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EDITORIAL

Making conservation work? The need for a focus on conservation and livelihoods

Introduction

Welcome to the very first issue of *The Conservation & Livelihoods Digest*, the primary publication of Sellheim Environmental — Consultancy for Nature and Culture. In this publication you will find articles, opinions, reviews, analyses and reports that address the nexus between the conservation of the natural environment and the livelihoods of those communities interacting with it.

Quite naturally, this nexus is quite broad and should not be understood as being limited to 'on-the-ground' issues, but also issues related to the international levels of environmental protection. Especially in light of the war in Ukraine, environmental issues have not seen as much prominence in the international media as before. It is therefore ever more important to continue the work for the protection of our planet and for the protection of humankind.

With the raging COVID-19 pandemic, human societies have undergone significant changes, the repercussions of which cannot be foreseen at this point. An increase in the division in our societies and cultures appear to be increasing on a rapid scale whilst the decline in biodiversity continues unabated. Also climate change is progressing with a speed that does not bode well for the future. Crises loom everywhere.

But there are certainly also beacons of hope. And it is these beacons, albeit also associated with challenges, that this publication — *The Conservation & Livelihoods Digest* — wishes to place in the centre of attention. For instance, in Germany small municipalities have stood up to make themselves sustainable in terms of biodiversity, finance, climate or economy. It is especially these bottom-up approaches that make the decision-making role of local communities ever more important.

Because of this, within Sellheim Environmental we have chose to take into account the interplay between the natural environment, livelihoods and culture and to focus on different topics from all over the world that deal with this nexus in one way or another. The scientific literature on conservation and biodiversity has identified the positive role of indigenous peoples and local communities (IPLCs) for successful conservation already more than 20 years ago (e.g. O'Riordan & Stoll-Kleemann, 2002). But up to this day, a rather shallow mode of implementing measures that ensure the effective participation of IPLCs in the decision-making processes of international and national conservation regimes appears to have taken hold.

This realisation is rather disturbing, especially since in one of the most important international conservation regimes, the Convention on Biological Diversity (CBD), the important role of IPLCs is even embedded in the convention text, i.e. Article 8 (j). It is not surprising that under the CBD, the concept of 'Other Effective Area-based Conservation Measures' (OECMs) was adopted. OECMs have been defined as *de facto* protected areas, yet without a conservation objective, "which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity." (CBD, 2018) . This means that national parks or other protected areas do not fall under the category of OECMS. Instead, it is, for instance, sacred sites that are managed and protected by the local population, military zones that constitute buffers between training areas and public areas or even private lands that are recognised as OECMs. Indeed, OECMs are *recognised*, and *not designated*.

Where to in international conservation law?

The importance of IPLCs in the generation of long-term conservation outcomes cannot be overstated. But, alas, not all international regimes have integrated this approach into their working structures. For instance the International Whaling Commission (IWC), which was founded in 1948 after the coming into force of the International Convention for the Regulation of Whaling (ICRW) shows great inertia in the implementation of indigenous rights. Especially with a view towards future generations, the IWC lags strongly behind other regimes.

The same can be said about the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which was adopted in 1973. As the IWC, CITES is marked by diverging opinions on a way forward and there has not been consensus on the way IPLCs can be included — even though the involvement of IPLCs has been an agenda item at the Conferences of the Parties (COPs) for quite a few years. This notwithstanding, decision-making is being done by nation states and oftentimes, indigenous peoples and local representatives lack the expertise and the (financial) resources to effectively engage in the discussions while the regime structure does not allow for a future-oriented mode of decision-making (see e.g. Sellheim & Ojanperä, 2021).

This begs the question: how will regimes such as CITES or the ICRW develop? Will they allow for the effective inclusion of IPLCs? Or will they miss important opportunities that would allow them to adapt to a changing *zeitgeist*?

But there are also other examples. For instance, the Ramsar Convention on Wetlands or the Convention on the Conservation of Migratory Species (CMS) have started processes to engage youth and indigenous peoples, to make their voices heard and to provide avenues that allow for comprehensive decision-making. Of course, the subjects of international law are still nation states, but even though that is the case, the local populations are the ones carrying most burdens of the decisions that are taken at the highest level.

The *Digest*

The *Digest* is the primary publication of Sellheim Environmental — Consultancy for Nature and Culture. In light of the above, the Consultancy aims to strengthen the rights and opportunities of IPLCs and thereby to ensure effective conservation. The *Digest* presents analyses, case studies, reviews, opinions and ideas on a quarterly basis that follow this aim.

The *Digest* is not a scholarly publication as such, but feeds from the scholarly expertise of its contributors. While it also contains opinion pieces, most analytical contributions are backed up by the scientific literature, which will also be provided as References.

The *Digest* will be available as an online publication only and can be subscribed to at www.sellheimenvironmental.org. If you wish to contribute to the *Digest*, please send an email to info@sellheimenvironmental.org.

The effective conservation of the natural environment should be in the interest of us all. Especially the decline in biodiversity should range significantly much higher on the agendas of nation states since it is the harbinger of a different future with fewer species, less ecological resilience and fundamentally changing societies. To avert this future, a comprehensive approach to conservation, including the lives of humans, is absolutely necessary. And the *Digest* shows how diverse the contributions that could provide for a safer future of each one of us can be.

— Dr Nikolas Sellheim
March 2022

References

CBD. (2018). Protected areas and other effective area-based conservation measures. CBD/

SBSTTA/22/L.2. 6 July 2018.

O'Riordan, T. & S. Stoll-Kleemann (Eds.) (2002). *Biodiversity, sustainability and human communities. Protecting beyond the protected.* Cambridge: Cambridge University Press.

Sellheim, N. & O. Ojanperä. (2021). Indigenous youth and international conservation law: Five case studies. *RECIEL*, https://doi.org/10.1111/reel.12421

ARTICLE

Armed conflict and the military in international environmental law

Introduction

The recent attack on Ukraine by Russia's President Vladimir Putin has altered the post-Cold War global order fundamentally. He has shown that he is determined to expand his hegemonial influence even by military intervention. While Germany, the United States and France, amongst others, have sought to use all diplomatic options, his attack that started on 24 February 2022 demonstrate that these attempts have failed.

While not going into the reasons for this conflict, it is nevertheless necessary to reconsider the costs of war: apart from the human toll of every armed conflict, there are socio-cultural and political repercussions that come as a result. But what is often much less considered are the environmental costs of military action and armed conflict. For instance, a study from 2018 has found that from 1946—2010, armed conflict was raging in 71% of protected areas in Africa, contributing to severe declines in animal populations (Daskin & Pringle, 2018).

Impacts of the military or armed conflict on the environment

There are numerous examples of the way the military or any armed conflict has impacted the environment and human beings either directly or in the aftermath. The nuclear bombs on Hiroshima and Nagasaki towards the end of World War II, the use of Agent Orange, a defoliator, by the USA in Viet Nam, or the burning of oil wells by the Iraqi government

during the first Gulf War are but a few examples of deliberate damage to the environment for military purposes.

While armed conflict has immeasurable negative impacts on people, animals and the environment, there are essentially three types of manipulations to the environment which are relevant both in peace time as well as during times of armed conflict (see Westing, 2009):

1. *Unintentional manipulations* are manipulations to the environment that occur because of the mere existence of the military. For instance, tank tracks that destroy natural habitats, emissions from warships, improperly cleared munitions after manoeuvres or the construction of base camps or other fortifications may negatively impact the natural environment. Extremely harmful to both humans and the environment are furthermore abandoned land or sea mines, chemicals from which contaminate soil, sea- and ground water, or remains of chemical weapons (e.g. Neimanis, 2020).

2. *Intentional manipulations* are planned manipulations of the environment in order to harm the enemy. The use of Agent Orange to expose the Ho-Chi-Minh-Trail, the poisoning of rivers or the intentional setting afire of oil wells are examples in this regard. The goal is to weaken the enemy through precise alterations of the natural environment.

3. *Intentional manipulations to release dangerous forces* are manipulations that aim to destroy facilities with a high destructive potential, such dams or nuclear facilities. While these may not aim directly at environmental features, their environmental effects can be catastrophic.

While these manipulations embody the entire purpose of the military — arguably to destroy — both armed conflict and military areas may even contribute to environmental protection, albeit temporary. For instance, during times of armed conflict, certain animal species may not be hunted. During the First and Second World Wars, for example, sealing and whaling respectively declined and seal and whale numbers increased again due to hunting vessels having been called into service or because of the danger at sea. In other words, fewer seals or whales were killed, allowing the populations to rebound. But additionally, military areas that have been set aside or buffer zones between active duty sites and other land or sea areas can serve as *de facto* protection areas of biodiversity — while not designated as such, due to their limited use, biodiversity may be blooming. These sites, along with other *de facto* conservation sites have been recognised by the Convention on Biological Diversity as 'other effective area-based conservation measures' (OECMs) (Jonas, Barbuto, Jonas, Kothari & Nelson, 2014). This means that even though military impacts on the environment are, generally speaking, negative, there are examples of positive outcomes as well.

Environmental protection against national security?

In the 20th century, it is estimated that around 50 cents of every dollar was spent on the military (Gould, 2007). The Stockholm International Peace Research Institute (SIPRI) furthermore concludes that in the United States alone in the year 2020 789 billion US dollars were spent on the military compared to 378 billion dollars for the whole of Europe (SIPRI, 2021). What this means is that military expenditures eat up tax monies which are direly needed elsewhere, for instance in the health or educational sectors. But what this also means is that it is that sector which acts relatively unimpeded by national and international environmental legislation. While, for example, in the United States strict environmental legislation exists that are relevant and legally binding for all sectors of US society, the military has time and again challenged these regulatory regimes based on the argument that they impede on the military's combat abilities and thus on national security.

In the US, several regulations exist that could

potentially prevent the military to carry out its activities in the name of environmental protection. Most importantly, the National Environmental Policy Act (NEPA) whose intention is that all government actions and federal decision-making are to be based on environmental awareness; the Marine Mammal Protection Act (MMPA), which aims to put strict protection for marine mammals in place; the Endangered Species Act (EPA), aiming to protect species that have been identified as vulnerable or endangered; or the Coastal Zone Management Act (CZMA) which has established a framework for states to manage their coastal resources, all allow for a potential halt of any military or other activity in the name of environmental protection.

In 2008, NEPA, EPA and CZMA were therefore used by several environmental groups, but first and foremost the Nation Resources Defense Council (NRDC) as the main plaintiff, as the legal basis to challenge the US Navy's mid-range sonar exercises off the coast of California, arguing that these exercises would harm marine mammals. The Navy, however, published its own environmental impact assessment one year before and noted in a press release that while there are impacts on marine mammals, it had put 29 mitigation measures in place that would prevent marine mammals from experiencing harm (Noel, 2007).

Given that the Navy had found that there has been harm done to marine mammals, the District Court of Central California ruled that it had acted in violation of NEPA and CZMA and halted the exercises. In its appeal before the Ninth Circuit Court of Appeals, the Navy achieved that the injunction was put aside, but not yet fully rejected. A few months later, in November 2007, the Ninth Court supported the ruling by the District Court and the Navy was once again prohibited from carrying out its exercises unless certain mitigation measures were to be taken.

The case was finally brought before the US Supreme Court in *Winter v. National Resources Defence Council* in 2008. In its ruling the Supreme Court supported the Navy in so far as it considered the ability of the Navy to conduct measures against enemy submarines to be of higher value for the public interest than potential harm to an unknown number of marine mammals. In other words, environmental harm had to subdue to national security (Alexander, 2009).

International environmental law's consideration of the military

The ruling by the Supreme Court appears to be rather surprising given the documented harm of mid-frequency sonar exercises on marine mammals, as even the Navy itself found. But when looking into international environmental agreements, the ruling does fit rather well, even though international environmental regimes have never properly spelled out the exemptions they grant for the military and other matters of national security.

The 1971 Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention) is an interesting case in that regard. While the convention itself aims to establish wetlands along with their 'wise use' and with certain obligations for its now 172 parties, already in article 2.5. any obligations, i.e. any designated wetlands in a party's territory may be deleted "because of its urgent national interests". This means in practice that it is up to the party to determine whether other interests prevail over those of environmental protection. The designation of military bases or exercising areas could therefore fall into this category.

Also the Convention on Conservation of Migratory Species of Wild Animals (Bonn Convention) uses a similar way of granting states the right *not* to stick to a convention's obligations. Functioning with two Appendices under which species either experience full protection (Appendix I) or for which separate Agreements are to be concluded (Appendix II), article III.5 lists four exceptions to the full protection of an Appendix I-listed species. One of these, stipulated in article

III.5. (d) is when "extraordinary circumstances so require." It is nowhere defined what these 'extraordinary circumstances' are.

Probably the most outspoken regime in regard to environmental protection and the military is the UN Convention on the Law of the Sea (UNCLOS) of 1982. Also regarded as the 'Constitution of the Oceans' (e.g. Pollock, 1977) the UNCLOS is one of the most comprehensive legal regimes ever concluded under the umbrella of the United Nations. Whilst touching upon countless issues pertaining to ocean governance and use, it also includes several provisions on the protection of the marine environment, and in particular marine mammals (see e.g. Churchill & Lowe, 1999). However, UNCLOS article 236 clearly states:

> The provisions of this Convention regarding the protection and preservation of the marine environment *do not apply* to any warship, naval auxiliary, other vessels or aircraft owned or operated by a State and used, for the time being, only on government non-commercial service. However, each State shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such vessels or aircraft owned or operated by it, that such vessels or aircraft act in a a manner consistent, *so far as is reasonable and practicable*, with this Convention. (own emphasis).

With this in mind one might argue that UNCLOS has taken up the *zeitgeist* of the 1970s when excluding military vessels, but has also paved the way for their future exclusion from measures to protect the marine environment. While that may be so, however, some states have voluntarily agreed to make conventions that exclude military facilities or vessels applicable anyway (Birnie, Boyle & Redgwell, 2009, p. 207). Despite the fact that there are numerous conventions dealing with the protection of the marine environment, e.g. related to oil pollution, dumping or salvage, UNCLOS manifests the fact that neither of these conventions is applicable to military vessels. At the same time, most international environmental agreements contain clauses such as 'as appropriate' or 'as practicable'. Even though an agreement might be legally binding, such as the Convention on Biological Diversity, such additions weaken its application as any state could argue that the measures prescribed by the convention in question are indeed 'not appropriate' (Gillespie, 2011, pp. 260—262). For military purposes, this leaves states significant leeway.

While international environmental agreements that aim at the conservation of the natural environment contain these clauses, in 1976 the Convention on the Prohibition of Military or any Other Hostile Use of Environmental Modification Techniques was adopted as a means of global disarmament. The Convention has a membership of 78 parties, including countries such as China, the Russian Federation and the United States. As stipulated in article I.1,

> Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party.

While here the protection of the environment is not the key purpose, but rather the protection of the environment in order to safeguard human welfare, it is nevertheless of importance when taking into account the three main factors of military environmental impact, as stipulated above. Especially intentional destruction of elements of the natural environment are to be avoided by this treaty.

Similarly, the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction aims to steer its 164 parties never to use, produce

or disseminate land and other mines. While, again, the main aim of the convention is the protection of human wellbeing, it nevertheless briefly touches upon environmental dimensions of mined areas when states are forced to postpone clean-up activities (see article 5.4. (c)). However, just because this treaty has human wellbeing at its core, successful implementation would inevitably have positive side effects for the environment. Unfortunately, neither China, the Russian Federation nor the United States are parties to the treaty. In fact, while the Clinton administration has called for an end of the use of land mines and the Obama administration has largely banned their use, the United States have never ratified the treaty. In January 2020, then-President Trump lifted the Obama-imposed ban on their use for the sake of national security (Dwyer, 2020).

This step, however, stands in stark contrast to the 1977 Additional Protocol I to the 1949 Geneva Conventions. In this Additional Protocol I, some reference is made to the natural environment. Article 35.3 stipulates that "[i]t is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment." Article 54.2 addresses intentional manipulations to the environment, also in order to release dangerous forces. The article thus reads:

> It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motive, whether in order to starve out civilians, to cause them to move away, or for any other motive.

And lastly, article 55 addresses the 'Protection of the Natural Environment' *en gros:*

1. Care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population.

2. Attacks against the natural environment by way of reprisals are prohibited.

Additional Protocol I to the Geneva Conventions therefore constitutes a crucial and legally-binding instrument that can serve as a reference when environmentally destructive acts are being carried out during warfare. While the Additional Protocol I currently has 173 parties, the United States and the Russian Federation are not party to it: while the US has never joined, in 2019 the Russian Federation formally withdrew from the Protocol by nullifying the declaration made by the Soviet Union in 1977. Putin is cited to give this reason for the withdrawal from the Protocol: "In the current international environment, the risks of the commission's power abuse by the states, which are acting in bad faith, are increasing significantly" (Nikolsky, 2019).

Conclusion

The above shows that the legal framework for the military in peace times as well as during armed conflict as regards environmental protection is sketchy at best. While there are some instruments and provisions that would allow for legal action against a government, the domestic example from the United States has shown that even though there might be good legal cause, matters of national security may easily prevail over matter of environmental concern. The fact that those

countries with the largest armies in the world, the US, China and Russia, are not party to some of the key agreements tells a specific story. Also the fact that under international environmental law states have the possibility to act along lines of 'appropriateness' leaves important gaps in the actual implementation of provisions for environmental protection.

In how far Russia's withdrawal from the Additional Protocol I of the Geneva Conventions may have been part and parcel of the long-term strategy concerning Ukraine cannot be ascertained. But apart from the human suffering that will come with military action, animals, plants and entire ecosystems suffer greatly during and after armed conflict — oftentimes for years and decades to come.

References

Alexander, K. (2009). Whales and sonar: environmental exemptions for the Navy's mid-frequency active sonar training. *Congressional Research Service*. https://sgp.fas.org/crs/weapons/RL34403.pdf

Birnie, P., A. Boyle & C. Redgwell. (2009). *International law and the environment.* Third edition. Oxford: Oxford University Press.

Churchill, R.R. & A.V. Lowe. (1999). *The law of the sea.* Third edition. Manchester: Manchester University Press.

Daskin, J.H. & R.M. Pringle. (2018). Warfare and wildlife declines in Africa's protected areas. *Nature* 553, pp. 328—332.

Dwyer, C. (31 January 2020). Trump Administration Loosens Obama-Era Restrictions On Land Mine Use. *NPR.* https://www.npr.org/2020/01/31/801632498/trump-administration-loosens-obama-era-restrictions-on-land-mine-use?t=1645598452295.

Gillespie, A. (2011). *Conservation, biodiversity and international law.* Cheltenham: Edward Elgar.

Gould, K.A. (2007). The ecological costs of militarization. *Peace Review: A Journal of Social Justice* 19(3), pp. 331—334.

Jonas, H.D., V. Barbuto, H.C. Jonas, A. Kothari & F. Nelson. (2014). New steps of change: Looking beyond protected areas to consider other effective area-based conservation measures. *Parks* 20(2), pp. 111—128.

Neimanis, A. (2020). Held in suspense. Mustard gas legalities in the Gotland Deep. In I. Braverman & E.R. Johnson (Eds.). *Blue legalities. The life and laws of the sea* (pp. 45—62). Durham & London: Duke University Press.

Nikolsky, A. (17 October 2019). Putin revokes additional protocol to Geneva Conventions related to protection of war crimes victims. *The Globe and Mail.* https://www.theglobeandmail.com/world/article-putin-revokes-additional-protocol-to-geneva-conventions-related-to/.

Noel, K. (19 December 2007). Navy Invests in Protecting Marine Mammals. *Defense Visual Information Distribution Service.* https://www.dvidshub.net/news/14848/navy-invests-protecting-marine-mammals.

Pollock, H.W. (1977). The law of the sea conference: Drafting a constitutions for the oceans of the world. *Geophysics* 42(4), pp. 890—896.

SIPRI. (2021). Military expenditure by region. https://sipri.org/sites/default/files/

Data%20for%20world%20regions%20from%201988–2020%20%28pdf%29.pdf.

Westing, A.H. (2009). Environmental and ecological consequences of war. In K.W. Hipel (Ed.). *Encyclopedia of Life Support Systems. Vol. II — Conflict Resolution* (pp. 312—324). Geneva: UNESCO.

VIEW

Eastern Canada's right whale issue

By Gil Theriault (Journalist, Québec, Canada)

Climate changes happening all around the globe generate a wide range of effects on wildlife. Among those effects was the change of behaviour in a tiny zooplankton, called copepod, in the Northwest Atlantic which decided to frequent the warming water of the Gulf of St-Lawrence in Eastern Canada. That minuscule creature being one of the main food sources of a much bigger one, the right whale (*Balaenoptera glacialis*), this giant also decided to visit this region on a much regular basis than before.

The problem is that this body of water is now very busy with thousands of large ships moving goods in and out of North America, and passengers for business or pleasure. Not to mention a large fleet of fishing vessels of various sizes. This human-wildlife conflict would have probably stayed under the radar if the North Atlantic right whale wasn't in such a dire situation, since there are now fewer than 350 of them left in the ocean.

In the last couple of years, large amount of money was spent on monitoring right whales. Every death was scrutinised CSI style: observations, pictures, historical data, necropsy… nothing was spared to determine where, when, how and why the passing occurred. Most unnatural deaths were caused by collisions with large ships, so seasonal speed limits were quickly imposed on vessels. This caused headaches to cruise lines and freight operators as both industries rely on tight schedules, but the effort was possibly worth it. Of course, the real solution, i.e. banning or even reducing freight ships, could never seriously be considered because of the

damage it would cause to the North American economy as a whole.

In a much smaller percentage, entanglements caused by fishing ropes might have killed or at least weakened enough some right whales to precipitate their demise. It didn't take long for the United States of America to pull out their half a century old Marine Mammal Protection Act (MMPA – 1972) and pressure Canadian fisheries into submission by threatening to strangle their fish and seafood exportations. The United States would stop buying fish from countries who didn't comply with their own standards for right whale conservation.

In my view, Canadian fishermen didn't need to be reminded of the importance of biodiversity. When you look at those two countries' résumés on conservation matters, Canada comes way ahead of Uncle Sam. But to act quickly, even though this might not be compatible with a rational and scientific approach, sits well with politics as it gives the population an appearance of leadership.

Over the past years, Canadian fishermen have been imposed a largely improvised regulations nightmare. The sight of a whale would quickly close predetermined quadrangles for days and obliged captains to remove their gears from that area, even though whales move (and rather quickly) from one zone to another.

Fishermen of a whole village in the Gaspe peninsula were grounded for weeks in the middle of their sole significant economic activity, lobster fishing, even though whales rarely come (and even less stay) in shallow waters where lobster traps lay. Our Southern neighbour didn't lose any sleep over the fact that the whole town had to beg for government money (Canadian, that is) to avoid bankruptcy.

Fishermen are now spending lots of time, money and effort on testing weak links that *might* lessen entanglement — while drastically increasing ghost fishing. But as long as they follow the USA's regulations, politicians seem at peace with themselves. One can wonder why they didn't just install some tracing device on each whale in order to know exactly where they are at any given moment, making it way easier to avoid collisions and entanglements. That would certainly have been way cheaper and more efficient than all the trials and errors we witness these days.

Canada has a pretty good record in conservancy. When is does fail to protect and conserve biodiversity, nine times out of ten, it is because it puts politics before science. Fortunately for the whales, marine mammals are considered charismatic species. On the other hand, we are witnessing another case where politics comes before science, which rarely ends up well.

You won't save them if you do too little, but to do too much will antagonise the fishing industry and no conservation effort at sea can succeed without the full participation of fishermen. Right now, sadly for the right whale, I don't believe this fine line of compromise has been understood by leaders on both sides of the frontier.

REPORT

The 74th meeting of the CITES Standing Committee

Introduction

From 7—11 March 2022 the Standing Committee of the Convention on International Trade in Endangered Species of wild Fauna and Flora (CITES) held its 74th meeting (SC74) in Lyon, France. This was the first in-person meeting since the beginning of the COVID-19 pandemic. Sellheim Environmental attended the meeting as part of the delegation of IWMC — World Conservation Trust.

The CITES Standing Committee should not be considered on par with the CITES Conferences of the Parties (COP), because no final decisions are taken by it. Instead, the Standing Committee provides the COP with recommendations on certain courses of action. Its meetings are therefore relevant for possible future decisions the COP may take. Also the membership of the Standing Committee is not correspond to the membership of the convention itself. Each region, for example the North American Region or the European Region, is represented by one or more countries, depending on the population in the respective region. The Standing Committee therefore comprises 17 countries, including the host of the next Conference of the Parties — in this case Panama.

SC74 was attended by 369 participants, representing the 17 member countries of the Standing Committee while also 44 CITES parties that are currently not members of the Standing Committee were present. Six UN specialised agencies, such as the Food and Agriculture Organization (FAO) or the Convention on Biological Diversity, 7 intergovernmental organisations (IGO), such as the ASEAN Centre for Biodiversity or the World Organization for Animal Health (OIE), 10 observers from the private sector and 60 non-governmental organisations (NGO) furthermore attended the meeting.

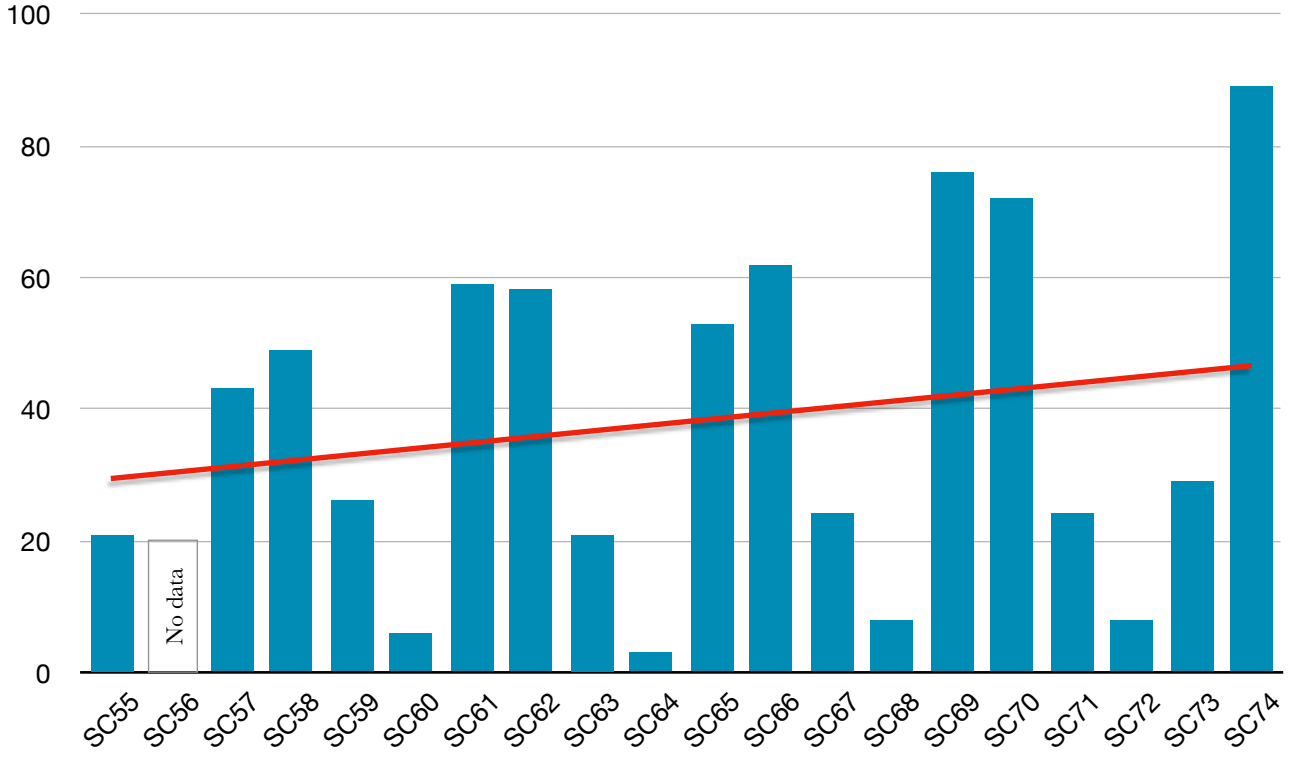
The agenda — Controversial items for the future of CITES

SC74 was characterised by an extremely packed agenda of all together 89 agenda items. This constitutes the largest number of agenda item in the history of the Standing Committee, as can be seen in the Figure below, displaying the increase in agenda items over the last 15 years. As a consequence, not all agenda items could be discussed in a matter that was acceptable to all. However, since the Standing Committee is marked by cooperation and consensus-building, the Committee's chair managed to steer the meeting through the agenda.

Next to introductory agenda items, such as the Rules of Procedure, credentials and admission of observers, issues of extremely high relevance for the future direction of CITES were discussed. For instance, in light of the COVID-19 pandemic, agenda item 16 addressed the role of CITES in the prevention of outbreaks of future pandemics. To go deeper into this issue, since SC73 in May 2021, a working group on this issue has been in existence.

The discussions that ensued regarding this agenda items showed that there is rather broad consensus over the fact that this issue falls within the mandate of CITES. The North American and African regions, for example, supported the work of the working group and stated that it should continue its work. Other parties considered the link between CITES and zoonotic diseases as part of the One Health approach proposed by the World Health Organization (WHO). This approach links environmental, animal and human health.

Arguably, however, the mandate of CITES does not address zoonotic diseases, but would expand it significantly. Taking the convention's second last preambular paragraph into consideration, CITES



Increase in agenda items of the Standing Committee since 2007

parties recognise that "international co-operation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade." The object and purpose of the convention is therefore to ensure that biodiversity is protected through the regulation of international trade. The protection of human health is therefore not part of the mandate of the convention. Since, however, the members of the Standing Committee have agreed that this issue *does* fall within CITES' mandate, this must be considered an evolutionary step in the convention's development since only through actions taken by the parties — and not because of the convention's text — its mandate is expanded.

Of course, there is a link between zoonotic diseases and international trade. But this link is far from clear and it very much depends on the species that is traded and the trade volume itself that has an impact on the zoonotic diseases content which is being disseminated through international trade (see Borsky, Henninghausen, Leiter & Willges, 2020). A suspension of trade because of potential zoonotic diseases may have drastic impacts on communities depending on this trade. Therefore, contrary to the demand by Senegal (representing the African region) that all international wildlife trade should be suspended in case of an occurrence of a zoonotic diseases, it appears much more reasonable to conduct targeted research on the zoonotic diseases content of a given species and in how far a trade suspension could impact local communities.

The interplay between conservation and livelihoods also ranged on the agenda of SC74. In fact, two agenda items addressed this issue: agenda item 20 dealt with the engagement of indigenous peoples and local communities (IPLCs); agenda item 21 addressed livelihoods. Before delving into the discussions, it should be noted that at COP18 in 2019 in Geneva, the establishment of a Rural Communities Committee failed. Problems arose over the use of terminology ("rural", "indigenous", "peasant", to name a few) and the legal standing of such a committee within CITES. Currently, there are three committees with their own respective mandates and powers: the Standing Committee, the Animals Committee and the Plants Committee, each providing specific and targeted advice on procedural and protective steps that the COP should take. COP18 could therefore not agree on

The 74th meeting of the CITES Standing Committee. Photo: Dr Nikolas Sellheim, 2022.

what role a Rural Communities Committee should take *vis-à-vis* the other committees.

Since the issue of engagement of IPLCs has been part of the intersessional work of the convention through a working group, also the Standing Committee had to address it. Prior to the meeting, however, CITES parties were requested by the Secretariat to fill out a questionnaire that aimed to capture best practices in the engagement of IPLCs and in the consideration of their livelihoods. Unfortunately, of the currently 184 parties to CITES, merely 13 responded to the questionnaire, amounting to a mere 7% of parties having even engaged with this topic.

This is alarming in so far as the effective engagement of IPLCs has been part and parcel of the scholarly conservation discourse, but has seemingly yet to enter CITES processes. While the work of the working group was unanimously recommended to be extended, it was not clarified what means are being made available to it to carry out its work efficiently. After all, in the intersessional period it was not able to make significant progress since it lacked the means to do so.

A similar problem was faced by the working group on livelihoods, which was addressed in agenda item 21. While separate to the engagement of IPLCs, it is nevertheless closely interlinked and concerns the wellbeing of communities that are affected by CITES-listings. Even though there appears to be some recognition of the negative effects of CITES-listings on some rural, traditional communities, a proper consultation process has not yet been established. This constitutes non-compliance with international standards, set by the United Nations. For instance, the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) as well as the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) stipulate the importance of the principle of free, prior and informed consent (FPIC). By not providing IPLCs with adequate means to make their voices heard and to participate in the process of making decisions that affect them, FPIC cannot be reached.

By establishing an effective mechanism for participation, millions of resource users from all over the world would be positively affected, potentially even elevating the legitimacy of CITES

as a fair, equitable and solution-oriented international environmental agreement.

An interesting discussion arose surrounding agenda item 61, addressing the issue of stocks and stockpiles of elephant ivory. Within CITES, the issue of elephants and their listings has been marked by intense discussions. In 1997 at COP10 it was decided that the African elephant (*Loxodanta africana*) will be split-listed. That means that while in 1989 at COP7 the entire species was put on Appendix I, leading to a *de facto* prohibition on international trade in elephant specimens, at COP10, the populations of South Africa, Botswana, Zimbabwe and Namibia were placed onto Appendix II. Since then, trade in elephant specimens from those countries has therefore been possible, which has not found approval throughout the conservation community (e.g. Lindsay, Chase, Landen & Nowak, 2017).

An underlying assumption amongst those parties opposing the trade in elephant specimens, and especially ivory, is that legal trade contributes to illegal trade by fuelling the demand for ivory. In this context, the handling of government-held stocks and stockpiles of ivory, especially when there is a domestic market for it, was discussed. The Secretariat provided the committee members with some guidance on how to handle these stockpiles. It proposed a periodic review of available management tools, which should also include the possibility of destruction of these stockpiles.

Especially Senegal, which has been at the forefront of elephant protection for many years, strongly encouraged committee members and other CITES parties to primarily focus on the destruction of government stockpiles in order to counter the demand for ivory and thereby to undermine the motivation for poaching. This was opposed by Zimbabwe, which noted that the revenue stemming from controlled sale of ivory, also via CITES institutions, can be used to fund elephant conservation initiatives.

Problematic in the context of government-held ivory stockpiles was furthermore the status of Burundi since it has not reported to the Secretariat concerning the status of its ivory stockpiles. The Standing Committee thus decided that it would work on decisions regarding the handling of government stockpiles of ivory and to present these to the COP. Furthermore it was decided to deploy a technical mission to Burundi in order to examine the status of its stockpiles.

Delegates of SC74 entering the venue. Photo: Dr Nikolas Sellheim, 2022.

Whether or not COP19 will opt for a destruction of elephant ivory stockpiles cannot be determined at this point. However, since 33 elephant range states still have their populations listed on Appendix I, it does not appear unlikely that CITES parties will vote for a destruction of these stockpiles.

Another agenda item, no. 50, also dealt with elephants in the context of 'appropriate and acceptable destinations'. This term appears in the annotations to the Appendix II-listed populations of Eswatini's white rhinoceros (*Ceratotherium simum*) population and the African elephant populations of Botswana and Zimbabwe. In the centre of attention stood the sale of live elephants from Namibia to elephant non-range states. While in principle legal due to Namibia's population being listed on Appendix II of the convention, the question circled around whether non-range states constitute 'appropriate and acceptable destinations'. The sale of live elephants, as the annotation notes, can only occur if it contributes to *in situ* conservation.

The discussions focused on the question whether the provisions of the convention and the annotations were breached since the elephants were sold to an *ex situ* location. While there was some resistance concerning this sale, in the end it was agreed that Namibia had not violated the convention and that no legal obstacles to this trade exist.

Outlook

The 19th Conference of the Parties will take place in Panama City from 14—25 November 2022. As was the case with previous COPs, it appears likely that a vast number of NGOs will attend this meeting. The controversial topics that were discussed at SC74 will inevitably be part of the deliberations at the COP. Since a large number of observer NGOs appear to aim to significantly reduce the international trade in wildlife, it is likely that the CITES mandate will be expanded in so far as it will be decided to include zoonotic diseases in its mandate. The long-term implications of such an expansion cannot be foreseen, but it can be hoped that this will not lead to a deeper rift between parties.

The rather amicable deliberations at SC74 cannot belie the fact that CITES faces significant difficulties, especially concerning the all-dominating disagreements between parties and observers over full-scale protection or sustainable use of CITES-listed species. The International Whaling Commission (IWC) has been paralysed by this disagreement for now decades and it remains to be seen whether CITES manages to take all parties' views adequately into account.

CITES will have to make important decisions in the future. Not least because of the ongoing war in Ukraine, the convention's overall efficiency will be put to the test: on 28 March 2022 the government of Ukraine sent a notification to the Secretariat in which it calls for a suspension of all cooperation with the Russian Federation within CITES (CITES, 2022). Whether or not the COP will follow this call remains to be seen.

References

Borsky, S., H. Henninghausen, A. Leiter & K. Williges (2020). CITES and the Zoonotic Disease Content in International Wildlife Trade. *Environmental and Resource Economics* 2020.

CITES. (2022). Communication from the government of Ukraine. Notification No. 2022/020, 28 March 2022. https://cites.org/sites/default/files/notifications/E-Notif-2022-020.pdf

Lindsay, K., M. Chase, K. Landen & K. Nowak. (2017). The shared nature of Africa's elephant. *Biological Conservation* 2015: 260—267.

OPINION

By Eugène Lapointe (President, IWMC — World Conservation Trust, Switzerland)

Social activism

Some thirty years ago, an entirely new phenomenon combining the fervour of 1960's social activism with the intolerance of religious fanaticism, appeared on the socio-political landscape: the "animal rights"/environmental movement. Although its extreme views are cloaked with the trappings of conservation, the two have little in common.

Nature's conservators labor quietly in the field, seeking scientifically sound ways to resolve conflicts between the demands of the modern world and the needs of the wild. They live with animals to study them. "Animal rights"/environmental activists revel in controversy and confrontation, practice the art of shaping politics and public opinion, and idealize animals.

The divergence between "animal rights" ideologues and conservators is both great and irreconcilable. Conservators insist that the sustainable use of the Earth's resources for use as shelter, clothing, and food is compatible with preserving those resources for future generations. The "animal rights"/ environmental movement sees humanity as nature's enemy.

Decades ago, "non-use" groups were relatively unsophisticated. They were on the outside of the political and regulatory process looking in. Today, these groups are very much part of the process. Where once they would send two or three "activists" to international forums such as CITES, the FAO or the IWC, today they send lawyers. Once they protested government agencies. Today, they craft government policy.

Their "Save the Whales" and "Save the Elephants" mantras have not changed. They still fund-raise using sad-eyed puppies and baby seals, an effective technique that yields $10 million to $100 million per organization per year. But their focus is far more strategic, far more global.

Their sophisticated campaigns against corporations, industries, fisheries, the pet industry, medical research, aquaculture, energy, timber, ranching, farming, meat processors, restaurants, furriers, even communities and nations who live with and depend upon wild resources are devastating. Jobs are lost. Communities crippled. Cultures destroyed. Industries pushed to the edge of bankruptcy. Equally dangerous is the misinformation about animal and environmental issues spread throughout the public.

ARTICLE

Hambühren (Germany) on its way to become a sustainable municipality

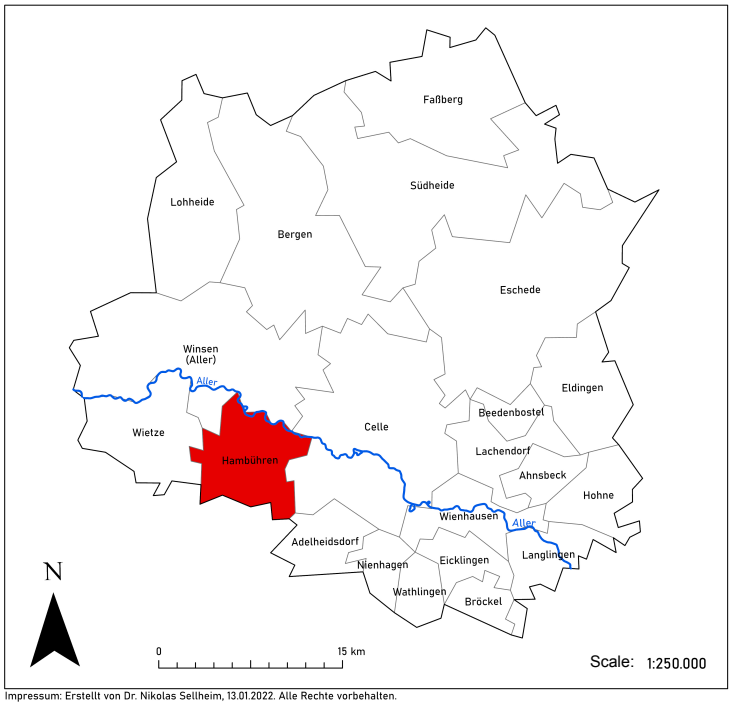
Introduction

The 17 Sustainable Development Goals (SDGs) of the United Nations have now also found their way into the northern German municipality of Hambühren in Celle County, Lower Saxony. Under the leadership of mayor Carsten Kranz, the municipality of around 10.500 inhabitants decided in the summer of 2021 to join the project "Communal sustainability in small and middle-sized municipalities in Lower Saxony" (KommN Niedersachsen). Hambühren is thus one out of merely 15 municipalities in Lower Saxony, which holds 939 municipalities altogether, that has decided to develop a sustainability strategy. This occurs under the guidance of the Communal EnvironmentalAction (UAN), which is funded by the Association of Towns and Municipalities of Lower Saxony.

In this contribution we will discuss the origins of the principle of sustainability as well as the project that aims to ensure a sustainable future for a small municipality in Germany.

The origins of the principle of sustainability

The concept of sustainability is nothing new. Already indigenous peoples all over the world have had an economic system that has allowed them to use resources and the natural environment in a way that they were available for many future generations. This means that, in principle, resources were used in a way that they were not fully exploited or that a species was not exterminated. But also in Central Europe the economic limits of



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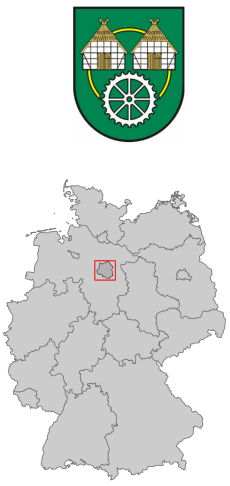
Municipality of Hambühren in Celle County, Germany



the feudal system allowed for a quasi-sustainable economic system.

In the course of the Renaissance and later on during the time of industrialisation from the 16th to the 19th century, this changed dramatically. Along with the expansion of the European sphere of hegemony, the lust for 'exotic' goods and resources increased. Humans and animals that were exposed to the colonial influence were consequently massively exploited and over-hunted. The dramatic decrease in certain whale species in the 17th and 18th century, for instance, exemplifies an openly unsustainable use of whales by European and American whalers.

The industrial revolution and the resulting utilisation of oil and other hydrocarbons finally led to an increase in environmental pollution, along with ever increasing exploitative utilisation of natural resources. Emissions, plastics and other pollutants found their way into the daily use of (Western) societies. This inevitably led to the hunger for resources being accompanied by massive environmental degradation.

During the so-called 'environmental revolution' of the 1960s, which was triggered also by an American biologist's, Rachel Carson, seminal book *Silent Spring* (Carson, 1962), a paradigm shift took hold. Because the realisation entered the public mind that the unhindered impacts of human societies on the natural environment will bring about long-term damages. As a result, the United Nations initiated the first Conference on the Human Environment while also the United Nations Environment Programme (UNEP) was founded.

The 1970s saw furthermore the adoption of several important agreements for the protection of the natural environment, such as the Agreement for the Conservation of Polar Bears in 1973, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1973 or the Convention for the Conservation of Migratory Species of Wild Animals (CMS) in 1979.

The 1980s, finally, saw the modern application of the term sustainability or sustainable development — terms that are often used interchangeably. As a first step, in 1982 the International Whaling Commission (IWC) outlawed the commercial hunts for whales via the so-called 'moratorium' on commercial whaling, which came into force in the Antarctic whaling season 1985/86. This meant that one of the most iconic group of species saw international protection (at least for those states that did not object to the moratorium and that were/are party to the International Convention for the Regulation of Whaling), providing the conservation-narrative fundamental ground. Additionally, the report by the United Nations World Commission on Environment and Development (WCED) *Our Common Future* (WCED, 1987) was published in 1987. This report — also named 'Brundtland Report' after the WCED's chair Gro Harlem Brundtland — probably constitutes on of the most important reports for the protection of the environment and humans. For this is the report which provided the first definition of the term 'sustainable development':

> "Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

As a result of this definition and the manifold ways of interpreting it, the UN Conference on Environment and Development was held in 1992 in Rio de Janeiro, Brazil. Here, groundbreaking socio-economic and socio-ecological principles were agreed on, such as the precautionary principle, the principle of intergenerational equity or the polluter-pays principle, to name a few. These can be found in the non-legally binding Rio Declaration and its action plan Agenda 21. At the conference, or inspired by it, several multilateral, legally binding agreements were adopted which made the principles inherent elements to their legal scope: the Convention on Biological Diversity (CBD); the UN Framework Convention on Climate Change (UNFCCC); and the UN Convention to Combat Desertification in those Countries Experiencing

Serious Drought and/or Desertification, particularly in Africa (UNCCD).

Consequently, at least since the Rio Conference, sustainable development has found its way into international fora and has even broadened their scope: for instance, the adoption of protocols or resolutions or the foundation of sub-committees or working groups in conventions such as CITES or the CMS are directly, in one way or another, related to the Rio principles.

The 17 Sustainable Development Goals of the United Nations

What started with the Rio Conference was continued at other conferences and through multiple declarations and actions of the United Nations. Yet, the wheels of the UN turn slowly since every decision, every sentence and every word needs to be acceptable for all members of the General Assembly. But finally, at the UN Sustainable Development Summit in 2015 the 2030 Agenda on Sustainable Development (Agenda 2030) and with it the 17 Sustainable Development Goals were adopted.

These documents constitute a global plan for the sustainable preservation of peace and prosperity as well as the protection of the Earth. Economic, ecological as well as socio-cultural elements play a fundamental role in it. For instance, apart from the eradication of hunger (SGD 2) or the protection of the natural environment (SDGs 13—15) also innovation (SDG 9), reducing inequality (SDG 10) or responsible consumption and production (SDG 12) are part of this global strategy.

Since the SDGs aim for a broad application of sustainability, it is not just states, but all spheres of social life that are invited to implement the goals. Yet, this does not happen without the support of the United Nations, which, solely for this reason, has established the Division for Sustainable Development Goals (DSDG) to provide help, support and guidance. This occurs, for instance, through support for the realisation of the 169 sub-goals that aim to attain the 17 main goals.

The 17 Sustainable Development Goals of the United Nations

In principle, states and other stakeholders cannot be forced to implement the SDGs. That said, some basic principles of the SDGs can be found in a legally-binding fashion in a broad range of international instruments. Moreover, with the adoption of the SDGs the UN member states have shown that sustainable development is an issue of relevance for the future that cannot be ignored. It does therefore not come as a surprise that the voluntary reporting scheme for states regarding the implementation of the SDGs within their territories works comparably well. But despite this and despite the existence of comparable indicators for the implementation of the SDGs, notable differences in the existence of data exist: for 5 out of 17 goals in less that half of 193 states data are available. For SDG 13 (climate action) merely 1 out of 6 countries have data available (United Nations, 2021, p. 5).

This allows for the conclusion that there are significant hurdles for the implementation of some goals. Which these hurdles are cannot be assessed conclusively. But apart from the actuality of data in the countries themselves, also the still ongoing COVID-19 pandemic may be a reason for irregular and incomplete reporting.

Since the implementation of the SDGs is rooted in voluntariness this can be valued as a 'bottom-up approach': whilst there are certain requirements coming from the international level, it is up to the member states of the UN as well as other stakeholders to implement the goals themselves. As a consequence, it is also up to municipalities, especially in reference to SDG 11 (Sustainable cities and communities), to individually realise them.

Past sustainable initiatives in Hambühren

Against this backdrop, several communities in Germany have opted for a decision to implement the 17 SDGs on a communal level. While many steps have been taken without the direct guidance of the SDGs, these nevertheless allow communities and municipalities to find some orientation as to which steps to take and which decisions to make in order to be considered sustainable.

Generally speaking, the implementation of the SDGs on a communal level can be achieved through various means and actions by the communal leadership itself or by the municipality's population. For Hambühren's mayor, the main point of departure is the realisation that all decisions that are taken today are to be made in a manner that allows the world of tomorrow to look back and realise the growing appreciation of responsibility for the preservation of the foundations of life.

While the project is in its inchoate phases at the time of writing, the municipality has not shied away from acting on its own behalf. It is thus that several successes in relation to sustainability can be noted. These can be accessed and compared via the SDG-Portal, which can be reached through https://sdg-portal.de/en/ (in German and English). It must be noted here that the large decisions of the international level are being broken down into *in situ* actions that shape the larger picture. The municipality has therefore directly and indirectly implemented several SDGs concerning biodiversity, infrastructure, commerce and education. The following selection provides an overview of how other municipalities could follow suit:

- creation of blooming areas, for instance next to roads and fields
- creation of a decentralised rain water sink system
- commissioning and launch of an energy-efficient fibre optic cable network
- road preservation management that maintains municipality roads before they are damaged and worn out
- marketing of regional food and food production
- launch of a biogas facility
- meeting facilities for seniors and youth

These initiatives show that there are multiple ways by which the SDGs can be implemented on a communal level. The coastal town of Geestland, around 180 km north of Hambühren, is spearheading the communal implementation of the SDGs in Germany. The town has established a good network in order to learn from other, international experiences and has build a very high level of expertise that it provides to other municipalities to learn from. The cooperative character is therefore fundamental for implementing the SDGs on a communal level. Moreover, Geestland's mayor Thorsten Krüger is a certified sustainability manager.

Conclusion

Hambühren is merely one small municipality amongst more than 11,000 in the whole of Germany that has started to make sustainable development an integral part of its economic and socio-political strategies. The goal for the municipality is winning the sustainability prize that is awarded as part of the KommN Niedersachsen project. But sustainability does not happen without the support and, even more importantly, understanding of the local population. Forcing the concept onto the citizenry probably generates more opposition than it generates support. It is therefore imperative to underline the benefits of sustainable development for each individual: ecologically *and* economically. Because, for instance, using a bike to go shopping rather than a car is better for the environment, better for one's finances and, of course, better for one's health.

References

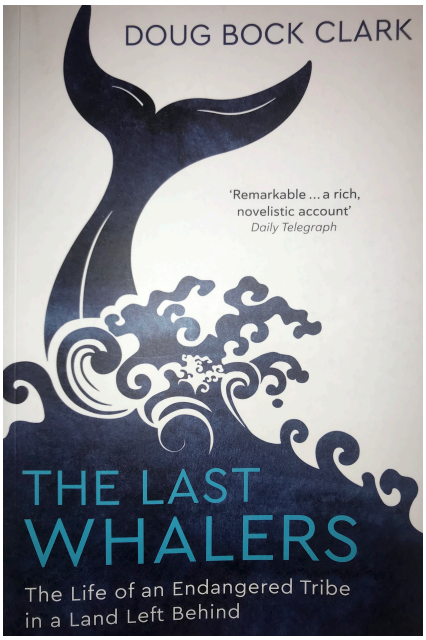
Carson. (1962). *Silent spring.* Boston: Houghton Mifflin.

United Nations. (2021). *The Sustainable Development Goals Report, 2021*. New York: United Nations. https://unstats.un.org/sdgs/report/2021/The-Sustainable-Development-Goals-Report-2021.pdf.

WCED. (1987). *Our common future.* New York: United Nations.

BOOK REVIEW

Doug Bock Clark's '*The last whalers. The life of an endangered tribe in a land left behind.*'



Whaling remains probably one of the most contentious activities concerning animal exploitation in the world. The International Whaling Commission (IWC) has failed as an international organisation to reconcile the diametrically diverging views on whaling, which has prompted the spearhead of the world's whaling nations, Japan, to leave the organisation in July 2019 after years of heated debates in the commission. Under the International Convention for the Regulation of Whaling (ICRW), which nowadays 88 countries are party to, and thereby under the IWC, apart from commercial whaling, scientific whaling as well as aboriginal subsistence whaling (ASW) are explicitly recognised. Despite

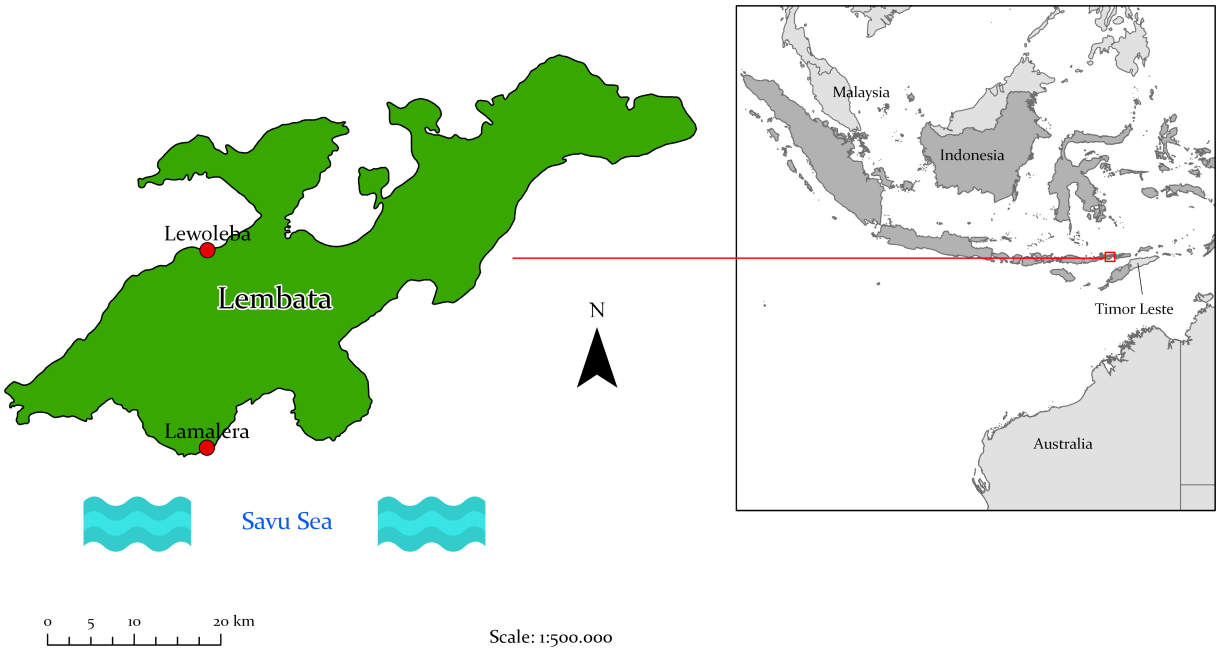
the moratorium on commercial whaling, which came into force in the Antarctic whaling season 1985/86, ASW, meaning the small-numbered hunt for whales by indigenous peoples for subsistence purposes, still continues in four countries: Greenland (Denmark), Alaska (USA), Chukotka (Russia), and Bequia (St Vincent & the Grenadines).

While the IWC, the conflicts over whaling and, to some degree, ASW are known in public discourse, I dare to say that very few people know about whaling in countries that are not a member of the IWC (apart from Japan, of course). Sure, the Faroese pilot whale drive is rather prominent, but then again, small cetaceans are not within the mandate of the IWC. But who knows about the hunt for whales in Indonesia, or, more precisely, the island of Lembata? I can confidently say that this whale hunt is not known to many, other than those that deal with whales and whaling from all different perspectives.

And this is where Bock Clark's book *The last whalers* enters the stage. To the best of my knowledge, this is the first comprehensive account on the long overlooked whaling tradition in the Solor Archipelago. Written somewhat like a novel, the book provides a deep insight into the way native inhabitants of the Lembatan village of Lamalera have interacted with the sea for centuries. In this sense, to me the title is somewhat misleading, because it is not exclusively whales which have been hunted there, but rather everything that the sea provided. A whale, on the other hand, and even successfully harpooning a whale and becoming a boat's harpooner, a *lamafa*, marked the high point of the life of a young Lamaleran.

And it is such a young boy, Jon, who constitutes the centre of the narrative. Without the need for spoilers, the very first pages of the book imply that Jon will meet a tragic end in the course of the book. This makes the reader immediately sympathise with him and the narrative accompanies him throughout his adolescent age. The importance of whales, whale-sharks or rays, along with the remoteness of the Savu Sea becomes clear from the very beginning. At the same time, the book captures beautifully (or rather tragically) how quickly societies that have been relatively untouched by the impacts of colonisation and globalisation can, after all, change. The inherent conflict of 'tradition'

Lembata Island, Indonesia



versus 'modernity', the fears of elders that the old ways will get lost and therefore the fate of the community and culture is on the hinges of oblivion span through the book like a red thread. A melancholy appears to underline the narrative. A melancholy over the loss of culture and livelihood, over the loss of many a life at sea, and over the uncertain future that Lamalerans are facing.

But apart from the larger picture of culture loss and modernity, the book reveals the harshness of traditional whale hunts in Lembata. While the whalers do use modern boat engines, ancestral practices require the use of a traditional *téna*, a wooden row boat, to pursue and kill the whale. Here the reader learns that sperm whale are not 'gentle giants', but rather fierce defenders of their own and their calves' lives. Flukes killing whalers or amputated arms because of a whale destroying a *téna* are just two examples that exemplify the dangers of the hunt. At the same time, also the whale dies a gruesome death. Since the hand-thrown harpoons do not pierce through blubber to reach the vital organs in one blow, "hunters kill their prey with a thousand pricks delivered to the same spot" (page 148). Once the vital organs are indeed reached, the whale finally reaches its end. Bock Clark describes this orgy of blood and gore as follows:

> "Eventually, the whale shuddered and vomited twenty-foot-long streamers of flesh: giant squid tentacles. Afterwards, its tail stopped twitching and its blowhole leaked and algae-like liquid […]. Then he grabbed a rope, inhaled a lungful of air, and dove into blood so dense he had to feel his way around the colossal corpse" (page 149).

While the actual act of killing a whale is both dangerous and gruesome, it nevertheless provides for the people in Lamalera. As a consequence, a tradition of altruism and sharing has developed in order for all villagers to be able to benefit from the food the whale provides. Even though Bock Clark notes that "[a]ll hunter-gathers practice a form of this virtuous cycle to some degree" (page 119), it is also particularly those groups that engage in rather dangerous activities. Additionally, this is not limited to non-industrial societies, as examples from the commercial seal hunt in Newfoundland, Canada (Sellheim, 2015), or the Faroe Islands (Fielding, 2018) show.

While the book in its first half seems to follow somewhat of a storyline, this changes when Ignatius and his family are introduced. While before the narrative followed Jon, now other characters are introduced that exemplify the complexity of Lamaleran society, both in the past and in the present. The book presents ancestral stories — or even codices — and old practices that have, up to this day, shaped cultures and livelihoods in Lamalera. For instance, when Ika is introduced, the reader learns of the traditional bartering between Lembatan women every Saturday morning which is skilfully linked to the underlying historical stories and also to the harsh realities of how it came to an end in 2014.

Throughout the book, the reader seems to be getting to know the different characters. Since these are existing people, the readers gets the impression as if one might have known them for quite some time. For instance, aforementioned Igantius' struggle to agree on a bride price for his son Ben's betrothed, Ita, with Ita's parents is a very personal matter. When, finally, Ita's father remarks that "I've been thinking: it's time for our children to be married. Are you ready?" (page 222), this comes as a relief to the reader and one feels as if a congratulations to Ben and Ita would be in order. This is, obviously, a huge accomplishment by the author who so wonderfully makes the world of Lamalera accessible to Westerners and outsiders.

Without the need to delve deeper into the narrative, I have been genuinely impressed by *The last whalers*. This book, which emerged out of a Bock Clark's numerous visits to Lamalera in which he spent around a year on Lembata, is a gold mine for those interested in traditional whaling culture, but also those interested in the changing cultural landscapes from tradition to modernity.

From a technical side, the version of the book that I hold in my hands, published by John Murray, unfortunately does not live up to the effort the author has put into it. Particularly the few photographs, of which the author took more than 20,000, are merely in black and white, rather pixely and very small. In fact, I would have hoped to see more photographs since not much is known about Lembata in circles dealing with whales and whaling. Whether not including more photographs was an editorial decision by the publisher or a decision by the author, I cannot say. On a positive note, it is good that the first pages of the book contain some maps, so that it becomes clear which region, which island the book is set on. Unfortunately, the maps meet the same fate as the photographs as they are of rather bad quality. In fact, the hand-drawn maps also come across somewhat unprofessional, albeit personal, of course.

To conclude, *The last whalers* is a book that should fill the shelve of anthropologists and those interested in whaling! It is a fascinating narrative about a way of life that is changing, to a large degree unknown to the outside world and somewhat controversial. After all, even though ASW is an accepted type of whaling under the IWC, it is also contested by many. While some might assume that Lamalerans don't *need* to whale, this book shows how complex socio-cultural structures are and how deeply whales and whaling can be embedded in a society. Also from this perspective the book is certainly an extremely valuable contribution to the literature on whaling cultures.

References

Fielding, R. (2018). *The wake of the whale. Hunter societies in the Caribbean and North Atlantic.* Oxford: Oxford University Press.

Sellheim, N. (2015). Morality, practice, and economy in a commercial sealing community. *Arctic Anthropology* 52 (1), 71–90.

Bibliographic information on the reviewed copy

Bock Clark, D. (2019). *The last whalers. The life of an endangered tribe in a land left behind.* London: John Murray. 347 pp., paperback. ISBN 978-1-52-93741-55.

ARTICLE

Biodiversity offsetting — Damaging livelihoods or saving them?

Introduction

A recent study by Tupala, Huttunen and Palme (2022) deeply engages with the discussion on the social costs of biological offsetting (BO). BO and ecological compensation are both tools to compensate local populations for damages that have been done to biodiversity by different kinds of projects affecting the environment. Contrary to ecological compensation — which merely compensates for potential damages or losses — BO aims to enable the ecosystem to thrive in a different area than the one where the project is carried out. The overarching goal is to ensure that no net loss occurs or even a net gain would take hold. The ideas are, therefore, in principle designed to enable companies or other economically powerful stakeholders to alter the natural environment but to ensure that local populations as well as biological diversity are not impacted negatively by this alteration. Economic development, the protection of biodiversity as well as the protection of the socio-cultural values of local populations should consequently be combined.

While BO can be interpreted as being well-intended, unfortunately, the study shows how complex the interplays between place, space and biodiversity offsets are and that a one-off solution is not possible. Instead, BO may even exacerbate the drivers of biodiversity loss and push local populations more into isolation.

Which values can be gauged?

Problematic in the application of BO are the values that are being gauged against each other. While ecological compensation essentially describes the compensation of one loss with something else, BO aims to maintain or restore the values which are being impacted by a project. Economically, this is probably a rather easy exercise when merely comparing numbers. That is to say, when in a project a special kind of tree is removed that local populations use to build their houses, it appears rather easily imaginable to replace that tree with the same tree from a different offset-area so that the locals are still able to build their homes.

But the issue becomes inherently more complex when there are social or even spiritual values attached to that tree. Maybe it is a tree which was planted when a child was born or when an elder has passed away. Maybe that tree is a tree that plays a special role in the mythology of the locals. Or maybe that tree, due to its location, is perceived as holding particular healing capabilities. If that tree were to be cut down, this could hardly be compensated.

That being said, as Tupala et al. outline, BO does hold the potential to benefit local communities especially because of its market-oriented approaches and the economic values that go hand in hand with it (Tupala et al., 2022, p. 5). But at the same time, it is especially the non-commercial, non-economic values which are the most difficult to reconcile with the economic angle of BO. When identifying a site that might be suitable for BO, decision-makers risk “the selection of those natural values that are most suitable for the economic development activities, the reduction of public funding for conservation, and the privatisation of green areas” (Ibid.). While there are consequently certainly benefits to biodiversity offsetting, significant challenges as the the values that are being used as yardsticks remain.

Equality in offsetting

The principles of environmental equity and environmental justice have found their way into environmental decision-making processes. However, that does not mean that they can be found in *all* environmental processes. One of the most difficult interplays is probably that of the interests of local populations versus the interest to protect nature. While it has been shown that it is especially indigenous peoples and local communities which are the best guardians of biodiversity due to their close connection to land, their interests are oftentimes not adequately considered. While the principle of free, prior and informed consent (FPIC) has been manifested in many international documents, it is not used on a regular and satisfactory basis, especially due to its legal ambiguity and lack of clarity of what 'consent' entails (Papillon, Leclair & Leydet, 2020).

In practice, this means that in decisions on biodiversity offsetting, different interests compete and it does not occur rarely that the interests of indigenous peoples and local communities have to subordinate to other interests. Tupala et al. thus show that the normative position of actors involved in the decision-making processes have an impact on the values which are being taken to offset the environmental impacts. This is to say that politically or financially stronger actors prevail over those with fewer resources. In addition, the way by which offset areas are designated is oftentimes supported by science. And it is this science which other stakeholders do not have access to, making the process inherently intransparent.

Another important element when taking into account equality is that of equal international processes. Or to put it differently, there are significant differences between the processes and the associated results of biodiversity offsetting between different countries. Bidaud et al. (2017) note that the gap between the Global North and the Global South has inevitable impacts on these processes and results, because:

1. The legal contexts are different between countries. While in high-income countries biodiversity-related markets are well regulated, in lower income countries these are based on voluntary initiatives.

2. Social contexts involve different levels of poverty in high-income vs. low-income countries.

3. Environmental contexts differ. While conservation may occur due to low-intensity farming in high-income countries, in low-income countries focus on preserving relatively undisturbed areas.

4. Developed countries generally have a lower dependency on natural resources for subsistence purposes than do low-income countries.

With these differences in the legal and socio-economic and socio-cultural settings in mind it is not surprising that countries in which a strong legal framework exists, local populations have better possibilities to make their voices heard. At the same time, insufficient research on offsetting projects has prompted Gelcich et al. (2017) to conclude that biodiversity offsetting projects operate in larger spheres than merely the environmental. Instead, they are always embedded in wider legal, socio-economic and political landscapes that necessitate research-based, interdisciplinary and transparent approaches. This also means that not merely the needs and concerns of the provider, but ever more the needs and concerns of those populations being affected by the project are being taken into account. And it can be exactly these populations who are the ones enabling proper offset provisions themselves.

Stakeholder identification

The problem of stakeholder identification spans through environmental management not only in the context of BO. Who constitutes a legitimate stakeholder and who doesn't? This question shall not be answered here but instead reference should

be made to already existing research on this very matter (e.g. Colvin et al., 2016). However, some of the underlying questions, which are both empirical and normative, that accompany the identification of stakeholders were posed by David Takacs (2019, p. 2):

- Who has what legal rights to speak for or against programs that enhance biodiversity? (*legal*)
- Whose expertise and knowledge are privileged and on what grounds is that knowledge or expertise privileged? (*epistemological*)
- Where values may clash or be incommensurable, whose are the preferable because they are in some way better? (*axiological*)
- Whose opinions about biodiversity schemes should count, because the values they promote or the outcomes they seek are in some way preferable? (*normative*)

These questions by themselves show the difficulties of identifying human stakeholders, i.e. those persons or groups that have a normative and empirical right to be consulted prior to a project and whose interests and knowledges are taken into account when identifying biodiversity offset areas. Again, while we will not delve into the practical implications of how to identify stakeholders, it must be underlined that these questions essentially merely touch upon human stakeholders and do not take into account non-human stakeholders or future human stakeholders.

In this context, Christopher Stone (2010) raises several issues pertaining to guardianship of the non-human or for future human generations. Regarding the latter, Stone remarks that we cannot yet know how future generations will perceive the environment or the world. It is therefore merely the status quo by which we judge what future generations might want. He therefore advocates guardianship for *things* that enable the guardian to defend, for instance a sacred site, against possible adversaries.

A similar, albeit somewhat different, approach relates to elements of the natural environment. Some species — for instance whales — are normatively ascribed a right to life by some because of the legal practice of many states relating to their management (e.g. D'Amato & Chopra, 1991). In other countries, such as New Zealand, Colombia, India, Chile or Australia features of the natural environment, in this case rivers, have been given inherent rights based on national legislation (e.g. O'Donnell & Macpherson, 2018). They have thus obtained legal standing before a court and should be protected from any harm. What this means is that also BO projects should recognise them as stakeholders. Since they are not able to speak for themselves, guardian identification is necessary to be carried out in order to defend their interests before other stakeholders and, in particular, project managers.

While not all projects are confronted with natural features that have gained legal standing under national law, the question remains in how far the natural environment as such should be considered as a stakeholder that is to be preserved for future generations. Yet, this would raise several questions that are similar to those posed by Takacs (2020):

- Who should represent the natural environment and based on what knowledge and expertise?
- What makes this guardian's knowledge or expertise more valuable or more representative for the natural environment than the knowledge and expertise or others?

In addition, a core question that must be asked in this context is: Is a human being at all able to represent the diverse features of the natural environment?

Conclusion

Biological offsetting is certainly a tool that enables the use of the natural environment while enabling its conservation. But as we have shown in this contribution, the concept is faced with several difficulties that exacerbate its successful

implementation. For instance, the government of Western Australia (WA) focuses on environmental offsets by using an 'Offsets Calculator' (Government of Western Australia, Undated) in which merely the environmental elements are considered. At the same time, the WA Environmental Protection Authority (EPA) has developed guidelines that take into account social surroundings when carrying out environmental impact assessments (EPA, 2016).

In how far these guidelines translate into a strategic social impact assessment cannot be ascertained at the time of writing. Needless to say, however, that also in the context of biological offsetting, the inclusion of the local population, despite difficulties in stakeholder identification, is a necessity in order to ensure long-term conservation of biodiversity and in order to ensure that local livelihoods, indigenous rights and, ultimately, the intrinsic relationship between many local and indigenous resource users with their lands is not jeopardised.

References

Bidaud, C., K. Schreckenberg, M. Rabeharison, P. Ranjatson, J. Gibbons & J.P.G. Jones. (2017). The Sweet and the Bitter: Intertwined Positive and Negative Social Impacts of a Biodiversity Offset. *Conservation and Society* 15(1), pp. 1–13.

Colvin, R.M., G.B. Witt & J. Lacey. (2016). Approaches to identifying stakeholders in environmental management: Insights from practitioners to go beyond the 'usual suspects'. *Land Use Policy* 52, pp. 266—276.

D'Amato, A. & S. Chopra. (1991). Whales: their emerging right to life. *The American Journal of International Law* 85(1), pp. 21—62.

EPA. (2016). Environmental Factor Guideline — Social Surroundings. https://www.epa.wa.gov.au/sites/default/files/Policies_and_Guidance/Guideline-Social-Surroundings-131216_2.pdf

Gelcich, S., C. Vargas, M.J. Carreras, J.C. Castilla & C.J. Donlan. (2017). Achieving biodiversity benefits with offsets: research gaps, challenges, and needs. *Ambio* 46, pp. 184–189.

Government of Western Australia. (Undated). DWER WA environmental offsets calculator. https://www.wa.gov.au/government/publications/dwer-wa-environmental-offsets-calculator

O'Donnell, E. & E. Macpherson. (2018). Voice, power and legitimacy: the role of the legal person in river management in New Zealand, Chile and Australia. *Australasian Journal of Water Resources*, 23(1), pp. 35—44.

Papillon, M., J. Leclair &D. Leydet. (2020). Free, Prior and Informed Consent: Between Legal Ambiguity and Political Agency. *International Journal on Minority and Group Rights* 27, pp. 223—232.

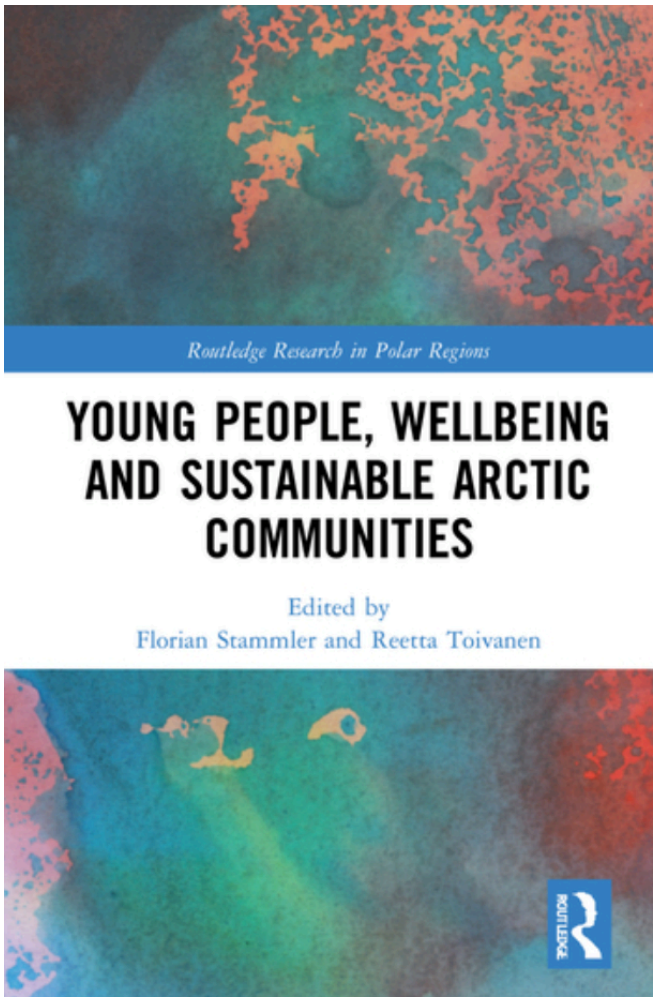
Stone, C. (2010). *Should trees have standing? Law, morality and the environment*. Third Edition. Oxford: Oxford University Press.

Takacs, D. (2019): Whose voices count in biodiversity conservation? Ecological democracy in biodiversity offsetting, REDD+, and rewilding. *Journal of Environmental Policy & Planning*, 10.1080/1523908X.2019.1661234

Tupala, A.-K., S. Huttunen & P. Halme (2022). Social impacts of biodiversity offsetting: A review. *Biological Conservation* 52. https://doi.org/10.1016/j.biocon.2021.109431

Book recommendation:

Stammler, F. & R. Toivanen (Eds.). Young People, Wellbeing and Sustainable Arctic Communities. Abingdon: Routledge



Book description by the publisher:

Youth are usually not (yet) decision makers in politics or in business corporations, but the sustainability of Arctic settlements depends on whether or not youth envision such places as offering opportunities for a good future. This is the first multidisciplinary volume presenting original research on Arctic youth.

This edited book presents the results of two research projects on youth wellbeing and senses of place in the Arctic region. The contributions are united by their focus on agency. Rather than seeing youth as vulnerable and possible victims of decisions by others, they illustrate the diverse avenues that youth pursue to achieve a good life in the Arctic. The contributions also show which social, economic, political and legal conditions provide the best frame for youth agency in Arctic settlements.

Rather than portraying the Arctic as a resource frontier, a hotspot for climate change and a place where biodiversity and traditional Indigenous cultures are under threat, the book introduces the Arctic as a place for opportunities, the realization of life trajectories and young people's images of home. Rooted in anthropology, the chapters also feature contributions from the fields of sociology, geography, sustainability science, legal studies and political science.

This book is intended for an audience interested in anthropology, political science, Arctic urban studies, youth studies, Arctic social sciences and humanities in general. It would attract those working on Arctic sustainability, wellbeing in the Arctic, Arctic demography and overall wellbeing of youth.

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