



## IWC Takes Another Step Towards Oblivion

The 59th annual meeting of the International Whaling Commission (IWC), held in Anchorage, Alaska at the end of May, approved new whale quotas for American, Danish, Russian and Caribbean communities but once again failed to allocate a catch for Japanese fishermen.

Japan's community quota proposal was deliberately engineered to mirror the US's proposal for Alaska natives and was therefore viewed by many delegations as a litmus test for the credibility of the troubled organization. The US bowhead whale proposal was passed by consensus with Japan taking a prominent supportive role on the grounds that the quota would be sustainable and was based on good science.

A proposal to expand Greenland's domestic hunt to include bowhead whales was approved 41-11 with 16 abstentions, and delegates also supported subsistence quotas for Russia and St. Vincent and the Grenadines.



However, in a sign that the IWC is near collapse, around one third of the member countries chose not to participate in votes that they thought were divisive. And despite a plea from IWC Chairman Dr. William Hogarth to moderate language, delegates from the United Kingdom, Australia and New Zealand continued to use strong rhetoric against whaling nations in conference discussions.

But it was the refusal on the final day to support Japan that could ultimately prove decisive for the IWC since it left many delegates and observers in no doubt that the organization will never approve a quota proposal from Japan irrespective of scientific justification or sustainability.

Frustration with the United States' opposition to Japan's proposal was magnified as delegates observed

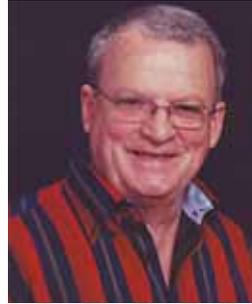
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# The Ups and Downs of International Wildlife Conservation

Editorial by Eugene Lapointe



**M**ay and June were busy for IWMC as we attended both the International Whaling Commission (IWC) annual meeting in Anchorage, Alaska and then, directly afterwards, the two-week CITES Conference of the Parties meeting in the Hague, Netherlands. Both meetings were a mixed bag – they contained some reasons for optimism and some setbacks for wildlife conservation.

The IWC is a peculiar institution. It is supposed to regulate whaling but for the last 25 years it has been dominated by countries opposed to whaling. These rogue nations are in fact first world countries who use the IWC to impose a de facto whaling ban through the supposedly temporary moratorium that came into force in 1985/6. Opposition is not based on concerns about whale numbers since most whale populations are evidently sufficiently abundant to sustain regular harvests. Instead, it is based on a mixture of political opportunism (countries exploiting an issue that will improve their environmental scorecard with some voters) and ethical preferences (animal rights groups collaborate closely with the opportunists).

For several years, we have been warning that the IWC's inability to carry out its work will lead to its disintegration. Because whales will be only truly protected when an international management system is in place, and since the IWC has demonstrated without any doubt that it is incapable of doing the job, we took the step this year of recommending that countries leave the IWC altogether and establish a new body to regulate whaling. Japan moved in this direction when it announced that it was interested in discussing setting up just such an organization. This is great news for whale conservation and I urge you to contact your government officials and legislators and tell them to get involved with the talks with Japan.

Unlike the IWC, CITES is still a functioning wildlife conservation instrument, although the animal rights lobby is doing everything it can to turn it into a wildlife trade prevention body. Two significant events occurred just before the meeting began. First, the Food and Agriculture Organization (FAO) of the United Nations wrote to the CITES Secretariat opposing proposals to list 4 species (the spiny dogfish, porbeagle, Banggai cardinalfish and red/ pink coral) on CITES Appendices. This led to some fundamental discussions about the appropriateness of CITES involvement in fisheries, with IWMC taking a prominent role in arguing that the FAO is the lead body in this area. CITES has neither the authority nor the expertise to manage fisheries. Ultimately, the meeting rejected these listing proposals and also said no to creating a post for a CITES Fisheries Officer. Thank you to all my colleagues for their hard work in achieving this outcome.

The second important precursor was that the CITES Standing Committee finally gave its long-awaited approval for the sale of the 60 tonnes of stockpiled ivory from Botswana, Namibia and South Africa that had been authorized at COP12 in 2002. The delay was caused because the MIKE (Monitoring of Illegal Killing of Elephants) project first had to establish baseline data on elephant poaching and population levels.

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These successes were overshadowed by an agreement reached by African nations at COP 14 to establish a nine-year moratorium on ivory trade. This is a disaster for elephant conservation because it will give poachers and the black market a nine-year ivory trade monopoly and lead to indiscriminate and uncontrolled killings. We now have a situation where animal rights groups, with their "Save the Elephant" fundraising slogan, have the same vested interest in a ban on legal ivory trade as poachers and law enforcement agencies. The resulting carnage is predictable and entirely avoidable. What will it take for the world to understand what is going on here?

The most notable development at both meetings was the growing power of the European Union to dictate many wildlife decisions. Its 27-nation bloc vote at CITES means that it can block any decision so long as it can find around eight or ten other countries to agree with it. Many of us are wondering if this approach is consistent with CITES rules, or at least with the spirit of CITES. From a practical perspective, this bloc vote approach produces political deals rather than objective, science-based outcomes. And it is particularly worrying that the EU gives an ever-increasing level of access, and collaborates closely with, animal rights NGOs, which it openly regards as constituents rather than narrowly-based interest groups.

Surely success at CITES should be measured by the number of species we assist to recover, not the number of species we list. But the success factor for some officials and delegations now clearly has more to do with securing a listing. Why else would a country (Germany) seriously propose listing an animal (the spiny dogfish) so abundant that there are over one billion in existence? And why else would the EU (timber) and US (Banggai cardinalfish) make proposals without first consulting with range states as they are required to under CITES rules?

Our challenge is to ensure that conservation measures adopted around the globe work for animals and for humans. Despite some successes and some important developments at the IWC and CITES, the task continues to get bigger. We hope you will continue your crucial support of our work. ■

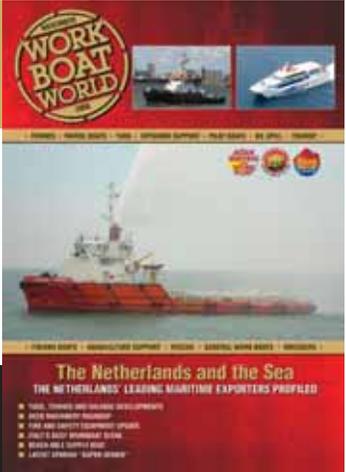
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locally produced whale handicrafts selling for several thousands of dollar in stores just a few feet from the meeting room where American officials were insisting that they could not support coastal whaling by Japan on the grounds that it would be commercial.

With the spectacular baleen and whalebone artifacts selling for prices far higher than whale meat sells in Japan, officials from Tokyo complained that the US position amounted to double standards. The Americans insisted that the meat from Alaskan whaling is used for “subsistence” since it is mostly distributed under a community barter system and therefore does not involve any financial transaction.

IWMC argued in its opening statement that whaling countries and those supporting sustainable use should leave the IWC and set up a new body that will properly regulate whale harvests based on scientific assessments of stocks. In its concluding remarks, Japan made clear that it is moving in this direction when it stated: “We are greatly interested in the idea of holding a preparatory meeting setting up a conservation and management organization for cetaceans which could be replacement for the IWC.”

Delegates left Alaska with low expectations for the one outcome the meeting could agree on: the need to hold a special meeting to consider the future of the IWC. ■



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# CITES Juggles Conservation Concerns and Consequences

Things turned out badly for elephants at the CITES COP14 meeting held in The Hague, Netherlands in June. A compromise agreement by African nations to suspend ivory sales for nine years will most likely result in an increase in elephant poaching. Fisheries did better, with four listing proposals that were opposed by IWMC all failing

## Ivory Trade



Intensive negotiations between African nations led to an agreement for a one-off sale of up to 175 tonnes of stock-piled ivory from Botswana, Namibia, South Africa and Zimbabwe. In return, the southern African countries agreed the sale would be followed by a moratorium that is shorter than the twenty years proposed by Kenya and Mali.

Eugene Lapointe, President of IWMC, said: “This is a complete disaster for elephants. Illegal traders now have at least nine years when they can monopolize the ivory market. This is nothing short of a Poacher’s Charter and it means that elephants will be killed indiscriminately.”

Over the last twenty years, southern African states have successfully followed the path of using ivory sustainably and the conservation results have been impressive. In the last ten years, elephant numbers have doubled and poaching has fallen to extremely low levels.

In contrast, central Africa is strongly influenced by the US-based animal rights group the International Fund for Animal Welfare (IFAW). Rumors circulating at the Hague suggested that IFAW pays for around three-quarters of the Kenyan authorities’ conservation enforcement resources. IFAW and the central African countries advocate a ban on all ivory trade and a reliance on enforcement agencies to prevent poaching.

Taking their lead from IFAW and other non-governmental organizations like the World Wildlife Fund (WWF), central African countries have argued that legal ivory sales from southern Africa create greater demand for ivory in general and thereby encourage more poaching. They say that if the ivory trade was stopped, demand would fall and poaching would be eradicated.

Southern African countries strongly dispute this theory and argue that allowing people to utilize local resources in a managed way is the proven means of encouraging wildlife conservation.

The NGO theory has been further undermined by the initial findings of MIKE (Monitoring the Illegal Killing of Elephants), a special CITES group that has found no correlation between legal ivory sales and increases in poaching. The Elephant Trade Information System (ETIS) report presented at COP14 suggested that the key drivers of illegal trade are unregulated domestic markets, organized crime and poor governance. And CITES also confirmed that poaching is far more prevalent in Kenya and Mali than in southern Africa.

## Ivory Sale

The accumulation of baseline data by MIKE preceded the final approval by the CITES Standing Committee, on the eve of COP 14, for the one-off sale of 60 tonnes of ivory that had been authorized by COP 12 in 2002.

Addressing a side meeting at COP14, Botswana’s Environment, Wildlife and Tourism Minister, Kitso Mokaila, described how 94 community trusts in his country manage revenues from hunting, photo safaris and other wildlife activities under a series of concessions. These trusts cover over 120,000 people (around 10 per cent of the population) and have boosted family life and standards of living in rural areas.

Botswana is currently legislating to ensure that a third of the revenue taken by the trusts remains in the communities while two-thirds will go to other areas to fund conservation projects. In this way, he said, use of his country’s natural resources will benefit the entire country.

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## Law Enforcement

IWMC argued that the new deal will lead to an increase in elephant poaching and damage successful conservation programs in southern Africa. IWMC is concerned that by criminalizing the ivory trade and shifting the burden of elephant conservation away from local communities and on to law enforcement agencies, CITES is inadvertently ck market.

This problem is plainly evident in Kenya. According to Transparency International (TI), the anti-corruption group, there are only 13 countries in the world more corrupt than Kenya. TI has highlighted the fact that bribery costs Kenyans about US\$ 1 billion each year, yet more than half of its population lives on less than US\$ 2 per day. Specifically, the police force ranks worst out of 34 national organizations surveyed by TI's Kenya National Bribery Survey of 2005 and leads in 5 of the 6 bribery indicators (incidence, prevalence, severity, cost and average number; it is second for size of bribes). (See [www.transparency.org](http://www.transparency.org) and [www.tikenya.org](http://www.tikenya.org))

Mr. Lapointe said: "We now have the ridiculous situation where CITES is suspending elephant conservation programs that work and replacing them with something that can't. The idea that law enforcement agencies will stop elephant poaching is simply naïve. CITES is punishing communities that have conserved elephants and is rewarding poachers and illegal traders that kill them indiscriminately."

## Fisheries

In the weeks running up to the Netherlands meeting, a dramatic exchange of letters took place between the Food and Agriculture Organization (FAO) of the United Nations, which is the global body responsible for fisheries, and the CITES Secretariat, over proposals to list seven fish species on CITES Appendices at COP 14.

The two bodies had signed a Memorandum of Understanding (MOU) last year, setting out how they will work together and consult on issues of mutual interest. In line with this agreement, FAO provided its assessment on the fish listing proposals only to see its recommendations, compiled by a panel of leading international fisheries experts, abruptly dismissed without explanation.

In a letter to the CITES Secretary General dated 14 May, Ichiro Namura, Assistant Director-General at the FAO's Fisheries and Aquaculture Department, wrote: [W]e were surprised that for four out of seven proposals the [CITES] Secretariat ignored the Panel recommendations and, instead, recommended their adoption." In such circumstances, he continued, "we would expect substantive evidence and explanation from the CITES Secretariat for its decision to disagree with the FAO Expert Panel evaluations... in none of the four cases... did it provide any scientific challenge to the conclusion of the Panel that the species did not meet the biological criteria for Appendix II, as required [by CITES]."

This disagreement set the tone for the COP 14 fisheries discussions, with all four of the disputed proposals ultimately failing to pass. The Banggai cardinalfish proposal was withdrawn by the United States in Committee after it failed to garner any support. Two shark species proposals, for the spiny dogfish and porbeagle, narrowly failed to secure the required two-thirds majority in committee and were reintroduced by the European Union in the plenary session where their rejection turned out to be more decisive. The red and pink coral proposal, which was narrowly approved in Committee, was defeated in plenary.

IWMC advocated the rejection of the proposals because, in each case, they clearly failed to meet the requirements of a listing. The spiny dogfish, with a global population of over one billion, is abundant in all of its range except the EU, where it has been over-fished. In this case, the European problem does not arise from international trade but from the lack of any local fisheries management plans.

Before it could be considered by Committee, the red and pink coral proposal was amended by a working group to take account of various shortcomings. During the Committee discussion, Assocoral, a trade group representing 5,000 Italian workers, made a strong appeal for the amended proposal to be rejected saying that it was not based on good science and would simply add bureaucratic problems to conservation work that was already in place.

The next COP meeting will be held in Doha, Qatar in 2010 – and animal rights groups are already lobbying for a CITES listing for polar bears.■

## Generosity – Fulfilled or Frustrated?

On May 5, the CITES secretariat announced that Born Free Foundation, a UK based NGO, and Species Survival Network, an international NGO based in the US, would collaborate on a charitable project; delegates from 30 developing nations were to receive free laptop computers from these groups, in time for their enhanced participation at CITES COP 14.

The Born Free Foundation did not specify any qualifying criteria that would be used to evaluate applications for these laptops. Awards were to be made only to applicants from the CITES management authority in each chosen developing country, and applications had to be received by May 15th.

Sure enough, a substantial number of developing nation delegates received the computers, which would be kept by them after COP 14 was concluded. The CITES secretariat announcement noted that the computers would be loaded up with the text of the Convention, official documents of COP 14, as well as “other relevant information”. The computers would all be equipped with wireless access technology, which was available at the convention center in The Hague.

IWMC has noted the following in regard to this matter: Some computer recipients have alleged that the computers contained technology which could track their wireless communications, and that the “other relevant information”

loaded onto their desktops was all from the NGO community, including reasons why certain agenda items should be opposed or supported, and a great deal of cultural preference information supporting those preferred choices.

None of this is surprising, unusual or unexpected. The Born Free Foundation website does not, however, mention this generous gift to developing nations, which is surprising in light of the substantial cost that must have been incurred in providing this advantage to these recipients. Nor does the Born Free Foundation disclose the names of “others we work with”, although there is a hazy group photo of friendly collaborators.

In contrast, the Species Survival Network website announces its part in the gift of laptop computers to 30 developing countries “to ensure full participation” at CITES COP 14. SSN’S IT team “have personalized each machine in the language of the recipient” in an effort to enhance participation. SSN noted that even “some nations with policies directly opposed to our own will receive these machines.” “Born Free and SSN welcome informed, intelligent debate, and with this modest donation of computer equipment, we advance that important dialogue”.

But the question remains, if the objective was purely altruistic, why would the NGOs include any propaganda on the laptops? And if the objective was to advance dialogue, why not include arguments on both sides of the debate? ■

## Australian Fisheries Regulator Turns Overtly Anti-Fisheries

Fishermen in Australia are writhing about the state of their national fisheries regulatory agency after its top official accused them of deliberately losing money and complained that fishermen are unable to meet mandated compliance costs.

Richard McLoughlin, Managing Director of the Australian Fisheries Management Authority (AFMA), stated that his nation's fisheries "is regulated to death and the industry likes it that way", that over-fishing is worse now than when AFMA was first established and that the industry "is going broke at a rate of knots". He was forced to resign when a recording of his presentation was posted on the internet.

With McLoughlin prescribing still further regulation and a new tax, Australia's fishermen voiced concern about the AFMA's direction and management competence. The AFMA, which was established in 1992 and employs 120 staff, has been widely criticized for introducing over-burdening regulations that are systematically strangling what was once a buoyant industry. Australia's seas are relatively lightly fished in comparison to most international fisheries.

McLoughlin, who left his post in April, was speaking at a university meeting and his presentation was removed from the internet after it provoked a furor of protest. He said: "The willingness and ability of this industry to over-capitalise in the face of clear evidence that they are over-capitalising and in fact generating negative profits, is absolutely extraordinary. These guys will go to sea knowing that they will lose money and there are any number of fishermen that I'm aware of that will go to sea to lose money four or five days a week, come back and then drive a truck for two days a week to subsidise the fishing operation."

The revelations from Australia are resonating with fishermen in the United States and European Union who have seen regulations increasingly influenced by animal rights groups with anti-fishing agendas. Australia's fishermen argue that it is increasingly difficult for them to make profits because of bureaucratic and regulatory burdens, fishing restrictions and a government-created market in tradeable quotas and licenses.

Fishermen also say that the AFMA is misapplying the precautionary principle by preventing fishing where stock sizes are not known when, by the nature of the industry, there will always be such uncertainties with fisheries. The AFMA has also made it illegal from 1 January 2008 to discard any quota species, creating compliance difficulties in an industry where by-catch is inevitable and over-fishing can lead to penalties. McLoughlin said: "We'll have observers out on boats. Every single fish of a quota species has to be accounted for in the system..."

McLoughlin described one of the AFMA's new regulations in graphic terms: "Whenever they're shooting a net and hauling a net, they have to have an observer sitting up on top of the boat. If they spot dolphins within three kilometers – I think it's 2.5 nautical miles – they actually have to stop the fishing operation, pull the net in from one end only so that the net straightens out and they have to move 20 miles and start fishing again. The industry's going with it on the basis that, if they don't do it, we'll shut them down. So this sort of really sort of rather right wing and sort of take on fisheries management. We might get away with it for a few years, but when we put it into place the industry will get used to it and things will be a whole lot better."

A new Managing Director, Glenn Hurry, took over at the AFMA from 2 July. There has been no indication that the agency will amend its current policies.

Eugene Lapointe, President of IWMC, said: "The AFMA is treating fishermen like criminals. Effective conservation cannot simply be manufactured by regulators, anti-use groups and law enforcement. In the real world, we need to consider working people, science and economic incentives if we want to successfully conserve and manage species. The AFMA is out of control and should be abolished." ■

## Experts Exchange Views on Tiger Conservation

**E**ugene Lapointe, President of IWMC, participated in a workshop on tiger conservation in Harbin, China in July along with 30 local scientists, officials and other wildlife experts.

With wild tiger populations continuing to fall despite a trade ban instituted in 1993, China is considering utilizing captive bred animals to satisfy the demand for tiger bone products. IWMC, together with other experts at the meeting, argued that the carefully managed legal trade in tiger bone products would discourage poaching and undermine the illegal market which is reducing wild populations to dangerously low levels.

Belinda Wright of the Wildlife Protection Society of India (WPSI) supported the current ban, telling journalists that the cost of rearing a tiger for one year is \$3,000.00 - 4,000.00 whereas the cost of poaching one is \$50.00. The implication is that poaching will always be cheaper.

However, Eugene Lapointe responded: “This type of claim shows the paucity of the NGO arguments. WPSI is comparing apples and oranges. The real comparison is between the legal and illegal price of the finished product.”

China’s tiger farms say their products could be produced at prices that would discourage poaching and that they could expand production to meet demand as necessary.

Mr. Lapointe added: “What is more, buyers will always be willing to pay a premium for a genuine legal product over a backstreet one that risks criminal penalties.”

The workshop was originally scheduled to take place in May but was postponed by China at the request of NGOs who said they would be preparing for June’s CITES meeting at that time. In the event, only WPSI and the World Society for the Protection of Animals attended the rescheduled event..■