

**Bulletin no. 8**

# **THE ARCTIC THE RESILIENCE OF THE CENTRAL ARCTIC OCEAN FISHERIES AGREEMENT**

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*High Seas of  
the Central  
Arctic Ocean*

**NOVEMBER 2025**

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**POLAR WATCH**

Polar Regions Monitoring and Forecasting



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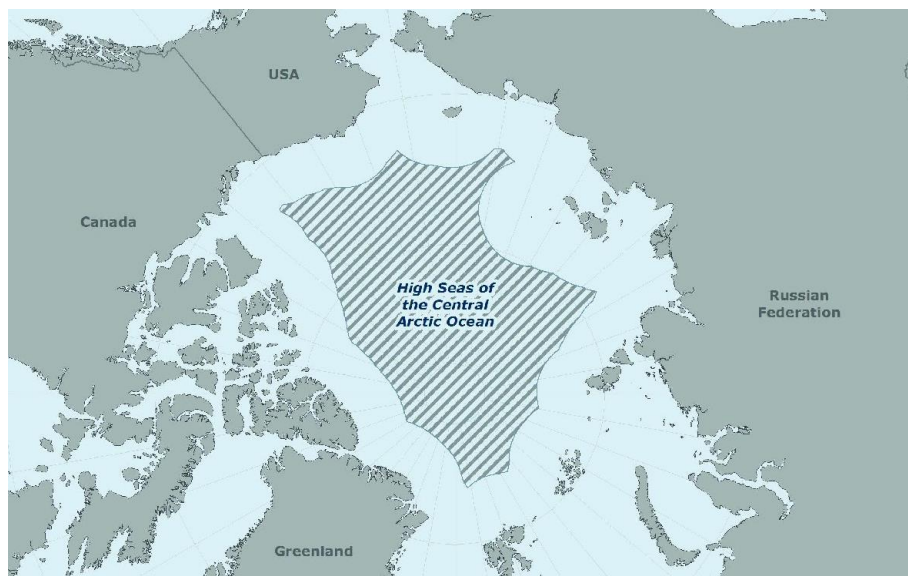
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# The Endurance of the CAOFA amidst Geopolitical Turbulence

Despite all the geopolitical challenges in the Arctic, the fulfilment of the Agreement to prevent unregulated high seas fisheries in the central Arctic Ocean (CAOFA) has been progressing without significant obstacles so far.

The Arctic region has faced significant geopolitical challenges. Following Russia's full-scale invasion of Ukraine on 24 February 2022, seven Western Arctic states (Canada, Denmark/Greenland, Finland, Iceland, Norway, Sweden and the United States) paused their participation in the Arctic Council which was at the time chaired by Russia, effectively putting the work of the Council on hold. The Council did not function for over a year and has only resumed operations after Norway assumed the chair in May 2023. The Council has restarted meetings only at the working-group level, not yet at the political level, having been conducted virtually. The inauguration of a second Trump presidency in 2025 has also had the effect of making discussions on climate change even more challenging.



**Figure 1: The high seas portion of the central Arctic Ocean (CAOFA Area).** The high seas begin 200 nautical miles from the coastal baselines, beyond Exclusive Economic Zones. The high seas of the central Arctic Ocean covers an area of 2.8 million km<sup>2</sup> of international waters around the North Pole.

***‘The current mistrust between Russia and the Western states is likely to cause problems when the joint program of scientific research is being implemented’***

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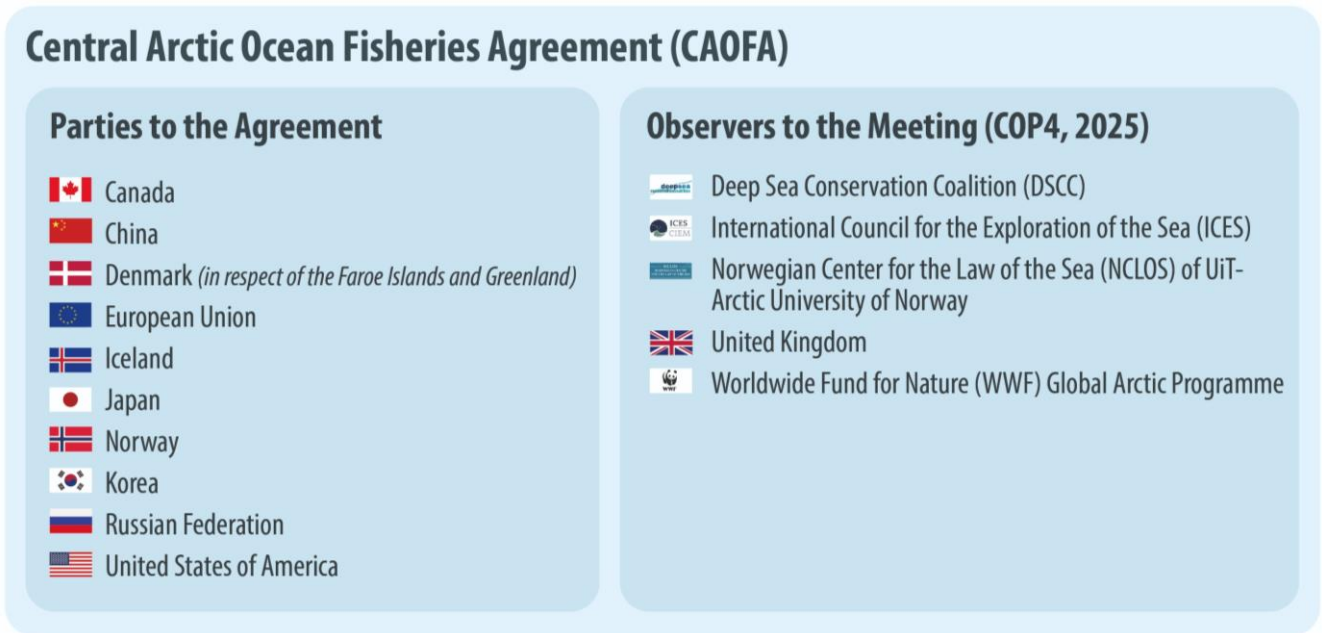
In the Tromsø Arctic Council meeting in May 2025 the statement by the eight Arctic states no longer referenced climate change; instead, the term 'warming' and similar phrases were used. Similarly, the 2017 Arctic Science Cooperation Agreement that was negotiated under the auspices of the Arctic Council has suffered from geopolitical tensions. In the 2019 review meeting of this agreement it was decided that the Arctic Council chair will organize all meetings as laid out in the Agreement. With the Ukraine invasion, Russia could not hold such meetings and since the political level of the Council cannot meet it is impossible to uphold these review meetings of the agreement.

Given these challenges the question arises as to how the other main Arctic-focused international regime, that of the Agreement to prevent unregulated high seas fisheries in the central Arctic Ocean (in short, the 'central Arctic Ocean fisheries Agreement') has been able to function during these tumultuous times. This paper will begin by briefly explaining how the central Arctic Ocean fisheries Agreement (CAOFA) was negotiated followed by the outline of its main contents. It will then address the main issue: how has the Agreement been implemented after its entry into force in 2021. Finally, it will conclude by assessing whether and how the geopolitical challenges have influenced the implementation of the Agreement.

How did the Agreement come into being? Climate change was the primary driver behind the negotiation of the CAOFA. The five coastal states of the Arctic Ocean (Canada, Denmark/Greenland, Norway, Russia and the United States) had already recognized in 2008 that climate change is melting the sea ice of the central Arctic Ocean to an extent that fisheries could become feasible, even in the 2.8 million km<sup>2</sup> high seas portion (Figure 1). Given that parts of the central Arctic Ocean (CAO) were already open waters during summer months and melting was likely to accelerate (Box 1), it was deemed important to initiate discussions on Arctic fisheries regulation. Following multiple diplomatic and scientific meetings, delegations from the five states whose fishing zones abut this high seas area were able to come up with the 2015 Oslo Declaration by which they made a political commitment to refrain from unregulated fishing until sufficient scientific knowledge was available to support sustainable management. Since these measures applied only to the high seas portion of the central Arctic Ocean where all states, in principle, have rights to fish, the Arctic five initiated a broader set of negotiations that also included those states and entities with current fishing capabilities in the CAO: the European Union, Iceland, South-Korea, Japan and China (Figure 2). After further diplomatic and scientific discussions, the Arctic 5 + 5 successfully concluded the

negotiations on the CAOFA in 2018, and the Agreement entered into force on 25 June 2021.

What are the key Provisions of the Agreement? There are many unique aspects of the Agreement that apply to the high seas portion of the central Arctic Ocean. Arguably, the most crucial aspect is the precautionary approach adopted by the parties. This marked the first instance of a fisheries agreement having been concluded before any commercial fisheries had begun in the area in question. Article 2 expresses the long-term objective of the Agreement, which highlights the Agreement’s role in enabling "long-term strategy to safeguard healthy marine ecosystems and to ensure the conservation and sustainable use of fish stocks."



**Figure 2: Parties to the Agreement and Observers to the Meeting (COP4).** The negotiations that led to the adoption of the CAOFA are referred to as the '5+5 process', namely the 'Arctic Five' (the five Arctic coastal states) and five non-Arctic coastal states or entities in their capacity as high seas fishing states or entities. Under article 10(2) of CAOFA: "After the entry into force of this Agreement, the Parties may invite other States with a real interest to accede to this Agreement."

The parties opted for a phased approach, namely, to first prohibit unregulated fisheries for at least 16 years from the entry into force of the Agreement. This pause will enable the parties to undertake a Joint Program of Scientific Research and Monitoring to improve understanding of the marine ecosystems of the CAO (of which we know very little) but also of what the fisheries potential is in the area. With the increased scientific understanding of the CAO from the viewpoint of fish stocks and ecosystems, the parties may, if they choose, initiate the second phase: the replacement of the Agreement with one which would establish a full-fledged regional fisheries management organization or arrangement.



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It is often said that the Agreement establishes a 16 years moratorium or ban on commercial fisheries, but this overstates what was agreed in CAOFA. For instance the parties can, if they agree by consensus, commence negotiations for a regional fisheries management organization/arrangement (RFMO/A) even before the 16 years have passed, if science tells them that a sustainable commercial fishery would be possible. This is however unlikely, given that at least Arctic five seem to be satisfied with the prohibition. It would be better said that the Agreement does not establish a 16-year ban on commercial fisheries, but it establishes a mechanism wherein it is quite certain that there will be no commercial fishing for the first 16 years. If no objections arise after the initial 16-year period the Agreement will continue to prohibit unregulated fishing and will remain in force for successive five-year periods.

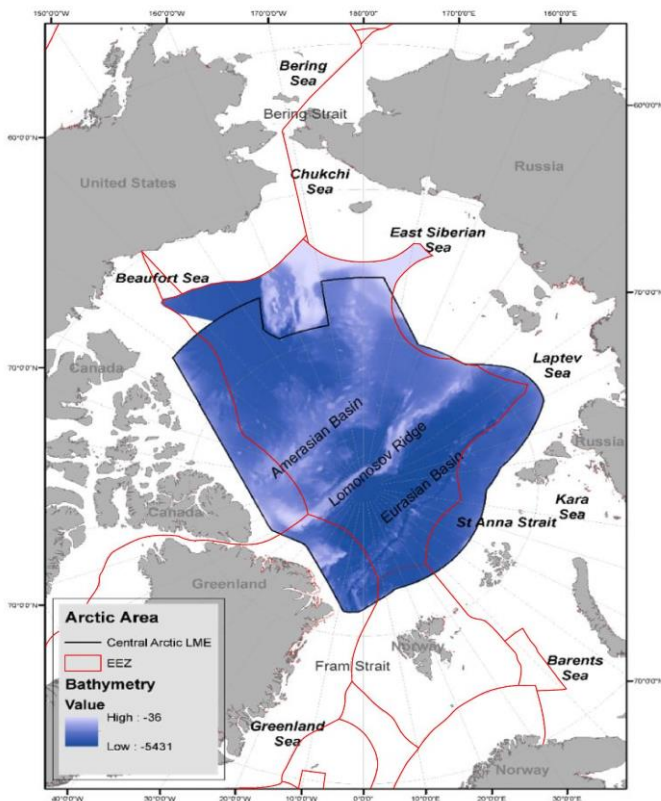
Another notable feature of the Agreement is the emphasis it assigns to Indigenous Peoples of the Arctic. The preamble of the Agreement affirms the significance of the 2007 United Nations Declaration on the Rights of Indigenous Peoples in this context, and subsequently recognises "the interests of Arctic residents, including Arctic indigenous peoples, in the long-term conservation and sustainable use of living marine resources and in healthy marine ecosystems in the Arctic Ocean and underlining the importance of involving them and their communities." The parties further acknowledge the value of incorporating indigenous and local knowledge together with traditional science to inform fisheries conservation and management measures in the high seas portion of the CAO.

Initially the parties needed to operationalize the Agreement regime. In the first in-person meeting in November 2022 (Incheon, Korea), the conference of the parties (COP) adopted its rules of procedure and established the scientific coordination group (SCG) and adopted its terms of reference.

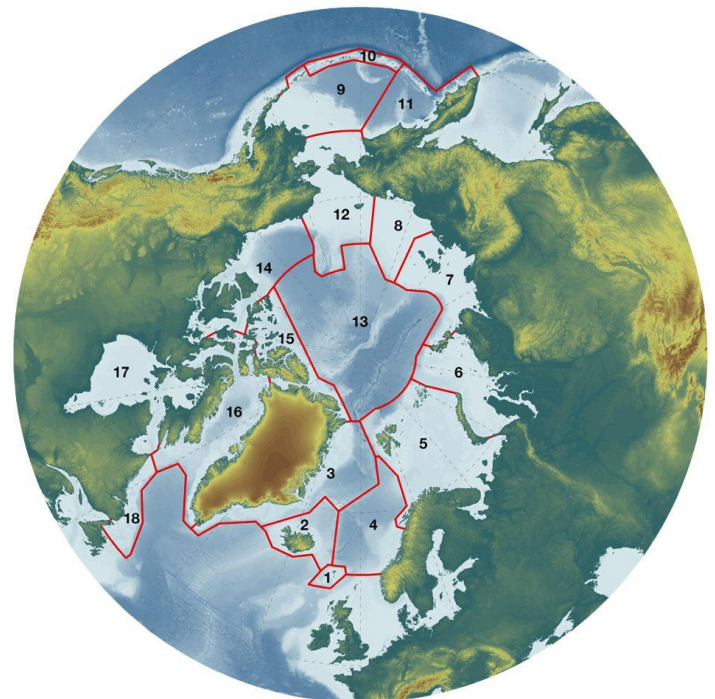
Given the Agreement's prohibition of unregulated fishing, the parties have focused on the following two aspects in their first four meetings: adopting and implementing the joint program of scientific research and monitoring (JPSRM) as the primary mechanism for enhancing understanding whether commercially viable fish stocks can be found in the area now or in the future and the potential impacts of fisheries on the marine ecosystems; and, under what conditions states can engage in exploratory fisheries in the area. Both issues are addressed in the Agreement in a general way but require further steps by the parties to ensure proper implementation.

According to the relevant articles of the Agreement the parties agreed to adopt the JPSRM, including the data management sharing protocol (data protocol), two years after the entry into force of the Agreement – and they were able to adopt these in time for the

second COP in Korea (12-14 June 2023). The Joint Program elaborates a research program able to inform the COP of whether commercially viable fish stocks can be identified and on the status of marine ecosystems in the area. The Data Protocol outlines how the data is stored and shared between parties. The Joint Program was complemented in the 2024 COP meeting in Korea (10-12 June 2024) via an implementation plan, which identifies priority research focus areas for species and ecosystem components and processes. Currently progress appears to be ongoing although it seems clear that integrating indigenous and local knowledge requires more efforts.



**Figure 3a: The Central Arctic Ocean Ecoregion** (in blue with depth gradient) covers an area of 3.3 million km<sup>2</sup>. Most of the area extent (73%) of the Central Arctic Ocean Large Marine Ecosystem (Central Arctic Ocean LME no. 13) lies within the high seas portion of the central Arctic Ocean (CAOFA Area) entirely surrounded by the Exclusive Economic Zones (in red) of Canada, the Kingdom of Denmark (in respect of Greenland and the Faroe Islands), Norway, the Russian Federation and the United States. *Source: ICES*



**Figure 3b: Arctic Large Marine Ecosystems (Arctic LMEs).** LMEs are defined as regions of ocean space of 200,000 km<sup>2</sup> or greater and defined by ecological criteria (bathymetry, hydrography, productivity, etc.) In 2012, the Arctic Council Working Group PAME developed a map delineating 18 Arctic LMEs in the marine waters of the Arctic and adjacent seas. This is the current map used for developing an Ecosystem Approach to management of the Arctic marine environment. *Source: PAME, 2016.*

A more challenging issue is exploratory fisheries. The Agreement says that the parties are permitted to engage in exploratory fisheries but only after conservation and management measures (CMM) have been adopted by the COP. These CMM's need to be

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adopted within three years from the entry into force of the Agreement. Although negotiations on these CMMs began already in December 2023, parties could not come to an agreement on these measures by the time of the 4th meeting of COP (June 2025). Although the parties did not finalize CMM's in 3 years they were able to adopt Interim Conservation and Management Measures in the 3<sup>rd</sup> meeting of the COP, which however merely reiterates the provisions of the Agreement. Since it is known that exploratory fishing is sometimes a pretext for commercial fishing or is used to create presence in future fisheries, it is evident that challenging discussions lie ahead to finalize the CMM's. Environmental NGOs emphasize that exploratory fisheries need to be undertaken in accordance with the Agreement's strict precautionary approach.

#### **Box 1: Central Arctic Ocean - Ecosystem Overview**

Few human activities occur in the central Arctic Ocean. Sea-ice loss is creating opportunities for the development and expansion of human activities. The anticipated increase in the type and number of ships operating in the ecoregion will increase the risk of potential accidents, as well as emissions and discharges during routine operations. Biota in the ecoregion (Figures 3a and 3b) is unique, with sea ice providing habitats for sympagic (ice-associated) species ranging from microbes to polar bears (*Ursus maritimus*). Multiyear sea ice supports more diverse communities of primary producers and consumers than first-year ice. Photosynthetic primary production is low and limited to the polar day. The estimated fish biomass is low, below levels that can sustain a viable fishery. Climate change is the dominant and overarching driver in the ecoregion<sup>1</sup>. A reduction in the extent and thickness of the sea ice is the prevailing climate change signal. Receding sea ice, and the reduction in multiyear ice, has led to changes in both the range and abundance of species from primary producers to top predators. Examples include an increase in phytoplankton biomass, a reduction in the diversity and biomass of ice-associated algae and amphipods, and the expansion of the feeding migration of young ringed seals (*Pusa hispida*) into the ecoregion. Atlantic and Pacific invertebrates, fish, seabird and marine mammal species are extending their distributions northwards and changing the species composition. *Source: ICES. 2025. Central Arctic Ocean ecoregion – Ecosystem overview. In Report of the ICES Advisory Committee, 2025. ICES Advice 2025, Section 7.1 Copyright: Ocean Conservancy/NSIDC.*

Current discussions on vulnerable marine ecosystems (VMEs) pertain to exploratory fishing but clearly hold broader relevance. The 2025 COP discussed this issue as well but the views of the parties seem to diverge on the criteria of VME's. As the chair of the Ad-Hoc Working Group on Exploratory Fishing stated, it would be important to have broad policy debate on various aspects related to exploratory fisheries, to clarify the parties' positions on various issues.

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<sup>1</sup> In 2015, ICES, PAME and PICES established a working group on Integrated Ecosystem Assessment for the Central Arctic Ocean (WGICA). The geographical scope for WGICA is the CAO LME no. 13 (Figure 3b) and adjacent slope waters including Atlantic and Pacific inflows and relevant shelf-basin exchanges. *Source: WGICA, April 2017, REPORT, 2017, Seattle, USA.*



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The parties have also begun debating which if any additional states can become a party to the Agreement. In the Agreement it is only stated in Article 10 that the parties may invite other states with a real interest to accede to the Agreement. The United Kingdom has been observing the COPs from 2023 onwards and in 2024 COP Norway proposed that the UK would be invited by the parties to accede as it has expressed its willingness to join. However Russia opposed substantive consideration of the matter during the COP3 meeting, stating the absence of documentation providing information to evaluate the interest of the United Kingdom as a reason for its position. In COP 2025 Canada tabled a Proposal on CAOFA Accession Process and Real Interest laying out criteria for states like the UK to demonstrate their real interest. There were various views on the matter and discussions will continue intersessionally. Some scholars have criticized the CAOFA for not allowing membership to states that have a legal right to fish there given that CAOFA enables any one party to block the application.

It is striking that despite all the geopolitical challenges in the Arctic, the CAOFA appears to be progressing without significant obstacles. A few days after Russia's invasion of Ukraine, on February 24, 2022, the seven Western Arctic states paused their participation in the work of the predominant inter-governmental forum of the Arctic Council and condemned Russian actions against Ukraine. At the same time (between 1-3 March 2022) the provisional scientific coordinating group of CAOFA met virtually. The meeting minutes note that the Russian Federation was invited to the meeting but did not send its delegates. Neither in these scientific meetings nor in subsequent COP meetings have any delegations raised objections against Russia's illegal actions in Ukraine. In addition, South Korea and Norway, the hosts of the first 4 COPs, issued visas to Russian officials to participate in those COPs and none of the other parties objected to meeting in person with these officials. The focus is on operationalizing the CAOFA regime, establishing and implementing the JPSRM, negotiating the conservation and management measures, and agreeing on the criteria for designating vulnerable marine ecosystems. For the most part the parties have adhered to the prescribed schedule, but some issues, especially the adoption of Conservation and Management Measures, lag. This does not mean that the tense relations caused by Russia's invasion did not appear in any way in CAOFA. The first three COPs were all held in South-Korea since other CAOFA Parties were not prepared to extend invitations to Russian delegates. And, as mentioned above, it is Russia who has been blocking UK's accession to the CAOFA.

Another noteworthy issue is that climate change issues have been addressed in COP's, even after the beginning of the second Trump presidency. In the Arctic Council meeting

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in Tromsø in 2025 it turned out again to be impossible to talk about climate change. The same restriction took place during the first Trump presidency, when the US opposition to the term of 'climate change' led to the non-adoption of the ministerial declaration for the first time in the history of the Arctic Council. Instead, the 2025 Romssa-Tromsø statement from the Arctic Council talked of warming, transitioning and change, but not climate change, at the insistence of the United States. No such constraints are evident in CAOFA. As a standing item in COP agenda (also in 2025), and based on the Resolution on Climate Change adopted by the COP in 2023, parties discussed various aspects of climate change and the challenges it poses to the Convention area without reported difficulty.

This does not imply that all processes will continue in an effortless manner. The current mistrust between Russia and the Western governments is likely to cause problems when the joint program of research and monitoring is being implemented. Russia is half of the Arctic, and the areas close to its islands or its continental shelf regions are ideally managed by Russians or together with Russians. However, conducting multilateral scientific research in Russian Arctic regions is currently impractical, making it more difficult to produce quality science. Nevertheless, it can be concluded that CAOFA has been successful, at least so far, without problems with geopolitical challenges facing other Arctic regimes. The CAOFA regime has thus far been highly active and has been able to progress on most issues that were on the agenda.

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<sup>3</sup> The views expressed in this article are those of the author. They do not reflect the official policy or position of any entities of which the author is or was a member.

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