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WWF ARCTIC PROGRAMME'S SUBMISSION RELEVANT OBSERVATIONS AND RECOMMENDATIONS FOR THE SECOND CONFERENCE OF PARTIES OF THE CENTRAL ARCTIC OCEAN FISHERIES AGREEMENT

1. WWF is honored to serve as observer to the Conference of Parties (COP) and other bodies of the Central Arctic Ocean Fisheries Agreement (CAOFA) and to be able to assist the Parties in implementing the agreement through its views and experience. As a network comprising over 5,000 experts in more than 100 offices around the world (including in all Arctic countries, except Iceland), WWF holds substantial knowledge of, and operational experience with, a wide range of international instruments related to fisheries' management and environmental protection, as well as with practical conservation at a country level. WWF Arctic Programme's vision is for a well-managed, biodiverse, and resilient Arctic, supporting healthy, viable populations of wild species and benefiting the well-being of people in the Arctic and beyond.
2. The CAOFA is a unique treaty that relates to an unparalleled situation: in an area of the high seas where no fishing has ever taken place, the agreement determines the conditions under which ecological knowledge is obtained and a future commercial fishery might be authorized. The CAOFA is primarily a precautionary fisheries instrument (different from typical regional fisheries management organisations/associations, RFMO/As, with their usual/customary roles for regulating existing commercial fishing). At this stage of implementation, the CAOFA actually establishes a protected area (which might be considered as belonging to other effective area-based conservation measures, OECMs) stretching over the entire high seas portion of the Central Arctic Ocean, where all fishing is prohibited.
3. The CAOFA can be regarded as a best practice in decision-making for new and exploratory fishing, which can only be authorized to commence when certain conditions are met. The need for concrete action in this regard arises in the near future: the CAOFA COP is required to adopt conservation and management measures for exploratory fishing before 25 June 2024. These may include a restriction on the extent of areas of the high seas of the Central Arctic Ocean where exploratory fishing

would be allowed (or prohibited) due to specific concerns, such as presence of significant biodiversity values, or migration corridors for marine mammals.

4. Since the entry into force of the agreement the parties have already agreed on rules of procedure, as well as directing the scientific work in the way to best inform decision making by the COP. WWF wishes to see the constructive and collaborative approach continue in the proceedings of COP2, as well as the Scientific Coordination Group (SCG) proceedings, particularly where it relates to the development of conservation and management measures relating to exploratory fishing. WWF also encourages the Parties to take a proactive approach in incorporating scientific findings with Indigenous Knowledge and local knowledge. Through its recent report “Sustaining Tomorrow’s Central Arctic Ocean Today – Using Best Practices to Guide Central Arctic Ocean Fisheries Agreement’s Implementation“, WWF aims to link experience from RFMO/As, relevant organizations and agreements to inform good fisheries governance for the Central Arctic Ocean through the CAOFA’s implementation.
5. The Arctic is amongst the most rapidly warming regions on the planet and climate change is the biggest challenge that this region is facing. The recent Sixth Assessment Report cycle of the Intergovernmental Panel on Climate Change (IPCC), as well as IPCC’s earlier Special Report on Oceans and Cryosphere in a Changing Climate (SROCC; Chapter 3 - Polar Regions) and other recent literature comprehensively and unequivocally demonstrate the impacts of the climate crisis on Arctic biodiversity and communities. Sea ice is disappearing across the Arctic resulting in younger and thinner ice; the ice melts earlier in spring and re-freezes later in autumn; summer Arctic sea ice extent is shrinking at a rate of 12.6% per decade, compared to its average extent during the period from 1981 to 2010.
6. As a consequence of warming and changed patterns, there are indications of declining benthic biomass in the northern Bering and southern Chukchi Seas. In the northern Barents Sea, Atlantic sector of the CAO, higher temperatures have expanded suitable feeding areas for boreal/subarctic marine fish species and contributed to increased Atlantic cod production. Expansion of sub-Arctic marine and terrestrial species and biological communities into the Arctic is observed, which will increase pressure on Arctic and high-Arctic species – known as the “Arctic squeeze” – for example the northern expansions in summer ranges of temperate whale species. Latest IPCC reports (the Fifth and the Sixth Assessment Report and SROCC) refer to shifts in species’ distributions and abundance has challenged international and national ocean and fisheries governance, including in the Arctic, North Atlantic, and Pacific, in terms of regulating fishing to support ecosystem integrity and sharing of resources between fishing entities.
7. Since holding the first in-person COP of the CAOFA in November 2022, two landmark developments in international environmental governance have occurred that have a direct bearing on how the CAOFA is to be implemented:
 - In December 2022, the Kunming-Montreal Global Biodiversity Framework was adopted, containing wide-ranging goals and targets to halt and reverse the loss of the world’s biodiversity. This includes the commitment to protect and conserve at least 30% of terrestrial, inland water, and of coastal and marine areas, and to also ensure adequate protection of the remaining 70% of land and oceans through other tools, such as reducing impacts of use of terrestrial, coastal and marine resources.

- In March 2023, the negotiations on the Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ Agreement) concluded with an agreed unedited text. The agreement is expected to be formally adopted in the middle of 2023, followed by signatures and subsequently ratification. This BBNJ Agreement will pave the way for implementation of the Global Biodiversity Framework in the high seas, through designation of area-based management tools (in particular MPAs) and adoption of management plans for such areas. These steps should be done in consultation with relevant national, regional and global bodies. The BBNJ Agreement also requires environmental impact assessments for projects as regards their impacts on biodiversity in areas beyond national jurisdiction.
8. These new global regimes for protecting biodiversity have several implications for the implementation of the CAOFA:
- a) The CAOFA findings about the status and characteristics of fish stocks and pressures related to them (coming both from fishing activities as well as other factors) should inform the designation of an ecologically representative, well connected and equitably connected network of MPAs, other area-based management tools (such as OECMs), as well as corridors for ecological connectivity and protection of species' populations.
 - b) Conversely, the CAOFA implementation and decisions concerning future exploratory fishing and, in the more distant future, potentially also commercial fishing would be usefully informed by information and research undertaken in implementing the BBNJ Agreement, namely through the processes of designating area-based management tools (and related management plans) and information contained in environmental impact assessments.
 - c) The CAOFA COP as a regional body would be well positioned to inform management measures in areas beyond national jurisdiction (ABNJ) - both in the designation of area-based management tools, as well as informing other measures to maintain healthy fish stocks in the CAO; it is therefore plausible to establish systematic processes for providing information and guidance to the COP of the BBNJ Agreement.
 - d) The ultimate assessments that may lead to opening of commercial fishing under the CAOFA, as well as the adoption of conservation and management measures for exploratory fishing, may be considered as applicable parts of environmental impact assessments envisaged by the BBNJ Agreement.
9. As an observer at the Arctic Council and building on the Arctic Council's Framework for a Pan-Arctic Network of Marine Protected Areas (2015), the WWF Arctic Programme has developed and presented a holistic proposal for an Arctic Ocean network of Priority Areas for Conservation (named as "ArcNet"). ArcNet is a mapped vision, developed with leading Arctic scientists and consulted with Indigenous Peoples' representatives, for a connected and representative network of protected areas across the Arctic Ocean. This is the first time a network of priority areas for conservation has been identified at the scale of an entire ocean. Taking an ecosystem approach, ArcNet has the potential to be used as a blueprint for transformative area-based management of the Arctic Ocean. WWF will continue to promote this tool as the vehicle to create a coherent and connected network for the protection of at least

30% of the Arctic Ocean by 2030, as a means to implementing the Global Biodiversity Framework and the BBNJ Agreement.

10. In addition to the new Global Biodiversity Framework and the BBNJ Agreement, there is also a parallel intergovernmental process underway to establish deep seabed mining regulation. There is ongoing consideration and deliberation on potential openings for such mining projects (either for exploration or actual extraction). Due to potential grave and irreversible risks to marine biodiversity and absence of adequate scientific knowledge, WWF opposes any deep-sea mining, including in the Arctic. Projects involving deep seabed exploration or extraction may also have significant negative effects on the health of fish stocks in the Arctic Ocean, and would as such merit a review by the CAOFA bodies as well.
11. Early in the CAOFA negotiations, it was agreed to pursue a so-called ‘step-wise’ approach by which the CAOFA would function as an interim arrangement that would eventually be replaced by one or more fully-fledged RFMO/As. This means that, some time in the future, an opportunity will arise to integrate fisheries into an overarching legal framework for the CAO. The governance mechanisms of the CAOFA (and its step-wise approach) can serve as a model for a regional body with a broader focus on marine environmental management, which can then become the principal regional authority for implementing the BBNJ Agreement.
12. WWF believes that it would be beneficial to solicit parties’ and COP’s opinions on how the CAOFA can contribute to, and be informed by, these new and emerging global frameworks and how their adoption and implementation can complement the regulation provided by the CAOFA. We would therefore encourage discussion at a suitable occasion during COP2. The 16-year timeframe set by the agreement to answer pertinent questions to then inform a decision on the future of the moratorium is already elapsing, and going forward we must together strive for holistic responses. The alarming pace of climate change in the Arctic reinforces the imperative of using all possible measures to help the region overcome these challenges.
