides began to change during the recession of the 1970s and early 1980s as the Norwegian shipping industry entered a significant decline. This section shows how structural and political developments in Norway during this period opened a window for Næss to present his suggestion. By rearranging some of the core assumptions underlying the well-established narrative of Norway as a maritime nation, he sought to reframe the problem of tonnage flight as something which could be solved by emulating the offshore world.

The catalyst for the Norwegian decline was the OPEC embargoes of 1973 and 1979, which arguably had a larger impact on the Norwegian shipping industry than those of other traditional maritime nations. According to business historians Brautaset and Tenold, there were two main reasons for this. The first was directly related to the embargoes, since oil transport had become the leading shipping segment in Norway during the postwar period: as freight rates dropped due to halting demand and overcapacity, Norwegian tanker companies were increasingly forced to lay up large parts of their fleets.⁵¹ The second reason was related to the Norwegian regulatory regime, namely the relatively high labor costs of flying the national flag coupled with restrictions on capital mobility. The wage component of these costs was not unique to shipping since Norwegian wages had generally increased in conjunction with the building of the welfare state in the 1950s and 1960s.⁵² Specifically for shipping, however, policymakers had also raised the manning requirements—the number of seafarers required to man each ship—by more than many other maritime states had, thereby creating comparative disadvantages for Norwegian-flagged ships.⁵³ The restrictions on capital mobility meant, firstly, that Norwegian shipowners were not allowed to form or invest in companies abroad.⁵⁴ Secondly, it entailed that the practice of flagging out ships to foreign registries was technically banned for Norwegian companies at this time.⁵⁵

As the recession began to unfold, the Norwegian regulatory framework inevitably became a topic of debate, and, in principle, both labor and shipping interests agreed that political change was needed in one way or another. Suggestions to either subsidize or deregulate were put forward by unions and shipowners, respectively, throughout the 1970s, with the latter demanding fewer manning requirements, the permission to employ foreign labor, and a liberalization of the use of foreign registration.⁵⁶ Initially, the Social Democratic government aimed to strike a balance between the parties by, on the one hand, holding on to their traditional aim of securing employment, maintaining in a report that “Norwegian shipping, as a main rule, shall be based on Norwegian-flagged ships employing Norwegian crews,” while, on the other, softening up a little regarding the restrictions on flagging out by permitting temporary foreign registration under certain circumstances in 1979.⁵⁷

51. Iversen and Tenold, “The Two Regimes of Postwar Shipping,” 727–728.

52. Brautaset and Tenold, “Globalisation and Norwegian Shipping Policy,” 573.

53. Ibid. 572

54. Ibid. 573–574.

55. Ibid. 676–577.

56. Kalnæs, *Opprettelsen av Norsk Internasjonalt Skipsregister*, 28.

57. Norwegian Parliament, *Stortingsmelding om sjøfolkenes forhold*, 8; Norwegian Parliament, *Innstilling om støttetiltak for skipsfartsnæringen*, 4–5, 8–9.

This balancing act sought to preserve the status of Norway as a maritime nation while at the same time allowing for parts of the industry to internationalize. Ultimately, however, it would set Norwegian policymaking on a trajectory that went against its original purpose. In October 1981, the Conservatives took over government and the process of liberalization was sped up such that many of the restrictions on flagging out were lifted by 1985.⁵⁸ As a result, Norwegian shipping companies got a way out from being subjected to the high costs of flying the Norwegian flag. But, reflecting this increased incentive to flag out, the share of Norwegian-owned tonnage registered domestically would also take a deep dive from 96 percent to just 38 percent in the years between 1978 and 1987.⁵⁹ As such, while the regulatory problem was now in principle solved for the shipowners, it came at a significant cost to other parts of the domestic maritime industry. The Norwegian seafarers, especially, feared that they would now be out-competed by foreigners working under low-cost FOC conditions, and a narrative began to take form that Norway was underway to outplay its role as a maritime nation.⁶⁰

It was during this time that Næss perhaps eyed a window of opportunity. On January 11, 1984, he held his most influential speech at a shipowner meeting (Shippingforum Østlandet) in Oslo, suggesting for the first time that Norway should establish an open ship registry similar to those of the FOC system.⁶¹ By doing this, he reasoned, Norwegian policymakers could both reverse the trend of flagging out and keep the industry competitive at the same time. Receiving wide media coverage, the suggestion caught the attention of the Minister of Trade and Shipping, Asbjørn Haugstvedt, who said that he would consider it when the details had been elaborated.⁶² “The Næss Plan,” as it came to be called, was presented more formally in February 1985 in the halls of the Norwegian Shipbrokers’ Association. In the opening statement, Næss described his experience as an outsider observing the recent developments in Norway:

I saw how Norwegian shipowners gradually were allowed to flag out and to operate internationally, but on an insufficient scale. [...] But as time went by, I came to think that it was not a necessity that Norwegian shipowners, living in the old seafaring nation of Norway, had to turn to Panama and Liberia in order to operate in shipping. I thought that it would be fitting for Norwegian shipowners to continue sailing under the Norwegian flag while working under the same conditions financially and operationally as under Panamanian or Liberian flag. This is achieved by establishing the Norwegian International Shipping Register [...].⁶³

In more detail, Næss imagined Norway setting up a domestically based, but internationally oriented alternative registry that would be available to larger merchant ships engaged in transoceanic shipping. Companies with ships flagged in this registry would be classified as

58. Norwegian Parliament, *Innstilling om lov om endringer i lov om sjøfarten*, 1984-1985.

59. Watt and Coles, *Ship Registration*, 59.

60. *Nordlys*, “300 arbeidsledige sjøfolk pr. Måned,” 22 February 1983; *Porsgrunns Dagblad*, “Bemanning og utflagging blir sentrale punkter i nye skipsfartsmedlingen,” 21 February 1984; *Moss Dagblad*, “Regjeringen passiv og evneløs,” 19 March 1984.

61. *Norges Handels- og Sjøfartstidende*, “Flagg ut under norsk flagg,” 12 January 1984.

62. *Norges Handels- og Sjøfartstidende*, “Shipping-applaus for Næss,” 13 January 1984; *Morgenbladet*, “Ikke ‘utflagging’, men ‘hjemflagging,’” 17 January 1984.

63. Næss, *Kan Norge overleve som skipsfartsnasjon?*, 8-9.

“Norwegian overseas shipping companies” and would be exempted from paying corporate tax and from adhering to domestic manning and nationality requirements.⁶⁴ Moreover, foreign shareholders in these companies would not have to pay taxes on their dividends in Norway, thus giving capital interests abroad the same tax conditions as those of the FOC system.⁶⁵ Lastly, and most crucially in a domestic political sense, the plan sought to address one of the major traditional concerns of Norwegian policymakers: to preserve a “genuine link” between the shipping companies and other parts of the maritime industry.⁶⁶ Requiring shipowners to set up headquarters on Norwegian territory, he claimed, would create incentives such that companies with ISR-registered ships would still to an extent “[...] make use of Norwegian shipbrokers, equipment suppliers, officers, Det Norske Veritas [a classification society], maritime legal advisors, etc. It will strengthen the Norwegian maritime environment. In other words, plenty of ‘Genuine Link.’”⁶⁷

The idea was both radical and simple. Instead of continuing down a path of seeking incremental adjustments to an existing, yet increasingly outdated regulatory regime, Norwegian policymakers could just replace the entire thing with a liberal framework that reflected current market needs. The “genuine link” part of the plan was designed to appeal to those policymakers who feared that deregulation would only lead to more capital flight and loss of domestic industry. It served to reframe the narrative of Norway as a maritime nation by highlighting the potential economic trickle-down effects between different sectors rather than focusing on the issue of maritime employment. By thus incorporating elements to address concerns on both sides of the political spectrum, and omitting others (seafarer employment), the ISR suggestion carried the potential to be viewed as a workable model for Norwegian policymakers to discuss.

Negotiation and Enactment of the Norwegian International Ship Register

The Næss Plan was initially received with reluctance both within the Norwegian Parliament and among shipping interests.⁶⁸ In a 1985 report, the government briefly touched upon the suggestion, pointing out that the Norwegian Shipowners’ Association had not pushed for such changes and that, as things stood, the needs of the industry could still be addressed by other means.⁶⁹ A probable reason for the lack of action from domestic shipping interests was that

64. Ibid. 9.

65. Ibid. 11, 14–16, & 20.

66. The concept of the “genuine link” was a major topic of debate in the late 1950s. European governments, headed by Norway, the UK, and the Netherlands, had mobilized the concept as a way to challenge the FOC system but since the wording was unclear on what exactly constituted a “genuine link,” and since the US continued to support the FOC system, the concept did not have a practical impact at the time. In the late 1970s and 1980s, the concept became a topic of debate again when an effort was made by developing countries to reframe it more strongly in economic rather than jurisdictional terms, e.g., in terms of manning and ownership. Bettink, “Open Registry, the Genuine Link and the 1986 Convention,” 102–119; Cafruny, “The Political Economy of International Shipping,” 93.

67. Ibid. 10.

68. It was not discussed at a parliamentary debate on the shipping crisis in June 1985: Norwegian Parliament, *Stortingsstidende om skipsfartsnæringen*, 4801–4839.

69. Norwegian Parliament, *Stortingsmelding om skipsfartsnæringen*, 57.

Norwegian policymakers had already committed to enacting other types of deregulatory measures in the preceding years, such as the allowance of foreign registration and a less restrictive manning law.⁷⁰ Another was that a proposal to lift restrictions on foreign labor on Norwegian ships, which was also suggested in the Næss Plan, had already been rejected by the government with reference to the current political climate and the probability of union resistance.⁷¹ Thus, while some elements in Næss' suggestion seemed to align with domestic interests, other parts were deemed too far-reaching at the time.

Yet as companies continued to flag out with no signs of stopping, the plan eventually began to gain political traction. In the course of the year 1986 alone, more than one-third of the Norwegian fleet would leave the national registry and a belief began to form that the recession would not be temporary.⁷² This recognition produced a new narrative horizon regarding tonnage flight: that if this problem was not soon addressed, Norwegian-flagged shipping would disappear entirely. To find a solution, the Norwegian Shipowners' Association now turned to the ISR suggestion, setting up a commission to construct a more palatable version of Næss' original plan. The new proposal, presented in January 1986, suggested to allow foreign-owned ships to be registered in Norway as long as they were being operated by Norwegian shipping companies, to re-work the manning laws, and to allow for foreign seafarers to be employed on Norwegian ships based on wage agreements made in their home countries.⁷³

With shipping interests now fully on board with the ISR suggestion, it was not difficult to win over the Conservative government. As it happened, the Conservatives had traditionally had strong ties with Norwegian shipping interests. Most notably, as Tenold points out, the Norwegian Prime Minister at the time, Kåre Willoch, had previously been employed at the Norwegian Shipowners' Association and was in fact still receiving salaries from the organization.⁷⁴ While it is difficult to determine the exact significance of this connection, it is nonetheless a fact that in April 1986, not long after the shift in opinion among the shipowners, the Norwegian government officially announced its intention to establish an international ship registry. Departing markedly from the approach of just a year prior, the government now aimed primarily at providing "favourable framework conditions for the shipping business, among other things through favourable taxation, a flexible maritime policy and reasonable regulations of manning, working hours and social conditions at sea."⁷⁵ Most significantly, it was argued that in order to reduce the need for foreign registration, thereby preserving domestic connections, ships engaged in cross-trading should no longer be required to employ Norwegian crews.⁷⁶ As such, the seafarer part of the "genuine link" argument, which had formerly been integral to the idea of preserving Norway as a maritime nation, was written out of the policy program.

Despite this governmental approval, however, new hurdles did show for the shipowners. At the general elections the following month, the Social Democrats regained control of

70. Ibid. 45-48; Norwegian Parliament, *Innstilling om lov om endringer i lov om sjøfaren*, 1984-1985.

71. Kalnæs, *Opprettelsen av Norsk Internasjonalt Skipsregister*, 36 (footnote 23).

72. Tenold, "Boom, Crisis and Internationalized Revitalization," 33.

73. Kalnæs, *Opprettelsen av Norsk Internasjonalt Skipsregister*, 59.

74. Tenold, *Norwegian Shipping in the 20th Century*, 236.

75. Norwegian Parliament, *Stortingsmelding om skipsfartspolitikken*, 2.

76. Ibid. 13.

Parliament and chose to postpone the ISR plans. They wanted more analyses to be carried out before deciding on the matter, deeming that some of the legal and practical aspects of this “far-reaching” proposal had not been sufficiently examined.⁷⁷ A year of negotiations then ensued between the political parties, the unions, and the Norwegian Shipowners’ Association. It is not within the scope of this article to go into all the details of these debates; the central point here is that the ISR policy had now been fully accepted by both the shipowners and the Conservative and Liberal parties as the only viable solution to the crisis. The prevailing argument was that an international registry offered a compromise between state and industry: by carving out a space of exception for the most internationalized parts of the business, which it was now believed would flag out anyway, policymakers could at least keep it nominally anchored in the national context, thereby preserving incentives to contribute to the national economy. Even the Social Democrats, who had long argued against the ISR policy due to employment concerns, eventually shifted their position, coming to the conclusion that it was indeed necessary to keep “the foreign-going fleet as a driving force for the maritime environment.”⁷⁸

A still contentious issue that needed to be solved before the new registry could be enacted, however, regarded its exact geographical location. One possibility was to follow the lead from Britain (which had set up its registry in 1984) by placing it offshore, either on one of the Arctic islands of Svalbard and Jan Mayen or on the Antarctic island of Bouvet. The convenience of this would be partly that some elements of the regular maritime legal framework in Norway did already not apply to these jurisdictions, partly—it was speculated—that it might make the idea of creating an exception for foreign capital and labor easier to sell in a narrative perspective.⁷⁹ Stephen Knudtzon, the lawyer behind a 1986 report on the issue, however, argued that these locations were not practically suited to house the administration of such a registry. Instead, he recommended placing it in one of the larger cities, preferably in Oslo, where the necessary administrative apparatuses already existed.⁸⁰ When the ISR policy was formally proposed in April 1987, it was therefore with the intention to set it up in Oslo. This choice, though, was quickly challenged by the local shipowners’ association in the maritime city of Bergen, which had actively campaigned for it since the turn of the year.⁸¹ As such, the ISR policy, once accepted politically, also gave rise to narrative struggles between maritime environments at the regional level, with different cities lobbying for the privilege of hosting the new registry. In the end, the Norwegian International Ship Register (NIS) was enacted by Parliament in June 1987 and set up in Bergen.

With the establishment of NIS, shipping companies with at least 60 percent Norwegian capital ownership and head offices in Norway now had the opportunity to employ foreign labor on local wages on their ships. For these ships, domestic manning requirements were lifted such that they merely had to live up to international standards.⁸² Finally, all extra Norwegian tax burdens for foreign investors were eliminated to attract more international

77. Knudtzon, “De rettslige sider ved etablering av et ‘Norsk Internasjonalt Skipsregister,’” 1-7.

78. Norwegian Parliament, *Stortingsmelding om skipsfartens situasjon*, 4.

79. Knudtzon, “De rettslige sider ved etablering av et ‘Norsk Internasjonalt Skipsregister,’” 55-58.

80. Ibid. 58-63.

81. Tenold, *Sjøfartsbyen?*, 89-90.

82. Brautaset and Tenold, “Globalisation and Norwegian Shipping Policy,” 578.

capital. The most significant departure from the original Næss Plan was that NIS did not exempt Norwegian companies from having to pay corporate tax. The immediate consequence of the enactment of NIS was that shipowners began re-flagging their ships—though not to the same extent as before the crisis. Instead, the use of foreign registration would become a mainstay practice in shipping, with companies usually keeping their fleets diversified across different registries. Reflecting this trend, but from the opposite perspective, the share of foreign capital invested in Norwegian-registered tonnage would actually increase from 13 to 36 percent in the period from 1989 to 2000.⁸³ NIS had, in other words, itself become an attractive arrangement for offshore activities. This was especially the case in terms of labor where the share of Norwegian seafarers would continue to decline, being replaced by workers from developing countries, most prominently the Philippines.⁸⁴

NIS fundamentally changed the political landscape of Norwegian shipping. Its enactment represented a decisive shift in paradigm for maritime policymaking, going from a nationally oriented regime aimed at securing employment to a liberal regime focusing on enhancing competitiveness in the global market and promoting trickle-down effects between domestic industries. As such, it can be seen as a precursor for the development of cluster policy programs in the mid-1990s, which were inspired by the theory of industry clusters developed by American economist Michael E. Porter in *The Competitive Advantage of Nations* in 1990.⁸⁵ That a cluster-like argument had been of central importance was also highlighted by the Social Democratic Minister of Trade and Shipping, Kurt Mosbakk, at a conference about a month after the NIS enactment: “Norwegian operated ships constitute the backbone of a maritime environment comprising financing, brokerage activities, ship equipment production, classification, education and research. The maintenance of this environment is one of the main reasons why the Government attaches such great importance to giving the shipping industry fair working conditions”.⁸⁶ As the omission of the seafarers here suggests, the turn toward cluster-like thinking also served as a way to downplay the significance of employment; an issue which had just a few years prior been at the core of the “genuine link” argument.⁸⁷

This section has shown that the change in paradigm was first and foremost an outcome of the increased competition from the FOC system, becoming especially apparent to Norwegian policymakers in the wake of the oil embargoes and the ensuing narrative of crisis. With policymakers anxious to preserve the status of Norway as a maritime nation, a change in the definition of what constituted the maritime environment was negotiated that omitted the seafarers and emphasized other connections in the maritime industry. Furthermore, it has been shown that the specific policy outcome—the Norwegian International Ship Register—was contingent upon the suggestion being made by Næss in 1984. This is supported by the fact that domestic shipping interests were initially against it and thus not on track to come up with the same type of solution themselves at this point in time.

83. Ibid. 578.

84. Tenold, *Norwegian Shipping in the 20th Century*, 253-255.

85. Fougner, “Economic Nationalism,” 181-182.

86. Norwegian National Archives, *Handelsdepartementet – Skipsfartsavdelingen (De-0179)*, 1987.

87. This point is also made by Fougner. Fougner, “Economic Nationalism,” 192-193.

The ISR Policy Transfers in Denmark and Sweden

Norway was not the only Nordic maritime state struggling to find a solution to the problem of tonnage flight during the 1970s and 1980s. Both the Danish and Swedish shipping industries also experienced severe recessions, albeit in different ways. While the Swedish companies had followed a postwar strategy similar to the Norwegians' by investing heavily in dry bulk carriers and tankers, the Danish shipping industry was much more diversified, with a shift toward the liner sector.⁸⁸ Because of this structural difference, Danish companies were generally less affected by the first oil embargo than their Swedish counterparts. By the 1980s, however, they too would be hindered significantly by the general decline in world trade, and in the latter half of the 1980s, tonnage flight would become a shared problem among the Nordic maritime states.⁸⁹

This section focuses on the Danish and Swedish contexts. It investigates how policymakers in these two countries responded to the unfolding crisis in different ways. More specifically, it analyzes how the NIS model, once it had taken hold in Norway, also came to shape policy debates in Denmark and Sweden. It argues that the variations in the narrative reception and negotiation of the NIS model in these two countries can be explained by looking at the differing structural and political circumstances leading up to the ISR debates in the latter half of the 1980s. While the NIS model was presented to Danish policymakers at the height of the Danish recession, the Swedish shipping industry had experienced its decline much earlier, thereby making the timing less convenient in a political sense.

The NIS model was mentioned publicly for the first time in Denmark in early 1987.⁹⁰ Prior to this, Danish debates had revolved primarily around the question of manning costs. The Danish Shipowners' Association had throughout the 1970s and early 1980s campaigned for more flexibility when it came to setting manning requirements for Danish vessels, and in 1985, the Conservative Minister of Industry, Ib Stetter, had responded by enacting a new manning law where the number of seafarers was to be determined "ship by ship" instead of according to fixed scales.⁹¹ Not satisfied with this policy, however, the Danish Shipowners' Association had published a comprehensive report in October 1986 containing no less than thirty-five suggestions, ranging from lowering manning costs to reducing the costs associated with the education of seafarers.⁹² This report also contained a letter directly addressed to the newly appointed Minister of Industry, Nils Wilhjelm, which referred to the escalating situation in Norway, implying that something similar would soon happen in Denmark if a solution was not found.⁹³ The NIS model specifically, however, was not mentioned in the report.

A few months later, in February 1987, the model was mentioned for the first time in a government report, *White book on the shipping industry's competitive situation*, which had

88. Iversen et al., "The Role of National Shipping Policy," 331.

89. Sornn-Friese and Iversen, "Incentives, Capability and Opportunity," 201-202.

90. Danish Ministry of Industry, *Hvidbog om skibsfartens konkurrencesituation*, 56.

91. Danish Shipowners' Association, *Skibsfartens orienteringsdag 1975*, 53; Holck and Simonsen, *Frit Hav*, 122; Danish Parliament, *I. behandling af folketinget om skibes besætning.*, 5203-5206.

92. Danish Shipowners' Association, *Dansk skibsfarts konkurrencevilkår*, 8-58.

93. *Ibid.*, 2.

been ordered by Wilhjelm at the encouragement of the shipowners.⁹⁴ The report completely changed the parameters of Danish discourse. Depicting a narrative that the entire Danish maritime environment was now “in danger of dying out,” it held that it should be the government’s goal “in the widest sense possible, to contribute so that the framework conditions becomes the best possible.”⁹⁵ Reflecting this sentiment, on June 9, 1987, just three days before the enactment of NIS, Wilhjelm officially announced his intention to establish a Danish International Ship Register (DIS).⁹⁶

From a narrative perspective, the acceptance of the ISR policy as a solution in Norway was crucial for the Danish developments. It first of all added a sense of legitimacy to the suggestion that it was enacted during a Social Democratic term of government. This also meant that the policy, when debated in Denmark, was not generally associated with Næss but rather with the neighboring and fellow social democratic nation of Norway. Secondly, and most significantly, the Norwegian enactment generated a competitive imperative for Denmark to respond. Adding to the urgency of this imperative, and reflecting it, was that Danish tonnage flight also began to escalate during this time, going from around twenty percent in January 1987 to just above 50 percent in June 1988 when DIS was finally enacted.⁹⁷ Another important narrative aspect was that, like in the Norwegian context, one of the main concerns of Danish policy-makers was to preserve the status of Denmark as a maritime nation. Danish shipping interests did their best to play into this concern. A key moment came in September 1987 when the administrative director of the Danish Shipowners’ Association, Knud Pontoppidan—borrowing a tactic from the “genuine link” debates in Norway—introduced the concept of “The blue Denmark” to emphasize the connections between the shipping companies and other parts of the maritime industry, especially shipbuilding.⁹⁸ Economic support for the shipowners, he argued, would trickle down to other parts of the industry, for example, the shipyards whose main customers (and in some cases, their owners) were Danish shipping companies. This concept proved important because it made it seem plausible that deregulation would not necessarily cause shipowners to outsource all maritime services. Later, it would become a standard term in Danish shipping policy discourse, especially playing a role in the promotion of cluster policy initiatives in the 1990s and 2000s.⁹⁹

The Danish International Ship Register was not enacted without significant resistance, however. While the NIS model for the shipowners represented a way to get rid of regulation, for the unions it was perceived as a major threat. They had observed how concerns about employment for Norwegian seafarers had ultimately been omitted in the “genuine link” argument in Norway. Realizing that this was a potentially decisive issue, the Conservative-Liberal government began working on a compromise. In March 1988, the Minister of Taxation, Anders Fogh Rasmussen, presented an adjacent proposal to exempt Danish seafarers aboard

94. Sornn-Friese and Iversen, “The Establishment of the Danish International Ship Register,” 93.

95. Danish Ministry of Industry, *Hvidbog om skibsfartens konkurrencesituation*, 2 & 56.

96. *Det fri Aktuelt*, “Skibsfarten en saga blot medmindre...,” 10 June 1987.

97. Iversen and Tenold, “The Two Regimes of Postwar Shipping,” 730; Danish Parliament, *1. behandling af folketinget om Dansk Internationalt Skibsregister*, 232.

98. *Jyllands-Posten*, “Nyt dansk skibsregister vil stoppe tonnage-flugten,” 30 September 1987.

99. Sornn-Friese and Iversen, “The Establishment of the Danish International Ship Register,” 95-102.

DIS-registered ships from income tax.¹⁰⁰ By doing this, the seafarers could be paid in net wages that were competitive with low-cost foreign labor. This would also benefit the shipping companies, he argued, which could now employ highly qualified labor at competitive wage levels. In theory, it was only the Danish state that would receive less income tax.

Despite the proposed compromise, and unlike their Norwegian counterparts, the Danish Social Democrats never shifted their position on the matter. With votes instead split down the middle in Parliament, it all depended on the decision of the Social Liberal Party. Like the Social Democrats, the Social Liberals were skeptical about whether or not DIS would actually secure domestic employment—even with the seafarer tax exemption included. They therefore requested the Danish shipping companies to make an oral agreement about continuing to employ Danish seafarers aboard Danish ships.¹⁰¹ Six Danish companies chose to comply (with the exception of the largest company, A. P. Møller—Mærsk), and the Social Liberals, seeing no viable alternatives, decided to vote for the enactment of the new registry on June 8, 1988.¹⁰²

Like NIS, the Danish International Ship Register lifted all domestic manning requirements and allowed for foreign labor to be employed on Danish ships. It differed in two respects: first, by demanding that all registered ships had to be Danish-owned; second, by making the labor aboard registered ships tax free.¹⁰³ The latter element in a sense made DIS more politically controversial than NIS since it also entailed canceling the existing collective agreements made for those ships entering the new registry. As such, the enactment of DIS was a political intervention on the labor market without union consent and constituted a definitive break with Danish traditions for collective bargaining, the so-called “Danish model”.¹⁰⁴ Danish officials were aware of this before enacting DIS and discussed it internally but ultimately came to the conclusion that it would not constitute a break with neither Danish law nor international conventions.¹⁰⁵ The opposite interpretation, though, was upheld by the International Labour Organization (ILO) in 1989, which declared it a violation of both the Freedom of Association and Protection of the Right to Organise (87th convention) and the Right to Organise and Collective Bargaining (98th convention).¹⁰⁶ This interpretation was repeated through the 1990s but never recognized by the Danish government.

While Danish policymakers were thus relatively quick to adapt the NIS model to the Danish context, enacting the policy a little over a year after Norway, the debates about establishing an international registry in Sweden dragged on for several years. On the face of it, this could seem strange given that the Swedish shipping companies were initially hit harder than the Danish shipping companies. It is argued here that there were two overall reasons for the Swedish reluctance. One reason, which has been suggested in the literature to make a broader point about the relative priority of shipping policy in Sweden, was simply that the shipping industry was not regarded as a cornerstone sector in the national economy. Whereas shipping was traditionally seen as the most important export industry in Norway (accounting for more

100. Danish Parliament, *Skriftlig fremsættelse af forslag til lov om Dansk Internationalt Skibsregister*, 8750.

101. *Land og Folk*, “Vi kræver garanti for dansk beskæftigelse,” 11 March 1988.

102. Danish National Archives, *Erhvervs- og Vækstministeriet: Journalsager 730 (1)*, 1987-1989.

103. Iversen and Tenold, “The Two Regimes of Postwar Shipping,” 730-731.

104. *LO-NYT*, “Skibsregister diskriminerer,” 8 June 1989.

105. Danish National Archives, *Erhvervs- og Vækstministeriet: Journalsager 730 (1)*, 1987-1989.

106. International Labour Organization, *Definitive Report*, section 55-77.

than 43 percent of Norwegian export revenue in the first two-thirds of the twentieth century), it was placed fourth in Sweden and was viewed more as a facilitator of trade driven by other sectors.¹⁰⁷ And although the Swedish shipping industry in terms of tonnage per capita was in fact as large as the Danish one before the crisis, its significance in terms of employment paled in comparison with the shipbuilding industry, for example, which was also in crisis during these years.¹⁰⁸ Further reflecting this point is that Swedish institutional arrangements also differed from the norm. Whereas the responsibility for shipping policy was placed under the Ministry of Industry in Denmark and under the Ministry of Trade and Shipping in Norway, it was assigned to the Ministry of Communication in Sweden. According to economic historian Hans Sjögren, this ministry primarily dealt with issues of domestic infrastructure and was therefore ill-suited to handle questions of international competitiveness.¹⁰⁹ In practice, this meant that the less competition-exposed coastal fleet was often prioritized over the international merchant fleet.¹¹⁰

Another, less theoretical, reason was that Swedish developments in shipping policy prior to the mid-1980s had already diverged markedly from both the Danish and Norwegian ones. First of all, unlike Norway, Sweden did not have any restrictions on the use of foreign registration before the shipping crisis began in the 1970s. This meant that Swedish shipowners already began flagging out after the first oil embargo in 1973.¹¹¹ And since it, at this early stage, was generally believed that the recession in shipping would be temporary, Swedish unions were able to convince policymakers to adopt more restrictive regulation to counteract the potential loss of Swedish employment.¹¹² The outcome was the Flag Act of 1977, which declared that neither a Swedish-registered nor Swedish-owned ship was allowed to transfer to a low-cost registry without permission from the government. The immediate effect of the law, however, was contrary to its purpose: instead of re-flagging to the ordinary Swedish registry, approximately 160 foreign-flagged ships ended up being sold to companies abroad in the period from 1975 to 1979.¹¹³ Thus, whereas Norwegian policymakers gradually liberalized the policy framework in the 1970s and early 1980s, the Swedish government chose the opposite strategy, thereby losing a significant share of the Swedish-owned fleet within the first years of the recession. This development had a catastrophic impact on the structure of the shipping business in Sweden. Due to the restrictions of the Flag Act, as well as a series of unfortunate business decisions on the part of the shipowners themselves, several of the largest Swedish shipping companies had already declared bankruptcy when the ISR suggestion entered political discourse in the late 1980s.¹¹⁴ If compared with the Danish context, it becomes clear how significant this weakening of shipping's position was, since one of the most effective tactics used by Danish companies was to escalate the situation by flagging out:

107. Tenold, *Norwegian Shipping in the 20th Century*, 276; Sjögren, *Spelet i Saléninvest*, 203-204.

108. Poulsen, Sjögren, and Lennerfors, "The Two Declines of Swedish Shipping," 101, 110.

109. Sjögren, *Spelet i Saléninvest*, 206-207.

110. *Ibid.*, 208.

111. Sjögren, "Shipping as Gambling," 50.

112. Sjögren, *Spelet i Saléninvest*, 161-169.

113. Sjögren, Lennerfors and Poulsen, "The Transformation of Swedish Shipping," 425.

114. Most significant was the bankruptcy of the largest Swedish shipping company, Saléninvest, in 1984. Poulsen, Sjögren, and Lennerfors, "The Two Declines of Swedish Shipping," 113-118.

such an escalation had already happened in Sweden, thereby limiting the set of political techniques available to the Swedish shipowners in the late 1980s.

Another difference was that the Swedish state, almost inadvertently, itself became engaged in the shipping market as a shipowner. This process began just after the first embargo in 1973, when Norwegian shipowners, who had been among the main customers of Swedish shipyards, increasingly had to default on their payments for new-built ships. At first, these ships were taken over by the shipyards, but eventually the Swedish government decided that it was more appropriate for a state-owned shipping company, Zenit, to take up ownership of what was becoming a substantial fleet of highly modernized ships.¹¹⁵ The problem, however, was that Zenit did not possess the experience or expertise to operate the ships effectively and was therefore forced to charter them out to foreign companies instead.¹¹⁶ This meant that the Swedish state ended up controlling a large fleet of flagged-out vessels which for a time did not employ any Swedish seafarers. As a temporary remedy to this problem, the government enacted a special internationalization agreement in 1982, which allowed Swedish seafarers to work tax free for 183 days a year on foreign ships.¹¹⁷

These Swedish differences made for a rather complex political situation when it came to discussing shipping policy in the late 1980s. On the one hand, the Social Democratic government followed a broad maritime policy program which sought to balance concerns of competitiveness and employment as well as taking a principled stance against the spread of flags of convenience in international shipping; while on the other, the Swedish state was itself running a company with ships registered abroad.¹¹⁸ Because of the controversy surrounding the latter, especially, the narrative context in Sweden was arguably different from that in the other Nordic countries. The rising presence of the flags of convenience system was covered by Swedish media, and it was a well-known fact, for example, that the ISR policy had initially been proposed by an offshore shipowner.¹¹⁹ Perhaps in connection with this coverage, the ISR suggestion was actually brought up in the Swedish Parliament a month before it was in the Danish context, when the Liberal-Conservatives, explicitly referencing the Næss Plan, requested a committee to be set up to consider the Swedish possibilities for developing such a policy.¹²⁰ This was followed up by the Liberals three months later, in April 1987, when they officially proposed the establishment of a Swedish International Ship Register (SIS). But because the Norwegian model, according to which unions were allowed to represent foreign seafarers, was seen by the Swedish unions as social dumping, the Liberals instead suggested to follow the model being discussed in Denmark by including a tax exemption for Swedish labor on SIS-registered ships.¹²¹ The Social Democrats, however, were still not positively inclined toward the idea of emulating the “flags of convenience” framework and instead chose to postpone negotiations.¹²²

115. Lennerfors, “An Involuntary Ship Owner,” 708.

116. Ibid. 709.

117. Sjögren, Lennerfors, and Poulsen, “The Transformation of Swedish Shipping,” 425–426.

118. The contours of this policy program had originally been formulated by the Liberal-Conservative government in 1980. Swedish Parliament, *Regeringens proposition om sjöfartspolitikken*, 27, 73.

119. *Svenska Dagbladet*, “Norgeströd om fartygsregister,” 24 March 1987.

120. Swedish Parliament, *Motion om internationalisering av svensk sjöfart*, 9–13.

121. Swedish Parliament, *Motion om vissa sjöfartspolitiska åtgärder*, 8–10.

122. Swedish Parliament, *Riksdagens protokoll 1986/87:118*, 72.

Through the late 1980s, the SIS policy would regularly be re-proposed by the Swedish Shipowners' Association and the Liberal and Conservative parties, but without much success.¹²³ As in the Danish case, the Social Democrats held on to their principles, contending that utilizing cheap foreign labor did not align with their political values: "This is fundamentally wrong," they asserted at one point, "The shipping industry's problem is not solved by establishing more flags of convenience. To the contrary, it is the lack of national and international regulation and control over the conditions of shipping that is the problem."¹²⁴ Instead of following the ISR trend, therefore, Swedish policymakers ended up instituting a permanent income tax exemption for Swedish labor on foreign-going ships while supporting the shipowners through a state subsidy amounting to 38,000 SEK per employed seafarer.¹²⁵

It was not until after the Liberal-Conservatives had won the general elections in October 1991 that the SIS policy came somewhat close to being enacted. In April 1992, the new government declared that the Social Democratic subsidy program would be terminated in July, after which the SIS policy would be re-proposed to replace it.¹²⁶ By this point, however, the controversy around DIS violating international conventions had tainted the success story of the ISR policies as it came to be associated with acts of discrimination. The Swedish unions especially played an important part in promoting this counter-narrative, claiming that allowing foreign labor to work on local, often lower-waged, agreements would violate the 111th ILO convention.¹²⁷ Also different from the contexts in Norway and Denmark was that the recession had by this point led to a fragmentation of the Swedish maritime industry more generally, with the shipyards, for example, also disappearing during the 1980s.¹²⁸ The cluster arguments which had been so effective in Norway and Denmark did therefore not really gain traction in Sweden. The ultimate outcome of these circumstances was that a majority in Parliament decided against the SIS proposal once again.¹²⁹

All in all, it is clear that the ISR suggestion also influenced Swedish policy debates in the 1980s and early 1990s. While it was never enacted due to the above-mentioned structural, political, and narrative circumstances, it generally took over the agenda of both the Swedish Shipowners' Association and the Conservative and Liberal parties which repeatedly proposed the SIS policy. The influence of the suggestion is also evidenced by the fact that the ambition of establishing an SIS never completely disappeared from political discourse. In 2011, for example, it became a topic of debate again in the Swedish Parliament after a government report on the competitiveness of Swedish shipping had suggested establishing it alongside a special tonnage tax scheme.¹³⁰ In a broader perspective, the Swedish case is important to include in a history about the ISR policies because it highlights the contingent nature of the ISR policy

123. For example: *Svenska Dagbladet*, "Statsstöd blir döbelmedicin för sjöfarten," 24 March 1988; Swedish Parliament, *Motion om sjöfarten*, 1; *Göteborgsposten*, "Inför svenskt skeppsregister," 23 March 1989.

124. Swedish Parliament, *Motion om åtgärder för svensk sjöfarts framtid*, 13.

125. Swedish Parliament, *Trafiutskottets betänkande om vissa sjöfartspolitiska åtgärder*, 2.

126. Swedish Ministry of Communication, *Svensk sjöfart*, 153.

127. *Arbetet Nyheterna*, "Sjöjobb i farozonen," 14 November 1991; *Svenska Dagbladet*, "Sjöfolket varnar för strid," 11 May 1992.

128. Poulsen, Sjögren, and Lennerfors, "The Two Declines of Swedish Shipping," 100-101.

129. Swedish Parliament, *Riksdagens protokoll 1992/93:47*, 123-128.

130. Swedish Parliament, *Svensk sjöfarts konkurrensförutsättningar*, 119; *Riksdagens protokoll 2010/11:84*, 128-152.

transfers. In each case studied here, the transfers involved the interplay of various context-bound factors—business actors, narratives, politics, as well as timing—each of which either enhanced or reduced their likelihood of success. As such, while the competitive pressure from the offshore world demanded change in all Nordic countries, the specific institutional adjustments made in each case were the outcomes of particular forms of cross-border influence and domestic processes.

Conclusion

This article has investigated how the policy of international ship registries (ISRs) was invented and came to shape maritime policymaking in three Nordic countries during the 1980s' shipping recession. The policy was originally proposed in 1984 when the offshore shipowner Erling Dekke Næss suggested that Norwegian policymakers establish an open registry similar to those of the flags of convenience system. It has been argued that this was not a coincidence since both Norwegian shipping interests and policymakers were initially reluctant toward the suggestion and only warmed up to it as tonnage flight intensified. A crucial element in legitimizing the suggestion was that it played into a narrative that Norway was a maritime nation in crisis: by emphasizing the possible trickle-down effects between domestic industries and omitting the sensitive issue of seafarer employment, Næss successfully reframed this narrative to make the ISR policy seem like a viable solution. In the end, the Norwegian International Ship Register was enacted according to Næss' original plan in several respects, with the exception that it did not include abolishing regular corporate taxation for shipping companies. The article has then shown how the developments in Norway became a reference point for policy debates in Denmark and Sweden. In the Danish case, the ISR policy was enacted in 1988, though in an altered form to fit the Danish socio-political context. This involved making Danish labor aboard DIS-registered ships tax free. Finally, the ISR policy was repeatedly proposed by both the Swedish Shipowners' Association and the Liberal and Conservative parties in Sweden during the late 1980s and early 1990s, but it never got wide political traction. It has been argued that this had to do with both the chronological timing of the suggestion, since the Swedish shipping industry by the mid-1980s had already declined significantly, and the narrative context in Sweden. The Swedish unions, especially, were instrumental in producing a counter-narrative against the ISR policy, drawing attention to the DIS model's violation of international conventions and depicting the acceptance of the NIS model, where foreigners could be represented by Norwegian unions, as a "sell out" by the labor movement.

While the ISR policies were thus not enacted in every context in which they were discussed, their emergence did serve to legitimize the offshore paradigm more generally as a way of thinking and organizing the maritime world. Being discursively created from an offshore blueprint, these policies shared several offshore-like features: they lifted nationally determined regulations; they allowed for labor to be sourced from anywhere in the world; in the case of NIS, foreign capital interests were allowed to invest in ships in the registry; and in the case of DIS, domestically sourced labor was made tax free. Along with Norway and Denmark, Germany and later Italy also decided to enact ISR policies while former colonial powers, such

as Britain, France, and the Netherlands, set up different types of offshore registries.¹³¹ In 1989, there were even talks within the EU about establishing a common European Register of Shipping (EUROS), though it never came to fruition.¹³² Later, in the 1990s and early 2000s, another deregulatory step was taken by European governments with the enactment of special tonnage tax schemes which replaced the regular corporate tax arrangements for shipping companies.¹³³ A tonnage tax is a low, fixed-rate tax based on the total deadweight of operated tonnage.¹³⁴ With tonnage taxation, European policy frameworks thus came even closer to aligning with the original Næss Plan.

Finally, in a broader perspective, the turn to offshore in European shipping can be seen as emblematic of the changing perceptions of the state more generally in the 1980s and 1990s. Globalization after all did not only affect the maritime world; it was part of the larger shift toward a neoliberal order in which states, accepting the free movement of capital, goods, and labor, began to let go of ambitions of regulatory control, embracing instead the imperatives of global competition through measures of liberalization, deregulation, the creation of spaces of exception, and other business support initiatives.¹³⁵ This article contends that the ISR policies in Norway and Denmark, although it can be argued that they were not intentionally “neoliberal” in an ideological sense, did serve as thresholds toward the new paradigm.¹³⁶ Enacted only a few years before the publication of Michael E. Porter’s influential *The Competitive Advantage of Nations* in 1990, they were essentially precursors for the more deliberate cluster policy programs of the mid-1990s.¹³⁷ Central to Porter’s theory was the idea that “national competitiveness” in an increasingly global economy was no longer determined through factors of production primarily but more so by the capacity of public and private actors to stimulate productivity and innovation within key industries.¹³⁸ While the most immediate purpose of the ISR policies was to save domestic industry by erasing national disadvantages in labor costs and regulation, they were also framed in accordance with emerging narratives of cluster-driven competitiveness. Had the maritime industries in Norway and Denmark instead been assessed primarily in terms of their effects on employment, these policies would likely not have been enacted. Losing out on employment (and taxes), in other words, necessitated a redefinition of what constituted the maritime environment in these states, as international relations scholar Tore Fougner similarly describes in his study on

131. Carlisle, “Second Registers,” 322.

132. Marlow and Mitroussi, “EU Shipping Taxation,” 190.

133. The first country to enact a tonnage tax scheme was Greece in 1957 (modernized in 1975). In the 1990s and 2000s, Norway, Britain, the Netherlands, and Denmark followed suit. Selkou and Roe, *Globalisation, Policy and Shipping*, 2004. Today, 23 EU countries have enacted the policy. Merk, “Quantifying Tax Subsidies to Shipping,” 517.

134. Sornn-Friese and Iversen, “Incentives, Capability and Opportunity,” 208.

135. Examples of other types of spaces of exception that have been proliferated especially under the neoliberal order are special economic zones (SEZs), foreign-trade zones (FTZs), and export processing zones (EPZs). Slobodian, *Crack-up Capitalism*, 2–9.

136. The correlation between the rise of neoliberal ideas and developments in Danish shipping policy is also pointed out in Sornn-Friese, Poulsen, and Iversen, “Knowing the Ropes,” 80–81.

137. For more on maritime cluster policy programs in Norway and Denmark: Fougner, “Economic Nationalism,” 181–182; Sornn-Friese and Iversen, “The Establishment of the Danish International Ship Register,” 95–102.

138. Porter, *The Competitive Advantage of Nations*, 18–21 & 69–73.

Norwegian maritime policy in the mid-1990s.¹³⁹ As such, and in alignment with concurrent neoliberal discourses, the Danish and Norwegian maritime environments, which had formerly comprised both labor and capital, were reconceptualized as internationally competitive maritime clusters, or “The blue Denmark” as it was called in the Danish case, populated not by workers but by networks of capital.

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139. Using the notion of “economic nationalism,” Fougner argues that Norway through its development of Porter-inspired maritime cluster policy programs in the mid-1990s was discursively (re)produced as a maritime nation, defined principally by its business activity in the global market. As a key industry in Norway, shipping came to “represent” its nation when engaging in global competition, thus opening up a space for a more proactive approach on the part of policymakers in shipping matters. A consequence of this narrowing of Norwegian maritime identity was that more domestically oriented, or “uncompetitive” in a Porterian sense, businesses became less important in political narratives. Fougner, “Economic Nationalism,” 185-197.

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