



The Conservation & Livelihoods Digest

Volume 2 | Issue 3/2023



**SELLHEIM
ENVIRONMENTAL**
CONSULTANCY FOR NATURE AND CULTURE

The Conservation & Livelihoods Digest

Volume 2, Issue 3, September 2023

Cover design and layout:

Yu-kyong Ryang

<https://www.yukyryang.com>

Cover and back-cover photos:

Whales © Benjamin Brusch, Western Australia, 2021

Arctic © Cory Bell, Nunavut, 2021

Images used with permission.

Editorial Office:

Sellheim Environmental

Oldauer Heuweg 27a

29313 Hambühren

Germany

Manuscript submission:

If you wish to contribute to *The Conservation & Livelihoods Digest*, please send your ideas to info@sellheimenvironmental.org.

The views expressed in guest contributions do not necessarily reflect the views of *Sellheim Environmental*.

ISSN 2940-9624

CONTENTS

EDITORIAL

Toward a busy fall.....	1
-------------------------	---

ARTICLE

Sworn to a great divide: The controversial EU Nature Restoration Law	2
--	---

ARTICLE

Uncontrolled weed growth challenges local water activities in rural Germany	10
---	----

ARTICLE

Whaling activities have resumed in Iceland and Japan, and the world speaks out. Does it?	18
---	----

ARTICLE

How representative is the Whaling Commission's Scientific Committee?	26
--	----

BOOK REVIEW

Michael Paul's 'Der Kampf um den Nordpol' ['The battle for the North Pole'] ...	33
---	----

NEWS

Sellheim Environmental selected to conduct indigenous rights survey for IWC.....	37
--	----

Book Announcement: Sellheim/Morishita 'Japan's withdrawal from international whaling regulation'	38
---	----

Welcoming Dr Natalia Loukacheva to Sellheim Environmental	40
---	----

IN THE MEDIA

António Guterres presents UN states with "rescue plan" for sustainability.....	40
--	----

Shooting of wolves — Lemke remains too vague	41
--	----

UNESCO warns against further oil and gas production in the Wadden Sea	42
---	----

MEETING REPORT

Scaling up EU Impact to Combat Wildlife Trafficking.....	43
--	----

EDITORIAL

Toward a busy fall

The days are getting notably shorter while temperatures — at least in Germany — remain rather high. One of the reasons for this rather long summer is the El Niño phenomenon that churns the world's climate every few years.

While the summer is waning, preparations for the fall and winter are in full swing. Since *Sellheim Environmental* was selected to participate in a project by the International Whaling Commission (IWC) to conduct a survey on human and indigenous rights, fieldwork will be conducted in Bequia (St Vincent & the Grenadines) in late November. The funding was gratefully provided by *Opes Oceani Foundation*. In addition, fieldwork is planned to be conducted in Alaska in December, pending funding.

Apart from the project, Dr Nikolas Sellheim will be part of the delegation of *IWMC—World Conservation Trust* at the 77th meeting of the Standing Committee of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in Geneva, Switzerland, from 6—10 November. The Standing Committee principally sets the agenda for CITES' Conference of the Parties which will take place in 2025.

In this issue we address several issues. First, we are looking at the controversial EU Nature Restoration Law and the way it was presented in international media outlets. While especially Finland expressed some concerns, the adopted text still remains disputed in the European Union. The article was commissioned by *Polar Research & Policy Initiative* and will be published on their website

shortly.

Then we look at a very local, highly political issue in Celle, Germany, where uncontrolled weed growth in the Aller river impacts water activities. Since the legal framework for conservation and utilisation is very complex, the situation appears not to be solved in the near future. The issue stands representative for the way conservation and sustainable use may collide.

Another local, but internationally massively criticised issue is the resumption of Icelandic commercial whaling and the start of the whaling season in Taiji, Japan. Especially the former has seen international media coverage while the latter was mentioned in passing. In order to provide some insight into what whaling means for Taiji, the article contains some ethnographic information stemming from Nikolas Sellheim's fieldwork in 2017/18. Also this article was commissioned by *Polar Research & Policy Initiative* and will be published on their website shortly.

In the following article we stick with whaling and take a closer look at the IWC's Scientific Committee (SC). We examine, in how far the advice provided by the committee can be considered representative of all views since most developing countries that are IWC members have not attended SC meetings for almost ten years. As a consequence, both the work of the SC as well as its advice are dominated by the Global North.

In our review of Michael Paul's *Der Kampf um den Nordpol* ('The battle for the North Pole') we see how the changing geopolitical paradigms impact Arctic governance. With China emerging ever more as a global superpower and with Russia following expansive geopolitics, the book provides an extremely insightful narrative of the developments in the

far north, written by one of Germany's leading experts on the issue.

In our *News* section, we are happy to present three news items of high relevance for *Sellheim Environmental*. First, we provide more background on aforementioned selection of Dr Nikolas Sellheim to conduct the indigenous and human rights survey for the IWC. Then we introduce a forthcoming book, Dr Nikolas Sellheim has edited with the former chair of the IWC, Professor Joji Morishita. Lastly, we are happy to introduce Dr Natalia Loukacheva who will serve as a Fellow of *Sellheim Environmental*.

As introduced in the last issue, the section *In the media* again presents translated news articles from the German media landscape. The articles tackle issues that in one way or another deal with conservation, sustainable use, livelihoods or human rights. It provides some insight into how these topics are considered in Germany.

Finally, Dr Nikolas Sellheim participated in an online conference entitled 'Scaling up EU Impact to Combat Wildlife Trafficking', which was hosted by the European Commission, Spanish Presidency of the Council of the European Union and the Wildlife Conservation Society. A brief report of the meeting constitutes the final contribution in this issue.

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 relating to conservation and sustainable use.

— Dr Nikolas Sellheim
September 2023

ARTICLE

Sworn to a great divide: The controversial EU Nature Restoration Law

Introduction

On 12 July 2023, a controversial vote in the European Parliament (EP) made headlines: with an extremely thin result, the Members of the European Parliament (MEPs) voted for the EU's Nature Restoration Law (NRL) that aims to address and turn around the increasing loss of biodiversity — as identified by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) in 2019 (IPBES, 2019) and more recently substantiated by Finn et al. (2023). As reported, while the law was accepted by the EP, this acceptance was achieved by a very tight simple majority: 336 MEPs voted for the law, 300 against, and 13 abstained (Der Spiegel, 2023; Eromäki, 2023; Le Monde, 2023; Magee, 2023; Niranjana, 2023; SVT, 2023; ZDF, 2023). The NRL now needs to be approved by the Council of the European Union.

But what makes the NRL so controversial? In this contribution, I will provide insights into the primarily political controversy that has surrounded the NRL's adoption — exemplified by the concerns of Finland that has voted against a more rigorous version of the NRL within the Council.

What is the NRL?

The new EU Nature Restoration Law took its

first steps with the adoption of the EU Biodiversity Strategy for 2030 in May 2020 (European Commission, 2020), given that an estimation of the European Environment Agency considers 80% of the EU's surface area shaped by land use in cities, agriculture and forestry (EEA, Undated). In the document, the European Commission calls for the protection of 30% of land and sea areas, increased investments in and expansion of the already existing Natura2000 network, to create mitigation against climate change and prevent forest fires, as well as to prevent the outbreak of diseases, especially in light of the COVID-19 pandemic.

While the EU Biodiversity Strategy was adopted, it still lacks implementation since the Habitats and Birds Directives, both of which constitute the core legal instruments for conservation within the EU, do not take this updated and more comprehensive approach to biodiversity conservation as outlined in the strategy into account. At the same time as the strategy, the European Commission also adopted the so-called 'European Green Deal', a set of policy initiatives to make the European continent climate-neutral by 2050 (European Commission, Undated). The initiation for the adoption of the NRL was therefore a logical step to start an EU-wide implementation of both the strategy and the Green Deal.

In December 2020, therefore, the Commission initiated the first consultations and invited stakeholders to comment on the envisioned restoration targets. Between 11 January — 5 April 2021, a public consultation was held, yielding however merely 132 responses, most of which were from Belgium (European Commission, 2021). Throughout 2021, five stakeholder workshops were held that included stakeholders and aimed to collect views and

develop policy options. Also the European Parliament endorsed the process in a Resolution, stating that it "[w]elcomes, furthermore, the headline ambition to ensure that by 2050 all of the world's ecosystems are restored, resilient, and adequately protected; stresses that all efforts should be made to achieve this goal as soon as possible" (European Parliament, 2022). In June 2022, the Commission finally adopted a proposal for a regulation (European Commission, 2022(a)).

The Proposal and emerging resistance

The Proposal for a legal text for a Regulation (meaning that it refers to Union-wide provisions, contrary to the member-state-driven implementation of Directives) is a 23 articles long text with a Preamble comprising 76 recitals. In addition, the Proposal contains four Annexes that outline different types of ecosystems that are of relevance for proper implementation. Generally, however, the Proposal aims to place 20% of ecosystems not in good condition under protection by 2030 and 100% by 2050.

Without the need to delve into the specifics of the Proposal, what is noteworthy is that in Chapter II (Articles 4—10) it outlines the restoration obligations for different (eco)systems: terrestrial, coastal and freshwater (Article 4); Marine (Article 5); Urban (Article 6); natural connectivity of rivers and natural functions of the related floodplains (Article 7); pollinator populations (Article 8); agricultural (Article 9); and forest (Article 10). For each, the Proposal provides concrete timelines and quantifications as to the areas and other elements relevant for restoration. For instance, in Article 6 is stipulated that:

“Member States shall ensure that there is an increase in the total national area of urban green space in cities and in towns and suburbs of at least 3 % of the total area of cities and of towns and suburbs in 2021, by 2040, and at least 5 % by 2050. In addition Member States shall ensure:

- (a) a minimum of 10 % urban tree canopy cover in all cities and in towns and suburbs by 2050; and
- (b) a net gain of urban green space that is integrated into existing and new buildings and infrastructure developments, including through renovations and renewals, in all cities and in towns and suburbs.”

EU Member States consequently receive binding targets for the implementation of the NRL. Hardly any leeway is given to local or regional circumstances that may prove difficult for the effective realisation of the NRL. Be that as it may, within the EP the Proposal was referred to the Committee on the Environment, Public Health and Food Safety (ENVI) as the responsible committee to deal with it. However, since the Proposal also concerns other areas such as fisheries and agriculture, the Committee on Agriculture and Rural Development (AGRI) and the Committee on Fisheries (PECH) were asked for their opinions as well. AGRI submitted its opinion on 24 May 2023, calling for a rejection of the Proposal, yet without providing a justification for this recommendation (AGRI, 2023). In PECH’s opinion, published two days later, also a recommendation for rejection is called for, yet not based on general opposition, but *inter alia* based on lack of involvement of local fishers and not sufficient focus on species whose habitat needs to be restored (PECH, 2023).

When ENVI as the committee responsible voted on the issue of recommending rejection, 44 members voted yes, whereas another 44 voted no. The committee consequently did not recommend a rejection and the process continued.

On 20 June 2023, the Council of the European Union adopted its general approach to the Proposal, including a significant change, based on the Kunming-Montreal Global Biodiversity Framework (GBF), which was adopted in December 2022. The GBF contains the so-called ‘30x30’ target, which aims to place 30% of the surface of the Earth under protection by the year 2030. The changes by the Council include this significantly more ambitious goal.

Parliament, however, did not accept this amendment and in the vote that made headlines, it confirmed the original Proposal by the European Commission, aiming to protect 20% of areas not in good condition by 2030 and 100% by 2050. Article 1.2. of the adopted text thus reads: “This Regulation establishes a framework within which Member States shall put in place effective and area-based restoration measures with the aim to jointly cover, as a Union target, throughout the areas and ecosystems within the scope as defined in Article 2, by 2030, at least 20 % of and 20 % of the sea areas and, by 2050, all ecosystems in need of restoration” (European Parliament, 2023(a)). In addition, the concerns by the committees were taken into account and the role of local communities and other stakeholders was strengthened in the adopted text. Most importantly, however, one of the most crucial elements of the draft legislation’s opponents was weakened: the targets can be postponed in case of adverse socioeconomic consequences of nature restoration projects. Before the NRL is

formally adopted and becomes legally binding, Parliament and Council still need to finally negotiate the text (see also European Parliament, 2023(b)).

The great divide

The close call on the decision concerning the NRL's adoption shows how divided Parliament is on the issue of nature restoration. Especially the conservative parliamentary group EPP and its leader Manfred Weber openly criticised the Proposal as being “a disaster for rural communities, farmers and fisherman and public authorities having to deal with the legal consequences” given that the definition of areas in need of restoration is “so broad that the legal application could affect almost all European territory.” In addition, the EPP notes, also the Commission admits that this approach to conservation will reduce food production since less lands are available for European farmers. In combination with the war in Ukraine, “it is simply irresponsible to reduce food production in any way” given that “[i]n some European countries, food prices have gone up by more than 20%” (EPP, Undated).

The media articles under scrutiny here all stress the existence of different ‘camps’, i.e. those vehemently opposing the NRL and those strongly endorsing it. That said, even those groups opposing the NRL do not do so out of principal opposition or because of a view that is not in favour of climate or biodiversity protection, but rather because of perceived shortcomings in the law itself.

Finnish criticism

While Finland is a country with a mediocre

track record of biodiversity and climate protection strategies, it nevertheless aims to place 30% of marine and terrestrial areas under protection by 2030. Around 89% of areas placed under protection in Finland are smaller than 1km², which is significantly higher than the average across the European Union. All in all, 1,865 Natura2000 sites can be found in the Nordic country, with the largest in the very north above the Arctic Circle (Biodiversity Information System for Europe, Undated).

Despite Finland's initiatives, its economy hinges to a large degree on the forest economy with the Finnish Forest Industries Federation (FI: Metsäteollisuus) being a major stakeholder in regard to forest utilisation and conservation. This notwithstanding, in 2003 Finland launched a major forest restoration programme that proved to be highly successful and which was turned into the Forest Biodiversity Programme METSO 2008–2025 with an annual budget of 30 million Euros. Under METSO, 96,000 hectares of forest are turned into permanently protected areas and an additional 82,000 hectares of commercially used forests are managed under biodiversity conservation programmes (European Commission, 2022(b), p. 17).

Following the tabling of the NRL Proposal, the Grand Committee of the Finnish Parliament — a committee responsible for sharpening the Finnish Parliament's view on EU legislative proposals — issued an opinion that primarily criticises Article 10 of the Proposal with regard to forest ecosystems. The Grand Committee opined that the costs for reaching the targets enshrined in the Article would be extremely high, impacting the forest industry itself and the national budget (Metsäteollisuus, 2022). As the Helsinki Times reports, “[t]he law has been estimated to inflict

direct annual costs of 931 million euros on Finland, about 12.5 per cent of all direct costs” (Teivainen, 2022). What basis these calculations rest upon cannot be ascertained, however. This said, against the backdrop of the prevailing criticism, Finland voted against the common stance towards the NRL within the Council of the European Union in June 2023.

While this is the official government position, the NRL was also criticised in a joint statement by the major cities of the Finnish capital region — Helsinki, Vantaa and Espoo — and the Regional Councils of Southern Finland, comprising Helsinki-Uusimaa, Päijät-Häme and Kymenlaakso. In the statement, it is especially Article 6 of the Proposal — restoration of urban ecosystems — that has come under fire. In the statement it is criticised that the requirements are too narrow, to some degree unclear and counterproductive in a Finnish setting. The statement thus makes some rather concrete suggestions for improvement in so far as the obligation “should only be aimed at urban areas where the urban green space falls under the minimum level set by the union”, “should not be tied to individual cities, administrative boundaries and percentages of their total areas” and that “[t]he furthering of biodiversity should be guided by the quality of green space, not just with percentage increases based on the total area of the municipality”. It further notes that “Article 6 conflicts with Finland’s legislation and land use planning system. It would have significant impacts on planning and sustainable urban development. In its current form, Article 6 works against climate and other sustainability goals” (Anon, 2023).

Summary and conclusion

Although the NRL itself has incorporated some of the criticism by Finland as well as by others in so far as the Parliamentary debate has made amendments to the text, the close vote of a margin of merely 36 demonstrates that these amendments did not do away with the major points of concern. Even an open letter that was signed by more than 6,000 scientists in which the concerns were addressed obviously did not help alleviating the problems. In this letter, the scientist addressed six claims that opponents of the NRL circulated in political and media discourses — indeed also in those sources under closer scrutiny here.

The letter strongly supports the NRL, along with a regulation on the sustainable use of pesticides, and rebuts the following claims by presenting scientific data that contradicts these claims (reproduced verbatim with slight editorial changes for better readability; see Pe’er et al., 2023):

- Claim 1: The new regulations will reduce yields and overall production, posing a threat to food security.
 - *Scientific evidence: Protecting and restoring nature, and reducing the use of agrochemicals and pollutants, are essential for maintaining long-term production and enhancing food security.*
- Claim 2: Marine protected areas will harm fisheries.
 - *Scientific evidence: Marine protected areas boost fisheries.*
- Claim 3: The new regulations will kill jobs.
 - *Scientific evidence: SUR and NRL can create new employment opportunities and stimulate innovation.*

- **Claim 4:** The new regulations will place a burden on society.
 - *Scientific evidence: The current production model is expensive for society and cannot be sustained in the long-run. It also exacerbates future costs of environmental degradation.*
- **Claim 5:** The new regulations will prevent Europe from feeding the world.
 - *Scientific evidence: Europe can contribute to food security by reducing the global drivers of food scarcity, such as high meat consumption and the use of biofuels.*
- **Claim 6:** The new regulations will be too risky in times of the war in Ukraine.
 - *Scientific evidence: Short-term changes in supply and prices do not indicate any risk to food sovereignty or a need to enhance production.*

If based purely on science, the issue should therefore be relatively clear. However, as the examples from Finland show, socioeconomic factors cannot be swept under the rug. As the EPP notes: “We are guided by science, but also by social and economic realities that affect the lives of hundreds of millions of people in Europe” (EPP, 2023). In how far property rights are actually affected, however, remains a matter of debate. After all, the EPP notes: “In Helsinki it [the NRL] could mean tearing down buildings to allow nature to come back, even though Finland is almost completely covered by forests” (Ibid.). As Hoek points out, it is highly unlikely that the NRL has any implications for national property rights since it “provides Member States with a wide degree of discretion with regard to how these targets are to be met” (Hoek, 2023). Since the Regulation is to be concluded under the rules of the Treaty on the Functioning of the European Union (TFEU), property rights and the link to nature restoration must be

considered against the backdrop TFEU Article 345: “The Treaties shall in no way prejudice the rules in Member States governing the system of property ownership.”

In other words, a tearing down of buildings and depriving people of their property because of the provisions of the NRL would be a fundamental breach of the TFEU and thereby of EU law. If that really were to occur, court proceedings before the European Court of Justice would be ensuing. That said, the Finnish concerns reflect upon the difficulties of applying EU law in every locale. Whether or not the national restoration plans indeed allow for some leeway, this does not mean that cities like Helsinki, Vantaa or Espoo can ignore the targets and go their own way. If the NRL is adopted, its implementation will in all likelihood be accompanied by tremendous political backlash. Whether the divide will deepen remains to be seen.

References

Media articles

Der Spiegel. (2023). EU-Parlament stimmt mit knapper Mehrheit für umstrittenes Renaturierungsgesetz. *SpiegelOnline*, 12 July 2023. <https://www.spiegel.de/ausland/renaturierungsgesetz-eu-parlament-stimmt-fuer-gesetz-fuer-mehr-umweltschutz-a-5ceab3ac-3f1a-404e-b6f6-c79d8a35bdd3>.

Eromäki, V. (2023). EU:n kiistelly ennallistamisasetus äänestettiin jatkuon – MTK ja WWF molemmat toiveikkaita. *YLE*, 12 July 2023. <https://yle.fi/a/74-20040772>.

Le Monde. (2023). Le projet de loi sur la restauration de la nature adopté par le Parlement européen, dans une version minimale. *Le Monde*, 12 July 2023. <https://>

www.lemonde.fr/planete/article/2023/07/12/projet-de-loi-sur-la-restauration-de-la-nature-journee-decisive-au-parlement-europeen_6181601_3244.html.

Magee, C. (2023). Europe agrees landmark nature and climate deal after tense negotiations. *CNN*, 12 July 2023. <https://edition.cnn.com/2023/07/12/europe/eu-nature-restoration-law-climate-intl/index.html>.

Niranjan, A. (2023). EU passes nature restoration law in knife-edge vote. *The Guardian*, 12 July 2023. <https://www.theguardian.com/world/2023/jul/12/eu-passes-nature-restoration-law-vote-meps>.

SVT. (2023). Förslag om naturrestaurering får grönt ljus av EU-parlamentet. *SVT*, 12 July 2023. <https://www.svt.se/nyheter/utrikes/klimatlag-lever-vidare-i-eu>.

Teivainen, A. (2022). Finland will insist on revisions to nature restoration law, rules committee. *Helsinki Times*, 2 December 2022. <https://www.helsinkitimes.fi/finland/finland-news/politics/22609-finland-will-insist-on-revisions-to-nature-restoration-law-rules-committee.html>.

ZDF. (2023). Knappe Entscheidung in Straßburg. EU-Parlament stimmt für Renaturierungsgesetz. *ZDF*, 12 July 2023. <https://www.zdf.de/nachrichten/politik/eu-parlament-renaturierung-gesetz-100.html>.

Other references

AGRI. (2023). Opinion of the Committee on Agriculture and Rural Development for the Committee on the Environment, Public Health and Food Safety on the proposal for a regulation of the European Parliament and of the Council on nature restoration,

2022/0195(COD), 24 May 2023. https://www.europarl.europa.eu/doceo/document/AGRI-AD-740652_EN.pdf.

Anon. (2023). Statement on Article 6 of the EU Nature Restoration Law, 24 January 2023. <https://uudenmaanliitto.fi/wp-content/uploads/2023/01/Statement-on-Article-6-of-the-EU-Nature-Restoration-Law.pdf>.

Biodiversity Information System for Europe. (Undated). Finland. <https://biodiversity.europa.eu/countries/finland>.

EEA. (Undated). About 80% of Europe's surface area is shaped by land use in cities, agriculture and forestry. <https://www.eea.europa.eu/themes/landuse/about-80-of-europe2019s-surface>.

EPP. (2023). Start over with the Nature Restoration Law, 6 July 2023. <https://www.eppgroup.eu/newsroom/opinions/start-over-with-the-nature-restoration-law>.

European Commission. (2020). COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS EU Biodiversity Strategy for 2030 Bringing nature back into our lives, COM/2020/380 final. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52020DC0380>.

European Commission. (2021). Protecting biodiversity: nature restoration targets under EU biodiversity strategy. Feedback and statistics: Inception impact assessment. https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12596-Protecting-biodiversity-nature-restoration-targets-under-EU-biodiversity-strategy/feedback_en?p_id=12930736.

European Commission. (2022(a)). Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on nature restoration, COM/2022/304 final. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022PC0304>.

European Commission. (2022(b)). Restoring nature. For the benefit of people, nature and the climate. Brussels: European Commission.

European Commission. (Undated). A European Green Deal. https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal_en.

European Parliament. (2022). European Parliament resolution of 9 June 2021 on the EU Biodiversity Strategy for 2030: Bringing nature back into our lives, 2020/2273(INI). https://www.europarl.europa.eu/doceo/document/TA-9-2021-0277_EN.html.

European Parliament. (2023(a)). Amendments adopted by the European Parliament on 12 July 2023 on the proposal for a regulation of the European Parliament and of the Council on nature restoration, COM(2022)0304. https://www.europarl.europa.eu/doceo/document/TA-9-2023-0277_EN.html#def_1_1.

European Parliament. (2023(b)). Nature restoration law: MEPs adopt position for negotiations with Council, 12 July 2023. <https://www.europarl.europa.eu/news/en/press-room/20230707IPR02433/nature-restoration-law-meps-adopt-position-for-negotiations-with-council>.

Finn, C., F. Grattarola & D. Pincheira-Donoso. (2023). More losers than winners: investigating Anthropocene defaunation through the diversity of population trends. *Biological Reviews*, doi: <https://doi.org/10.1111/brv.12974>.

Hoek, N. (2023). Addressing Legal Myths about the Proposed EU Nature Restoration Law. *Verfassungsblog*, 23 June 2023. <https://verfassungsblog.de/addressing-legal-myths-about-the-proposed-eu-nature-restoration-law/>.

IPBES. (2019). *Global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services*. Bonn: IPBES.

Metsäteollisuus. (2022). Finland specifies its stand on the Nature Restoration Law, 2 December 2022. <https://www.metsateollisuus.fi/newsroom/finland-specifies-its-stand-on-the-nature-restoration-law>.

PECH. (2023). Opinion of the Committee on Fisheries for the Committee on the Environment, Public Health and Food Safety on the proposal for a regulation of the European Parliament and of the Council Nature restoration, 2022/0195(COD), 26 May 2023. https://www.europarl.europa.eu/doceo/document/PECH-AD-738472_EN.pdf.

Pe'er, G., D. Hering, J. Kachler [...] & E.R.J. Wubs. (2023). Scientists support the EU's Green Deal and reject the unjustified argumentation against the Sustainable Use Regulation and the Nature Restoration Law, 13 June 2023. https://www.idiv.de/fileadmin/content/Files_CAP_Fitness_Check/ENGLISH_Scientists_support_Green_Deal_and_reject_attack_on_SUR_and_NRL_13.6.23.pdf.

ARTICLE

Uncontrolled weed growth challenges local water activities in rural Germany

Introduction

Water sports constitute an important part of the touristic advertisement of the northern German city of Celle. Apart from its historic old town that was not destroyed during the Second World War, the city and region present themselves as being attractive for hikers, bikers, riders and rowers. The city's location at the southern tip of the Lüneburg Heath — a flat-wavy heath, geest and forest landscape in northeastern Lower Saxony —, and along the banks of the river Aller make it indeed a highly attractive location for tourists from all over the world. As noted on the website of the city: "It doesn't always have to be sea or more — our Aller centrally located in the city offers all the conditions for a short break" (own translation; Celle Tourismus, Undated).

This 'short break' faces a major challenge, however: uncontrolled weed growth in the river that affects all water activities in and around the city. Paired with the complex European legal framework for conservation and utilisation within protected areas, it is especially the local rowing association that is confronted with a situation that has the potential to affect this traditional water use in a significant and adversarial manner.

The geographical and legal context

The city of Celle is located approximately 40km north of Hanover, the capital city of the German state of Lower Saxony. It is one of several cities on the banks of the river Aller. The Aller springs close to the city of Magdeburg in the state of Saxony-Anhalt. Along its approximately 260 km, it flows northwestwards through the industrial city of Wolfsburg, through Celle and ends in the river Weser southeast of the city of Bremen. From there, the waters are taken towards the North Sea.

According to the Water Law of Lower Saxony (Ger: Niedersächsisches Wassergesetz, NWG), all waters in the state are subdivided into three orders: water bodies of significant meaning for water economy (first order), managed and maintained by the state government; water bodies of supra-local importance for the territory of a maintenance association (second order), managed and maintained by the regional government apart from dams, for instance; and water bodies that do not belong to order one or two, also partly managed and maintained by the state.

Generally and according to the NWG, maintenance of the water bodies includes proper water drainage and, on navigable waters, also the preservation of navigability as well as maintenance and development. Furthermore, cleaning, clearing, keeping free and protecting the bed of the watercourse including its banks.

While these provisions appear rather straightforward, the issue becomes significantly more complex in light of the Habitats and Birds Directives by the European Union. These two Directives constitute the backbone of European conservation law and provide for the



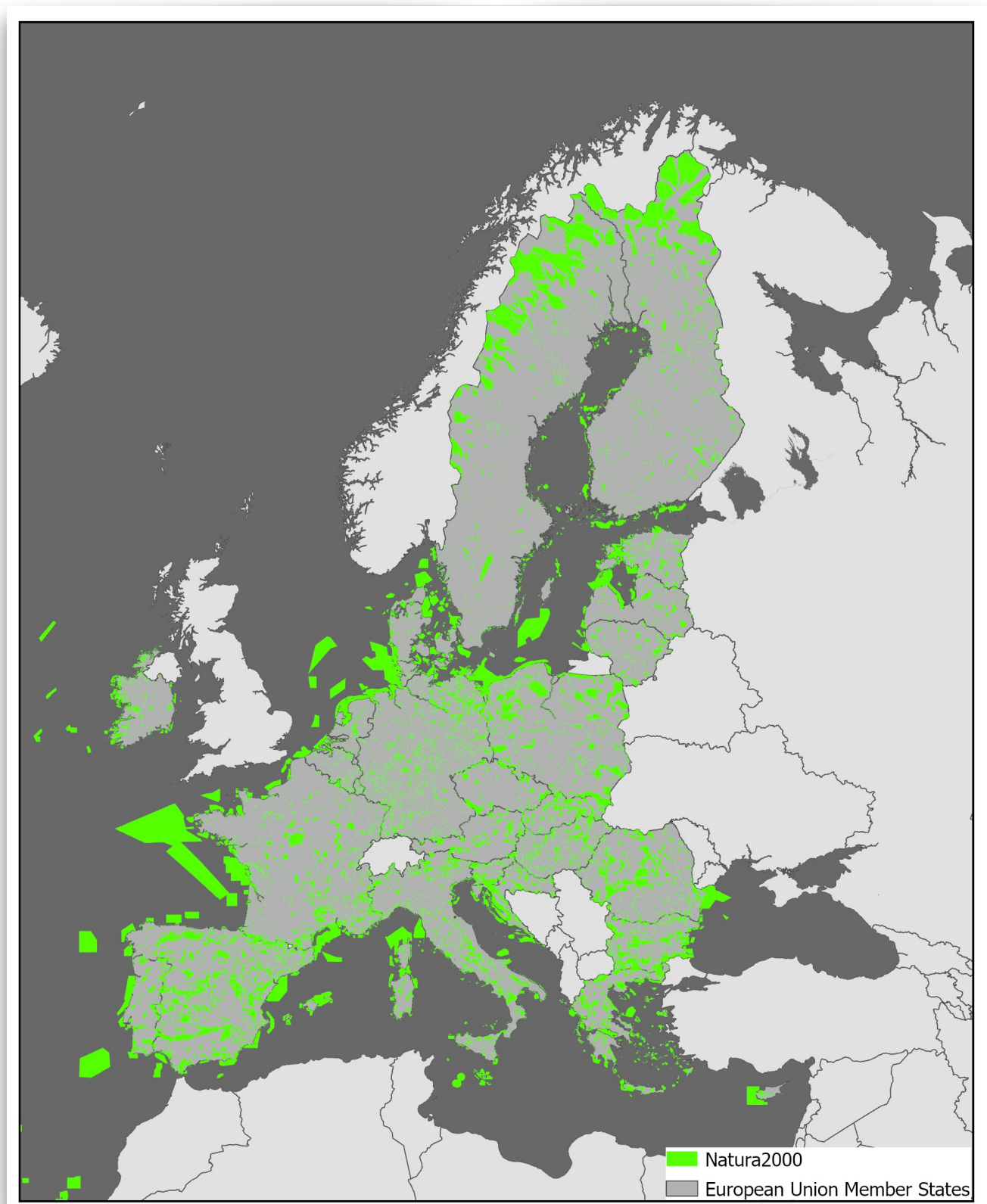
Lower Saxony and the Aller river © Dr Nikolas Sellheim, 2023.

creation of a connected network of protected areas throughout the EU, called Natura2000. Each EU Member State is required to determine these sites and to ensure that they are protected based on the requirements in the Directives. As the map on the next page demonstrates, large terrestrial and marine areas are now protected and declared Natura2000 sites.

While the criteria for Natura2000 sites are different to those under domestic law, in Germany many Natura2000 and protected areas overlap or are, in some cases, even identical. Generally speaking, the Federal Nature Conservation Law (Ger: Bundesnaturschutzgesetz, BNatSchG) provides for several protection categories, the most important of which are nature reserves, national parks, biosphere reserves, protected landscape areas and nature parks, in addition

to Natura2000 sites. For each, different rules for conservation and utilisation are in place that affect the way humans can interact with the natural environment therein. In case a Natura2000 and domestic protected area overlap, however, given the hierarchy of legal spheres, European law prevails.

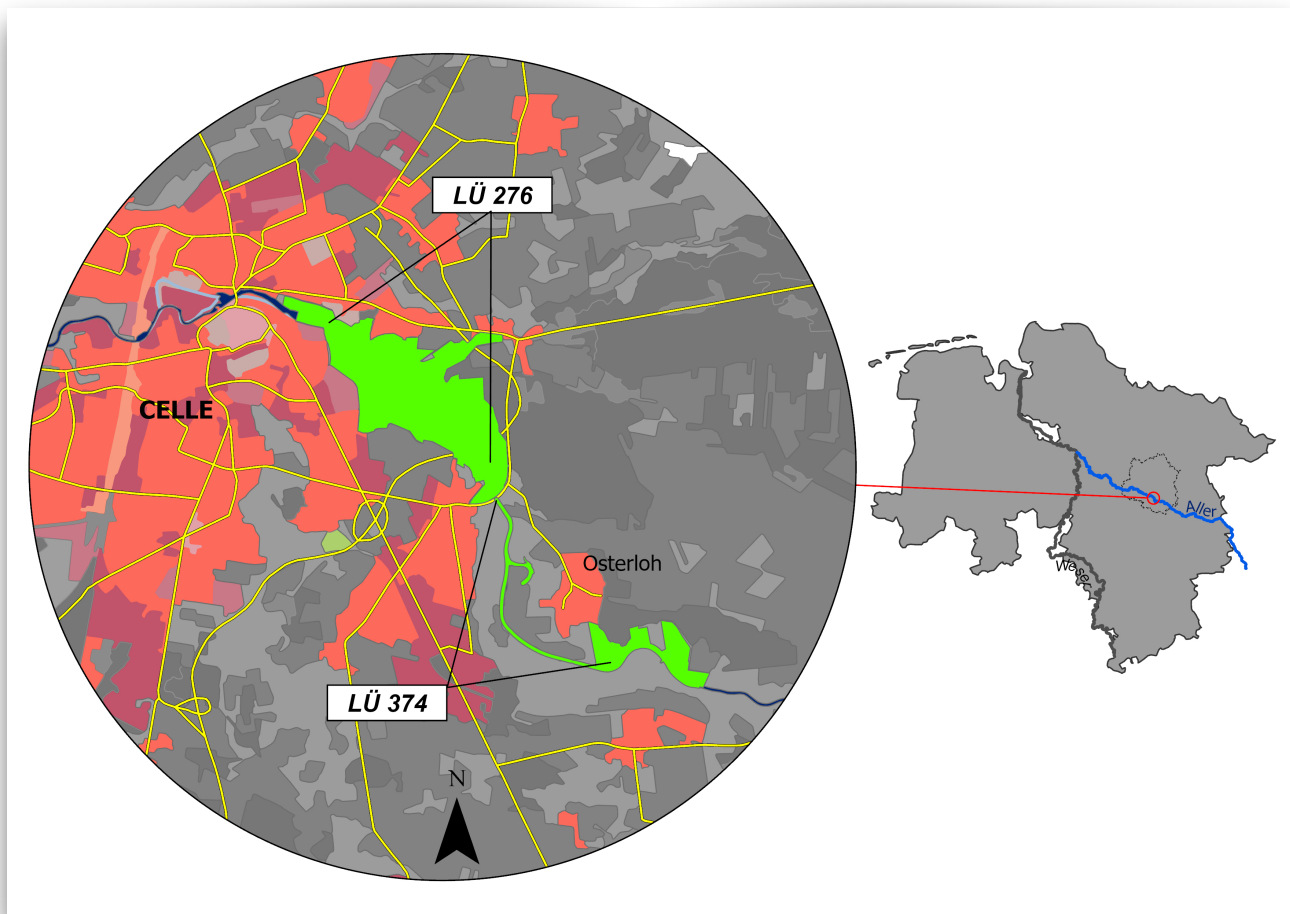
In the case of the Aller, it was declared a Natura2000 site in 2006 as “Aller (mit Barnbruch), untere Leine, untere Oker”, all in all comprising more than 18.000ha of river, riverbank and adjacent wetland, peat and other lands, including minor streams and sidearms flowing into the river. The site is neighboured by two more Nature2000 sites, “Örtze Mit Nebenbächen” and “Lutter, Lachte, Aschau (mit einigen Nebenbächen)”, thereby constituting a large connected area holding important biodiversity.



Natura2000 sites in the European Union © Dr. Nikolas Sellheim, 2023

The Natura2000 site is made operative within the city of Celle and close-by areas by two nature reserves called “Obere Allerniederung bei Celle” (LÜ 276) and “Aller mit

Altgewässern und Auenlebensräumen bei Osterloh” (LÜ 374) — a region which is of very high importance for water sports and tourism for two main reasons: first, it is easily accessible from the inner city, and, second, it



Nature conservation sites in the Aller river © Dr Nikolas Sellheim, 2023.

allows for rather undisturbed water activities for about 3 km. Unfortunately, however, it is precisely this region that is subject to uncontrolled weed growth, creating different sets of legal and logistical problems.

Maintenance responsibilities

Under German law, each national park, biosphere reserve or other protected area is subject to its own rules for management and conservation. The lower-tier nature conservation agencies, i.e. agencies on a county level, are responsible to implement the requirements imposed on them by the state government, based on state law.

According to the Water Law of Lower Saxony (NWG), the Aller is a river of the second order,

which is to be maintained by the State of Lower Saxony. To this end, so-called maintenance associations are responsible for the economic and ecological maintenance of the waters under their ambit, reflecting in ensuring protection from flooding, proper depths for shipping, or restoration and conservation. For the two nature reserves in question, it is the *Unterhaltungsverband Mittellaller* (UV Mittellaller) which is responsible for its maintenance. According to the state's legal requirements, the UV Mittellaller's tasks are:

- insurance of proper drainage in the association area through maintenance of the association waters
- Insurance and maintenance of habitat function of the watercourse

- Promotion of nature conservation care and development

In order for these goals not to collide, it is furthermore responsible for:

- small-scale and differentiated adjustment of the scope of mowing and clearing work
- Consideration of legal framework conditions, nature conservation requirements and time limits in order to carry out these tasks as gently as possible
- Development and enhancement of ecological quality.

In practice this means that the maintenance association needs to carry out activities that allow unspoilt migration of fish or the removal of weeds that may impact shipping. Even though the river's breadth does not exceed 10m, it is nevertheless frequently used by small tourist vessels, canoes or other small vessels used for rowing regattas and, given the biological importance of the river's section close to Celle, by a plethora of flora and fauna.

Site-specific regulations

Since each of the nature reserves holds site-specific biodiversity, it is governed by its own regulations, set by the state ministry. In the case of LÜ 276 and LÜ 374, these regulations identify the species that are active in the areas and for which special protection initiatives are to be put in place within the reserve, for instance for the Green club-tailed dragonfly (*Ophiogomphus cecilia serpentinus*), European bitterling (*Rhodeus armarus*), several bat species, otter (*Lutra lutra*) or sea lamprey (*Petromyzon marinus*). In addition, primary habitat types such as shire forests with alder

and ash, and other habitat types such as open grasslands with silver grass and bunchgrass, or running waters with floating aquatic vegetation are to be protected. To this end, activities in both nature reserves are restricted or even prohibited. Generally, for both reserves, all actions that disturb, damage or change the reserve or individual parts of it are prohibited. In detail, however, the prohibitions do overlap, but also show differences.¹

For users or visitors of the reserves, these regulations are by and large unknown. While signs do point to different prohibitions, user groups such as rowing clubs are not necessarily aware of the fact that different regulations for the same section of the river exist. This is especially legally tricky since rowing regattas, apart from several other are explicitly exempted from any prohibition in LÜ 276 (§4.8.3d), meaning that rowers are entitled to use the area for their purposes. This is not the case in LÜ 374 where regattas are not exempted, but where “the navigation of the Aller with non-motorised watercraft as well as the landing and launching of watercraft at legally available landing stages” is allowed (§4.5). This means that in case of unfavourable conditions for water users to carry out a rowing regatta in one area, it is impossible to move the regatta to the adjacent area.

¹ Information on each nature reserve in Lower Saxony can be accessed [here](#). The link ‘Verordnungen’ leads to the different regulations.

Table 1: Site-specific regulations

LÜ 374	LÜ 276
Let dogs run free or swim in bodies of water; [...]	Let dogs run free
Disturb wildlife or the tranquility of nature by noise, light or otherwise,	Disturb wildlife or the tranquility of nature by noise or otherwise,
Damage, uproot, dig up or pick off parts of plants and mushrooms, cut them off or tear them off [...]	Drive motor vehicles on the roads, paths and squares not dedicated to public traffic or to park motor vehicles there
Pursue wild animals, to disturb them wantonly, to install or erect devices suitable for their capture, to catch or kill them or to take away, impair or damage pupae, larvae, eggs, nests and other breeding and living places of such animals,	Operate unmanned aircraft (e.g. model airplanes, hang gliders) and to take off or land manned aircraft (e.g. balloons, hang gliders, paragliders, helicopters) in the reserve and outside in a zone of 500 m width around the reserve, except in emergency situations,
Introduce genetically modified organisms and to establish, introduce or release animals and plants, in particular alien and invasive species,	Start or maintain fires,
Interfere with the existing conditions of the water balance in such a way that increased drainage of the area or sub-areas may occur.	to hold organized events without the consent of the competent nature conservation authority; [...]
Drive motor vehicles or park motor vehicles,	
Camp, store, and to kindle or maintain fires,	
Hold organised events without the consent of the nature conservation authority;	
Operate unmanned aerial systems (e.g. drones) and unmanned aerial vehicles (e.g. model aircraft) in the reserve or take off or land with manned aircraft (e.g. balloons, hang-gliders, paragliders, helicopters) in the reserve or fly over the area at an altitude of less than 300 m; [...]	

The problem of uncontrolled weed growth

It is exactly the increasing unfavourable conditions in LÜ 276 that have caused the local rowing team significant troubles. Over the past few years, certain types of weeds that are endemic to the Aller have started to grow uncontrollably. While the UV Mittelaller is indeed responsible for mowing these weeds, it does so under the premise of flood control and unhindered shipping. Problems for the rowers are not included in its spectrum. This means that for the UV it does not matter whether weed growth impedes the ability of rowers to conduct their business.

For rowers, weed growth constitutes a major obstacle and even a threat to their safety. With tight patches of weed in the river, the danger of capsizing increases significantly, also aggravating a rower's ability to roll back into a proper position. While mowing the weed is part of the maintenance activities carried by the UV Mittelaller, it is bound to timely limits due to nature conservation concerns, especially for species breeding in the river. In other words, if mowing the weed occurs too early, the breeding of the protected species is affected, thereby causing legal and conservation issues.

While mowing would be one mitigation initiative, it does not solve the problem of the growth itself, which occurs from several causes: due to the regulation of the river in the past, many water locks were installed along its course, impacting the speed by which the water flows. In combination with the removal of naturally occurring shade-generating trees and associated warming of the water by more sunlight, paired with rising temperatures caused by climate change, weeds grow much more rapidly and consistently now than they did in the past. While mowing would



Weed growth in the Aller © Peter Wenzel, 2023

theoretically tackle the problem, it would also stir nutrients in the water which themselves foster weed growth.

In light of the different causes of weed growth, it has been unclear which authority is responsible to deal with this issue. What this means in practice is that one of the largest regattas in Germany, ‘Rowing against cancer’, needed to be cancelled in 2023. Since the regatta was scheduled for 16 September 2023, and the mowing was also will take place in September, the training for the regatta would have to have occurred before. This, according to the chairman of Celle’s rowing club, Ulf Kerstan, would mean an unacceptable risk for inexperienced rowers. The regatta which is the

largest of its kind in Germany usually motivates more than 700 rowers and an additional 200 aides to collect donations for cancer research. Because of this regatta, the city of Celle holds the unofficial title ‘Capital of the Rowing-Against-Cancer Movement’.

Political responses

Celle’s mayor Jörg Nigge (conservative) attempted to initiate mowing during the summer of 2023 to make the regatta in September possible. As was expected, however, the regulations that accompany the Natura2000 sites are rather clear in this regard. Nigge argued that the regatta was in the elevated public interest, thereby justifying additional mowing even with some ecological

impacts. To underline the importance of the regatta for the city of Celle, he even reached out to Lower Saxony's Prime Minister, Stephan Weil (social democrat), but the diverging and conflicting interests between conservation and utilisation of the Aller could not be resolved and the responsible ministry of Lower Saxony argued that public utilisation of the Aller is still possible despite the growth of the weed.

The leader of the Green City Council group, Stephan Ohl, criticised Nigge for his one-off-solution-approach by relying on the possibility to carry out additional mowing. Since the weed will grow back after mowing, a long-term, sustainable solution, accompanied by scientific assessments for this problem is necessary. Also he considers the utilisation of the Aller by rowers still possible (Schlicht, 2023).

Final thoughts

While the problem of uncontrolled weed growth and its impacts on rowing appears to be a very local problem, it nevertheless stands representative for the conflict between nature conservation and utilisation. The rowers are especially upset about the fact that rowing is a non-invasive activity with low to no carbon footprint. But due to the weed growth, it is no longer possible to conduct socially important events such as the 'rowing against cancer' regatta for reasons beyond their control. Motorised water utilisation, on the other hand, a much more carbon-intensive activity is still possible, because of its independence from weed growth.

References

Celle Tourismus. (Undated). Wandern, Radfahren, Reiten und Wassersport. <https://www.celle.de/Tourismus/Natur-und-Aktiv/>.

Schlicht, A. (2023). „Krachend gescheitert“ – Keine Allermahd im Sommer. *Celler Kurier*, 20 June 2023. <https://www.celleheute.de/post/krachend-gescheitert-keine-allermahd-im-sommer>.

ARTICLE

Whaling activities have resumed in Iceland and Japan, and the world speaks out. Does it?

Introduction

Whaling in 2023 still constitutes an activity of utmost controversy. While the 88-member state International Whaling Commission (IWC) has put in place a ban on commercial whaling in 1982 that came into force in the Antarctic whaling season 1985/86, this does not mean that whaling *per se* is illegal throughout the world. First of all, the so-called ‘moratorium’ is only relevant for those states being a member of the IWC and, amongst those, binding only for those that have not lodged an objection to it. In practice that means that both Norway and Iceland — the latter of which having left the Commission in the early 1990s and having rejoined it in 2002 with a reservation towards the moratorium — still conduct commercial whaling despite them being IWC members. In four IWC member states, IWC-regulated Aboriginal Subsistence Whaling (ASW) is still conducted for subsistence purposes: in the United States (Alaska), Greenland, Russia (Chukotka) and St Vincent & the Grenadines (Bequia).

Since the moratorium has come into force, it has been one of the most controversial decisions ever taken by the IWC and has led to antagonistic positions within the Commission: on the one side are countries that oppose commercial whaling vehemently; on the other side are states either directly whale or that support the principle of sustainable (lethal) use

of whales for principal reasons, also as a potential source of food in the future. The spearhead of the latter group has been Japan, which has fought for a resumption of commercial whaling for decades. Since Japan’s initiatives have been fruitless, the country left the Commission on 1 July 2019 and is now able to conduct commercial whaling within its 200nm Exclusive Economic Zone (EEZ) outside of the control of the IWC.

Although whaling is no longer as industrial an activity as compared to the past, it still faces major resistance within the Commission, but also in media discourse. For instance, the dramatic hunt of approximately 1,400 Atlantic white-sided dolphins in the Faroe Islands in 2021 made headlines all over the world (Sellheim, 2021). While legal — the IWC only regulates whaling of ‘great whales’, excluding small cetaceans such as dolphins —, it is often portrayed as inherently cruel, unsustainable and, depending on the source of information, illegal.

At the end of August 2023, several media sources reported that whaling has resumed in Iceland after a hiatus of two years between 2019—2022 and a suspension of licences in 2023 over animal welfare concerns, commercial whaling for fin whales has now resumed. In Japan, in the small village of Taiji, the whaling season has also begun. Here, it is especially small cetaceans that are hunted outside the purview of the IWC, but under the watchful eye of the public: along with several anti-whaling protestors, activist Ric O’Barry travelled to Taiji in August 2023 to protest whaling. O’Barry has gained fame by starring in the (documentary) film *The Cove* in 2008, which portrayed Taiji whaling as cruel an unnecessary and which came to be an Academy Award winner (Psihoyos, 2008).



'The cove' of Taiji © Nikolas Sellheim, 2017

reported about this decision, hailing it as a (partial) victory for animal welfare and rights groups (Euronews, 2023), especially since the Minister remarked that whaling has no future in Iceland (if animal welfare standards are not met). It is especially the way this statement was interpreted by news outlets, which is interesting to consider:

While in Euronews (2023)

Svarvarsdóttir is quoted as having said that “whaling has no future”, in AlJazeera (2023), the full quotation is presented: “If the government and licensees cannot guarantee welfare requirements, these activities do not have a future.”

In most of the reports about Icelandic whaling, animal rights and welfare groups are cited who all express their disappointment over the recent resumption of whaling. *Der Spiegel* quotes a representative of the organisation Whale and Dolphin Conservation (WDC) (*Der Spiegel*, 2023a), *France24* and *Aftenposten* mirror the disappointment of the head of the Humane Society International (HSI), Ruud Tombrock, *The Guardian* includes the views of representatives of the WDS, HSI and the International Fund for Animal Welfare (IFAW) while the *BBC* reflects the foresight of a representative of IFAW that “this year will be the final year of whaling in Iceland” (Kirby, 2023).

The latter statement is rooted in a recent poll carried out by the Icelandic Maskina Institute that showed that opposition to whaling has grown from 42% to 51% over the last four years (RFI, 2023). Even though the survey does

Recent media coverage of Icelandic and Taiji whaling

Icelandic whaling

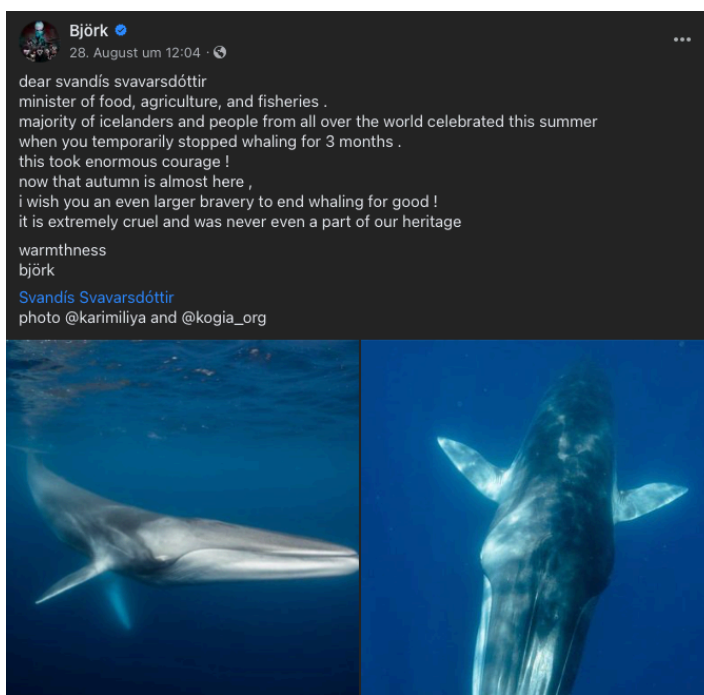
While not overly prominent, several international news outlets have reported about the resumed hunts in Iceland and Taiji. *The Guardian*, *France24*, *BBC*, *Etelä-Suomen Sanomat*, *MTVUutiset*, *Aftenposten*, *Der Spiegel* report that despite a whaling ban that lasted for approximately two months in the summer of 2023, whaling has now resumed ‘under strict rules’ with regulations in place that improve animal welfare standards in whaling (*Aftenposten*, 2023; *Der Spiegel*, 2023a; *Etelä-Suomen Sanomat*, 2023; *France24*, 2023; Kirby, 2023; McVeigh, 2023; *MTVUutiset*, 2023). In all articles, Iceland’s Minister of Food and Agriculture, Svandís Svavarsdóttir, is cited who does not see a reason to further suspend whaling given that the licences were issued before she started her tenure and that whaling practices are now following stricter animal welfare rules.

When Svarvarsdóttir issued the suspension of whaling in June 2022, several news outlets

not seem to be publicly available, and despite the fact that the result means that 49% of Icelanders are still in favour of (or at least indifferent to) whaling, the news outlets under scrutiny here value the results as proof that also within Iceland whaling does no longer find support. Indeed, one of the most prominent Icelandic celebrities, the singer Björk, has also started to campaign against Icelandic whaling on Facebook, furthermore leading a protest against whaling in Reykjavík in June 2023.

Whether or not public and/or political pressure on Icelandic whaling will increase in the future remains to be seen. While celebrities such as Björk or actor Leonardo DiCaprio (*Der Spiegel*, 2023a) act as conduits for an anti-whaling voice, *BBC* notes, quoting Katrin Oddsdóttir of the Icelandic Nature Conservation Association, that “there was a genuine risk of a Hollywood boycott of Iceland now that the practice was being allowed to resume” (Kirby, 2023). A Hollywood boycott is consequently used as a threat towards Iceland’s decision-makers to end whaling.

A similar mechanism was used in the past, albeit from the highest US government level: in 2014, for instance, Barack Obama issued a Memorandum in which he supported Secretary of the Interior Sally Jewell’s certification of Iceland under the so-called ‘Pelly Amendment’ of the Fisherman’s Protective Act of 1967, which allows the Secretary to certify nationals of a foreign country who are engaging in trade which diminishes the effectiveness of any international program for endangered or threatened species. This certification allows the President to move Congress for any concrete action to ensure the conservation of the species. After Iceland had resumed fin whaling in 2014, such a certification occurred over the diminishing the effectiveness of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) since Iceland started to engage in international trade in whale meat. In the Memorandum, Obama instructed his cabinet and the different ministries to take soft action, thereby putting



Anti-whaling activism on Björk’s Facebook page

pressure on Iceland to overthink its decision (Obama, 2014).

What several of the articles wrongly state is that Iceland, along with Norway and Japan, is the only country in the world in which whaling is still conducted (AlJazeera, 2023; Kirby, 2023; MTVUutiset, 2023; Etelä-Suomen Sanomat, 2023; RFI, 2023). Merely *Der Spiegel* (Der Spiegel, 2023a) and *Aftenposten* (Aftenposten, 2023) correctly note that these country are the only ones in which whaling is still *commercially* conducted. The introduction to this article already shows that ASW is conducted in four regions of the world. Beyond that, however, whaling still occurs in Canada and Indonesia (Bock Clark, 2019).

Taiji whaling

The start of the whaling season in Taiji in 2023 has found significantly less media coverage

than the resumption of whaling in Iceland. *Der Spiegel* notes that “Japan slaughters dolphins again” (“Japan metzelt wieder Delfine”; Der Spiegel, 2023b) while the same narrative can be found in *Teller Report* (2023). In fact, the newspaper reports about the Taiji whale drive every two years on average. This year, Taiji whaling has found almost no media reflection outside of Japan. Merely in early 2023, several news outlets reported about Taiji: *Newsweek* presented a commonly found overview of the hunt (Whyte, 2023) while *The Guardian* reported about a complaint by an Australian animal welfare group, Action for Dolphins, about the level of mercury in dolphin meat and that it be removed from sale (McCurry, 2023). Also non-governmental organisations still working to end the Taiji whale drive have published and distributed articles underlining their opposition to the practice (Matthes, 2023; Rosenberg, 2023). Compared to the media coverage of the



The Taiji whale drive © Nikolas Sellheim, 2018

years before and to the coverage on Icelandic whaling, Taiji is rather little present in current media coverage.

The Japanese *Asahi Shimbun* has published a series of articles on Taiji and the community's whaling tradition. Written by a Japanese journalist, Moeno Kunikata, the articles provide insight into the effects of *The Cove* on the village, the role of whaling and the significance of whale meat, to name a few topics that are covered (Asahi Shimbun, 2023). While it is not possible to gain access to the full articles as they are behind a paywall, the available text already provides some insight into Taiji life on the ground. A series such as this would be extremely valuable in other media contexts.

Research carried out in Taiji by the Dr Nikolas Sellheim in 2017 revealed that the 'most significant change' — a method developed by Rick Davies in 1994 and applied during fieldwork — that occurred in the village were identified as having been the moratorium on commercial whaling and the release of *The Cove*. Both events affected the community significantly: the former because villagers were not able to process and consume meat from 'great whales' anymore. While the consumption was not high, humpback whale meat nevertheless played an important role in the diet of the region. However, the moratorium affected the village also in such a way in so far as Taiji whalers were very experienced. Since the Japanese government initiated the JARPA research whaling programme in 1987, whalers were needed on the vessels in the Southern Ocean. To this end, many Taiji whalers were recruited who then spent several months away from their families. Inevitably, the socio-economic dynamics within the community changed quite fundamentally.

The Cove affected the community by putting it on the world map and by sparking controversy and outrage amongst outsiders. Because of protesters, the community started to shield itself from outside influence and every foreigner is met with suspicion. Also the small police station that can be found next to 'the cove' was built solely to keep foreign protesters under control. The main grocery store in the community is monitored and photos are prohibited. While protest were soaring shortly after *The Cove*, over time these have ebbed down, but appear to see a resurrection. While the Sea Shepherd-run 'Cove Guardians' appear not to exist anymore, the constant resurfacing of the hunt in the media point towards a still existing interest in the whalers and their activities.

What is hardly understood is that Japanese ethics towards animals differ from 'Western' ethics. On the one hand, animals such as whales are killed. On the other hand, they are worshipped as contributing to a community's sustenance (Itoh, 2018). In Taiji, whales play even a different role. Virtually on every corner of the community images or sculptures of whales are found and the lighthouse has a whale-shaped wind rose at its top. The long whaling history is probably best shown in the different shrines that worship whales in the entire Wakayama region as well as by the carved rock that can be found on the beach, done by a mason who was tasked to carve the rock by a whaling captain for unknown reasons.

At the centre of Taiji's whaling history stands the Taiji Whale Museum. While showing the rich history of whaling in the region and providing information about whales themselves, it also holds a sea park and an aquarium. In both small cetaceans such as false killer whales (*Pseudorca crassidens*), common dolphins (*Delphinus delphis*), Risso's dolphin

(*Grampus griseus*) or different species of pilot whales (*Globicephala*) can be found — especially an albino short-finned pilot whale was a special attraction during fieldwork in 2017. The whale trainers of Taiji are all young men and women in their early 20s, engaging in the activity with extremely much enthusiasm. Indeed, also the whale museum and sea park are well frequented. In Sellheim's three visits to Taiji, the visitors' benches were always full. The interviews with the whale trainers, the profession of whom can hardly be understood from a Western perspective, revealed that it is inherent (national) pride that drives them. Since they contribute to the entertainment and thereby to the increased well-being of the Japanese people, they take immense pride in being able to do their job.

The perspective of well-being therefore does not rest on the animals, but rather on the 'greater good' of the Japanese people. A similar, more utilitarian approach can also be found in the different pet (or even petting) stores all over Japan, where visitors are able to pet small dogs that live their lives in cages for this very purpose. Also Japan's overall environmental and conservation policies are driven by utilitarian discourses (Kagawa-Fox, 2012).

The approach towards Taiji's whaling from a purely Western perspective therefore neglects important normative elements of Japanese culture. This underlines the need for a socio-economic presentation of the hunt in non-Japanese media beyond narratives of cruelty and lack of need.

Summary and conclusion

Whaling still constitutes an activity that can be found in several places all over the world. Even though Iceland, Japan and Norway conduct commercial whaling, this cannot be compared to the uncontrolled commercial whaling of the past that decimated the numbers of the great whales dramatically. Instead, in all commercially whaling countries the activity is strictly regulated — at least from an ecological perspective. From an animal welfare perspective, Iceland has tightened its rules after a hiatus of two months that the Minister imposed over welfare concerns. The hiatus and the subsequent resumption of whaling made waves in the international media. On the one hand, the end of Icelandic whaling was hoped for. But then, it was resumed nevertheless. For all media sources under scrutiny here, this was a major step backwards, especially from the perspective of animal welfare organisations.



Whale show at the Taiji Whale Museum © Nikolas Sellheim, 2018

The case of Taiji is somewhat different. While having gained significant media attention in the past, it is now still present, but not to a comparable degree as Iceland's whaling. With the series published in *Asahi Shimbun* on the role of whaling for the community, it becomes ever more important to present these findings to a larger international audience in order for it to find some recognition as a type of hunting for food. Moreover, the socio-cultural aspects and in particular the overall utilitarian approach to animals, which constitutes a significantly different ethical narrative, should not be swept under the rug. For without taking these aspects into account, from the outside, Taiji whaling will never be comprehensible.

References

Media sources

- Aftenposten. (2023). Island gjenopptar kommersiell hvalfangst. *Aftenposten*, 31 August 2023. <https://www.aftenposten.no/norge/i/mBKed4/nyhetsstudio-siste-nytt?pinnedEntry=84364>.
- AlJazeera. (2023). Iceland suspends whale hunting over animal rights concerns. *AlJazeera*, 20 June 2023. <https://www.aljazeera.com/news/2023/6/20/iceland-suspends-whale-hunt-on-animal-rights-concerns>.
- Asahi Shimbun. (2023). クジラのまち、その後 和歌山県太地町から. *Asahi Shimbun*, 11 August 2023. https://www.asahi.com/rensai/list.html?id=1901&iref=pc_rensai_article_breadcrumb_1901.
- Der Spiegel. (2023a). Island will Jagd auf Wale wieder erlauben. *SpiegelOnline*, 31 August 2023. <https://www.spiegel.de/wissenschaft/island-will-jagd-auf-wale-wieder-erlauben-rueckkehr-zum-kommerziellen-fang-a-73a00aa2-0978-4b74-b1e7-09d8c4e2a9c8>.
- Der Spiegel. (2023b). Japan metzelt wieder Delfine. *SpiegelOnline*, 1 September 2023. <https://www.spiegel.de/wissenschaft/japan-toetet-wieder-delfine-jagdsaison-im-walfangort-taiji-eroeffnet-a-c9763480-8031-49b2-8e03-b35f9f1c6e76>.
- Etelä-Suomen Sanomat. (2023). Islanti jäädyttää valaanpyynnin ainakin elokuun loppuun saakka. *Etelä-Suomen Sanomat*, 31 August 2023. <https://www.ess.fi/uutissuomalainen/6018714>.
- Euronews. (2023). Is Iceland banning whaling? Animal rights groups 'thrilled' to see summer season suspended. *Euronews.Green*, 20 June 2023. <https://www.euronews.com/green/2023/06/20/iceland-temporarily-bans-whaling-in-the-name-of-animal-welfare-as-support-for-industry-wan>.
- France24. (2023). Iceland resumes whale hunting under stricter rules to 'improve animal welfare'. *France24*, 31 August 2023. <https://www.france24.com/en/live-news/20230831-iceland-to-resume-whaling-under-stricter-conditions>.
- Kirby, P. (2023). Whale hunting resumes in Iceland under strict rules. *BBCNews*, 31 August 2023. <https://www.bbc.com/news/world-europe-66676269#>.
- Matthes, K. (2023). Why the Taiji dolphin hunt can never be justified. *WDC*, 11 April 2023. <https://uk.whales.org/2023/04/11/why-the-taiji-dolphin-hunt-can-never-be-justified/>.
- McCurry, J. (2023). Japan's 'toxic' dolphin meat contains mercury up to 100 times safe level, test shows. *The Guardian*, 18 April 2023. <https://www.theguardian.com/world/2023/apr/18/>

japans-toxic-dolphin-meat-contains-mercury-up-to-100-times-safe-level-test-shows.

McVeigh, K. (2023). Iceland allows whaling to resume in ‘massive step backwards’. *The Guardian*, 31 August 2023. <https://www.theguardian.com/environment/2023/aug/31/iceland-allows-whaling-to-resume-in-massive-step-backwards>.

MTVUutiset. (2023). Islanti sallii taas valaanpyynnin tilapäisen kiellon jälkeen. *MTV Uutiset*, 31 August 2023. <https://www.mtvuutiset.fi/artikkeli/islanti-sallii-taas-valaanpyynnin-tilapaisen-kiellon-jalkeen/8769322>.

RFI. (2023). Whaling opposition rises in Iceland as govt ban looms. *RFI*, 2 June 2023. <https://www.rfi.fr/en/business-and-tech/20230602-whaling-opposition-rises-in-iceland-as-govt-ban-looms>.

Rosenberg, L. (2023). Large Numbers of Dolphins to Be Killed in Japan’s Annual Taiji Slaughter. *GreenMatters*, 24 January 2023. <https://www.greenmatters.com/climate-action/taiji-slaughter>.

Teller Report. (2023). Hunting season opens in the whaling town of Taiji: Japan slaughters dolphins again. *Teller Report*, 1 September 2023. <https://www.tellerreport.com/tech/2023-09-01-hunting-season-opens-in-the-whaling-town-of-taiji-japan-slaughters-dolphins-again.BJOAgYNJC2.html>.

Whyte, R. (2023). Dolphins Herded With Curtain of Death Before Taiji Slaughter. *Newsweek*, 23 January 2023. <https://www.newsweek.com/dolphins-herded-curtain-death-before-taiji-slaughter-1775830>.

Other sources

Bock Clark, D. (2019). *The last whalers. The life of an endangered tribe in a land left behind*. London: John Murray.

Itoh, M. (2018). The Japanese culture of mourning whales. Whale graves and memorial monuments in Japan. Abingdon: Routledge.

Kagawa-Fox, M. (2012). *The Ethics of Japan's Global Environmental Policy. The conflict between principles and practice*. Abingdon: Routledge.

Obama, B. (2014). Memorandum -- Pelly Certification and Icelandic Whaling, 1 April 2014. <https://obamawhitehouse.archives.gov/the-press-office/2014/04/01/memorandum-pelly-certification-and-icelandic-whaling>.

Psihoyos, L. (2008). *The Cove*. Santa Monica: Lionsgate.

Sellheim, N. (2021). Livelihood, cruelty, extinction? The recent killings of Atlantic white-sided dolphins in the Faroe Islands. *The Polar Connection*, 30 November 2021. <https://polarconnection.org/dolphin-hunting-faroe-islands/>.

ARTICLE

How representative is the Whaling Commission's Scientific Committee?

Introduction

Science is a crucial factor when international conservation bodies make decisions. While it is not the only issue that determines whether a species needs protection, it is nevertheless an extremely important contributor, especially when the precautionary approach is applied. This is to say: if the science is not entirely clear about the status of a species, it is likely that it will be protected by one body or another since the precautionary approach enables states to aim for the prevention of the species becoming endangered.

The International Whaling Commission (IWC) is no exception in this regard. In fact, it is probably one of the most infamous body that applies a stringent precautionary approach even though it is clear that some of the species under its remit are no longer endangered. Despite this, the zero-catch-quota — the so-called ‘moratorium’ — that was put in place in 1982 and entered into force in 1985/86 has never been lifted, which has caused a massive rift in the Commission between states wishing to protect whales for principal reasons and states either being engaged in commercial whaling or at least wanting to maintain the possibility to engage in (commercial) whaling in the future.

One of the most crucial advisors for the IWC is its own Scientific Committee (SC), which is one of three main committees within the

Commission (apart from the Conservation Committee and the Finance and Administration Committee). While the committees don't make decisions on behalf of the Commission, they nevertheless provide important impetus for its work. According to the IWC's Rules of Procedure, the SC “shall provide conservation and management advice where appropriate” (IWC, 2022, M.4(a)).

In this contribution, we pose the question of representativeness of the Scientific Committee by examining the attendance of its annual meetings since 2014 and ask: which countries have contributed the most and which have not contributed much/at all?

Science in the IWC

After the moratorium was adopted in 1992, it was to be reviewed by the Commission 10 years later with the possibility of a lifting. In order to do so, the SC played a crucial role in developing new methodologies to obtain information on the different stocks. This so-called ‘Revised Management Procedure’ (RMP) was unanimously passed in the Scientific Committee and therefore presented to the Commission in 1993. The IWC, however, failed to adopt it then, but merely did so two years later in 1995. An integral part for the RMP to become operative is an enforcement and observer scheme, known as the ‘Revised Management Scheme’ (RMS). Despite the, albeit inert, adoption of the RMP, the Commission has never been able to adopt a comprehensive RMS without which the RMP remains dormant. To this end, up to this point the moratorium remains in place.

Since the Commission has acted in contravention to what the SC advised (it did advise to adopt both the RMP and the RMS

since for some species strictly commercial whaling is possible from a scientific perspective), its former chair Phillip Hammond, announced stepping down from his position in 1993 since he could no longer justify “being the organiser of and the spokesperson for a Committee which is held in such disregard by the body to which it is responsible” (Aron, 2001, p. 117). As this example shows, the politics of whaling have indeed trumped the scientific advice provided by the world’s leading experts on cetaceans (see also Heazle, 2006).

Conservation vs sustainable use

In common IWC parlance, differences are made between so-called ‘anti-whaling states’ and ‘sustainable use’ states. As the first depiction implies, anti-whaling states are those states that have either advocated for or are now vehemently defending the moratorium. Despite scientific data providing evidence that limited commercial whaling is possible from a conservation perspective, the refuse to lift the moratorium for principal reasons. Especially Latin American states (the so-called ‘Buenos Aires Group’), Australia, New Zealand and European (Union member) states belong to this group, along with individual states from Africa.

The ‘sustainable use group’ is led by commercial whaling nations Iceland and Norway. Until its exit from the IWC in 2019, Japan was the most outspoken whaling nation. However, especially developing nations from the Caribbean, Africa, Asia and the Pacific comprise this group, defending principles of food security and sovereignty even though they are not (yet) whaling and don’t necessarily have a whaling history. For some, joining the IWC was closely linked to receiving development aid

from Japan in exchange for supporting Japan’s agenda in the Commission (Miller & Dolšák, 2007). At the same time, a number of states joined the Commission in the late 1970s only for the purposes of pushing through the moratorium (Sellheim, 2020).

A third group that exists in the IWC cannot be linked to either of the two mentioned as they navigate the waters in between. For instance, South Korea does not officially whale, but does not present itself as opposed to commercial whaling. The Russian Federation was one of the few states that lodged an objection against the moratorium and never withdrew it. The country can therefore legally whale commercially, but merely accommodates Aboriginal Subsistence Whaling (ASW) activities in Chukotka. The United States have positioned themselves as strong adversaries of commercial whaling, but strongly support their ASW in Alaska. Similarly, while holding a strong anti-commercial whaling stance as part of the common position of the European Union, Denmark, nevertheless supports whaling in Greenland and the Faroes (despite the Faroe Islands hunting small cetaceans that are not under the remit of the IWC).

The numerical dominance rests with the anti-whaling nations which prevented the moratorium from being lifted as the necessary 3/4 majority to do so has never been reached. In other words, the number of sustainable use countries is significantly lower — with the special trademark that they are coming from developing nations also with significantly smaller delegations. Ultimately, this has created a power imbalance within the Commission since one-person-delegations (e.g. Antigua & Barbuda) have significantly more difficult stance than delegations of 10+ people (e.g. UK). Despite the ‘one state, one vote’ doctrine that is common in international decision-

making, the Global South's position within the IWC is notably weaker, also leading to many IWC members not attending the meetings at all. For example at IWC68 in 2022, of the 88 member states 57 were present.

The situation in the Scientific Committee

An even more drastic situation can be found in the Scientific Committee. According to the Rules of Procedure of the SC, it “shall be composed of scientists nominated by the Commissioner of each Contracting Government which indicates that it wishes to be represented on that Committee” (IWC, 2022, p. 36). While that in principle opens the door for all Commission members, realities are more complex as many developing states do not necessarily have the means to conduct as complex a science programme on cetaceans as, say, in the United States, or they do not have the means to allow scientist to attend the meetings of the Committee, which oftentimes meets in Bled, Slovenia — very far away for countries from the Caribbean, Africa or the Pacific.

This situation has led to a rather interesting development at the SC. By taking into account the last 10 meetings of the SC since 2014 and the available meeting documentation through the IWC's archive (<https://archive.iwc.int/pages/home.php>), it becomes clear that of the close to 90 IWC member states, not even 1/3 is regularly present at the meetings of the Scientific Committee (see Fig. 1). The Committee therefore shines with absence. Contrary to the meetings of the Commission, which are guided by a rather complex set of Rules of Procedure that aim to ensure that the decisions are formally correct and representative (even though the issue of the

quorum will be the first agenda item at IWC69 in 2024), the Rules of Procedure of the SC do not have such rules. In other words, it is not clear by the rules how the SC can reach its decisions. In fact, the Rules of Procedure are very thin on the SC's meetings indeed and comprise merely three paragraphs (IWC, 2022, p. 38):

1. Meetings of the Scientific Committee considered in these rules include all meetings of sub-groups of the Committee, e.g. sub-committees, working groups, workshops, etc.
2. The Scientific Committee shall meet prior to the Biennial Meeting of the Commission or in years when the Commission does not meet, the Scientific Committee shall meet prior to the meeting of the Bureau. Special meetings of the Scientific Committee or its sub-groups may be held as agreed by the Commission or the Chair of the Commission.
3. The Scientific Committee will organise its work in accordance with a schedule determined by the Chair with the advice of a group comprising sub-committee/ working group chairs and relevant members of the Secretariat.

In other words, the Rules of Procedure do not provide any guidance as to how to ensure representativeness and an even approach to cetacean science, which has for decades been subject to controversy (Burnett, 2012). What this leads to — as a consequence — is a rather limited view on cetacean science as approximately 2/3 of the Commission members are not present and therefore do not wish or are not able to contribute to the advice provided by the Committee. Not surprisingly, some of the most active participants in the SC's meetings stem from the Global North. In fact,

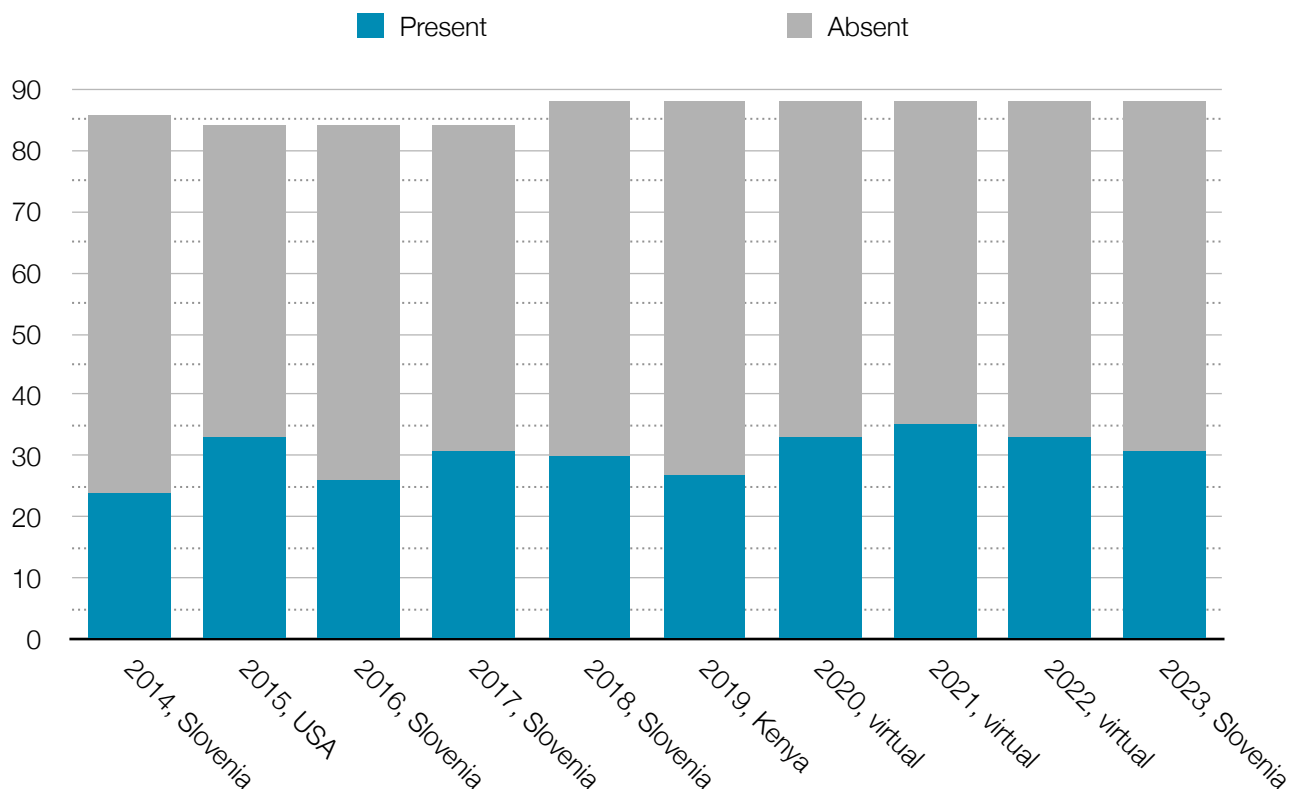


Fig. 1: Presence and absence of the last 10 meetings of the IWC Scientific Committee

most of the participants in the SC meetings are developed countries, many, if not most of which belong to the anti-whaling bloc of the Commission.

Also the IWC is aware of different capacities to be able to afford attending meetings. To this end, IWC members are divided into four groups with Group 1 having the lowest gross national income and Group 4 having the highest (see table below).

According to the IWC's Financial Regulations, member states in arrears do still maintain the right to attend the Commission meetings, but they have forfeited their right to vote. In addition, for those states that have not paid their contributions plus interest for three financial years, they are required to pay a fee on the same level as non-governmental observers for each delegate if they wish to attend a Commission meeting (IWC, 2022, p. 14). As of 1 January 2023, the fee for each non-governmental observer is £947.00 (IWC,

Undated). As of 31 August 2023, of Group 1, Belize, Congo, Dominica, Eritrea, Gabon, The Gambia, Liberia, Sao Tome & Principe, Solomon Islands, St Vincent & the Grenadines, and Tuvalu are subject to this rule while of Group 2, Cameroon, Côte d'Ivoire and Tanzania are in the same situation (IWC, 2023). What this means is that these states will have severe difficulties attending the next Commission meeting in Peru in 2024 and even more so the meeting(s) of the Scientific Committee.

Indeed, what becomes clear from Figure 2 is that Group 1 countries have been severely underrepresented at the previous 10 SC meetings. Also Group 2 countries do not surface overly prominently. Instead, the meetings are dominated by Group 3 and 4 countries.

Group 1	Group 2	Group 3	Group 4
Antigua & Barbuda	Argentina	Australia	France
Belize	Benin	Austria	Germany
Congo, Rep	Brazil	Belgium	Italy
Dominica	Bulgaria	Croatia	Korea, Rep of
Eritrea	Cambodia	Cyprus	UK
Gabon	Cameroon	Czech Republic	USA
Gambia	Chile	Denmark	
Grenada	China, PR of	Estonia	
Guinea	Colombia	Finland	
Guinea-Bissau	Costa Rica	Hungary	
Kiribati	Cote D'Ivoire	Iceland	
Liberia	Dominican Republic	Ireland	
Marshall Islands	Ecuador	Israel	
Mauritania	Ghana	Lithuania	
Mongolia	India	Luxembourg	
Nicaragua	Kenya	Netherlands	
Palau	Lao PDR	New Zealand	
Sao Tome & Principe	Mali	Norway	
Solomon Islands	Mexico	Poland	
St Vincent & The Grenadines	Monaco	Portugal	
St Lucia	Morocco	Slovak Republic	
Suriname	Nauru	Slovenia	
Togo	Oman	Spain	
Tuvalu	Panama	Sweden	
	Peru	Switzerland	
	Romania		
	Russian Federation		
	San Marino		
	Senegal		
	South Africa		
	St Kitts & Nevis		
	Tanzania		
	Uruguay		

In detail, there has been consistent participation of of anti-whaling states Argentina, Austria, Belgium, Brazil, France, Italy, Luxembourg, Netherlands, Spain and the UK, dominated. An equally consistent participation can be observed from whaling nation Norway and ASW states Denmark, Russian Federation and the United States, the latter of which always sends the largest delegation aside from Japan before it left the IWC in 2019.

These states are closely followed by the developed anti-whaling nations Australia, Germany and New Zealand and whaling nation Iceland (Groups 4 and 3). Guinea's position as a developing country is supportive of the sustainable use principle. Costa Rica and St Lucia attended the last 10 meetings eight times. Costa Rica belongs to the Buenos Aires Group and has positioned itself as vocally anti-whaling. St Lucia, on the other hand is the only nation from Group 1 countries having attended the SC meetings rather regularly. Colombia is outspokenly anti-whaling and has visited the SC meetings seven times. Ecuador, Mexico and Panama — all Group 2 countries — hold similarly stringent anti-whaling positions and have, along with pro-whaling advocate Japan before it left the IWC in 2019 (which used to be a Group 4 country when it was a member), attended the last 10 meetings six times.

Portugal, a Group 3, anti-whaling state attended the meetings five times. Benin and Côte d'Ivoire, both Group 2 countries have not positioned themselves clearly, but tilt towards support for anti-whaling positions, have attended four times while strict anti-whaling nations Croatia and Slovenia (Group 3) and Peru (Group 2) amount to the same number.

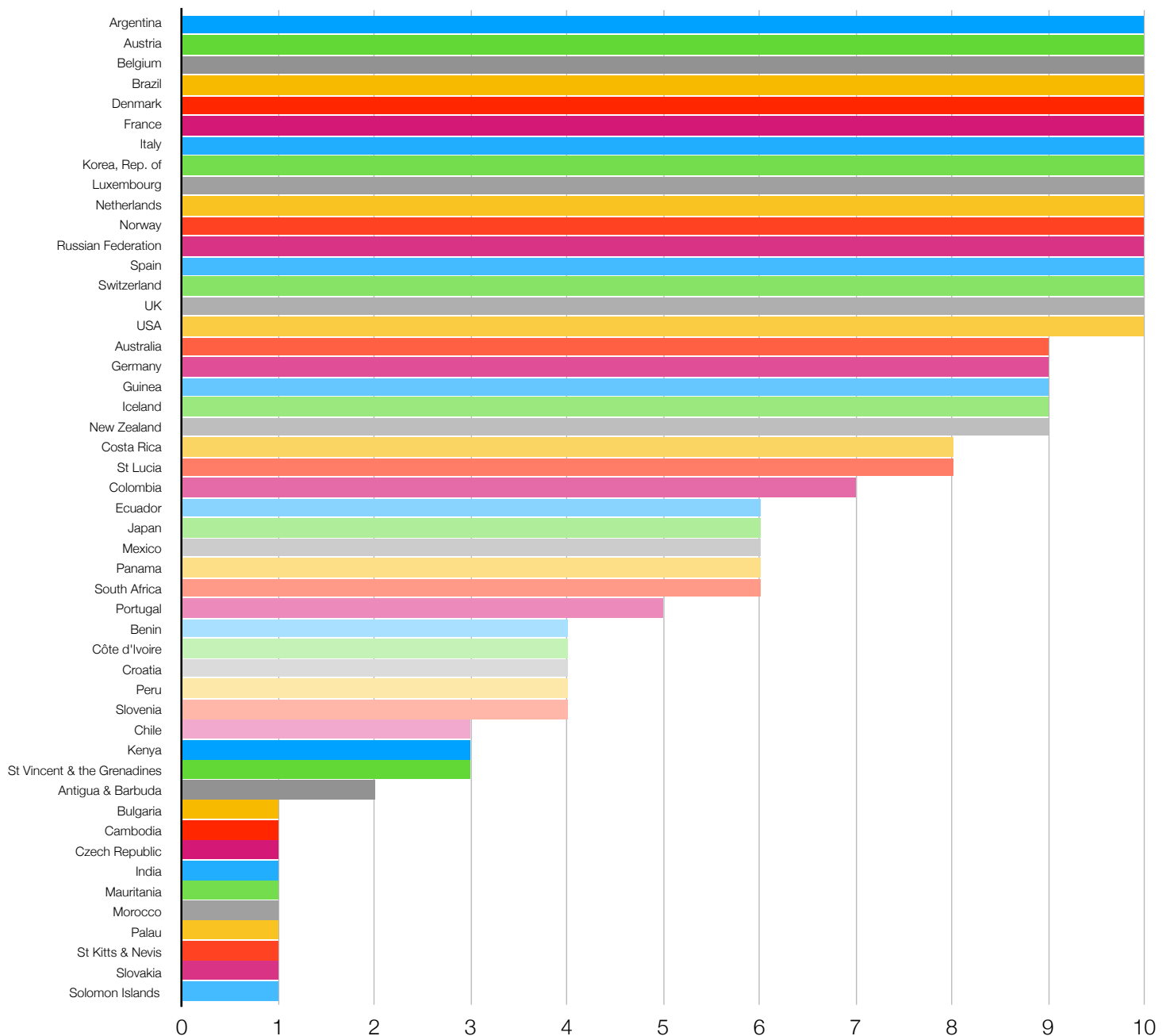


Fig. 2: Participation in the last 10 meetings of the Scientific Committee

The meetings were attended three times by two Group 2 anti-whaling countries, Chile and Kenya, and one sustainable use advocate from Group 1, St Vincent & the Grenadines. Antigua & Barbuda (Group 1), a vocal advocate of food security and a lifting of the moratorium on commercial whaling attended the meetings two times. The meetings were attended by a mix of countries from Groups 1—3 with differing positions on whaling one time since 2014.

All in all, over the last ten meetings of the Scientific Committee since 2014, 48 IWC members have attended at least once, even though three of the meetings took place virtually. Of these 48 countries, the Group allocation having attended the last ten meetings is as follows:

	Group total	Attending countries	Percentage of group total	Average meeting attendance
Group 1	24	7	29,2 %	3,6
Group 2	33	18	54,6 %	5,1
Group 3	25	17	68 %	7,3
Group 4	6	6	100 %	9,8

What becomes obvious is that the percentage of the group's total and the average meeting attendance appear to correlate: speaking in approximates, of Group 1, 1/3 of the group attended 1/3 of the meetings. For Group 2, 1/2 of the group attended 1/2 of the meeting. For Group 3, about 2/3 of the group attended about 2/3 of the meetings while 100% of Group 4 attended about 100% of the meetings. One can therefore infer from these calculations that the higher the group a country is in, the higher is the number of countries from that group participating in and equally higher number of SC meetings.

Conclusion

The above has shown that the meetings of the SC are not equally attended by IWC member states from all financial groups. Instead, countries from Group 4 and 3 dominate the meetings simply by being able to virtually attend them all. Group 2 and Group 1 countries share the lower half of attendance whereas the financially most poor in Group 1 have merely been able to attend about 1/3 of the meetings since 2014. This naturally causes an massive imbalance in the way the Scientific Committee reaches decisions and provides advice.

One might argue that the science itself is free from political influence. While that may be so — indeed, numbers themselves are neutral —, those interpreting and applying the numbers

are not. It is therefore not surprising that the overall gist of the advice provided by the Scientific Committee does nowadays not point towards a lifting of the moratorium. Instead, the Committee closely cooperates with the Conservation Committee, which, as the name implies, is first and foremost concerned with the conservation (i.e. preservation) of whales rather than their potential utilisation, representing the interests of Group 1 countries.

Whether the Scientific Committee will ever find a way to remedy this situation remains subject to speculation. The status quo, however, does not allow to conclude that the advice of the Committee is balanced and takes different views into account. Especially the views of developing countries are missing, which makes it difficult to envision how the available research funds are used in the interest of all IWC member states.

References

- Aron, W. (2001). Science and the IWC. In: Friedheim, R.L. (ed.) *Toward a sustainable whaling regime* (105—122). Seattle: University of Washington Press.
- Burnett, D.G. (2012). *The sounding of the whale. Science and cetaceans in the twentieth century*. Chicago: University of Chicago Press.
- Heazle, M. (2006). *Scientific uncertainty and the politics of whaling*. Seattle: University of Washington Press.
- IWC. (2022). Rules of Procedure and Financial Regulations. Cambridge: IWC Secretariat.
- IWC. (2023). Status of contributions to the International Whaling Commission, 31 August 2023. <https://archive.iwc.int/pages/download.php?>

direct=1&noattach=true&ref=20104&text=pdf&k=.

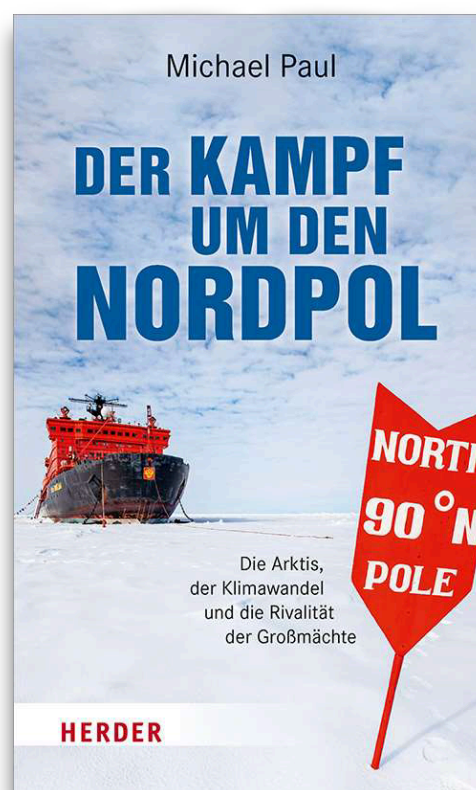
IWC. (Undated). Details for non-member Governments and Intergovernmental Organisations. https://iwc.int/events-and-workshops/observers/observers_igo.

Miller, A.R. & N. Dolšák. (2007). Issue linkages in international environmental policy: the International Whaling Commission and Japanese development aid. *Global Environmental Politics* 7(1), 69—96.

Sellheim, N. (2020). *International marine mammal law*. Cham: Springer.

BOOK REVIEW

Michael Paul's 'Der Kampf um den Nordpol' ['The battle for the North Pole']



For many years, the Arctic has been the space of much speculation, glorified assumptions, and testimony to a changing climate. Especially the latter point leads again and again to the fact that the 'Arctic', that so far ice-covered ocean, has moved into the focus of media attention. Unfortunately, it is often forgotten that the 'Arctic' as such does not exist, since

there is no clear definition of this area. Rather, there are land and water areas north of the Arctic Circle (66°33'55") or areas north of the 10°C July isothermal boundary, i.e., those areas whose mean temperature in July does not exceed 10°C. Despite all this, it is the 'Arctic', where extensive gas and oil deposits are believed to exist, for which the Arctic littoral states of Russia, Norway, Greenland (Denmark), Canada and the United States compete - a narrative that has manifested itself vehemently in media coverage. It is also easy to forget that since the end of the Cold War, there has been a forum through the Arctic Council in which cooperation between the 'Arctic Eight' (in addition to the littoral states of Sweden, Finland and Iceland) has been strengthened since 1996. There are also numerous examples of interstate and regional cooperation that contradict the narrative.

Judging by the very lurid title, *The Battle for the North Pole* serves precisely the narrative of conflict and confrontation, although the book was written by none other than Michael Paul, a senior fellow of the Security Policy Working Group of the Stiftung Wissenschaft und Politik (Berlin). Thus, readers can quickly come to the conclusion that it is a book that contributes to the media hype, to the media mood-mongering (especially through documentaries and freely accessible newspaper articles). Also the subtitle *The Arctic, Climate Change and the Rivalry of the Great Powers* does not exactly contribute to a discourse on the 'friendly', cooperative Arctic. Therefore, I must admit, I approached this book rather skeptically, fearing a rather polarising work that would not necessarily contribute to an understanding of complex Arctic governance. Unfortunately, there are a great many of these.

Fortunately, it's not just the title of a book that counts, but essentially its content. And here it

becomes clear how wrong I was with my title-based assumption and what expertise Michael Paul displays. Of course, one can criticize that the main actors in his book are nation states, thus the whole narrative is determined by geopolitics. But this is Paul's starting point and he confirms this recurrently in his work. Inevitably, this leads to little or no consideration of non-state cooperation, which is a significant part of overall market cooperation. For example, the Barents Euro-Arctic Council (BEAC) is mentioned, but the Barents Euro-Arctic Region (BEAR) is not. And it is the BEAR in particular that has facilitated close cooperation on cultural, environmental or visa issues between Russia, Norway, Finland, Sweden and the EU since the early 1990s, even before the establishment of the Arctic Council. Thus, further literature is needed here to clearly show that beyond nation-states, other actors are active in the Arctic to strengthen its capacity for cooperation (see Sellheim & Menezes, 2022). Although this is not Paul's approach, it would have been beneficial to highlight this more specifically and clearly emphasize that there are other forms of cooperation in the Arctic.

The book is essentially divided into three parts. The first part deals with 'The Arctic' as a geographical and political area. It describes clearly and concisely how climate change affects the Arctic, which resources can be found, which territorial claims can be justified and how, and which sea routes are controlled and promoted by which state. Here it becomes clear that many states have many different interests in the far north. But also that, e.g. through the United Nations Convention on the Law of the Sea (UNCLOS), a legal framework exists that does not identify the 'Arctic', i.e. the Arctic Ocean, as a lawless space at all. Paul thus illustrates that despite different and

overlapping maritime claims, the 'rule of law' prevails. Unfortunately, in my opinion, the author does not emphasise this clearly enough, or it could have been emphasized more clearly that ultimately all states with territorial claims in the Arctic follow the requirements of UNCLOS — so far, anyway.

Russia's war of aggression on Ukraine and its impact on Arctic governance are briefly mentioned in the introduction, but are not echoed in the remainder of the manuscript. This is not surprising, however, as it can be assumed that the manuscript was submitted before 24.2.2022. Although, as Paul points out many times, the annexation of Crimea in 2014 by Western sanctions had an impact on cooperation with Russia and the NATO-Russia Council also ceased its work, at the time cooperation in the Arctic was less affected than elsewhere (Rahbek-Clemmensen, 2017). With the Russian war of aggression, this state of affairs has fundamentally changed and intra-Arctic cooperation in the Arctic Council or the Barents Euro-Arctic Council has been frozen for the time being (Koivurova & Shibata, 2023).

The geopolitical roles of different states, as already mentioned, form the main focus of the book. Of course, Russia's position is treated in a catchy way. For example, what is the function of the often glorified Northern Sea Route (NSR): not that of an international trade route, but rather a function to benefit the Russian economy. Due to the extremely complicated administration and the very high costs associated with a passage, Paul repeatedly emphasizes that the NSR cannot be an alternative to the Suez Canal or the Strait of Malacca. Search and Rescue (SAR) infrastructure, which has not been developed to date, volatile weather, and the accompanying

volatile ice conditions are further contributing factors.

The second part of the book, *Actors and Ambitions*, is particularly revealing - and in principle the 'core' of the book. Here, not only the history of the Arctic Council is examined, but also, as the title already reveals, it is explored why many states are not only members of the Arctic Council, but also observers. The role of China, which is apparently not an Arctic state but considers itself a 'near-Arctic state', is discussed in particular. Here Paul's expertise becomes apparent, as he presents a decided background on China's geopolitical developments and ambitions. The geopolitical knowledge about this important actor, *vis-à-vis* Russia and the USA, is drastically expanded and enables the reader to better situate further developments.

Although Paul discusses the role of indigenous peoples in the Arctic Council (they are so-called 'Permanent Participants'), this account is unfortunately relatively sparse and could have been significantly expanded. In addition to the entirely accurate portrayal of historical injustices with traumatic implications for the present, Paul, in my opinion, fails to portray that indigenous peoples in the Arctic are not only participants but also co-creators. They too have political agency and continually challenge existing state norms to advance their own interests (Medby, 2022).

In part, this becomes clear in the 'Excursus: Greenland's Project Independence', but here, too, the geopolitical perspective is decisive. That is, Greenland's ambitions to be an independent state are placed only in the arena of Arctic-relevant nation-states, which undercuts the fact that there are a wide variety of political approaches to its own identity within Greenland (see, e.g., Sowa, 2014).

Although, of course, an in-depth analysis does not fit the scope of the book, I would have liked to see the geopolitical perspective enriched by other elements, especially since Greenlandic independence is an extremely complex and controversial issue (Sejersen, 2015).

Particularly insightful are the descriptions of the interests of the observer states of the Arctic Council. Why, for example, does Singapore have an interest in the Arctic even though it has never conducted polar research? The decisive factor here is, of course, shipping and maritime transport, which is significantly influenced by Singapore's expertise and from which Singapore itself can also draw. Or Japan's interest, which has been shaped by a diverse interactive history with the polar regions, and is now becoming increasingly important in the wake of new geopolitical developments. Paul also addresses the European Union as an Arctic stakeholder, even giving it the title of 'special case EU' in a subsection. Paul highlights that although the EU is not a formal observer of the Arctic Council, it is nevertheless a de facto one due to the fact that three Arctic Council states are EU members and two belong to the European Economic Area. Although Paul addresses various security aspects of the EU as an Arctic actor, I was very surprised to find that the question of the EU as a legitimate Arctic actor has not been raised, or that the EU's request twice to be included as an observer in the Arctic Council has been rejected. As a justification, an EU regulation banning trade in seal products can be cited here, which harms Inuit and non-Inuit seal hunters alike. Based on this regulation, the EU has been denied its Arctic legitimacy - an issue that has made high waves (see Sellheim, 2018; Wegge, 2013).

The third part of the book offers prospects: A New Cold War? This very short part underlines once again that conflicts in the Arctic are not

unrealistic, but rather unlikely, because "in simple realpolitik terms, the adverse conditions of the Arctic require it" (p. 200). Moreover, Arctic states cooperate in a wide variety of forums, including in the area of 'hard security'. Unfortunately, the author again fails to highlight the opportunities that arise in other forums.

Despite these criticisms, I do not want to diminish the value of this book in any way. Of course, there is a lot of information in the book that Arctic-experienced readers already know by heart. But it also contains a great deal of information that makes it extremely valuable to have read this book. Alongside more academic textbooks on the Arctic and its governance (e.g., Stephen et al., 2018; Weber, 2021), *The Battle for the North Pole* is a complementary work that makes a welcome contribution to the literature through its clear language and deftly embedded diverse narratives. Every reader will certainly learn something new from this book, but newcomers to the topic of Arctic governance in particular will clearly draw from *The Battle for the North Pole*.

References

- Koivurova, T. & A. Shibata. (2023). After Russia's invasion of Ukraine in 2022: Can we still cooperate with Russia in the Arctic? *Polar Record* 59, E12. doi:10.1017/S0032247423000049
- Medby, I.A. (2022). A 'peopled' account of political agency in the Arctic: Professional practice and people-to-people participation. *The Geographical Journal* 189(3). <https://doi.org/10.1111/geoj.12486>.
- Rahbek-Clemmensen, J. (2017). The Ukraine crisis moves north. Is Arctic conflict spill-over

driven by material interests? *Polar Record* 53(1), 1—15.

Sejersen, F. (2015). *Rethinking Greenland and the Arctic in the Era of Climate Change: New Northern Horizons*. Abingdon: Routledge.

Sellheim, N. (2018). *The seal hunt. Cultures, economies and legal regimes*. Leiden: Brill Nijhoff.

Sellheim, N. & D.R. Menezes (Eds.) (2022). *Non-state actors in the Arctic Region*. Cham: Springer.

Sowa, F. (2014). *Indigene Völker in der Weltgemeinschaft. Die kulturelle Identität der grönländischen Inuit im Spannungsfeld von Natur und Kultur*. Bielefeld: transcript.

Stephen, K., S. Knecht & G. Bartsch (Eds.) (2018). *Internationale Politik und Governance in der Arktis: Eine Einführung*. Cham: Springer.

Weber, J. (Ed.) (2021). *Konflikttraum Arktis. Die Großmächte und der Hohe Norden*. Berlin: Miles-Verlag.

Wegge, N. (2013). Politics between science, law and sentiments: explaining the European Union's ban on trade in seal products. *Environmental Politics* 22(2), S. 255—273.

Bibliographical information on the reviewed version:

Paul, Michael. (2022). *Der Kampf um den Nordpol. Die Arktis, der Klimawandel und die Rivalität der Großmächte*. Freiburg: Herder, 287 pp, illustrated, softcover. ISBN: 978-3-451-39052-4. 18.00€.

NEWS

Sellheim Environmental selected to conduct indigenous rights survey for IWC

Following a tender offer, Dr Nikolas Sellheim (*Sellheim Environmental*) was selected to conduct a survey on human and indigenous rights to improve the Aboriginal Subsistence Whaling (ASW) regime for the International Whaling Commission (IWC).

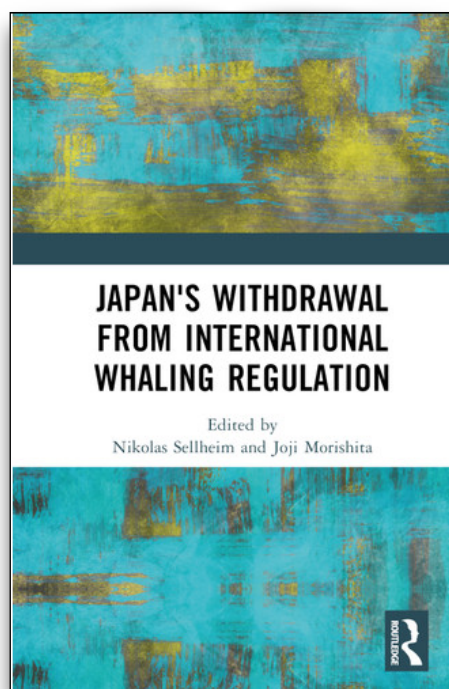
Along with attorney-at-law Jessica Lefevre, who closely collaborated with the Alaska Eskimo Whaling Commission (AEWC) in the past, the survey will include desk research on relevant human and indigenous rights instruments, and principles, as well as contain field research in ASW regions in order to obtain from-the-ground perspectives on the way human and indigenous rights are impacted by IWC regulations.

For the time being, funding has been secured to conduct field research in Bequia (St Vincent & the Grenadines), provided by *Opes Oceani Foundation*. The fieldwork will be carried out in late November 2023.

The draft report will be presented to the IWC in March 2024 with the final report being due in June. The overall findings of the report will be presented to the Commission at its meeting in Peru in the fall of 2024 (IWC69).

The official announcement for the project can be found [here](#).

Book Announcement: Sellheim/Morishita 'Japan's withdrawal from international whaling regulation'



Dr Nikolas Sellheim, along with former chair of the International Whaling Commission (IWC), prof Joji Morishita, will publish a book entitled *Japan's withdrawal from international whaling regulation* via Routledge in December 2023. The book is the first of its kind to look at the IWC after Japan has pulled out of the organisation at the end of June 2019.

Apart from Morishita's and Sellheim's own contributions, the book contains articles from leading scholars in the field, such as Malgosia Fitzmaurice (Queen Mary University, London, UK), Cameron S.G. Jefferies (University of Alberta, Edmonton, Canada), Steinar Andresen (Fridtjof Nansen Institute, Oslo, Norway) or Ed Couzens (University of Sydney, Sydney, Australia). Moreover, two

commentaries by long-term NGO experts of IWC matters are included to provide a personal view on the development of the IWC and Japan's withdrawal.

Synopsis

This book examines the impact and implications of Japan's withdrawal from the International Convention for the Regulation of Whaling (ICRW), which came into effect in July 2019. In 1982 the International Whaling Commission (IWC) adopted a moratorium on commercial whaling which has been in effect ever since, despite the resistance of some countries, first and foremost Japan, Norway and Iceland, that engage in commercial whaling. As one of the key contributors to scientific research and funding, Japan's withdrawal has the potential to have wide-ranging implications and this volume examines the impact of Japan's withdrawal on the IWC itself, on the governance of whaling, and on indigenous and coastal whaling. It provides backgrounds and commentaries on this decision as well as normative and legal discussions on matters relating to sustainable use of resources, and philosophies surrounding whaling in different IWC countries. The consideration of other international environmental regimes, such as the Convention on International Trade in Endangered Species (CITES) are also examined in order to determine the international ripple effect of Japan's decision. The book reveals that this is not just a matter of whaling but one which has significant legal, managerial and cultural implications. Drawing on deep analyses of IWC structures, the book addresses core philosophies underlying the whaling debate and in how far these may influence environmental governance in the future. This

book will be of great interest to students and scholars of environmental law and governance, biodiversity conservation and sustainable development, as well as policymakers involved in international environmental and conservation agreements.

The book can be obtained from Routledge [here](#).

Table of Contents:

1. Introduction

Nikolas Sellheim

Joji Morishita

2. A memoir – Japan’s Road to Withdrawal from the International Whaling Commission (IWC)

Joji Morishita

Part I — Institutional implications

3. Exit Japan, exit IWC?

Steinar Andresen

David Aarvik Nese

4. As one door closes, does another open? Assessing the future of the protectionist agenda at the International Whaling Commission post-Japan’s withdrawal

Cameron Jefferies

Heather Stock

5. ‘Opening up a procedure’: Might the re-adherence of Iceland to the International Convention for the Regulation of Whaling in 2002 provide an example for Japan to follow?

Ed Couzens

6. Spill-over? CITES after Japan’s withdrawal from the Whaling Convention — a focus on Namibia and the SADC countries

Nikolas Sellheim

Part II — Cultural considerations

7. Indigenous Whaling post-Japanese IWC Withdrawal

Malgosia Fitzmaurice

Agnes Rydberg

8. Lessons from the 1982 Canadian IWC Withdrawal and Restoration of Inuit Bowhead Hunting for Japan’s 2019 IWC Withdrawal and Restoration of Coastal Whaling

Barry Scott Zellen

9. Whales as ‘sacred’ and ‘profane’ in IWC member state cultures

Nikolas Sellheim

Part III — Perspectives

10. The Commercial Impacts of Japan’s Withdrawal from the ICRW — A Commentary

Gavin Carter

11. Whales on the Rise, the IWC Demise, and Global Environmental Diplomacy: An Epilogue to the Whaling Wars — A Commentary

José Truda Palazzo, Jr.

Welcoming Dr Natalia Loukacheva to Sellheim Environmental

Given the mounting work, *Sellheim Environmental* is happy to introduce our first Fellow, Dr Natalia Loukacheva. Natalia is a Senior Research Scientist at the ARCTICentre, University of Northern Iowa (USA). Prior to that she was an Associate Prof. and Canada Research Chair in 'Aboriginal Governance and Law' at the University of Northern British Columbia, a Researcher at the Munk School of Global Affairs, University of Toronto, the first Nansen Prof. of Arctic Studies in Iceland, an Adjunct Professor at Osgoode Hall Law School (Canada), a fellow with the Canadian Global Affairs Institute, and an Associate with the Stefansson Arctic Institute. She was the founding Director of the Graduate Polar Law Program and taught Polar law at the University of Akureyri, Iceland. She authored *The Arctic Promise: Legal and Political Autonomy of Greenland and Nunavut*, and edited and led the first ever *Polar Law Textbook* and many other publications. We are happy to have Natalia on board!



IN THE MEDIA

António Guterres presents UN states with "rescue plan" for sustainability

— *Die Zeit*, 18 September 2023 ([here](#))

In 2015, the UN resolved to eradicate hunger and extreme poverty in the world by 2030. As things stand, hardly any of the 17 goals will be achieved, the UN Secretary-General warns.

UN Secretary-General António Guterres has warned the 193 member states that they will miss most of the 17 sustainable development goals they have set themselves. The Portuguese presented a "rescue plan" to the members ahead of the UN sustainability summit in New York, which begins on Monday.

According to the plan, member states should commit to accelerating the implementation of the goals and take concrete measures. These include national strategies to reduce poverty and inequality and a reform of the international financial architecture.

The Sustainable Development Goals (SDGs), agreed by nations in 2015, include eradicating hunger and extreme poverty, providing access to clean drinking water, achieving gender equality and limiting the global temperature increase to 1.5 degrees by 2030.

According to a UN midterm review report, member states are on track with only 15 percent of the development goals. According to the report, there has been no change in more

than 30 percent of the goals or there has even been regression since 2015.

Olaf Scholz sees reason to now "care more than ever"

Progress made in the first few years, for example in combating extreme poverty, reducing child mortality and access to electricity, has been partially undone by the Corona pandemic, the Ukraine war and climate-related disasters. If things continue as they are, 575 million people will still be living in extreme poverty and more than 600 million people will go hungry in 2030, according to UN figures.

German Chancellor Olaf Scholz (Social Democrats) acknowledged failures in efforts to achieve sustainable development of the planet. "We see that the progress we wanted for the whole world in the fight against poverty and for better coexistence has slowed down," he said in New York.

Scholz said that "not as many improvements have been achieved" as "we would have liked." "But that's all the more reason for us to make sure that we achieve this necessary progress," he added.

Shooting of wolves — Lemke remains too vague

— *Frankfurter Allgemeine Zeitung*, 4 September 2023 ([here](#))

Federal Environment Minister Steffi Lemke wants to make it easier to shoot wolves. However, it remains unclear exactly what the Green politician has in mind. This would require clarity.

The fact that Federal Environment Minister Steffi Lemke wants to make it possible to shoot problem wolves "faster and less bureaucratically" in the future is part of the U-turn her party is currently making. For years, the Greens had refused to regulate the wolf population through shooting.

Given the annual growth rates of the wolf population, however, it was foreseeable that in a cultural landscape there would ultimately be no other choice. The failure to resolve this fundamental contradiction over many years has cost not only the Greens but also the state some confidence in rural areas. Citizens expected a realistic plan, but often got only phrases.

Shooting only of problem wolves?

Lemke's statements, however, leave open exactly what she has in mind: Is it enough for her to specifically shoot individual problem wolves? This approach has long been considered a failure in states like Lower Saxony. The upcoming talks between the federal government, the states and the EU must therefore focus on a strategy that is sustainable in the longer term.

This includes the announcement: Germany cannot demand species protection from other countries if it fails even in this comparatively manageable task. And yes, the wolf population is regulated by shooting. There may also have to be wolf-free zones, for example near dikes and mountain pastures.

UNESCO warns against further oil and gas production in the Wadden Sea

— *Süddeutsche Zeitung*, 20 September 2023 ([here](#))

The UN cultural organization UNESCO has urged Germany and the Netherlands to refrain from oil and gas extraction as well as salt production in the Wadden Sea, which has been declared a World Heritage Site, and its immediate surroundings. Extraction of raw materials is incompatible with the World Heritage status of the Wadden Sea, UNESCO's World Heritage Commission declared during its current meeting in Riyadh, Saudi Arabia. Trial drilling and further advancement of such projects should be refrained from, it said. When laying new power lines to offshore wind farms, measures must be taken to protect the Wadden Sea, UNESCO urged.

Among the projects criticized is the Ternaard gas project, in which a gas field under the



Wadden Sea is to be drilled from the Dutch mainland. Located in the immediate vicinity of the World Heritage Site off the Ems estuary and the islands of Borkum and Schiermonnikoog is the "GEMS - Gateway to the Ems" gas production project. In addition, the oil and gas company Wintershall Dea has the desire to produce more oil in the Schleswig-Holstein part of the Wadden Sea. In addition, there is a permit in the Netherlands to extract 32 million tons of salt from under the Wadden Sea.

German Environmental Aid (Deutsche Umwelthilfe, DUH), the Dutch environmental organization Waddenvereniging and World Heritage Watch called for an immediate halt to environmentally and climate-damaging projects in the Wadden Sea following UNESCO's critical statement. "A globally unique landscape is falling under the feet of the fossil fuel lobby and the responsible governments are looking on inactively," said DUH federal managing director Sascha Müller-Kraenner. Under the guise of the energy crisis, they want to allow new fossil fuel drilling in the Wadden Sea, but the projects are not necessary for energy security and endanger climate and species protection, he said.

"New mining projects will contribute to the progressive subsidence of the seabed, and the use of fossil fuels will exacerbate ongoing climate change and sea level rise," opined Waddenvereniging spokesman Frank Petersen. "Knowing that this is in clear contradiction to maintaining World Heritage status should be a crystal clear signal to the Dutch government to stop allowing such projects."

MEETING REPORT

Scaling up EU Impact to Combat Wildlife Trafficking

The European Commission, the Spanish Presidency of the Council of the European Union, and the Wildlife Conservation Society (WCS) organised a conference on 'Scaling up EU Impact to Combat Wildlife Trafficking — Renewing commitment through the revised EU Action Plan against Wildlife Trafficking 2022—2027' on Thursday, 21 September 2023 in Brussels as well as online. As per the information provided on the events website:

Wildlife trafficking has become one of the most lucrative criminal activities and constitutes one of the most immediate threats to biodiversity in many parts of the world. Around the globe, wildlife is being bought and sold on an increasingly massive scale as pets, meat, food, medicine, furs, clothing, feathers, skins, trophies, and curios, as well as precious woods and ornamental plants, and derivatives and processed specimens. In addition to harming species in the wild, wildlife trafficking undermines local livelihoods and the rule of law, and further weakens impoverished rural economies. With the emergence and spread of zoonotic diseases, such as COVID-19, the world is also becoming acutely aware of the threat that wildlife poaching, trafficking, and trade can pose to local and global health and

economic security.

The event will present best practices and lessons learned, and discuss challenges and opportunities to scale up impact to tackle wildlife trafficking, in line with the revised EU Action Plan to tackle wildlife trafficking. It will be structured around three specific sessions:

1. Behavioral science to reduce consumption of wildlife products
2. Applying crime science to prevent the trafficking of wildlife
3. Building capacity for law enforcement and criminal justice officers.

The one-day conference provided important insight into the way the *Revised EU Action Plan against Wildlife Trafficking* (European Commission, 2022) can be put into action with representatives from the European Commission, the UN Office on Drugs and Crime, the National Institute of Criminalistics and Criminology of Belgium, the Willem Pompe Institute for Criminal Law and Criminology, Utrecht University, TRAFFIC as well as WCS, to name a few, contributing to the debate.

The first speakers underlined the importance of the EU's action plan and the problems associated with international wildlife trafficking. The representative of PlanTIFIES, the Spanish Action Plan against Illegal Trade and International Wildlife Trafficking, substantiated Spain's position in this regard by noting that the country plans to initiate specific environmental courts that merely deal with crimes against nature. She noted that the reason for this initiative is that environmental crimes are hardly ever litigated and that the

punishments for environmental crimes in Spain are weak.

Toby Park of the UK-based Behavioural Insights Team underlined the importance of changing behaviour with regard to wildlife products: Why are these products aspired? While also in the panel discussion it was oftentimes 'wildlife products' in general that behaviour science should aim to cut to need of, it can be assumed that it is those products that are merely luxury products that are referred to, e.g. live exotic animals that have been trafficked.

While all panelists agreed that the views of behavioural scientists should not be imposed on local populations especially in light of their specific religious and cultural backgrounds, Lude Kinzonzi from the Oxford University-based International Wildlife Conservation Practice, highlighted that in the Republic of the Congo, it is especially bushmeat that can be found in urban areas such as Brazzaville that creates conservation concerns. He noted that due to the demand in the city, rural areas suffer from overhunting in order to satisfy this demand. Hence, it is necessary to conduct surveys and implement behavioural science programmes that aim to shift the demands in urban areas to locally produced meats/foods instead of bushmeat.

The second panel dealt with international wildlife crime from a crime science perspective. It was highlighted that in order to develop new methods, a more systemic approach from criminology is necessary. One striking example in this regard was brought forward by Dr Daan van Uhm from the Willem Pompe Institute for Criminal Law and Criminology at Utrecht University in the Netherlands. He referred to the convergence of crime, exemplifying it by a hypothetical river the shores of which are

dominated by crime syndicates. It is therefore much more likely that even legitimate activities are linked to criminal ones, which are diverse and shaped by opportunity to earn money — thus generating overlapping criminal activities and hubs for different types of trafficking.

Dr. Julie Viollaz from the UN Office on Drugs and Crime underlined two important aspects in the context of a crime lens on wildlife trafficking. First, she noted that in order to fully understand the criminalistic elements, criminologists need *time* to understand the different contexts. This, in her view, is however not provided by funders. Therefore, different modes of funding that allow for more in-depth analyses of the different contexts are necessary. Second, she noted that the conservation movement has by and large focused on incarcerating wildlife traffickers. This, however, misses the mark as it does not target the right people, i.e. high level traffickers. Instead, low level traffickers are captured and put into prison, who then become even more alienated from their community and more prone to move even deeper into the crime world after their release. Community members can be the ‘eyes on the ground’, they are the guardians, who are pushed into a backlash reaction and they are less willing to be guardians if too much of a focus rests on enforcement.

The final panel tackled the question of capacity building. Jonathan Hunter of the WCS’ Wildlife Crime Leadership Initiative noted that it does need some transformation on the enforcement side. For instance, he is aiming to focus training capacities on leaders who have authority. Ben Janse Van Rensburg, Chief of the Enforcement Unit of the CITES Secretariat underlined the need to make capacity building evidence based: you need to know what you want to fix before you can fix it. To this end, in-depth assessments of criminal

conditions are necessary. This contributes to the criminal justice system working like a “well-oiled machine.”

After the session, a short movie was shown. *Disrupting illicit supply chains of wildlife in Niassa, Mozambique* is essentially a movie that briefly depicts how a conservation actor pays money to the Mbamba village for not killing elephants, hyenas or lions and pays less money if an animal is killed. In addition, farmers must respect the agricultural (undefined) “limit” that is provided by the conservation actor. The narrative tells that also the educational system benefits and that it essentially brings food on the plates and “everybody goes home happy”. The documentary film *Killing the shepherd*, filmed in Zambia, by Tom Opre tells a significantly different story. It was reviewed in *The Digest* in Volume 2, issue 1.

In the final segment, Chantal Marijnissen from the DG International Partnerships outlined the steps the European Union is taking. For instance, she highlighted a transnational initiative to disrupt illegal wildlife trade, for example by focusing on the digital world.

With this, the conference ended, showing that there is a well-working collaboration between different disciplines, such as social sciences, criminology and biology, as well as between different agencies. While livelihoods were mentioned on a regular basis and they were also recognised as being crucially important, no immediate focus was put on them. Whether this will ever change remains to be seen.

Reference

European Commission. (2022). Revision of the EU action plan against wildlife trafficking, COM(2022) 581 final.

The Conservation & Livelihoods Digest

ISSN 2940-9624

Sellheim Environmental

Hambühren, Germany

© September 2023

Volume 2, Issue 4 will appear in December 2023.



**SELLHEIM
ENVIRONMENTAL**
CONSULTANCY FOR NATURE AND CULTURE