

REGULATION OF FUTURE FISHERIES IN THE ARCTIC OCEAN

Dr. Lilly Weidemann



Outline

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- Introduction
- Overview of legal and institutional framework for fisheries in the Arctic Ocean
- Gaps and weaknesses
- Recent developments
- Perspectives

Arctic Ocean



Map taken from Geology.com

Current international governance regime



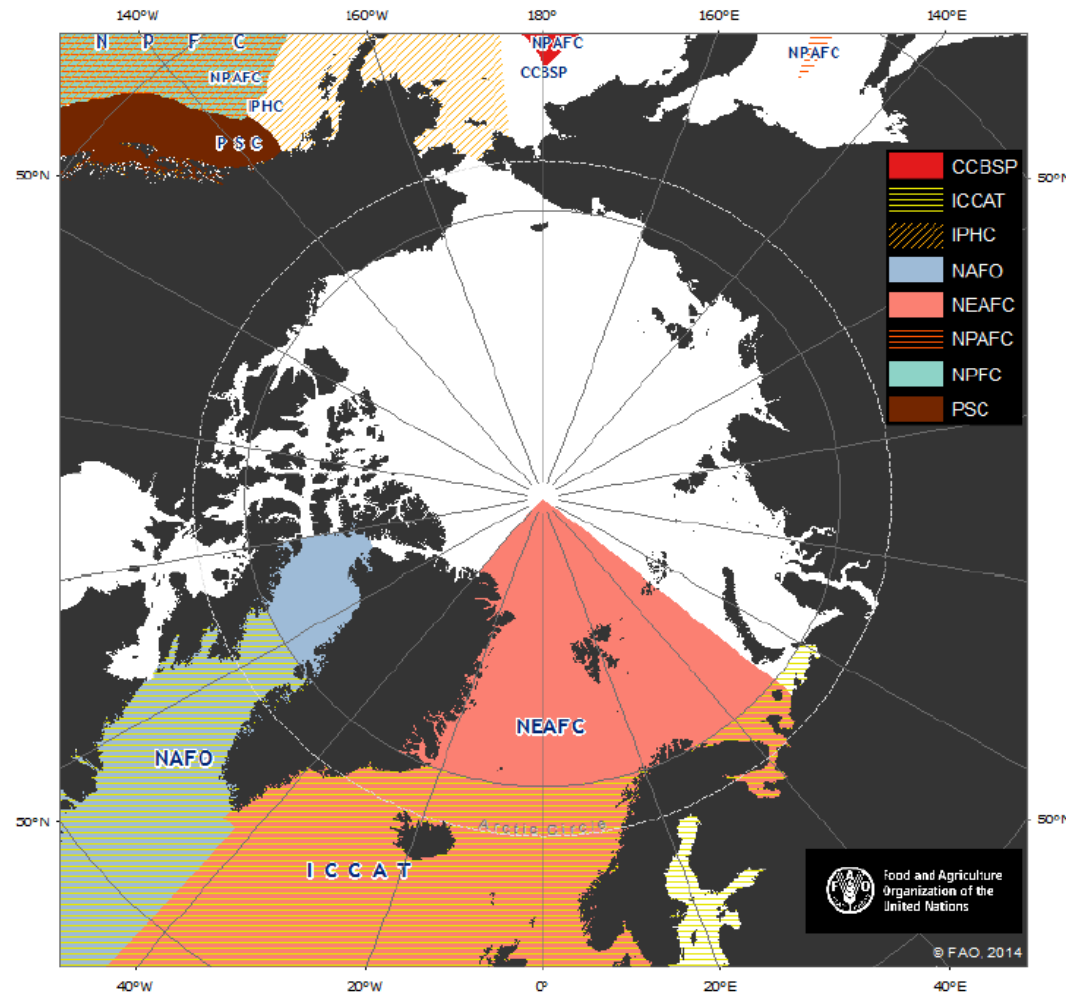
- International legal framework for fisheries
 - ▣ UNCLOS
 - ▣ UN Fish Stocks Agreement
 - ▣ FAO Compliance Agreement and Code of Conduct for Responsible Fisheries
 - ▣ Port State Measures Agreement
 - ▣ International Guidelines on Deep-sea Fisheries in the High Seas
 - ▣ UNGA Resolutions, e.g. on bottom-fisheries on the high seas

Regional and Bilateral Fisheries Bodies

- Plethora of bodies in the whole marine Arctic, e.g.:
 - ▣ Northwest Atlantic Fisheries Organization (NAFO)
 - ▣ North Pacific Anadromous Fish Commission (NPAFC)
 - ▣ Pacific Salmon Commission (PSC)...

- Concerning the Arctic Ocean:
 - ▣ North East Atlantic Fisheries Commission (NEAFC)
 - ▣ Joint Norwegian-Russian Fisheries Commission (Joint Commission)
 - ▣ North Atlantic Salmon Conservation Organization (NASCO)
 - ▣ International Commission for the Conservation of Atlantic Tunas (ICCAT)

RFMOs in the marine Arctic



Map taken from presentation by Árni M. Mathiesen Assistant Director-General Fisheries and Aquaculture Department Food and Agriculture Organization of the United Nations, 31 October – 2 November 2014 Reykjavik, Iceland

Main gaps and weaknesses



- Insufficient database
 - ▣ Abundance and location of fish stocks
 - ▣ Future scenarios
- Shortcomings in the international legal framework
- Insufficient participation in relevant instruments
- Gaps in coverage with RFMOs

Recent developments

- 2007: U.S. Senate Joint Resolution called for the negotiation of an agreement to manage fish stocks and to establish a new RFMO for the Arctic Ocean and sought halt in the expansion of Arctic commercial fishing activities until this is achieved
- 2007: Statement of Arctic Council to not become involved in Arctic fisheries issues
- 2009: EU proposal to include in UNGA resolution a call for establishment of regulatory framework for fisheries in the Arctic Ocean before new fisheries are set up

Recent developments

- Meetings of Arctic Ocean coastal States (Canada, Greenland/Denmark, Norway, Russia, and the United States)
 - ▣ Senior officials (2010, 2013, 2014)
 - ▣ Scientific meetings (2011, 2013)

- Last meeting: April 2014 in Nuuk, Greenland
 - ▣ Officials from the Arctic Ocean coastal States agreed that no commercial fishing in the high seas area of the Arctic Ocean should commence until a competent RFMO is in place

Recent developments



- 2014 Nuuk Meeting
 - Agreement to develop “*appropriate interim measures to deter unregulated fishing in the future in the high seas area of the central Arctic Ocean*”
 - Reaffirmed their predominant role, but recognised “*that other States may have an interest in this topic and looked forward to a broader process involving additional States beginning before the end of 2014*”

Recent developments



- 2014 Nuuk meeting
 - Agreement to develop a Ministerial Declaration to be finalized by June 2014
 - Final outcome of whole process was projected to be the development of a set of interim measures including commitment by additional states and possibly eventually a binding international agreement
 - Plans were never realized, process on hold

Perspectives

□ Options

- Role of UNGA or FAO unlikely due to opposition of coastal States
- Arctic Council rejected involvement
- Extension of geographical scope of existing RFMO possible, but unlikely
- Desirable for commenced process among coastal States to resume, with the final aim of a RFMO/A

Necessary content of new regime

- Aim: ensure conservation and sustainable management of fish stocks in the Arctic Ocean
 - Broadening of scientific data base
 - Encourage States to participate in relevant fisheries instruments and implement their obligations under agreements they are bound to
 - Ask States to declare to refrain from engaging in fisheries until a RFMO is in place and to discourage their nationals from becoming engaged in unregulated fishing activities
 - Develop conditions and principles for exploratory and commercial fisheries
 - Ensure compatibility with coastal States' regulations

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