

Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean

On 3 October 2018, the five Arctic Ocean coastal States (Canada, Denmark (acting on behalf of Greenland and the Faroe Islands), Norway, Russia, and the United States – the “A5”) together with China, the European Union (EU), Iceland, Japan, and South Korea (which together with the A5 form the so-called ‘A5+5’) signed the Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean (CAOF Agreement or CAOFA) in Ilulissat, Greenland.

The objective of the CAOFA is to prevent unregulated fishing in the high seas portion of the central Arctic Ocean (CAO) through the application of precautionary conservation and management measures as part of a long-term strategy to safeguard healthy marine ecosystems and to ensure the conservation and sustainable use of fish stocks.

The high seas portion of the CAO has previously not been subject to a comprehensive regional fisheries agreement, as only the southern tip of the CAO falls within the Convention Area of the North-East Atlantic Fisheries Commission (NEAFC). Other relevant regional fisheries management organizations (RFMOs) and arrangements (RFMAs) lack either a geographical or substantive mandate for comprehensive fisheries regulation in the CAO. On the other hand, the global legal regime for high seas fisheries applies to the CAO. The most important global instruments, which are also expressly referred to in the CAOFA’s preamble, are the 1982 United Nations Convention on the Law of the Sea (UNCLOS), the 1995 UN Fish Stocks Agreement (UNFSA) and the 1995 Code of Conduct for Responsible Fisheries.

An important feature of the CAOFA is that it is not supposed to affect the existing legal regime and the parties’ positions in that respect – including other fisheries agreements such as NEAFC. The moratorium imposed by the CAOFA is in fact on “unregulated” commercial fishing, not on commercial fishing *per se*. The parties retain, with some qualifications, their right to authorize commercial fishing by vessels under their flag pursuant to conservation and management measures adopted by existing RFMOs, such as the NEAFC if they are “operated in accordance with international law to manage such fishing in accordance with recognized international standards”. The CAOFA will remain in force for 16 years. Thereafter, it will be automatically renewed for successive periods of five years unless one of the parties objects.