REGULATION OF FUTURE FISHERIES IN THE ARCTIC OCEAN

Dr. Lilly Weidemann
Outline

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