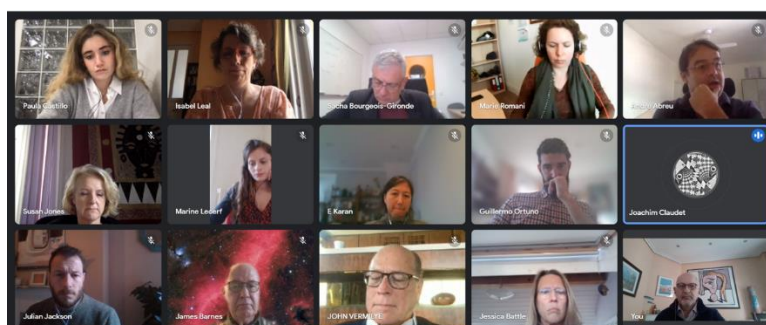


FROM BLUE FOOD FOR THOUGHT TO BLUE FOOD FOR ACTION

Thematic webinar #1: *Making ocean protection the norm rather than the exception* 5 April 2022



Participants

- Rémi Parmentier, The Varda Group, lead author of the report and facilitator
- Florence Tercier, Dona Bertarelli Ledunfly Philanthropy (partner)
- Marie Romani, Executive Secretary, MedPAN (partner)
- André Abreu, Fondation Tara Océan (partner)
- Elizabeth Karan, Project Director, Protecting Ocean Life on the High Seas, Pew Charitable Trusts
- Julian Jackson, Senior Officer, Protecting Ocean Life on the High Seas, Pew Charitable Trusts
- Guillermo Ortuño, Researcher, Stockholm Resilience Center
- Marine Lecerf, International Policy Officer, Ocean & Climate Platform
- Joachim Claudet, National Center for Scientific Research (CNRS)
- Jim Barnes, Founder & Board Chair, Antarctic and Southern Ocean Coalition (ASOC)
- Jessica Battle, WWF
- Sacha Bourgeois-Gironde, National Center for Scientific Research (CNRS)
- John Vermilye, Gallifrey Foundation & Mission Blue
- Isabel Leal, The Varda Group
- Paula Castillo, The Varda Group trainee

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Introduction

This was the first webinar following the launch at the Monaco Ocean Week (23rd March 2022) of the paper [From Blue Food for Thought to Blue Food for Action](#), focussed on Making the Ocean the norm and not the exception, the first proposal described in the paper. It will be followed by four other webinars on the other proposals, namely:

- Numerical management of large fish populations (19 April 2022)
- Disarmament agreements to stop funding overfishing (10 May 2022)
- Treating micro-plastics like we treat radioactive wastes (17 May 2022), and
- Establishing Regional Ocean Management Organisations (31 May 2022).

Once this cycle is completed, an addendum to the original paper will be prepared, for presentation at the UN Ocean Conference in Lisbon at the end of June 2022.

These webinars are conducted under the Chatham House Rule whereby individual statements are not attributed unless someone wishes to be on record.

After opening remarks by Rémi Parmentier (The Varda Group), and Florence Tercier (on behalf of Dona Bertarelli), Marie Romani (MedPAN) and André Abreu (Tara Ocean Foundation), each participant were asked to address some of the following questions during a *tour de table* and ensuing dialogue:

1. Is now the time to discuss and push for the reversal of the burden of proof to make ocean protection the norm rather than the exception? And what could be the first step(s)?
2. When and where could this new concept be addressed? Which region(s) or marine area(s), fora, organizations, and/or publications? Should a pilot programme be envisaged somewhere?
3. How can it complement current initiatives, especially 30x30? Or is there a risk that it undermines them?
4. Is it too late to bring this into the current BBNJ discussion in relation to environmental impact assessments?
5. Could it be otherwise or in addition show-cased at the un ocean conference in Lisbon, and/or in the framework of the un decade on ocean science for sustainable development and/or CBD COP15, and/or IMPACT5 - the international MPA congress?
6. Is there appetite to further explore the proposal to promote a high level Antarctica life summit (working title) to resolve the CCAMLR deadlock on MPAs? For example, could we envisage a call by leaders "from the five continents, for the sixth continent" (presumably once the war in Ukraine is over)?
7. Any other out-of-the-box relevant ideas?

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Partners' Opening Remarks

Florence Tercier (DB Ledunfly Philanthropy): Unable to participate directly today, Dona Bertarelli is supporting this process because she believes it is important to identify what can be done to speed up ocean protection, and she agrees that it is a good time to think out of the box, and to hear the views from key stakeholders. Dona will continue to follow this exploratory process closely, and hopes to take part directly in [some of] the next thematic webinars. **Marie Romani (MedPAN):** Some members of the Mediterranean Network of Mediterranean MPAs have confirmed their interest after receiving the report of the presentation and discussion which took place in Monaco; timing is good and it can serve to reinforce the 30x30 push which will meet implementation challenges; there are many opportunities to spread the message, with Lisbon, CBD COP15 as well as the ocean & climate nexus at UNFCCC COP27 which is taking place in Egypt in the Red Sea; MedPAN will be reaching out within and outside its network; a new global alliance (made of network of MPA managers, Trust Funds and networks of Trust Funds) could help. **André Abreu (Tara):** We have entered in a decade where science is reaching new steps that could allow us to monitor, identify and better adapt to the future, with new tools such as ROVs, numerical software, complex data systems for fisheries, satellite projects, etc.; Tara wants to push for a multidisciplinary approach, channelling the five dimensions of the ocean ecosystem to policy-makers and government actors, so policies will be addressed with multiple, accurate and timely data; it is also important to communicate and engage better with the public, and this Blue Food for Action initiative is helping us build great momentum in a new direction.

Tour de Table

All participants listed above took an active part in the tour de table and ensuing discussion.

One participant involved in the BBNJ process said that Making ocean protection the norm rather than the exception was “a very compelling concept”; “protecting ecosystems with the conservation as the goal is fundamental to the next policy conversations”; this concept has the merit of “rebalancing the equation with conservation being the baseline”; “reversing the burden of proof could be used to explain why and how we should be interacting with the ocean, especially in areas that are yet not that exploited”; “if we could change the conversation and include the reverse listing approach in the CBD and in the context of the 30x30 initiative, actions would be better operationalized as marine protection would be at the heart”. But, “It is difficult given the conversations and the current legal standards under UNCLOS with the high seas being equally available to everyone which makes the prioritization of conservation a challenge”. “Something we are facing in the high seas negotiations and 30x30 is the ‘tug of war’ between conservation and sustainable use of resources (what levels of use and conservation, by whom, etc.)”.

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Another high seas policy practitioner added that “although the new BBNJ draft agreement text will land in about a month and that it would be difficult to operationalize Making ocean protection the norm into the text, in communications to the general public it is important to ‘think big’ and bring these out-of-the-box ideas to decision-makers”; “the point then is to frame the ambition that is required to ocean action; 30x30 helps frame the discussion but this new idea will help to achieve the target faster”. “In practical terms this new idea underlines the precautionary principle, which is good because some of the policy conversations are not seeking to operationalize the precautionary principle (taking action before the damage).

One of the scientists present emphasized the linkage between the topic of this webinar and the topic of the next one: numerical management of large fish populations. In his view the questions put forth for this webinar raise the question of whether what we are attempting is to maintain fisheries productivity to smaller patches of ocean while leaving the rest alone. “This is an important topic that goes beyond the 30x30 initiative, but in some instances it falls short”. “Studies of the Galapagos MPA for example show that, even if the catching sharks is banned, Ecuador is the largest exporter of sharks in the region; even if the Equator region protected >60 % of its area, industrial fishing fleets will still be operating there, causing environmental damage and undermining conservation.” “That is why the idea of numerical management of populations of large fish should be addressed hand in hand with Making ocean protection the rule rather than the exception.”

A senior ocean advocate from a large NGO said that it is worthwhile exploring to change the mind-sets of decision-makers, “to protect the ocean as the new status quo”. “We have not managed to shift that mind-set, so it is worth exploring”. “Once the BBNJ agreement is adopted, even if it will not be to the ambition that we want, it can be an interesting vehicle to tease out the new idea of Making ocean protection the norm rather than the exception”. She thought it was important to conceal the discussion to the high seas, because of certain civil society groups’ adverse reaction when it comes to “closing the ocean” to human activities, especially local communities in the Global South who are greatly dependent on proteins and nutrients from fish to survive. “For this concept to be regarded seriously, we need to involve communities, especially from small-scale fishing communities, to avoid unnecessary misunderstandings and equity concerns.” In regard, she thought that the Mediterranean could be a good place to start, using the MedPAN and other existing regional networks.

Another participant who combines his scientific work with policy advocacy said that he was “a great supporter of the idea under discussion” described in the paper. He said that that it was important that the various voices coming from different areas and backgrounds publish to reach out to their respective audience to show synergies and build momentum. “We cannot continue *business as usual*, from the point where 30x30

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departed; it is clear that it is not enough²; “We need a new beginning in our relationship with nature and civil society at large needs to be included in this paradigm shift”. “The high seas will be a good place to start because there are no artisanal fisheries there; I don’t see this happening in a foreseeable future in the Mediterranean which has the worst managed fisheries in the world”; “It may be too late to push for incorporating this idea in the draft BBNJ agreement, but it is not too late to package a combination of Make ocean protection the rule together with numerical management of large fish populations” for incorporation into policy later.

An ocean advocate who had just returned from the CBD SBSTTA meeting in Geneva referred to “a lack of ambition, momentum and political will” at that meeting which she described as “very depressing”. She described the paradigm shift proposed in From Blue Food for Thought to Blue Food for Action as “very exciting in contrast and very worth exploring”. “Equity must be a defining principle to achieve action and reach out to high-level policy-makers, and to shape agendas with civil society at large”; “This also requires taking into account the realities of small-scale fisheries and involving them into the conversation”; “Making a global MPA is an attractive proposition as long as we agree on quality standards that go with them”. On the question of where to start, she pointed out to the political momentum existing in the Mediterranean, including the “exemplary Mediterranean 2030” promoted by France with support from other countries.

An academic project team leader based in Europe contributed thoughts on the rights of rights of nature from a legal and economic perspective, considering the legal entitlement that people can have with nature. “Instead of having human interests competing for a resource (e.g., fish), resources (e.g. fish or plankton) could be given rights, hence becoming stakeholders with their appointed representatives speaking on their behalf in international negotiations”. “This requires that we humans do not use them solely for our own selfish interest, but give subjective rights to natural resources to take account of the services and value provided both by protection and extraction”. “For example, imagine giving rights to plankton, in conformity with their ecosystem, and grounded in Law.”

A veteran international governance practitioner saw “a lot of value to use the new concepts proposed in the paper; He saw “a need to get the public in, through a continued educational effort”. Talking about Antarctica, he noted that 30 countries that control the Antarctic Treaty system, which has two big parts, CCAMLR and the Madrid Protocol on Environmental Protection to the Antarctic Treaty. “This idea of reversing the burden of proof in Antarctica has a lot of merit; the idea behind both CCAMLR and the Antarctic Treaty’s Environmental Protocol is the protection of the environment, but in the last 30 years fishing countries have taken over the conversation, using the resources and the treaty system based only on business interests, and forgetting that protecting the environment what they were supposed to do”. “The potential of the Treaty has not been realised, as we can see in the 20 years effort to designate MPAs which has resulted in only one large MPA achieved, in the

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Ross Sea”. “In the meantime, we have seen the growth of toothfish fisheries – a long-lived (60 years) benthopelagic species endemic to Antarctic waters larger than tuna, and is being taken out with little concern for the marine ecosystem”; “A global Antarctic Life Summit as proposed in the paper will have real value in the Antarctic policy realm, as it could be a place for new policies to be discussed and agreed at the highest level to fast-track action by CCAMLR and others”. “The big picture has been lost, thus there a lot of potential to restore it in conformity with the spirit of the Madrid Protocol, as there is also for future BBNJ protection processes with a reverse listing definition”.

Another senior ocean advocate made reference to the Blue Carbon Project and Global Mangrove Alliance “where people can gather and share ideas as we are doing now”; “It is relevant to have tangential thinking and strategic vision because there is often lack of cooperation between NGOs”. “How do we take what we are doing today here to the ground? How can we break the silos?” These questions raise a global challenge, which we need to formalise more, to increase the interaction between science, NGOs, and governments”.

Discussion

After this *tour de table*, it was proposed that a Contact Group made up of the participants could be formed. Some other participants who had been envisaged and could not participate due to conflicting commitments will also be invited to provide and share comments.

During the discussion the following points were made:

- Regarding the idea of “**closing the ocean**”, it was agreed to think tactically on who, how and when this could be propose. “Perhaps it is too early, but it will be very useful to think how to play this inside out when talking to governments.” “Some organisations are more edgy, or more equipped, than others, and together we can make this move”. Caution was also expressed on the need to **seek an expression more conducive than “closing the ocean”** – both for political and legal reasons – this was the thinking behind the use of the expression “Marine Exploitable Areas” in the paper.
- It might be a good idea to explore the **connection between ocean & outer space**: the Law of Space was inspired by the Law of the Sea and now both space and ocean as being privatised with little public oversight. Another linkage between geospatial and ocean planning is the fact that falling satellites that go to space end up in the ocean. The increased militarization of outer space also mimics the militarization of ocean space.
- There is an interest and a need, to design a **strategic public awareness** campaign to push forward the reverse listing approach, in order to make it accessible to the wider public and to trigger a public conversation.
- The idea of an **Antarctic Life Summit** requires a targeted high-level policy engagement strategy, which could be designed pending developments of the war in Ukraine.

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Academic publications and gray literature (op-eds...) from different stakeholders and for different target audiences would help setting the agenda. The “five continents for the sixth continent” approach deserves further consideration, behind the scene to begin with, with a view to designing a road map for it.

- Considering the BBNJ agreement as a chess board, **it will not be too late to consider the reversal of the burden of proof in the context of the implementation of the treaty obligations** to establish Environmental Impact Assessments and area-based management tools, if a critical mass of ocean advocates (organizations and individuals) espouse the idea.
- Agreeing an end to **high seas bottom trawling** could be a good test case for the reversal of the burden of proof. The same is true of other practices with equally or potentially devastating adverse impacts on biodiversity (i.e. **deep seabed mining**).
- Certain large organizations have lengthy and cumbersome processes to adopt or endorse new policies and approaches, but in the meantime, **they can point at them** when advocated by smaller groups or individuals writing/talking about them.
- Is there a **common understanding** that we will be still fishing? Would this be industrial fishing? And in certain places only? Or will the main source of seafood protein be come from aquaculture. What consequences for ocean protection?
- Should the concept of **Marine Exploitation Areas be embedded in a Marine Spatial Management/Planning framework**? Beyond 30x30 and into 100% sustainable spatial management aiming at marine biodiversity conservation? Another approach is the call for a **global moratorium on deep seabed mining** - which in effect is what we are seeking here by only allowing uses that can demonstrate their sustainability. It all begins when the BBNJ is adopted/enters into force.
- We could remind countries who’ve signed up the **Leaders’ Pledge for Nature** that in doing so they’ve recognised the need for **transformative change**: The proposals in the Blue for Action paper are indeed transformative.

[Ends]