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International Regulation of High Seas Fishing in the Central Arctic Ocean

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Presentation at seminar *Innovating for Change in Global Fisheries Governance*, JCLoS, 23 Sep 2016

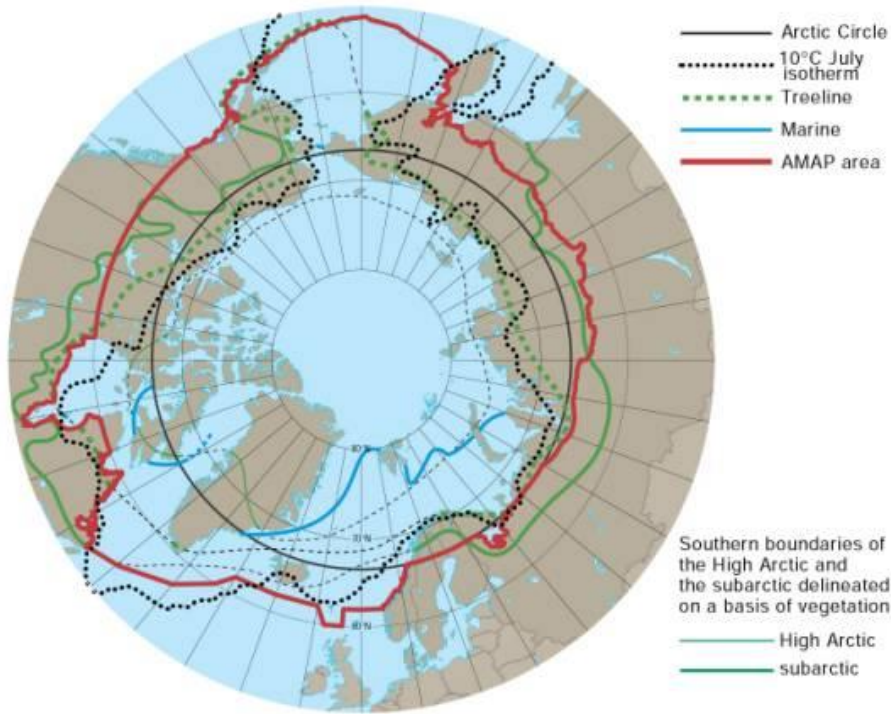


Overview of Presentation

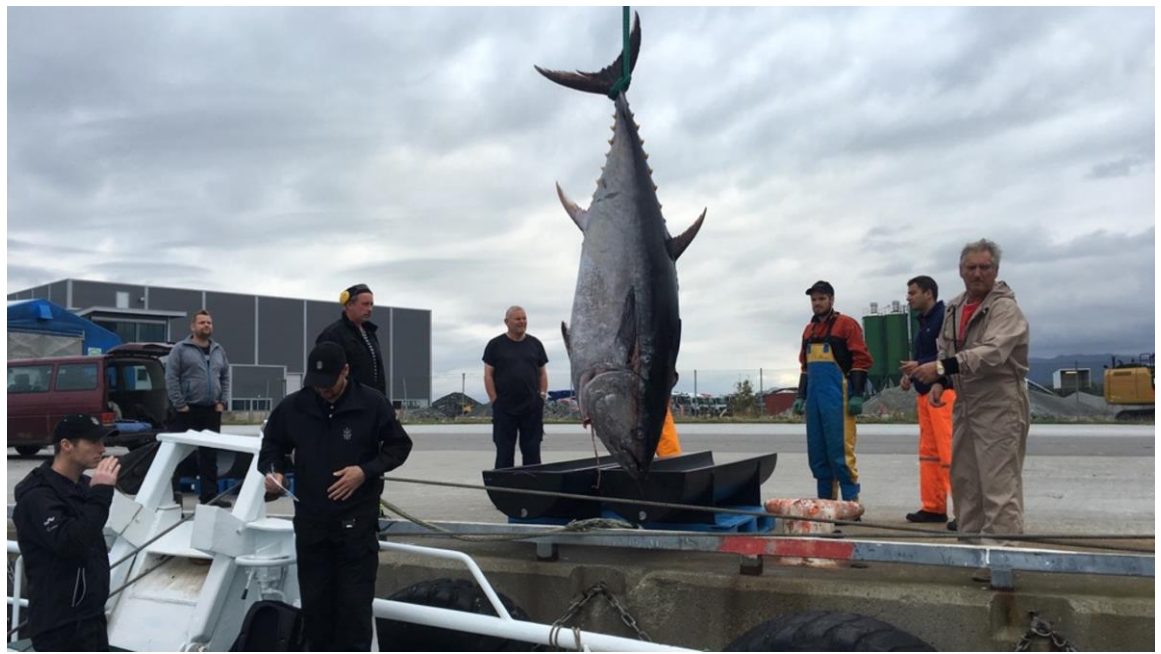
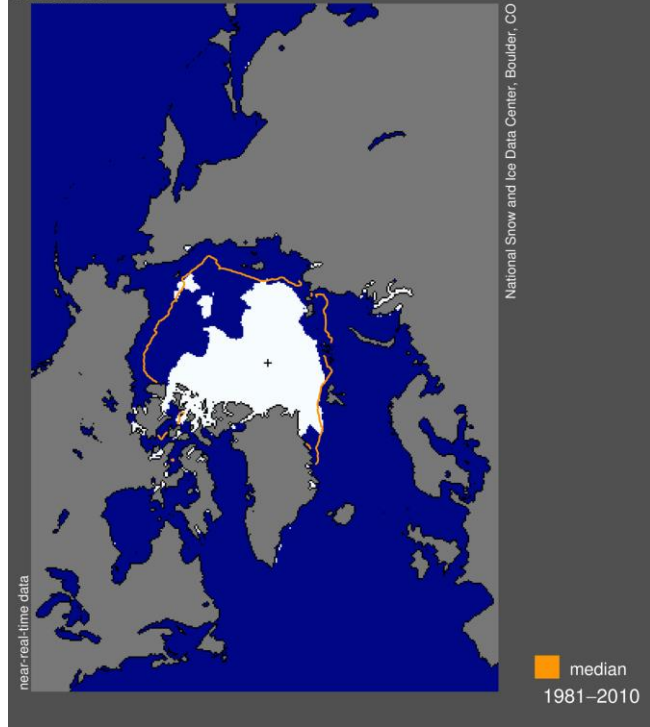
- Introduction
- RFMOs and the Marine Arctic
- A5 Process on High Seas Fishing in the Central Arctic Ocean
- Five-plus-Five Process on High Seas Fishing in the Central Arctic Ocean

Introduction

- Geographical scope
 - Marine Arctic
 - high seas of the Central Arctic Ocean
 - Arctic Ocean
 - Central Arctic Ocean
- Climate change
 - Sea ice
 - Species
 - Northern shift distributional range currently exploited species
 - Unexploited species (polar cod; *Boreogadus saida*)?
- Global vs regional component of international fisheries law
- Need for global high seas coverage with RFMOs



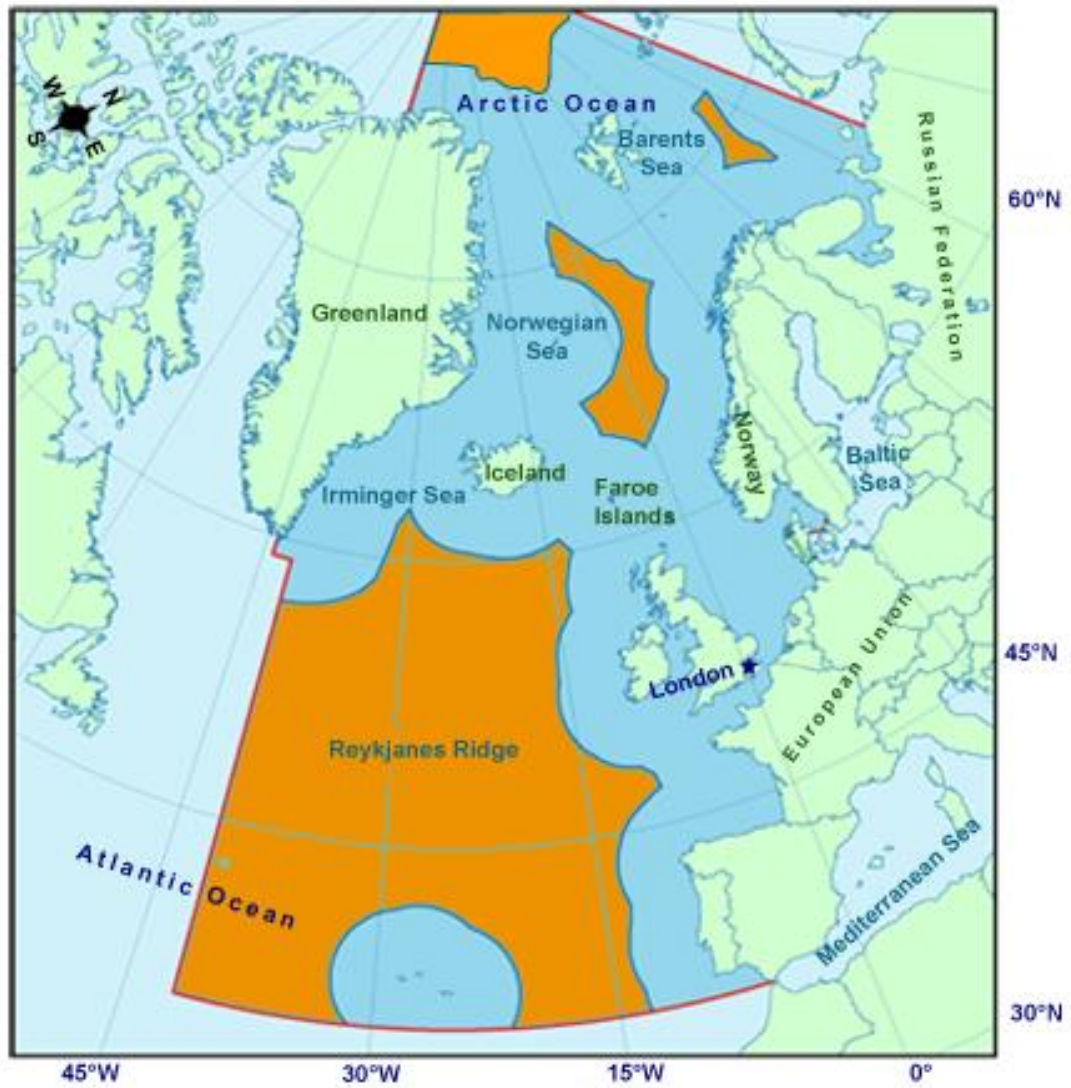
Sea Ice Extent
09/10/2016



RFMOs and the Marine Arctic

- Many RFMOs relevant to the marine Arctic but only a few (potentially) also to the central Arctic Ocean
- North-East Atlantic Fisheries Commission (NEAFC)
 - Denmark (i.r.o. Faroe Islands and Greenland), EU, Iceland, Norway and Russian Federation
 - All ‘residual’ fish
 - E.g. herring, mackerel and blue whiting
 - Excluding also those managed by the Joint Norwegian-Russian Fisheries Commission

| RFMOs also relevant to marine Arctic but not central Arctic Ocean | RFMOs also (potentially) relevant to central Arctic Ocean |
|--|--|
| <ul style="list-style-type: none"> • Central Bering Sea (CBS) Convention • International Pacific Halibut Commission (IPHC) • North Pacific Anadromous Fish Commission (NPAFC) • Yukon River Panel to Pacific Salmon Treaty • Intergovernmental Consultative Committee (ICC) • Western and Central Pacific Fisheries Commission (WCPFC) • Northwest Atlantic Fisheries Organization (NAFO) • Loophole Agreement | <ul style="list-style-type: none"> • North-East Atlantic Fisheries Commission (NEAFC) • Joint Norwegian-Russian Fisheries Commission • North Atlantic Salmon Conservation Organization (NASCO) • International Commission for the Conservation of Atlantic Tunas (ICCAT) |



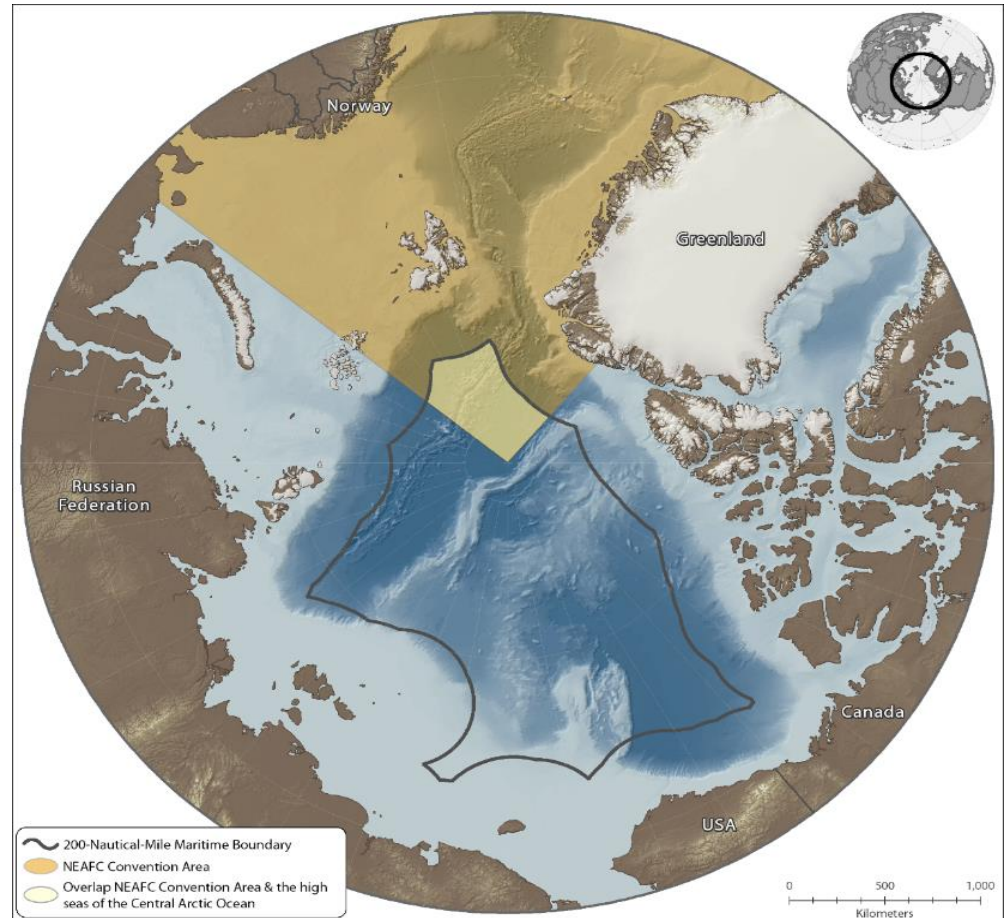
RFMOs and the Marine Arctic (cont.)

- Joint Norwegian-Russian Fisheries Commission
 - Spatial scope not defined; (Central) Arctic Ocean is therefore included
 - Main species: cod (Norwegian Arctic cod and coastal cod), (Northeast Arctic) haddock and Greenland (Northeast Arctic) halibut, (Barents Sea) capelin (and harp seals, king crab etc.)
 - Unique practice vis-à-vis the Loophole
 - Competence overlap with NEAFC; both spatially and substantively - but so far complementarity rather than incompatibility or conflict
 - Is the Joint Commission an RFMO or RFMA?

A5 Process on High Seas Fishing in the Central Arctic Ocean

- Policy/governance meetings
 - Oslo (June 2010)
 - Washington D.C. (April-May 2013)
 - Nuuk (Feb 2014)
 - Oslo, 16 July 2015: Declaration Concerning the Prevention of Unregulated High Seas Fishing in the Central Arctic Ocean
 - Key commitment
 - Spatial scope
- Science meetings
 - Anchorage (June 2011)
 - Tromsø (Oct 2013)
 - Seattle (July 2015)

We will authorize our vessels to conduct commercial fishing in this high seas area only pursuant to one or more regional or subregional fisheries management organizations or arrangements that are or may be established to manage such fishing in accordance with recognized international standards



Five-plus-Five Process on High Seas Fishing in the Central Arctic Ocean

- A5 + China, EU, Iceland, Japan and South Korea
- Policy/governance meetings
 - Washington DC (Dec 2015)
 - Washington DC (Apr 2016)
 - Iqaluit (July 2016)
 - Tórshavn (29 Nov - 1 Dec 2016); Last one?
- Science meetings
 - Tromsø, 26-28 September 2016
 - Developing 'Joint Program of Scientific Research and Monitoring' envisaged under Art. 3 bis of the Aug 2016 Draft

Five-plus-Five Process on High Seas Fishing in the Central Arctic Ocean (cont.)

- Current text ‘largely agreed’, including on key ‘Oslo’ commitment
- Key unresolved issues (as mentioned in Chairman’s Statement of Iqaluit Meeting)
 - Treaty or Declaration (step 1 in ‘stepwise process’)
 - ‘Trigger’ to commence negotiations to establish RFMO (step 2)
 - Decision-making (in particular on ‘trigger’)
 - Exploratory fishing (potential loophole)
- Other unresolved issues
 - Compatibility

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Thank you!

Questions?

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