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EDITORIAL

A multi-topical summer

Summer is in full swing on the northern hemisphere and the geopolitical tensions that have emerged from Russia's attack on Ukraine in February 2022 have fundamentally changed international cooperation. As shown by Koivurova & Shibata (2023), for instance, cooperation in the Arctic has undergone significant changes with many cooperation initiatives being put on hold.

While that may be so, international cooperation has not come to a complete halt, as the adoption of the draft text on an agreement on the conservation of biodiversity beyond national jurisdiction demonstrates. This document, which has been hailed as a major step for the conservation of biodiversity in the high seas, is the theme of our first article in this issue, addressing the question of whether it indeed provides a cure against biodiversity loss. The article was commissioned by the *Polar Research & Policy Initiative* and has originally been published on their website at www.polarconnection.org.

The article is followed by a closer analysis of the human cost of climate change, based on a recently published study that shows that more and more people will live in regions that do no longer allow for human habitation. Consequently, an increasing number of so-called 'climate refugees' will have to leave their homes, even though current refugee law does not recognise climate-caused refugee movements.

The third article concerns the find of rare

earth metals in northern Sweden and the implications for the indigenous Sámi. While indeed the find could make Europe more independent from countries like China, the find causes important human and indigenous rights issues, which are hardly addressed in the media. Also this article was commissioned by the *Polar Research & Policy Initiative* and can also be found on their website.

A report on a meeting arranged by ATLAFCO in which Dr Nikolas Sellheim participated sheds light on the growing self-esteem of Western African countries. It demonstrates the motivation to link the fisheries sector with conservation and environmental initiatives and is testament for a more efficient reconciliation of sustainable use and conservation.

Another recently published study does away with the perceived gender roles in hunter/gatherer societies of the past. While the finding itself is not new, the study demonstrates how deeply enshrined these views still are to this day. In our article on the study, we furthermore briefly delve into gender in the fisheries sector, which still dramatically neglects women's contributions to fishing economies.

We are also happy having received a paper copy of the book *Wildlife Betrayed* by former General-Secretary of CITES, Mr Eugène Lapointe. We considered it a privilege to provide a review of the book.

In a new section, entitled 'In the media', we provide translations from media articles from non-English speaking countries. In this first instant, we translated three German-language articles. The aim of this section is to show how issues related to conservation and sustainable use are communicated elsewhere. The English-speaking readership of *The Digest* may

therefore get an insight into reporting on relevant themes and also themes that may be new from other regions of the world.

If you wish to contribute to *The Conservation & Livelihoods Digest*, please feel free to contact the editorial office at info@sellheimenvironmental.org. We wish to stimulate discussion on all aspects conservation and sustainable use.

We hope you enjoy this latest issue of *The Digest*, which has now officially received an ISSN number and is therefore registered in the ISSN Portal.

— *Dr Nikolas Sellheim*
June 2023

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ARTICLE

The BBNJ Agreement — The cure against marine biodiversity loss?

Introduction

4 March 2023 allegedly marked a turning point in human history: for during the late of the night of that historic Saturday, the United Nations finally agreed on a text for a treaty which aims to protect and sustainably use marine biodiversity beyond national jurisdiction, commonly known as the high seas, with the agreement called the 'High Seas Treaty' or BBNJ Agreement. *The Guardian*, for example, refers to this treaty as an 'historic deal to protect international waters' (McVeigh, 2023), being crucial "for enforcing the 30x30 pledge [...] to protect a third of the sea (and land) by 2030" (ibid.). The German *Die Zeit* even referred to the adoption of the BBNJ Agreement as "the miracle of New York" ("Das Wunder von New York", Böhm, 2023), which constitutes the third success for the protection of the natural environment after the consensus found at the climate meeting in Sharm-el-Sheikh in November 2022, and the Biodiversity Conference in December 2022.

These are but two examples of the international media response to the adopted text of the treaty. In this article, I critically examine the way media sources consider the treaty, gauged against the available draft text of the BBNJ Agreement, which is available at the United Nations website (UN, 2023).

What is the issue at hand?

Before delving into the medial reflection of the treaty, it is important to understand what the topic at hand really is. Obviously, the treaty deals with the 'high seas', those marine areas beyond national jurisdiction, i.e. beyond the reaches of the 200 nautical mile Exclusive Economic Zones (EEZs). The EEZs were established under the UN Convention on the Law of the Sea (UNCLOS), which was adopted in 1982. Based on the provisions of the UNCLOS, the coastal state has exclusive rights to the conservation and use of resources within these marine regions, for instance with regard to fisheries, subsurface resources and the subsoil. While the freedom of navigation takes hold within the EEZs, meaning that other states can make use of respective UNCLOS provisions as to the use of the resources, these are also subject to the interests of the coastal state.

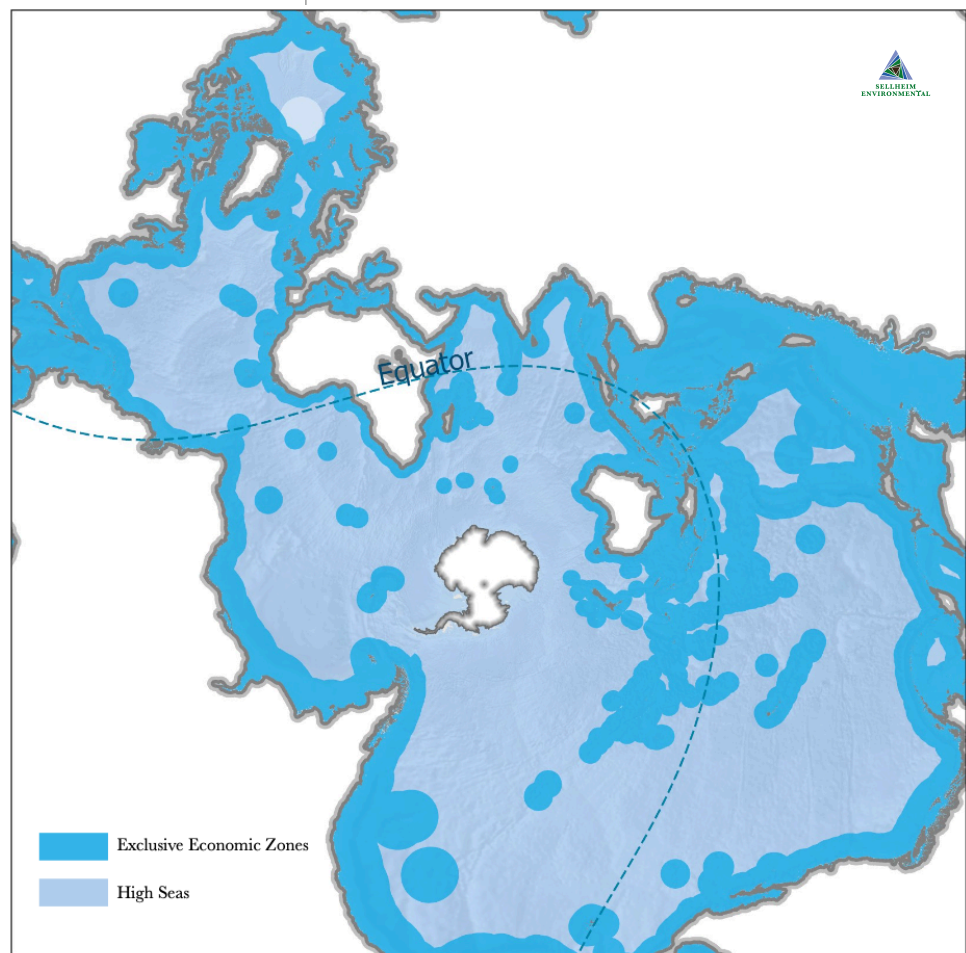
This means, it is the coastal state which still exercises some degree of sovereignty over the EEZ (Churchill & Lowe, 1999, pp. 165–174).

While as such, EEZs can also be considered 'international waters', it is the waters beyond the EEZ which are of relevance for the BBNJ Agreement. These waters constitute around 60% of the world's surface and are not governed by any international treaty.

Although the

UNCLOS, which is also considered the 'constitution of the oceans' does contain some provisions on the high seas, or which are at least relevant for the high seas, fisheries or other uses of the marine, subsurface and subsoil resources are not fully regulated. This is to say, as per the UNCLOS, it is the flag state, i.e. the state under whose flag a ship sails the high seas, which exercises its jurisdiction. The only exception is the international sea bed area, also referred to as 'the Area', which is considered a 'common heritage of mankind' and the exploitation of resources of which are under the umbrella of the International Seabed Authority (ISA), headquartered in Kingston, Jamaica.

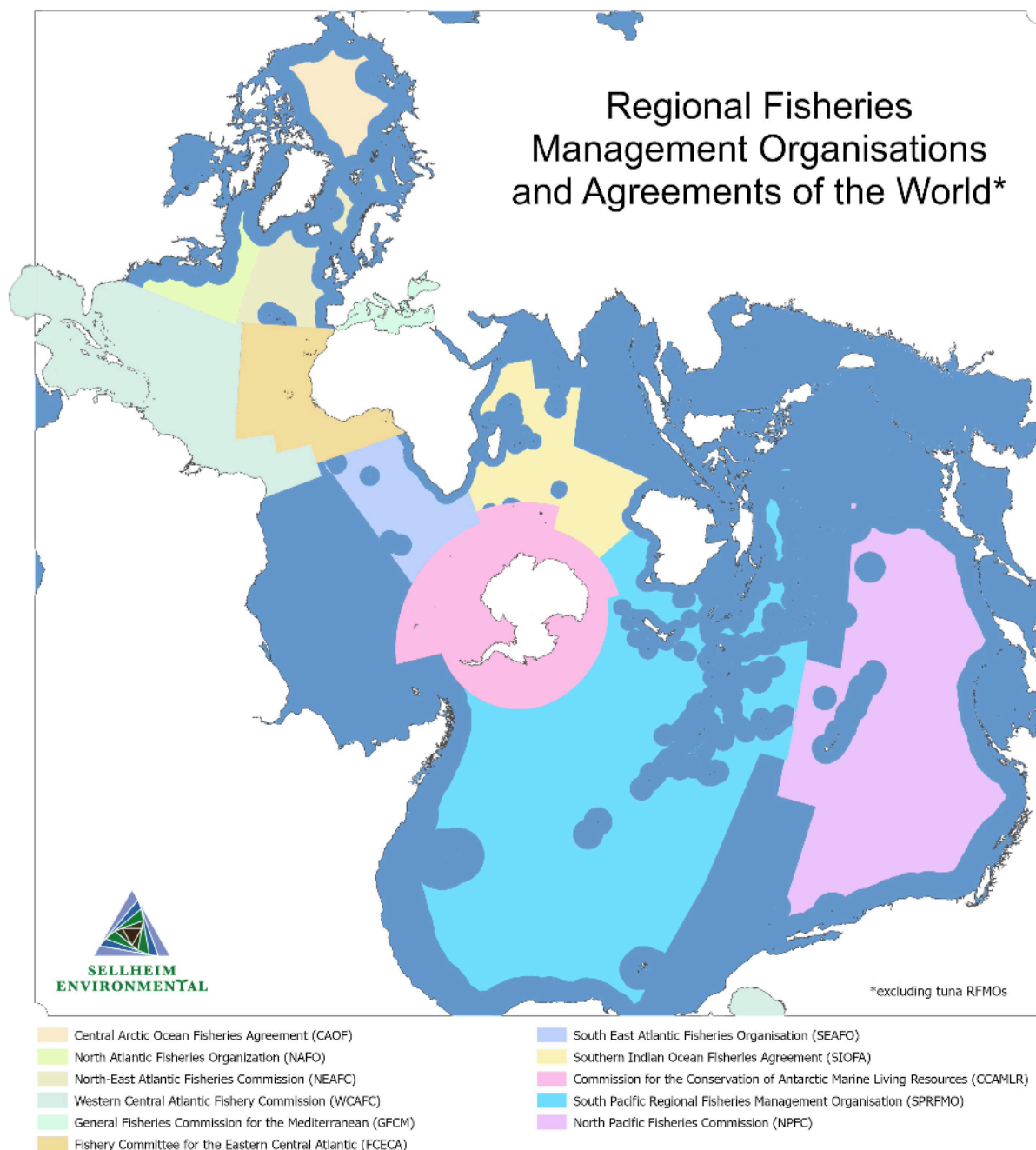
Apart from the competences of the ISA, no other international body has similar competences over the high seas. Concerning fishing, the world's oceans are partitioned by a



large number of regional fisheries management organisations (RFMOs), each with its own terms of reference and liable only to the parties to the respective agreement under which it was established.

Also the International Whaling Commission (IWC) or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) are relevant for the conservation and sustainable use of (certain) species occurring in the high seas while other

bodies, such as the International Convention for the Prevention of Pollution from Ships (MARPOL) or the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention) concern issues relevant for marine traffic, pollution or conservation. What these bodies do not address are other issues that are relevant for the conservation and sustainable use of the oceans, such as benefit-sharing, the use of genetic resources or a comprehensive system of marine protected areas, all overseen



by one authority. And this is where the BBNJ Agreement comes into play.

What is the BBNJ Agreement for the media?

In the international media landscape, the 70-article BBNJ Agreement is first and foremost labelled as 'historic', 'landmark' agreement or a 'once-in-a-generation opportunity' for the protection of marine biodiversity (e.g. Einhorn, 2023; Planelles, 2023; NatureNews 2023; SpiegelOnline, 2023; European Times, 2023; Stallard, 2023). While some characterise the agreement in the respective heading, most cite representatives of environmental non-governmental organisations (ENGOS). Especially Greenpeace and the WWF are often cited in this regard.

The second major point refers to the implementation of the 30x30 Target. This target is integral to the recently adopted Kunming-Montreal Global Biodiversity Framework (GBF) and aims to protect 30% of the world's surface - terrestrial and marine - by 2030. As shown elsewhere, the scientific basis for this target is far from clear (Sellheim Environmental, 2023, pp. 25-33) and in terms of marine areas, the aspired putting in place of more marine protected areas (MPAs) and their effectiveness depends on a wide array of social and ecological factors (Ban et al., 2017). Despite these uncertainties, many news outlets consider the BBNJ Agreement to be the cure for continuing biodiversity loss in so far as it is a main tool for the implementation of the 30x30 target (e.g. Stallard, 2023; SpiegelOnline, 2023). While this does not necessarily occur directly, the quotations of representatives of ENGOS have this effect, further underlining the historicity of the text's adoption. The quintessence of the articles

essentially is: "If the oceans die, we die" - a phrase by Sea Shepherd's founder Paul Watson - and the BBNJ Agreement is a major step to prevent this from happening.

Several articles (Einhorn, 2023; NatureNews, 2023; Stallard, 2023) note, however, that the mere adoption of the treaty text is not enough, but that it needs to be ratified. While from a legal perspective, this is a given, readers may easily be inclined to think that the adoption of the text equals the coming-into-force of the treaty. According to the text of the available draft, the treaty only comes into force after its ratification of the 60th Party. And this might take some time. In the case of the UNCLOS, for instance, this took 12 years! And with the treaty being in force, this does not mean that parties comply with it, especially if there is no overseeing body that may impose sanctions. In the case of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), for example, it is not even clear what the term 'wildlife' really means for each party, in addition to parties not even fulfilling their obligations to report to the secretariat (Wyatt, 2021). And CITES has been widely hailed as one of the most successful conservation treaties in the world.

What the media hardly or don't say

The overall gist of the international media landscape is marked by a very positive and optimistic perception of the BBNJ Agreement. While I am not in the position to comment on whether this is good or bad, particularly with regard to the Agreement's effectiveness, if it ever comes into force, what I can comment on is the nature of reporting *vis-à-vis* the actual text of the Agreement (as available at the time of writing).

As such, the text does not contain any reference to the 30x30 Target. Altogether, the Agreement is highly technical and contains provisions which are of relevance for its proper and equitable implementation. Arguably, one of the major challenges for marine biodiversity is the fishing industry. As a response, many international regimes now address overfishing in one way or another (Young, 2016), but overfishing still constitutes one of the main causes for marine biodiversity loss (e.g. Yan et al., 2021). A logical assumption would therefore be that the BBNJ Agreement addresses fishing issues.

According to Article 8 (Application), however, the relevant provisions of the Agreement

"shall not apply to:

- (a) Fishing regulated under relevant international law and fishing-related activities; or
- (b) Fish or other living marine resources known to have been taken in fishing and fishing-related activities from areas beyond national jurisdiction, except where such fish or other living marine resources are regulated as utilization under this Part."

In other words, fishing is not affected by the Agreement, nor are military vessels or other vessels owned by parties engaged in non-commercial activities. The dominance of a scattered system for fisheries - subject to the UN Fish Stocks Agreement, other relevant international agreements, and RFMOs - remains unaffected.

While the overall objective of the Agreement is "to ensure the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction" (Article 3), the prevalence of the Agreement rests on the equitable sharing of benefits arising out of the

use of marine genetic resources, the establishment of MPAs, and the conduct of environmental impact assessments (EIA) by the state aiming to conduct an activity in the oceans. Especially concerning the latter, the Agreement refers to potential future pollution that is to be prevented, but does not address the status quo. Concerning benefit-sharing, it is commercial stakeholders which are by and large responsible for this.

Generally, large parts of the text refer to the 'hows' of conducting EIAs, of proposing the establishment of MPAs, of capacity-building and technology transfer, and of ensuring that developing states benefit equally from the use of marine genetic resources. Quite interestingly, the text underlines the principle of *lex inferior*, which means that the treaty, once adopted, needs to subdue to already existing agreements and conventions. This provisions is contained in Article 4(b) of the text, which notes that "the Agreement shall be interpreted and applied in a manner that does not undermine relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies and that promotes coherence and coordination with those instruments, frameworks and bodies." In other words, the application of the BBNJ Agreement is to occur in a way that is coherent with the policies of other bodies that are of relevance. What this could mean in practice is that an RFMO could overrule the decisions of the BBNJ Agreement, if this RFMO considers the Agreement to undermine its operations. Whether this is the intended vision of the Agreement is truly uncertain.

What is not mentioned at all in the media articles referred to in this contribution is the fact that despite the Agreement concerning the high seas, it is set to pay due regard to the

interests of indigenous peoples and local communities (IPLCs). Already the Preamble notes that "nothing in this Agreement shall be construed as diminishing or extinguishing the existing rights of Indigenous Peoples [...] or of, as appropriate, local communities". On numerous occasions, the draft text refers to IPLCs and the provisions of the Agreement must be read against the backdrop of the protection of their rights.

This is especially relevant in the context of the establishment of area-based management tools (ABMTs), which also include marine protected areas (MPAs). It is especially the link between indigenous rights and the establishment of MPAs which has found rather little attention in the scholarly literature, but which could be crucial for the advancement of effective biodiversity conservation as well as indigenous rights (Ban & Frid, 2018). The BBNJ Agreement therefore provides a legal avenue through which indigenous peoples have the possibility to make their voices heard in conservation and management.

Apart from the Convention on Biological Diversity (CBD), which makes the knowledge of IPLCs an important element for *in-situ* conservation, the BBNJ Agreement gives them significant leverage, also with regard to the implementation of free, prior, and informed consent (FPIC), a fundamental indigenous rights. This is especially so since the Agreement provides clear requirements for the conduct of EIA, as mentioned above. One of these requirements is the consultation of IPLCs, where appropriate (probably meaning where IPLCs are geographically located), before proposals for a specific ABMT is tabled. Unfortunately, this crucial element of the BBNJ Agreement is not referred to in media outlets.

Despite the fact that decisions are to be made by consensus, parties to the Agreement also have the possibility to lodge objections. Meaning: just because the Conference of the Parties (CoP) makes a decision, not all parties are necessarily bound to it - also one of the common misunderstandings concerning decision-making in international bodies. This is quite frequently referred to as a 'loophole'. One of the best examples in this regard is probably the Whaling Convention (ICRW) under which, first, scientific whaling operations, first and foremost conducted by Japan as long as it was party to the ICRW, or, second, Norwegian whaling operations based on an objection to the moratorium are/were labelled illegal or as said 'loophole' (e.g. Diehn, 2016). Both scientific whaling and Norwegian whaling are, however, legally perfectly valid as they are enshrined in the text of the convention itself - the latter in so far as nations are legally entitled to lodge objections.

In the case of the BBNJ Agreement, this is also the case. If one were to apply the same terminology, the 'loophole' within the Agreement is enshrined in Article 19 bis4.-10 ('bis' indicating that it is still subject to editorial review). Here, three elements are highlighted, which allow the lodging of an objection: first, when the decision is inconsistent with the Agreement; second, when the decision is discriminatory towards the party; and third, when the part cannot practically comply with the decision. While there are other requirements to ensure that the objection is lodged properly, this certainly allows for parties to hamper the potential effectiveness of the Agreement, in case they are not content with the CoP's decisions. From an ENGO perspective, this should indeed raise some eyebrows.

Conclusion

The available text of the BBNJ Agreement is a comprehensive and very technical document which contains a lot of information as to how parties are to implement its provisions. While one of its main foci are ABMTs, the term '30x30' never occurs throughout the document. In fact, as one attendant of the negotiations told me, it never occurred throughout the entire negotiations. In light of the possibility for parties to object, it remains to be seen in how far it will factually implement the target for the high seas.

That, of course, presupposes that it ever comes into force. As in the case of the UNCLOS, also the BBNJ Agreement requires 60 parties to become legally effective. This very high number of required parties make it difficult to imagine that its coming-into-force will occur within the next few years. In so far, the 'historic' high seas treaty may be yet another slow-swimming giant, which may take a long time to reach its destination.

If it does enter into force, it is unfortunate that the medial depiction leaves out important parts, such as the due respect which is being paid to indigenous peoples and local communities. After all, the BBNJ Agreement is legally binding and it is an example for the successful lobbying of IPLCs to insert their rights into international agreements. This, I dare to say, is truly newsworthy!

If one relies merely on one news source, it is likely that one might get a fully tilted picture of the BBNJ Agreement. But if one is interested, it is possible to find more detailed and more nuanced depictions of the contents of the treaty. Whether or not it is indeed a landmark, however, remains to be seen. First, it needs to come into force. Second, it needs to be implemented. And despite the creation of an

Implementation and Compliance Committee, it remains unclear what its Terms of Reference will be.

Before all this, however, the available text needs to be edited and its final version adopted. And let's see how long this will take again.

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ARTICLE

Billions will face challenges due to global warming

Introduction

For many, the changes in the world's temperatures, most commonly known as 'climate change', are nothing but abstract issues that future generations will have to struggle with. A new study, published in *Nature Sustainability*, however, shows that irrespective of perception, climatic changes will affect billions of people by the end of the century (Lenton et al., 2023). In this contribution, we will discuss challenges related to climate science as well as the status of 'climate refugees' in light of the study.

The challenge of and for climate science

In political discourse — at least in a densely populated country like Germany — it is not uncommon to hear that 'Germany cannot solve the problem alone', so there is basically no need to change anything since this is essentially just a drop in the ocean. This is particularly the case when local temperatures are (subjectively) felt as either not having changed at all or as even having become colder. This is further aggravated by the fact that seemingly contradictory information concerning temperature change are disseminated to the public: on the one hand, the so-called 'climate monitor' ("Klimamonitor") by the German *Süddeutsche Zeitung* presents German mean temperatures in April 2023 as lying 0,8°C

below the 1981–2010 average (Süddeutsche Zeitung, 2023) whereas the German Federal Environment Agency notes that average temperatures in Germany in 2022 were 2,7°C higher than the first 30 years of systematic temperature assessments between 1881–1910 (Umweltbundesamt, 2023).

While at closer look these findings do not contradict each other, but are merely based on different reference periods (April 2023 referring to 1981–2010 versus mean temperature for the year 2022 referring to 1881–1910), when being confronted with these types of information, it is easy to infer that, first, either the temperature in Germany has fallen and 'global warming' is not real, or, second, that the findings are not uniform.

The subjective or even political view on climate science consequently plays a major role in the way it is interpreted. The United Nations' Intergovernmental Panel on Climate Change (IPCC) serves as the world's expert body to assess all relevant literature in regard to climate change. However, even this body, which comprises 195 UN Member States, has come under fire for being political itself and for advancing climate hysteria (e.g. Driessen, 2018). While it is not possible to verify or contradict these claims, one of the main challenges to sensitise the public for climate issues lies in the abstract nature of climatic changes on Earth. This abstract nature results from the uneven effects of these changes on the world's ecosystems, changes resulting from natural causes such as volcanic eruptions (short-term) or changes in the position of the Earth towards the sun (long-term), or, most importantly, the degree of contributions of anthropogenic greenhouse gases to atmospheric capabilities.

The latest IPCC report, however, clearly notes that the world's average surface temperature has risen by approximately 1,1°C in the time period 2011–2020 compared to 1850–1900. Without presenting it as definite, the report notes that it is 'likely' "that well-mixed greenhouse gases (GHGs) contributed a warming of 1.0°C–2.0°C" with several other elements also having contributed to cooling (e.g. aerosols), leading to a best estimate of 1,07°C of warming (IPCC, 2023, p. 4). Despite the expert-led IPCC coming to these conclusions, contradicting studies aim to devalue and politicise the IPCC, often financed by the oil industry and disseminated through thinktanks and like-minded media sources, especially during Donald Trump's presidential campaign (Braml, 2020, p. 176). Science meets science, it seems.

The effects of climate change

Countless studies have been conducted so far to determine the multifaceted effects of climate change. Probably the best visual examples for the impacts of climate change are the so-called 'hockey stick' graph, which shows the sudden rise in the world's temperatures and associated CO₂-levels that was first popularised by former NOAA climatologist Jerry Mahlman in 2000 (RealClimate.org, 2004). Also the lonely polar bear on a floating ice floe or calving glaciers (which is also a natural process and cannot always be linked to climatic changes) have time and again found their way into public consciousness -- disseminated through media sources, politics and, at least to some degree, popular science.

As said, the effects of climate change are not linear and extremely multifaceted. A seminal report for the Arctic, published in 2004/05, is the *Arctic Climate Impact Assessment* (ACIA, 2004),

which shows how the world's north will be affected (which it is now) by rising temperatures. In this report it is stipulated that rising temperatures will lead to rising sea levels and melting sea ice, coastal erosion, thawing permafrost and associated methane release into the atmosphere (with methane being a more potent greenhouse gas than CO₂), increased likelihood of wildfires and changes in vegetation and ecosystems, and ultimately changes in the way humans live in the region. For the globe, however, Arctic change implies a potential slowing down of the thermohaline circulation in the North Atlantic (the Gulf Stream), which would lead to a cooling of the European continent, or changes in the globe's ecosystems because of changing food and behavioural patterns of animal life.

Beyond environmental changes, also the economic impacts of climate change are significant. Already identified in 2006, the so-called *Stern Review* (Stern, 2006) found that economic growth and development are severely impeded by rising temperatures. Moreover, the report finds that the costs of inaction far outweigh the costs of action. This, however, is now 17 years ago. More recent studies also found that climate change also affects mortality and health in general (e.g. Guo et al., 2014), creates loss of employment opportunities (e.g. Parsons et al., 2022), fosters the spread of infectious diseases (e.g. Carlson et al., 2022), fosters inequality and thereby increases the potential for conflict - both personal and regional (e.g. Mares & Moffett, 2016), and contributes to increased migration (e.g. Brown, 2008) — to name a few of the impacts.

The 'genuineness' of refugees

Especially migration plays a role, which is becoming more and more prevalent,

particularly in light of the recent and still ongoing 'refugee crisis' caused by the (civil) wars and unrests, for instance, in Afghanistan, Iraq, Syria and, most recently, Ukraine. While the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol enjoy very broad membership (the Convention has 145, the Protocol 146 Parties), this does not mean that it is politically accepted: while the defining focus lies on persecution based on a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion" (Refugee Convention, 1951, Art. 1(a)2), it does not consider other reasons for leaving one's own country. For instance, 'economic refugees' — one of the most controversially discussed concepts in German politics — or 'climate refugees' do not fall under the ambit of the Refugee Convention.

With regard to the former, Foster (2007) demonstrates that in political discourse 'genuine' refugees are those fleeing persecution for one reason or another (politically most accepted are people fleeing from armed conflict) and as defined by the Refugee Convention, while those seeking better economic conditions, both voluntary and involuntary, are often considered as not eligible to be considered 'refugees'. In fact, the German term for 'refugee' ("Flüchtling") has been subject to much political and scholarly debate as it can be interpreted as discriminatory towards the individual refugee.

Different terms that are used to avoid discriminatory connotations are "Geflüchteter" ('fled') or "Flüchtender" ('fleeing') (see also Rummel, 2017 in relation to the meaning of the suffix -ling in the term "Flüchtling"). This is particularly the case with regard to economic refugees, whose crossing borders for economic

reasons is politically highly controversial and reasons to improve economic conditions considered as not sufficient to claim refugee status. This, however, negates the fact that 'persecution' and economic hardship may also go closely together, for instance with regard to denying access to housing, health care or employment (Foster, 2007, p. 238-242). A simple binary perspective on 'genuine' refugees or 'economic refugees' is consequently drastically oversimplified.

Environmental and climate change refugees

An even more complicated situation arises with regard to 'climate change refugees', i.e. individuals or groups of individuals who are forced to flee their homes because of environmental changes such as sea level rise, drought or other forces related to climate change making areas uninhabitable. One example in this context is the Alaskan town of Shismaref, which will be fully relocated because of coastal erosion (e.g. Kennedy, 2016). While this occurs within Alaska itself and therefore does not generate groups of people having to flee to another country, other regions may not be this fortunate (if one can speak of 'fortunate' in this situation).

The idea of broadening the term 'refugee' to include people fleeing from environmental disaster already arose in the 1970s and was further advanced by El-Hinnawi in 1985 (El-Hinnawi, 1985). Generally, environmental refugees are forced to leave their homelands - temporarily or permanently — because of avalanches or earthquakes; because of environmental degradation that poses a threat to their livelihood and/or health; because of land degradation that results in desertification and/or permanent changes in their habitat; or

because of disputes for land or water resources (Jacobson, 1988). An important distinction here relates to the question of whether relocation occurs forcefully or voluntarily. Especially the latter, meaning "people who decide to migrate seeking a better livelihood" (Berchin et al., 2017, p. 148) would inevitably fall into the same trap as 'economic refugees', simply because the reasons for leaving their homelands would not be covered by the Refugee Convention, stirring political opposition.

Since the Refugee Convention does not include 'climate refugees' in its definition — simply because climate change was not an issue during the drafting process of the convention —, from a legal perspective especially already affected people and those being affected in the future will face severe challenges. Especially low-lying countries such as Bangladesh and the Netherlands, but also small-island developing states such as Fiji, Tuvalu or the Maldives will face forced migration because of rising sea levels in the foreseeable future. Already now, in Bangladesh approximately 1 million people flee their homes and partly cross borders into India because of floods and erosion with approximately 2,000 people moving into the country's capita Dhaka every day. It is even estimated that by 2050, Bangladesh, which now has a population of approximately 169 million, will have to face 10 million displaced people because of climate change (Sun, 2022).

The severity of the implications of no existing legal regime to protect climate change refugees are best exemplified by a case brought forth before the UN Human Rights Committee. In the case *Ioane Teitiota v. The Chief Executive of the Ministry of Business, Innovation and Employment (New Zealand)*, a Kiribati-born man was denied asylum to New Zealand, which he applied for because of climate change-related challenges in his home region.

A New Zealand court ruled, however, that his request was not justified since it could not see a life-threatening situation for Teitiota because of climate change or environmental degradation. As a consequence, he was deported back to Kiribati.

This notwithstanding, Teitiota invoked his right to life as stipulated in Article 6.1 of the International Covenant for Civil and Political Rights (ICCPR), which he saw violated because of New Zealand's decision to deport him and his family. The case was brought before the Human Rights Committee (HRC), which oversees the ICCPR, in 2015. In the ruling, however, the HRC upheld the court's decision. At the same time, the HRC is the first UN body that acknowledges the need to legally consider asylum requests based on climate change impacts, especially when a state decides to send an individual back into life-threatening conditions. The principle of non-refoulement (the refusal to return a person back into a country where s/he will face irreparable harm, torture or other cruel or inhumane treatment), which is a central element of the Refugee Convention and an internationally recognised human rights standard, would therefore be violated. Consequently, despite upholding the court's decision, the HRC linked climate change effects with an integral part of the Refugee Convention (for the entire ruling of the HRC, please see HRC, 2020).

While the ruling of the HRC is not legally-binding, it is nevertheless an important step for the international recognition of refugee movements because of climate change and to legally consider a person's request for asylum because of climate change impacts. However, given the impending increase in numbers of persons having to leave their homes because of climate change, this is merely a small, inert step. While all in all climate change litigation

cases are increasing in numbers and also in successes (e.g. Kaminski, 2023), these rather circle around the emission obligations of states than the rights of refugees. Consequently, there is urgent need to build up a solid body of case law or legally consider forced migration because of climate change in the Refugee regime (or other human rights regimes) in order to prevent the creation of a legal blind spot for the elephant in the room.

The relevance of the Lenton-study

And it is indeed this elephant, which Lenton et al. (2023) present in their recent study in which the authors focus on the human costs of climate change. While there are economic considerations, the authors argue that a mere focus on these creates ethical issues since they predominantly focus on the rich than on the poor since it is the rich that have more money to lose, as well as focusing on the living than focusing on unborn generations. In their view, "all people should be considered equal, whether rich or poor, alive or yet to be born" (ibid., p. 1).

In the centre of the study stands the so-called 'human climate niche'. The term essentially describes the highest population density within a certain mean annual temperature (MAT). In the past, i.e. before 1980, population density has been highest at approximately 12°C with a second peak at around 24°C, with density of livestock and domesticated crops going in parallel. Despite the globalised food market, most countries still ensure food security through localised food production, which links human well-being inextricably to the climate niche of the consumed flora and fauna species.

Over the last 40 years, the authors note that population density has moved towards a warmer MAT of now 13°C (first peak) and 27°C (second peak). This means that a larger number of people is now exposed to warmer temperatures than before. If this trend continues, physiological processes within human and animal bodies will start to become weaker, especially with regard to the positive effects of sweating, the cooling effect of which starts to decrease at an MAT of 28°C with an MAT of 35°C becoming lethal, especially for weaker individuals. Paired with the effects of warming temperatures on the ecosystem, this could have drastic demographic implications.

What the authors also found is that due to the increase in temperature by 0,7°C since 1960-1990, the exposure to heat (MAT ≥ 29 °C) has tripled, placing around 9% of the world's population outside of the human climate niche, adding another approximately 10% due to demographic change. This amounts to approximately 624 million people (± 70 million) now living in conditions that are not favourable, to which demographic change has contributed another 77 million.

The glance into the past consequently unveils a significant potential for massive population movements because of rising temperatures. The more the human climate niche shifts into warmer temperatures, the more it can be anticipated that larger groups of people start to shift into areas with more favourable climatic conditions. Based on several socio-economic scenarios (referred to as the Shared Socioeconomic Pathways, SSP, which have been developed by the climate change research community over the last few years), the authors link temperature change, demographic change and (possible) changes in and application of climate policies, i.e. greenhouse gas emissions (see Riahi et al., 2017). To show the severity of

the different scenarios, the paragraph is reproduced in full:

"The 'middle of the road' (SSP2-4.5) pathway provides a useful reference scenario because it produces end-of-century (2081–2100) average global warming of 2.7 (range 2.1–3.5) °C corresponding to the 2.7 (2.0–3.6) °C expected under current policies¹, and it captures population growth towards a peak of ~9.5 billion in 2070 (then declining to ~9.0 billion in 2100). Global warming and population growth combine to shift relative population density to higher temperature [...]. Hot exposure [...] becomes significant by 2030 at $4 \pm 2\%$ or 0.3 ± 0.1 billion as global warming reaches 1.5 °C, and it increases near linearly to $23 \pm 9\%$ or 2.1 ± 0.8 billion in 2090 under 2.7 °C global warming. The number of people left outside the niche due to temperature change alone [...] reaches $14 \pm 3\%$ or 1.2 ± 0.2 billion by 2030, more than doubling to $29 \pm 5\%$ or 2.7 ± 0.5 billion in 2090. The number of people left outside the niche from temperature plus demographic change [...] reaches $25 \pm 2\%$ or 2.0 ± 0.2 billion by 2030, and $40 \pm 4\%$ or 3.7 ± 0.4 billion by 2090" (Lenton et al., 2023, p. 3).

Against this backdrop it appears reasonable to assume that climate policies indeed play an important role to mitigate the changes caused by anthropogenic greenhouse gases. The authors also delve into this issue. This said, they also note that given the growth in the world's population, this alone will place more and more people outside of the human climate niche. Consequently, the more the climate warms, the more people will be affected by heat, making the number of affected individuals go hand in hand with rising temperatures. On average, therefore, their models show that each individual will be

exposed to approximately 1,5°C of higher temperatures, confirming the modeled increase of land temperatures by the same temperature.

Resulting from this, more effective climate policies are therefore necessary. Towards the end of the century, the authors note that if the pledges of the Paris Agreement to limit global warming to 1,5°C are successfully implemented, this would reduce the number of people exposed to heat to around 0.4 billion (vis-à-vis 2.1 billion if nothing changes. This would also mean that instead of 2.8 billion people being left outside of the human climate niche, this number would be reduced to 1.3 billion. They conclude that "each 0.3 °C decline in end-of-century warming reduces hot exposure by 4.3% or 410 million people, it reduces population left outside the niche due to temperature change only by 3.7% or 350 million people, and population left outside the niche due to temperature and demographic changes by 2.8% or 270 million people" (Lenton et al., 2023, p. 4).

The numbers presented are statistical, but climate change does not occur on equal scales all over the world. Therefore, the authors have taken into account those countries most affected, taking into account their respective populations. They conclude that India, Nigeria, Indonesia, the Philippines and Pakistan will face the largest numbers of people falling outside of the niche if warming continues unabated.

Implications of the findings

In light of the difficult legal environment for people having to leave their homelands due to climate change, the findings of the Lenton-study raise several concerns. First of all, it can be assumed that if warming continues, more

and more people will start to leave their homes to find more comfortable climates. While this may occur within national boundaries (as it is already happening in Bangladesh, for instance), it may also result in demographic changes across borders. Meaning: an increasing number of people will attempt to move into other countries. While there may be other reasons for doing so, the climate may aggravate the situation even more and even become a primary reason.

Apart from the logistical and of course personal challenges climate-driven refugees have to face, they will also increasingly face legal obstacles, given that climate refugees are not recognised under the Refugee Convention. This might consequently mean that asylum applications are dismissed and asylum seekers are sent back to their home countries (if no life-threatening situation exists under the non-refoulement doctrine). However, as mentioned above, the impacts of climate change are multifaceted and 'life-threatening' situations are certainly interpreted differently, especially with regard to impacts on health and overall well-being. The only 'chance' that climate refugees can hope for is that the socio-economic circumstances have developed so adversarially (meaning that environmental issues have sparked armed conflict and persecution) that the receiving country required to grant asylum. While this sounds like an oxymoron, subjective impacts on well-being and intangible impacts of climate change do not have a legal basis for the time being.

With the likelihood of significantly increasing numbers of climate refugees, it is imperative that a legal framework be developed that pays consideration to new circumstances. Either a new framework will be developed - which will take years, if not decades - that exclusively focuses on climate-driven forced migration, or

the current regime expands its definition of 'refugee' to include environmental matters beyond persecution.

To this end, the UN Refugee Agency (UNHCR), the IPCC and the UN Office for Disaster Risk Reduction (UNDRR), to name a few, must proactively closely work together in order to find a solution to the legal challenges ahead. This is especially the case since the UNDRR defines 'disaster' as follows:

"A serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts" (UNDRR, Undated).

This definition clearly takes into account issues related to climate change and governance. As a consequence, also the legal sphere should take this definition into account when climate-driven forced migration occurs. This said, climate change poses almost insurmountable challenges for the common international legal order: space. At present, human, environmental and other international rights are based on the principle of sovereignty. Since climate change and its impacts do not respect borders, a new thinking is necessary that takes into account the notion of 'extraterritoriality' that respects the idea of no country being able to solve the problems at hand by itself.

The second challenge relates to time: contemporary human rights law merely takes into account the present without paying due regard to the future. Climate change, however, relates to the past and present, i.e. as part of a geological epoch, but extends into the future as well. International environmental law respects the principle of 'intergenerational equity',

which essentially describes the state of the world as is that should not be transmitted to future generations in a worse shape. Climate change, linked with the principle of intergenerational equity therefore links the past, present and future, requiring the international refugee and human rights regimes to develop adaptive mechanisms to this new situation (see also Sinder, 2023).

What becomes clear from the above is that irrespective of whether or not climate change is of anthropogenic origin and the associated political view, the fact that the climate is changing is undisputed. To this end, new ways of thinking are necessary to take into account the inevitable and unavoidable population movements that the world will face in future. Countries with the most affected populations, along with their neighbouring countries, should initiate processes that allows for adaptive legal mechanisms that provide for effective protection of people having to flee their homelands. If not, more conflicts are possible. And again it is the least protected, the poor and vulnerable groups which will have to bear the greatest burden.

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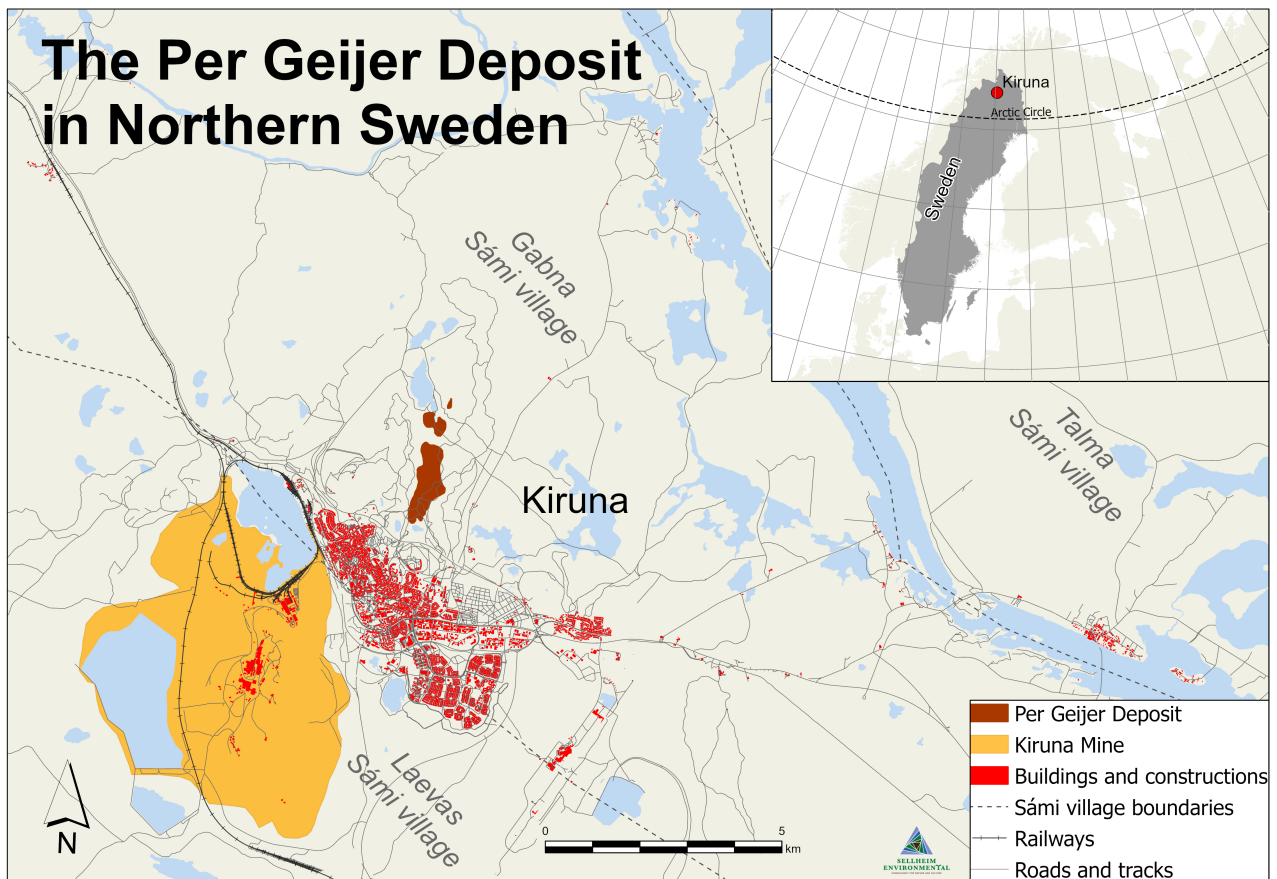
ARTICLE

Silencing the screaming — The discovery of rare earth metals in Sweden

Introduction

The beginning of the year 2023 was marked by a 'spectacular find' (Der Spiegel, 2023) in Northern Sweden: rare earth metals. This find made headlines all over the world (Aftonbladet, 2023; Bye, 2023; Chatterjee, 2023; Die Zeit, 2023; Donges, 2023; Frost, 2023; Hivert, 2023; Masih, 2023; Nielsen, 2023; Petrequin, 2023; Reid, 2023; Reuters, 2023; Sternlund, 2023; Sullivan, 2023; Sunazes, 2023), which, as we will see, is considered as a major step to gaining resource-independence from China. What is largely missing from the reports is a long-lasting problem that has accompanied resource extraction, especially mining and tourism, for decades in Arctic Scandinavia: clashes with the indigenous Sámi who have lived on, used and owned these lands for thousands of years.

In this contribution I will present the framing of the find as presented in widely accessible news outlets from all over the world, bearing particular attention to the major foci of the articles. What is notable is the fact that neither in English-speaking media outlets from Russia and China, i.e. TASS, The Moscow Times and Global Times, nor in Japanese outlets any mention of the find can be found. It consequently appears that this is primarily a Western, if not European issue.



The find

On 12 January 2023, Swedish state-owned mining company LKAB announced that it had discovered one million tonnes of mineable rare earth metal oxides in the Kiruna area, far above the Arctic Circle. The so-called Per Geijer Deposit is therefore the largest deposit of rare earths in Europe, which, according to LKAB's CEO Jan Moström, "are absolutely crucial to enable the green transition" since "[w]ithout mines, there can be no electric vehicles" (LKAB, 2023).

Rare earth metals are a group of 17 elements from the periodic table which, due to their unique characteristics, are primarily used for the production of high quality magnets, alloys, ceramics and other parts crucial for electronics, such as smartphones. Moström's statement, however, refers to their uses in the production of magnets for electronic vehicles and wind turbines, both of which are considered

elementary for the green transition. In Germany, especially the latter has become a major issue for the generation of energy after the country has taken its last three remaining nuclear power plants off the grid on 15 April 2023 (Federal Office for the Safety of Nuclear Waste Management, 2023).

Rare earth metals (Lanthanides): selected end uses

Light Rare Earths (more abundant)	Major End Use	Heavy Rare Earth (less abundant)	Major End Use
<i>Lanthanum</i>	hybrid engines, metal alloys	<i>Terbium</i>	phosphors, permanent magnets

**Rare earth metals (Lanthanides):
selected end uses**

<i>Cerium</i>	auto catalyst, petroleum refining, metal alloys	<i>Dysprosium</i>	permanent magnets, hybrid engines
<i>Praseodymium</i>	magnets	<i>Erbium</i>	phosphors
<i>Neodymium</i>	auto catalyst, petroleum refining, hard drives in laptops, headphones, hybrid engines	<i>Yttrium</i>	red color, fluorescent lamps, ceramics, metal alloy agent
<i>Samarium</i>	magnets	<i>Holmium</i>	glass coloring, lasers
<i>Europium</i>	red color for television and computer screens	<i>Thulium</i>	medical x-ray units
		<i>Lutetium</i>	catalysts in petroleum refining
		<i>Ytterbium</i>	lasers, steel alloys
		<i>Gadolinium</i>	magnets

Reproduced from Humphries, 2013, p. 3

The rare earths deposit consequently allows for the conclusion that Sweden and Europe now possess free access to a key element for the green transition, a cure for rising temperatures resulting from anthropogenic climate change and providing future generations with a path to a greener future. Numerous news outlets have taken up this narrative by LKAB's CEO or reproduced his statement verbatim (Bye, 2023; Masih, 2023; Reuters, 2023; Sullivan, 2023; Petrequin, 2023; Reid, 2023).

Indeed, also the President of the European Commission, Ursula von der Leyen, remarked in her 2022 State of the Union address that "Lithium and rare earths are already replacing gas and oil at the heart of our economy" (von der Leyen, 2022) - a statement which also politically, not only economically, increases the role of rare earths in Europe.

From a political and furthermore geopolitical perspective, the discovery of the Per Geijer rare earths is indeed a rather huge step. After all, the de facto monopoly on the production of and international trade in rare earths rests on China, which factually uses its international standing for geopolitical purposes (Kalantzakos, 2017). While, of course, also the abundance of oil and gas is geographically limited with significant geopolitical and economic implications (the best example probably being the exploding energy prices in Europe after Russia's invasion of Ukraine), there are nevertheless alternatives and the more diversified the energy sector is, the better it can absorb shocks. This is not the case with rare earths.

Geopolitics and free trade

Rare earth metals play a crucial role in the world's societies and have catapulted China to the top of their global distribution within the last 20 years or so. But only towards 2011, the geopolitical implications of rare earths have entered public discourse when China opted for a tightening of rare earth exports, leading to skyrocketing prices. Of course, this did not go unnoticed (Fan et al., 2022). Quite generally, however, a higher geopolitical risk translates into high prices for rare earths, making them consequently very susceptible to the developments worldwide (ibid.).

When taking into account the currently stable, but not necessarily solid relationship between the West (or the European Union) and China, it is not surprising that the find in Kiruna is considered a major step towards resource independence from China and a contributor to Western/European economic stability, given that Europe consumes around 30% of the world's rare earth metals. Production, it seems, is coming home. This narrative is transported by virtually all articles under scrutiny. Against this backdrop it is not surprising that the (English-language) Chinese media do not report about the find since it has the potential to strip China of some of its geopolitical and economic power. Given China's rise over the last two decades or so, it indeed silences a screaming superpower to some degree.

In this regard, however, merely one article, which includes a short interview with Finland's former prime minister Alexander Stubb, presents a somewhat critical view on the matter. As Stubb's remarks show, the find could also lead to more tensions between the EU, China and the USA, given that it has the potential to decrease Sweden's and the EU's ability to engage in open trade. Stubb therefore remarks that “we need export and we need open trade” [“vi behöver export och vi behöver öppen handel”] — something that the current find undermines (Sternlund, 2023).

At present it still remains to be seen what kind of geopolitical implications the find will have. After all, the exploitation of the discovered rare earth metals will not be done in the near future, but will still take another 10—15 years. As Russia's rather sudden invasion of Ukraine has shown, much can happen within this time span.

The longest screams by the indigenous Sámi

A major blind spot in most of the articles under scrutiny are the implications of the find on the livelihoods of the indigenous Sámi, whose traditional lands span over northern Norway, Sweden, Finland and Russia. For decades they have fought for a recognition of their rights and culture(s). Norway is the only country which has ratified the legally-binding ILO Tribal Peoples Convention No. 169 while Sweden, Finland and Russia have merely signed the non-binding UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Leaving the situation of the Russian Sámi aside — after all, the conditions are significantly different to the Nordic countries — in Sweden and Norway, reindeer herding, an important marker for Sámi culture, is an exclusive right of the Sámi whereas in Finland it is not.

Reindeer herding has been subject of various legal cases before national and international tribunals. One of the most prominent cases in Sweden is *Kitok v Sweden* (1985) before the Human Rights Committee, overseeing the International Covenant for Civil and Political Rights (ICCPR), dealing with the interpretation of the ICCPR's Article 27 on the rights of minorities. Without the need to delve into more detail here, suffice it to say that in the Nordic countries land use has been a major element of conflict between reindeer herders and other economies for decades, having generated a huge body of academic literature (for a recent contribution, see Cambou et al., 2022).

In Sweden, reindeer herding is regulated using the concept of *samebyar* (Sámi villages), which essentially follow the traditional migratory routes of the animals. They also constitute



administrative boundaries within which reindeer herders conduct their husbandry. Since reindeer require large spaces, a reduction in this space and changing ecosystems due to climate change inevitably lead to problems for the reindeer and thus the herders. And this is where the new find comes in.

Amongst the scrutinised articles, merely three (Frost, 2023; Hivert, 2023; Nielsen, 2023) refer to the threat the mine poses for the Sámi, and especially the Gabna Sámi village (leaving aside several articles in the Swedish media). Given that the town of Kiruna, associated urban development and the large mine have already taken up significant swaths of land in a section of the Sámi village which is already quite narrow, the Per Geijer deposit furthermore decreases this corridor, making it difficult for the reindeer to migrate through — essentially dividing Gabna Sámi village into two parts, as its spokesperson Karin Qyarfordt Niia laments

(SVT Nyheter, 2023). Not surprisingly, the mining operations are considered a major threat to the Sámi village and sustainable reindeer herding. In an interview as part of a short report on the find in the German *Europamagazin*, Anders Lindberg, a spokesperson of LKAB, however, dismisses these concerns and stresses the need for sacrifices everybody has to make in order to tackle climate change (*Europamagazin*, 2023).

While there are some media sources which do take note of the concerns of the Sámi, most do not. Those that do largely fail to recognise the decade-long struggle of the Sámi over their traditional lands. The long screams of the Sámi for their rights is consequently silenced by the way the rare earths find in Northern Sweden is communicated.

Conclusion

The above has shown that the primary narrative of the articles under scrutiny circles around resource independence from China. While no direct evaluation is given, the reproduction of LKAB's views makes it difficult to form different opinions, as that presented in Sternlund (2023). In so far, I dare to say that a rather one-sided picture is generated that is infused with political underpinnings as the State of the Union by Ursula von der Leyen demonstrates.

With regard to the Sámi, it is almost impossible to find references to their struggles in the majority of news sources. This shows how little their concerns have found their way into mainstream reporting — an issue that should raise eyebrows amongst the general public and decision-makers. Arguably, this indicates that their concerns are not considered important enough to be reported about, but that, especially in light of the ongoing war in Ukraine, geopolitical and economic issues, which also concern 'us' trump those issues which only concern 'them' (the Sámi).

Especially the latter demonstrates that we are still a long way from a mainstream recognition of European colonial past and present, which also extend into the northernmost reaches of the European continent. Whether this will change eventually remains in the realm of speculation.

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MEETING REPORT

Fisheries in the Global Framework of Biodiversity post-2020

Introduction

The Ministerial Conference on fisheries cooperation among African States bordering the Atlantic Ocean (ATLAFCO) (French: La Conférence Ministérielle sur la Coopération Halieutique entre les Etats Africains Riverains de l'Océan Atlantique, COMHAFAT) held its symposium entitled Fisheries in the Global Framework of Biodiversity post-2020 from 9—10 May 2023 in Rabat, Morocco. The aim of the symposium was to integrate the voice of the fisheries sector into the decision-making processes regarding environmental protection and sustainable development, particularly on the international level. To this end, the symposium which was by invitation only, was attended by representatives from the respective ministries of the ATLAFCO member states, representatives from other organisations, such as the Central American Fisheries and Aquaculture Organization (Organización del Sector Pesquero y Acuícola del Istmo Centroamericano, OSPESCA) along with envoys from the Fisheries Agency of Japan and several outside consultants, including Sellheim Environmental. On the first day, also the Ministers of Environment from Ghana, Guinea and Côte d'Ivoire were present at the meeting.

About ATLAFCO

In the discourse on conservation and sustainable use ATLAFCO is surprisingly little known. Established in 1991 under the ATLAFCO Constitutive Convention entitled ‘The Regional Convention on Fisheries Cooperation among African States bordering the Atlantic Ocean’, the organisation comprises 22 Western African states with an Atlantic coast (excluding South Africa).

The major objectives of ATLAFCO concerns the promotion and strengthening of regional cooperation on fisheries development and the coordination and harmonisation of efforts and capacities of stakeholders for the conservation and exploitation of fisheries resources. In practice, this means that increase focus is put on the streamlining of fisheries initiatives and policies in order to ensure a sustainable development of the fisheries sector and the sustainable utilisation of marine resources, both of which occur in a very biodiversity-rich

area of the Atlantic Ocean. While ATLAFCO directly concerns African Atlantic Ocean littoral states, the Convention furthermore explicitly aims “to reinforce solidarity with African landlocked States and geographically disadvantaged States of the Region” (Article 2(e); see also Article 16).

To meet its objectives, ATLAFCO follows four concrete plans of action:

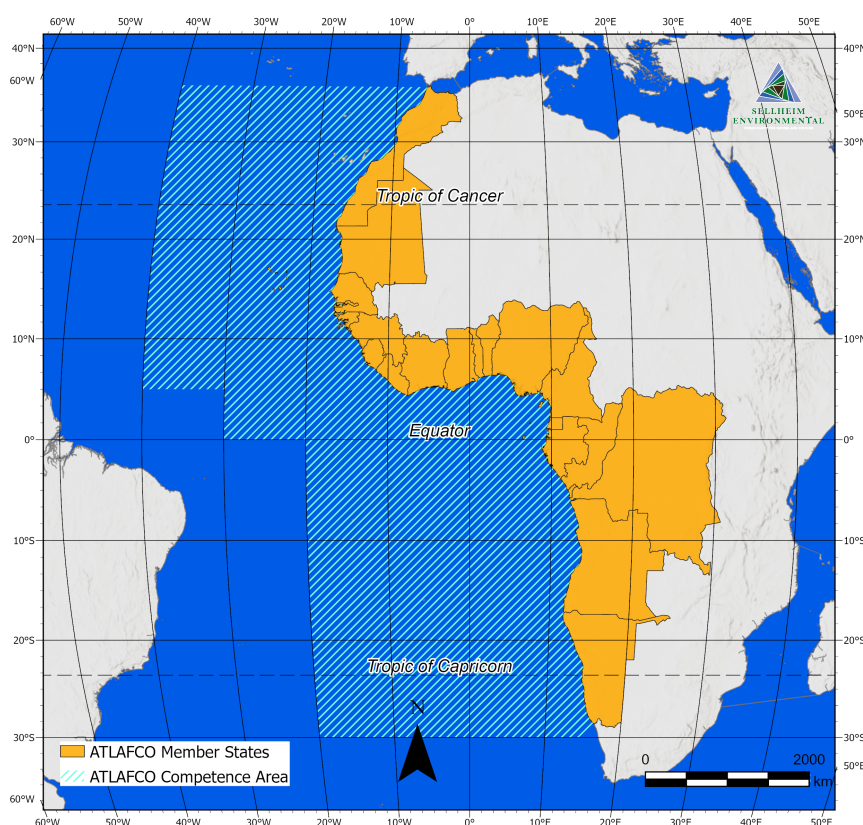
- Strengthening of maritime vocational and technical training;
- Development of fisheries research and marine sciences;
- Promoting fish trade and enhancing the value of fishery products;
- Implementation of laws and regulations on responsible fishing.

The Secretariat of ATLAFCO is located in Rabat, Morocco. While the Convention as such does not require states to align their

fisheries policies and other issues set out in the text, the bi-annual Conference of Ministers “shall determine the objectives and principles governing programmes and activities to be carried out under this Convention” (Article 17.1 (a)). To this end, decisions that are taken by the Conference serve as a fundament for effective implementation and reaching of its objectives.

The symposium

The symposium Fisheries in the Global Framework of Biodiversity post-2020 was convened in order to deal





with the new challenges fisheries face in light of the recently adopted Kunming-Montreal Global Biodiversity Framework (GBF) and especially the so-called ‘30x30-Target’ it contains (by 2030, putting in place effective conservation measures of 30% of all land and sea areas). While this issue was a central theme of the symposium, also other matters were addressed, such as (Western) African cooperation on a more general level and with it the development of a common voice in other environmental bodies such as CITES, but first and foremost the conciliation of fisheries interests and interests serving environmental protection.

The underlying challenge consequently related to the fact that different government bodies hold different mandates in international fora, leading to a neglect of fisheries interests, particularly in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) or the Convention on Migratory Species (CMS). This means in practice that country representatives at these fora make decisions without the proper consultation of local, artisanal fishers or without having consulted regional fisheries management organisations (RFMOs). Inevitably, this leads to a tilt towards conservation without the proper possibility of

sustainable use. A telling example in this regard is the recent adoption of a proposal by several member states to CITES to place the entire family of requiem sharks (*Carcharhinidae*), including the blue shark (*Prionace glauca*) on Appendix II of the Convention.

The inclusion in Appendix II placing means that international trade in all species belonging to this family, along with all it is now closely monitored. This happened despite the fact that



not all species of requiem sharks are endangered and despite the blue shark being one of the most commonly fished shark species in the world. Moreover, according to the latest scientific findings and based on the IUCN Red List, not endangered, but ‘near threatened’ (Rigby et al., 2018). To much surprise, neither the placing of requiem sharks on Appendix II nor the inclusion of the blue shark in Appendix II has triggered much opposition: merely Japan, Palau and Yemen have lodged reservation against the blue shark’s inclusion while Indonesia and Thailand did the same for the inclusion of requiem sharks. Canada lodged its reservation against the changes to all amendments to the Appendices (CITES, 2023).

The challenging topics that provided the *raison d’être* of the symposium were subdivided into five thematic areas, each of which will be provided before the presentation summaries. The symposium concluded by the adoption of several recommendations, which will be provided in the final section.

Day 1 — Morning session

Opening and Introduction of the Workshop

The two-day conference saw 15 presentations and discussions of speakers and experts from all around the world. The opening was done by the respective ministers from Western Africa, who highlighted the importance of the fisheries sector for the socio-economic and the sustainable development of their countries. They furthermore highlighted the impact of climate change and the necessity for a successful blue economy that underlines need for proper interaction between fisheries, other human activities and the different ecosystems. In their view, a blue economy is only possible

with a fisheries sector that contributes to the sustainable development of national economies in order to create a nexus between fisheries, aquaculture and climate resilience.

The opening presentation of the representative from Japan highlighted the interaction between ATLAFCO and the Japanese fisheries sector. He stressed the partnership between ATLAFCO and Japan, which is vital for Japan, especially in light of the theme of the symposium and the Global Biodiversity Framework, to which Japan is indeed committed, particularly with regard to the 30x30 Target. However, he noted that international negotiations between the fisheries and environment that sector plays vital role in terms of food security and for job opportunities. Accordingly, it is crucial that the fisheries sector be involved in environmental negotiations.

The President of ATLAFCO, currently under the presidency of Côte d’Ivoire, noted that the symposium presents a good opportunity to exchange views on how to make fisheries compatible with the protection of marine biodiversity. He stressed that developing countries cannot lose biodiversity and that fisheries are an important part in the protection of biodiversity and for combatting poverty. Especially developing countries are facing a difficult choice: stopping the export of marine resources and putting in place actions to conserve resources, or continuing exploitation to ensure development. Both are equally important, in his view. But putting in place necessary measures for the protection of marine biodiversity as well as continued utilisation should occur based on scientific data and without emotional considerations. He underlined that bodies such as CITES do not appear to approve of science in light of the different opinions provided by expert bodies

such as the UN's Food and Agricultural Organization (FAO). His main hope was that the meeting helps strengthen regional cooperation and contributes to the sustainable utilisation of the abundant resources.

The opening session was furthermore marked by the signing of a Memorandum of Understanding (MoU) between ATLAFCO and the Organisation of the Fishery and Aquaculture Sector of the Central American Isthmus (Organización del Sector Pesquero y Acuicola del Istmo Centroamericano, OSPESCA). The overarching aim of the MoU is the development of synergies and solidarities between these organisations.

Theme 1: The Fisheries Sector in Current Environmental Negotiations

Eugene Lapointe, President of the IWMC—World Conservation Trust, highlighted that ‘noble professions’, according to anthropology, are those that either risk their lives to save others, or those that provide for their families (i.e. hunters or fishers). Fishers, however, are now in crisis because of fisheries being subject to specific challenges, such as bad publicity, different financial interests, COVID-19, IUU fishing or lack of interest from younger generations. The swath of decisions within different agreements that in one way or the other have impacted the fisheries sector within the last few months has created a ‘perfect storm’ that, taken together, will make it difficult for the fisheries sector to operate. Each, however, has its own cure — like different expert doctors — but together these cures, exemplified by instruments for climate mitigation, CITES, the Convention on Biological Diversity (CBD), the UN's recently adopted draft text for an agreement to protect Biodiversity Beyond National Jurisdiction

(BBNJ Agreement), the International Whaling Commission (IWC), create this perfect storm. Before making any decisions within these bodies, Lapointe stressed the need for sovereign states to take into account the notion of ‘think before you act’, in reference to a recent article by Cooney et al. (2021).

Joji Morishita, Adviser to the Japanese Ministry of Agriculture, Forestry, and Fisheries stressed that people take positions on sustainable use or conservation and provide labels to others. One of his general approaches, however, is to avoid labelling. But he asked: Is the issue so simple? To him, it is necessary to always try to take the balance between different positions, especially for him as chair of different bodies. It is important not to provide black or white answers and that the issues at hand are more complicated in reality than in the movies. Everybody likes to talk about fisheries, but all have many different frameworks and regulations — these are mainly built at the initiatives of developed countries, such as the United States, EU or also Japan. These countries have expertise, resources and good ideas, but at the same time, there is a lot of diversity of fisheries and rights, even around the ATLAFCO table. He noted that often, one-off solutions are presented, such as marine protected areas (MPAs), but that it is not this easy: almost 80% of fisheries are produced by G77 countries while the existing global frameworks are built around developed countries, who comprise merely around 20% of the world's fisheries. Can therefore reference be made to a global standard? And can these standards resolve the prevailing issues? Within the BBNJ, capacity-building or technology transfer are main concerns, but has there been made enough progress up till now and is this approach the right solution for all? *Morishita* underlined his respect for diversity, including

biodiversity. This said, however, to him but human diversity is important and the key to effective governance. The BBNJ generally is about the high seas — conservation and sustainable use.

The recently agreed text for this issue also highlights international cooperation and coordination. Four main themes can thus be found in the text: (1) marine genetic resources, including profit-sharing; (2) area-based management tools, including MPAs, concerning which he stressed that it is this part under which States can propose whether or not an area is protected, decided upon by the Conference of the Parties (CoP). And it is here where the 30x30 Target can be implemented. Furthermore, fisheries and environment authorities are now required to coordinate and cooperate under the umbrella of the BBNJ agreement when/if it comes into force. (3) Environmental impact assessment (EIA). While, as per the text, fisheries operations are exempted, RFMOs essentially do already put in place EIAs and can be held accountable. If they fail, the BBNJ COP may make recommendations to RFMOs. While they are not directly affected, however, they are nevertheless taken into account. And (4) Capacity-building and transfer of maritime technology. *Morishita* noted that from a Japanese perspective, they are part of big developed countries. At the same time, Japan is a non-Euro-American country. The Japanese approach to governance and way of life is therefore different. Japan has always recognised this, but at the same time, Japan has always felt that because of its unique position, it can be a bridge between Global South and developed countries. Japan respects diversity and all issues we face are not simple. A binary view as ‘good’ or ‘bad’ cannot be successful.

Miloud Loukili, Professor for international law at Mohammed V University, Rabat, stressed the legal aspects of governance linked to protection of fisheries resources in Africa. The UN Convention on the Law of the Sea (UNCLOS) provides the matrix, the reference for the protection of the sea and its governance. The UNCLOS was codified as the protecting mother for the protection of the sea and the seabed. All other treaties relating to the sea refer to it. This treaty has recently had its 40th anniversary and the UN described the UNCLOS as the historic contribution in international relations. Everything that came after is in one way or another taking into account the UNCLOS. Governance in terms of marine resources in African countries have conceived that it is pragmatic, but also take into account a development approach based on economic and social development requirements and also on hopes to extend international and national jurisdictions. He stressed that a place should be reserved to EEZs. This concept is considered the spine of the UNCLOS, so the interest remains that this notion continues to include cultural and social interests. The concept of EEZs also provides shared interests between different regions such as African and Latin American states. As a jurist, *Loukili* studies the legal aspects linked to governance concerning the protection of fisheries in Africa. Since the process for the adoption of the UNCLOS started more than 40 years ago, i.e. at a time when African countries started to become equal players on the global scale, and due to the UNCLOS’ global character, *Loukili* stressed that the convention also has the print of Africa on it.

The discussion that ensued took numerous elements of the preceding discussions into account while the presenters were able to further substantiate their points. The question

of Guinea relating to the application of genetics in order to find out whether a resource in one country can also be considered a resource in another country spurred Lapointe to underline that “it needs two hands to clap”, meaning that coordination and cooperation are crucial. “Whatever happens to fisheries in Western Africa will have an impact on the rest of the world”, which, in turn then has an impact on Western Africa again. This was furthermore picked up by *Morishita*, who posed

European countries who have vast amounts of financial possibilities, but are still reluctant to cooperate.

Loukili inserted the African angle into the discussion and noted that ATLAFCO should be boosted and turned into a full-fledged institution that has the necessary human, financial and material needs in order to face the challenge of managing marine resources in the competence area. He further stressed the importance of the African Union that has



the question of what kind of coordination and cooperation is actually talked about. In his view, coordination and cooperation needs to be strengthened not only between countries and sectors, but also between science, law and governance. He questioned the point of collecting huge amounts of scientific data, which are then merged into a report, when this science, this report is not respected by a decision-making body. He noted that the power of the Global South rests in its numbers (a supermajority) in international negotiations. It is this supermajority which should be used at every level, especially with regard to some

started to develop a doctrine on the management of resources in Africa. He urged the participants that it is not time to act in order to make sure that the doctrine is implemented. Also here, coordination is a key principle, especially taking into account the interests of the majority of African countries that are landlocked. Only a global vision therefore allows for a realistic approach in order to meet the challenges of maritime Africa. Concerning shared resources, he noted that there is a need to have bridges between scientists, technicians and legal experts since fish doesn't know borders. “Fish migrate and it

makes us think about the need to cooperate and to manage this resource”, he said, and that “we must preserve resources for which we need coordination.” In his view, UNCLOS reflects the geopolitical world of the 1970s and it also reflects the scientific world and economic development of the time. Consequently, there is an urgent need for more adjustments, already exemplified such as the UN Fish Stocks Agreement or BBNJ Agreement.

Day 1 — Afternoon session

Theme 2: Potential Impacts of the 30x30 Target on the Fisheries Sector

The afternoon session started with *Bernal Chavarria Valverde Chavarria* (OSPESCA) who highlighted that there are differences between the conservation of marine and terrestrial biodiversity: while marine biodiversity conservation very much depends on science, experience and data, terrestrial biodiversity conservation relates to the whole of mankind and deals with the same or similar threats all over. Consequently, for the marine environment, the need for a robust, legally-binding, coherent and enforceable global framework is mandatory for its protection. The UNCLOS is based on science and some article do give an idea of the state responsibilities concerning fisheries. The principle of maximum sustainable yield (MSY) determines the amount of fish that can be caught without putting the species at risk. However, to make it more coherent, the MSY should also take into account ecological, economic and social benefits, therefore it is imperative to apply the ecosystem approach and take into account all other species that are associated with the species caught. The UNCLOS provides for a strong framework that presents guidelines on how this should be done.

While that may be so, *Valverde Chavarria* stressed that oftentimes the FAO Code of Conduct for Responsible fisheries, and especially its Articles 6.1 (Accountability) and 6.2 (Availability) are forgotten. While not legally binding, these elements are essential for good ocean governance. In line with Article 6.13, which holds that States should ensure that decision-making is transparent and that they should cooperate with effective participation of fishing industry and other stakeholders, these provisions become crucial. The leadership of States, coherent policies and proper interaction with stakeholders provide for long-term effectiveness for the benefit of all.

The complex interaction between 'hard law' and 'soft law' makes governance challenging, *Valverde Chavarria* noted. Also, in the post 2020 era the certainty in the assessment and the link between science and the precautionary approach become a crucial issue. In order to ensure proper assessment, the recognition and inclusion of traditional knowledge is imperative. This furthermore relates to the inclusion of all stakeholders (politicians and diplomats; civil society and NGOs; scientists/academia; fishers and industry) who must work together in a state driven process, aiming for sustainable use and long-term conservation as a whole.

Ambassador *Carlos Mazal* tackled the difficult politics surrounding the 30x30 Target and its impacts on commercial fisheries. His rather emotional presentation particularly concerned the role of non-governmental organisations (NGOs) in the process that led to the recent adoption of the text of the BBNJ Agreement. While the agreement is, as per the doctrine of international law, adopted and implemented by states, the process itself, in Mazal's view, was not state-driven. Instead, environmental, non-use NGOs were crucially involved in the

framing of the text, which led to a draft agreement that does not take into account the fisheries sector, therefore undermining an industry which feeds and employs approximately 3.3 billion people, worth around 400 billion US dollars.

Theme 3: The Socio-Economic Importance of the Fisheries Sector for ATLAFCO and Other States

Abdennaji Laamrich (ATLAFCO) stressed that in Africa, many coastal countries and islands have a maritime industry worth 1 trillion US dollars. He noted that this number will increase once offshore hydrocarbon, energy, tourism, maritime transport, shipping and fishing industries are further developed. Taken together, these industries have been recognised as being central to Africa's sustainable development and that they can also play key role in achieving the continent's Agenda 2063, as proclaimed by the African Union (African Union, 2015). Moreover, fisheries in Africa constitute a major source of food and protein, generate job opportunities, taxation and licence-related income as well as export to European and American countries. All in all, *Laamrich* highlighted that fisheries production in Africa amounts to 12 million tons. While the supply is growing, it cannot satisfy the ever-increasing demand, especially in light of the African population being expected to increase from now approximately 1.3 billion to 1.7 billion in 2030 and 2.5 billion in 2050. In order to reach the targets of Agenda 2063, he noted, that the fisheries resources in the region provide enormous potential for productivity despite the pressures they are currently facing. They furthermore provide potential to increase the health of coastal and marine environments and to provide new avenues for job creation.

Despite these opportunities, *Laamrich* highlighted that African fisheries are confronted with severe threats: climate change challenges catch potential and the security of coastal communities; pollution causes reductions in water quality; habitat destruction; and unsustainable and destructive fishing practices. In addition, gaps in information aggravate management of ecosystems. Taken together, these issues have contributed to the overexploitation of all major fish resources. While that may be so, IUU fishing constitutes a major danger since it undermines the productivity of fisheries and leads to their collapse over time. It furthermore deprives communities of their revenues, exacerbates unemployment, malnutrition and food insecurity. At the same time, proper fisheries management provides for significant opportunities since the continental fish market is large with high demand and increasing purchasing power. Moreover, Africa is a net importer of fish and has the potential to become a net exporting continent. The increasing attention and finance that is invested in the health of ecosystems along with efforts to mitigate biodiversity loss and the effects of climate change, it is especially coastal ecosystems that have an important role in carbon sequestration and coastal protection.

Finally, *Laamrich* considered the blue economy and noted that by 2030, the global blue economy is expected to be worth over 3 trillion USD. Yet, despite this exponential growth, fishers, the oldest user of the ocean, are being left behind. Global warming, competition for marine space and depletion of many fish stocks also threaten the economic future of global fisheries. To reach the blue economy goals, it is therefore imperative that coastal states reconsider the strategies for conservation and sustainable use.

Rodrigue Pelebe from the African Union Centre of Excellence in Coastal Resilience (ACECoR) stressed that in Africa, fishing is carried out along nearly 14,660 km of coastline, both in an artisanal and industrial manner as well as in aquaculture. Between 1950 and 2020, he stressed, Africa's role in contributing to global production has grown although other regions have seen more progress. This points to the

degradation, invasive species, pollution and climate change, paired with insufficient policies and lacking law enforcement as well as IUU fishing. Biodiversity is a common concern and a national asset and *Pelebe* called for increased regional cooperation in the management of shared stocks.

Tarik Iziraren, Permanent Secretary to the



need for more work. This notwithstanding, fisheries play a major role for ATLAFCO countries and for achieving the Sustainable Development Goals, and in particular SDG 2 (Zero Hunger) and SDG 14 (Life Below Water). Despite the fact that 8% of the identified 1,811 species are listed as endangered on the IUCN Red List, he lamented that almost 80% of the species are data deficient. This consequently renders necessary the need for more research on marine species in African waters. Generally, presently it is assumed that fish in coastal waters are by and large more threatened than those in the deep sea. As *Laamrich*, *Pelebe* underlined the threats to marine biodiversity caused by overexploitation, habitat

African Atlantic States Process (AASP), stressed the importance of the African Atlantic region, comprising the home of more than half of the African population and constituting 57% of continental trade. It furthermore holds important natural resources and constitutes a significant source of economic activities, including the fisheries sector. Furthermore, the Eastern Atlantic is an important route for international trade. Generally, there is a renewed interest in the region and great prospects for partnerships with the Atlantic Basin. Consequently, there is a need for integrated policies, partnership tools and strategies to support the development of the region in a coordinated manner. He

emphasised that King Mohammed VI of Morocco also envisions the region to be a zone of peace, stability and shared interests. The African Atlantic States Partnership rests on three interlinked pillars: 1) policy and security dialogue to fight terrorism, maritime piracy and international organised crime; 2) the blue economy, marine connectivity and energy; and 3) sustainable development and environment to implement the UN's Agenda 2030 and the African Union's Agenda 2063. Given the interlinkages and integrated nature of these issues, there is a need for policy coordination and policy coherence.

The objectives of the AASP, which was born in 2009, follow the vision of stability and share prosperity in Atlantic Africa. Moreover, it aspires cooperation, coordination and partnership, which takes into account challenges and opportunities. This coordination also implies a coordination and shared position in international organisations, in which the AASP is to speak with one voice. The guiding principles are therefore: consultation, collective leader- and ownership, flexibility, progressivity and solidarity - all driven by the realisation that no single country can meet the challenges alone. The way forward for the AASP was stipulated in the Rabat Declaration (AASP, 2022), adopted by the first ministerial meeting of the process. *Iziraren* thus stressed again the need for coordination with other African processes to achieve better outcomes, as well as partnership and coordination being important aspects within and outside the continent.

Day 2 — Morning session

Theme 4: Conservation and/or Sustainable Use? How to Reconcile Potentially Adversarial Concepts

Hayad Mesbah, Moroccan National Focal Point of CITES, opened the second day of the conference. She stressed that the importance of biodiversity also lies in its economic potential because of marine species' role in trade, biotechnology, ecotourism and leisure fishing. Also, biodiversity is important for preservation. While there is a network of protected areas with different statuses, these need to be compatible with sustainable utilisation. This factor rises to the fore when taking into account that 5% of the world's GDP is attributed to marine ecosystems, which themselves provide important services. The concept of ecosystem services believes that the functioning of ecosystems is service for the good of mankind. The notion is both theoretical and practical, because it thinks about science in economic terms with the goal to develop proper and efficient management. For the marine ecosystem, the services encompass fisheries, building goods, biotechnology, as well as secondary production, to name a few. In addition, marine ecosystems provide cultural services, such as leisure or tourism or spiritual retreats. Marine ecosystems also provide regulatory services, such as carbon sequestration, they prevent erosion, help to treat wastewater or to mitigate weather phenomena. They contribute significantly to eradicate poverty, food safety and sustainable livelihoods.

Unfortunately, she noted, environments are fragile as they are threatened by overfishing, bycatch also of threatened species, habitat fragmentation, or pollution. As the climate changes, oceans are getting warmer, acidification accelerates, invasive species take over local species, which will deregulate marine ecosystem. All this has impacts on habitats. The impoverishment of biodiversity resources furthermore has negative impacts on the

marine environment, affecting ecologic systems. This has led 33% of fish now being exploited on non-sustainable levels while 60% have reached maximum exploitability.

What can be done? *Mesbah* underlined the importance of the 17 SDGs, which are a compass that guides us in our decisions. For instance, SDG 14 focuses on straight links between marine biodiversity and broader areas such as food safety, poverty and inequality. So, why to protect the marine ecosystem? To avoid deterioration of the marine environment and to ensure its restoration, to erase pollution and improve human health. A new approach is the so-called 'ecosystem approach' that guarantees that collective pressure from human activities remains at acceptable levels.

Concerning cooperation and coordination, *Mesbah* stressed that the CBD requires its Parties to develop politics, strategies and conservation plans. When these are developed, the concerns of different ministries are to be considered in order to ensure good collaboration at the national level. Another obligation concerns conservation measures that deal with protected areas. While these mainly concern the terrestrial areas, cooperation to establish MPAs - also to ban invasive species - occur as a collaborative process. All stakeholders must be involved in order not to leave anyone behind and states have the duty to cooperate, which can be done via an oversight process for activities that could have negative impact and a closer look at species that need to be urgently protected. To do this, proper data and information through scientific research and information sharing is crucial. The identification of threats and pressures as well as the development of tools to ensure biodiversity conservation are furthermore needed. Despite

these challenges, however, *Mesbah* ended on an optimistic note: "It is not too late to make marine ecosystems clean and lively, to face climate change and build a strong blue economy."

Moustapha Kebe (Consultant) emphasised the marine regions are crucial for creating wealth and food security and that there is an active participation of women and young people in the sector. Despite this importance, we have been witnessing a situation of crisis in the last few years: an increased degradation of fisheries resources and a depletion of stocks. Fish has become scarce causing problems of conflict, dispute and food security. At the same time, catches have seen an increase of 20—86 million tons between 1959—1999, but a continuous drop since then. According to FAO, *Kebe* noted, the sector will continue to play a major role and it could be a solution for unemployment. While there will be a slight increase in production, there will be a decrease in consumption because of a drop in catches. Consequently, it is urgent to put in place policies to combat degradation. To do so, fisheries should be part and parcel of the global and national policies since conservation and management measures are developed and promoted by other departments.

In his view, the challenge lies in the fact that there are conservation measures that are well established by the ministries, but which are not reconciled with food security and access to protected areas, particularly for poor communities. In *Kebe's* view, the problem of maritime conservation is that the international community does not recognise the goods and services and that there is a complex system of protection that does not take into consideration artisanal fisheries. The FAO has promoted systemic policies and ecosystem driven management, which should be part of

management plans of different countries. The use of ecosystems for economic interests is not enough to integrate this aspect, but there is a need to consider how to minimise impacts and how to reconcile conservation and sustainable utilisation.

The reconciliation of conservation and food security must be an initiative of environmental policies and not of the fisheries sector. Protected areas are a key factor to help to reduce poverty and protect species but these need to involve local communities. He reiterated that no-access zones cannot be the solution. Furthermore, traditions and traditional rights must be recognised to enhance access to resources. If an area is banned for fishers, it should be based on local management rights. It is necessary to consider co-management so that local people are involved in the management of the protected areas. *Kebe* underlined that oversight by local communities is key, so that they can decide how these resources are managed and consumed.

In a second presentation, *Bernal Chavarria Valverde* of OSPESCA underlined that there cannot be conservation without sustainable use and therefore there is a need to talk about RFMOs, their competence and performance. Generally, he noted, fisheries management under the UNCLOS concerns the marine living resources in the EEZs and in the high seas. While conservation oftentimes also concerns utilisation of certain species, it is imperative to think about how human actions and policies affect the resources. Consequently, merely thinking about target species is not enough, but it is necessary also to treat bycatch and other associated species as target species - therefore to consequently apply the ecosystem approach. All fishing activities have an impact on biodiversity, so the assessments need to consider all aspects. To this end, cooperation

on data sharing, different scientific perspectives and policies is key. The UN Fish Stocks Agreement, he noted, provides hints on how to cooperate, so that there is a global approach to shared resources.

In regard to RFMOs, there are two types: general ones and species-specific ones. *Chavarria Valverde* did not know, however, which ones are more suited to apply the ecosystem approach. However, the framework of RFMOs is important for collecting data. Yet, there are differences between ecosystems and stock abundance profiles so a one-off management solution that works in one region could be detrimental in another. Also, participants and stakeholders differ from region to region, so taken together, he found, a regional approach is much more effective for conservation. The BBNJ Agreement aims to fill the gaps concerning conservation and sustainable use of the high seas and also confirms the role of the RFMOs with regard to area-based management tools and concerning the adoption of provisions that ensure the control of environmental impacts from the fishing activities under their purview. This said, *Chavarria Valverde* stressed the importance of RFMOs aiming to ensure that active management measures prevail over simple no-take zones as envisioned by the BBNJ Agreement.

During the discussion it became clear that there was consensus over the fact that there is a need to revive CITES and that the involvement of local communities must happen at the highest level. Furthermore, that there is a need to restrict and diminish the role of NGOs and replace them with fisheries authorities who are directly concerned by the decisions that are taken. The Environment Minister of Togo emphasised that Togo stands behind a solution-driven approach for the improved management

of biodiversity. In order to do so, however, better implementation is imperative. For instance, many countries do not have observers on board their fishing vessels, which makes it easier for them to fish illegally. Especially the practices that lead to the depletion of resources need to be considered. In this regard, aquacultural development is of crucial importance which should become another pillar for fishers to generate income and to provide for food. Therefore, governments should be conscious and aware of this situation and put in place measures to develop aquaculture.

The representative of Gambia noted that for his country, it is especially mangroves which are very important for the fishing sector. And moreover, mangroves are crucial for the conservation of the environment and of wildlife since it is an economic tree in Africa and an incubator for fish production. It is furthermore important as a carbon sink and thus crucial to combat climate change. In his view, natural and artificial regeneration of this species is crucially important, so he encouraged all present countries to put in place conservation measures for this tree.

Sierra Leone stressed that fishing practices and bad fishing gear have not been adequately addressed, both of which are important for the conservation of the marine environment. If these issues are not addressed, further stocks will be depleted. She therefore proposed to develop a regional, coordinated policy which prevents fishers to move from one jurisdictional zone where certain gears are prohibited to another one where they are not.

Ghana highlighted the importance of co-management, for example in the context of CITES. While CITES is led by environment authorities, these should closely cooperate with

fisheries authorities. Ghana exemplified this by stressing the multifactoral elements that affect the management of marine protected areas in the open ocean, where different managerial elements coalesce: e.g. environment, fisheries or navigation.

Moustapha Kébe remarked that the fisheries sector is usually not taken into account because people are used to work in isolation in their ministries, have sectoral policies and do not look at coherence. Fishers are indeed part of global policies, so they must be taken into account through the development of a coherent policy. Ministries, he stressed, work in silos so every minister must know that a development of a coherent policy is ongoing. This policy also needs to take into account livelihoods, education, health and other aspects. Also means of subsistence must be considered, which should be comprehensively done as a tool to reduce poverty.

Hayad Mesbah noted that generally, when local people speak at the CITES level, they are being heard. However, many ministers in charge consider fisheries to be dealt with at different fora. This is different in Morocco, however, where there is a synergy between the different ministries, which means that also the fisheries ministry is represented at the CoP. *Mesbah* invited other countries to follow this example.

Bernal Chavarria Valverde stressed that legal competences are important to consider. With respect to CITES, the convention makes decisions on international trade while with regard to conservation and management, this lies within the competences of RFMOs. At CITES CoP19, NGOs were stronger and, he surmised, maybe some states feared their power. Yet, in his view, at the end of the day it all boils down to science. RFMOs need to ensure that they are coherent and consistence

and the practice of Morocco to ensure coherence between the ministries is laudable. If ATLAFCO states were to present themselves as one in international fora, they all must be interested in a coherent policy, so the fisheries sector still has a lot of work to do to get heard. With regard to the regulations enshrined in the policy, it is crucial that it is enforceable, otherwise it will not be successful.

Theme 5: Improving the integration of the fisheries sector in environmental decision-making

Dr Nikolas Sellheim, Director of Sellheim Environmental, highlighted the problems of integrating local voices in environmental decision-making. Using examples from CITES and the International Whaling Commission, he stressed that by not integrating their interests, these could lead to human rights issues, especially with regard to food security, cultural and traditional use, land rights and traditional knowledge. He stressed that it is rather unclear who are actually meant with the term 'local communities', however, since there is no definition and no coherent legal framework that protects them. With regard to the IWC, he showed that a potential adoption of a South Atlantic Whale Sanctuary may lead to a 'perfect storm' of regulations and limitations of Western African fisheries in the South Atlantic. With regard to CITES, he demonstrated that despite the lack of a scientific basis for the adoption of certain protective mechanisms, only a small number of Parties has lodged reservations against these unscientific decisions. Moreover, Sellheim underlined that indigenous and local communities are not adequately respected within CITES, best demonstrated by the fact that committees that would ensure their proper inclusion or at least consultation have thus far been rejected by the CoP. He

asked: what happens if nothing is done or better include indigenous peoples and local communities? In his view, fisheries interests will be pushed further back and even demonised while human rights issues such as food security, livelihoods and culture will have to subdue to conservation. Also, he cautioned, these human rights concerns might be taken to the courts. Generally, however, indigenous and local rights will be further weakened, which then would underline a new way of neo-colonialism. In the end, however, non-inclusion will lead to ineffective and non-sustainable conservation.

Patrick Karani, representing the African Union, stressed that coordination within the fisheries sector in Africa is subject to challenges. He recalled the recommendations of the First Conference of African Ministers of Fisheries and Aquaculture (CAMFA I) which advocated the harmonisation of fisheries policies in Africa and the further inclusion of non-state actors. The African Fisheries Reform Mechanism (AFRM), which is to facilitate the development, adoption and implementation of reforms in fishery governance and management in Africa, for example, is valuable tool in this regard, in order to achieve environmental, economic and social sustainability. He stressed that the CAMFA Secretariat is crucial for the mobilisation of stakeholders and for successful implementation of the different activities of the AFRM. Given that no clear funding mechanism has thus far been established for the Secretariat, it has formulated concise recommendations to ensure a budget. Through this mechanism, the AFRM is able to provide new avenues for the African fisheries sector.

Day 2 — Afternoon session

Souad Kīfani of the Moroccan Institut National de Recherche Halieutique (INRH) focused on

the Moroccan Blue Belt Initiative (BBI), which aims to reconcile initiatives in different agency, such as biodiversity, climate and sustainable development and largely contributes to the development of coastal areas and conservation of oceans. The BBI aims to include to form an efficient cluster. It does not replace national strategies, but stakeholders themselves need to play a role in order to reach all solutions possible to enhance the potential of the sector. This is particularly based on participation and the circular economy. The BBI aims to transform environmental challenges into opportunities and to guide fishers towards more responsible practices. These challenges will be integrated and transformed into opportunities to profit the change to be operated. There are constraints and there are many actions that could be priority actions, such as aquaculture, pharmaceuticals or supply markets while reducing impacts of fisheries.

Within the BBI, she underscored, all activities with a negative impacts should be transformed into opportunities with future job opportunities. Generally, the BBI focuses on ocean preservation, empowerment of fishers and their effective involvement in management, thus reducing the impact on the environment. The BBI also promotes all sustainable activities, fights pollution or considers the preservation of mangroves. While still a Moroccan initiative, it aims to have collaboration at the global level and to find solutions in a resilient way with the same *modus operandi* adapted to the local environment, e.g. in regard to observation. The aim is to have a regional system and to increase the number of research vessels to ensure equal opportunities. Not all countries do not have a research ships: Namibia, Morocco, Nigeria do have ships, but others don't, except for small coastal boats.

Kifani stressed the need to gather data at the national and regional level. She noted that in Morocco, there is a number of fishing villages with local observatories done by fishers themselves. The general idea is to multiply these observatories and choose the areas that are representative, to create spatial planning and to have data in order to feed the observatory. She noted that part of the spatial planning is aquaculture and techniques, including local diversity. Local villages, the underlined, will provide a number of solutions with all necessary tools, including involvement of all stakeholders, and also including heritage and valuing of all branches.

The closing ceremony started with the drafting and the adoption of recommendations for the ministers, who will gather in June 2023. In addition to the recommendations, which can be found below, two committees were established to improve the role of the fisheries sector in environmental decision-making and to monitor the situation. The 'Committee of Elders' comprises fisheries experts that provide for guidance on processes and policies. The 'Technical Committee' ensures the practical implementation and formulation of recommendations. Dr Nikolas Sellheim was appointed as a member of the Technical Committee.

Conclusion and observations

The symposium can be considered a success since there has been a common understanding that there is a need for better inclusion of the fisheries sector in the post-2020 global biodiversity framework. In addition, contrary to commonly found narratives particularly in the European Union, Western African fisheries nations have developed a self-confidence that aims for independent and Africa-based

processes for sustainable development. This is to say that no dependency on Western development aid is aspired, but instead sustainable development is to occur on a basis of available human and natural resources.

It remains to be seen in how far the recommendations and the consensus of participating countries will in the end reflect in fora such as CITES or the IWC. A common ground is visible which needs to be translated into a common position, reflecting the fisheries sector and thus reflecting the interests of indigenous and local communities dependent on fisheries.

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Recommendations adopted by the symposium

We, representatives of the authorities responsible for environmental protection and fisheries in our respective states, participating in the symposium "Fishing in the global post-2020 biodiversity framework," held on 9-10 May 2023 in Rabat, Morocco:

- Acknowledging the decline in biodiversity as identified by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES);
- Taking into account the economic interests of fisheries, particularly in the ATLAFCO region, in environmental decision-making processes at national and international levels, and the potential economic impacts caused by climate change and biodiversity loss;
- Reaffirming our commitment to contribute to the achievement of the United Nations' 2030 Agenda for Sustainable Development, especially Sustainable Development Goal 14 on the conservation and sustainable use of oceans, seas, and marine resources for sustainable development, and Target 14.b: "Provide access for small-scale artisanal fishers to marine resources and markets.;
- Also reaffirming Sustainable Development Goal 10 that aims to reduce inequalities, particularly in terms of equal opportunities for social, economic, and political inclusion;

- Aware of the practical and political challenges of integrating the fishing sector, indigenous populations, and local communities into multilateral conservation initiatives and decisions;
- Also aware of the urgent need for active participation of indigenous populations and local communities in decision-making to ensure effective conservation and sustainable use;
- Emphasizing the vital importance of the fisheries and aquaculture sector for developing countries due to its contribution to economic growth and the achievement of sustainable development goals, particularly eradicating hunger and reducing poverty;
- Concerned about the increasing discourse of "non-use" in multilateral environmental agreements and conservation initiatives lacking scientific justification;
- Recognizing the need for international cooperation for the conservation and sustainable use of marine resources while emphasizing the principles of sovereignty and the right associated with the sustainable use of ocean resources.;
- Recognizing the need to include the fishing sector in the implementation of the 30x30 target;
- Emphasizing that the conservation, management, and sustainable use of fishery resources are best ensured by competent regional and international fisheries management organizations;
- Committed to the spirit of the Constitutive Act of the African Union, which calls for the promotion and defense of common African positions on issues of interest to the continent and its peoples, and to the principles of unity

and solidarity, speaking with one voice, and weighing in negotiations to defend our collective interests in the management, use, and sustainable conservation of marine resources.

We recommend:

- Contributing to the international community's efforts for the conservation and sustainable use of marine biodiversity;
- Promoting sustainable and responsible fishing by adopting measures to effectively combat overfishing, bycatch, and IUU (Illegal, Unreported, and Unregulated) fishing;
- Promoting fisheries research to gain a better understanding of the fishery potential and exploitation levels through the assessment of fishery resources dynamics and fisheries.
- Incorporating scientific recommendations and traditional knowledge of fishermen into the development of fisheries policies;
- Integrating environmental protection into fisheries management and vice versa, through an "integrated" approach that allows for the development of a modern approach to protected areas;
- Prioritizing fisheries management in marine protected areas to move towards a management approach that goes beyond mere prohibition, where different fishing activities are tested, funded, and evaluated;
- Institutionalizing national coordination for any matter related to marine biodiversity prior to participating in international decision-making spaces on the conservation of marine resources;
- Developing effective regional coordination to influence international governance decisions on the environment and fisheries, taking into

account the specificities and interests of our countries;

- Organizing an annual event focusing on the theme of fishing and biodiversity.

ARTICLE

Woman the provider! On the perceived gender roles in hunter/gatherer and fishing societies

Man the hunter and warrior, woman the gatherer?

In a recent study published in PLoS ONE, the authors challenge the way we have traditionally perceived gender roles in the past (Anderson et al., 2023). While it is in the public mind that men were hunters whilst women were gatherers, archaeological evidence shows that this view is far from the truth. The manifestation of this view found its origin already during the 19th century when the first major archaeological excavations were carried out. It was reaffirmed in 1966 when the University of Chicago hosted a symposium entitled ‘Man the Hunter’, which underlined male dominated hunting cultures of the past that have contributed to human evolution, fundamentally distinguishing humankind from apes (see also DeVore, 1968).

Not surprisingly, this view has produced a blind spot: if men dominated hunting and hunting was crucial for human evolution, this would also mean that women have merely played a minor role in this regard. In *Invisible women*, Caroline Criado-Perez consequently rightly asks: “If human evolution was driven by men — are women actually human” (Criado-Perez, 2020, p. 18)? The critique towards the inherently male bias in anthropology and consequently in the view we have perceived hunter/gatherer societies is not necessarily recent, however. Already in 1975,

anthropologist Sally Slocum questioned the inherently aggression-driven view on human evolution. That is: if hunting (i.e. killing) was so fundamental to evolution, what has happened with all the other human traits, such as compassion? She rather simply posed the question: While the men were hunting, what did the women do during that time (Slocum, 1975)? Her answer was rather simple, but quite genius: they gathered and took care of the children, which itself required a very high degree of cooperation, especially since nursing children took significantly longer than it does today (Criado-Perez, 2020, p. 18). In other words, the conclusion of male-driven aggression — as merely one element of human life — being the primary driver of human evolution neglects other factors that might have been equally, if not more important.

This notwithstanding, the prevalence of the male-dominated view on hunting societies is but one element on the discursive neglect of women, which has become part and parcel of (Western) society. In fact, in *Speculum of the other woman* Luce Irigaray argues that this has led to a perception of women simply to be disadvantaged men (Irigaray, 1985). Or to put it in her words: “Women are women as a result of certain lack of characteristics” (ibid., p. 112).

This has led to significant misfindings in archaeology and anthropology. For instance, when in 1889 a grave chamber was found in Börkö, Sweden, it was assumed for more than 128 years that the skeleton inside it was that of a male Viking warrior. Despite the fact that in 2017 it was proved that the bones indeed belonged to a woman, researchers still considered it virtually impossible that they belonged to a female Viking warrior and considered that the bones might have been mixed up or that they were wrongly labelled (see also Greshko, 2017). The fact that the

Viking sagas time and again reflect the existence of female warriors of women of very high status in Viking society were ignored.

In a similar vein, perceptions on agriculture with a gender bias towards men have persisted. But looking at more ancient history, it becomes rather quickly clear from burial grounds that women were fundamental in developing agriculture as we know it today. The large number of female deities and female burial grounds reflect on the understanding of women being crucial contributors to fertility and sustenance. Moreover, osteological analyses from female skeletons from the early Holocene points to increased muscle mass, indicating that women were also engaged in hard agricultural work. This leads Peter Frankopan to conclude: “Musculoskeletal stress levels in both men and women suggest that there was a sharing of labour when it came to early sowing and reaping of crops leading some to suggest that separate gender roles did not emerge until around 3000BC” (Frankopan, 2023, p. 64).

The importance of the recent study

While there have been numerous studies that have shown the role of women in different historical societies — demonstrating also that women were hunters as well as warriors —, these studies were never approached in a comprehensive manner. That is, they were not lumped together in order to draw more general conclusions. In other words, the narrative of ‘man the hunter, woman the gather’ simply persisted despite the proof that showed otherwise.

The study carried out by Anderson et al. (2023) is the first of its kind that comprehensively approached foraging societies through a gender

lens. To this end, the authors analysed anthropological and archaeological studies on 63 societies from all over the world: 19 from North America, 6 from South America, 12 from Africa, 15 from Australia, 5 from Asia and 6 from the Oceanic region. 79% (50) of these studies documented that women were engaged in hunting, of which 41 documented that female hunting was intentional or opportunistic. Most importantly, however, the authors note that “[i]n societies where hunting is considered the most important subsistence activity, women actively participated in hunting 100% of the time” (Anderson et al., 2023, p. 5). While the study does include cases from Australia, it can also be added that in Tasmania it was mostly Aboriginal women who conducted the hunt for seals because they had developed a skill to silently approach seals in order to kill them (Russell, 2013).

While the overall findings are not necessarily new, the prevailing views on gender roles in hunter/gatherer societies or even in the development of agriculture underline the importance of the Anderson-study. The problems associated with biased perceptions on gender ultimately lead to misinterpretations of human evolution and discursively fundamentally place women at a disadvantage. But what arises from the ashes of this male dominated hunting empire is indeed this: man the hunter and woman the hunter. A gender bias can no longer be justified and history books need to be rewritten.

Women and men in contemporary fisheries

In light of the above it is not surprising that up to this day the narrative of men engaging in hunting has prevailed. The same can be said about the role of women and men in the

fisheries sector. The term ‘fisherman’ is probably one of the most used terms in this context. ‘Fisherwoman’ can hardly be found whilst the term ‘fisher’ oftentimes denotes women and men to be involved in the fisheries sector.

What has been crucially overlooked in management, policy and research is the role women play in the fisheries sector. After all, ‘man the provider’ persists. While across the globe there is certainly not an evenly spread contribution of women to the fisheries sector, in some regions of the world, women contribute even more to the fishing economy than men. In the Pacific region, i.e. in Polynesia and other Pacific islands, catches by women amount to 56%, which “has serious implications for fisheries management, food security policy and development” (Harper et al., 2013, no pagination).

The problem of recognising women in the fisheries sector is not necessarily related to a perceptual gender bias, but rather to missing data or differences over what constitutes ‘fishing’. In many cases, ‘fishing’ is considered going out to sea in order to catch fish while gathering marine species on shore or in shallow waters, for instance crabs or small fish, does not. Moreover, fisheries management regimes do not necessarily take into account small-scale fisheries, which are on many occasions unpaid. With a rather broad approach to fisheries, however, it is estimated that the workforce of women in the fisheries sector amounts to 47% (Harper et al., 2017).

It goes without saying that the recognition of women’s contributions to the fisheries sector is not new, but there is still a significant disadvantage concerning the managerial and policy recognition, despite their significant contribution to the sector. In order to counter

this, the UN's Food and Agricultural Organization (FAO) has conducted several studies on gender issues in small-scale fisheries and aquaculture in different regions. Furthermore, the FAO has initiated a gender mainstreaming strategy for the regional fisheries livelihoods programme (RFLP) in South and Southeast Asia.

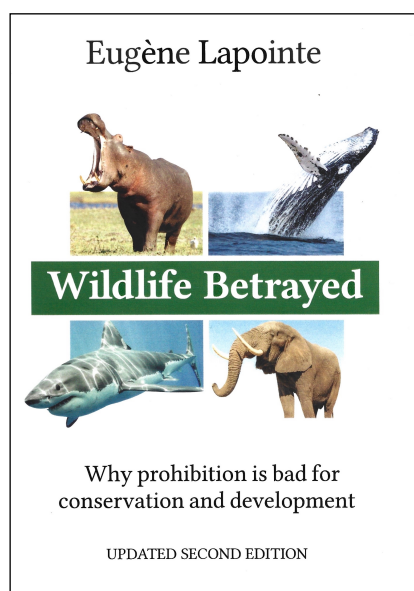
Unfortunately, the male-dominated view on the fisheries sector still prevails. The Anderson-study underlines how deeply enshrined gender perceptions are both concerning historical and contemporary societies. Whether or not management regimes will be able to integrate the gender dimension adequately in the future remains to be seen.

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BOOK REVIEW

Eugène Lapointe's '*Wildlife Betrayed. Why prohibition is bad for conservation and development*'



CITES — the Convention on International Trade in Endangered Species of Wild Fauna and Flora — is one of the most widely ratified environmental treaties in the world. Standing currently at a membership of 184, the number of species the Convention aims to protect through the regulation of international trade now ranges close to 40,000, of which less than 6,000 are animal species. Given the broad membership and the large number of species, it is often hailed as one of the most successful

conservation treaties in the world. Whether or not that is the case, remains subject to debate, however (see Wyatt, 2020).

Since it came into being in 1973 and entered into force in 1975, it has generated some media attention, for instance through the listing (and ultimately split-listing) of African elephant, the incarceration of country delegates because of illegal trade in macaques, or the forceful removal of one of its Secretary-Generals.

Former Secretary-General Eugène Lapointe is the author of the present book *Wildlife Betrayed*. While the scandal surrounding his removal lasted for several years (in the end he was fully acquitted), the legacy of his tenure from 1982 to 1990 can be felt to this day. Because contrary to the vast majority of non-governmental organisations (NGOs) present at CITES meetings, Lapointe-headed organisation IWMC—World Conservation Trust has been an outspoken supporter of the conservation and sustainable use of wild resources for the benefit of humankind. As such, IWMC therefore advocates for the inclusion of a human dimension into the CITES decision-making and aims to link human rights with proper conservation.

Lapointe has been involved in CITES since its very beginning, now reaching back 50 years. *Wildlife Betrayed* is testament to his long-term experience with the convention and is to some degree autobiographical, as well as analytical and somewhat judgmental towards the way the convention has developed over the last decades. The book was already published as an online version in 2022 (it is freely available on the IWMC website www.iwmc.org) while the paperback version under review constitutes an updated second edition, taking into account the most recent developments in international conservation law, first and foremost CITES'

19th Conference of the Parties (CoP19) in Panama in November and CoP15 of the Convention on Biological Diversity in Montreal in December.

The book is subdivided into four overarching sections: A brief guide to Wildlife Betrayed and CITES; The Multilateral Game; Terms of reference, six case studies and a call for reform; and Taking back control. In Section 1, Lapointe outlines the overall difficulties, CITES has been facing over the last decades since its inception in 1973. Special attention is paid to the role of culture (or as Lapointe puts it “the culture wars”) within the CITES construct. Lapointe argues that CITES is shaped by two different groups: on the one hand, “the pragmatic proponents of sustainable use, including international trade”, on the other hand “prohibitionist campaigners, who brilliantly present themselves as passionate crusaders” (page 42). Inevitably, this leads to a stand-off between these two groups, in which campaigners “appear to value a heartfelt T-shirt slogan more than a 30-page document” while “pragmatic conservation can also hope for but dare not expect immediate support from the young” (page 42—43).

Unfortunately, while including a sub-section on the “Constitutional position of NGOs”, this part is surprisingly short (merely 4 lines). It is merely mentioned that NGOs “are embedded and empowered in the constitution and habits of CITES as virtually no other Multilateral Environmental Agreement (MEA), except perhaps the International Whaling Commission” (page 43). Only in the following sub-section (entitled “CITES Formal”), it is noted that NGOs hold their role only because of CITES’ own invitation. However, a deeper analysis of the role of civil society in CITES as in other MEAs is missing, despite there being a

wealth of literature on this issue (e.g. Betsill, Corell & Dodds, 2007).

However, it is indeed the sub-section on “CITES Formal”, which sheds an important light on the *raison d’être* of the convention. Here, Lapointe explains the position of CITES within the UN system and its ultimate role, highlights the fact that it is not only about extinctions but also about the sustainable utilisation of species, and outlines CITES’ functioning legally, institutionally and functionally. As such, it is this sub-section which enables readers to understand what CITES is and where it stands.

The following section, “The Multilateral Game”, is a truly eye-opening part of the book. Because despite its title, multilateralism is not necessarily understood as the cooperation between states, but it is this section which focuses in large parts on the role of non-state actors, that is NGOs, in CITES and in conservation in general. Starting off with the Bretton Woods institutions and the emergence of the post-war UN system, the section rather quickly turns to conservation efforts in the international arena and the position of NGOs to shape political and legal discourses surrounding conservation. While indeed these organisations are born out of the civil society, Lapointe argues that they are “not simple spontaneous eruptions of popular feeling and thinking. Rather, they spend much of their time, energy, and money on generating interest in the masses about campaign messages” (page 59). This, according to Lapointe, has led to UN member states not articulating their own messages, but instead “[i]t fell to civil society, in the form of multiple NGOs, to promulgate the mission that the United Nations could readily embrace” (page 59—60).

While I do not want to dispute these claims, unfortunately they are not backed by any sources, but appear to be based on Lapointe's decades-long observations within and of CITES deliberations. The same can be said about the paragraphs under the heading "NGOs as 'masters' without accountability", which essentially notes that there is no democratic legitimization of NGOs and that their actions are "a re-run of colonialism and a tad imperialistic" (page 61). Again, I do not want to dispute this claims — also based on my own observations —, but sources that underline these views would have been beneficial (see e.g. Sellheim & Fink, 2022).

This said, Lapointe points to a crucially important aspect of CITES decision-making: that of conflicting evidence. Referring to the UN's Food and Agricultural Organization (FAO), CITES and NGOs, he shows how differently scientific findings are being dealt with and how difficult a position an expert organisation such as the FAO has within CITES in light of the overwhelming weight of NGOs. This is in line with Kagawa-Fox (2012, p. 14), who notes that it is not the science that constitutes a dispute (in this case over protection or sustainable use), but rather that the moral attachments to this science are the source of controversy. In other words, it is not the science which is under dispute, but the moral values of the scientists communicating this science to the morally-charged decision-makers.

An important and oftentimes crucially overlooked aspect is the role of indigenous peoples and local communities (IPLCs) within the decision-making structure of MEAs. As I have shown elsewhere, many MEAs pay little to no regard to IPLCs and make it virtually impossible for them to have their voices heard (Sellheim, 2020). I was therefore glad to see

how Lapointe points to this problem, showing that IPLCs have by and large been neglected by CITES and the impacts of CITES listings may have on them. He consequently, and rightfully so, purports that CITES has a blind spot in this regard, and thus that "CITES' multiple failures are the result of its refusal to 'Think before you act' about socioeconomic complexities or to review and correct errors once they become transparent" (page 91).

The following 30 or so pages of the 'Multilateral Game'-section introduce several NGOs and their actions in conservation and within CITES. I found this part truly enlightening and consider it important to take the messages and information on these organisations to a wider public. On the website of IWMC, a directory on these 'Conservation Influencers' can be found (IWMC, Undated), which is mirrored and further expanded in the book. Without the need to delve into details, I can recommend reading this section as well as the website due to the wealth of background information on specific NGOs they contain.

Section 3 of the book, "Terms of reference, six case studies and a call for reform", starts off with an explanation of the terminology Lapointe uses throughout the book. For instance, the term 'Listocrats' can be found also in the preceding sections, which Lapointe uses to point to those who consider CITES-listings as "always justified and effective" and who "usually celebrate a listing as a victory because it can be presented (for public relations purposes) as a ban on trade" (page 147). I was rather surprised to find this section on starting on page 143 of the book. From an editorial perspective, it would have been much better situated at the beginning, the opening sections of the book since the terminology spans, as noted, throughout the entire

narrative.

This aside, the following six case studies do not fall short of unveiling the difficulties CITES has had over the years. Read against the backdrop of the section on ‘CITES Formal’, it becomes evidently clear that over time, CITES has lost much of its original purpose. The six case studies Lapointe chose do not shy away from controversy, given their oftentimes emotional underpinning in public discourse and the heated debates in relation to these within CITES itself. To demonstrate this, it appears necessary to display the case studies he looks at: Zoonoses and COVID-19; Whales: media icon?; The ocean, and its sharks, tuna and eels; African savannah elephants; Rainforests and rosewoods; and Vicuña and the crocodilians.

A detailed account of the case studies would go far beyond the scope of this review. In my view, they constitute the exemplary underpinning of many of Lapointe’s claims throughout the book and they are an invitation for further debate on the issue/species itself, but also on the way CITES has developed. For instance, Lapointe convincingly argues that the engagement of CITES in issues related to zoonotic diseases goes far beyond its original mandate — also quoting the current Secretary-General of CITES, Ivonne Higuero, with the relevant sources. He demonstrates that COVID-19 is, despite its uncertain origin, merely another conduit for prohibitionist NGOs to further their agenda within the convention, with the ultimate goal to suspend legal international trade in wildlife.

With regard to fish species, Lapointe shows how increased listings by the ‘Listocrats’ contributes to a weakening of CITES, especially in light of oftentimes insufficient scientific evidence. The listing of fish species —

itself a controversial matter (Guggisberg, 2015) — puts increasing pressure on states and weakens their policing and compliance capabilities. It is furthermore far from clear whether any listing actually benefits the species, especially in light of the increased calls for marine protected areas (MPAs) and potential no-use regions that deprive fisheries nations of their economic revenues. Lapointe furthermore argues that it should be the state-run and expertise-driven regional fisheries management organisations (RFMOs) that should be the primary responsible entities in fisheries management.

Again, it is very worth reading these case studies in order to get a better understanding of what Lapointe’s point of departure is. What I miss, however, is the ‘call for reform’ as indicated in the section’s title. After all, the case studies unveil the challenges and off-tracking of CITES, but do not themselves call for a reform of the convention. This, however, is more of an editorial issue (if there is a third edition, this could be changed) since the call for reform does indeed rise to the surface in the last section “Taking back control”. It is this section in which Lapointe presents several concrete proposals to make CITES more efficient, to move it back to its original mandate and to limit the influence of agenda-driven NGOs. For instance, he calls for financial transparency (an issue which has gained some traction after CoP19 in 2022, when the representative of Mali thanked several NGOs for enabling him to join the meetings since 1994), for more evidence-based decision-making, reduced physical participation, to place more focus on sustainable use or to provide a public service for CITES. While the book points towards many negative issues and paints a rather bleak picture, Lapointe ends with an optimistic note: “As one of the first humans to embark on the

Ark's voyage, I shall remain onboard not merely because I think the ship is worth saving. But because I truly believe that it can be saved" (page 308). This is indeed a good ending, because it underlines the author's faith in the convention despite the challenges it faces.

Wildlife Betrayed is a book which provides a significantly different narrative to what one can oftentimes find about CITES. Of course, it targets NGOs and puts a lot of blame on the (perceived) dysfunctionality of CITES on them. However, this perception does not come from nothing, but is based on Lapointe's decades of experience not only with the convention itself, but also with NGOs. I would not be surprised if representatives of these NGOs were to attack the book on a wide front. But I would think that the arguments brought forth are difficult to counter if one sticks to truly rational or evidence-based discussion. Indeed, Lapointe's points may appear unpleasant, but I would consider them an 'inconvenient truth' — to paraphrase Al Gore — which should be taken into account and be seriously discussed by CITES decision-makers.

There are some editorial issues which should be pointed out. It sometimes is unclear who is actually 'speaking' in the book: Lapointe uses 'I', then he uses 'we', followed by 'IWMC' or 'Wildlife Betrayed'. It would have been beneficial for the reader to understand the perspective the book is written from. Furthermore, the book is of course filled with acronyms, many of which are repeatedly opened up throughout the book (and within a section). For instance, "indigenous peoples and local communities (IPLCs)" occurs several times. One time would have been enough, especially since the book holds a list of acronyms at the end (which I would have placed at the beginning of the book).

These editorial issues aside, *Wildlife Betrayed* is a book which should be of interest to readers with experience in CITES and to those wishing to learn more about the convention. The personal style — which due to its occasional colloquialness needs to be gotten used to — make the book easily readable, yet also containing a plethora of sources that are necessary to understand the narrative's gist. The book is therefore highly recommendable as a personal account of the convention, based on decades of experience and an ultimately altruistic and sympathetic view on resource users, especially those most marginalised.

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IN THE MEDIA

Lower Saxony's environment minister receives death threat

— *Der Spiegel*, 26 June 2023 ([here](#))

Lower Saxony's environment minister is familiar with insults when it comes to the subject of wolves, but now he has even received a death threat. Green politician Christian Meyer has filed a complaint — and has a request for wolf opponents and protectors.

Protect wolves or shoot them when they kill livestock? It is a topic that is being argued about with great emotion. Lower Saxony's Environment Minister Christian Meyer reports how harshly the debate is being conducted, and he is now even facing death threats: "Wild insults are the order of the day, and I received another death threat just last week," the Green politician told the *Neue Osnabrücker Zeitung*. He reported the incident to the public prosecutor's office

"If wolves are taken, you will also be taken," the threat had said, Meyer said. "Taking a wolf" is used to describe the targeted killing or shooting of wolves at the behest of the authorities. This is a controversial measure that usually serves to protect livestock.

At the same time, the wolf is under strict nature conservation, only in exceptional cases may individual animals be released by the

authorities for shooting, for example, if they have repeatedly torn grazing animals despite wolf-repellent fences.

At the same time, the environment minister appealed for the emotional debate about the wolf to become more objective. "What really shocks me is the agitation between wolf protectors and wolf opponents, which is currently reaching its negative peak in anonymous internet forums," Meyer said. "There is hardly a topic that has such emotional hardening with the worst insults. I am very much campaigning there for verbal disarmament and a return to objectivity and dialogue."

There are 161 wolf packs living in Germany today

In Germany, the wolf was virtually extinct in the middle of the 19th century. Only since a few years he is again native here. In 2000, a pair of wolves that had migrated from Poland settled in Saxony and raised pups in Germany for the first time in about 150 years. According to the latest wolf monitoring, there are now 161 confirmed packs, 43 pairs and 21 territorial individuals living in this country.

"The wolf occurrence is concentrated in an area from Saxony in a northwesterly direction through Brandenburg, Saxony-Anhalt and Mecklenburg-Western Pomerania to Lower Saxony," according to the website of the Federal Environment Ministry. But also outside these occurrences wolf territories could be proven in other federal states.

How great is the danger of the predators snatching sheep and other farm animals? Researchers from the Senckenberg Society have studied the feeding habits of wolves in Lusatia. The study covers the first eight years after the wolves appeared in Germany. The

results sounded reassuring at the time: the proportion of farm animals on the menu is less than one percent. Mainly wolves feed on deer (55 percent), red deer (21 percent) and wild boar (18 percent). Hare has a rather small share in the diet with less than three percent.

According to the latest surveys of the federal states on damage caused by wolves, there were 887 reported wolf attacks in Germany on livestock (sheep, goats, cattle, poultry and other species) in one year, with a total of 2894 animals killed or injured/missing.

Australia's parliament paves way for referendum on indigenous rights

— *Die Zeit*, 19 June 2023 ([here](#))

The issue is the right of Aborigines to have a say in parliament and to be recognised in the constitution: now the Senate has also approved a referendum on the issue.

Before the end of the year, Australia will hold a referendum on a constitutional amendment that would give the indigenous population a voice in parliament. The Australian Senate voted in favor by a large majority. The House of Representatives had already approved the referendum at the end of May.

"This is about who we are as a nation," Prime Minister Anthony Albanese said after the parliamentary vote. The Australian people now have the chance to say "yes to reconciliation and yes to constitutional recognition" of the indigenous population, he said. Albanese had been pushing the Voice referendum since his election victory in May 2022.

The consultation will be about finally recognising the Indigenous people's 65,000-year history in the constitution, said Minister for Indigenous Australians Linda Burney. The initiative provides for the creation of a committee in which Indigenous and Torres Strait Islanders would advise the government and parliament on issues related to their concerns. However, the committee would not have the right to vote on proposed legislation.

Critics see the planned indigenous representative body as merely a bureaucratic institution without any real influence. Before

the vote, Senator Lidia Thorpe, a well-known activist for indigenous rights, described the representation as a "powerless advisory body" and criticised that it was only about "calming the white guilt in this country".

The indigenous population of Australia was not granted citizenship rights in Australia until 1967. They are not even mentioned in the Constitution adopted in 1901. To make a constitutional change possible, a "double" majority is needed. On the one hand, there must be more "yes" votes than "no" votes at the national level. Secondly, a majority of at least four of the six states and territories must vote in favour. According to Australian media reports, the vote will take place in October.

Indigenous Australians still marginalised

Majorities for constitutional change are not certain. Before Albanese led the government with his Labor Party, the Liberal Party and the National Party formed a conservative coalition government for nine years. It opposed indigenous voices in parliament and an accompanying constitutional amendment.

Indigenous peoples still experience exclusion from large sections of white Australians, even though they have inhabited the country for tens of thousands of years. In the course of the colonisation of Australia since 1788, many children of the indigenous population were taken from their parents. The so-called stolen generation had to grow up in homes or with white families.

Nature conservation sinks into polemics

— *Süddeutsche Zeitung*, 15 June 2023 ([here](#))

Manfred Weber's EPP is trying by all means to sink one of the most important environmental and climate laws. The result: a divided European Parliament.

There are currently no winners and no losers in the struggle for nature conservation in Europe. The interim result: a draw. The European People's Party (EPP) led by Manfred Weber failed on Thursday with its motion to prematurely sink one of the most important environmental and climate laws of the current legislative period. The vote in the Parliament's Environment Committee was 44:44, a defeat for the EPP. However, most of the votes on the amendments to the law also ended 44:44 before the vote was adjourned. Parliament is divided.

The "Nature Restoration Law" is intended to protect ecosystems from collapse. Drained moors are to be rewetted, forests reforested. According to the EPP, this endangers the existence of farms and food safety in Europe. The supporters, mainly Social Democrats and Greens, see it differently: more biodiversity secures the basis of agriculture in the long term and also promotes climate protection. But Weber, on behalf of the CDU and CSU, is now carrying the culture war against climate policy waged in Germany into the European Parliament.

In fact, it is highly unusual in the Brussels compromise machine for a law proposed by the Commission to be rejected wholesale. When in doubt, negotiations always continue. Instead

now: Election campaign bluster and polemics on both sides.

The EPP does not want to support any further impositions on farmers

The issue is so important to Manfred Weber that he sternly urged his people to be united before the vote on Thursday. He denied accusations that he had threatened some of them with expulsion. The Czech EPP MEP Stanislav Polčák announced via Twitter that he did not think Weber's line was a good idea, but did not want to stand in the way of the Group. That is why he is making room for a replacement.

At a party congress in Munich at the beginning of May, the EPP had decided on its line: no more impositions on agriculture. With a view to the state elections in Bavaria and the European elections in 2024, it was announced that it would fight the EU Commission's nature conservation package. It contains, on the one hand, the Pesticide Regulation, which is supposed to reduce the use of chemical pesticides by 50 percent by 2030, and, on the other hand, the aforementioned "Restoration Regulation". Its goal is to restore 20 percent of Europe's ecosystems by 2030. In this way, the Commission also wants to fulfil Europe's obligations from the 2022 Biodiversity Conference in Montreal. There, the global community decided to initiate restoration measures on at least 30 percent of degraded land and sea areas by 2030.

How much agricultural land would be affected is not clear

The EPP criticises that it is completely unclear how much agricultural land would be affected by the law and what yield losses would be associated with it. In fact, various figures are circulating. The Commission spoke of four to seven percent of the land and pointed out that their economic use was not excluded.

The matter is complex, especially as there are interactions with other environmental regulations for agriculture. Twenty-three regulations alone already deal with restoration measures on agricultural land, said Christine Schneider, a CDU member of parliament, who blames the Commission for all the divisions in parliament. She had asked, for example, what advice she should give to farmers on whose land peatlands were being restored. The answer she was given was "rice cultivation and water buffaloes".

Commission President Ursula von der Leyen (CDU) has not yet made an appearance in the conflict. The EPP is using the fight against the law to launch a frontal attack on the Commissioner for Climate and Environment, Frans Timmermans, a Social Democrat. He had put pressure on individual MEPs of the EPP and even let them use an online platform of the Commission ("Business and Biodiversity") to orchestrate a shitstorm against the EPP. The Commission disagreed, saying that it supported the platform to bring together interest groups, but had nothing to do with its day-to-day operation. Opinions published there were independent of the Commission. In this case, at any rate, they were entirely in the Commission's interests.

In any case, the EPP faced a fierce headwind before the vote. Interest groups from business and environmental protection vigorously

demanded that the law not be allowed to die, and a group of 3,000 scientists also voiced their opinion. Soon the vote will continue, first in committee, then in the plenary of the European Parliament. The EPP said on Thursday that it would continue to do everything in its power to stop the law.

EDITOR'S UPDATE:

On 20 June 2023 the Council of the European Union reached an agreement on the law. It will now be further negotiated with the European Parliament. More information on this issue can be found [here](#).

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