

從海洋法政層面論北極公海漁業管理之未來展望

Ocean Legal and Policy Aspects to the Future Perspective of Arctic High Seas Fisheries Management

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中文摘要

近年來，由於全球氣候變遷之影響，科學家預估北極地區很快地將面臨無冰狀態。一旦北極冰層迅速融化到可供船舶進入之後，各國將深入北極海爭奪資源，特別是商業漁捕活動，很可能大規模的進入此區域。為此，本研究之主要目的係從法政層面出發，藉由瞭解北極地區之現況及治理體制，探究該地區公海漁業管理與利用之發展與未來展望。研究發現，北極地區係由本質上屬於軟法組織之北極理事會所治理。在公海漁業資源部分，國際間目前公海漁業管理之主要機制為區域漁業管理組織。而針對北極公海漁業資源，目前也通過決議除非有充分之科學證據，北極海中央之公海區域將禁漁 16 年，除非有區域漁業管理組織設立。換言之，北極地區公海漁業管理之發展，仍然符合目前國際漁業管理體制係以區域漁業管理組織為主要機制之規範。

關鍵字：北極、公海漁業、國際漁業法律體制、區域漁業管理組織、氣候變遷。

Abstract

Recently, due to the influence of global climate change, the situation of Arctic environment becomes worsen comparing to other regions. Scientists also predicts that the Arctic region will face ice-free situation in a very near future. Once the rapid melting of Arctic ice has reached to the degree that vessels can navigate freely in this region, coastal States will go deep into the Arctic sea massively and contend for resources therein. Particularly, commercial fisheries will be highly likely to be operated in this region when ice-free situation exists. To this end, this study aims to understand current status quo and governance regime in the Arctic region, and analyze the development and future perspectives on the management and utilization of high seas fisheries in this region. This study finds that the Arctic Council, a soft law- based organization, governs the Arctic region. As regards to high seas fisheries management, regional fisheries management organizations (RFMOs) has become the primary management mechanism. In relation to the Arctic high seas fisheries management, recently a decision that fishing on the high seas in the center of the Arctic Sea will be prohibited unless there is sufficient scientific information or a RFMO is in place. In other words, the development of the Arctic high seas fisheries management, which a RFMO is still needed, is not deviated from the current regime of high seas fisheries management under international fisheries legal regime.

Keyword: the Arctic, High seas fisheries, International fisheries legal regime, Regional fisheries management organizations (RFMOs), Climate change