



The Conservation & Livelihoods Digest

Volume 1 | Issue 2/2022



**SELLHEIM
ENVIRONMENTAL**
CONSULTANCY FOR NATURE AND CULTURE

The Conservation & Livelihoods Digest

Volume 1, Issue 2, June 2022

Cover design and layout:

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Cover and back-cover photos:

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EDITORIAL

A forceful reshaping of the world

With the war still raging in Ukraine, fundamental changes have not only come to the Ukrainian people, but also to the whole world. When *Sellheim Environmental* decided to launch this publication in late 2020, it was not foreseeable that the world as we knew it would come to an end — or at least would undergo massive changes — in such a short period of time and with such force.

In this second issue, the war in Ukraine ranges rather high on the agenda due to its impacts on international environmental governance and international relations, in fact, the whole world order, in general. While this publication aims to deal with the interface between conservation and livelihoods, as its title implies, given the current circumstances, this issue will somewhat deviate from this chosen path to some degree, as it also includes a report about a humanitarian mission to the Polish-Ukrainian border in which I directly participated.

The other contributions, however, pick up the topics of livelihoods and environmental governance in its widest form. For despite the forceful reshaping of world order, environmental protection and the livelihoods of those in close interaction with nature cannot be pushed to the back. This is especially true given the recent finalisation of the third part of the Sixth Assessment Report, Climate Change 2022: Mitigation of Climate Change of the Intergovernmental Panel on Climate Change (IPCC) in April 2022 (IPCC, 2022).

This report once again demonstrates that climate change is real and happening. And despite the euphoria that surrounded the adoption of the Paris Agreement on Climate Change in 2015, a disillusioning finding of the report is that “[n]et anthropogenic GHG emissions have increased since 2010 across all major sectors globally” (IPCC,

2022, p. 7). Heat waves in the Antarctic that ranged more than 40°C above average in Eastern Antarctica and the associated loss of ice shelves (Binnie, 2022) show how seriously the problem of climate change must be taken.

Other elements are, of course, the global loss in biodiversity or the spread of microplastics into the most remote areas of the world and into the human body (Delgado, 2022). And if we were to forget these long-term impacts and the consequences for human and animal wellbeing, mitigation measures of the past would all have been in vain.

Yet climate change is but one element of another forceful reshaping of the world: the Anthropocene. In her book *A Billion Black Anthropocenes or None*, Kathryn Yusoff demonstrates how the Anthropocene has started much earlier for colonised peoples than for Europeans (Yusoff, 2019). A review of this fascinating book can be found in this issue.

Along these lines, violence against the indigenous Batwa in the Democratic Republic of the Congo is presented in this issue, following the release of a report by the Minority Rights Group, entitled *To Purge the Forest by Force. Organised Violence against Batwa in Kahuzi-Biega National Park* (Flummerfelt, 2022). In this issue, we focus on the violent acts and the international responses to these. Without commenting the report, it is intended to stimulate readers to think about the acts of violence and the way international stakeholders have responded.

But in this issue we will also touch upon seals and commercial sealing and the different views on this controversial issue. By presenting a forthcoming chapter in the book *Non-State Actors in the Arctic Region*, Dr Nikolas Sellheim and Sheryl Fink, approaching commercial sealing from different angles, show how pro- and anti-sealing stakeholders use the same tactics to make their voices heard (Sellheim & Fink, forthcoming).

As is common practice for this publication, guest contributions from scholars, practitioners and activists have been sought. In this case, IFAW's

Sheryl Fink has reviewed a short video that aims to justify a cull of seals. I hope that especially these guest contributions increasing dialogue and discussion, so that our understanding of the various processes that steer our world becomes increasingly accessible. Just because they are included in this issue does, however, not mean that the views expressed are those of *Sellheim Environmental*.

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.

— Dr Nikolas Sellheim
June 2022

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ARTICLE

How does the war in Ukraine affect environmental cooperation in the Arctic and in the Barents region?

Introduction

On 24 February 2022 Russia's president Vladimir Putin launched an unprecedented attack on its neighbour Ukraine. Justifying this attack, Putin claimed the need to demilitarise and to de-nazify the country. But in his statement in the early morning of this historic and sad day, he furthermore claimed that Ukrainians are 'brothers', tied closely to the Russian people, but only as part of Russia. Essentially, therefore, he negates Ukraine's right to sovereignty and culture.

Not surprisingly, this attack has had repercussions on the international order the consequences of which cannot yet be foreseen. For example, the crimes against humanity conducted by the Russian military have led to the country's suspension from the UN Human Rights Council — a move that Russia responded to by quitting the council altogether (e.g. Nichols, 2022).

But also other international bodies have suspended their cooperation with Russia: the Arctic Council and the Barents Euro-Arctic Council. In their statements from 3 and 4 March respectively, the non-Russian member states of these two councils, that have been fundamental for integrative policy-making in the Arctic and the northern European Barents Region, distance themselves from Russian aggression and suspend their work that involves Russia until further notice (Arctic Council, 2022; BEAC, 2022).

In this article, we will discuss the implications of

Russia's attack on the environmental dimension of Arctic and Barents environmental cooperation and whether the cooperation can ever reach the state of pre-invasion circumstance.

Cooperation in the Arctic and the Barents region

Cooperation in the Arctic region (see Fig. 1) in its pre-invasion form emerged after Michail Gorbachev's famous 'Murmansk speech' from 1987 in which he envisioned an Arctic that is marked by nuclear safety, cooperation and stability between the Arctic states. Based on an initiative from Finland, in 1993 the Arctic Environmental Protection Strategy (AEPS) was launched, based on which in 1996 the Arctic Council was established, comprising all eight Arctic states — Canada, United States, Russian Federation, Denmark/Greenland, Iceland, Norway, Finland and Sweden — as well as six 'Permanent Participants', representing the eight largest Arctic indigenous groups: the Saami Council, the Arctic Athabaskan Council, the Inuit Circumpolar Council, the Russian Association of Indigenous Peoples of the North, the Aleut International Council and the Gwich'in Council International. Over time, the Arctic Council has developed into a full-fledged forum for Arctic cooperation, apart from 'hard' security issues, and has become a prime example for peaceful, effective and diverse cooperation (Keskitalo, 2004). Moreover, even when in 2014 Russia annexed Crimea, it appeared as if due to the different interests of the Arctic states, cooperation in the high north would continue relatively unabated (Rahbek-Clemmensen, 2017).

The work of the Arctic Council is primarily carried out by its six working groups: the Arctic Contaminants Action Programme; the Arctic Monitoring and Assessment Programme; Conservation

of Arctic Flora and Fauna; Emergency Prevention, Preparedness and Response; Protection of the Arctic Marine Environment; and the Sustainable Development Working Group. In each of these working group, a circum-Arctic approach is taken that aims to include the interests of all Arctic regions. A look at the map of the Arctic reveals, therefore, that in light of Russia's extensive Arctic coastline, cooperation in the Arctic without Russia appears almost unfathomable.

Parallel to the development on the circumpolar Arctic level, also northern Europe saw a new forum arising. Based on a Norwegian initiative, in 1993 the Barents Euro-Arctic Region (BEAR; see Fig. 2) was established that aimed to build bridges between the three northern European states Norway, Finland and Sweden, as well the European Union and Russia. While cooperating on the intergovernmental level through the Barents Euro-Arctic Council (BEAC), the BEAR also aims to bring people, indigenous peoples and business opportunities together via the Barents Regional Council (BRC), which enables direct cooperation between 13 regions in the Barents



Fig 1: The Arctic Region © Nikolas Sellheim, 2021

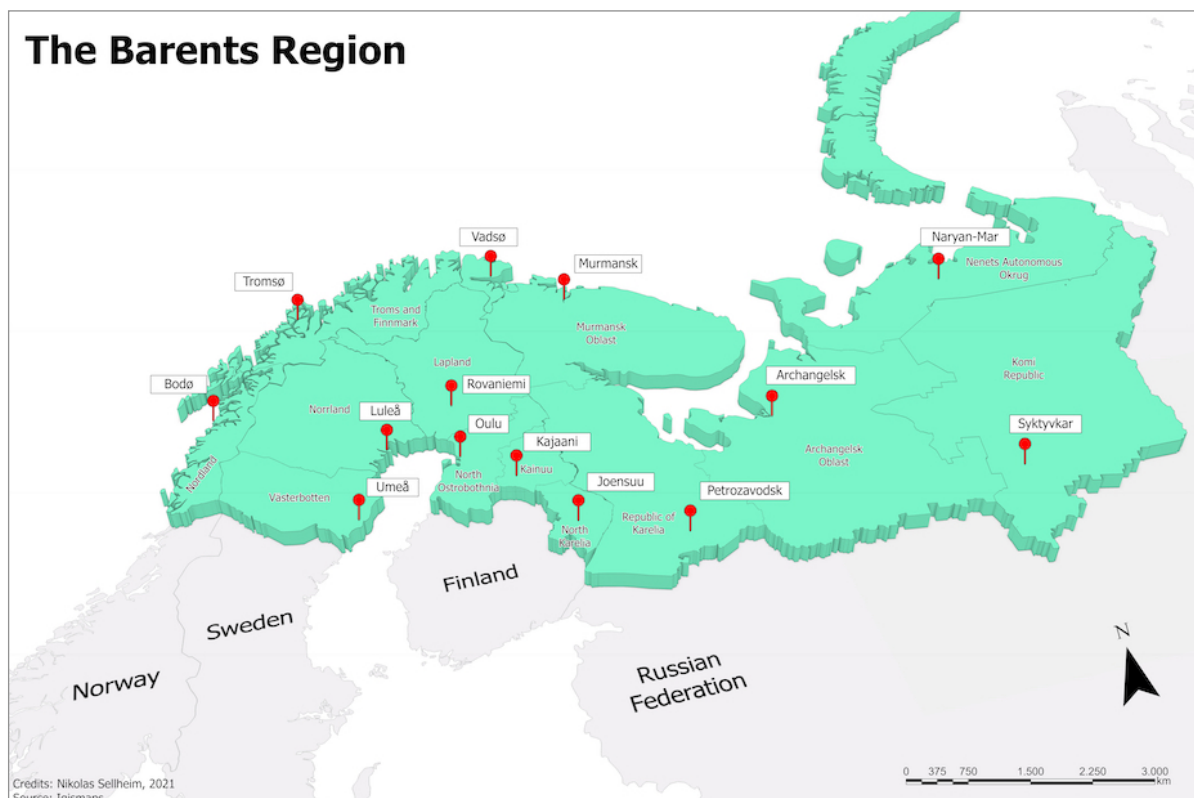


Fig 2: The Barents Region ©Nikolas Sellheim, 2021

Region. One of the most fundamental elements has been cooperation on the environmental level since environmental problems that had emerged during the times of the Soviet Union caused significant hardship for the entire region (Sellheim, 2012).

Fundamental for the cooperative spirit of the Arctic Council and the BEAR has been peaceful, goal-oriented and consensus-based dialogue that would benefit the regions' inhabitants and the natural environment. Even though neither of both organisations is treaty-based, i.e. they are not able to conclude legally-binding agreements, both are marked by success stories that have thus far allowed for the conclusion that this cooperation rests on solid grounds. For example, under the auspices of the Arctic Council three legally-binding agreements have been concluded: the 2011 *Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic*; the 2013 *Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic*, and the 2017 *Agreement on Enhancing International Arctic Scientific Co-operation*. It was thus surmised that these

agreements “provide a framework to deepen co-operation on certain issues among the [Arctic] states” (Tsui, 2019, no pagination).

Also in the Barents cooperation, the ‘Barents Success Stories’ (BEAC, Undated) show that the diverse modes of cooperation have contributed significantly to the wellbeing of people, businesses and the entire region since the cooperation's inception. For instance, the Barents Rescue, which was inceptioned in 2001, is a cross-border collaborative effort of the four Barents states in case of man-made or natural disasters. Also cross-border collaboration on Environmental Hot Spots has yielded successes by completely eradicating 9, and partially eradicating 3 out of in total 42 environmental hot spots causing health and environmental hazards located in the Russian Barents Region.

Post-invasion environmental cooperation under the Arctic Council

Circum-Arctic cooperation without the Russian Federation is difficult, if not impossible, to imagine, given that Russia's coastline amounts to around 1/3 of the Arctic coastline in general. The role Russia plays in Arctic cooperation does not only stem from this fact, but is also associated with its Northern Sea Route over which it exercises sovereign control. In the Arctic Council, the fundamental work of the working groups is based on knowledge exchange and the underlying cooperative spirit. A closer look at the Conservation of Arctic Flora and Fauna (CAFF) working group, standing representative for all other working groups, exemplifies this.

While the CAFF secretariat is located in Akureyri, Iceland, its work spans across the entire circumpolar north. Already in 2001 the working group published its first seminal report *Arctic Flora and Fauna: Status and Conservation* (CAFF, 2001), which provided the first comprehensive overview of the state of the Arctic environment in all eight Arctic states. Apart from the comprehensive overview, the report lives from its case studies from all across the Arctic, serving as a fundament for many other studies that were to come.

Inevitably, the Russia played an integral role for this report. Russian researchers and institutions provided valuable insights into the state of the respective Arctic environment and the conservation efforts that were already taken or that could be taken in the future. This allowed the lead author, Henry P. Huntington, to form the information that was received into a comprehensive whole, so that the Arctic environment was not merely considered from a national, but rather from a circumpolar perspective.

Based on this report, numerous other assessments have been conducted. Yet another seminal one is the *Arctic Biodiversity Assessment* (CAFF, 2013), which

was compiled by 213 researchers from all over the Arctic. The outcome is a document of almost 700 pages that outlines in a very detailed manner what challenges and threats exist to Arctic biodiversity and what steps are taken to counter these. It therefore serves as a foundation for national environmental policies that allow Arctic states to sharpen and streamline their actions to ensure that the Arctic environment can build up its resilience in light of global biodiversity loss and climate change.

Also on the CAFF website it has been announced that "[t]he Arctic Council is pausing all official meetings of the Council and its subsidiary bodies until further notice." What does this mean? This means that expert workshops, project-related meetings, assessment-related seminars and any other meeting that aims to implement the mandate of CAFF are suspended. In light of the many ongoing assessments and monitoring initiatives it is therefore no longer possible to gain a comprehensive understanding of how the Arctic environment — in its multiple ways — is changing, what this means for flora and fauna, for Arctic peoples and not least for the global environment. Decision-makers of the Arctic countries can consequently no longer rely on CAFF as a source of expertise since a trans-Arctic perspective is no longer available.

Ironically, in 2021 the Russian Federation took over the chairmanship of the Arctic Council, which rotates every two years amongst the council's member states. The program of the Russian chairmanship highlights the protection of the Arctic environment, including the improvement of living standards for Arctic inhabitants. Furthermore, the chairmanship aimed to establish the council as “the leading format for international Arctic cooperation, improving its work [and] increasing the effectiveness of its Working and Expert groups” (Arctic Council, 2021). This goal was clearly missed. Even more so, as several scholars have noted: it might even be the time to fully reconsider Arctic cooperation without Russia in order to maintain the cooperative spirit

and the expertise at least amongst the remaining Arctic states (Kirchner, 2022; Koivurova, 2022; Rogoff, 2022).

Post-invasion environmental cooperation in the BEAR

As with the Arctic Council, cooperation within the BEAR can only occur with the involvement of the Russian Federation. In fact, the entire *raison d'être* of BEAR is the establishment of positive and outcome-oriented cooperation of the Nordic States with their Russian neighbour. In terms of environment, the need for cooperation is even highlighted in the BEAR's founding document, the so-called 'Kirkenes Declaration', which states that "the environmental dimension must be fully integrated into all activities of the Region" (Kirkenes Declaration, 1993, no pagination). This means that in all areas of cooperation — economics, scientific and technological cooperation, regional infrastructure, indigenous peoples, human contacts and cultural relations, and tourism — environmental concerns and the eradication of environmental problems are to be integrated.

When Finland took over the presidency of the Barents Council in 2021 (until 2023), it noted in its programme that it would "focus on the areas of sustainable development and healthy environment, people-to-people contact and transport and logistics" (Ministry of Foreign Affairs of Finland, 2021, no pagination). In light of the ever deteriorating relations between the West and Russia, this goal has moved far beyond reach.

Since the most challenging environmental hot spots can be found on the Russian side of the Barents Region, it is consequently clear that tackling these hot spots is no longer possible. This not only continues to damage the natural environment for an unforeseeable future, but also translates into potential long-term health effects for the local population. In practice this means that the Nordic support for the Russian Federation

through its Barents Hot Spot Facility (BHSF), which is managed by the Nordic Environment Finance Corporation (NEFCO), will no longer provide funding, technical and other support for the Russian authorities to eradicate these hot spots. As the map below shows (Fig. 3), the need for further cooperation in the eradication of environmental hot spots is dire, given that not much information on the majority exists.

But also as regards nature protection and water issues, a clearly transboundary matter of importance, cooperation is impeded and cannot resume in full until Russian-Western relations have improved. For instance, on 4 April 2022 Finland hosted a webinar entitled "UN Biodiversity Convention's Voluntary Commitments and the Barents Region." While naturally Finnish representatives were outlining their respective initiatives, regional representatives from Norrbotten (Sweden) and Troms county (Norway) did the same. Notably, official representation from Russia was absent. Only the Russian representative from the Barents office of WWF Russia was able to participate (BEAC, 2022b), obviously not presenting official Russian positions.

Conclusion

As such, neither the Arctic Council nor the BEAR, including their working groups, have collapsed (yet). However, since it is clear that routine work of both bodies will not resume as long Russia's aggression continues, it remains uncertain when a state of normality will be reached since the end of the war is not in sight. But what becomes very clear is that apart from overarching goals, such as political cooperation, both the Arctic Council and the BEAR will have tremendous setbacks regarding their goal-attainment strategies, effectiveness and, ultimately, problem-solving capabilities. It is therefore imperative that the working groups are able to set new goals so that the cooperative structure that has been building up since the 1990s can still be used. Otherwise, all of these efforts would have been in vain.

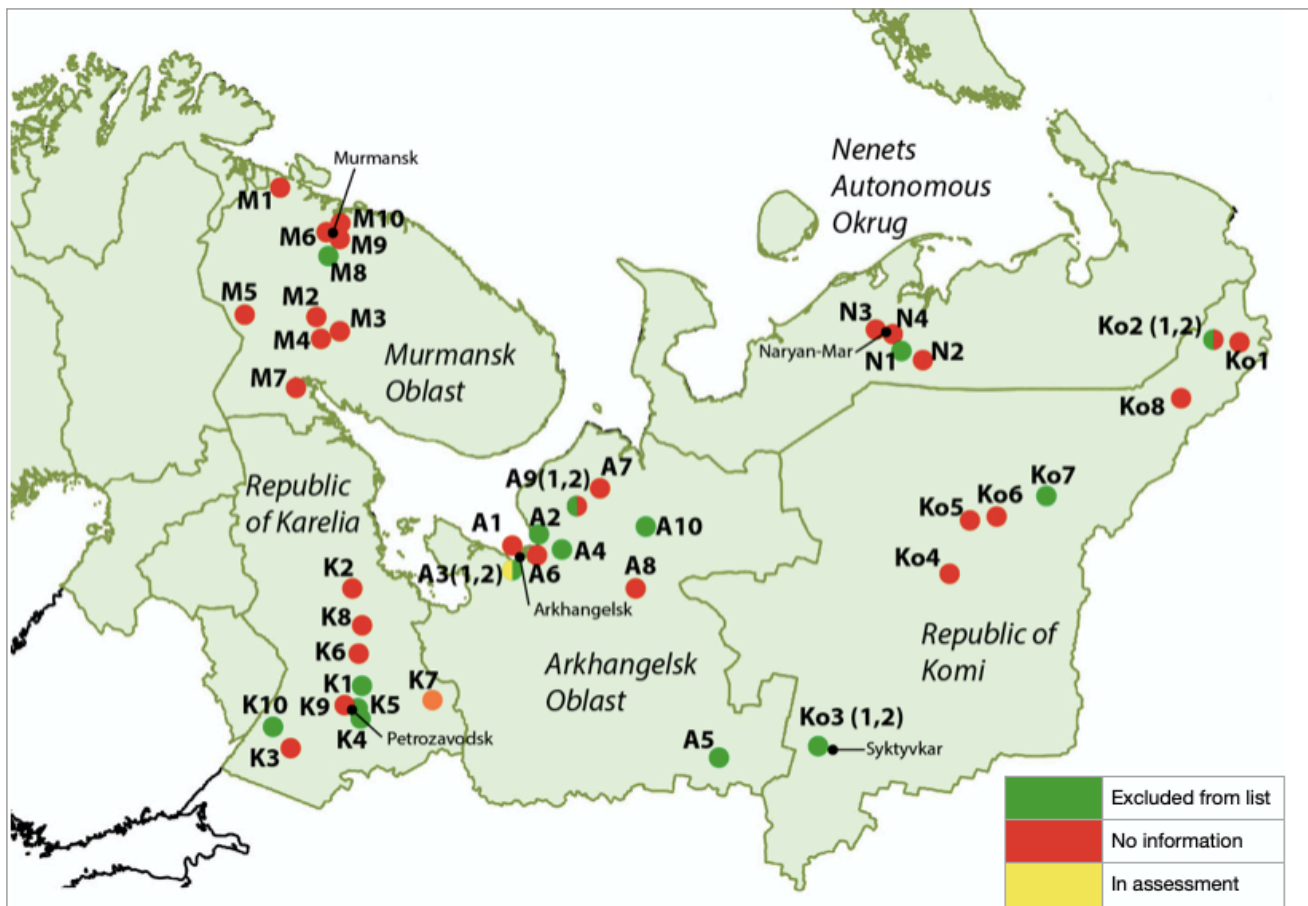


Fig. 3: Environmental hot spots in the Barents Region © Arctic Centre, Undated

Both the Arctic Council and the BEAR closely cooperate with other international bodies and organisations. They serve as effective platforms to regionally implement international environmental agreements (e.g. Sellheim, 2012b), and this implementation is consequently significantly hampered by the current situation. Consequently, it is not only the respective regions which are negatively affected, but also other global efforts, for instance, for the protection of biodiversity or climate change mitigation.

It is clear that apart from the environmental dimension, particularly the people of the Barents Region will be affected for an unknown time. Cross-border cooperation is no longer possible, the indigenous peoples of the region are no longer able to strengthen their rights, and cultural cooperation has come to a halt. Ways to mitigate these problems can only be found through online meetings and non-physical conversation. In this sense, the corona pandemic has done some good by providing digital infrastructure that might

benefit the Barents Region, the Arctic and, in fact, the entire world.

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REPORT

A humanitarian mission to the Polish-Ukrainian border by the 'Ukraine Hilfe Hambühren'

Introduction

The war in Ukraine has caused millions of Ukrainians to flee their homes. From all over Ukraine, close to 4 million people have sought refuge in the neighbouring countries, of which Poland has, at the time of writing, taken in more than 2,3 million people. This puts immense strains on local infrastructure and communities when every day more than 10.000 people cross the border into the European Union.

The situation has prompted volunteers from all over Europe to get into their cars, drive to the various border crossings and train stations, bring people to safety and help them find shelter as quickly as possible, without having to be fleeing for weeks into an unknown future. The same motivation triggered a private initiative in Hambühren and Celle, Germany, where several volunteers, including *Sellheim Environmental*, got together and managed to bring 55 Ukrainians to safety whilst successfully transporting several tons of supplies into Ukraine.

The preparatory phase — or from a snowball to an avalanche

When German Chancellor Olaf Scholz announced on 27 February 2022 that a 'Zeitenwende' (a paradigmatic shift) was to take place in German politics by delivering weapons and supplies into a war zone, a shift also ran

through the community of Hambühren where, due to one phone call, the snowball of who knows whom turned into a full-fledged avalanche. The phone call stemmed from a Ukrainian woman, Natalia, who was collecting supplies for the hospitals and soldiers in Ukraine, withstanding the Russian invasion. In her phone call, she simply asked whether the local equal opportunity commissioner, Gianna, who happens to be the wife of Dr Nikolas Sellheim, would know anybody willing to donate some goods. Gianna then decided to publicise a call for donations on Facebook. And this changed everything.

Within a very short period of time, phone calls and messages from citizens of Hambühren and the neighbouring communities were received, asking where to deliver medical supplies, canned foods or even tactical gear. And hours later Gianna and Nikolas were able to provide Natalia with eight car loads of donations, which she gladly accepted. One day later, these donations were on their way to Ukraine where they were sorted and taken to the people in need.

During this first day of donation-gathering, the first volunteers decided to use their own cars and drive to the Polish-Ukrainian border where the first of millions of refugees arrived. Since the volunteers had heard about the collected donations, in order not to drive empty and to fill up the cars with supplies, they reached out and a second call for donations was started. And, as was the case before, these donations poured in swiftly, with Gianna's and Nikolas' garage filling up quickly, making it possible to deliver them to the border.

However, every voluntary activity meant individual efforts and it became clear rather quickly that a more concerted initiative was needed. Many volunteers got in touch, wishing to know where to deliver goods, where to go and from where to pick up refugees. So it was collectively decided to form a WhatsApp group to share information and to coordinate tasks. For instance, since a garage is not meant as a storage room for donations, a volunteer, Daniel, offered his large storage unit. It

was furthermore decided that a larger effort should be made to bring Ukrainians to safety to Germany.

In order to be able to coordinate a rescue mission, several steps need to be taken and it appeared unfeasible to drive to the border without knowing where to go and what to do. Since many had heard about the planning of this mission, the snowball had suddenly turned into an avalanche of support and networking.

Phase 2 — The first coordinated rescue mission

Especially the ever-growing network of volunteers was crucial in the planning and execution of this first coordinated trip: Some volunteers from the community established contacts to Poland, who extended the line of communication further into Ukraine. Others arranged vans that could be used to drive to Poland. And again others arranged for the collection of donations that were provided by medical practices, pharmacies and private citizens. An elementary part of this planning phase was furthermore the collection of money that flowed in from the neighbouring communities via a unique PayPal account that volunteers had put in place. Moreover, church collections and a donation box at the local Italian restaurant provided the team with necessary funds. Lastly, fuel vouchers were donated by the gas stations in the community in order to be able to finance the trip in light of the ever-increasing crude oil prices.

Although the planning went ahead with full speed, one cannot approach rescuing attempts naively. After all, the German legal system for asylum seekers and refugees is complex and at that time it was unclear how quickly the legal sphere would respond to the rapidly developing situation. In order to provide the refugees with shelter and everything they need, the ‘Ukraine Hilfe Hambühren’ (UHH), as it was then called, started to coordinate the efforts with the community’s administration and especially its mayor, Carsten Kranz. This meant that accommodation had to be

arranged prior to the first trip for every Ukrainian citizen to come to the community. At a planning meeting with the mayor, all steps were discussed and all possible outcomes debated.

In the end, in the evening of Friday, 4 March 2022, five vans, filled to the roof with supplies, left Hambühren for the Polish city of Chełm, around 20 km from the Ukrainian border. While one had to return due to an engine failure, the others arrived in Chełm approximately 15 hours later.

The four vans returned to Hambühren on Monday, 6 March, in the early morning hours. 20 Ukrainian citizens were on board as well, all of whom were taken in by private households. Even though no prior arrangements concerning the refugees and whom to take to Germany could be made, given the desperation of the Ukrainian people it did not take long to have the cars filled.



© UHH, 2022

The impressions of the drivers were a mixture of shock, disbelief as well as motivation, since neither the Red Cross nor any other humanitarian organisation was on site — whilst thousands of primarily women, children, sick and old people were waiting for their rescue. Instead, number plates from Sweden, Belgium, Portugal and from all over Germany showed that solidarity and humanity was an initial element of private, Europe-wide humanitarian endeavours. And, of course, an increasing number of NATO military vehicles were spotted on their way east.

7,5+ tonnes of supplies

Since the number of refugees grew hour by hour, the Polish authorities and local communities were facing extreme challenges in providing this large group of people with food, water and hygiene material. Moreover, the situation in Ukraine, particularly as regards medical support, deteriorated quickly. As a consequence, the UHH recognised the need to arrange for donations on a larger scale. It was therefore decided to organise a 7,5-truck, stock it with donations and take it down to Chełm. The now well-established network that spanned to Lviv in Western Ukraine and to the capital Kiev provided the UHH with concrete lists of goods and supplies that were needed, including special medication, first aid and hygiene materials, but also combat boots, camping mats, nightvision goggles, kevlar vests and helmets. The network also made sure that the supplies were to reach those destinations where they were needed.

Since the amount of donations exceeded the space the UHH used before, a local scrap metal merchant offered one of his much larger storage halls, which served as a 'headquarters' for this



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© UHH, 2022. Original colouring

supply mission. Dozens of citizens, including the mayor, helped sorting, marking and stocking the many donations that came from the community, so that in the end the truck, including a trailer, was ready to depart.

On Saturday, 12 March, the truck left for Chełm, where it arrived on late Sunday evening. The drivers distributed the goods at several supply spots where they were taken up by Ukrainian volunteers, taking them to people in need and to the frontlines.

The third trip — and a bitter realisation

After the return of the truck it became unmistakably clear that more needed to be done since still thousands of people were stranded in Chełm with nowhere to go. The UHH consequently decided upon a third trip to the border. Using the network, a doctor on site, working in a refugee facility, pre-arranged for 35 Ukrainians to be taken to the county of Celle, where Hambühren is located. For this purpose, a local home centre refurbished three apartments that allowed 18 women and children to be accommodated. The others were to be housed by private citizens.

After yet another intense round of discussions, collection of donations and money and arranging for transportation, on the evening of Friday, 18 March, six vans left for Poland. To give but a small example of the logistical challenges that accompanied such a trip, a look at the Polish toll system serves this purpose. In Poland, the large highways are maintained by private corporations. Every car that uses these highways is required to pay 25 Złoty (approx. 5 EUR) at the toll stations that are installed along the highway — costs that the prior two missions had to bear. With six cars for the third mission, going back and forth, this would amount to several hundred Euros just for using the highway.

However, rumours were going around that humanitarian transports were exempt from this toll. With the help of the mayor who provided the UHH with a document in Polish, Russian and English, showing that the mission is indeed of a humanitarian nature, it was possible to obtain this exemption prior to the trip for precisely the six cars with the respective number plates. However, since this exemption was received via Email in English, some highway officers collecting the toll and who did not speak English or German did not recognise and acknowledge this exemption. Only by showing perseverance, the UHH finally managed to use the highways toll-free.

Having arrived in Chełm, the logistics on site proved to be rather challenging since, contrary to the first mission, every driver taking a Ukrainian citizen somewhere else needed to be registered. The registered drivers and the refugees then had to be logged as driving together.

In the end, 35 Ukrainians, including a Guinean national residing in Ukraine, were taken to Germany where all found shelter.

For the refugees, trauma, disbelief over the sudden change of the lives but also hope merged to become an intense and intermingled set of emotions. All blamed Russia's President Vladimir Putin and all maintained the hope that the war would eventually be over and that they would be able return to their homes. The fact that the Ukrainian government had barred all males between 18—60 years from leaving the country in order to fight also affected many. For instance, if a young man who was on board had been merely some weeks older, he would have had to stay and fight. His birthday was on 2 April. Another family reported that one father had been killed, while the husband of another has been missing in action — still with unknown whereabouts at the time of writing.

For the UHH, while having helped 55 Ukrainians finding safety, the bitter realisation was reached that this was merely a drop in the ocean. Hundreds of thousands more people need help —

a monumental task that neither the UHH nor the municipality of Hambühren can serve.

Neither a conclusion nor an outlook

Although especially the municipal administration has done an outstanding job to welcome and support its new members, much more work needs to be done. It is now time to support families to find daycare places for their children, to enable young women and men to find education and language courses and to help them to overcome the traumatic experiences they had to endure. But it is also necessary to support all those German families having accommodated Ukrainian refugees since these new circumstances bring about their very own challenges.

Nobody knows when and if the war will end. But to ensure a (temporary) good life in Hambühren and elsewhere, societies and people need to stand together to weather the storm that has been brought upon Ukraine and the entire world.

ARTICLE

Violence in the name of conservation. Forced evictions of the indigenous Batwa in the Democratic Republic of the Congo

Introduction

In April 2022 a disturbing report by Minority Rights Group International (MRG) was released, entitled “To Purge the Forest by Force: Organized violence against Batwa in Kahuzi-Biega National Park” (MRG, 2022). In this report, a detailed analysis of the violence against the indigenous Batwa (singular Mutwa) in the Eastern Democratic Republic of the Congo (DRC) is presented, which was committed in three distinct attacks in July-

August 2019, in July 2021, and in November-December 2021. While violent evictions of indigenous peoples from protected areas all over the world are unfortunately nothing new — in fact, Sellheim Environmental reported about violence against the Batwa in Uganda already ([here](#)) — these attacks are somewhat different as they involved the use of heavy weaponry and the monetary support by NGOs as well as US and German government agencies.

The Batwa (or Twa) are an indigenous people, commonly known as Pygmies, spread over the deep forests of the high mountain areas in the DRC, Burundi and Uganda while some scattered groups can also be found in Zambia and Botswana. This case, however, concerns the Kahuzi-Biega National Park (abbreviated ‘PNKB’ for the French ‘Parc National de Kahuzi-Biega’; see Fig. 1), a UNESCO World Heritage site, in Eastern DRC and the semi-nomadic Batwa for whom the PNKB is home.

This article summarises the report by focusing on the acts of violence and international responses.

Kahuzi-Biega National Park in the Democratic Republic of the Congo

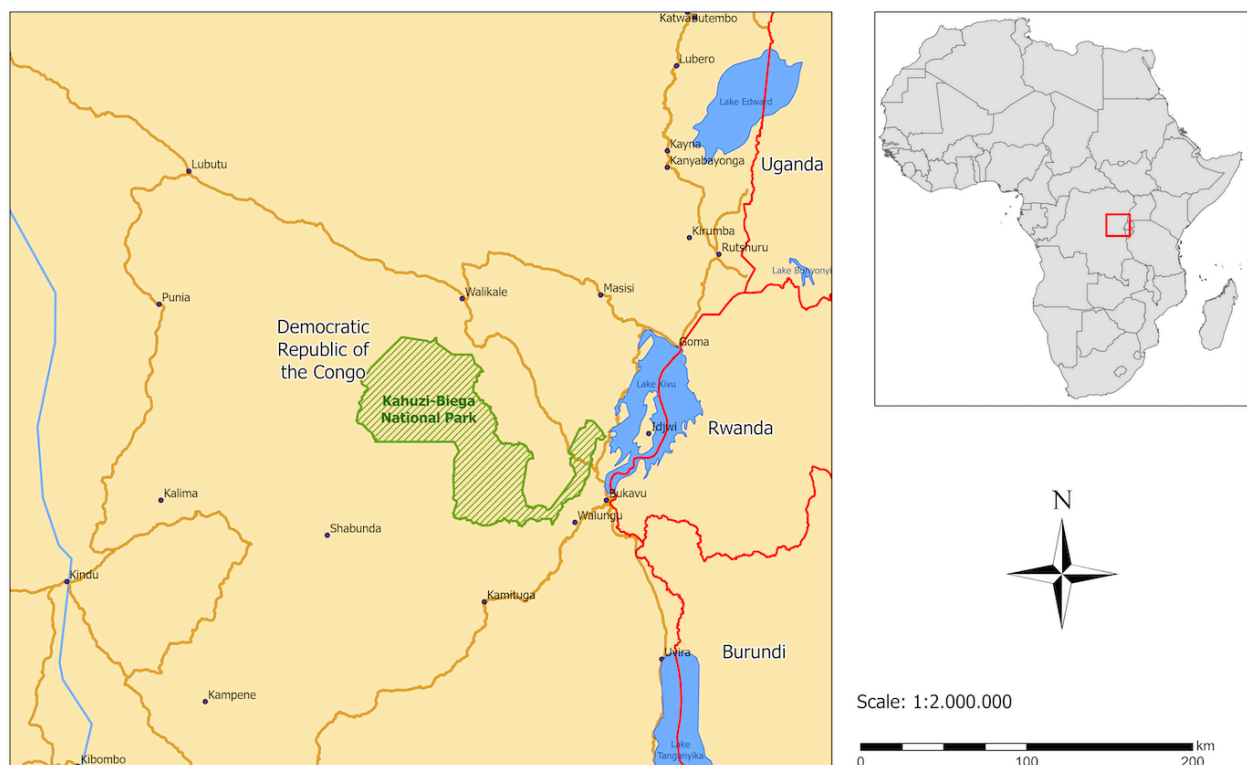


Fig. 1: Kahuzi-Biega National Park © Nikolas Sellheim, 2022

Unless indicated otherwise, all information contained in this article can be found in the report.

The PNKB — A colonial history of evictions and forced removal

Already in 1937 the predecessor of the PNKB was established by the Belgian colonisers as the ‘Zoological and Forest Reserve of Mount Kahuzi’. In 1951, the park was extended to include also Mount Biega close to the border of Rwanda and Burundi. This extension reached into the home territory of the Batwa who, since time immemorial, have inhabited the dense forests surrounding Mount Biega. Since the park was considered a region that was to serve the leisure time of rich Europeans, particularly because it is also home to the Eastern lowland gorillas (‘Grauer’s gorillas’), the local Batwa were considered an intrusion.

In 1960, Congo gained its independence from Belgium. Instead of abandoning the protected area, the Congolese government turned it into a national park, having been massively lobbied by the Belgian conservationist Adrien Deschryver. Being the son of the last Belgian Minister of the Colonies, Deschryver was fascinated by the rich biodiversity in the area, considering the Batwa as a ‘nuisance’ to the undisturbed nature he and others sought. Pretending to be interested in the gorillas, in the late 1960s Deschryver approached the locals and asked for their assistance to seek out the best spots to see the gorillas and to get to know the area, its flora and fauna. After this visit, he was therefore able to locate the villages where the Batwa lived.

When Deschryver returned to the forest some time later, he was accompanied by armed park guards and soldiers who started to force the Batwa out of their ancestral homeland. By the mid-1970s, the Kahuzi-Biega Batwa had completely been removed from the forests and their villages had been burned down. In 1980, the national park was

inscribed as a natural UNESCO World Heritage site, which meant that every intrusion of the Batwa was considered a threat to the natural environment — irrespective of the fact that the link between people and the environment had been established for centuries.

With the forced removal of the Batwa, they became dependent on the settlements surrounding the national park, which caused problems on its own. In addition, the Batwa had been forced to give up their traditional livelihoods and to become acquainted with a situation that did not correspond to their ways of life, also causing many to starve. In addition, the Batwa did not have any meaningful political representation since they became one of the most marginalised groups in the DRC.

In order to improve their situation and to eventually be able to move back to their homeland, some community members, along with the MRG and the Congolese human rights organisation Environnement Ressources Naturelles et Développement filed a case before Congolese courts in the early 2010s as well as before the African Commission on Human and Peoples’ Rights. While the first case was filed to no avail, the second case is still pending. In 2014, a process was initiated that was to tackle the dispossession of indigenous peoples in the name of conservation. Through international negotiations, Batwa representatives, PKNB leadership and others came together to discuss the Batwa’s ‘short term needs’, especially with regard to health care, education, access to land and economic opportunities.

Even though the PNKB management committed to improving the Batwa’s situation, it hardly lived up to these commitments. Inevitably, the inchoate trust that started to develop between the park authorities and the Batwa deteriorated — resulting in the killing of a 17-year old boy who was shot by park rangers collecting medicinal plants in the park. UNESCO reports that during that year the area experienced a rather high level of violence, including also the killing of several park rangers, three of whom were killed in the PNKB

(UNESCO, 2017).

Here it is noteworthy to mention that the Eastern DRC has faced significant turmoil for many years since the country's independence. Different rebel and armed military groups had been fighting each other as well as the government forces. Irrespective of these troubles, the PNKB had found important international support from governments and NGOs. For instance, the German government has, up to this day, supported the government authority responsible for the park, the Congolese Institute for Nature Conservation (Institut Congolais pour la Conservation de la Nature, ICCN) for years through the German Development Bank, KfW. Also the US government has supported the ICCN through its own development programme, USAID. One of the most active NGOs in the region is the World Conservation Society (WCS), which has fostered conservation efforts and supported the park through the training of rangers and other park personnel.

However, in light of the stalling process, some Batwa decided to take matters in their own hand and move to the forest irrespective of the prohibition to do so.

Moving back into the forest — and being violently forced out again

In October 2018 several dozen families made the decision to move back into the forest in order to regain their traditional lands and to abandon the lives as squatters outside of the park. Over the course of several months, a complex network of pathways was built, connecting the new settlements that were erected under the jungle canopy. Once completed, around 2,000 Batwa found their new homes in these new villages. Apart from merely providing new homes, the villages also became the centres for cultural and ceremonial practices, hubs for agriculture and commerce as well as destinations for Batwa from other parts of the Eastern DRC.

However, in light of the fragile political environment in the region, under the cover of Batwa livelihoods, others sought to exploit the newly established settlements in so far as they started to conduct charcoal mining for which around 300 hectares of forest were cut down. As a consequence, the Batwa, not the miners, were charged with deforestation in the Kalehe sector of the forest. Together with the Congolese Army, the PNKB authorities sought to move the Batwa out of the forest again, leading to three distinct coordinated attacks against the villages.

The ultimatum

Prior to these attacks, the circle of violence accelerated drastically. Directly after the moving in of the Batwa into the park the Director of the park, De-Dieu Bya'Ombe, ordered sweeps and regular checks. The Batwa that were encountered by the park guards often used machetes to chop wood. Since April 2019, however, these machete-wearing Batwa were considered as threats and Director Bya'Ombe gave a 'shoot to kill' order. This resulted in the death of a Mutwa man who was killed by three bullets and who showed signs of torture. The alleged response by the Batwa was an attack against two park guards, of whom one was killed and the other injured.

In order to scare the Batwa out of the park, Direct Bya'Ombe issued an ultimatum, allegedly stating that if the Batwa have not left the forest by 30 April 2019, the PNKB would use any means necessary, including force, to remove the Batwa from the forest. The threat of force came in parallel with the increased collaboration between the PNKB authorities and the Congolese Army, under the leadership of General Charles Muhindo Akili Mundos, Commander of the 31st Brigade. General Mundos has been known to be involved in the indiscriminate killings of civilians during military operations against the Islamist paramilitary group Allied Democratic Forces. At the same time, he also supported the Allied Democratic Forces with weapons and ammunition.

As a result, on 1 February 2018 the UN Council sanctioned Mundos (UN, 2018).

Director Bya'Ombe justified the collaboration with General Mundos by publicly stating the need to carry out military operations within the PNKB to drive out military and armed groups. The perception of the Batwa as well as park rangers and members of the Congolese Army was, however, that these operations were specifically designed to force the Batwa out of the park. Indeed, Bya'Ombe reportedly said to the Batwa: "If you enter the park, you are looking for war."

The first attack: May—July 2019

The first 'operation' took place during two weeks in May—June 2019 when park guards and the Army burned down several villages and forced the villagers out of the park at gunpoint. The violence continued in July 2019 when armed forces opened fire at villagers, killing one Mutwa dead and injuring at least three. Also the international media reported about this incidence, yet framing the attack as a merely a violent clash between park rangers and armed Batwa (e.g. Wyatt, 2019).

Especially during July, the Rapid Intervention Unit (RIU) of the PNKB, an elite, combat-ready force, took over many of the forced evictions. The RIU considers itself as a law enforcement unit and experiences wide international support. The evictions led to many Batwa fleeing the forest again. In the larger villages, however, the inhabitants did not follow the violent pressure from the park's management. As a result, more operations were planned and carried out.

The second attack: July—August 2019

The second operation against the Batwa has been labelled 'the war' by the Batwa themselves, park rangers, non-Batwa witnesses and soldiers. While

the first attack showed significant violence, it was outmatched by the week-long second attack against several villages in the Kalehe region of the park, in which also mortars and belt-fed machine guns were used by park rangers and soldiers. The purpose of this attack was the destruction of the villages and its inhabitants. Around 60 heavily armed guards and soldiers attacked the villages in several waves.

Many Batwa were killed during the attack with many more starving to death as a direct result of them having to flee the forest. There are unreliable estimates of the total number of Batwa casualties, but numbers range from 3 to 25 or more dead.

In this second attack, the 'capital city' of Bugamanda stood out. During the attack on this village, more than 100 Batwa lost their homes while at least 4 were killed. While having fled during the first wave, upon their return a day later, a second wave would take place. It was also here that the Batwa showed resistance against the attackers — albeit merely with sticks, spears and machetes. This occurred also as a result from park rangers and soldiers attacking Batwa whilst mourning their dead. One of these 'counter-attacks' concerned a PNKB control post, which was targeted and resulted in the death of one ranger.

Following the operations by the park guards and the Army, many Batwa fled the forest and found refuge in the surrounding communities, where they were forced to be dependent on the villagers. Others, however, starved to death while again others were taken to prison where they experienced traumatising discrimination and torture.

The plight of the Batwa was not over. Instead, some Batwa leaders entered into negotiations with the PNKB authorities, which followed a 'divide and conquer' policy: on the one hand, during the negotiations, they promised lands to Batwa who were willing to leave the national park. This provision of land, however, never occurred. On the other hand, some Batwa were offered

employment in the park. This aimed at dividing the Batwa and delegitimising Batwa leaders. Other Batwa chose to remain in the park despite the violence that might still occur.

The third attack: July—December 2021

With this status quo, the Batwa and the PNKB authorities found a *modus vivendi* of sorts — even though this obviously did not occur on equal footing. Moreover, this did not prevent the park authorities to plan further attacks against the remaining Batwa in the forest. On 23 July 2021, a major attack took place against three Batwa villages, including the use of heavy machine guns, mortars and RPGs.

During this attack, the villages were shelled indiscriminately while fire was opened on unarmed civilians. While moving forward, the guards and soldiers are reported to burn down any civilian structure they would find — even shrubs, where they suspected villagers would be hiding. Even an execution-style killing was observed.

Another ‘weapon’ in this attack were group rapes of Batwa women, two of which lost their lives because of the trauma and one of which had a miscarriage because of the rape. All in all, 20 guards and soldiers were witnessed to have raped at least six women. An even more disturbing element of this crime is the fact that some Batwa women suspected that they were raped because they were Batwa. This is important in so far as a common, racist assumption is that having sex with a Mutwa woman may serve as a remedy against injuries and ailments.

After the attack of July, the situation for the Batwa became worse. While some remained in the forest, the operation continued with the burning down of some homes in August 2021. In September, Director Bya’Ombe told some civil society organisations, which were seeking a dialogue over the situation of the Batwa, that they would need to

find a way to convince the Batwa to leave the forest, otherwise he would need to use force. Even though the time between July and November 2021 did not see as much violence, this would change dramatically on 11 November.

The attack focused on two Batwa villages that had been gradually rebuilt. It caused the death of two children who were burned alive in their home and two Batwa women being repeatedly raped. Again, the attackers used heavy weaponry to drive out the villagers.

Not even one month later, on 3 December 2021, several other villages, including aforementioned Bugamanda were attacked again, causing the death of several villagers, including a teenager, whose corpse was mutilated afterwards by guards and soldiers. Numerous persons had gone missing in the wake both the attack in November and December and they were presumed dead.

Responses to the attacks and to the report

A few days after the attack in July, 12 Congolese and other international advocacy organisations sent a letter to the PNKB leadership as well as the ICCN. The same letter was also forwarded to the Wildlife Conservation Society, the KfW, GIZ, USAID and others. The letter stated:

“The undersigned organizations are writing to express their deep concern and dismay over reports that joint contingents of park guards of the Kahuzi-Biega National Park (‘PNKB’) and soldiers of the Armed Forces of the Democratic Republic of the Congo (‘FARDC’) have recently attacked villages inside the PNKB and committed serious human rights abuses, including the killing of two Batwa civilians. [...] It is reported that, beginning on or around the morning of Friday, 23 July 2021, dozens of PNKB guards and FARDC soldiers advanced on villages in the Mabingu grouping and near Kayeye and opened fire on Batwa civilians with an arsenal of rifles and heavy weapons. [...] Batwa children have been reportedly separated from their families and have yet to be reunited.

Park guards and soldiers have burned dozens of homes, rendering hundreds homeless, reportedly forcing some Batwa to sleep on the road or to seek shelter with non-Batwa communities.”

The international supporters of the PNKB remained silent. A public condemnation of the violence did not take place, nor did any of the organisations and actors concerned withdraw any support for the park's leadership. Instead, merely a few days after the attack in July, the German Ambassador to the DRC, Oliver Schnakenberg, arrived at the park to address its conservation successes. While the authors of the report note that he might have been fully unaware of the violence against the Batwa, representatives of the GIZ who accompanied him should have been aware, as the GIZ received the letter above prior to the visit.

Not surprisingly, the response by Bya'Ombe was one of denial, claiming that no Batwa villages (or their villagers) were the target of these attacks. Instead, blame was put on the Congolese Army, which was taking action against Hutu rebels, yet without the assistance of park rangers. That said, the official response claimed that there were no official Batwa villages in the park and those Batwa who were indeed living in the forest had aligned themselves with the rebels and engaged in illegal mineral extraction. This led to international supporters being appeased despite the allegations of human rights abuses, therefore still holding on to their support for the park and its management. For example, the report cites an email from KfW, who remarked: “We received in copy [Director Bya'Ombe's] answer as of 10th August 2021, [...] based on the information that is available to us we have found no evidence that would suggest a participation of [PNKB guards] in the given case” (p. 39–49). KfW, however, later reversed this position.

In light of this, the responses to the report, which are annexed to it, were very mixed or even dismissive. KfW and the GIZ (as well as a German consulting company) responded to the report by outlining their own commitments to ensuring

human rights. At the same time, they also argued that they were not part of the funding that supported the RIU and other measures contributing to the violence, either because funding had been suspended prior to the operations or by arguing that supported projects were not located inside the park. Moreover, an official complaint mechanism with the Congolese government agency responsible for the park was established that can be used to document and report human rights violations.

USAID and the US Fish and Wildlife Service merely thanked the MRG for the possibility to read the draft report whilst thanking the MRG for their important work to bring human rights violations to international attention. No comment was made on the role the respective organisation played in the events.

A long and comprehensive response was received by the WCS. The organisation firmly rejects the claims made in the report and considers it ‘inflammatory and inaccurate’. Several reasons are brought forth why this is the case. First, the WCS is the only organisation that has been involved in the management of the park for more than 20 years, even though the area has been marked by violence between several militarised groups. In the course of its work, it has contributed to strengthening the rights of indigenous peoples and local communities (IPLCs) and has engaged in the establishment of dialogues between different actors. Even though the region has been unstable, the WCS has recognised the legitimate claims of the Batwa to their ancestral lands.

While strongly denying any involvement in the attacks, WCS acknowledges that it has been involved in ‘ecological monitoring and research, protected area management and law enforcement best practices support, tourism development, wildlife monitoring training, and capacity building of Congolese conservationists’. Moreover, the WCS has supported the ICCN to enhance ‘transparent and effective management of DRC's natural resources, combatting illegal exploitation and trafficking of those resources, de-escalating

conflict, promoting rule of law and training on respect for human rights'. After the dialogue between the Batwa and park authorities had deteriorated in May 2019, the WCS notes that it undertook its own internal review and to condition its support of the park to the presence of a qualified law enforcement advisor. Moreover, it proposed a new management scheme to counter the centralised decision-making of the park's director.

Concerning the arms embargo, the WCS rightly notes that the embargo only accounts for UN member states – and thereby not for non-governmental organisations. Although the organisation claims not having provided any arms or military support to the park or to the ICCN, if it had done so, first, it would have been legal under the UN Security Council resolution since the ICCN is a government body, and, second, it would still not have been required to inform the Sanctions Committee since it is not a UN member state.

Conclusion

While forced evictions of indigenous peoples in the name of conservation have been documented all over the world, the violence against the Batwa presents a unique and extreme case. It is therefore not surprising that the stakeholders engaged in the support of the park vehemently deny any involvement. While one may have different views on this matter, it appears unlikely that these extreme measures would have been supported or tolerated by the respective stakeholders, provided they knew about them. This is because such tolerance for these actions would undermine the credibility of the stakeholders and lead to dwindling support, especially for an NGO such as the WCS. In fact, the WCS recognises the violence against the Batwa in its *Vision document for Kahuzi-Biega National Park* and notes therein that “[t]ogether, with the Batwa and local communities, government and other partners, we can halt further forest degradation and loss of biodiversity

in their traditional lands” (WCS, Undated).

While that may be so, it remains questionable why none of the stakeholders has publicly responded to the allegations held against them or taken a public position that clears it from its own potential wrongdoings (or presented facts that clear it from any of these allegations). After the claims brought for against the WWF that accused the organisation of having been involved in – or at least supportive for – massive human rights violations (Warren & Baker, 2019), the organisation started its own internal investigation and publicised its findings on its website (WWF, 2020). A similar approach would certainly be helpful for all stakeholders involved. The long-term goal must be, however, that no conservation measure holds the potential for evictions and forced removal. The link between human rights, conservation and the right to a healthy environment is one that is of utmost importance. Without a conservation regime that has stringent human rights provisions in place, a solution to this problem cannot be found.

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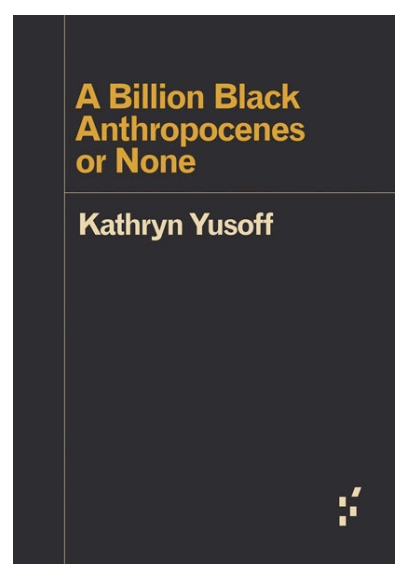
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BOOK REVIEW

Kathryn Yusoff's '*A Billion Black Anthropocenes or None*'

By *Nikolas Sellheim*



The Anthropocene — a term that has been coined to describe the new geological epoch. The epoch of humankind, altering the planet as never before in world history. Even though it is not yet an official term, it has become rather popular and is being used unofficially in science and political discourse. Paul J. Crutzen, who played a crucial part in popularising the term, writes in 2006 that the Anthropocene's “starting date coincides with James Watt’s invention of the steam engine in 1782” (Crutzen, 2006, p. 16).

Enters *A Billion Black Anthropocenes or None*. This book is truly unique in so far as it links geological epochs — or at least the Anthropocene — with racism, subjugation and black feminism. I personally would have never linked these issues together, but that also shows how far advanced,

how long back in time, even open-minded persons like myself have been influenced by ‘norms’ which fully neglect black history. One example: Yusoff argues that the entire discipline of geology is essentially rooted in the exploitation of Africans and indigenous peoples in the Americas. The geological epochs that could be determined through different layers of rock appeared only because of the hard, forced labour conducted by enslaved black people. Millions of them were taken as slaves and even before, when Christopher Columbus ‘discovered’ America, it was indigenous peoples that were subjugated and enslaved only to engage in inchoate extractive industries. The Anthropocene, the author consequently argues, started much earlier than in 1782. It already started in the 15th century — for the people who were uprooted, kidnapped, enslaved, having to develop new deep connections to the ‘new worlds’ they were forced to live in.

This inevitably leads to the recognition that our common understanding of the Anthropocene and its origins, i.e. somewhere around the early stages of the Industrial Revolution, are inherently racist, because it completely leaves out the histories and fates of those people having been used as tools to make this happen. Indeed, race as technology, meaning the utilisation of black human energy to exploit natural resources, lies at the heart of the current biodiversity and climate crises. “While Blackness”, writes Yusoff, “is the energy and flesh of the Anthropocene, it is excluded from the wealth of its accumulation. Rather, Blackness must absorb the excess of that surplus as toxicity, pollution, and intensification of storms. Again, and again” (p. 82).

As mentioned above, I personally have never linked these issues with the current crises, which makes this book extremely valuable for me, since it provides me, and probably others as well, with intense food for thought. For instance, the French Revolution, Yusoff argues, could not have happened as it did without the enslavement of millions of people. The bourgeoisie, having become more and more unhappy with the societal

status quo, essentially benefitted from the slave labour elsewhere and was therefore able to think about issues such as liberty, justice and equality. While in Europe, and eventually on the world stage, this led to the foundational principles of human rights, the black blood that sticks to these developments has hardly ever been discussed. Similarly, the ongoing biodiversity and climate crises could have never happened without the reckless exploitation of black lives. One could therefore argue that the entire notion of subhumanness, the contempt for non-white lives, is a key driver for the near-destruction of this world.

The inherent racist logic of the Anthropocene as a geological epoch is probably best expressed on page 96 where Yusoff writes: “Slavery and genocide are the urtext to discussions of species and geology, their bedrock and epistemic anchor.” While this might sound harsh and very radical at first, a closer look at the history of geology and biology shows that entire regions, lands, continents were conquered by European forces and in the aftermath named, cartographed and divided into plots of land that have their own governments, but that do not even have their own legal systems or their own languages anymore. While places, resources and species all have their respective names nowadays, these are in all likelihood either given or at least shaped by Eurocentric attitudes. Think of the country Greenland, for instance. I dare to say that the fewest readers of this review — unless familiar with the place — know that its native name is Kalaallit Nunaat. Scott Manning Stevens has shown how after the US Civil War, native American place names were actively eradicated from US American history (Manning Stevens, 2015). And Yusoff now convincingly demonstrates how geology, and ultimately the Anthropocene, are concepts and processes that are rooted in one of the most destructive evils in the world: racism.

Without the need to delve further into the content of this rather short book, I am simply left impressed by its extremely thought-provoking character and the way it approaches the topics at

hand. It took me a while to get used to the writing style of the book since it uses terms and expressions which are, as a legal biodiversity-scholar, sometimes not necessarily easy to understand. Also the very frequent uses of parentheses are somewhat hindering the reading flow to some degree and it is necessary to read the sentence without the parentheses first in order not to lose track of what is being said.

But these are rather small issues that can be criticised. Probably the biggest issue that occurred to me after having finished the book is this: Who is the main audience? It is difficult to pinpoint who this book is directed at. At first glance it seems very academic, very theoretical and maybe somewhat far out there. But this is at second glance not the case anymore. To me, *A Billion Black Anthropocenes or None* is a meta-book, a book of utmost relevance for all different kinds of disciplines, a book that tackles ‘only’ the racism of the Anthropocene, but which opens up avenues of thinking previously unthought before. Especially for a caucasian scholar such as myself, this book is extremely insightful. At the same time, it is shocking to realise how little time I have spent thinking about the black perspective of the Anthropocene and, indeed, world history. Too great is the influence of everyday discourse and too few are the counter-narratives, such as the present book. And this fact alone — apart from the many, many new thoughts that are triggered by it — make this book key for truly integrative, future-oriented and sustainable environmental policy-making that does away with the destructive past and, to speak with the words of Dr Martin Luther King, “to rise from the dark and desolate valley of segregation to the sunlit path of racial justice.”

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Yusoff, K. (2018). *A Billion Black Anthropocenes or None*. Minneapolis: University of Minnesota Press. 115 pp., paperback. ISBN 978-1-5179-0753-2.

ARTICLE

NGOs and marine mammal governance — Reconciling diverging views on the Canadian commercial seal hunt

Introduction

In a forthcoming publication, Dr Nikolas Sellheim (Sellheim Environmental) and Sheryl Fink (International Fund for Animal Welfare) examine the role of non-governmental organisations (NGOs) in the management and governance of marine mammals. The publication will be a chapter in the book *Non-state actors in the Arctic region*, edited by Dr Nikolas Sellheim and Dr Dwayne Ryan Menezes (Polar Research and Policy Initiative [PRPI]), to be published by Springer later on this year.

In the chapter, Sellheim and Fink aim to reconcile their diverging views on the ‘goods’, the ‘bads’ and the ‘uglies’ of the very controversial issue of the Canadian commercial seal hunt. Both have been working on this hunt for several years: Fink as an observer and opponent of the hunt, also providing expertise to the European Food Safety Authority (EFSA) as part of a process to ban the trade in seal products in the European Union (EU); Sellheim as a legal anthropologist, critically having examined the EU ban on trade in seal products and having conducted field work in the commercial sealing industry in Newfoundland.

While both had heard from each other before, due to their diverging views and their respective publications, it was not until the 18th Conference of the Parties (COP) of the Convention on Biological Diversity (CBD) in 2018 in Sharm-el-Sheikh, Egypt, that their paths crossed physically.

In long discussions on this issue it became clear that while there were — and remain — disagreements, fundamental human rights and animal welfare aspects, as well as fundamental values such as equity, are shared. In the process of developing a book proposal, Sellheim and Fink agreed to write a chapter that should serve as a tool to bring diverging views together and to make it possible to build bridges between the two opposing ‘camps’.

This contribution presents the major findings of the chapter.

The role of NGOs in public policy

In the context of the Canadian commercial seal hunt one easily comes across the narrative of NGOs having had significant impact on the adoption of the EU ban on trade in seal products, which was adopted in 2009, and that they have destroyed the markets for seal products over the last decades due to relentless campaigning. But is it really this simple?

Generally speaking, NGOs are non-profit entities that conduct their work on environmental, social, advocacy or human rights work outside of the confines of government. Quite generally, they work to promote social and political change by influencing the public and by influencing policy, mainly through campaigning (Betsill & Corell, 2008). This work is multifaceted and essentially three types of campaigns exist: inside advocacy, outside advocacy and a combination of the two.

Inside advocacy directly targets decision-makers and aims at being involved in the decision-making process by providing information and expertise. Moreover, direct contact with decision-makers (lobbying) or being observer or participant at international diplomacy, the organisation of side events or the dissemination of information material falls into this category. Over time, this could furthermore become consultancy when

NGO staff become part of the ‘inner circle’ of decision-making by being consulted on specific issues or topics (Scopelliti & Sellheim, 2019, p. 96).

Depending on the country and/or the topic at hand, this inside advocacy can be friendly or it can be antagonistic. In the case of sealing and the decision-making process leading to the ban on trade in seal products in the EU, both anti- and pro-sealing NGOs aimed to influence the views of decision-makers: especially NGOs opposing sealing staged large, well-coordinated campaigns in Strasbourg and Brussels while smaller pro-sealing, Inuit and industry representatives, aimed to ‘educate Europeans’ as regards sealing (Peter, 2010; Wegge, 2013).

Similarly, albeit different, NGOs seek to influence decision-making through outside advocacy, i.e. the influencing of public opinion and therefore by way of influencing electoral outcomes. Media events, coverage of mainstream media or through social media public pressure on decision-makers is increased. It is therefore not surprising that with sufficient funds a certain narrative can be pushed forward that seeks to influence public opinion. Documentary films such as *The Cove* or *Seaspiracy*, which paint a certain, one-sided picture of complex contexts are but two examples in this regard.

Science in environmental decision-making

Many, if not all multilateral environmental agreements are in one way or another science-based. This implies that the decisions that are made are rooted in sound scientific knowledge and that they are therefore reasonable and scientifically justified. In a similar vein, many environmental NGOs claim to be ‘evidence’- or ‘science-based’. The International Fund for Animal Welfare (IFAW) also states that “conservation policy should be based on sound science within an ethical framework” (IFAW, 2021).

One might therefore be inclined to think that also in the context of protecting marine life science should provide sufficient guidance to make agreeable decision. Unfortunately, in this case, as in many other issues related to conservation, science is not what is in conflict, but rather the values attached to this science. Indeed, wildlife conflicts are hardly ever rooted in conflicts over science, but rather based on the sometimes incompatible uses of science, values and public opinion. In this interplay between facts and values, science can inform the debate, but it cannot resolve the issue at hand. As Kagawa-Fox (2012, p. 14) notes, the dilemma is not found in the science, but rather in the moral attachments to this science. Science is merely one ‘way of knowing’ (Moore, 1993) while the scientists and everybody making use of this science is shaped by different values, ideas, objectives and attitudes.

In the context of seals, it is not in question whether there is scientific proof for whether or not it is acceptable to hunt seals for commercial gain. What can be scientifically shown is whether seal populations are endangered or whether seal welfare can be ensured. The moral attachment in this context dictates, however, the degree of acceptance of suffering — for example, is it acceptable that 5 out of 1000 seals are still alive when gaffed aboard — and the acceptance for the fact that young seals, ‘baby seals’ are killed.

But also here, personal values come into play. On the one hand, seal proponents argue that harp seals in the so-called ‘beater’ stage (from approximately 3 months of age) are no longer ‘baby seals’. Biologically they are independent from their mothers, but cannot bear young on their own until they are 5—6 years of age. On the other hand, this is sufficient reason for sealing opponents to still consider them ‘baby seals’. Of course, they are no longer ‘whitecoat’ seals, but after all young enough to be regarded as ‘babies’. Science cannot resolve this dilemma.

Another problematic element in this debate is the role of the precautionary principle. The principle has been part and parcel of environmental

governance at least since the UN Conference on Environment and Development (UNCED) in 1992 in Rio de Janeiro, Brazil. The 'Rio Summit' was a groundbreaking conference that saw the adoption of several international agreements, such as the Convention on Biological Diversity (CBD) or the UN Framework Convention on Climate Change (UNFCCC). But moreover, it has created the so-called 'Rio Principles', which are fundamental principles for every environmental decision-making forum. These principles include, *inter alia*, the polluter-pays principle, the principle of intergenerational equity, or the precautionary principle (e.g. Koivurova, 2013).

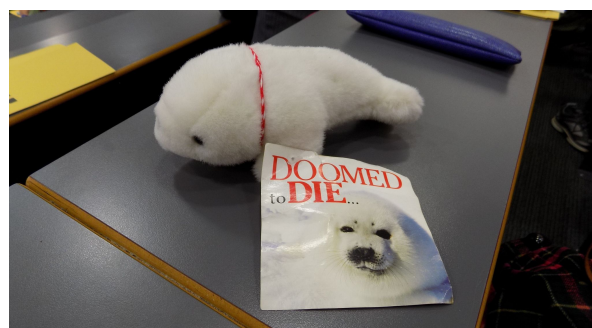
The precautionary principle generally describes an approach which aims to prevent harm before it occurs. The fact that we wear seatbelts in a car or we take insurances are matters of precaution. However, in international environmental governance the precautionary principle in its current form puts the burden of proof onto the shoulders of those wishing to engage with the natural environment. This means, for example, if an animal is taken from the wild, the taker must demonstrate that it does not have negative impacts on the species. In the context of CITES it has been decided that if a state party wishes to engage in trade in a certain species, it must demonstrate that this trade is not detrimental to the conservation status of the species.

Problematic here is that demonstrating that there will not be disadvantages for the species is significantly more difficult to prove than the other way round. For it is sufficient to place a species on one of the two CITES Appendices if there is merely concern over the conservation status of a species. And this concern does not need to be proved. As a consequence, leading legal scholars have criticised this strictest mode of precaution and have presented alternatives (e.g. Stewart, 2002; Sunstein, 2003). These alternatives have not found recognition in international environmental fora, however.

The power of images, language and narratives

Whenever emotionally charged decisions need to be taken, the hearts and souls of decision-makers as well as the wider public need to be addressed. This can occur through different means. Images are probably the most known and most powerful means to address a certain issue in a particular manner. For instance, the seal hunt that Sellheim witnessed in 2013 was presented by the Humane Society US/Humane Society International in a way that framed the seals and their ecosystems as inherently fragile and balanced, while the sealers interfered with this fragility and balance in a destructive way (HSUS/HSI, 2013).

Especially in the seal hunt, scientific findings are easily linked with images that affect us emotionally. For example, the 'innocent' look of a young harp seal has nothing to do with the question of whether high-ranking animal welfare standards have been applied during the hunt. In order to push the idea of 'innocence', plush animals are oftentimes distributed at decision-making fora. While these do not sway a decision in one direction or another, they nevertheless reinforce a certain imagery that is attached to a species. For example, during the process that led to the adoption of the EU regime banning the trade in seal products, plush whitecoat seals were given to decision-makers by the Humane Society International.



Harp seal plush toy at EU Parliament 2009 © Rachael Lorna Johnstone

At the same time, sealing proponents hardly ever focus on the individual animal, but instead highlight the overabundance of seals, both in

image and in language. It is therefore not surprising that pictures of seals are taken from the distance to demonstrate that they are numerous. Moreover, the focus rather rests on the product than on the seal. For instance, the Seals and Sealing Network, a substitute of the Fur Institute of Canada, has rebranded itself as Canadian Seal Products with the characteristic maple leaf in its logo.

Taken together, images and languages create a certain narrative that follows a twofold purpose. On the one hand it is to influence public opinion and decision-makers, on the other hand it serves the articulation and deconstruction of “identities, ideologies, consciousnesses, communities, publics, and cultures in our modern industrial civilisation” (DeLuca, 1999, p. 17).

Oversimplification and conflation

As is the case with many complex issues, oversimplification and conflation are common tools to make complexities easily understandable for a wider public. At the same time, these approaches are also used to convey a certain message, to prove a point or to influence public opinion.

Not surprisingly, this is also the case with the Canadian commercial seal hunt. On the one hand, sealing advocates oversimplify and conflate with regard to the impacts of seals on fish stocks. The argument goes that the increasing seal populations impact the fisheries to such a degree that it becomes economically unviable. What is swept under the rug is the fact that not *all* seals impact *all* fisheries equally and that not *all* fish that are indeed prey for seals are commercially used. By using an oversimplified line of argument it can be easily inferred that seals are responsible for the reduced income of fishers — a logic that would justify a seal cull or increased quotas for the commercial seal hunt.

The actual impact of top predator species is significantly more complex even though there is a possibility of this cause-and-effect relationship to occur if, for instance, other top predators dramatically increase in numbers or if the ecosystem is significantly altered. At this point, however, there is no known case of a reduction of seal populations benefiting the income of fishers (e.g. Bowen & Lidgard, 2012).

At the same time, it is difficult to argue that sealers are the main cause for possible population declines. While overhunting led to dramatic decreases in seal populations in the 19th and 20th centuries, this is no longer the case as the numbers that are hunted are far outmatched by the growing populations of harp and hooded seals. Other factors, such as climatic changes, food scarcity or marine pollution have significantly more impact on the population status of seals than commercial sealing (e.g. Kovacs, 2015).

Influence and accountability

With the above in mind it is difficult to determine who should be held accountable for this oversimplified and conflated information. On the one hand, it is necessary to look at the degree of influence certain actors have on the general public and on decision-making processes that depends on several factors, such as coordination, rules and levels of access or cooperation and alliance with states (Betsill, 2008, p. 187). Generally speaking, however, both environmental and industry-backed NGOs have been important contributors to international policy-making through the expansion of the knowledge base, the support for international secretariats and for providing transparency (Petersson, 2020).

The normal mode of accountability for NGOs is towards donors, project partners and, in the case of animal protection NGOs, the animals they aim to protect. Contrary to states, however, which are held accountable against the law, NGOs are commonly held morally held accountable for the

actions they are responsible for, unless, of course, individual members of these NGOs commit crimes that can be prosecuted by law.

Within the sealing (and whaling) industries, a commonly held narrative is that NGOs are responsible for the downturn of the respective industry and should be held accountable. This, however, neglects the significantly far more complex societal changes that have gone hand in hand with a downturn of demand for fur or with reduced need for whale oil due to hydrocarbons. Even the adoption of the EU regime banning the trade in seal products in 2009, which is considered a key driver for market declines (e.g. Fakhri & Redfern, 2020), did not significantly alter the market realities of the seal skin trade since merely 5% of Canadian seal skins actually went to the EU while the rest primarily went to Norway and Russia. In other words, even though media-savvy campaigns were launched in Brussels and Strasbourg to convince EU policy-makers of the need to put a seal ban in place, also here the realities are far more complex than merely blaming NGOs for industry declines.

That said, NGOs *can*, in some circumstances, be held accountable — yet not necessarily legally. For instance, the Sea Shepherd Conservation Society, a direct action NGO for the protection of marine species, sank two whaling vessels in the harbour of Reykjavík in 1986. One year later, the organisation was barred from all meetings of the International Whaling Commission because of their violent acts (IWC, 2008).

Critiques of NGOs — Different types of false arguments

The Canadian commercial seal hunt has been accompanied by highly political and emotional debates which have made use of logical fallacies. Not surprisingly, the respective ‘other side’ has often been misrepresented or quoted in a false manner, based on which a counter-argument could

be developed. This straw man argument can commonly be found.

In addition, slippery slope arguments are used to demonstrate that the course of a certain action will lead to a chain reaction with potentially disastrous outcomes. For instance, at a political discussion amongst Canadian politicians, the claim was made that by ending the commercial seal hunt, important research on cardiovascular diseases would be affected, which, in the end, would lead to the death of humans. This clearly dramatic line of argumentation may be impressive at first, but lacks fundamental backing by science.

Lastly, NGOs have been criticised by using so-called red herring arguments, or commonly known as ‘whataboutism’ — arguments that divert attention from the issue under discussion to issues that are merely a sideshow. At a Canadian Parliamentary Committee hearing, for instance, members of Parliament challenged a presenting scientist, who argued that seals could not be blamed for groundfish stock collapse, by pointing out that he wore leather shoes and a leather belt. This was to demonstrate that he was not trustworthy.

Conclusion

In the chapter, the authors demonstrate that neither ‘side’ of the sealing discussion is ‘better’ than the other. Both use clear tactics to push their narratives and to win over the other. Indeed, in neither side of the argument the truth necessarily stands out as the guiding factor, but rather the respective moral framework in which this truth is located. The different interpretations and uses of science, for instance, demonstrates this impressively.

Be that as it may, the issue of the Canadian commercial seal hunt is and will remain an issue of contention, colliding moral frameworks and, as the chapter shows, tactics to win over policy-makers and the public. Whether or not there will be an actual reconciliation between the two camps

remains to be seen. The work on the chapter, however, has shown that cooperation is possible once it becomes clear for oneself that one has been influenced by a certain discourse, by certain people and by a certain view.

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VIDEO REVIEW

‘Sealing our fate — An ocean of hypocrisy’

By Sheryl Fink (Campaigner, International Fund for Animal Welfare, Canada)

The ominous music should have been a clue... but nothing really prepares you for the maniacal seals like you’ve never seen them before! Evil, glaring monsters with sharp teeth, sinewy necks, and rippling chest and shoulder muscles, ready to tear you to pieces... along with the threatening voiceover, warning us that our ocean is in crisis. So over the top, one would almost be inclined to believe the video "Sealing our Fate – An Ocean of Hypocrisy," produced by the Newfoundland & Labrador-based Fish, Food & Allied Workers (FFAW-UNIFOR), was intended as satire. Except, of course, that it is not.

There are too many claims made in the 10-minute segment to address them all individually, but the thrust of the video is that 1. there are too many seals consuming too many fish, costing the fishing industry billions of dollars in lost revenue; 2.

There is an urgent need to reduce seal populations in order to achieve ‘balance’ in the ecosystem, and 3. The Government of Canada has not done any science and refuses to address the seal issue because they are afraid of animal rights groups.

So let’s focus on these three arguments.

The claim that there are too many seals, competing with fishermen is an old one. But there appears to be little correlation between the overall size of a marine mammal population and the conflict generated with fishers: there will always be those who think it ‘too many’ (Bowen & Lidgard, 2011). Interestingly no mention is made of what the authors perceive to be the ‘correct’ size of a seal population, or how anyone will know when the mythical ‘balance of nature’ (Root, 2019) will be achieved. We also know that that Northwest Atlantic seal populations were heavily overexploited until the mid-twentieth century, and that these ‘exploding’ seal populations are actually recovering (Whittle & Casey, 2020).



Fig. 1: Screenshot from 'Sealing our fate — An ocean of hypocrisy'

Regardless, the assumption that a reduced seal population would result in increased catches for fishers is erroneous. Food webs are much more complicated than this (Braysher et al., 2012). We simply cannot assume that the prey not consumed by seals would be caught by fishermen rather than consumed by other fish, whales, or seabirds. And we cannot take a consumption estimate from one study and extrapolate it across an entire population, across their annual migratory route in space and time.

Perhaps the most surprising accusation though — at least from my NGO desk where I have been variously frustrated to outraged by successive Canadian governments on this file over the years — is that the Government of Canada has not done enough science on seal predation, or that politicians have turned a blind eye to not adequately studied the ‘seal problem.’ For if there is one issue that has garnered an inordinate amount of attention from Canadian politicians, it is the seal harvest (Lafrance, 2017).

Since the late 1990s, Canadian politicians of all stripes have been practically competing to see who can ‘stand up for the seal hunt’ the loudest (Government of Canada, 2011). Virtually every Parliamentary Fisheries Committee since 2000 has conducted some kind of statement or report on seals calling for an increased harvest. Private Members bills have been passed making it more difficult to observe the seal harvest, and enshrining National Seal Products Day in the political calendar.

In the late 2000s, tossing back a seal meat canape at the Parliamentary restaurant provided the perfect photo-op for the media-savvy politician looking to show their support for the seal hunt (CBC News, 2010). For several years, there was even a ‘Fisheries Ambassador’ whose primary job was to travel the world and promote the sealing industry (Government of Canada, 2007), an effort which received no thanks from the industry (The Globe and Mail, 2008). Nor have there been any shortage of studies: with a Royal Commission on Seals and Sealing, an Eminent Panel on Seal

Management and an Atlantic Seal Science Task Team coming to mind.

This is not even to mention the hundreds of millions of dollars that the Government of Canada has invested into the seal harvest since 1996 (CBC News, 2001). In fact, the argument may be made that it was only by political intervention in 1996 that current seal harvest was revived at all. Then-Fisheries Minister Brian Tobin needed a scapegoat on which to pin the lack of recovery of Atlantic cod. By increasing the allowable catch, and providing direct subsidies to sealers, he breathed new life back into the hunt, which has received government life-support ever since (Government of Newfoundland & Labrador, 1997).

But the political will to kill seals is simply not supported by science, and not because it is lacking. On the contrary, much of the departmental seal science conducted in the past three decades has focussed on what seals eat, when, and where — arguably with an eye to justifying a politically motivated seal cull. As the government agency responsible for the seal harvest, on at least one occasion the Department for Fisheries and Oceans (DFO) has been criticized for conducting scientific reviews that examine the negative impacts of seals on fish populations and ecosystems (DFO, 2010), while conveniently ignoring any positive ones.

But a cull of seals would be in direct contravention of the numerous scientific findings which have concluded that “the term ‘stable state’ is hardly appropriate for any ecosystem” (Scheffer et al., 2001, p. 592) or that “culling predators often has non-intuitive and unintended consequences for both target and other predator and prey species” (Bowen & Lidgard, 2011, p. v). Moreover, the culling of seals could actually be detrimental to fisheries yields (Butterworth et al., 1995; Yodzis, 1994). In the specific matter of Atlantic cod, harp seals have been absolved by the scientific community. After almost 30 years of science funded by a federal government desperately seeking to blame harp seals for the lack of recovery of cod, more science seems unlikely to

change this conclusion.

Of course, we would not expect a video from a fishing union to come to the same conclusion as scientists: that fisheries harvest is a more important driver of northern cod stock dynamics than seals. (Buren et al. 2014). At 10+ minutes in length, it seems unlikely that many viewers will have the patience to sit through this video, and I probably increased the view count unnecessarily by getting distracted and needing to come back to it. The overly dramatic tone and illustrations gives me hope that most viewers will see it as comedy, and not take its message seriously. But as we learned during the Trump administration in the US, things that we thought unimaginable can, and do, appear in reality. But ultimately the answer to conflict between fishers and seals will not be found in culling – but rather in coexistence.

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