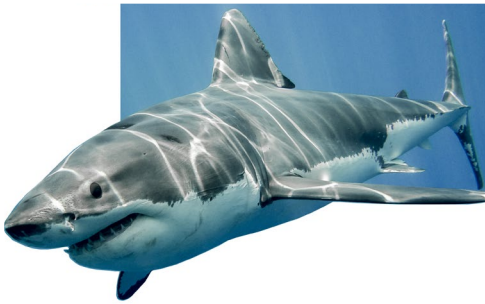


# Eugène Lapointe



## Wildlife Betrayed



Why prohibition is bad for  
conservation and development

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Eugène Lapointe

# **Wildlife Betrayed**

Why prohibition is bad for conservation and development

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I thank all those who helped me along the way to achieve this project. Their expert advice, encouragement and extraordinary support made this dream come true. It was a great honor and privilege to be associated with such individuals and I am truly grateful for all they have done.



Eugène Lapointe  
August 2022, Canada

## Foreword

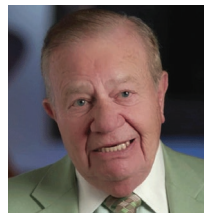
WHEN PERSONS OF BOTH PROMINENCE and substance determine to write a book linked to their careers, the finished product must be given serious attention by those with equivalent interests in the same topic.

That is certainly the case with *Wildlife Betrayed*. Its discussions of the staggering demographic, economic and climatic pressures now confronting elements of the natural world are vitally important to everyone interested in the conservation of wild species. Moreover, such a book is especially of moment when the person of prominence and substance doing the writing is Eugene Lapointe.

Lapointe, a bi-lingual Canadian lawyer with personal, academic and practical experience in wildlife affairs, was the Secretary-General of CITES from 1982 to 1990. CITES is the administrative body established to monitor and manage the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Lapointe has long been considered the Thomas Jefferson of CITES. Jefferson, who served as the third U.S. president, was perhaps most famous for having gone outside the literal terms of the new Constitution to acquire the Louisiana Territory from France. Lapointe, like Jefferson, wasn't the first official to occupy his office, but he, too, became the first to use his high position to give the new organisation the independence, direction and vision it needed to become a significant player in saving endangered species in the wild while being mindful of the needs of the human beings who live with and among them.

Unlike some of his successors as Secretary-General of CITES,



Godfrey Harris  
Author, former  
U.S. diplomat and  
Managing Director  
of the Ivory Education  
Institute

Lapointe applied a tankful of energetic direction and a basketful of political smarts on the issues that confronted the organisation. He did one other clever thing: He surrounded himself with highly skilled colleagues who assisted him with each of his original initiatives, including a modification of the structure of the Conference of the Parties, the enabling of Sponsored Delegates, and the introduction of a secret ballot for voting. But perhaps his most significant and lasting achievement was to free CITES from the control of two powerful private groups — the International Union for Conservation of Nature (IUCN) and the World Wildlife Fund (WWF).

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Make the species of value,  
and people will make an  
effort to keep it.

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During his nine years as Secretary-General of CITES, Lapointe's energy and imagination were most noteworthy in two classic cases involving crocodiles and vicuñas. When Lapointe arrived at CITES, all species of crocodilians were suffering from the excesses of over-hunting. He convened those in the scientific world around the same table with representatives of trade associations and government agencies responsible for the implementation of CITES rules. As a result, farming operations were authorized for certain breeds and quotas established for the harvesting of other species.

In the case of the vicuñas, they were being hunted and killed to harvest their notably fine wool for sweaters and other garments. Lapointe teamed up with the famous Peruvian conservationist, Felipe Benavides, to develop an economic incentive to end the poaching. They established a system for rounding up the animals

so they could be shorn by the local Indians before being released back into the wild where they could grow their hair again, like sheep, for subsequent harvests.

By keeping the animals alive for bi-annual shearing sessions, the shrinking herds of vicuña quickly recovered. Here was another species saved from potential extinction by applying what wild-life researcher Dr. Daniel Stiles, along with other specialists, have indicated is the only commonsense strategy to save a wild species:

Lapointe showed the way. But his approach clashed with a growing number of animal welfare groups who believed then and believe now that man has no right to use animals for his well-being or pleasure. Lapointe was obviously a threat to the direction they wanted CITES to go. As a result, they engineered his removal as Secretary-General. Totally undaunted, he sued the United Nations for unlawful dismissal — and won!

In the wake of his UN experience, Lapointe formed IWMC World Conservation Trust to permit him to carry on his work on behalf of wildlife and the people who live among them. At the Trust, he surrounded himself with former CITES colleagues and brought his wife, Hélène's, wise counsel and management skills into the battles that he would undertake. But he also knew that involvement only with iconic land mammals, such as elephants and rhinoceros in national parks and preserves, is just one aspect of the world's conservation needs.

Lapointe decided to make a point of also giving attention to programs that provide conservation measures for numerous unseen aquatic species. As a result, Lapointe is involved with the balanced protection of eels and oysters, precious coral and sea urchins as well as many other unloved and unpretty species. He knows that regulating their trade and protecting their breeding grounds provide coastal natives living on islands and along seashores with their livelihood as well as a consistent source of food.

All of these topics and much more are dealt with in *Wildlife Betrayed* as Lapointe takes the reader through the history, organisations and issues involving key wild plants and iconic wild animals. For those who have been around CITES and conservation politics for years, it is a worthwhile review; for those who are new to any of these topics, it becomes an indispensable foundation for understanding an important and complicated subject.

One final point. Lapointe is first to admit he doesn't have all the answers the world is looking for when it comes to dealing with wildlife facing such threats as war, terrorism, population growth, habitat loss, and climate change. Nevertheless, he yields to no one in his insistence that all players involved in wildlife matters take a seat at the negotiating table to help formulate the answers that are needed and on which agreement is mandatory.

In short, if you want a comprehensive primer on wildlife facts and history, if you want a fair and deeply felt guide to the personalities and politics of wildlife, you have found the right book by the right author.

Good luck in your journey forward.

Godfrey Harris

## Eugène Lapointe's tribute and dedication

THIS BOOK IS A TRIBUTE TO MY PARENTS, AND THE FOREST upbringing they gave me. But it is dedicated to the native people, rural and coastal communities who have communicated the knowledge that is so important to the conservation of natural resources.

I was born before World War II and trapped, snared and fished as a child. For 12 years I was brought up in a Canadian forest. My teachers were my mother and my father. She was trained in the job, a professional, who now ran a large family often cut off from 'civilisation'. He was the forest's warden, often away from home all day, or for several days.

As I hunted for food for my mother's kitchen, I was becoming aware of the laws of nature which govern the Wise Use of wild-life. I don't remember being formally taught them by my parents. They came with the territory and with everyday conversation and interactions around the place.

I praise and thank my Mum for being my teacher, cook, psychologist, nurse, housekeeper, seamstress, hairdresser and singing coach. And I thank my Dad for being at the same time the assistant-cook, my professor of ecological science, the assistant-dentist, shoemaker, gardener, bodyguard, music assistant, my mentor and above all my friend. What a beautiful childhood they gave me!

As I was growing up, sustainable use principles fitted the rhythms of life, mating, births, struggles and the deaths that I witnessed firsthand. But in 1989 I learned the hard way that there are powerful forces working in opposition to my way of thinking. I was Secretary-General of CITES and being hounded by several campaign groups because of my support for Wise Use practices. (I was eventually sacked, and only after several years of determined fight back wrung an apology from the UN-my

ultimate employer—for its having gone along with the campaign against me.)

Thanks to my parents I'm a robust resilient soul. So, after my firing I stayed loyal to CITES' mission and work. More than thirty years later, *Wildlife Betrayed* is my contribution to the deliberations and debates at CITES' meetings over the next few years.

Section 1.  
A brief guide to  
*Wildlife Betrayed*  
and CITES



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*Wildlife Betrayed* shows how many of CITES' Parties and well-funded animal activist groups have betrayed the wildlife for which they declare a great passion.

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## **Our purpose**

SUMMER 2022 IS THE RIGHT TIME TO ADDRESS CITES' problems and opportunities. Several strands in our work show that the 2019 CITES Conference of the Parties (CoP18) saw a worsening of many of the nearly half-century of enfeebling trends in its deliberations. We need to make sure that the next CITES CoP (CoP19 in November 2022) rescues this vital body from the subversive influences that have come to dominate it.

*Wildlife Betrayed* shows how many of CITES' Parties and well-funded animal activist groups have betrayed the wildlife for which they declare a great passion.

The name behind the acronym proclaims that CITES is the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Since 1973 it has been flagged and tasked as the leading regulatory body within the international rules-based order as it applies to the threat of wildlife extinctions in which international trade is an important factor.

To its credit, CITES adopted the mantra of sustainable human development in the 1990s. But as CITES approaches its 50<sup>th</sup> anniversary, there is a war being fought over what it exists to achieve.

We believe that modern populist conservation thinking is obsessed with the idea that humans have no role in nature except to stand back in awe. On the contrary, we insist that the excellent conservation goal of sustaining wildlife abundance can be achieved, but usually involves human intervention. Thriving African elephant populations, for instance, at this moment are damaging their dryland habitats. Our 'perfect planet' needs human management. Our mission is to promote what the jargon calls CWU: Consumptive Wildlife Utilisation.

We insist that CWU can be invaluable for conservation and sustainable development. We believe many Westerners and UN-related bodies now under-rate the value of CWU, especially when it comes to managing or killing wild animals (unless they are fish, and even for that support is weakening).

CITES' foundational texts allow and assume a role for CWU, including managing and killing animals. This makes this UN-allied body potentially invaluable in what is a hostile media, academic and regulatory environment.

Ours is positive work: we propose reforms which could ensure CITES a vibrant future within sustainable development, wildlife management, and the rules-based international order.

Our proposals go with the flow of modern thinking: they aim to deliver many of CITES' own evolving aspirations, as revealed in its *Strategic Vision: 2021-2030* (2019). They also contribute to modern thinking about evaluating the true economic value of ecosystem services. We do not at all ignore the way nature has an extraordinary aesthetic and emotional value, differently experienced by different people, and therefore contested.

We are very aware that every multi-national, international ambition requires buy-in from nation states. Inevitably, varieties of self-interest bedevil humanity's progress in such matters. This is the underlying truth of all Multilateral Environmental Agreements (MEA).

IWMC World Conservation Trust (IWMC), aka integrating wildlife, markets & conservation, maintains that the idea of the 'Global Commons' for biodiversity or species, fondly idealised by many, cannot be made real by wishful thinking but only by nation states.

## **The flow of the book**

*Wildlife Betrayed* is divided into four sections: first extensive introductory remarks about the book's contents and core messages, of which this explanation forms but a part, that also provides an outline of what CITES is about, and explains how it is organised and funded; an examination of the Multilateral Game and where and how NGOs and CITES fit in; six in-depth case studies, plus a call for the reform of CITES; and our concluding remarks.

### **THE MULTILATERAL GAME**

The Multilateral Game section of *Wildlife Betrayed* provides an analysis of the post-second world war multilateral framework of which CITES is a pillar. It also unpicks the 'ocean-grab' ambitions of many leading environmental NGOs and illuminates

the dilemmas which lie behind their favoured rubric, ‘the Common Heritage of Humankind’. It describes how the precautionary principle and the rights and causes of those living closest to wildlife have been abused and appropriated by NGOs for other purposes. It further explores how CITES has been exploited to undermine and circumvent the authority of the Food and Agricultural Organization (FAO) and regional fisheries management bodies.

The penultimate chapter of this section focuses on some of the activities and beliefs of the NGO thought leaders which dominate CITES ideologically and operationally. Then ‘WWF: pandering to the squeamish’ concludes this section by highlighting how the World Wildlife Fund (WWF) helped initiate and still supports Zimbabwe’s Campfire, which was from the outset an inspiring, courageous community-based natural resource management (CBNRM) scheme. This demonstrates two things. First, that environmental NGOs do sometimes make a positive contribution. Second, that their fundraisers, bureaucratic and public relations cadre often undermine the best work of their own institutions.

## **THE CASE STUDIES AND A CALL FOR REFORM**

The Case Studies show how several groups of species that CITES Parties (its signatory nations) listed in the Appendices were arrived at by flawed deliberations and debate.

Our six Case Study species were chosen to feature both CITES’ weaknesses and strengths, but also the extraordinary difficulties it faces.

The Introduction to the Case Studies is a guide to the author’s approach to nomenclature: why, for instance, he likes to use the words ‘prohibitionist’ and ‘Listocratic’ when describing many campaign NGOs.

Covid-19 and CITES shows how the Convention is at risk of barking up the wrong tree as some campaigners seek to turn it into a police force. Their approach to Covid breaches several of

CITES' core principles. It seeks to deploy the Convention in a case where there is no threat of extinction to wildlife; there's no science or evidence to support their demands; and it poses a clear threat to the sovereignty of CITES' Parties.

Whales: harvest or media icon? shows how, right from the start in 1975, the good intentions of sustainable use old-school conservationists were hijacked and subverted by a new wave of militant animal activist bodies that launched a culture war, which attracted some seemingly unlikely governmental allies.

The Oceans and its sharks, tuna and eels discusses a far greater economic issue, and a much more complicated range of over-exploitations and solutions. After all, it concerns a very diverse resource spread across and throughout—or under—over 70 percent of the world's surface, and one which helps feed billions of people. Here we raise concerns about how the over-exploitation of some aquatic species or of their sub-populations is hyped as a general threat of multiple extinctions. Luckily, there are several other UN and allied bodies which are better equipped to deal with these matters, though they face formidable challenges in the real world.

The African savannah elephant case study recounts key elements in the battle between two competing models for conservation of the species. It is a textbook example of the conceptual and practical differences in the culture war between pragmatic and prohibitionist approaches. It is also a controversy that could split CITES apart or render it impotent in the near to medium future.

Rainforests and the rosewoods explores a problem which first surfaces in the earlier Elephants and Oceans case studies but arises in even sharper form in these terrestrial, tropical habitats. How successfully, or rightfully, can huge tracts of territory be declared 'no-go' areas, with the purist 'hands-off' approach to human exploitation which is favoured by 'prohibitionist' NGOs?

We look at evidence which suggests that, without underesti-

matting the curse of corruption, only sovereign governments can determine and implement forest policy, and that some are doing so with a degree of success.

We also turn to the rosewoods issue to reveal the nimbleness of criminals as they evaded CITES' regulations, ran out of the easiest stocks, and sought more and more lookalike species from poorly regulated range states.

Vicuña and the crocodilians details two cases of sustainable use and how international trade ameliorated the condition of threatened wildlife. It shows also how the interest of CITES in an extinction threat can reap positive results. Though having said that we acknowledge that CITES was not necessarily the force for good here.

Taking back control concludes this section by diagnosing what ails CITES in its current form. We say its deliberations are clumsy; it is obscure in its decision-making; it is reticent in dealing with the outside world; and it is dated because it was conceived before the arrival of many other ('rival') UN and allied eco-Conventions.

Our proposals see it slimming down; operating as far as possible in plain language; and starting a new communications venture. We also propose that CITES should be able both (a) to accept that a particular species is threatened with extinction, with international trade as a factor, and list it and/or refuse to do so while (b) insisting that it is not necessarily the *most* appropriate or *qualified* regulatory body involved in protecting that species.

It is vital, we say, that CITES reviews and debates in detail its failures and successes and that it adjusts its listings in the Appendices to reflect what it learns from this cathartic exercise.

We envision CITES as commissioning accessible, transparent, well-evidenced Comprehensive Reviews of what and who threatens—and what and who may help—species endangered by trade. These Reviews would support the consideration of proposed listings and assess the efficacy of existing ones.

Crucially, we propose a Code of Conduct for (designated observer) Participants. We argue that contributions to CITES' processes and debates of any sort, from anywhere, would not be 'CITES-compliant' if the Participant started from a premise that sustainable use was intrinsically a Bad Thing.

## **Why no rhinos? Why no India?**

We have been highly selective in the species we cover. There is little here on giraffes, tigers, lions, or orchids—or any others of the thousands of species listed by CITES. We have chosen a few cases, in the belief that a few well-discussed examples illuminate our themes better than many being merely glanced-at.

## **CITES and the Culture Wars**

A substantial majority of the world's human population are content that animals and plants, domesticated or wild, are managed and harvested for our use. CITES works within that general proposition; not in opposition to it. Of course, all such exploitation must be sustainable; a term which is rightly taken to be open to animal welfare concerns.

There is today an increasingly intense debate between those who endorse that pragmatic approach and those who want to shut down the wildlife trade. A kind of militant romanticism is in the air, and it does not seek merely to make vegan products easy to obtain or to outlaw the hunting of some species or to curtail specific forms of 'hands-on' habitat management in some nation states. Increasingly it seeks to penalise or ban wildlife-use practices anywhere and nearly everywhere in the world. A sense of Woke moral superiority, combined with a Citizen of the World belief in a superficial view of the Global Commons, gives such

militants an inner certainty which frees them from the need to be bounded by 'mere' national sovereignty.

Earlier forms of this borderless campaigning have always been a powerful force within CITES, especially in relation to whaling and the ivory trade, but newer varieties are growing in strength outside and within it. We respect the campaigners' commitment but criticise their disdain for opposing arguments and the chicanery they have indulged in to dominate the terms of debate.

CITES is a regulatory trade body which is too widely assumed to be, and often behaves as though it were, a prohibitionist one. Yet it is too distant and weak to be a serious regulator. It has neither the funds to do much on the ground, nor the constitutional authority or ambition to compel its Parties—who are responsible for implementation at the national level—to do so.

But CITES has one hidden and unlikely asset which was not envisaged by the Convention's authors. CITES is the vital if at present inadequate forum for hosting this huge overarching conservation row—a collision and a stand-off. On the one hand, there are the pragmatic proponents of sustainable use, including for international trade. On the other hand, there are the prohibitionist campaigners, who brilliantly present themselves as passionate crusaders untainted by conformity to narrow commercial or national interests. These conservation rows reflect and represent a wider cultural conflict.

The post-war Baby-Boomers' children and grandchildren are more prone than their elders to be Woke, squeamish, vegan, and vulnerable to celebrity advocacy on social media. Being remote from wild nature, they are naively in love with it. For them it is the only force which has retained its virginity in what they call the Anthropocene.

The campaigners are rich but affect to be anti-capitalist; they live in orderly and free societies but affect to be dissident. They appear to value a heartfelt T-shirt slogan more than a 30-page



document. But they are better educated than any previous generation and it would be a counsel of despair to say they will remain or are immune to reason.

Pragmatic conservation can also hope for but dare not expect immediate support from the young who love to eat wild boar burgers or who thrill to reality TV shows from Alaska's crab fishing fleet or Tasmania's lobster fishermen.

## **Constitutional position of NGOs**

Campaigning NGOs are embedded and empowered in the constitution and habits of CITES as in virtually no other Multilateral Environmental Agreement (MEA), except perhaps the International Whaling Commission.

## **CITES Formal**

This is our guide to CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora). It is intended to take you to CITES' own evidence as to its workings: how it defines its work, how it runs its bureaucracy, to whom it is accountable, how it is funded and how it organises the implementation of the rules it makes about species endangered by international trade.

### **FOUNDING TEXT**

CITES, like all MEAs, is defined by its Constitution (aka its articles of association), the Convention on International Trade in Endangered Species of Wild Fauna and Flora. It was drafted in the late 1960s, signed in 1973, and came into force in 1975.<sup>1</sup>

The work of CITES is fundamentally under the control of its contractant Parties, which are nation state members of the United Nations (plus the EU).<sup>2</sup> Its Parties might be said to own and control

CITES, but international law has rules as to how treaties and conventions work, so there are quite severe constraints, especially on any actions which might be shown to conflict with the CITES Constitution.

## **INDEPENDENT MULTILATERAL TREATY, NOT A UN BODY**

CITES is an independent multilateral treaty between 184 nation states (including the EU) and is thus bound by international law and not by orders from the Secretary-General of the UN. However, the Secretariat of CITES (its paid, professional staff) is based in Geneva, Switzerland, and its budgetary audits are linked to the UN and administered by the UN's Environment Programme (UNEP) based in Nairobi, Kenya.

One should always remember that any multilateral body such as CITES must assume that its Parties deserve every respect, even when they propose punitive and arguably unjustified penalties on member states for noncompliance. So, CITES has never allowed any public announcement to escape its lips or press office which might lead the public to think that any of its Parties are less than good and wise, though it is sometimes admits that some states need help to become more effective in implementing conservation measures.

## **CITES, ITS PARTIES AND THE NGOS**

The CITES Convention, like all the Multilateral Environmental Agreements (MEAs) enshrines the rights of civil society NGOs in its deliberations.<sup>3</sup>

CITES has always been the venue where the fate of the animal kingdom seemed to be up for discussion, even if the expectations it set fell short. It was also where prohibitionist NGOs (as *Wildlife Betrayed* dubs them) and prohibitionist animal welfare activists (ditto) gather, by CITES' own invitation, to make their mark. The

Convention on Biological Diversity (CBD) 1992 was designed to be much more focused on the plant kingdom. It wasn't quite so free and easy with the campaigning NGOs, either. But the point is that CITES has been and looks set to remain the NGOs' bear-pit of choice.

## **THE CONVENTION HAS SIX MAJOR ROLES**

- (1) CITES lists in its Appendices species which international trade threatens or might soon threaten with extinction. (See below for more on the Appendices.) Arguably it can also list species which international trade threatens with serious diminution anywhere in their range. (See above and below for more on this.)
- (2) CITES can threaten and impose trade sanctions on signatory countries which do not obey the rules which the Appendices impose.
- (3) CITES can instigate research programmes to monitor international trade (legal and illegal) in endangered species, but it must raise special funds to do so. (See CITES Funding for more on that.)
- (4) CITES can encourage other agencies to fund poor countries to implement CITES rules. This is called 'capacity building'.
- (5) CITES can sponsor delegates from poor countries to attend the Conferences of the Parties (CoPs) which are the senior decision-making bodies of CITES.
- (6) CITES can partner with other bodies to deploy synergies and avoid wasted overlaps and competition.<sup>4</sup>

## CITES IS NOT JUST ABOUT EXTINCTIONS

To be eligible to be one of the 38,700 species—including roughly 5,950 species of animals and 32,800 species of plants—which CITES has listed in one or other of its Appendices, a species has neither to be on the brink of extinction nor wholly dependent on being listed for its survival.

CITES' rules for Appendix II state that it wants good things for wildlife in a much broader way than is often supposed. Article IV, section 3, applies:

“A Scientific Authority in each Party shall monitor both the export permits granted by that State for specimens of species included in Appendix II and the actual exports of such specimens. Whenever a Scientific Authority determines that the export of specimens of any such species should be limited in order to maintain that *species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I*, the Scientific Authority shall advise the appropriate Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species.” (Editor's italics.)<sup>5</sup>

## CITES IS OPEN-MINDED ABOUT WILDLIFE UTILISATION

Article II, Section 2(a) applies: “Appendix II shall include: ... all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to *avoid utilization incompatible with their survival; ...*” (Editor's italics.)

## STRATEGIC VISION

CITES is bound by its Convention text, which can be amended only with great difficulty. It has, however, over the years adopted

an evolving *Strategic Vision* which aligns CITES with the aims of other MEAs such as the Convention on Biological Diversity (CBD). This is how CITES shows (or persuades itself and others) that it is keeping up with the modern trends in conservation, especially sustainable development, consistent with its Convention's Articles.<sup>6</sup>

## **CITES NEEDS TO BE GOOD AT COOPERATION**

CITES has practical, administrative, political and ideological reasons to be as well-aligned as possible with the wider UN family, and especially with its fellow MEAs, not least the World Trade Organization (WTO), because of their overlapping conservation and trade roles. CITES has forged significant co-operative arrangements:

CITES has quite formal co-operative arrangements with important allies in the MEA world and beyond

CITES/UN Food and Agriculture Organization (FAO) Memorandum of Understanding (MoU)

CITES/World Trade Organization (WTO) MoU

CITES/Convention on Biological Diversity (CBD) MoU

CITES/UN Office on Drugs and Crime (UNODC)/International Consortium on Combating Wildlife Crime (ICWC), et al., letter of understanding.<sup>7</sup>

## **THE ORGANISATION OF CITES' WORK**

The Conference of the Parties (CoP) is the 'Parliament' or 'Congress' of CITES: it is where the Parties make decisions, not least in providing the mandate and scrutiny of the Convention's Secretariat and providing top-level oversight of its three main committees which, through the Secretariat, do CITES' work: Standing Committee, the Animals and Plants Committees

(more below).

In December 2020, the Secretariat based in Geneva, Switzerland, was composed of 37 staff. CITES' Secretary-General has a dual reporting line to the CoP through its Standing Committee and to the United Nations Environment Programme (UNEP) Executive Director. The Secretary-General is the main spokesperson of the organisation and can, up to a point, set its tone and even its agenda. To be effective, the Secretariat must rely on the goodwill and dedication of an army of experts from the member states, many of them unfunded volunteers, who constitute the CITES committees.

## THE COMMITTEES

There are three committees that enable the Convention and Secretariat to operate, and to advise the Parties on what actions to take. The committees' crucial and nearly impossible task is to know what species CITES should in theory list, and what real-world good and bad consequences would or could or do flow from doing so. Very often, what the CoP wants doing requires technical, scientific knowledge about either animals or plants. This work is carried out by the Animals Committee and the Plants Committee.<sup>8</sup> However, it is the Standing Committee that is the organisational powerhouse of the CITES operation because it has a delegated supervisory role above the Secretariat and is directly accountable to the CoP.<sup>9</sup>

## THE APPENDIX SYSTEM

The CITES Appendix system only sounds simple if it's being explained wrongly. Explained in full (as its mother ship web pages show<sup>10</sup>) it's a nightmare of complexity. The whole thing would challenge a medieval theologian accustomed to wondering how many angels can dance on the end of a pin. As simply as we dare, here is a working account of how the system works.

There are three Appendices, numbered accordingly. Appendix I

is the strictest, Appendix II is less strict, and Appendix III applies only when an individual nation asks the others to respect a particular issue it has with a species.

A listing in Appendix I is often and wrongly assumed to be a ban on international trade in a particular species. Quite often it merely insists that the Parties involved in the trade of threatened species set a high bar in their scrutiny and control of the effects of any such trade.

A listing on Appendix II is often and wrongly assumed to be quite like a ban, or at the least a signal of strong disapproval of international trade in a species. It is no such thing. It is intended to be an important signal that a species is at risk of being threatened by unconstrained international trade which therefore needs to reform itself either to eliminate its threat or become a boon to the species. It imposes some very testing regulations: for instance, a producer has to complete and submit Non-Detrimental Findings (NDF).

NDFs are daunting even for sophisticated producers and present a temptation for the less sophisticated or less scrupulous producers to cut corners or manufacture fraudulent documentation. (Apropos *Wildlife Betrayed's* Case Studies, NDFs bedevil the implementation of hard to implement CITES listings, especially for eels, sharks and rosewoods.)

A listing on Appendix III is generally much less controversial since it merely signals that a nation state needs other nations to have regard to a conservation concern in its own territory or waters.

The proposed inclusion (or the continuation or removal) of a species on Appendix I or Appendix II can be hugely controversial if influential opinion is divided on the matter, which is very often the case. The divisions are usually about three issues. Is the species threatened sufficiently by international trade to meet the Convention's definitions? Would a listing produce the desired

effect, or would it backfire (perhaps by encouraging illegal trade)? And: can or will the nations involved implement the CITES' ruling, in the real world?

The operation of Appendix I and Appendix II is made more complicated by the number of exceptions and conditions which apply. For instance, any nation can agree and must respect a listing as it applies to other nations, but they can also 'enter a reservation' such that the listing does not apply to itself.

Also: one population of a species may be listed in one Appendix whilst another population of the same species may be in another Appendix or not in one at all. Also (amongst other discrepancies) how CITES defines 'trade' means that Trophy Hunting for, say, elephant ivory (which is an international commercial operation) is allowed under Appendix I, but international trade in ivory is not.

These discrepancies and apparent paradoxes are hard to understand, even for those involved with CITES' day-to-day operations. This creates room for a range of interpretations regarding their meaning, which opens the door to abuse based on willful or mistaken interpretations.

## **FUNDING AND FINANCIAL MISMANAGEMENT**

CITES describes its income from signatory Parties not as their subscriptions but as 'contributions' to its Core Trust Fund (or CTL), which amounts (when collected) to just over USD6 million per annum. Additional voluntary extrabudgetary contributions can also be provided to the CITES External Trust Fund (QTL) which finances specific projects.

The Parties' contributions are assessed according to a UN scale of fees which are kept low for poor countries. But many of the poorest, but also some not-so-poor countries, are in arrears with their CITES contributions, some chronically so.

The management of CITES' budgets is the responsibility of



the Secretariat, overseen by the Standing Committee which is accountable to the CoP. In the three-year period 2020 to 2022, CITES' estimated budget totaled USD50 million, of which USD30 million came from voluntary QTL contributions from donors (by far the largest of which is the EU) and the rest from assessed contributions applicable to member states.<sup>11</sup>

In November 2021, an audit of CITES' financial management by the UN's Office of Internal Oversight Services (OIOS) found that of the 22 NGO partners it reviewed, which had been hired by the CITES Secretariat to provide services to implement CoP decisions, all of them had been appointed without being subjected to a pre-appointment competitive bid and assessment process.

In other words, the Secretariat should have sought at least three competitive bids. But it had merely granted contracts to its preferred NGO partners without carrying out any due diligence to assess their capacity and suitability to implement projects. The report added that 'there was no assurance that the Secretariat had engaged the most appropriate implementing partners', and the delays to projects was a consequence of "partners' [aka NGOs] incapacity to effectively implement the projects entrusted to them by the Secretariat'.

Out of 50 reports of the work of CITES' implementing partners that OIOS reviewed, it found that there was delayed implementation and reporting in 22 of them. Unfortunately, the report did not say whether these 22 delayed projects (none of which it described in detail) were managed by the same 22 NGOs that had been appointed without being subjected to due diligence. However, the report did single out for criticism the Monitoring the Illegal Killing of Elephants (MIKE) programme managed by IUCN. OIOS revealed how CITES itself had discovered a questionable USD1.2 million expenditure by MIKE that resulted from the misapplication of procurement procedures, and for which there was inadequate documentation. Moreover, according to OIOS,

MIKE's financial reporting was 'periodic, as well as inadequate'.

When assessing how CoP decisions were implemented by fully funded programmes of work (PoW), OIOS found that the CITES Secretariat neither tracked nor reported on their progress nor measured PoW achievements. Moreover, out of 28 partner projects that should have been audited by CITES itself, the Secretariat could only show OIOS two that had been completed.<sup>12 13</sup>

## References

- <sup>1</sup> Along with a handy historical note, the Convention text is here: <https://cites.org/eng/disc/what.php> Accessed 02/03/2022
- <sup>2</sup> See: <https://cites.org/eng/disc/parties/chronolo.php> Accessed 02/03/2022
- <sup>3</sup> Article XI Section 7 applies See: <https://cites.org/eng/disc/text.php#X> Accessed 02/03/2022
- <sup>4</sup> See: <https://cites.org/eng/disc/sec/index.php> Accessed 11/07/2021
- <sup>5</sup> See: <https://cites.org/eng/disc/text.php#IV> Accessed 02/03/2022
- <sup>6</sup> See: [https://cites.org/eng/documents/Strategic\\_vision](https://cites.org/eng/documents/Strategic_vision) Accessed 02/03/2022
- <sup>7</sup> See: <https://cites.org/sites/default/files/eng/disc/sec/FAO-CITES-e.pdf> and <https://cites.org/sites/default/files/eng/com/sc/55/E55-09.pdf> and <https://www.cbd.int/doc/nbsap/CITES-NBSAP-Module.pdf> and [https://cites.org/eng/UNODC\\_releases\\_WorldWildlifeCrimeReport2020\\_CITES\\_10072020](https://cites.org/eng/UNODC_releases_WorldWildlifeCrimeReport2020_CITES_10072020) Accessed 02/03/2022
- <sup>8</sup> See: [https://cites.org/eng/disc/ac\\_pc.php](https://cites.org/eng/disc/ac_pc.php) Accessed 02/03/2022
- <sup>9</sup> See for details on the CITES Standing Committee: <https://cites.org/eng/disc/sc.php> Accessed 02/03/2022
- <sup>10</sup> See the CITES Appendix system where it is explained formally: <https://cites.org/eng/app/index.php>  
See, for the Appendix listings in full: <https://cites.org/eng/app/appendices.php> Accessed 02/03/2022
- <sup>11</sup> See <https://cites.org/sites/default/files/eng/res/18/E-Res-18-01-A1.pdf> Accessed 06/05/2022
- <sup>12</sup> This job advertisement for a leadership position in the MIKE programme provides an overview of IUCN's regional responsibilities in Africa. See: [https://www.iucn.org/sites/dev/files/import/downloads/2008\\_09\\_mike\\_sub\\_regional\\_support\\_officer.pdf](https://www.iucn.org/sites/dev/files/import/downloads/2008_09_mike_sub_regional_support_officer.pdf) Accessed 02/03/2022
- <sup>13</sup> The audit concluded that CITES needs to strengthen internal controls in the areas of strategic management, operations, finance and administration. Among the core recommendations was that NGOs must be subjected to due diligence before being appointed as implementing partners to manage projects. Another was that the process of awarding contracts must be competitive and once appointed implementing partners must submit regular reports. Furthermore, any potential renewals of contracts should be assessed based on a properly documented evaluation of their performance. [https://cites.org/sites/default/files/eng/disc/funds/2021\\_051%20final%20report.pdf](https://cites.org/sites/default/files/eng/disc/funds/2021_051%20final%20report.pdf) Accessed 03/03/2022

It's hard to regulate wet markets and the consumption of bushmeat in the world's wildest places. But it's an age-old custom that is less in evidence than ever, which has benefitted more people than it has ever harmed.



Bushmeat, Sitatunga, Ouesso, Cameroon, 1995.  
Photo ©André DeGeorges



Bushmeat, Duiker, Ouesso, Cameroon, 1995. Photo ©André DeGeorges



Smoking Bushmeat, Zoulabot II, Cameroon 2000. Photo ©André DeGeorges

Traditional hunters from indigenous communities are the frontline stakeholders and guardians of their environments. But killing and hunting animals often defines their way of life and we should help them benefit profitably from their role in preserving the last natural habitats.



Introduction of modern firearms and commercialization of wildlife helped bring a number of wildlife species to near extinction. Turkana, northern Kenya, with traditional long bow and British Enfield, 1992.

Photo ©André DeGeorges



Poacher and snares, Tanzania.

Photo ©Andre Badenhurst



Traditional Tikar Hunters, Kong, Cameroon with client on Chasse Libre Bongo hunt, 2005.

Photo ©André DeGeorges



Buffalo, Coutada 14, Merromeu Game Reserve, Mozambique, 2000s Wicker Nyati Safaris.

Photo ©André DeGeorges

## **Section 2.**

# **The Multilateral Game**

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It is only a slight exaggeration to say that environmentalism was always concerned with giving humans a better habitat. Conservation activism added another dimension: putting nature centre stage.

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## **Global peace: the UN & Bretton Woods**

FOR MILLENNIA, THE MOST POWERFUL PEOPLE HAVE gathered to discuss their differences (usually of long-standing) and their possible synergies (often short-lived). Historically, they usually did so as the heads of nations or empires, and often in expensive jamborees.

But that multilateralism consisted mostly of a few nations meeting together to settle disputes or to further common causes. In the aftermath of two world wars in the twentieth century,



something far grander was attempted. The United Nations (created 1945) built on an older, pre-World-War Two (WW2) legacy from the League of Nations. It was not exactly global government, though all the nations of the world would meet and agree to act together. After all, the United Nations had very limited powers. But its chosen name enshrined an important nonsense: the states of the world were not united about very much. Indeed, much of what the diplomats pretended to be united about, they or their masters forgot or ignored the moment they got home.

The new sort-of embryonic global government grew out of and in turn developed an internationalist rhetoric. However, warm words can't disguise the fact that multilateralism, however numerous the parties to it, remains what it always was: a complicated dance between nation states.

There is also a dance between the UN and its slightly older multilateral powerhouse, the Bretton Woods family of organisations.<sup>1</sup> By far the most widely reported legacy of the Bretton Woods impulse is the continuing 'G' class of meetings between the leaders of the world's biggest democratic economies. The G7 (Group of 7) is truest to that old, elitist tradition, and it holds the reins; the larger G20 and G77 are attempts to factor in the modern world's changed economic realities, including its less democratic or developed powerhouses.<sup>2</sup>

Bretton Woods activities were all directed at finding and implementing financial policies which could unite the world (especially, perhaps, the affluent or powerful nations), and rebuild it in the aftermath of war. As much as the UN was a matter of gathering all the nations, each equally, the Bretton Woods agencies (the International Monetary Fund, the World Bank, and so on) were smaller clubs in which votes were weighted in part according to wealth.

Of the Bretton Woods bodies, the World Bank was the first to take a conspicuous interest in environmental issues, not least



as it was drawn to the idea of sustainable development. Its 1992 15<sup>th</sup> annual World Development Report, *Development and the Environment*, was a landmark in putting what we tend to call ecosystem services and sustainability into its attempts to show a market-orientated way to eradicate poverty.<sup>3</sup> A later addition to the club, the hybrid World Trade Organization, followed that path too, as seen in its formalised arrangement with CITES.<sup>4 5</sup>

Bodies such as the UN itself and many of its offspring, and even Bretton Woods organisations, were produced because two generations of war-weary politicians and citizens wanted them to happen. In the post-war era, creative and engaged people had a unique opportunity to turn their dreams about founding international institutions into reality. Indeed, I was beneficiary of that period because I not only had a hand in drafting the Washington Convention but later was honoured to be made the Secretary-General of CITES, which the former established.

Post-WW2 global multilateralism mostly concerned itself with rebuilding the world economy by spreading global peace, health, wealth, justice and human rights. However, within several decades, this initial upsurge of altruistic optimism was undermined by an emerging anxiety about the merits of capitalism, economic growth and modern industrialised societies. This sparked a new fearful mood of gloom that worried about pollution, ‘near-exhausted natural resources’, ‘over-population’ and later global warming.<sup>6</sup>

## Conservation on the world stage

The UN Conference on the Environment in 1972 (Stockholm) marked two shifts, simultaneously rhetorical in aspiration and influential in effect. Firstly, environment and conservation concerns would henceforth be important factors in the way governments presented themselves and (to a lesser extent) how

they performed. Secondly, ‘civil society’ NGOs would be declared to be important to this aspect of multilateralism, as indeed they became (for good and ill).

While all the earlier strands of UN activity were more concerned with giving humans a better deal. The 50 or so modern global Multilateral Environmental Agreements (which include conservation agreements) seek to improve the relations between humans and nature.

It is only a slight exaggeration to say that environmentalism was always concerned with giving humans a better habitat. Conservation activism added another dimension: putting nature centre stage. But who was the voice of nature? A new class of ecological NGO sprang forward. The record shows that they have been phenomenally successful in presenting themselves as speaking for nature and for the spiritual and small-‘P’ political aspirations of millions of citizens.

It is a mark of how far the process has come that the Carbis Bay G7 Summit in June 2021, whilst seeming to achieve rather little, did overtly yield to the international conservation campaigners’ ‘Thirty percent movement’ aka ‘30 by 30 movement’, by which a set, large proportion of the world’s surface (terrestrial and oceanic) should be set aside for largely untouched nature by 2030.

The 2021 G7 leaders seemingly resolved unambiguously ‘to conserve or protect at least 30 percent of our land and oceans by 2030.’<sup>7</sup> But it takes an experienced policy-expert to spot that ‘conserve’ is ancient code for sustainable use whilst ‘protect’ is code for the hands-off prohibitionism favoured by the campaigners. Thus, the leaders could keep almost everybody happy: the NGOs had their slogan victory, and the leaders had their wriggle room.

## **The uncivil society of the campaigning NGOs?**

The idea of civil society, as formulated in the 18<sup>th</sup> century by Edmund Burke (with his ‘little platoons’) and in the 19<sup>th</sup> by Alexis de Tocqueville (with his ‘spirit of association’), was that it comprised organisations which were the spontaneous manifestation of social needs and desires and which could do things the formal state could not, should not or would not do.<sup>8</sup>

Associations were also the means by which the formless, and often powerless, ‘little people’ could find a coherent voice which the powerful had to listen to.

This is indeed how the modern NGOs of the world like to be seen, and how the UN pretends it views them.<sup>9</sup> It is, however, not a true picture of the mega-sized and mega-rich NGOs. And it’s especially untrue when it refers to those who claim to speak for nature within multilateralism.

Modern conservation NGOs are not simple spontaneous eruptions of popular feeling and thinking. Rather, they spend much of their time, energy, and money on generating interest in the masses about campaign messages. This, then, is not about listening to and representing ‘the people’, at least not until they have been properly nudged into the right orthodoxies.

High profile conservation campaigns and their media allies have spent 70 years propagandising the masses into seeing nature as an icon of purity and fragility. Units of civil society proactively imposed onto the public a set of mantras which an educated elite had succumbed to during the colonial era in the 19<sup>th</sup> century. Their message was that the planet was at multiple tipping points because the balance of nature had been upset and the web of life unpicked. It is cataclysm deferred—like medieval millenarianism

and its descendants. It is more Groundhog Day than Judgement Day. But it has become a messianic call for its indoctrinated fan base and has seeped into modern power elite rhetoric. It is a message which has become orthodoxy for most of the sprawling empire of Multilateral Environmental Agreements (MEAs) which the UN owns or influences.

What is not widely understood is that nation states of the United Nations did not devise and articulate its own messages. It fell to civil society, in the form of multiple NGOs, to promulgate the mission that the United Nations could readily embrace. The result was a nested set of concepts which some nation states find it convenient to endorse in public and, often, ridicule in private.

This front-of-house messaging has succeeded in blanking out the much more boring reality that wild nature remains mostly in robust condition and that where it is diminished or damaged it sometimes, for the benefit of species in specific areas for limited periods, needs a managed recovery. The hard-line catastrophe and cataclysm camp fear this moderately cheerful account. The regiment of alarmist NGOs seemingly believes that if ordinary people ever became more informed and realistic, they would relapse into complacency, and that would never do.

## **NGOs as ‘masters’ without accountability**

Multilateral bodies of any sort represent an odd marriage. In the UN and other institutions in the broad internationalist family, nation states work with organisations from civil society in a way which is quite different to how national governments work with troublesome campaigners (much the same bodies) in their capital cities. The main difference is that in the international context, campaigners are elevated to high status. Barring scandals, and even often in the face of their repeated occurrence, NGOs are acknowledged as having wisdom, authenticity and altruism.

There is of course cynicism here. The NGOs outwardly kowtow to the nation states as sovereign; the nation states reward them with the pretence that the NGOs are saintly. The cynicism rooted in the scene is seen in the way that multilateralism has produced its own autocracy: the obvious power elite of the nation states is in conference with the new influential elite of the NGOs, such as WWF and The Nature Conservancy; both types of power being mediated by international bureaucracies.

As much as multilateral bodies affect to want to hear ‘the peoples’ of the world, they can never know whether they have actually heard them. They probably don’t really want to. (The Carbis Bay ‘30 by 30’ communiqué shows how nation state leaderships keep some cards close to their chests.)

The nation states and the NGOs are inclined to enjoy the absence of democracy, ballot boxes and popular representation in the halls and hotels where multilateral deals are struck. Within the UN and the MEAs, reality and practicality are less inclined to get in the way of dreams and rhetoric, not least because there are no taxpaying electorates in the room.

Worryingly, Westerners who have never known proximity to the wild or its demands and dangers are willing and able through the UN and its allied bodies to insist on how the Global South should be regulated. It is of course a re-run of colonialism and a tad imperialistic. But it conveniently avoids the need to take over the governments of poor countries directly. It also avoids the awkward problem of having to hold its promulgators and implementers accountable when things go wrong, as they did spectacularly in Sri Lanka in 2022.

I visited Sri Lanka in 2018 when CITES was still planning to hold CoP18 in its capital Colombo. The eco-extremists I met there had been empowered by the government and CITES to prepare for CoP18. It was clear to me that they wanted to use CITES as a

vehicle to demonstrate that a poor country could live in sync with nature. At that time chemical fertilisers, pesticides, weedicides and fungicides were being targeted for prohibition and organic farming promoted as a viable alternative (a total ban on their import was imposed in April 2021). While I was there, Sri Lanka's 6,000 wild elephants were already being allowed to roam free. In 2019, 20 percent of all human deaths caused by wild elephants occurred in Sri Lanka, which hosts around one percent of the world's remaining herds.<sup>10</sup> I further discovered that modern fishing methods were being traduced, in the name of shark protection especially, and marine protection zones had been established on a large scale. In 2020, Sri Lanka's Environmental and Social Governance (ESG) rating reached, and remains today, an impressive 98 out of 100.<sup>11</sup> In 2021, The World Future Council (tagline 'solutions for our common future') in partnership with CITES' UN administrative overseer, the United Nations Environment Programme (UNEP), handed the Future Policy Special Award (tagline 'Oscars on Best Policies') to Sri Lanka for banning the use of pesticides. This 'Oscar'-winning policy, which UNEP favoured over 55 nominated projects in 36 countries, caused such a catastrophe and uproar in Sri Lanka that it was abandoned a year later.<sup>12</sup>

I was so worried about the trap being laid for an unwitting CITES that I made myself unpopular by suggesting an alternative location, which Geneva eventually provided.<sup>13</sup> I take no pleasure in having been proved right. Sri Lanka's NGO-inspired strategy, lauded by the World Economic Forum (WEF) and UNEP, destroyed its agricultural productivity and bankrupted its economy, driving millions of people to the brink of starvation and into poverty.<sup>14 15</sup> But I am furious about how the environmental NGOs crept quietly away from the scene of their shameful influence. Sri Lanka's misguided leaders were not so lucky.

Sadly, poor nations of the world sometimes go along with this abandonment of their own dignity: they get overseas devel-

opment aid and pats on the back at global conferences, such as WEF's Davos gig and UN conferences. If developing countries really 'behave themselves', they also get technical and financial help from NGOs. Based on bitter experience and Sri Lankan-style eruptions of protest, this synergy will most likely pass. But the dilemma is that if they stay poor, they will continue to be unable to improve their lot or implement the idealistic regulations and targets they have signed up to.

## **Multilateralism and NGOs in an emotional era**

The biggest surprise to hit modern politics at any level—national or international—is that now there is mass literacy there is also a trend to gullibility. Modern Westerners are bombarded in their formative years by media and missionary educators. The majority have become marginally more interested in nature (and some of them obsessively so), but it has been a surprise that so many seem to see evidence simply as a tool for promoting whatever point of view they find most convenient or gratifying.

Only very recently have commentators addressed the way that the Woke generation prioritise their own opinion and emotions, however casually acquired, over what used to be thought to be the higher ideal of objective understanding. The personal has become political but with remarkably little regard for truth-seeking. It is the Woke determination to win support and silence opposition by any means that is so shocking to those who imagined that education would breed a tolerance toward difference, and the more awkward the better.

In modern parlance, the NGOs allow their supporters (mainly the middle class and the super-rich) the chance to Virtue Signal. Too often, animal-lovers in the West casually or passionately

sends money to IFAW or WWF with little regard for the real effect of their donation on real wildlife or real people living near it.

The ecological and animal activist NGOs weaponise and monetise a phenomenon we call Moral Self-licensing. This phenomenon sees persons and corporations behaving less well because they have wrapped themselves in a mantle of apparent good behaviour backed by NGO-inspired and controlled institutions. One example of this is the International Seafood Sustainability Foundation (ISSF). Co-founded by WWF, ISSF sold consumer-facing 'trust' labels displaying WWF's iconic panda to criminally led commercial corporations. When the truth came to light, it exposed the biggest corporate scandal since Enron.<sup>16</sup> The evidence, then, suggests that Moral Self-licensing encourage bossiness, intolerance, and manipulative politics across many sectors of commerce.<sup>17 18</sup>

The messengers of doom are almost all Westerners, often educated and ripe in entitlement. Many are skilled in the arts of single-issue persuasion. They are the people who run NGOs which (like WWF) started off affluent or which became increasingly rich (like IFAW). It wasn't the mass public that did most to enrich their coffers but contemporary billionaires and technocrats managing the legacies of dead ones. (The well-endowed Pew Foundation leaves no public issue untouched and seems like the mothership of the entire Woke soft-left liberal green agenda anywhere on earth.)<sup>19</sup>

In summary, whilst old power elite cynicism and pragmatism rumbles on, the modern influencer elite sees how modern factors add up and must be deployed. A pending sense of doom, a dislike of longform evidence, a distrust of nuanced argument, a self-validating belief in one's own instinct, a retreat to comfort zones, a taste for Virtue Signalling, these all seem to produce large swathes of committed, credulous, biddable people. The NGOs know and relish how all these switches work. They know it, because they established successful campaigns that peddle apocalypticism



at the UN negotiating table. The campaigning NGOs relish it, because whether they employ idealists or careerists, it's a game they understand and profit from.

## CITES, CBD and the MEAs

The obvious thought about CITES in the modern multilateral scene is that it is now being out-gunned, out-classed and up-staged by later arrivals. Of these Multilateral Environmental Agreements (MEAs) the most obviously conservation-orientated is the Convention on Biological Diversity (CBD), born in 1992, the year CITES attained adulthood (having been born in 1973).

By 2000 there was a serious thought that CBD, the new kid on the block, was a more modern and well-equipped convention than CITES. In a book (*Endangered Species, Threatened Convention: The past, present and future of CITES*) published in that same year, several knowledgeable authors wondered how CITES and CBD could be aligned. For example, Rowan Martin, consistently an interesting voice, argued that CITES should be subsumed into, indeed under, CBD.<sup>20</sup>

Odd as it may seem, *Wildlife Betrayed* thinks contrariwise. We believe that an emboldened CITES still has a great chance of being useful to its fellow MEAs. There is, we maintain, life in the old dog yet. (See our Case Study Conclusion: Taking Back Control.)

But CBD did at first appear to have more going for it than CITES. It seemed at a stroke to answer a question which had been troubling the ecological and conservation worlds: shouldn't we address wildlife as seen in the round, and aim for a gorgeous abundance of species? Doesn't CITES, after all, obsess about species extinction? Doesn't that lead it into a 'species-specific' defensive approach? Doesn't that lead to a concentration on finding and saving only those species which are at risk of going under?

CBD seemingly promised to get conservation out of negativity

by engaging it in a broader range of issues than CITES could ever consider. It was, however, much less clear what sort of metric one could make out of the idea of its buzzword ‘biodiversity’, which is very hard to define objectively. For instance, must one always maximise biodiversity, everywhere? How to do such a thing? Was it now wicked to say that one might have to aim to optimise biodiversity preservation?

CBD was born in the age both of genetics and of sustainable development. Its headline mission, much trumpeted, was to ensure that poor countries profit from the exploitation of their biodiversity (usually by Western pharmaceutical corporates looking for the next miracle product). It was thus tee-ed up to be in line with the increasing tendency to promote Sustainable Development Goals.

Across CBD’s thirty years, as highlighted in its *Global Biodiversity Outlook 5* (2020), we can now see a phenomenon as old as multilateral conservation: nation states loved the positive headlines, but mostly didn’t deliver the anticipated conservation. There has been good conservation work, but not on the scale which optimists hoped for.

Thankfully, CBD has never courted or endured the controversial media coverage meted out to CITES. The newcomer never became the battleground that CITES was from the start. That seems true even as CBD weathers a good deal of criticism over the possibility that it might in 2022 encourage the further ‘privatisation of forests’ in the name of ‘the financialisation of nature’, mostly in the name of climate change reduction schemes.

The relative tranquillity surrounding CBD may be a matter of luck, or the canniness of its drafters over the years.

But there is an important difference between the two Conventions. The foundational texts of CITES are vague about many matters that it claims to be concerned with, but oddly that makes it rather expansive in its ambitions. (See CITES Formal.)

CBD, on the other hand, is very detailed about very many matters, and thus one gets a picture of what it would rather not talk about.

CBD has, for instance, a deafening silence on the matter of lethal Consumptive Wildlife Utilisation (CWU), not least by poor people living near wildlife. It is equally silent about the awkward fact that abundant wildlife, especially in confined wild areas (which is all of them, on land) have to be managed, and often lethally (that is, culled.)

It is true that Article 10 of the 1992 CBD says it aims to: “... protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.”

That very nearly allows Indigenous Peoples and Local Communities (initialised as IPLCs) to kill and use the resulting meat. It could perhaps be stretched to include trophy hunting and meat-sharing. But it is hardly a ringing endorsement of the idea.

Along the same lines, in 2010, CBD’s Aichi Nagoya Targets included Number 18: “By 2020, the traditional knowledge, innovations and practices of indigenous and local communities and their customary use, are respected.”

In 2022, the IPLCs of the world are mostly still waiting for that, especially when it comes to eating sustainably hunted local wildlife. And of course, there will be plenty of disputes between the IPs and the LCs, and within each of the rather disparate ‘communities’ as well.

CBD, whatever the potential of its mandates and targets, has seldom stuck its neck out on controversial ‘hands-on’ sustainable use. Majoring on plants rather than animals as it does, CBD seems to attract little attention from the animal activist campaigns such as IFAW.

While CBD ticks many multilateral feelgood boxes (and they are highly worthy in themselves), it avoids waving red rags at campaigning bulls.

This tenderness or alertness applies to other MEAs. The UN's SDGs, for instance, are much lauded but don't stray except tangentially and in code into territories such as the good reasons African villagers might have for eating bushmeat from abundant savannah grazing animals.

CITES has no such luck. From the start it was front and centre in working toward sustainable international trade in wildlife, including charismatic megafauna. This is in keeping with its foundational documents. These show us (as we see in our CITES Formal) that the convention is much wider in scope than is usually assumed.

For now, let's note that CITES is still in the foreground—on the front line—of the multilateral struggle over how humankind is to get along with wildlife. Other conventions have come along and looked more modern and efficacious, but however good they are, they also accumulated their own failures and deficits, and pretty soon Old Man CITES is seen surviving alongside them very well.

The trouble is, however, that the multilateral system has produced a peculiar political hybrid. Sometimes it works rather well, and—as in the case of conservation—it often fails spectacularly or succeeds patchily and rather slowly. Fearing loss of momentum, and the onset of disillusion, the UN and its allies seem always to look for a new, satisfyingly on-trend cause to get behind.<sup>21</sup>

## **Global pandemics and the Common Heritage of Mankind**

Currently, the multilateral conservation players are working out how to respond in a modern way to two old problems, both of which are global in scope and thus ideal for debate involving not merely a few but all nations. They see a need to deal with zoonoses such as coronaviruses and Covid-19 in particular. And they want

to press forward with establishing new rules for Areas Beyond National Jurisdiction (ABNJs) and especially Biodiversity Beyond National Jurisdiction (BBNJ).

Zoonoses (infectious diseases caused by a pathogen that has jumped from an animal to a human) do indeed have conservation, sustainable development, public health and governance dimensions. Some NGOs and influencers would like CITES to get strongly involved in the zoonoses war. But probably, after much heat and fury, some other multilateral body, perhaps a new one, will do the main work there.

‘One Health’ is a slogan which has been floated, seemingly to capture the idea that animal and human health can’t be separated. But as name-checked in the Carbis Bay G7 communiqué (see above and reference) it can as easily be thought to capture the idea that environment, health and economics are all one package. So perhaps it is the UN’s WHO and the Bretton Woods’ World Bank (and its Global Environment Facility) which will provide the necessary critical mass in multilateral pandemic response efforts.

For now, the UN Convention on the Law of the Sea (UNCLOS) is a system which aims to keep shipping safe and fishing fleets in business (with a great deal of attention going to seabed issues). The campaigners’ alternative is to put as much ocean as possible—currently they aim for ‘at least 30 percent by 2030’ (the ‘30 by 30’ movement)—under what they presumably hope would amount to control by them.<sup>22</sup>

The NGOs naturally do not say they are ambitious for power. They prefer to play to what they take to be the non-negotiable ‘tipping point’ narrative which they have made so popular, which asserts that plundering humans have all but wrecked their planet.<sup>23</sup>

The loftier the ambition of a multilateral deal the more nations’ rulers will look carefully at whether to stifle it at a birth on the world stage or to go in for sham acquiescence and let it die on the High Seas or on the ground or seabed.

## Nations or NGOs to rule the waves?

The UN has become keen to offer the world a comprehensive, comprehensible approach to oceans management, and to fisheries management especially. This sometimes looks like an ambition to come up with something more effective and exciting than the present alphabet soup of regulatory acronyms (RFMOs and the like) and substitute a grander vision.<sup>24</sup>

The notion of the ‘common heritage of mankind’ (CHM) has been in the UNCLOS foundational texts at least since 1982, based on agreement by the UN General Assembly in 1972. But the idea of CHM was mostly applied to the seabed of the High Seas. UNCLOS enshrined the principle that the economic benefits derived from the High Seas should be shared with every state, and especially poor ones, but mostly in the context of the seabed.<sup>25</sup>

But there was also a shred of good news behind the rhetorical flourishes of the G7 leaders’ pronouncements having basked in the June 2021 sunshine at Carbis Bay, overlooking St Ives, one of the world’s most famous fishing villages.

Their closing declaration, as we pointed out earlier, included their intention, ‘to conserve or protect at least 30 percent of our land and oceans by 2030’. Whilst sounding like a huge concession to the NGOs, the leaders cunningly combined ‘conserve’ (which is code for sustainable exploitation) with ‘protect’ (which is code for hands-off conservation). Many governments and most campaigning NGOs will overlook, marginalise or plain disregard the ‘conserve’ bit: but it’s there for those sensible enough to deploy it.<sup>26</sup>

The UN is walking a similar tightrope to the G7 as it debates an instrument of UNCLOS to take more firmly on board ‘the conservation and sustainable use of marine *biological diversity of areas beyond national jurisdiction*.’ (editor’s italics; BBNJ, in the parlance.)

The UN and most marine conservation NGOs have been talking about the CHM, for which the preferred modern usage is Common Heritage of Humankind, or CHH, for many years. It's a great idea, much in play since *Our Common Future* (The Brundtland Report) was published in 1987 and first put the 'Global Commons' mantra into common parlance.

Like most grand visions, it struggles to deal with reality. One problem is that we have the ideas of the American ecologist Garrett Hardin to contend with. Multilateral fisheries negotiations have for centuries aimed to carve up the right to fish in a way that satisfies the nations which are competing to get at the resource. More recently, awareness of Hardin's 'tragedy of the commons' has made it clear that the even more devilish task is to apportion fisheries rights in such a way that those who compete for them also agree that it is in their common and individual interest to desist from over-exploitation.

The seductive idea that fisheries in the High Seas are the Common Heritage of Humankind complicates things considerably since all the nations of the world may now be supposed to have a right to share in the bounty and will feel encouraged by the increasing salience of CHH to argue for it.

Until now, the regulatory regime (faults and all) has been wrestling with the tensions between coastal nations who own ports or fleets and are defending their home waters or every nation's right to exploit and benefit from the High Seas. That closed shop of fishing nations will soon come under increasing strain.

As much as the world's nation states are now negotiating the future management and equitable distribution of the bounty of the ocean beyond the 'ownership' of any of them, they are also having to take account of the campaigning conservation NGOs which feel empowered by the CHH idea. In effect, the NGOs are claiming that the ocean belongs to 'The People', and that they, the campaigners as 'civil society' better represent the populace than

do the nation states.

The environmental NGOs—which were given 3.1 billion US dollars for marine-focused campaigning in 2019—are hoping for a sea-grab and a power-grab.<sup>27</sup> They hope that their reliance on attractive rhetoric and apparent lack of vested interest will win out over the compromised, selfish nation states as both seek to bend multilateral agreements in their favour.

In effect, whilst most of the ocean is covered by regimes which aim to sustainably exploit fisheries, the NGOs, such as Oceana, seek to cover them with regimes which resist almost all exploitation. Under a mask of ‘the common heritage’ of fisheries, the NGOs seek to put fish largely out of reach. They, not the nation states, will influence the future of swathes of the ocean.

Here is the catch, says Professor Enric Sala, a leading voice demanding large-scale MPAs: “‘Protected’ has to mean what it says. This means strict rules. No halfway measures, no empty promises, no conservation only on paper. No trawlers ravaging the ocean floor. No long lines with millions of hooks emptying the ocean of target species and killing tons of helpless bycatch. No mining, oil and gas prospecting, dredging, dumping or other damaging activities. Just this: The resolute willingness of humans to stay away from certain waters to let them heal, rebound, and help regenerate the rest of the ocean.”<sup>28</sup>

An example of Sala’s approach is the Seychelles. This poor indebted island nation state gave The Nature Conservancy (TNC) an equal stake in the governance and management of an area greater in size than Germany. This award of sovereign control was made in return for a \$21.6m debt-for-conservation restructuring scheme (aka debt-for-nature-swap) discounted at 93c on the dollar that TNC negotiated, with support from the World Bank and the DiCaprio Foundation, with the Club of Paris, a grouping of creditor nations. When the deal was done, TNC turned a vast oceanic area off Seychelles, with immense sustainable revenue-generating



potential, into a permanent 'no-take, no development zone'.<sup>29</sup>

It is curious how colonial some of the NGOs' MPA demands are. Several mega MPAs are based on the influence (not least through subsidies) of vestigial post-colonial legacy administrations which preserve surprising clout. The case of the UK's British Overseas Territory, Tristan de Cunha, makes the point. Wrapping foreign domination in the mantle of greenery (under the 'Blue Belt' slogan), the UK declared the seas around the island to be an MPA, with the full-throated endorsement of the local administration. That support of UK policy is perhaps coincidental, but it may be contingent upon a large subsidy to the island's tourism industry, whose expansion can hardly come with a low carbon footprint (or without militant opposition from campaigners such as Extinction Rebellion<sup>30</sup>), at least until long-distance travel has better technology. This huge new area of protection will be additional to an existing and coastal MPA which probably does the bulk of the vital bio-preservation available to the area's seas.<sup>31</sup>

Plenty of the UN's richer states seem to be lining up against the proposition that the new instrument governing ABNJ should get anywhere near a 'common ownership' sharing of the fisheries bounty, except as mediated through trade. *Wildlife Betrayed* agrees, since almost any other approach would require international socialism of a kind which could only be imposed by a UN with much greater power than it now has.

Some nations, such as Iceland, are concerned that once the BBNJ is in operation it could pit its powers and responsibilities against those of established regional-based international treaties.<sup>32</sup> Using unusually direct language for a diplomat, Kiribati's Permanent Representative to the United Nations has urged the BBNJ negotiators to refrain from agreeing to anything that could 'divide and rule us in the Pacific'.<sup>33</sup>

Nevertheless, it is indeed necessary that MEAs and trade bodies should legislate High Seas management to the advantage of every

nation and of the ocean ecosystem, but only up to the point of practicality and enforcement. For instance, by setting quotas in a framework that maintains the property rights approach whereby fishing nations feel proprietorial about fish stocks; whereby fishing interests, including ones from outside an RFMO's boundaries, pay for the right to exploit agreed quotas (and land their catch in regulated ports); and national navies and relevant authorities enforce well-made rules.

But seeking to restrict or in some cases abolish the fisheries industry, WWF, The Nature Conservancy, the Global Environment Facility (GEF), and IUCN are all 'partners' of the Global Commons Alliance (GCA), an offshoot of the Davos-based World Economic Forum. GCA's ocean section seems to endorse the normal prohibitionist NGO 'size matters' mantra about Marine Protection Areas (MPAs) and locking most commercial fishing out of them. They talk of wanting at least 30 per cent of the forthcoming BBNJ treaty Area—the High Seas—to be turned into MPAs. But it is hard to imagine that many NGOs would rest content with placing 30 per cent off limits.

The environmental information platform 'Oceans Aware' is already gearing up to campaign to put 50 percent of the world's oceans under protection from human activities. It maintains that in an ideal world the High Seas would be 'one enormous MPA free from any form of commerce'.<sup>34</sup>

Hidden in the almost innocuous idea of a BBNJ regime for the High Seas is the much more tendentious possibility that campaigns will feel 'common heritage' ambitions should extend to the Exclusive Economic Zones (EEZs, stretching 200 miles and more from coastal states' shores) and other territorial waters. By what logic, the NGOs may ask, is a migratory fish the property of a nation state on one side of a line, and the heritage of all of us on the High Seas side? What worries me is that the science this nascent policymaking relies on is mostly dubious.

For example, in 2021, a ‘*Nature* article’—a supposedly original report whose conclusions represent a substantial advance in understanding—called for ‘globally coordinated MPA expansion’. Yet the article wasn’t ‘original’ but a second go at presenting findings already published in *Proceedings of National Academy of Sciences of the United States of America* (PNAS).

In the *Nature* article, the authors (one of which was Dr. Jane Lubchenco who had appointed the ‘independent’ peer reviewers for the earlier paper published by PNAS) relied on the same MPA model and repeated some of the then already questionable claims published by PNAS.

The listing of Dr. Jane Lubchenco as a senior author of the *Nature* article sparked an investigation into the conflict of interest responsible for PNAS publishing a paper that was seemingly packed with errors and impossible assumptions. PNAS retracted the paper. It also banned Lubchenco, a senior White House science adviser, for five years from having anything to do with its publications. Meanwhile the authors of the *Nature* article, led by Enric Sala, had premised their analysis on the findings of what became a discredited paper. For instance, the second paper was still making the *biologically impossible* assumptions that unas-sessed fish (around half the world’s fish populations for which there is no consistent scientific assessments of their status) can travel across oceans, and that density dependence is global rather than local.<sup>35</sup>

Based on their science-lite analysis, the authors of the *Nature* article asserted: “...we could achieve 90% of the maximum potential biodiversity benefits from MPAs by strategically protecting 21% of the ocean (43% of EEZs and 6% of the high seas).” They added that: the “top-priority areas are located where carbon stocks and present anthropogenic threats are highest, including China’s EEZ, Europe’s Atlantic coastal areas.” They also identified: “many priority areas in the high seas around seamount clusters, offshore

plateaus and biogeographically unique areas such as the Antarctic Peninsula, the Mid-Atlantic Ridge, the Mascarene Plateau, the Nazca Ridge and the Southwest Indian Ridge". They further opined that "countries with the highest potential to contribute to the mitigation of climate change through protection of carbon stocks are those with large EEZs and large industrial bottom trawl fisheries".<sup>36</sup>

But like National Parks on land, MPAs have immediate appeal. Everybody the public has heard of, from Greenpeace to WWF to UK government ministers and the G7 leaders (in June 2021) has seemingly endorsed them as the future of High Seas conservation.

Part of the appeal of MPAs to their most 'political' NGO supporters is that the term is highly negotiable when the acronym is turned into policy.<sup>37</sup> On the plus side, for some, is that in principle MPAs can be highly prohibitive. Greenpeace and Sea Shepherd, for instance, overtly seek to outlaw industrial fishing within them. Others more gradualist, probably in private, aim for something similar, but want tactically to hold fire for now.

MPAs may well turn out to be 'paper parks' of no effect, just as Enric Sala fears. Or, as IWMC fears, no-go prohibition zones of crippling effect. Or even, as the fishing industry and fish consuming nations could accept and possibly desire, well-targeted and small hotspot fish recruitment areas.

The proposed grand schemes don't hold the promise of the existing pragmatic ones. Since migratory fish move around (by definition), massive no-take zones will inevitably divert fishing pressure to the detriment of other areas. The sea-grab spread of size-obsessed MPAs does not 'solve' anything. There is credible evidence that large-scale static closures of marine environments are relatively ineffective at reducing bycatch and protecting food supplies compared to the benefits of dynamic fishery management which requires a responsive and flexible approach.<sup>38</sup>

The point is: if UNCLOS ends up including mega MPAs as a

core concept, battle royal will then begin as to where they should be, and what activities should be allowed within them.

The upshot just might be worldwide sustainable fisheries—industrial on the High Seas, artisanal in inshore seas, none at all where fish recruitment is the priority. If that day comes, humanity will no longer be betraying marine wildlife, you might think. Fat chance, we suggest.

For my part, I oppose any concession to the idea of MPAs on the High Seas because they will lead to more intense and more prolonged rows than are necessary for sustainable use. Better fight for the reform of the RFMOs we know than to bake-in a huge struggle for control of the MPAs we don't.

Precisely because their membership is limited to nations which have 'skin in the game', RFMOs are the right forums to arrive at decent solutions to controversial fisheries issues.<sup>39</sup> Making sure RFMOs work for everyone would be better work for NGOs than aiming to usurp them.<sup>40</sup>

But the sad fact is that most NGOs want access to RFMO deliberations to pursue agendas diametrically at odds with them. This view is backed by in-depth research, which found that NGO participation in RFMOs is not driven by the desire to weigh ecological factors related to target fish stock management but on campaigning for institutional reform. The academics concluded that environmental NGO involvement in RFMOs risks disrupting and delaying decision-making.<sup>41</sup>

I have seen how NGOs manipulate national and multi-national government (the UN and allied bodies). Hence, I share the fishing industry's fear that the proposed MPAs and the UN's ABNJ and BBNJ regimes could end up as being neither accountable nor evidence-led, and certainly not enforceable. Equally worrying, if the power within its decision-making bodies is brokered poorly, it could well prove to be an entirely counterproductive imposition on trade and conservation measures that work.

RFMOs and the FAO have the priceless advantage that they make sense in principle. They also have a positive track record of success. Most recently with regards to blue tuna, which is now ranked by IUCN as a species of least concern, after a concerted programme of RFMO initiatives proved to be efficacious. RFMOs are certainly capable of working to the advantage of the widest possible range of players, not least because there's profit in it. Fisheries institutions can open themselves to reform in all sorts of directions (toward equity and ecosystem soundness) but should aim to gain in strength, not abandon their role or have their agendas hijacked by ideologically driven bodies intent on redefining the problems they manage.

## **FAO, NGOs & CITES: A question of evidence**

The public pays little attention to the UN's Food and Agriculture Organization and the Regional Fisheries Management Organisations (FAO and RFMOs, respectively) or to the world of professional scientists and bureaucrats who serve them. The animal activist campaigners do not see FAO and its organisations as good platforms for their evangelism: they have some access to these deliberations, but—compared to their impact on CITES—much less direct influence.

For academics, scientists, trade experts and regulators, criticism of the prohibitionist campaigners is a fool's game. They enter this territory at their peril. It's not their style, and it frightens their university, government, industry or UN employers and funders.

That's why it is so important that in the run-up to the 2019 CoP18, FAO's Ad Hoc Expert Advisory Panel for the Assessment of Proposals to Amend Appendices—burnt by over a decade of frustration—put on record their annoyance at the way shark protection advocates in the NGOs went about their business (it

was mostly NGO evidence that the Parties relied on to form an opinion).<sup>42 43</sup> The Expert Panel noted that:

“...the quality of evidence (data and information) provided to show that the species in question met the CITES Appendix II listing criteria was often particularly poor. Generally speaking the proposals would have benefited from a greater focus on presenting evidence that is related to the [relevant] CITES criteria [...], as well as the inclusion of the best available information, rather than the selective inclusion of supporting information.”

This type of complaint was normal in FAO’s expert testimony to CITES. However, this time one of the specialists rather bravely put it on public record that he and his kind were running out of patience with the way their work was treated by CITES and its world.

The chairman of the FAO expert panel for 2019 emailed FAO after the meeting. (Reference as immediately above.) He said that the proposals for CITES consideration were:

“ .... typically not a clear reflection of the best available data... The Experts were also well aware that their work will likely be challenged if their decision on listing does not agree with species conservation advocates, in what has proved to promote ugly and personalised criticism in the public sphere.”

He noted that CITES’ own procedures produced the effect that the work of the panel’s volunteer network of experts was rushed and therefore less thorough than its potential usefulness warranted.

The chairman said that many of his experts had to volunteer to work unpaid. All had to work at pace, under stress, in the

knowledge that they would face ugly personal abuse, and that their advice would most possibly be ignored by vital players in the CITES' processes. He said that if this situation remains, fewer experts will make themselves available for this difficult task. The fact is, the chairman stressed, there are not many excellent available experts. And the question his remarks raised in IWMC's mind was: Why should they bother?

Almost everything in the multilateral process militates against public frankness on several matters, especially about the failings of NGO evidence. FAO, like other UN bureaucrats, or experts who volunteer to help, in private despair of the 'vote bundling' deals struck by 'species conservation advocates' long before the scientific evidence has been presented and the Conference of the Parties assembled.

The record shows that Parties and NGOs regularly ignore inconvenient expert advice regarding the weakness of the evidence in support of listing marine species. Some of those supportive Parties may know something about the subject; care about CITES; and make up their own minds to follow the prohibitionist campaigners' thinking because they share their view. But many others are variously persuaded, herded and influenced—some more or less corruptly, no doubt—into the prohibitionist camp, especially if they have no or little skin in the game.

In 2019 the shark campaigners at last got what they had long wanted. In Geneva, CITES CoP18 gave their new poster-species, the mako shark, an Appendix II listing, though there are tens of millions of this creature in the oceans.

FAO's expert opinion was that the mako shark species (there are two) are abundant in much of their colossal range and that, though their populations are under pressure from over-exploitation, this doesn't approach the level of threat that CITES' criteria (as set out in its articles) requires for a listing in appendix II. Even in the matter of possible 'extirpation' (collapse, or elimination) of



discrete populations of the animals, there wasn't enough evidence to list them.

FAO's publicly expressed scepticism was not born of cynicism or indifference. The expert panel did not make light of pressure on shark populations. But it took account of the shark conservation regulatory work of its own network of RFMOs, and of actions being taken by relevant nation states. It also noted the paucity of evidence on the role of international trade. All in all, it thought, there was too little information to be sure that CITES should be listing these species. Tellingly, the FAO spokesperson at CoP18 was heard in uncomfortable silence before his contribution was either ignored or denigrated by speaker after speaker.

Thanks for giving us the opportunity to abuse the rules and procedures of the FAO and CITES, implied the campaigners as they celebrated the listing of mako sharks by donning fluffy shark outfits, banging desktops, stamping their feet, clapping and cheering. In contrast, in the early years of CITES the reaction to any species being placed in the Appendices was one of solemn disappointment because it signified a failure of trade and conservation management.

## **Abusing the precautionary principle**

It was agreed at the Rio Earth Summit (1992) that in the absence of conclusive evidence to support a new environmental regulation, it could go ahead on the basis that it gave the environment the benefit of the doubt. It being 'better to be safe than sorry'.

This was the Precautionary Principle, which was originally proposed (in its earliest German usage) as having checks and balances. The UN, to its credit, usefully conditioned the principle with talk of what nations could manage to do, not least considering cost-effectiveness.<sup>44</sup>

But the precautionary principle is wheeled out as a 'Get Out of

Jail' card which allows prohibitionists to win their case, however weak it is and however bad its consequences. In other words, a lack of information is now being incorrectly used to justify the preferred recommendations of campaigners. Heads I win, tails you lose.

NGOs and compliant Parties are already abusing the precautionary principle in preparation for CoP19 in Panama in November 2022. Their proposals, announced by the Secretariat in June 2022, have cited 'Criterion A in Annex 2b of Resolution Conf. 9.24 (Rev. CoP17)' to list yet more sharks and rosewoods. This criterion (in accordance with Article II, paragraph 2a (B) of the Convention) refers to the 'look-alike principle' which 'justifies' a listing even if a species is not endangered or in instances in which there is no definitive evidence even that it might be endangered by trade in the future. This flexible, convenient precautionary principle is exploited serially whenever there's scientific uncertainty regarding the status of a species or the impact of trade on the conservation of a species (See also our Case Study on Rainforests and Rosewoods). Israel used this specious line of reasoning at CITES CoP18 to call for the listing of the long dead mammoth species because its ivory still gets traded. For CoP19 the look-alike principle is being called upon on a grand scale.<sup>45 46</sup>

For instance, CoP19 Proposal 37 calls for the listing of 19 Requiem sharks as well as 35 to 40 look-alike species in appendix II. This unprecedented bundling of up to 59 sharks is being 'justified' because it supposedly accords with Article II, paragraph 2(a) of the Convention, aka the precautionary principle, and satisfies criteria A and B in Annex 2a of CITES Resolution Conf. 9.24 (Rev. CoP17), which is an extension of CITES' precautionary principle.

On similar grounds the Listocrats also propose to list six species of Guitarfish rays (*Rhinobatidae*) plus 37 supposed lookalikes in appendix II. Like many of the previously proposed shark listings, these proposals are—as I write—being opposed vigorously by FAO

and RFMO experts.<sup>47</sup>

Their expert-led push back arises because for two successive CoPs, Parties and NGOs have rooted their arguments in Article II, paragraph 2a (B), precisely because they lacked convincing scientific evidence in support of their call to put them in the appendices. But, also, the ‘catch all’ look-alike lists of sharks proposed for listing at CoP19 far outnumber the target species supposedly affected by trade. Such proposals, says the FAO, ‘take no account of practicality, costs and socioeconomic impact of implementing the listing and lookalike controls.’<sup>48</sup> Moreover, warns the FAO, the listing of so-called lookalike sharks (note: many are actually easily distinguishable in trade and can only be disingenuously described as being lookalike species.) of marginal merit, risks ‘eroding the general trust in the CITES process, especially if that socioeconomic disruption is for a species of good status that do not meet CITES criteria’.

Therein lies the rub. Even when CITES’ precautionary articles and annexes are cited to justify listing a species in the appendices, biological criteria that set the parameters of quantifiable decline rates over a specified period must still be proven to apply. That’s another challenge recent proposals to list sharks in the appendices have dodged. In short, much of the conflict between the FAO and CITES boils down to the fact that the former remains willing, unlike the NGOs influencing CITES’ CoPs, to respect the Convention.

To ward off FAO criticism about the NGOs’ abuse of science to secure shark listings at CoP18, the campaigners (especially ‘species conservation advocates’) published data—in the media in 2021, which ‘showed’ that mako (and other sharks) fulfilled the biological criteria for inclusion in Appendix II after all, on their own merit independent of the precautionary principle. It wasn’t fresh data. But a trawl of previous studies. One would have to be well versed in this stuff to spot that the FAO’s panel of experts

had scrutinised all the studies cited by the NGOs—especially from the perspective of mako—and found them deficient in 2019 before CoP18.<sup>49</sup>

Yet, as we shall see, such tensions and collisions could still spark the positive reform of CITES and its workings that it sorely needs.

## **IPLCs on the world stage**

IWMC promotes the interests of Aboriginal, Rural and Coastal Communities (ARCC), otherwise known as Indigenous Peoples and Local Communities (IPLCs). It also supports all other groups or individuals who consume or interact with wild species and their derivatives. This is a big, complex challenge because the interests of these diverse stakeholders are not coterminous.

As much as it is important to be alert to the agendas of the multilateral players who promote IPLC rights, it is important to be alert to the agendas of the ‘community leaders’ who are catapulted on to the world stage. Promoting IPLCs as advocates of wildlife appeals to several conservation and sustainable development multilateral players. In international and UN fora the key question would usually be: granted that (mostly) the IPLCs being ‘helped’ were picked by the NGOs for support (rather than the IPLCs choosing the NGOs, as one might a lawyer), what agendas are they signing up to in exchange for the advocacy?

To the prohibitionist, hands-off, Parks people, locals can seem like the sitting tenants of wildlife habitat and the only players conducting themselves so modestly as to be models of sustainability. (Though Parks people can also be, to put it politely, cavalier toward IPLC concerns.)

Contrariwise, to sustainable use proponents, IPLCs can seem precisely to be an alternative to prohibitionist ‘Keep Out’, ‘hands-off’, conservation: showing how wise use can be a model of good

conservation. For instance, to its great credit, IUCN's Initiative for Conservation in the Andean Amazon (ICAA) network and its Sustainable Use and Livelihoods Specialist Group (SULi) develop positive collaborative strategies that empower and incentivise local people to protect their environments.

And finally, to environmental justice people, IPLCs can seem to be the most deserving of the poorest of the poor, whose rights everyone else tramples on.<sup>50</sup>

If one prefers a view that wildlife habitat is the Common Heritage of Humankind, these problems are striking. A simplistic 'Nature First' approach might impose very great restrictions on forest dwelling IPLCs or even on fishing folk in coastal communities. A Sustainable Use for Sustainable Development approach might well require that IPLCs lose some of the rights that their advocates espouse for them. From a moral and conservation standpoint we need to examine the specificities of the unique social, geographical and biodiverse circumstances case by case.

Remote forest-dwellers are an endangered species, and there are few, if any, lost tribes to discover. Most IPLCs live relatively modern, though too often poverty-stricken and marginalised, lives in rural areas as diverse as that on offer in Oceania, Brazil, Africa, Russia, Norway and Canada.

Dispersed or displaced indigenous peoples in developing and developed countries are not always liked by settled (often agricultural) communities. Though, to be fair, the ill-feeling may be a two-way street. People united by physical proximity may loosely be called a community, but they may well not like other members of nearby communities; people from the next village are often seen as the enemy, whereas as those from another land are welcomed as honored guests.

IPLCs are mostly in a socially and economic precarious position and rarely in control of their own affairs. But the Faroe Islanders are an exception. They live in a fiercely fought for autonomous

territory of the Kingdom of Denmark. In 2019 the \$64,225 per capita income of the Faroe Islanders was higher than in the UK and USA. These wealthy indigenous ethnic people possess the right under the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) to hunt pilot whales in the style (up to a point) of their ancestors.

Meanwhile, IWMC has always been uncomfortable with how the International Whaling Commission forces the Saint Vincent and the Grenadines' Bequia Islanders, a nation with a per capita income of just \$7.3k, to reapply regularly for their Aboriginal Subsistence Whaling 'license' to hunt large cetaceans. Put another way, the IWC makes a poor indigenous community beg—again and again—to be granted the right to hunt whales (a deeply rooted part of their culture, which provides a cheap and plentiful source of food security) off their shore.

By contrast, IWMC believes that the right of poor Bequia Islanders and rich Faroe Islanders to hunt big or small whales sustainably should be irrevocable under law. For similar reasons, IWMC backs the right of the likes of Japan, Iceland and Norway to hunt whales on the high seas responsibly.

A core mantra of those who support IPLCs, and especially the indigenous people, is that these are the 'real guardians' of the biodiversity. There's lots of truth in the claim. But this recognition is often used as a cover for an intervention in their affairs. That's the case among opponents of whaling, as we've just described. But it is especially true among advocates of 'fortress conservation' initiatives who end up betraying local people by relocating them against their will or by imposing bans and restrictions in pursuit of the 'greater good'.

For example, the Washington-based NGO African Wildlife Foundation (AWF) believes that 'humans are the biggest threat to Africa's wildlife' (in contrast, IWMC sees humanity as the solution).<sup>51</sup> Translated into action, this misanthropic prejudice leads

AWF to consider Africans living close to wildlife as obstacles to be removed. Perhaps this explains why AWF stands accused along with The Nature Conservancy (TNC) of initiating and participating in the brutal expulsion of two thousand semi-nomadic Samburu families from the Laikipia National Park in Kenya.

In 2011, AFW's then President Helen Gichohi, a Kenyan citizen raised in Nairobi, denied the claims. She said that when the two NGOs bought the land in 2008, they did so in the expectation that no one lived there. To believe her account, we would have to accept that neither AWF nor TNC bothered to visit or research the history and contemporary usage of 7,000 hectares of land that they intended to conserve before they parted with millions of dollars to purchase it. Gichohi blamed the Kenyan Government for the expulsions which she claimed happened after AWF and TNC relinquished control. But the accusations of AWF's involvement in the repression of local people, involving burnt villages, raped women, murdered nomads and forcible relocations, began on its watch. In other words, the first complaints against AWF were filed in court before the land was handed to the Government.<sup>52 53 54</sup>

To prevent such outrages occurring and to ensure transparent good governance, IWMC maintains that all IPLC stakeholders must be heard in international conservation fora. IPLCs' human rights and or special privileges and protections must be enshrined in international treaties and national law. But what good is hearing from IPLCs if the intention is to ignore them?

## **IPLCs and Think Before You Act**

As I was completing *Wildlife Betrayed*, an article arrived in my inbox from several Listocratic NGOs rebuking a group of respected conservationists for urging CITES to 'Think Before You Act'.<sup>55</sup> They were being criticised by the NGOs for arguing that CITES fails to do what other MEAs do, which is focus

on assessing the consequences of proposed actions. CITES' deliberations, the conservationists had said, take no account of the real-world complexities faced by rural communities who live alongside wildlife. Neither does CITES give IPLCs a formal voice in the decision-making process. Instead CITES adopts the simplistic assumption that trade prohibition will assist species conservation. To overcome this deficit, three improvements were proposed: "(1) development of a formal mechanism for consideration by Parties of the likely consequences of species listing decisions; (2) broadening of the range of criteria used to make listing decisions; and (3) amplification of the input of local communities living alongside wildlife in the listing process."<sup>56</sup> (See also *Wildlife Betrayed's* Taking Back Control chapter for additional suggestions).

But responding in *Frontiers in Ecology and Evolution*, the Listocrat NGOs said that they couldn't imagine how Parties could 'reasonably weigh scientific information against [socio] economic factors' when considering the efficacy of proposed listings. According to them, if anything but scientific criteria were considered this would 'make it even harder to list commercially valuable species on the CITES Appendices.'

They argued that deliberations and debates at CITES must confine themselves to assessing 'sound science' to the exclusion of other criteria.

It was amusing to hear the likes of World Conservation Society advertise their commitment to ensuring that CITES bases its decisions on 'sound science'. Because that's a commitment Listocrats betray, as we discussed above, whenever they cite the infinitely elastic 'precautionary principle'. Especially with regards to sharks but also elephants and rhino. This inconsistency was manifest at CoP18. There, NGOs fought to include in Appendix II an estimated 20 million (up-to-four-meter-long) mako sharks (in defiance of the FAO's recommendations), as well as more than one



hundred thousand giraffes that also were not threatened by international trade.<sup>57</sup>

Usefully, however, the Listocratic rebuttal reminded everybody that CITES ‘should take into account potential impacts on the livelihoods of the poor’ (CITES, 2004); and that implementation is ‘better achieved with the engagement of rural communities’ (CITES, 2019). But they omitted to mention two details. First that these commitments remain rhetorical. Second, that they would be pointless exercises if the views of IPLCs were not embedded along with other socioeconomic criteria in the decision-making process. Thankfully, Cambodia, Eswatini, and Namibia have answered the conservationist call to amend the listing criteria at CoP19 (IWMC will be in full support).

Ensuring that Parties calibrate the impact of socioeconomic factors when considering listings in the Appendices is a mammoth task. But we need to force the issue. Because CITES cannot continue to indulge the ethos ‘never mind the consequences, celebrate the listing’. The record shows that CITES’ multiple failures are the result of its refusal to ‘Think Before it Acts’ about socioeconomic complexities or to review and correct errors once they become transparent.

## **Some of the key players in the CITES game**

### **WILDLIFE CONSERVATION SOCIETY (WCS) FOUNDED IN 1895**

The Wildlife Conservation Society (WCS) is one of the oldest conservation societies. Today it has annual revenues of hundreds of millions of dollars and assets worth more than a billion. It is the most influential US-based animal activist NGO operating within CITES.

A fact that is barely known is that WCS' founders were eugenicists who idealised nature and despised humanity. Their influence not only harmed mankind's ability to manage the environment responsibly. It also made a considerable contribution to the development of fascism in the twentieth century. So much so that adherence to WCS-ideology was cited as an argument for the defense at the Nuremberg trials by a Nazi accused of perpetrating the Holocaust. Moreover because of nepotism, the founders' vile grip on WCS's leadership was maintained until at least 1968.<sup>58</sup>

In 2020, for the first time ever, WCS apologised for its bigoted past.<sup>59</sup> WCS struck me as sincere when expressing its disgust for having promoted *The Passing of the Great Race*: an overtly racist tract written in 1918 by a prominent founder of WCS, complemented by an enthusiastic preface by its then president. But it is impossible to ignore that it took WCS more than 100 years to accept responsibility for its malevolence. It is hard to imagine how WCS's appointment of a 'diversity officer' (which the apology announced) marked a sufficient strategic response or recompense. I was also troubled by the narrow focus of the apology, directed almost exclusively at groveling to Black Lives Matter protesters in the USA. Whereas the most numerous and most abused victims of WCS's misanthropy were not, as WCS implied, 'African Americans, Native Americans and immigrants' (though they undoubtedly deserved an apology) but Africans, Asians and Jews.

In the late 1960s WCS established projects in Kenya, Tanganyika (now Tanzania), Uganda, Ethiopia, Sudan, as well as Burma, and the Malay peninsula. Most notably, it was one of the prime movers and funders supporting the development of Kenya's wildlife parks infrastructure.

In the 1970s, WCS strengthened its influence in Kenya by backing David Western's development of the country's wildlife conservation policies.<sup>60</sup> These policies either curtailed or banned traditional ways of life such as hunting, and often forced nomadic

tribes to live in fenced communities supervised by armed guards. Cementing their relationship further in 1997, WCS appointed Mr. Western, who was then the former Director of Kenya Wildlife Service and current chairman of the African Conservation Centre, to lead its international operations.<sup>61</sup>

In 2017, Survival International accused WCS of funding the abuse and the eviction of Bayaka ‘Pygmies’ and other rainforest tribes in the Republic of Congo.<sup>62</sup>

Ironically, at the same as WCS was apologising for its historical misdeeds, it demonstrated that it was still prepared to propose policies that could have a devastating impact on humanity. Responding to the Covid-19 pandemic in 2020, WCS demanded the *immediate* prohibition of ‘all commercial trade in wildlife for human consumption (particularly of birds and mammals) and closing all such markets’.

This draconian response to the pandemic was promulgated by WCS without it being in possession of any supporting evidence. It provided no proof that the SARS-Cov-2 virus was spread by a traded wild animal or incubated in wet markets or that a ban on the wildlife trade would prove to be anything but a boon for unregulated illicit traders (see our Covid case study). But had anybody taken WCS seriously, the lives, livelihoods and health of millions of people would have been ruined.<sup>63</sup>

One of WCS’s best kept secrets is the fact that it is not opposed to trophy hunting. It believes: “When appropriately governed and managed, based on sound science and adaptive management, trophy hunting can potentially be an important conservation tool, providing value and local incentives to maintain wild lands and to conserve often threatened species”. At least it said that in 2018, but recently the paper from which we took the quote has been deleted.<sup>64</sup>

When it comes to the world’s oceans, WCS’s strategy is to create ‘a global network of Nature’s Strongholds’ (very much like

WWF fortress conservation strategy). One part of this two-sided strategy is designed to place at least 30 percent of the world's oceans in 'no-take' marine protection zones by 2030. The other is directed at preserving forests and protecting 30 percent of the world's landmass from human activity.

In May 2022, WCS's CEO Dr. Cristián Samper announced that he had accepted an offer to become the Managing Director and Leader of Nature Solutions at the multi-billion-dollar Bezos Earth Fund. This was not a surprising move given the growing links between the two bodies. Exemplified by the fact that Samper had been a Principal Advisor for Nature at the Bezos Earth Fund since 2021.

## **INTERNATIONAL UNION FOR CONSERVATION OF NATURE (IUCN) FOUNDED IN 1948**

IUCN (the International Union for the Conservation of Nature) was from the beginning, in 1948, intended to be, and remains, a marvellous mixture of almost every sort of body or group of individuals that have an expert interest in nature conservation.<sup>65</sup> It has always been a very loose federation. Scientists, governments, campaigners (trade bodies, animal activists, conservation groups of every sort), and experienced conservation practitioners are all admitted. They were and are allowed to hang on to their predilections, provided their pronouncements can pass muster as being evidenced and considered.

So, IUCN was riven with tensions from the start. Professional conservation experts have always divided between those who favour a hands-off 'Parks for wildlife' approach and those who believe wildlife and humans are better off when they intermingle and when Wise Use helps wildlife pay its way in the world.

IUCN's key founders (mostly English) were amazingly effective operators. They had been keen naturalists and had learned a lot as campaigners. They rapidly leveraged IUCN to spawn WWF

(founded 1961) and CITES (founded 1973, effective 1975).

The IUCN and other authors of the Washington Convention not only took for granted that WWF was a good thing; they institutionalised NGOs (aka civil society) within CITES' decision-making bodies. They seem to have assumed that the Society for the Preservation of the Wild Fauna of the Empire founded in 1903 (Fauna & Flora International since 1981) was broadly sensible and pragmatic, as were, they seemingly thought, other bodies operating within IUCN. Its bigwigs probably only had the merest foreboding, if any, that hands-on conservation and lethal consumptive utilisation would become much more deeply controversial than they were in the early 1970s.

IUCN certainly did not foresee the way their own creation, WWF, would evolve. Not least as it responded to the new conservation and animal welfare campaigns which were just emerging. WWF was always intended to pluck at the public heartstrings. But no-one seems to have thought it should become a major propagandist for the 'Parks people'.

So, the IUCN-WWF-CITES triumvirate was never the co-operative family its progenitors must have hoped for. Two of its wings (IUCN and WWF), which shared the same building in Gland, Switzerland, when I was Secretary-General of CITES, were each host to two mutually exclusive conservation schools (which we can also call the purists and the pragmatists). The third, CITES, was the main arena where these old differences were amplified and pitted against each other with a new strength of feeling and new aggression.

Thus, for instance, the animal activists IFAW (founded 1969), are in the same disputatious IUCN brew as people who support trophy hunting. But IUCN doesn't aim to produce agreement amongst its different schools of thought, except on generalities.<sup>66</sup> Rather, they operate in silos. There are independent and separate departments within the Union ('programmes', 'commis-

sions', and 'specialist groups' in the jargon), and these often address the conservation of, say, any particular species from radically diverse perspectives.

It is seldom pointed out, but is obvious from all the above, that IUCN, however much it likes to speak in the name of this or that 'consensus-based policy', has not got a single voice, let alone an authoritative one.<sup>67</sup> That being so, it is surprising that it insists on promoting one over-riding nonsense about itself. Wearing one of its many hats, the Union often wants to persuade its audiences and customers that it is the international repository of 'science' as applied to the conservation of nature.

The linked ideas that science can be thought of as a monolith of verifiable certainty, or that the cleverness of scientists can translate knowledge into practical wisdom, are of course flawed. Science is the antithesis of consensus. Science is about the contested search for truth through the testing of hypothesis which can only be considered scientific if they can potentially be falsified and overthrown by better evidence and theories.

It is rarely acknowledged how easily the preferred choices of campaigners motivated by social prejudices can be disguised as scientific imperatives that brook no dissent. That's why Churchill thought 'scientists should be on tap, not on top'.

Anyway, some of the most important 'science' that IUCN produces can be easily exposed as being not much more than a lean-to shed composed of planks of evidence of very various quality. (See, especially, *Wildlife Betrayed's* African savannah elephants case study.) Besides, to be crude about it, IUCN's different groups have profoundly different readings of the evidence they choose to put in support of their various very different causes.<sup>68</sup>

IUCN's internal disputes were often a matter of geography, cultural and physical. Martin Holdgate noted (see references) that its people from the EU, US and Australia, tended to be 'Parks people' conservationists, and those from Africa and Asia were

often Wise Use conservationists.

It took a few years before events elsewhere in the multilateral world formulated the giant international oxymoron and paradox that is sustainable development. It had to be done. Humans want a world in which ecology and economics are aligned, and it is convenient (though often disingenuous or at best mistaken) to believe that the two should and could be kept in a perpetual meaningful balance. IUCN was importantly a progenitor of the whole idea, and not least because the Parks vs Wise Use tensions within it had kept thrusting the human impact of conservation measures firmly centre stage. It is hardly surprising, then, that there is a schism between those who think mainly in terms of humans working for nature, and others who think nature is better off when it works for us.

Knowing that these divisions exist and that they are sometimes irreconcilable is key to being able to use IUCN material. When anyone elsewhere in the multilateral jungle considers an 'IUCN' position paper, they are wise to consider which wing or strand of IUCN produced the work.

That cautious approach to an 'IUCN' pronouncement is made more urgent when one considers that some IUCN work looks highly scientific and thus unimpeachable, but it is loaded with foregone conclusions in reality. That's to say, 'the science' and the 'experts' are sometimes prepared to fly their IUCN banner, when they are closely associated with and influenced by a myopic campaigning agenda.

*Wildlife Betrayed* cited this phenomenon earlier in this section when discussing the FAO and the evidence (IUCN supported the mako shark listing). We shall delve deeper into it again in the African Savannah Elephant case study chapter *How many elephants are there?*, as well as in the Ocean case study, especially *Harvesting the ocean: How much is OK?*

## THE PEW CHARITABLE TRUSTS FOUNDED IN 1948

The Pew Charitable Trusts derives its name from its founders, the Pew family, which made their money in the oil and the military ship building industries. Originally there were seven separate trusts that were created by different members of the family after World War II, to carry philanthropic work without attracting publicity. But Pew began courting public attention in the final few decades of the 20th century. Most notably in 1990, when Pew appointed Joshua Reichert, a man who, in Pew's words, 'was known for his willingness to incur significant risk, and pursue bold strategies,' to lead its environment and oceans programme work.

For example, in 1994 Reichert established and financed the National Environmental Trust (NET) to educate the public about global warming. Then in 2007, he initiated the merger of NET with Pew to create what the press release called the new 'green team' under his leadership. And in 2008 he helped found and fund the militant campaign group Oceana, which places a strong emphasis on creating vast marine protection zones with the intention of excluding fishing vessels and banning other industrial activities in their waters.

With billions of dollars in assets, Pew has always been one of the two most influential US-based NGO attending CITES's meetings (second only to WCS in the U.S.). In 2009, Reichert raised PEW's profile by appointing a former Chief of the U.S. CITES Scientific Authority as his Director of International Environmental Policy. In her new role with Pew (2009–2013) Sue Lieberman, whose previous job was Director of WWF's Global Species Programme (2001–2009), made polemical confrontation her goal. (Today Sue Lieberman is Vice President, International Policy at the Wildlife Conservation Society and she heads its delegation to CITES).

At CITES' CoP16 in 2013 Lieberman abandoned Pew's self-effacing tradition. Courting media headlines, she accused a bloc vote of East Asian countries of wanting to catch sharks for



their fins ‘without any regulations’ to control their take. She then polarised the debate further by alleging that East Asian countries were prepared to ‘wipe out these species’ in return for ‘short term benefits.’

Ahead of CoP18 in Geneva, 2019, Pew reported that every year ‘at least 63 million and as many as 273 million sharks are killed in the world’s commercial fisheries<sup>69</sup>’. Therefore, PEW claimed, ‘shark populations have suffered declines worldwide’. Pew fails to tell us, however, how that statement is compatible with its other core claim. Namely that: “More than one third of shark species [almost entirely the ones considered most commercially exploitable however dubious the claim] and their relatives [sic] assessed by the International Union for Conservation of Nature are categorised [correctly] as Threatened or Near Threatened with extinction”. Surely, if sharks were threatened by trade anywhere close to the level PEW claims (and we predict that at CITES CoP19 PEW will say that all sharks are at risk of extinction and should be listed in its Appendices), the annual catch rate could not be maintained constantly at between 63 and 270 million sharks but would fall dramatically year on year.

## **WORLD WILDLIFE FUND FOR NATURE (WWF) FOUNDED IN 1961**

The World Wildlife Fund for Nature (it has undergone bewilderingly subtle name changes) was invented by IUCN’s founders in 1961, not least to fund its originator. It was intended to be populist and mostly to raise money for conservation, rather than to have or drive projects of its own. It was always intended to open the public’s purses but also to harness corporate and private wealth.<sup>70</sup>

In the age of spin which soon arrived, WWF was bound to court and be courted by industry’s ‘greenwash’ Corporate Social Responsibility (CSR) budgets (which are now mostly labelled Environment, Social and Governance, ESG).<sup>71</sup> It is hardly surpris-

ing that WWF also went into the profitable wildlife certification business: Marine Stewardship Council (MSC); International Seafood Sustainability Foundation (ISSF); Forest Stewardship Council (FSC); Roundtable on Sustainable Palm Oil (RSPO) etc.

The move was bound to be controversial. Being the guarantor of the virtue of a product, and perhaps especially a wildlife product, is very taxing. Surveillance, investigation, chains of provenance, policing: all of these are technically difficult to achieve. WWF should have known better.

Its original mission from IUCN was to support projects that had a pre-existing and separate life of their own, not to be so close as to be unable to walk away if needed. And its founders did not imagine that it could become a major independent player on the international stage.

Caution should have dictated that WWF was scrupulous in its due diligence of its funding of third-party Global South players. Its own history of involvement with Operation Lock, a scandal-laden private militia campaign in South Africa in the 1980s, gave it a handy and hard case in point.<sup>72</sup> Yet in recent years, WWF, the well-known promulgator of CSR and ESG, allowed itself to become a promoter of 'Militarised Ecology' in the Congo Basin and elsewhere, too. It duly came to grief in its sponsorship and poor governance of armed forest wardens on the ground.<sup>73</sup>

As we look at the failings or weaknesses in WWF thinking or behaviour it is important and puzzling to see that it is a slick corporate entity managed by an intelligent core of professionals. Its glossy, in part well-researched (if one digs beneath the hyperbole), annual *Living Planet Report* blends conventional doomsterism with equally conventional calls to action, which inform, for instance, David Attenborough.<sup>74</sup>

It may be that WWF's professional staff noticed that corporates and their managements can often survive by simply brushing off

criticism and setbacks. An inquiry or review followed by a quick apology usually suffices; one sails on. If one keeps pumping out the right TV advertisements, customers (supporters in the case of campaigns) will return, if their numbers were ever dented. It is also entirely possible that WWF fell into a trap which especially awaits those corporates that base their whole ethos on being on the side of the angels.

A cynic or a realist might have predicted that the Roman Catholic church and Oxfam (and other aid NGOs) would offer their employees opportunities to abuse their position. It has been more of a surprise (perhaps it should not have been) that ‘good’ corporations often behave very badly when they discover wrongdoing in their midst. As Matthew Syed pointed out, in *The Times* (25 May 2021): “The perception of virtue provided a fig leaf for its absence”.

More important is the way that WWF has been free to hide its real secrets in plain sight. WWF was able to shrug off its involvement in the important Nepal and Congo eco-militia scandals which *Buzzfeed* broke in 2019.<sup>75</sup> The NGO claimed that it didn’t employ the ill-disciplined forest rangers, was horrified by what they had been allowed to do and it commissioned an impressive independent panel to investigate the whole affair.

The panel of independent experts reported that WWF had a history of earnest pronouncements of its good intentions on human rights but a bad record of delivering them. The report’s writers must have wondered how likely it was that their own *Embedding human rights in nature conservation: from intent to action* would shift WWF’s dial. There are plainly vast gulfs between WWF International, WWF’s in-country offices, and WWF’s realities on the ground. Managing them decently and coherently would have proved extremely difficult and perhaps impossible, even if WWF had seriously tried.

The most fascinating feature of the panel's critique was that whilst it was careful to sympathise with WWF's dilemmas, it was nonetheless robust in saying that the NGO had a profound systemic reluctance to admit its own fallibility.<sup>76</sup>

The trend seems to be that the more WWF and other '30 by 30' land-grab NGOs succeed in persuading the world to lock up wildlife in reserves, the more they produce the scene for antagonism and violent confrontations.<sup>77</sup> To that extent alone, there is good reason to be sceptical that size-obsessed conservation policies make sense.

The fact remains that conservation regulations will impact more and more poor people. It is hardly realistic to expect that the processes could or will be smoothly managed. It is not even clear that one could design sustainable development to suit the 'poorest of the poor' in the short term. There is no ideal or quick solution to the politics of natural resource management in the Global South, and multilateral bodies and national governments will find it very hard to do good, as they have been discovering.<sup>78</sup>

It is galling to see a body of WWF's pedigree smoothly dodging the issues as though waving a stuffed Panda at humanity's complexities could resolve them. We do after all see WWF playing to an infantilised public taste, especially when they entice our kids to adopt African Elephants for a one-off fee of up to \$250 or for a \$15 per month year-on-year donation. In both UK and US markets, the message of their TV ads is that the African elephants may soon be absent and that we will be poorer without 'this old friend'.<sup>79</sup>

Of course, when kids adopt WWF's animals there is no promise that their parents' money will be spent on the species that touched their child's heart. The money goes into WWF's general pot, which includes office buildings, salaries, and perks and fundraising. But the kids (aged four and upwards) do receive material emblazoned with WWF's logo, a certificate of adoption (Sic), tee

shirts, posters, gift bags and plush fluffy toys.

But to call the elephant a ‘friend’ of the many poor Africans who live in fear of their livelihoods and lives because of conflict with these giants is to compound anthropomorphism with something akin to racism. It is, indeed, tempting to ask, does the ‘Black Lives Matter’ brand not export to Africa? It is tempting to ask if it should be legal for NGOs, or any organisation, to manipulate children’s emotions and to exploit them as cash cows for political causes? At what stage does this become child abuse? Why has the child protection lobby not opposed this outrage?

To say that African elephants (savannah and forest species) are likely to disappear is to fly in the face of evidence that some of the elephants’ savannah populations are thriving to the point that their abundance is or soon will be a threat to themselves and other species living on the savannah.

It is dispiriting that a body with WWF’s backstory should be pumping out nonsense. But in a sense that is the mess that its founders built for it, all unawares. WWF’s business model is about hoovering in money from gullible and soft-hearted ‘supporters’ who never get near the levers of power within the body they pay for.

Indeed, the cool professionals who run the show must be aware that they are in a marketplace with IFAW and others who have in effect forced WWF onto territory where it is animal activists who have the stronger pitch. It may gall the professionals or not, but there is a logic to WWF’s ads: they had to vulgarise or WWF risked extinction.

But, sometimes, on the ground, WWF funds and supports agendas which suit local circumstances that are strongly into sustainable use.

The in-country national offices of WWF such as those in South Africa, Mozambique and Namibia are rather good operators when it comes to involving local people.<sup>80</sup> In southern Africa, but else-

where too, in-country WWF employees are long-term supporters and promoters of practices and strategies which have morphed into the modern multilateral lingo in which Consumptive Wildlife Utilisation (CWU), Community-Based Natural Resource Management (CBNRM), and Indigenous Peoples and Local Communities (IPLCs) are the vital watchwords.

Thus, WWF-Zimbabwe, WWF-Namibia, WWF-Malaysia and WWF-Peru have all variously and often over many years been key to national practice which is of a 'use it or lose it' and local livelihood tendency.<sup>81</sup> This is much in line with what *Wildlife Betrayed* espouses and many of IWMC's people have favoured for decades.

Yet the casual observer of WWF would not come across the deep division in its ranks. Few journalists have ever investigated it. WWF leaders in the West do not address it, at least not in public. Perhaps they are ashamed of having allowed an age-old sleight of hand to persist. Perhaps they have no language in which to discuss nuance. More probably, they may believe that it is necessary to dissemble and dissimulate granted that their whole business model has been built on the idea that their supporters are sentimental idealists.

## **INTERNATIONAL FUND FOR ANIMAL WELFARE (IFAW) FOUNDED IN 1969**

The International Fund for Animal Welfare was founded in Canada in 1969.<sup>82</sup> It may have started out with a relatively small budget but today it has a budget of around USD110 million per year.<sup>83</sup> It is thus a little younger than WWF and a little older than Greenpeace and their equal in terms of financial clout. It predates the 'speciesism' and Animal Rights thinking of Richard Ryder and Peter Singer and their many successors in the idea of 'animal liberation'. This is important because IFAW is often accused of being an 'animal rights' campaign from the outset, as are many others which prioritise the humane treatment of animals by

humans. Animal welfare is a very old idea indeed, and it has had powerful exponents worldwide for hundreds of years.

Beyond a respect for definitions and chronology, it matters to see IFAW (and others) as ‘animal activists’ because one can then more easily see how shifting and even shiftily such groups are free to be.

A real animal rights campaigner would be in the sort of niche position occupied by the followers of India’s Jain tradition, which bans the consumption of meat, fish, eggs, honey and the use of animal products for clothing. An ‘animal rights’ person can’t really condone any use of animals by humans. A welfarist is free to pick and choose the interactions with animals which humans can and can’t indulge in.

Understand that, and one understands how IFAW can keep a straight face whilst it joins IUCN or works with the wildlife service of Zimbabwe and Kenya.<sup>84</sup> In these scenarios, it is discussing the alleviation of animal suffering, but not insisting that interactions stop. Likewise, IFAW does not campaign against capture fisheries as such, but mostly against the bycatch of sharks and for large-scale MPAs.<sup>85</sup>

Under this sort of cover, which one might call disingenuous, IFAW seems always to campaign against the lethal Consumptive Wildlife Utilisation (CWU) of terrestrial fauna it especially loathes.

For example, IFAW’s CEO Azzadine Downes once penned an op-ed for the *Daily Dodo* titled *There’s no such thing as a sustainable wildlife trade*. Downes’ piece deploys the same logic as People for the Ethical Treatment of Animals (PETA) uses to oppose the fur and leather industries by claiming that it is unethical to harvest elephant tusks and rhino horns from living creatures. In the op-ed Downes opines that every animal has an ‘intrinsic value’, which is the core belief used by animal rights extremist bodies such as the Animal Liberation Front to justify committing acts of terrorism in pursuit of their agenda.<sup>86</sup>

The disturbing fact is that IFAW seems untroubled by the ecological insight that humans can cause the deaths of wildlife either by hunting them on purpose or by refusing to hunt them and thereby encouraging the over-abundance of species which probably leads to more animal suffering and death. The latter poses a bigger threat than the former because local people end up viewing the likes of rhino, elephants and big cats as pests, while the land they live on becomes economically valuable for other pursuits.

It is hard to say whether IFAW is stupid or manipulative in under-thinking about such issues, at least in public. I doubt that a lack of smarts is at work. There are grey areas where IFAW seems amenable to having its cake and eating it. For instance, it seems both to be opposed to bushmeat consumption and to be prepared to contemplate working to reduce its most detrimental animal welfare impacts. That might be seen as good reformist thinking. Equally, it may be a matter of ensuring that it has a seat at as many tables as possible.

IFAW's spawning of the African Elephant Coalition showed it to be an efficient player in the multilateral game. Especially because this gave IFAW considerable influence over a bloc vote at CITES that it could call on for multiple purposes, such as to support shark listings in the Appendices.<sup>87</sup>

More recently, IFAW's documents, *Beyond Covid-19: Preserving human health by reinventing our relationship with wildlife*, 2020, *Coexistence: living harmoniously with wildlife in a human-dominated world* (2019) and *Thriving Together: Achieving the Sustainable Development Goals and increasing well-being for animals and people* (2018) are masterworks in ticking the right-on rhetorical boxes that dominate the jargon-filled world of multilateral environmental agreements.

The first document is strong on the 'disturbed wildlife' thesis but very thin on bushmeat dilemmas. The last document is masterly in



its sleight of hand: for instance, raging against the unsustainable trafficking of bushmeat, but disdaining to engage with the possibility that in some circumstances bushmeat consumption can or could be sustainable.<sup>88</sup>

IFAW's concentration on cybercrime, its CEO's interest in blogging on empathy, and its strategy of being in on any relevant discussion, in any company, in any multilateral forum (though it rarely if ever joins coalitions; the Coalition to End Wildlife Trafficking Online being an exception) show that IFAW is not feeling its chronological age, but the spirit of modern times.

### **GREENPEACE FOUNDED IN 1971**

Greenpeace was the conservation campaign NGO which first gained charisma: it had it and knew how to make it a game-changer.<sup>89</sup> While the campaign has lost some of its original appeal, it has cleverly remodelled itself for something beyond media-focused direct action (though it doesn't altogether abandon those either).

Like many an insurgent before it, Greenpeace wasn't overly intellectual, but it embodied a nascent cultural shift. It was born in 1971 of a familiar, even an elderly pair of causes: it was anti-nuclear and pro-Peace. Greenpeace's very name instantly endeared itself. But posed a novel challenge too. Here was the body which might energise two notions for the price of one: it linked the new idea of 'green' with the old idea of peace. Greenpeace was also born into an age which had declared itself ripe for a new vividness in messaging.

The 1968 academic and student revolution globalised and revved up two lines of thought that had their origins in 18<sup>th</sup> and 19<sup>th</sup> century French and German philosophy. Blame Hegel and Nietzsche for an understanding that the power of human will and imagination could, properly propagandised, move mountains which mere reason couldn't budge. Blame Foucault for his

idea that elites had always owned the dominant narratives of the world, but that it was possible to steal their dominance from them. Greenpeace had good intellectual company, whether it acknowledged these thought-leaders or not. It understood instinctively that direct action activism spoke louder than words. And it understood that TV turned images into wildfire.

In short, Greenpeace knew how charisma worked in the TV age. It developed a powerfully symbiotic relationship with the growing global force represented by TV networks. The campaigners were sharper, if possible, than the media.

The technique was new and fresh. But Greenpeace was not alone in pursuing it. In 1981, Midge Ure, a pop musician, realised that his record company was dumb in not paying for his band Ultravox to make a cheap video of their song 'Vienna', for free distribution to TV networks worldwide. The young visionary made the video himself and the band achieved a worldwide hit.<sup>90</sup> (MTV later industrialised the concept.)

Greenpeace was the mega rock star of conservation. Greenpeace knew it had the exciting story. It had images of derring-do on the High Seas and was the only source of this gripping material. The tactic was described by Stephen Dale in his invaluable *McLuhan's Children: The Greenpeace message and the media* (1996).

It seems that Tony Mariner, a key Greenpeace figure from the very late 1970s, knew of the existence of Viznews, which Dale's book calls the market leader among international news brokers of the time. Viznews was then co-owned by the UK's BBC, the US's NBC, and numerous smaller national broadcasters. Dale reports Mariner saying: "Our idea was to reach the global audience through the agencies, and the direct action gave us, if you like, a product to sell, in terms of a news event."

All the traditional, noble ideas about impartial and diligent news gatherers unearthing stories and grey-haired analysts pontificating about them were set aside. Here was a long-haired

bunch of crusaders who delivered something much more powerful: they didn't need anyone else to tell their story or anyone at all to analyse it to death.

The media lapped it up. They certainly never asked many questions as to the ethics of this new non-journalism. Broadcast journalists seemed unconcerned that they had not challenged the Greenpeace account of, say, the harassment of Japan's whaling fleet, provocations near nuclear test zones or the storming of defunct oil rigs. The media did not seem inclined to ponder the degree to which these brave acts—these images of heroes bearing forceful witness—were in fact stunts staged for the edification of a global audience.

Nation states have also empowered Greenpeace. Most recently Germany's government appointed the head of Greenpeace International, US citizen Jennifer Morgan, as its lead special envoy for international climate policy, a senior-level ministerial position in its foreign department.<sup>91</sup> This move reinforces what we have seen at CITES over decades: mega wealthy NGOs have become unelected outsourced (often foreign) and sometimes directly employed and funded actors on behalf of the very states they lobby. For example, Canada's Minister of Environment, Steven Guilbeault, is a former operative of Greenpeace who describes himself as a 'former' activist.

### **SEA SHEPHERD FOUNDED IN 1977 AND SEASPIRACY (2021)**

Sea Shepherd believes that it is engaged in a battle between 'good and evil'. On the side of 'evil' stand China and Japan, especially on the issue of sharks and their fins. But it is even more outraged by Japan because of the latter's implacable support for responsible whaling. But target number one on Sea Shepherd's list of 'evils' to be defeated is the global commercial fisheries industry, which it wants to shut down in its entirety.

Sea Shepherd says that: “We need to remove the corporations, the big trawlers, seiners, and long-liners, the heavy gear, the big nets, the long lines and the factory ships if our oceans are going to be saved.” It seemingly does not care that this would drive billions of people to the verge of starvation as well as ruining the livelihoods of hundreds of millions. Especially in the less developed parts of the world where fish are an affordable staple and a primary or major source of animal protein, sustenance and employment.<sup>92 93 94 95</sup>

Sea Shepherd was born out of a feeling by Paul Watson, previously a Greenpeace stalwart, that Greenpeace had lost its way. Greenpeace was using its charisma to raise more and more money to spend on bigger and better boats, and more and wider campaigns. But what had happened to the fire in its belly? Where were its piratical instincts? What about taking forward the risky, serious business of bearing forceful witness against exploitation at sea?

Broadly put, Sea Shepherd’s longing for direct action led it first into lonely confrontations at sea, but increasingly into criminal damage.<sup>96</sup>

Sea Shepherd now possesses at least 14 well-equipped ships that it calls Neptune’s Navy, including its flagship *M/Y Ocean Warrior*, a purpose-built 54-metre long, military-style patrol ship capable of doing 30 knots. (*Wildlife Betrayed* dubs it the ‘BBNJ-Navy’, to capture its audacious internationalist undertaking).

In the background, Sea Shepherd has a small team of lawyers working in its affiliate Sea Shepherd Legal, the Executive Director of which is Daniel Kachelriess<sup>97</sup> who was CITES’ Marine Species Officer at CoP18. Perhaps they have led the NGO into its more recent rather responsible actions, and much greater co-operation with nation states and national bodies. But there’s been no noticeable softening of the messaging or rhetoric.

Sea Shepherd has proven itself very recently to be much the

savvy punk it always was. It gave the filmmakers of *Seaspiracy* a ringside seat in one of its BBNJ-Navy encounters, or stunts. Such as the sequence of Senegal's customs officials aboard a Sea Shepherd ship as it made a dramatic raid on a seemingly illegal, unregulated vessel.

But it did far more. At every point, Sea Shepherd appeared to spoon-feed *Seaspiracy* a gospel. One nugget of which was that the oceans would run out of fish by 2048. By making ludicrous claims about the threats facing the oceans, *Seaspiracy* made the erstwhile anarcho-pirates stand quite apart from the rest of the marine and fisheries campaigns (including Oceana), which it tarred as collaborators with the abhorred fisheries industry. Sea Shepherd used *Seaspiracy* to advertise the purity of its activism and the uniqueness of its messaging to clearly demarcate itself from its closest rivals.

That's all the more reason to wonder for how long Sea Shepherd can continue to collaborate with coastal states. As a smart academic of international law points out, it is very hard for an NGO to be radical and respectable: its core supporters didn't sign up for that sort of thing.<sup>98</sup>

## **SPECIES SURVIVAL NETWORK FOUNDED IN 1992**

Species Survival Network's (SSN) prominence within CITES is a stark reminder of how CITES is being subverted by the misuse of precautionary principle. SSN believes that instead of being innocent until proven guilty, the wildlife trade must be presumed guilty until proven otherwise. That view is, to put it gently, incompatible with CITES' *raison d'être*.

SSN is a global coalition of 80 NGOs dedicated to enforcing CITES' regulations and to adding new listings in its Appendices as well as preventing most proposed down listings. SSN was founded in 1992 by Earth Trust's creator Donald White, former Executive Director of Greenpeace Hawaii (1978-1987) and a founding senior

board member of Greenpeace USA (1980-1985).

Today, SSN is led by Will Travers, Executive President of Born Free, the campaign that promulgates 'compassionate' conservation and the 'humanisation' of animals. While SSN is almost unknown outside of CITES, most of the world knows about Born Free's existence because of its link to the humanised orphaned lion cub Elsa, dramatised in the 1966 Golden Globe Award winning film 'Born Free'.

According to SSN's co-founder Earth Trust, SSN believes that any trade in wildlife is only justifiable: "...when evidence positively demonstrates that survival of the species, subspecies or populations and their role in the ecosystems in which they occur will not be detrimentally affected by trade and when trade in live animals minimises the risk of injury, damage to health or cruel treatment. The species must always receive the benefit of the doubt if available evidence is uncertain."<sup>99</sup> Contrariwise: CITES is premised on trade in wildlife being allowable until proven otherwise, based on strict criteria laid down in the Convention.

Moreover, Born Free—of which Bill Travers is a founder—opposes, as its director USA director Dr Liz Tyson made clear when promoting her book on *PR Newswire*, 'the exploitation of wild animals for human gain'. She maintains, contrary to CITES' purpose and mission, that Born Free believes that lawmakers should 'move away from the principle of animals as 'commodities,' towards considering them as individuals with needs which matter and regulating for their protection accordingly'.<sup>100</sup> That is the territory normally reserved for the Animal Liberation Front and People for the Ethical Treatment of Animals, the latter of which even opposes domestic control measures that involve the eradication of pests, including rats, mice, and cockroaches.

Despite being openly hostile toward CITES' core purpose, SSN is registered as an International Non-Governmental Organisation Observer at CITES and is active in its Standing Committee,

Animals Committee, Plants Committee, and meetings of the Conference of the Parties.

### **OCEANA FOUNDED IN 2001**

Oceana is arguably the world's leading NGO focused exclusively on the fisheries industry and the oceans. It was founded in 2001 by The Pew Charitable Trusts, Oak Foundation, Marisla Foundation (formerly Homeland Foundation), Sandler Foundation, and the Rockefeller Brothers Fund. They claim to have created Oceana because research discovered that less than 0.5 percent of all resources spent by environmental nonprofit groups in the United States was invested in marine-related advocacy, and that there was no NGO focusing entirely on oceanic issues. The question is, what was Oceana meant to achieve?

Its main slogan (as of February 2022) is 'Save the Oceans, Feed the World'. Oceana's punchline proclaims: "Restoring the ocean could feed one billion people a healthy seafood meal every day".<sup>101</sup> That sounds like a worthy ambition. Until, that is, one grasps that if it were ever realised it would deprive billions of people of a low-cost source of protein that they already consume.

In 2020, the UN's Food and Agricultural Organization (FAO) reported that fish provide 3.2 billion people with almost 20 percent of their average per capita intake of animal protein (equating, we believe, to one meal per day). Even as early as 2010, the FAO reported that one billion people worldwide relied on fish for their primary source of animal protein. That, we suggest, equates, on average, to more than one healthy seafood meal a day.

According to the latest (2020) FAO forecast, total fish production (excluding aquatic plants) is expected to expand from 179 million tonnes in 2018 to 204 million tonnes in 2030. As for per capita fish consumption, FAO projects it to reach 21.5 kg in 2030, compared to 20.5 kg in 2018.<sup>102</sup>

Maybe Oceana's position was cooked up as a compromise

between different parties and factions in its deliberations. The pro-fishing people and the anti-fishing people (to suppose a possible difference of opinion exists) may have been able to settle on a 'feed the world' message only if it hid in plain sight an 'eat less fish' message.

Oceana, however, is more credible when it claims that the harvest of some of the world's exploited fisheries (industrial and artisanal) is currently somewhere between unsustainable and downright destructive. But that does not justify an approach that says we should *all* eat much less fish. It is, of course, also possible that ecological science and hard economics dictate that even Oceana's stated lack of ambition is unsustainable. (We look at that in Case Study, Harvesting the ocean: how much is OK?). But the public deserves more honesty from Oceana about its objectives and their consequences.

The public needs to be told that Oceana intends to achieve its retrograde objective—to cut per capita fish intake—by restricting or stopping in many parts of the ocean numerous forms of large-scale commercial fishing. This includes placing more and more marine creatures in CITES' Appendices.<sup>103</sup> But it also supposedly requires the creation of 'no-take' zones covering up to 30 percent of the world's oceans; the cessation of bluefin tuna fishing; the abandonment of salmon farming (which currently delivers 70 percent of world salmon consumption); outlawing longline and bottom trawling. All these activities have known problems. All of them, except for creating gigantic no take zones, are entirely defensible and sustainable if done well.<sup>104</sup>

## **AFRICAN ELEPHANT COALITION FOUNDED IN 2008**

The prohibitions on ivory markets and international trade in elephants is the most remarkable example of the blatant interference by NGOs in the behaviour of individual states involved with CITES. In 1989 and 2016 we saw the grim spectacle of ivory



being burned by prohibitionist states and the bizarre claim that this waste of natural resources was a success for conservation.

The 2008 decision by CITES to allow a 'one-off' ivory auction was hailed as an 'African compromise', but plenty of southern African conservationists, official and unofficial alike, felt they had been let down.

The most egregious modern actor helping to orchestrate these betrayals of CITES' core purpose is the African Elephant Coalition (AEC); founded in 2008 in response to CoP14's decision to allow stockpiled ivory to be sold ahead of the imposition of a moratorium. AEC's intention was to mobilise broadly the 'Kenyan' (hands off wildlife) approaches against southern African elephant (sustainable use) initiatives and thinking, especially at CoP15, in 2010 and since.

The 2008 plan was to create a bloc of prohibitionist, central, western and eastern African countries which would oppose the southern African range states in CITES' forums. The bloc accordingly voted seemingly at the dictation of their Western NGO sponsors. The bloc has gone on to represent Western NGO views ever since in other CITES matters on issues of no obvious relevance to their own countries.

AEC's first and second formal meetings, and the important declaration from the first, were, according to IFAW, 'organised' and 'facilitated' by IFAW.<sup>105 106</sup> I also have strong recollections of the involvement of Humane Society International and Fondation Franz Weber, the latter of which today funds and manages the AEC from Switzerland, where elephants only exist in zoos. Currently, AEC consists of 32 countries many of which have precious few (and mostly forest) elephants.

Above all, AEC fights to get southern African elephants relisted in Appendix I, which would probably outlaw most approaches to monetising elephant populations. They have not quite succeeded in that yet, but their opposition means that

the 2008 moratorium on the international sale of ivory (but not of hunting licences) remains in force. Though it should have lapsed in 2017, the ‘moratorium’ has become *de facto* eternal prohibition.

But regardless of what one thinks about the AEC, the formation of a bloc within CITES of 32 African countries to amplify and bolster the ‘Kenya model’ was a brilliant stroke because it increased the likelihood of a majority for prohibitionist votes in CITES. But there was also the ‘Thirty-two African countries can’t be wrong’ angle.

On some crucial occasions, there merged what one might call a *de facto* pan-African support for Listocrat-led prohibitionism. Sadly, sometimes, even southern African countries felt compelled to weaken their stance and their voting habits sooner than blatantly break ranks with fellow Africans.<sup>107</sup>

But the notion of there being an African consensus is a myth invented by NGOs. There was an electric moment at CITES CoP11 in 2000, sparked by the late Tangeni Erkana, a senior figure in the Namibia national delegation, and a fine practical conservationist.

I vividly recall him saying: “We are sitting on a gold mine, and dying of starvation. Again, our proposal has been rejected. It is like the European and north American countries want us to remain beggars. We don’t want to be beggars; we want to be allowed to access and use our resources as we should be entitled to.” There’s much to be said for that viewpoint and it is a great shame that it is rarely heard or respected.

At CoP19 in Panama (November 2022), it seems inevitable that there will be yet another brutal clash between southern African countries and those supporting the AEC’s stance. Not least because the southern African countries that host most of the world’s elephants have declared their intention to lobby for overturning the moratorium on the ivory trade.<sup>108</sup>

**GRETA THUNBERG (BORN 2003) AND DAVID  
ATTENBOROUGH (BORN 1926)**

Greta Thunberg believes that humanity and the animal kingdom are headed for extinction. Is she a serious player, or a puppet? There is at least one fair and well-researched account of Thunberg's rise to prominence. Hardly surprisingly, her rise to fame looks to have been the consequence of adult influences at work. You can read the account yourself and decide whether you want the words 'manipulation' or 'child abuse' to come into play.<sup>109</sup> Is she original? Not remotely, surely, except in persuading a generation of teenagers to strike against receiving free education in her 'Fridays For Future campaign'.

Is Thunberg useful? That's very hard to tell. But after 30-odd years of non-stop pounding, not least from teachers and the media, anyone born after 1980 must have known for all their lives that this stuff was significant. The only people who seriously opposed the idea of Anthropogenic Global Warming (AGW) in that period were throughout dismissed as right-wing extremists in the pay of industry. They were often something much more than that, but even so, the line-up of those who took AGW seriously and those who dismissed it must have inclined kids to know which side they'd rather be on.

Attenborough is, like Thunberg, an enigma amongst the world's personality 'influencers'. He is a natural generational fit with the Swede: an experienced old man to her arriviste youngster. He is the World's Naturalist, and even the World's Grandfather. But has he said anything interesting?

Attenborough had a perfect synergy with the BBC's Natural History Unit. It was the skills of ecological scientists and the patience and courage of camera operators that produced the images that took the TV world audience by storm, on its sofas. He added a signature voice-over and was perhaps mistaken for the authority for all the scripted utterances of those famous

nature-worshipping shows.

On the great debate—the great dilemma—about what sustainable use of natural resources might look like, what was to be allowed and what outlawed, and how wildlife might help pay for its own abundance, Attenborough's messages—if there were any—were not striking.

It is useful to compare the latest rallying cries from our two personality influencers. The teenager goes with, 'A year to change the world', as the title of her TV series, as though next year would be too late. The old man goes with, 'A Perfect Planet', as though we live on one, but have wrecked it. This is reinforced by a compelling statement from Attenborough: "The planet I saw as a young man has changed beyond all recognition".

Well, a greater proportion of humanity than ever in history is now decently fed, will grow older and live relatively more prosperous, healthy lives than their ancestors ever did. Probably a greater proportion of humanity than ever before has the impulse, means and leisure to visit wild and semi-wild places, of which there remain an enormous range and quantity, many previously inaccessible to even committed tourists. (Huw Cordey's book to go with the TV series looks usefully sound until one notices that it conveys no sense of the controversies surrounding most of its arguments, and no references with which to follow anything up).<sup>110</sup>

If we seek the inner mind of this supposedly great conservationist, we might naturally enough watch his Netflix movie, *A Life on Our Planet* (2020). The accompanying book of the same title (subtitle: 'My witness statement and vision for the future') is also revealing. It is very striking that the acknowledgement page shows how heavily Attenborough and his writing team leant on WWF experts and its *Living Planet Report*, 2020, which the campaign calls the latest in its 'flagship research series'. David Attenborough and his co-author Jonnie Hughes have very few

original thoughts to offer.<sup>111</sup>

Thunberg and Attenborough seem content to go along with a clapped-out paradigm which few scientific ecologists subscribe to. Namely: the planet is (or should be) in perfect balance. If this were true it would imply that any ecological changes will always be catastrophic; there is a fragile ‘web of life’, which would imply that losing any component of it will unravel the whole; and that it is necessary to worship biodiversity, which would imply that only maximising variety and quantity of species gives us secure biomes and ecosystems. All these imply that only purist conservation can sustain ecosystem vigour and services.

The apocalypse-mongers package all these notions into the assertions that man’s sojourn on the planet has led to a disastrous Anthropocene epoch, and that it is characterised by the Sixth Mass Extinction.

## WWF: Pandering to the squeamish

There is a powerfully paradoxical angle to elephant conservation in Africa. It concerns the dissimulations of WWF. This important issue is well worth dwelling on before we exit the multilateral game section of *Wildlife Betrayed*.

It we look under WWF’s bonnet we find that WWF has always been very important in promoting and facilitating exactly the sorts of wildlife exploitation which are the despair of ‘influencer’ celebrities, most media commentary and its own commonest messaging.

The little-known fact is, WWF helped devise Zimbabwe’s Campfire initiative, one of the most contentious (if in the view of *Wildlife Betrayed* nobler) attempts at Community-Based Management (CBM), or CBNRM (‘community-based natural resource management’).

Not only was it instrumental in setting up Campfire, WWF

pursued similar strategies in Namibia, and behind the scenes, it continues to support them.<sup>112</sup>

This means that WWF is at least sometimes in favour of the 'lethal consumptive wildlife utilization' (lethal CWU) so loathed by ill-informed sentimentalists.

In other words, the most famous wildlife campaign group in the world had and has significant divisions in its ranks, as does its creator IUCN. In the 1980s and 1990s, when much of this row was building up, WWF was pragmatic in Zimbabwe but prohibitionist in Kenya; and WWF-UK was rather more pragmatic than the prohibitionist WWF-USA. (See elsewhere in *The Multilateral Game* above.)

To its credit, WWF has been at the forefront of trying to reconcile wildlife with its many close human neighbours: a core issue in multilateral work with or for indigenous peoples and local communities (IPLCs). The need to confront this challenge forms a significant feature of the Sustainable Development Goals and the mission of the MEA 'community' of Multilateral Environmental Agreements.

If all the initials above sound bureaucratically arcane and even comical, it is worth bearing in mind that living close to wildlife is often dangerous, sometimes fatal, and usually expensive. That is why Human-wildlife Conflict (HWC) had to be addressed by WWF, whatever the squeamish opposition to doing so meets in the West.

Campfire was not a purely local initiative: it had international funding from the US government aid programme for its early years; and did rather less well when USAID pulled its support.<sup>113</sup>

It probably wasn't a coincidence that US animal activist campaign groups, and especially Humane Society of the United States made the issue a hot potato in Washington. They hated Campfire's preparedness to contemplate culls and killing if they were necessary and or profitable.

The harsh truth is that professional conservation groups, and their political clout, are at constant risk of being outflanked and upstaged by their animal activist ‘allies’. In 1989, WWF was riven with internal dissension over Campfire, and mostly because animal activists had tipped the balance in an old internal row amongst IUCN and WWF people. Sadly, the ‘Parks’ purists with their belief in hands-off conservation gained the ascendancy over the pragmatic hands-on school.

Campfire had other problems. It was afflicted by Africa’s oldest political conundrum. Local leaders varied between those interested in a wider context, and those who were more traditionally patrimonial (that is, they concentrate on using their authority to benefit tribe and family).<sup>114</sup> Campfire never produced huge revenues. Most of its earnings did not flow down to those suffering the worst HWC (or HEC–Human–Elephant Conflict—as the Zimbabweans and IUCN call it when applicable). And yet, the locals were and are proud of the programme. It has all the makings of a great model, which could be made to work better and please Africans and conservationists even more.

But the initiative had the merit of helping locals gain a degree of ownership and control over the wildlife they lived amongst, though neither as individuals nor as communities did they have formal property rights.

I have cited Campfire as emblematic of African ‘community-based conservation programmes’ aka CBNRM. Rather less known, and more demonstrably successful is Namibia’s equivalent, the Integrated Rural Development and Nature Conservation programme (IRDNC). This claims, with good evidence, to be the engine of Namibia’s phenomenal increase in wildlife stocks.<sup>115 116</sup>

Like other southern African regional initiatives, it has the valuable local support of WWF, whose global campaigning is almost always vocally and manipulatively opposed to the very sustainable use–exploitation–of wildlife these southern African

initiatives prioritise.<sup>117 118</sup>

Rather similarly, WWF runs a fairly low-key UK TV ad campaign called, 'Land for Life'. It talks of how this programme is funding human-wildlife conflict resolution projects. It's as though WWF is determined to have skin in the human development game. It notes that the UK government will match supporters' donations in this cause. The ads don't say, and it takes a little finding on WWF's website to discover, that the community funding from Land for Life is proclaimed to go to Kenya's prohibitionists, whilst there is no mention of the southern countries' equally deserving but unfashionable pragmatists.

It is likely that WWF had hoped against hope that no-one would notice that it had for years tacitly (that is to say, behind the scenes and rather quietly) supported the trophy hunting which many knowledgeable conservationists regard as about the most sustainable, successful, profitable and humane variety of community-based conservation on the planet.

And then an author and an online anti-hunting campaign flagged-up the issue, *The Times* newspaper picked it up, and WWF was put on the spot. It adopted a strategy which usually works for it: carefully crafted dissimulation. It said, of trophy hunting: "WWF opposes any hunting that threatens species survival, and WWF does not support the hunting of an animal solely as a trophy".

Brilliant. The wholly false charge against trophy hunting was that it drove species extinction, so best to get in a 'dog whistle' about that, just in case.<sup>119</sup> But WWF's statement has another neat side-step, for the alert. Since Namibia uses trophy hunting precisely as a conservation tool, its foreign trophy hunters are not being permitted to kill 'solely' for their trophies, so they're in the clear.<sup>120 121</sup>

*Wildlife Betrayed's* charge against WWF is that it failed in its duty as a serious institution to speak frankly, robustly and consist-



ently to its supporters and the wider world. Instead, WWF makes its living by running with both the foxes and the hounds (though it is, of course, not mad keen on hunting metaphors).

Other institutions and individuals are left with the task of trying to be more rounded and clearer in their views.

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- <sup>6</sup> Most significantly, the Club of Rome published *Limits to Growth* in 1972. This concluded that mankind could "live indefinitely on earth if he imposes limits on himself and his production of material goods to achieve a state of global equilibrium with population and production in carefully selected balance". Fifty years on, we now know that their most pessimistic predictions, regarding, for example, imminent resource depletion, mass and growing malnourishment and poverty, plus global population growth, were unfounded. <https://www.clubofrome.org/publication/the-limits-to-growth/> Accessed 06/02/2022
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And:

The history of conservation in the US is often encapsulated as the row between 'conservationists' represented by Gifford Pinchot and 'preservationists' [interchangeable with 'protection'] represented by John Muir. Pinchot, the 'conservationist', is sometimes credited with coining the expression, 'Wise Use', which has been taken up by right-wingers more recently. Anyway, the modern equivalent of Wise Use is 'Sustainable Use' of wildlife. (When animals are involved, the expression Consumptive Utilisation of Wildlife (CWU) is often used.)

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 A UNEP account of how it defines and sees civil society groups. It mentions how the 'world community' with an important component of civil society led to UNEP's own creation. Here is UNEP's definition of the civil society groups it works with:  
 "For the purpose of this strategy, civil society encompasses major groups, that is farmers, women, the scientific and technological community, children and youth, indigenous people and their communities, workers and trade unions, business and industry, non-governmental organizations as well as local authorities. The strategy focuses on engagement with the organizations established by each of these major groups in so far as they are involved in public interest activities."  
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- <sup>10</sup> The NGO-influenced, and government enforced, animal rights agenda was responsible for killing at least 122 people in 2019: whereas globally circa 600 000 elephants kill an average of 600 people per year. See *Sri Lanka records highest elephant deaths in the world* <https://www.hindustantimes.com/world-news/sri-lanka-records-highest-elephant-deaths-in-world/story-60fMgPggIBFNl5IKVVsVdL.html> Accessed 23/07/2022
- <sup>11</sup> See Sri Lanka's Environmental Indicators <https://worldeconomics.com/ESG/Environment/Sri%20Lanka.aspx> Accessed 08/08/2022
- <sup>12</sup> See Sri Lanka applauded for life-saving pesticides ban, winning 'Oscars on Best Policies' <https://panap.net/2021/06/sri-lanka-applauded-for-life-saving-pesticides-ban-winning-oscar-on-best-policies/> Accessed 08/08/2022
- <sup>13</sup> Billionaire-backed environmental NGOs launched a global campaign to promote Sri Lanka as a poster country for their version of sustainable development. To this end, they persuaded CITES to hold CoP18 there. But I warned CITES continually about the practical problems, and the dangers to its reputation, of holding COP18 in Sri

Lanka. For example, I wrote an open letter to Ms. Carolina Caceres, President of CITES Standing Committee, in which I gave a detailed and, sometimes, colourful account of what I now call the ‘Sri Lankan debacle’. The letter can be read here <https://www.iwmc.org/wp-content/uploads/2021/05/CoP18-SC-Letter-English.pdf> Accessed 23/07/2022

<sup>14</sup> Amusingly, the World Economic Forum took down a piece of puff about Sri Lanka from its website because its promises and predictions proved to be ridiculous. But thankfully, it can still be read on the deep web achieves. See, *This is How We Will Make Sri Lanka Rich* <https://web.archive.org/web/20190122012624/https://www.weforum.org/agenda/2018/08/this-is-how-we-will-make-sri-lanka-rich-by-2025/>

<sup>15</sup> The disruption caused by the global Covid pandemic and the war in Ukraine were also factors in Sri Lanka’s collapse. But they were secondary problems, exemplified by the fact that Sri Lanka’s implosion in 2022 has, thankfully, so far been unique. My point being that Green-thinking and action had left Sri Lanka without the necessary resilience to cope with additional shocks. See *Eco-extremism has brought Sri Lanka to its knees* <https://www.telegraph.co.uk/news/2022/07/14/eco-extremism-has-brought-sri-lanka-knees/> (Note: pay wall) Accessed 22.07.2022

<sup>16</sup> See ‘Tuna price fixing’ <https://www.iwmc.org/2020/06/06/tuna-price-fixing/> Accessed 24/04/2022

<sup>17</sup> A pair of references on Moral Self-licencing, or ‘how virtue leads to villainy’: Useem, Jerry. ‘Beware of corporate promises’, *The Atlantic*, 6 August 2020 <https://www.theatlantic.com/ideas/archive/2020/08/companies-stand-solidarity-are-licensing-themselves-discriminate/614947/> Accessed 30/06/2021

And:

This is perhaps the foundational text of the idea of Moral Self-licencing: Effron, Daniel A, and Conway, Paul, *When Virtue Leads to Villainy: Advances in research on Moral Self-Licensing*, SSRN Scholarly Paper, Social Science Research Network, 2015, <https://papers.ssrn.com/abstract=2587652> Accessed 30/06/2021

<sup>18</sup> Published in 2021, Woke, Inc.: “*Inside Corporate America’s Social Justice Scam*” by Vivek Ramaswamy, a scientist at Harvard, a lawyer at Yale and a successful biotech entrepreneur—exposed how U.S. mega corporations and social elites sell the public ‘cheap social causes and skin-deep identities’ that confer a specious sense of moral superiority. This insider’s account shows how the public’s hunger for virtuous causes and meaning is being exploited by both true believers and cynics to produce premium profits, during a period that the USA is in social, cultural and political turmoil. <https://www.amazon.com/Woke-Inc-Corporate-Americas-Justice/dp/1546090789> Accessed 07/02/2022

<sup>19</sup> See the ‘topics’ tab for a sense of the reach of PEW, and search ‘MPA’ to see them as part of the area-obsessed ‘30 by 30’ sea-grab movement: ‘The Pew Charitable Trusts’ <https://www.pewtrusts.org/en/> Accessed 30/06/2021

<sup>20</sup> Hutton, Jon, Dickson, Barnabas, eds., *Endangered Species, Threatened Convention: The past, present and future of CITES*, Africa Resources Trust & Earthscan, London, 2000

<sup>21</sup> A pair of references for the idea that the UN and MEAs more widely are prone to fashions in Big Idea policy approaches, and are adept in moving on to the next one without apology for the failure of the last: Dasgupta, Shreya, ‘Failure in conservation projects: everyone experiences it, few record It,’ *Mongabay Environmental News*, 17

October 2019 <https://news.mongabay.com/2019/10/failure-in-conservation-projects-everyone-experiences-it-few-record-it/> Accessed 30/06/2021

And:

An interesting account from an experienced group at the Faculty of Forestry of the University of British Columbia. Their theme is that ‘top down’ thinking from professional conservation policy-makers is often fashion-led and loftily misses on-the-ground realities, leading to serial failures:

*Journal of Tropical Forest Science*, 26(1): 1–4 (2014) Bull GQ, Elliott, C, Boedhihartono, AK, Sayer, Jeff, ‘Failures in tropical forest and conservation policy: what is the solution?’, *Journal of Tropical Forest Science*, 26(1): 1–4 (2014) [https://www.academia.edu/12741571/failures\\_in\\_tropical\\_forest\\_and\\_conservation\\_policy\\_what\\_is\\_the\\_solution](https://www.academia.edu/12741571/failures_in_tropical_forest_and_conservation_policy_what_is_the_solution) Accessed 28/06/2021

- <sup>22</sup> A handful of references on the ‘30 by 30’ NGO movement and its multilateral ploys: High Seas Alliance corrals several high-flying members of the ‘30 by 30’ MPA movement including: Blue Marine Foundation, Greenpeace, IUCN, NRDC, Oceana, IFAW: *HSA Briefs on Key BBNJ Treaty Issues*, High Seas Alliance, <http://www.highseasalliance.org/resources/hsa-briefs-on-key-bbnj-treaty-issues/> Accessed 28/06/2021

And:

Global Commons Alliance corrals several high-flying members of the ‘30 by 30’ MPA movement including: IUCN, WWF, Davos World Economic Forum, Global Environment Facility, Conservation International, World Resources Institute, IIASA): Global Commons Alliance, ‘About’ <https://globalcommonsalliance.org/about/> Accessed 13/07/2021

And:

This lawyer’s insight into the UN’s UNCLOS/BBNJ negotiation is fascinating. Firstly, it is an example of the networking and professional persuasiveness that the NGOs can bring to a campaign. Secondly, it is an insight into the constantly shifting power relations within the UN’s national delegations (let alone between them):

Bursey, Lauren, *Protecting biodiversity in the High Seas: Pro bono support during United Nations treaty negotiations*, Pro Bono Publications, International Bar Association, circa August 2019 <https://www.ibanet.org/article/053e80e7-2870-45e9-b678-549027f77fc2> Accessed 28/06/2021

- <sup>23</sup> The ‘30 by 30’ movement endorsed by so many campaigning NGOs enshrines prohibitionist (protect and preserve) ambitions which are driven by a clutch of old ecological ideas which have become ideals interlocked as an orthodoxy. Here are a handful of references which pull that story together and link it to the High Seas Alliance and its allies amongst the ‘30 by 30’ campaigners, and in particular the IIASA: The large ideas behind ‘global ecosystem’ and ‘tipping point’ and the ‘Anthropocene’: Nakicenovic, N, et al., *Global Commons in the Anthropocene*, International Institute for Applied Systems Analysis (IIASA), 2016 <https://www.jstor.org/stable/resrep15811.1>

And:

*Global Commons in the Anthropocene: World development on a stable and resilient planet*  
<https://www.jstor.org/stable/resrep15811> Accessed 13/07/2021

And:

Global Commons Alliance, Global Commons Alliance team contributes to new Netflix documentary 'Breaking Boundaries': <https://globalcommonsalliance.org/news/global-commons-alliance/global-commons-alliance-team-contributes-to-new-netflix-documentary-breaking-boundaries/> Accessed 28/06/2021

And:

This paper co-authored by an 'IIASA researcher' unintentionally makes a very good argument for resisting expansion of the MPA system on an area-obsessed basis. It notes the failure of the existing system but doesn't make the obvious point: we need to target MPAs very carefully to optimise their conservation value in tension with their operability (their political viability):

Maxwell, S, et al., 'Area-based conservation in the twenty-first century', *Nature* 586, no. 7828 (October 2020): 217–27 <https://doi.org/10.1038/s41586-020-2773-z> Accessed 30/06/2021

And:

II ASA declaring itself to be for the "Global Commons in the Anthropocene" and as allied with the Global Commons Alliance, the club of '30 by 30' obsessives: 'Global Commons Alliance & IIASA' [https://iiasa.ac.at/web/home/research/ResearchPartners/Global\\_Commons\\_Alliance.html](https://iiasa.ac.at/web/home/research/ResearchPartners/Global_Commons_Alliance.html) Accessed 30/06/2021

<sup>24</sup> <https://www.un.org/bbnj/> Accessed 09/07/2021

<sup>25</sup> Bourrel, M, et al., 'The common of heritage of mankind as a means to assess and advance equity in deep sea mining', *Marine Policy*, Elsevier, 2016 [http://eprints.lse.ac.uk/67988/1/Common%20heritage\\_2016.pdf](http://eprints.lse.ac.uk/67988/1/Common%20heritage_2016.pdf) Accessed 14/05/2021

<sup>26</sup> The White House, 'Carbis Bay G7 Summit Communiqué', Washington DC, 13 June 2021 <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/13/carbis-bay-g7-summit-communicue/>. Accessed 03/03/2022

<sup>27</sup> In 2019, according to an analysis by Our Shared Seas, more than 3 billion USD dollars came from 'philanthropic developmental aid, NGO discretionary funding (non-foundation), and private finance sources'. Moreover, funding for marine conservation from philanthropic sources alone doubled 'from roughly USD 520 million in 2010 to USD 1.2 billion in 2020'. See: 'A Decade of Ocean Funding landscape Trends 2010–2020' published in 2022, <https://oursharedseas.com/funding/funding-exec-summary/> Accessed 13/06/2022

<sup>28</sup> See 'To save the oceans, we need MPAs that emphasize actual protection of marine ecosystems (commentary)' by Enric Sala. <https://news.mongabay.com/2022/03/to-save-the-oceans-we-need-mpas-that-emphasize-actual-protection-of-marine-ecosystems-commentary/> Accessed 02/05/2022

<sup>29</sup> *Seychelles Blue Finance: A Blueprint for Similar Countries?* provides in-depth insight into the far from transparent inner workings of this debt-for-nature swap, which The

Nature Conservancy promotes as a blueprint for similar deals with other struggling indebted island and coastal states. <https://www.opesoceani.com/insights/seychelles-blue-finance/> Accessed 07/02/2022

- <sup>30</sup> See 'Extinction Rebellion: Man climbs on top of plane in climate protest' <https://www.bbc.co.uk/news/uk-50000110> Accessed 14/06/2022
- <sup>31</sup> Howson, Pete, 'Something's Fishy: UK Govt Expands 'Blue Belt'', *Fishing Industry News SA* (blog), November 20, 2020 <https://www.fishingindustrynewssa.com/2020/11/20/tristan-da-cuhna-uk-blue-belt-programme/> Accessed 24/06/2021
- <sup>32</sup> Iceland took a clear stand on this in BBNJ negotiations by calling for "a regional approach rather than a global one" and arguing for "building on existing structures and bodies, rather than designing a new system". See 'General statement of BBNJ at the intergovernmental conference by Sesselja Sigurdardottir, Counsell/Legal Adviser' <https://www.government.is/diplomatic-missions/embassy-article/2018/09/04/General-statement-of-BBNJ-at-the-first-intergovernmental-conference-by-Sesselja-Sigurdardottir-Counsellor-Legal-Adviser/> Accessed 27/04/2022
- <sup>33</sup> Among other areas of concern, Kiribati is keen to protect the Naura Agreement governing fishing rights to regional tuna stock, which currently has eight national Parties. See 'Kiribati cautious of the impact of new BBNJ treaty on existing fisheries frameworks in the Pacific'. <https://opocbluepacific.org/kiribati-cautious-of-the-impact-of-new-bbnj-treaty-on-existing-fisheries-management-frameworks-in-the-pacific/> Accessed 27/04/2022
- <sup>34</sup> Oceans Aware says that given how "calls for at least 30% to be protected by 2030 are slowly being taken on board by governments, the recommendations for 50% is the next step. In an ideal world, the high seas would be one enormous MPA free from any form of exploitation." <https://oceansaware.org/marine-protection> Accessed 29.04.2022
- <sup>35</sup> The original PNAS paper was by Cabral et al. 2020 titled *A global network of marine protected areas for food*. According to Dan Ovando, Owen Liu, Renato Molino, and Cody Szuwalski (all of whom did their Ph.D.'s or a postdoc with members of the Cabral et al. group), Cabral et al.'s model overestimated the geographic range of unassessed fish by a factor of seventeen, compared to the scientifically assessed stocks. A detailed critique of Cabral et al.'s errors and how they overlapped with the *Nature* article, along with an account of their paper's embarrassing unpublishing, can be read in 'Retraction of flawed MPA study implicates larger problems in MPA science' by Max Mossler, published in *Sustainable Fisheries* <https://sustainablefisheries-uw.org/flawed-mpa-science-retracted/> Accessed 08/07/2022
- <sup>36</sup> See *Protecting the global ocean for biodiversity, food and climate* <https://www.nature.com/articles/s41586-021-03371-z> Accessed 29/04/2022
- <sup>37</sup> Delfour-Samama, O, et al, 'Review of Potential Legal Frameworks for Effective Implementation and Enforcement of MPAs in the High Seas' *ICES Journal of Marine Science* 71, no. 5 (August 1, 2014): 1031–39. <https://doi.org/10.1093/icesjms/fsu024> Accessed 22/04/2021
- <sup>38</sup> See the PNAS research paper 'Trade-offs between bycatch and target catches in static versus dynamic fishery closures', which "evaluated evidence for the effects of temporal, static, and dynamic area closures on the bycatch and target catch of 15 fisheries around the world", <https://www.pnas.org/doi/10.1073/pnas.2114508119> Accessed 25/04/22  
And  
'What kind of MPAs are most effective at reducing bycatch?' <https://>

[sustainablefisheries-uw.org/mpa-reduce-bycatch/](https://sustainablefisheries-uw.org/mpa-reduce-bycatch/) Accessed 25/04/2022

- <sup>39</sup> FAO workshop on BBNJ and RFMOs Report of the Areas Beyond National Jurisdiction Deep Sea Fisheries Rights-Based Management Workshop, Rome, 10–12 April 2019 <http://www.fao.org/3/cb0812en/CB0812EN.pdf> Accessed 09/07/2021

- <sup>40</sup> A success story: the Western & Central Pacific Ocean tuna fishery management (by Parties to the Nauru Agreement, PNA) generates US\$400m per year through the Vessel Day Scheme's (VDS) property rights approach. And, importantly, the VDS has achieved exceptional tuna fishery ecological outcomes. The combined EEZ of the Parties is just over 13million km<sup>2</sup>; the Seychelles EEZ alone is roughly a tenth of this multi-national tuna fisheries region. See Page 29: <https://www.opesoceani.com/wp-content/uploads/2020/07/Seychelles-Blue-Finance-email-version-July2020.pdf> Accessed 24/06/2021

And:

For other Western & Central Pacific Fisheries Commission cases <https://www.wcpfc.int/about-wcpfc> Accessed 24/06/2021

- <sup>41</sup> Published in 2020, this research found that environmental NGO involvement in RFMOs risks causing “gridlock and delays in decision making” and concluded by stating that it did not find “robust evidence that ecological indicators of target fish stock health and ENGO participation influence each other over time. ENGOs do not appear to mobilize in greater numbers when the health of target fish stocks declines. This suggests that ENGOs that participate in RFMOs focus on other goals.” See ‘Empowering NGOs? Long-term effects of ecological and institutional change on regional fisheries management organization’ [https://www.academia.edu/44325029/Empowering\\_NGOs\\_Long\\_Term\\_Effects\\_of\\_Ecological\\_and\\_Institutional\\_Change\\_on\\_Regional\\_Fisheries\\_Management\\_Organizations\\_Corresponding\\_author\\_s](https://www.academia.edu/44325029/Empowering_NGOs_Long_Term_Effects_of_Ecological_and_Institutional_Change_on_Regional_Fisheries_Management_Organizations_Corresponding_author_s) Accessed 25/04/2022.
- <sup>42</sup> ‘Report of the Sixth FAO Expert Advisory Panel for the Assessment of Proposals to Amend Appendices I and II of CITES Concerning Commercially Exploited Aquatic Species’, Fisheries and Aquaculture Report No. 1255, Rome, 2019. NB: Appendix F, Email correspondence from the Chair of the Expert Advisory Panel to FAO: <http://www.fao.org/3/ca3576en/CA3576EN.pdf> Accessed 21/04/2021
- <sup>43</sup> Home page for the ‘FAO Expert Advisory Panel for the assessment of proposals to amend CITES Appendices’. Shows (as at June 2021) all the Panels’ reports from 2004–2019 <http://www.fao.org/fishery/cites-fisheries/ExpertAdvisoryPanel/en> Accessed 25/06/2021
- <sup>44</sup> The Precautionary Principle is Number 15 of the Rio Declaration on Environment and Development. The drafting genius is seen in the diplomatic ‘according to their capabilities’ and ‘cost effective’. It states: “In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.” Rio, June 1992 <https://www.cbd.int/doc/ref/rio-declaration.shtml>

And:

This may be useful as a fairly standard formulation by a state which has to



practice the Precautionary Principle but balance it with an eye to what is often called, 'The Principle of proportionality': [https://consult.defra.gov.uk/environmental-principles/draft-policy-statement/supporting\\_documents/draftenvironmentalprinciplespolicystatement.pdf](https://consult.defra.gov.uk/environmental-principles/draft-policy-statement/supporting_documents/draftenvironmentalprinciplespolicystatement.pdf) Accessed 25/06/2021

<sup>45</sup> The cited precautionary principle criterion justification (Conf. 9.24 Rev. CoP17) for the proposed listing can be read here <https://cites.org/sites/default/files/document/E-Res-09-24-R17.pdf> Accessed 01/07/2021

<sup>46</sup> The proposal to list, among others, the grey reef and the dusky sharks, plus all other species in the family Carcharhinidae (requiem sharks) can be read here [https://cites.org/sites/default/files/eng/cop/19/prop/as\\_received/E-Carcharhinidae\\_spp.pdf](https://cites.org/sites/default/files/eng/cop/19/prop/as_received/E-Carcharhinidae_spp.pdf) Accessed 01/07/2022

<sup>47</sup> See [https://cites.org/sites/default/files/eng/cop/19/prop/as\\_received/E-Rhinobatidae\\_spp.pdf](https://cites.org/sites/default/files/eng/cop/19/prop/as_received/E-Rhinobatidae_spp.pdf) and [https://cites.org/sites/default/files/eng/cop/19/prop/as\\_received/E-Sphyrnidae\\_spp.pdf](https://cites.org/sites/default/files/eng/cop/19/prop/as_received/E-Sphyrnidae_spp.pdf) Accessed 01/07/2022

<sup>48</sup> See Seventh FAO expert advisory panel for the assessment of proposals to amend appendices I and II of CITES concerning commercially-exploited aquatic species <https://www.fao.org/fishery/en/cites-fisheries/expertadvisorypanel/en> Accessed 23/08/2022

<sup>49</sup> Vaughan, Adam, 'Sharks at unprecedented risk of extinction after 71 per cent decline', *New Scientist*, 27/01/21 <https://www.newscientist.com/article/2265724-sharks-at-unprecedented-risk-of-extinction-after-71-per-cent-decline/> Accessed 25/06/2021

And:

Pacoureau, N, et al., 'Half a century of global decline in oceanic sharks and rays', *Nature* 589, no. 7843 (January 2021): 567–71 <https://doi.org/10.1038/s41586-020-03173-9> Accessed 25/06/2021

<sup>50</sup> Rosaleen Duffy's work is a useful introduction to 'environmental justice' and 'radical equity'.

Massarella, Kate, et al (including R Duffy), 'Transformation beyond conservation: How critical social science can contribute to a radical new agenda in biodiversity conservation', *Current Opinion in Environmental Sustainability* 49 (April 1, 2021): 79–87 <https://doi.org/10.1016/j.cosust.2021.03.005>. Accessed 02/07/2021

<sup>51</sup> See 'Humans are the biggest threat to Africa's wildlife' <https://www.awf.org/blog/humans-are-biggest-threat-africas-wildlife> Accessed 22/04/2022

<sup>52</sup> IWMC suspects that AWF offloaded the land because the exposure of its brutal methods became a moral hazard. But you can judge for yourself how credible AWF's president Helen Gichohi's explanation is by reading this transcript of her interview for a Channel Four documentary from 2011: 'A question for the African Wildlife Foundation: 'Is this what conservation is really about?'' <https://redd-monitor.org/2011/12/14/a-question-for-african-wildlife-foundation-is-this-what-conservation-is-really-about/> Accessed 08/05/2022

<sup>53</sup> This transcript of a University of Oklahoma Honors College podcast from 2018 titled 'A place Without People: The Aftermath off the African Wildlife Foundation's Urge to help' provides a useful and disturbing account of the scandal surrounding AFW in Kenya. <https://theurgetohelp.com/podcasts/a-place-without-people-the-aftermath-of->

the-african-wildlife-foundations-urge-to-help/ Accessed 28/04/2022

- <sup>54</sup> This article provides a summary of the contested nature of accusations made against AWF, citing its denial and supporting evidence that brings it into question, 'Africa Wildlife Foundation faces lawsuit from indigenous community in Kenya' <https://news.mongabay.com/2012/03/africa-wildlife-foundation-faces-lawsuit-from-indigenous-community-in-kenya/> Accessed 28/04/2022
- <sup>55</sup> The authors—firmly located in the animal rights and wildlife trade prohibitionist camp—work for, among others, the Wildlife Conservation Society, Fondation Franz Weber, Animal Welfare Institute and Pro-wildlife. See 'Commentary: Think Before You Act: Improving the Conservation Outcomes of CITES Listing Decisions' <https://www.frontiersin.org/articles/10.3389/fevo.2022.889234/full> Accessed 28/04/22
- <sup>56</sup> This group of experts consisted of, among others, leading representatives from Department of Zoology, University of Oxford, TRAFFIC International, International Institute for Environment and Development (IIED) and the Livelihoods Specialist Group, IUCN. See 'Think Before You Act: Improving the Conservation Outcomes of CITES Listing Decisions' <https://www.frontiersin.org/articles/10.3389/fevo.2021.631556/full> Accessed 28/04/2022
- <sup>57</sup> The range states hosting giraffes opposed this listing. In so far as giraffes are in decline, the threats, as the experts pointed out to the outrage of the Listocrats, come not from international trade but from "habitat loss, civil unrest, illegal hunting for subsistence use of meat and hides, and ecological change (Muller et al., 2018)."
- <sup>58</sup> In 1906 WCS's Bronx Zoo put an African man on public display in the Monkey House. In 1918 WCS founder Madison Grant published *The Passing of the Great Race*, which Adolf Hitler referred to as his 'Bible'. In 1926 Madison and Henry Fairfield Osborn Sr (WCS president 1909 to 1925) helped launch the American Eugenics Society. From 1946 to 1968 WCS's president was Fairfield Osborn Jr who shared his father's Malthusian prejudices about there being too many people living on planet earth. See WCS entry in IWMC's Conservation Influencers, available <https://www.iwmc.org/2021/05/14/wildlife-conservation-society/> Accessed 22/02/22.
- <sup>59</sup> See 'A statement from the Wildlife Conservation Society', dated 29 July 2020 <https://newsroom.wcs.org/News-Releases/articleType/ArticleView/articleId/14648/A-Statement-from-the-Wildlife-Conservation-Society.aspx> Accessed 17/06/2022
- <sup>60</sup> In 1970s David Western's set out to 'empower' Maasai pastoralists by developing ways and means to avoid having to expel them from their traditional lands and still conserve the wildlife there. But his policies relied overly on fluctuating revenues from tourism, turning hunters into rangers, and moving semi-nomads into settled camps, especially after the country's president banned hunting of wildlife (except game birds) in 1976. In other words, to this day his 'solution' is the major cause of a culture war and discontent. See <http://www.amboseliconservaion.org/about-acp.html#HISTORY%20OF%20ACP> Accessed 22/02/2022.
- <sup>61</sup> 'Nomination by Norman Myers for the Indianapolis prize 2013' provides an excellent factual account of the scope and intentions of David Western's work. Available [https://www.accafrica-us.org/wp-content/uploads/2014/09/Dr.\\_David\\_Western\\_CV.pdf](https://www.accafrica-us.org/wp-content/uploads/2014/09/Dr._David_Western_CV.pdf) Accessed 22/02/2022
- <sup>62</sup> See 'Revealed: Bronx Zoo organization funds serious human rights abuses' <https://www.survivalinternational.org/news/11730> Accessed 26/02/2022

<sup>63</sup> Dan Challender, Amy Hinsley, Diogo Verissimo and Michael ‘t Sas-Rolfes usefully pointed out that the proposed ban on the wildlife trade was “a knee-jerk and potentially self-defeating measure”. They further opined that it was “unrealistic in many parts of the world where law enforcement is crippling under-resourced in terms of technology and manpower” and that “this is a public health concern because, unregulated, such trade would likely be clandestine and, if unsanitary, could pose the risk of transmitting disease from animals to humans”. The wildlife trade they said was measured in many billions of dollars upon which the lives and livelihoods of many millions of people depend. They called instead for a more reasonable, what I like to call humanistic, considered response to what was at the time a major threat to human health. See ‘Coronavirus: why a blanket ban on wildlife trade would not be the right response’. <https://www.iccs.org.uk/blog/coronavirus-why-blanket-ban-wildlife-trade-would-not-be-right-response> Accessed 25/04/2022.

<sup>64</sup> I raise this because the thought occurs that WCS like WWF may have since changed its mind, at least in public. But here’s the link to the missing pdf from where I obtained the quote, made in a statement WCS made to the U.S Fish and Wildlife Service in 2018. See <https://www.fws.gov/iwcc/pdf/submitted-materials/wcs-statement-to-iwcc-june-2018.pdf> Accessed 02/03/2022

<sup>65</sup> Martin Holdgate (UK science bureaucrat and IUCN’s Director-General, 1988-94, was well-placed to write an official history of the IUCN and his 1999 book remains the best and probably only account of the story of the formation of IUCN; its relations with WWF; its drafting of the Convention on Biological Diversity (CBD); and its perpetual struggle for funds and influence. There are nods toward IUCN’s divisions over “protection” (preservation) vs “sustainable use”: Holdgate, Martin, *The Green Web: A union for world conservation*, IUCN/Earthscan, London, UK, 1999 Available for viewing, for instance at the Internet Archive <https://archive.org/details/greenwebunionfor0000hold/mode/2up>

<sup>66</sup> IUCN never publicly addresses the contradiction—the strengths and weaknesses—of being on the one hand diverse and on the other desiring to be seen as ‘the global authority’ on conservation: “IUCN is a membership Union composed of both government and civil society organisations. It harnesses the experience, resources and reach of its more than 1,400 Member organisations and the input of more than 18,000 experts. This diversity and vast expertise makes IUCN the global authority on the status of the natural world and the measures needed to safeguard it.”

<sup>67</sup> IUCN’s Species Survival Commission (SSC) Crocodile Specialist Group (CSG) is proud of promoting and defending the sustainable use of farmed crocodiles as a means of alleviating human pressures on the wild stock. The group is not afraid of controversy, as noted in the *Wildlife Betrayed*’s Case Study on Crocodilians: <https://www.iucn.org/commissions/ssc-groups/amphibians-reptiles/crocodile> Accessed 01/07/2021.

And, contrary to that line:

Here’s some *Buzzfeed* journalism which sees elements of IUCN as having been infiltrated by sustainable use, Consumptive Wildlife Utilisation (CWU) capitalists feeding the trophy hunting and fashion businesses. It points out the possible disagreements between IFAW, one of IUCN’s newest members, and these elements. One can of course see the disparity of the groups within IUCN as the essence of its precisely and very properly not having a corporate identity, policy or ‘voice’ on so conflicted a matter as conservation: Jurkschat, Roberto, ‘The world’s most influential animal conservation group has links to trophy hunters and the fashion industry’,

*BuzzFeed News*, Updated 26 March, 2020 <https://www.buzzfeednews.com/article/robertojurkschat/red-list-iucn-trophy-hunting> Accessed 01/07/2021

- <sup>68</sup> Here is a case of the contrasting tone and attitude of two IUCN groups. IUCN's Species Survival Commission's African Elephant Specialist Group (SSC AfSEG) produced this 2016 report on Human-Elephant Conflict and dismissed Botswana's claims that culling (with trophy hunting implied) can have a role in dealing with problem elephants: IUCN, 'HEC Working Group,' 15 February 2016

<https://www.iucn.org/ssc-groups/mammals/african-elephant-specialist-group/human-elephant-conflict/hec-working-group> Accessed 14/07/2021

And, rather differently:

The Sustainable Use and Livelihoods Group (SULi) jointly created in 2012 by IUCN's Commission on Environmental, Economic and Social Policy (CEESP) and its Species Survival Commission, produced this report with a wide IUCN authorship which took a different view in 2017. The version published by FAO and republished on the IUCN site had the full impressive authorship list: Cooney, Rosie, et al., "The Baby and the Bathwater: Trophy hunting, conservation and rural livelihood", 23 March 2017 <https://www.iucn.org/commissions/commission-environmental-economic-and-social-policy/our-work/specialist-group-sustainable-use-and-livelihoods-suli/resources-and-publications/baby-and-bathwater-trophy-hunting-conservation>. Accessed 02/07/2021

- <sup>69</sup> See <https://www.pewtrusts.org/en/projects/archived-projects/global-shark-conservation> Accessed 19/06/2022

- <sup>70</sup> This remarkable 2011 biography of WWF (produced for a Swiss National Museum exhibition) has impressive insider knowledge and access without being "official". It passes over the WWF national offices in Zimbabwe, Botswana and Namibia and the division over sustainable use policies, but is good on the increasing prerogative and priority given to fund-raising efforts; the reign of Charles de Haes; the Operation Lock controversy:

Schwarzenbach, Alexis, *Saving the World's Wildlife: WWF, the first 50 years*, Profile Books, 2011

- <sup>71</sup> See What is ESG (Environmental, Social, and Governance)? <https://corporatefinanceinstitute.com/resources/knowledge/other/esg-environmental-social-governance/> Accessed 02/05/2022

- <sup>72</sup> This account is from John Hanks, a key WWF player, and is endorsed by the earlier Rademeyer account (see below). It seems to be robust on the history of Operation Lock (WWF's biggest single controversy). It is also determined that in 1989 WWF abandoned its proper conservation course and fell into the hands of WWF International (HQ) fund-raisers: Hanks, John, *Operation Lock and the war on rhino poaching*, Penguin/Random House, South Africa, 2015 Accessed Kindle, April 2021

And  
Rademeyer, Julian, *Killing for profit: Exposing the illegal rhino horn trade*, Zebra Press, Penguin/Random House, South Africa, 2012 (and reprints)

- <sup>73</sup> The WWF human rights abuse story breaks: Vidal, John, 'Armed ecoguards funded by WWF 'beat up Congo tribespeople'', *The Guardian*, 7 February 2020 <https://www.theguardian.com/global-development/2020/feb/07/armed-ecoguards-funded-by-wwf-beat-up-congo-tribespeople> Accessed 02/07/2021

And:

The run of Buzzfeed stories. As at 1 July 2021 the most recent was 25 November 2020: *BuzzFeed News*. 'WWF's Secret War.' <https://www.buzzfeednews.com/collection/wwfsecretwar>. Accessed 01/07/2021

<sup>74</sup> WWF's 2020 *Living Planet Report* opens by telling us that it has "been the year that forced us to stop. A global pandemic, extreme weather, forest fires" and it opines that "our relationship with nature is broken". See <https://livingplanet.panda.org/en-gb/> Accessed 02/05/2022

<sup>75</sup> Warren, Tom, & Baker, Katie, JM, 'WWF funds guards who have tortured and killed people', *BuzzFeed News*, 4 March 2019 <https://www.buzzfeednews.com/article/tomwarren/wwf-world-wide-fund-nature-parks-torture-death> Accessed 13/07/2021

<sup>76</sup> "WWF is particularly effective at publicising the good work that the organisation is doing to promote 'inclusive conservation' that benefits both people and wildlife. Among external audiences this may sometimes lead to unrealistic expectations about what WWF, with its limited resources, should and can do in relation to supporting livelihoods and use rights of communities living in and around protected areas. Internally, WWF's primary focus on promoting 'good news' may have led to a culture in which Programme Offices were unwilling to share or escalate the full extent of their knowledge about alleged human rights abuses for fear of scaring off donors or offending state partners. The Panel understands that WWF has to raise funds, and that in-country staff have to maintain working relationships with park agencies at local level, but WWF (at all levels) should be more transparent both internally and externally about the challenges it faces in promoting conservation and human rights agendas. Equally important, it must be more forthright about the effectiveness, or lack of effectiveness, of its efforts to overcome those challenges." Page 142: *Embedding Human Rights In Nature Conservation: From Intent To Action* Report of the Independent Panel of Experts of the Independent Review of allegations raised in the media regarding human rights violations in the context of WWF's conservation work [in Central Africa, India, and Nepal]

<sup>77</sup> Here are two references on Rosaleen Duffy's work on eco-militarisation and the '30 by 30' movement: Rosaleen Duffy (BioSec and CONVIVA), and John Knox (former Special Rapporteur on Human Rights and the Environment (2012-2018), a member of the independent panel on WWF's Congo human rights issues (2020), appear in a Vice video on WWF's human rights difficulties and the '30 by 30' movement: 'System Error: the WWF's poaching war Is killing innocent people', *Vice World News*, YouTube, June 2021 <https://www.youtube.com/watch?v=9J6iJg6NUOA> Accessed 02/07/2021

And:

Duffy, Rosaleen, 'Waging a war to save biodiversity: the rise of militarized conservation', *International Affairs*, 90: 4, 2014, The Royal Institute of International Affairs [https://ciaotest.cc.columbia.edu/journals/riia/v90i4/f\\_0032203\\_26199.pdf](https://ciaotest.cc.columbia.edu/journals/riia/v90i4/f_0032203_26199.pdf)

<sup>78</sup> Survival International, 'Germany Freezes Funding to WWF Following Human Rights Abuse in Congo', 25 July 2019 <https://www.survivalinternational.org/news/12178>

And:

A handful of leads on the UN and US distancing themselves from WWF: Daily Caller story with the leads to US Dept of Interior and US Fish and Wildlife Service, September

2020: [https://dailycaller.com/2020/09/29/donald-trump-administration-world-wildlife-fund-human-rights-republic-congo-cameroon/?utm\\_campaign=website&utm\\_source=sendgrid.com&utm\\_medium=email](https://dailycaller.com/2020/09/29/donald-trump-administration-world-wildlife-fund-human-rights-republic-congo-cameroon/?utm_campaign=website&utm_source=sendgrid.com&utm_medium=email) Accessed 01/07/2021

And:

There was plenty of blame to go round for what was and is much more than a story solely about WWF's wrong-doing. WWF's paymasters were the UN (UNDP) and US (DoI, USFWS) and neither did their due diligence. Here is the United Nations Development Programme (UNDP) report where they seem to accept blame for their own lack of supervision and oversight, not least of WWF, which UNDP insists, "... since [in-country] Government structures in general are largely absent from these forest areas, WWF is the organization effectively in charge together with the [the Republic of Congo] Government [...] Program": [https://info.undp.org/sites/registry/secu/SECU\\_Documents/SECU0009\\_Draft%20Investigation%20Report\\_For%20Public%20Comment0ddf041323354a9ca3864d50de9970b7.pdf](https://info.undp.org/sites/registry/secu/SECU_Documents/SECU0009_Draft%20Investigation%20Report_For%20Public%20Comment0ddf041323354a9ca3864d50de9970b7.pdf) Accessed 07/07/2021

And:

The US Department of the Interior (DoI) investigates its role of the US Fish and Wildlife Service (USFWS): US DoI letter September 2020: [https://www.scribd.com/document/477487815/DOI-Letter-Grants-Funding-Conservation-Groups?secret\\_password=zLeD2yPeoJsEs41isAvN](https://www.scribd.com/document/477487815/DOI-Letter-Grants-Funding-Conservation-Groups?secret_password=zLeD2yPeoJsEs41isAvN) Accessed 02/07/2021

<sup>79</sup> See: WWF Elephant Goodbye Old Friend Remake <https://www.youtube.com/watch?v=XmykJNs3HPM&feature=youtu.be> Accessed 24.01.2022

<sup>80</sup> WWF-South Africa, 'Strategic water source areas crucial supply to smallholder farmers and Kruger National Park', 6 May 2019 <https://www.wwf.org.za/?28141/Strategic-Water-Source-Areas-crucial-supply-to-smallholder-farmers-and-Kruger-National-Park> Accessed 14/07/2021

<sup>81</sup> Rosaleen Duffy's useful 2000 book tackles Zimbabwean approaches to wildlife conservation; how WWF International was out of sync with its in-country offices and was muddled in its dealing with Consumptive Wildlife Utilisation; and issues arising from armed poaching and anti-poaching methods: Duffy, R, *Killing for conservation: Wildlife policy in Zimbabwe*, International African Institute in association with James Currey (UN), Indiana University Press (US), Weaver (US), 2000

<sup>82</sup> Independent newspaper in 1999 tells the story of Brian Davies and the founding of IFAW; how in 1990 it spawned the Political Animal Lobby (now the Network for Animals) which donated large sums to British political parties and in 1996 gave £1million to Britain's Labour Party in support of a ban on foxhunting. It also speaks of IFAW's 1997 £1million leaving settlement with Mr Davies: McCarthy, Michael, 'The man whose £1m pound gift-keeps-Blair's-mind-on-hunting', *The Independent*, 12 July 1999 <https://www.independent.co.uk/news/uk/politics/the-man-whose-pound1m-gift-keeps-blairs-mind-on-hunting-738229.html> Accessed 03/07/21

And:

The Network for Animals. In the words of the website: "Founded by Brian Davies... in 1996...rescuing animals no-one else will": <https://networkforanimals.org/about/>

Accessed 03/07/2021

- <sup>83</sup> See IFAW's annual report [https://d1jyxxz9imt9yb.cloudfront.net/resource/834/attachment/regular/IFAW\\_2020\\_Annual\\_Report\\_US\\_RGB\\_FINAL.pdf](https://d1jyxxz9imt9yb.cloudfront.net/resource/834/attachment/regular/IFAW_2020_Annual_Report_US_RGB_FINAL.pdf) Accessed 02/05/2022
- <sup>84</sup> This covers the IUCN debate over IFAW's application to join, granted in 2017. The question being, was IFAW's mission 'consistent' with IUCN's (various) positions?: AfricaHunting.com, 'Explosive report reveals a 'battle' at global wildlife watchdog over its trophy hunting position' <https://www.africahunting.com/threads/explosive-report-reveals-a-%E2%80%98battle%E2%80%99-at-global-wildlife-watchdog-over-its-trophy-hunting-position.54158/> Accessed 03/07/2021
- <sup>85</sup> IFAW is prepared to work within CITES for what might be called reformist approaches to Consumptive Wildlife Utilisation (CWU) as seen in its information guide prepared for Parties to the Convention for CoP 18 in 2019. At Page 4, IFAW celebrates CITES' successes in marine listings, citing the 'incredible progress' they have achieved, and disparages the efforts of Antigua and Barbuda (in its CoP 18 Doc12) to have CITES back off from further marine listings since in that country's view they had not been a positive influence: [https://d1jyxxz9imt9yb.cloudfront.net/resource/261/attachment/original/single\\_page\\_view\\_cites\\_recommendations\\_2\\_8\\_2019.pdf](https://d1jyxxz9imt9yb.cloudfront.net/resource/261/attachment/original/single_page_view_cites_recommendations_2_8_2019.pdf) Accessed 03/07/2021
- <sup>86</sup> Writing in response to an op-ed in the WSJ written by the WTO, which expressed support for the wildlife trade, Downes wrote "when it comes to wildlife, which serves a crucial role in our planet's ecological systems, the consumption and trade of our majestic creatures often leads to overexploitation, no matter how well-meaning you are to manage that consumption sustainably." In other words, 'there's no such thing as a sustainable wildlife trade'.  
See: <https://www.thedodo.com/attempts-to-manage-wildlife-tr-1001792311.html>  
Accessed 11/05/2022
- <sup>87</sup> IFAW (and Born Free) at the birth of the AEC in 2008 Here is strong evidence that IFAW 'co-organised' and 'facilitated' the AEC's first meeting in 2008: <https://www.politics.co.uk/opinion-former/press-release/2008/02/06/ifaw-conservation-on-the-agenda-as-17-african-nations-meet-to-talk-elephants/> Accessed 10/07/2021

And:

Here is strong evidence that the meeting "... was organized by the governments of Mali and Kenya and the International Fund for Animal Welfare (IFAW)" (No other NGOs were mentioned): 'Meeting in Bamako results in anti-ivory trade coalition', News, SDG Knowledge Hub, IISD, 19 February 2008 <http://sdg.iisd.org/news/meeting-in-bamako-results-in-anti-ivory-trade-coalition> Accessed 10/07/2021

And

The Bamako Declaration, following the first 2008 meeting, shows IFAW and the AEC as being not merely anti-ivory trade, but against all CWU (at least of elephants): "The coalition will strive to have a viable and healthy elephant population free of threats from international ivory trade. Parties to the coalition will also develop an elephant action plan that will encompass national and regional elephant strategies that promote non consumptive use of elephants through development of ecotourism for the benefit of local communities": Kenya Elephant Forum fact sheet: <https://www.elephantvoices.org/multimedia-resources/document-download-center/category/115-ivory-trade-cites.html?download=104:the-african-elephant-coalition> Accessed 10/07/2021

- IFAW, with Born Free and SSN, was a participant at AEC's second meeting, in June 2008 at which it was decided to press for wider measures for elephant conservation, beyond simply pressing for a ban on the ivory trade. (No other NGOs were mentioned.): Species Survival Network, Africa Bureau, Bulletin, June, 2008 [http://ssn.org/Documents/CITES\\_Afrique/SSN\\_Africa\\_07\\_2008.pdf](http://ssn.org/Documents/CITES_Afrique/SSN_Africa_07_2008.pdf) Accessed 10/07/2021
- <sup>88</sup> Allgood, Beth, 'Thriving together: Achieving the sustainable development goals and increasing well-being for animals and people', IFAW, 2018 <https://www.ifaw.org/resources/thriving-together-achieving-the-sustainable-development-goals-and-increasing-well-being-for-animals-and-people> Accessed 07/07/2021
- <sup>89</sup> Kovarik, Bill, 'The origins of Greenpeace', *Environmental History*, 2 May 2013 <https://environmentalhistory.org/people/greenpeace/> Accessed 03/07/2021
- <sup>90</sup> An account by Warren Cann, a founder member of Ultravox, of the band's originality in self-funding a music video for their 1981 hit single 'Vienna' in the belief that it would 'go viral' with TV stations around the world. (Contrary to some accounts, this version Chrysalis paid for the completion of video, being very keen to see it on TV: <http://www.discog.info/ultravox-interview5.html> Accessed 03/07/2021
- <sup>91</sup> Germany taps Greenpeace chief as climate envoy <https://www.reuters.com/business/cop/germany-taps-greenpeace-chief-climate-envoy-2022-02-08/> Accessed 9/02/2022
- <sup>92</sup> In an article titled 'CITES–Victory of Good Over Evil', Sea Shepherd called me an 'ex-CITES prostitute' who had 'sold his soul to the highest bidder' and accused Japan of taking Parties to so-called 'Japanese run karaoke/brothels' to 'bribe' Parties the night before a vote. It omits to mention, however, that the animal activist NGOs are the biggest spenders on hospitality events at CITES' CoPs. The article also inverts the reason for resorting to secret ballots at CITES by claiming it is a cover for corruption when in truth it provides the only mechanism available to protect some Parties (mainly poorer ones dependent on Western aid mediated by NGOs) from the intimidation and harsh consequences, especially to reputations and funding, that arise from being seen by the NGO mob to 'vote the wrong way'. See <https://seashepherd.org/2013/03/18/cites-victory-of-good-over-evil/> Accessed 15/06/2022
- <sup>93</sup> See Sea Shepherd wants to ban the global fisheries industry because it is supposedly "strip-mining life from the sea" and there is "no sustainable fishery anywhere in the world." Netflix's 'Seaspiracy': Viewers React to Commercial Fishing Industry Exposé <https://www.ecowatch.com/commercial-fishing-netflix-documentary-2651331648.html> Accessed 15/06/2022
- <sup>94</sup> According to its founder Paul Watson, "Sea Shepherd's position is that all commercial fisheries must be shut down so fish can have a chance to recover." <https://seashepherd.org/2014/05/06/v/> Accessed 15/06/2022
- <sup>95</sup> In 2017, fish provided about 3.3 billion people with almost 20 percent of their average intake of animal protein, with an even higher proportion in many poor countries (FAO 2020). Source: <https://www.worldbank.org/en/topic/oceans-fisheries-and-coastal-economies> Accessed on 18/07/2022
- <sup>96</sup> In 2013, a US court labelled Sea Shepherd a pirate organisation for ramming Japanese whaling vessels, throwing bottles of acid onto their decks, launching smoke bombs and flares, dragging ropes to entangle propellers and pointing high-powered lasers at them. In 2016, after being found in contempt, Sea Shepherd ultimately ceased its attacks, which had featured in the Animal Planet show 'Whale Wars' after a Permanent Injunction was entered against it, ordering it to abstain from this action



indefinitely. See: IWMc's Conservation Influencers' Sea Shepherd entry <https://www.iwmc.org/2021/05/13/sea-shepherd-2/> Accessed 03/03/2022

<sup>97</sup> See <https://twitter.com/dkachelriess1?lang=en> Accessed on 14/06/2022

<sup>98</sup> Guggisberg, Solène, 'The roles of nongovernmental actors in improving compliance with fisheries regulations', *Review of European, Comparative & International Environmental Law* 28, no. 3 (2019): 314–27, 2019  
<https://doi.org/10.1111/reel.12304> Accessed 14/07/2021

<sup>99</sup> See: <https://earthtrust.org/endangered/endangered-wildlife-programs/ssn-cites/> Accessed 11/05/2022

<sup>100</sup> See: New Book by Born Free USA Programs Director Calls for Reform in Captive Animal Welfare Regulations' <https://www.prnewswire.com/news-releases/laws-are-failing-wild-animals-claims-newly-published-research-301113689.html> Accessed 03/02/2022

<sup>101</sup> Oceana slogan: <https://oceana.org/> Accessed 26/06/2021

<sup>102</sup> FAO SOFIA 2018 <http://www.fao.org/3/i9540en/i9540en.pdf>

And:

[https://www.researchgate.net/publication/11642438\\_Fish\\_as\\_food\\_Aquaculture%27s\\_contribution\\_Ecological\\_and\\_economic\\_impacts\\_and\\_contributions\\_of\\_fish\\_farming\\_and\\_capture\\_fisheries](https://www.researchgate.net/publication/11642438_Fish_as_food_Aquaculture%27s_contribution_Ecological_and_economic_impacts_and_contributions_of_fish_farming_and_capture_fisheries)

And:

See Chapter 3:1 FAO SOFIA 2020 <http://www.fao.org/3/ca9229en/online/ca9229en.html>

<sup>103</sup> Oceana expressed its outrage when, in what proved to be a temporary setback for the Listocrats, it unexpectedly lost the vote to list almost 40 marine species in the Appendices. See Oceana Declares CITES a "Tragedy of the Oceans" <https://oceana.org/press-releases/oceana-declares-cites-tragedy-oceans/> Accessed 8/05/2022

<sup>104</sup> Some oft-cited 'villains' re-assessed: Seine net fisheries ICES Expert Group, Report of the ICES-FAO Working Group on Fishing Technology and Fish Behaviour (WGFTFB), Copenhagen, 2010 <https://core.ac.uk/download/pdf/52044327.pdf> Accessed: 19/04/2021

And:

Longline fisheries FAO, Bycatch in Longline Fisheries for Tuna and Tuna-like Species: a Global Review of Status and Mitigation Measures, FAO, Fisheries and Aquaculture Technical Paper 588 <http://www.fao.org/3/i4017e/i4017e.pdf> Accessed 19/04/2021

And:

Bottom trawling Extracted from: Valdemarsen, JW, et al, Options to mitigate bottom habitat impact of dragged gears, FAO, Fisheries Technical Paper 506 [https://www.micit.go.cr/sites/default/files/bottom-trawling\\_mitigation-fao.pdf](https://www.micit.go.cr/sites/default/files/bottom-trawling_mitigation-fao.pdf) Accessed: 19/04/2021

And:

- FAO Fisheries Division, Fishing Gear Types briefing note <http://www.fao.org/fishery/geartype/205/en> Accessed 19/04/2021
- <sup>105</sup> See 'Meeting in Bamako results in anti-ivory trade coalition' <http://sdg.iisd.org/news/meeting-in-bamako-results-in-anti-ivory-trade-coalition/> Accessed 08/05/2022
- <sup>106</sup> See <https://www.politics.co.uk/opinion-former/press-release/2008/02/06/ifaw-conservation-on-the-agenda-as-17-african-nations-meet-to-talk-elephants/page/366/> Accessed 07/05/2022
- <sup>107</sup> This gives a good if tacit sense of the tensions and pressures involved in the so-called African Consensus, or caucus, which actually corrals non-African nations. Cruise, Adam, 'South Africa and Kenya Seek Consensus on Ivory Trade,' *National Geographic Society Newsroom*, June 3, 2016 <https://blog.nationalgeographic.org/2016/06/03/south-africa-and-kenya-seek-consensus-on-ivory-trade/> Accessed 05/06/2021
- <sup>108</sup> Zimbabwe recently held an international conference in its Hwange National Park which attracted 14 African countries. Zimbabwe claims that its elephant populations are double the carrying capacity of its national parks. Meanwhile, Botswana warns that it can no longer cope with booming numbers of elephants. See 'Zimbabwe opens conference to promote sale of elephant ivory' <https://www.africanews.com/2022/05/23/zimbabwe-opens-conference-to-promote-sales-of-elephant-ivory/> Accessed 16/06/2022
- <sup>109</sup> Green, Dominic, 'Greta's very corporate children's crusade', *Standpoint Magazine*, 30 May 2019 <https://standpointmag.co.uk/gretas-very-corporate-childrens-crusade/> Accessed 02/07/2021
- <sup>110</sup> Cordey, Huw, *A Perfect Planet*, BBC Digital & BBC Books, 2020 Accessed on Kindle, May 2021
- <sup>111</sup> Attenborough, David, with Hughes, Jonnie, *A Life on Our Planet: My witness statement and a vision for the future* Ebury Digital & Ebury Press, 2020 Accessed on Kindle, May 2021
- <sup>112</sup> WWF, 'Conserving through Conservancy: Managing Land and Wildlife in Namibia' [https://wwf.panda.org/wwf\\_news/?23505/Conserving-through-conservancy-Managing-land-and-wildlife-in-Namibia](https://wwf.panda.org/wwf_news/?23505/Conserving-through-conservancy-Managing-land-and-wildlife-in-Namibia). Accessed 01/05/2021
- <sup>113</sup> Tshakatumba, PK, et al., 'Does the CAMPFIRE programme ensure economic benefits from wildlife to households in Zimbabwe?', *Ecosystems and People journal*, Taylor and Francis, 2019. <https://doi.org/10.1080/26395916.2019.1599070> Accessed: 08/04/2021
- <sup>114</sup> Campfire trickle down problems: Mashapa, C., et al., 'Socio-Economic Impact of Human-Wildlife Conflicts on Agriculture Based Livelihood in the Periphery of Save Valley Conservancy, Southern Zimbabwe.' *Journal of Animal and Plant Sciences* 28, (March 19, 2018) [https://www.researchgate.net/publication/323858030\\_Socio-economic\\_impact\\_of\\_human-wildlife\\_conflicts\\_on\\_agriculture\\_based\\_livelihood\\_in\\_the\\_periphery\\_of\\_save\\_valley\\_conservancy\\_southern\\_Zimbabwe](https://www.researchgate.net/publication/323858030_Socio-economic_impact_of_human-wildlife_conflicts_on_agriculture_based_livelihood_in_the_periphery_of_save_valley_conservancy_southern_Zimbabwe) Accessed 13/07/2021
- <sup>115</sup> John Kasaona, Namibia, a CBNRM & IRDNC leader on Namibia's hands-on conservation success <http://conservationnamibia.com/blog/b2020-poacher-conservation-leader.php> Accessed 13/07/2021
- <sup>116</sup> Useful short video on WWF's involvement in CWU and consumptive wildlife utilisation and hands-on community based conservation (CBC) in Namibia: World Wildlife Fund, 'Namibia: The greatest wildlife recovery story ever told.' <https://www.worldwildlife.org/pages/namibia-the-greatest-wildlife-recovery-story-ever-told>

Accessed 05/06/2021

<sup>117</sup> 'Human Wildlife Conflict, Namibian Case Study' by Brian T. B. Jones with economic analysis by Jonathan I. Barnes, 2006 [https://wwfeu.awsassets.panda.org/downloads/hwc\\_namlastfinal.pdf](https://wwfeu.awsassets.panda.org/downloads/hwc_namlastfinal.pdf) Accessed 13/07/2021

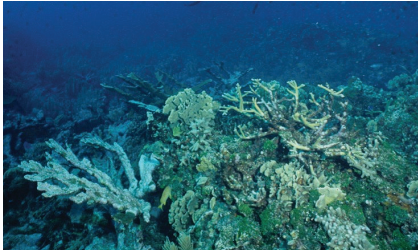
<sup>118</sup> Rachel Murchison writes an engaging piece for WWF on Namibian and KAZA possibilities and problems in IRDNC and CBNRM World Wildlife Fund, 'A Promising Future for Africa's Wildlife', Magazine Article, WWF, 2016. <https://www.worldwildlife.org/magazine/issues/spring-2016/articles/a-promising-future-for-africa-s-wildlife>." Accessed 01/05/2021

<sup>119</sup> Amy Dickman and many other experts counter the 'ban trophy hunting' campaign: 'Scientists: Banning Trophy Hunting 'Doesn't Protect Animals.'" BBC News, August 30, 2019 <https://www.bbc.com/news/newsbeat-49524189> Accessed 05/07/2021

<sup>120</sup> Not from a hunting-friendly writer, but a useful account of the WWF/*Times* story (doubly useful granted *The Times* paywall): Keeling, Tracy, 'Major conservation charity drops a bombshell, putting the trophy hunting industry on very thin ice', *The Canary*, 18 July 2020 <https://www.thecanary.co/discovery/analysis-discovery/2020/07/18/major-conservation-charity-drops-a-bombshell-putting-the-trophy-hunting-industry-on-very-thin-ice/> Accessed 04/06/2021

<sup>121</sup> WWF and trophy hunting [https://wwf.panda.org/discover/our\\_focus/wildlife\\_practice/species\\_news/wwf\\_and\\_trophy\\_hunting/](https://wwf.panda.org/discover/our_focus/wildlife_practice/species_news/wwf_and_trophy_hunting/) Accessed 05/06/2021

The recent bounce back of the Great Barrier Reef to health—after we were told that it was unsavable and near deceased—should remind us that the scaremongers do not have sound science on their side and that trade does not spell doom for coral.



Gladdens cut high algal cover, Belize July 1989.  
Photo ©André DeGeorges



Barbados 1988.  
Photo ©André DeGeorges



Healthy coral reef, Sergeants Cay, Belize, 1973. Photo ©André DeGeorges



Dictyota sp. algae smothering corals,  
Les Arcadins Marine Park, Haiti 1988.  
Photo ©André DeGeorges



Coral for aquarium trade, Haiti 1988.  
Photo ©André DeGeorges

Artisanal offshore and river fishing sustains livelihoods and feeds communities sustainably.



Kapenta fishing boat, Cahora Bassa Reservoir, Mozambique, 2003.  
Photo ©André DeGeorges



Fishing in Australia. Photos ©Jeff Carpenter



Caste net fishing, Madagascar, 1980.  
Photo ©André DeGeorges





# **Section 3.**

## **Terms of reference, six case studies and a call for reform**

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I would say that I am humanist:  
I do care more about people than about  
animals, though I would think much  
less of someone who did not respect  
animals, and indeed plant life.

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## Introducing the case studies

### TERMS OF REFERENCE

BUNNY-HUGGERS, ANTI'S, GREENS, FANATICS, ANIMAL Rights activists. These are some of the more polite words which get used for the considerable array of campaigns which so often oppose human management and sustainable use of wildlife.

I have used most of these shorthand terms myself at one time or another. I regret using some of them but remind myself that my

most disobliging remarks did not compare with the opprobrium the campaigners have heaped on people like me who dare oppose them. So be it. None of the terms is quite right for the forces I once opposed within CITES and have continued to oppose inside and outside the Convention I still love.

One profound difficulty is that I am a committed conservationist of wildlife; I care about animal welfare; and even about what one might call the rights of animals. But all these words—‘conservation’, ‘animal welfare’ and ‘animal rights’ come in many different flavours.<sup>1</sup> I deeply regret how CITES has been upstaged and co-opted by campaigners who hold a very narrow view of what activism for conservation and animals should look like. (See *The Multilateral Game*.)

I would say that I am humanist: I do care more about people than about animals, though I would think much less of someone who did not respect animals, and indeed plant life. And I am Roman Catholic, and that means that I feel accountable to my very demanding Creator for my behaviour toward all creation.

It is a mark of how different my views are from some other conservationists that I feel miles away from the opinion of Damian Aspinall, the English zoo-owner and conservation breeder, when he says: “They are not just animals; they are my friends.” I have no idea what that can really mean. Besides, Mr. Aspinall describes trophy hunting, which he seeks to ban, as a ‘despicable’ practice. (‘In the Savannah elephants Case Study’ you will see evidence to the contrary.)<sup>2</sup>

All my life, I have backed the instinct both to use and to respect wildlife as individual creatures and in the round as populations and species goes very deep in humans. Some people believe that they at least have evolved beyond any urge to exploit wildlife. Vegans often seem to feel that those who don’t renounce use of animals (wild or farmed) need to get busy with some fast-track evolving. They often seem quite bossy about their mission. Most



of us do not claim or want to be so 'advanced'.

Most of my opponents have it in common that they dislike pragmatic wise use usually now called sustainable use of wildlife resources and especially animals.

## PROHIBITIONISTS VS PRAGMATISTS

I have concluded that the single word which catches their attitude best is 'prohibitionist'. They want to do good by banning many forms of human exploitation of wildlife.

As in the case of other prohibitionist movements, it is an approach with a poor record. It didn't work with alcohol, drugs and gambling, and it has gone on to fail with wildlife.

The prohibitionist conservationists and prohibitionist animal activists mostly have a 'hands off' line on species conservation. And the same approach lies behind their 'no-go' ambitions for habitat conservation. The 'don't touch' mentality about individual creatures and plants, or indeed whole species, is matched by the 'stay-out' ethic of the '30 by 30' movement we will so often meet in *Wildlife Betrayed*. In effect, prohibitionist campaigners seek to control at least 30 per cent of the Earth's surface by 2030.

On a crowded planet, leaving things to Mother Nature (as I do not call the biosphere) can backfire. For instance, it is often the case that wildlife living in shrinking areas of wildness need human intervention (yes, sometimes culling) because the alternative is the loss of biodiversity, including the painful death of even more animals.

'Mother Nature' is not as kind as well-regulated hunting, or a cull. Surely it would be immoral to waste the produce of such management? That's the essence of Consumptive Wildlife Utilisation (CWU). In my book, prohibitionist purism is of little value. Humankind's relations with wildlife require a principled pragmatism.

The prohibitionist strand of opinion has always been and is still

to be found amongst some professional and experienced conservationists. It is the core of the Deep Green thinking—or lack of thought—many learned at school and university. It is the view the media unthinkingly but overwhelmingly supports.

Quite different from the well-funded and very appealing prohibitionist campaigners, there are probably as many practical conservationists who hold very different ideas and ideals, more aligned with mine. They are much less seen on TV. Essentially, this view believes that exploitation of wildlife can be fine-tuned and harnessed so that it benefits wildlife and humans alike.

The term ‘Prohibitionist Conservation’ nicely invites me to use ‘Pragmatic Conservation’ for my side in this debate. I didn’t choose ‘permissive’ as the word for my side. I do not espouse free-for-all exploitation of wildlife. Far from it. I know no serious players within CITES who are that reckless.

Rather, pragmatic exploiters are the first to insist that sustainable harvests and management are their goal. And they must of course be required to prove that they operate along sustainable lines. They want to conserve and preserve and protect wildlife, but where appropriate they want to use—exploit it—too.

The pragmatic view of wildlife use is enshrined in, and in the spirit of, much modern thinking. Twenty-first century Sustainable Development ideas were based on notions of ‘rational use of natural resources’ which were formulated in the 19<sup>th</sup> century and have evolved since into ‘sustainable use of natural resources’. Stating this sort of ambition is controversial enough: it involves a series of important battles in quite a few culture wars.

Acting on the ambition of CITES—to help good things happen on savannahs and mountain slopes, and in forests and the ocean—gets even more complex.

CITES exists to prevent endangered wildlife from damage caused by its being traded internationally, dead or alive, whole or in parts. The prohibitionist campaigners characteristically press

for trade to be burdened with regulation, and preferably banned. They want ever-larger areas of the world to be excluded from any but the most low-tech wildlife exploitation. That fits with their being Prohibitionist Conservationists, which captures their essentially ‘hands-off’ position and their approach to making it happen.

That ambition would be fine provided it was based on evidence or a rounded view of good precautionary practice. It’s a crucial part of this project’s work to show how it isn’t, and yet has been successful within CITES and other bodies.

## LISTOCRATS

In the context of CITES the conservation and animal welfare prohibitionists deserve another, very particular, word. In my book, they are ‘Listocrats’.

CITES works by identifying wildlife species which are under threat and are so because of the involvement of international trade. Such species are listed in one of three Appendices to the Convention, with Appendix III being the ‘weakest’, Appendix II being more restrictive, and Appendix I being the strictest. (See the CITES Formal section).

There is a widespread misconception, abetted by the Prohibitionists, that all such listings are always justified and effective. Furthermore, they usually celebrate a listing as a victory because it can be presented (for public relations purposes) as a ban on trade. At least, that’s the theory. In real life, things aren’t so simple, not least because it is easier to ban something than to enforce the ban.

As we go on with the Case Studies, you will see that many listings are unjustified, and even when they are justified, there are often poor outcomes on the ground or in the water. You will see from the CITES Reform section how *Wildlife Betrayed* wants to fix those mismatches.

The Listocrats are list snobs. Their Prohibitionist agenda leads

them to much prefer to get a species into the supposedly very strict Appendix I rather than in the supposedly more permissive Appendix II (we can leave Appendix III out of things for the moment).

The pragmatic wildlife use point of view—mine—sees any listing as a failure. We would rather that wise use for international trade, or for any reason, occurred without the need for regulation and still less without bans. But we are pragmatists. We know CITES, like any good intergovernmental institution, is a practical and moral necessity in this real world.

We like CITES best when its existence encourages wildlife users to adapt their behaviour so that it doesn't lead to a listing (or up-listing to stricter Appendix), or regulation (or an escalation in regulation), let alone bans. If a species must be listed, that's a failure, and if it has to be in Appendix I, that's an even greater one.

## **OPENING REMARKS ON SIX CASE STUDIES**

Our Case Studies present a sort of scorecard of CITES' work in a selection of species and habitats. They have been chosen to illustrate how CITES had design faults from its inception and accumulated more as it went along despite several reforms. The Case Studies reveal processes which have hitherto been largely hidden from public view. Amongst the most important is the ideological hijacking of CITES by NGOs which are fundamentally opposed to the Convention's purpose.

The people who run campaigning wildlife NGOs may care about wildlife. Who doesn't? Many of their supporters certainly do care about wildlife. Again, who doesn't? The professional 'Wildlife Use Prohibitionists' do, I am sure, dissemble when they deal with their supporters. The best sign of this, I think, is that they cherry-pick evidence so remorselessly.

The Case Studies will reveal good evidence that the prohibitionist campaigners too often betray the ordinary traditions of

fair-mindedness and the robust presentation of nuanced evidence. They are sophisticated, self-serving, and manipulative. They are all these things whether they are providing charismatic images and simplistic message for the media. Or wooing and being wooed by Virtue-Signaling politicians or milking their supporters' soft hearts. (Some of these issues emerge in the Case Studies, others in The Multilateral Game.)

I cannot believe that the campaigners haven't had these thoughts themselves. Maybe they think the ends justify the means, or that it will one day. Meantime, they have done much less than they claim to ensure that wildlife has a future.

## **Case Study 1: Zoonoses, Covid-19 and CITES**

### **OPENING OBSERVATION ON COVID-19**

The response from environmental NGOs to the Covid-19 (SARS-CoV-2) pandemic illustrates their tendency to use any excuse to push CITES into taking precipitous precautionary measures to prohibit the wildlife trade. Furthermore, this case study reveals how NGOs want CITES to venture into realms of regulation where it has no expertise or authority and there's no known threat to wildlife of extinction or even a proven link to the wildlife trade.

### **CITES AND THE DISPUTE OVER ITS COVID REMIT**

Various big players are jockeying to lead the world's response to future zoonotic (a disease that jumps from an animal to a human) disease control. It has been fascinating to see John Scanlon, a former CITES Secretary-General, arguing that CITES needs a wider remit.<sup>3</sup>

Contrariwise, the Convention's present Secretary-General, Ivonne Higuero, insists that CITES does not have the requisite mandate to seek it.<sup>4</sup> Other UN and regulatory agencies with a greater claim to this territory might also be irritated with CITES if it grabbed the ball. It is reasonable to guess, we suggest, that being alert to these obvious facts made Ivonne Higuero declare that CITES has no competence in this matter.

But it was fascinating to observe how John Scanlon, who has long shared the viewpoint of militant environmental NGOs, joined the fray, and in a quite different direction to the incumbent.

Whilst Mr. Scanlon repeatedly argues that CITES ought to become more muscular in its regulatory thinking and enforcement, he seems to have hedged his bets. Initially, he was calling on CITES to amend its Convention text to allow it to get more

strongly into policing work. But at the same time, with Robert B. Zoellick of the World Bank and others, he proposed and still proposes building on the International Consortium on Combating Wildlife Crime (ICWC) which the pair founded in 2010, with Interpol, the World Bank and the World Customs Organisation on board. They propose a hybrid body which would use the buzzphrase of the day, 'One Health' and would fight wildlife crime and zoonoses as though they were coterminous.<sup>5 6</sup>

Several campaigning NGOs, deploying CITES as their prohibitionist grandstand, are also opposed to Ms Higuero's position. Hoping for a ban on the movement of live animals across borders, as well as an end to the bushmeat trade, they will doubtless make an issue of the present Secretary-General's alleged timidity at CoP19 in 2022.<sup>7</sup>

Piling on the pressure in 2021, the NGOs persuaded CITES to create a Zoonotic Working Group (ZWG). Having participated in it, IWMC can confirm that Higuero's worries were justified because most of the issues the ZWG addressed, such as consuming domestic wildlife and closing wet markets, were outside of CITES' authority.

Nevertheless, there is a real possibility that at CoP19 the NGOs will call for a so-called temporary moratorium on the international wildlife trade and or a ban on the consumption of wildlife globally. The fact that CITES has no remit to forbid the consumption of wildlife within national borders is unlikely to deter campaigners who crossed that Rubicon when they persuaded CITES' Parties to demand the closure of domestic ivory markets.

At CITES in 2022, we may also see NGO forces deploying Covid-19 to reinforce arguments that rainforests and other biomes need to be turned into conservation zones inhabited and exploited only by long-established indigenous peoples. Or, in the case of advocates of fortress conservation and massive marine protection zones, by no people at all.

Perhaps in preparation for this oncoming debate, CITES has already lined itself up with a bold argument that bushmeat is an important sector, to be tampered with only with great care.<sup>8</sup> This camp (which *Wildlife Betrayed* supports) includes many experts who have honed their views across years of arguments over elephant ivory, rhino horn and trophy hunting.<sup>9</sup> Their argument receives support from specialists with a more overtly human health perspective.<sup>10</sup>

### THE STRANGE CASE OF PANGOLINS AND THE 'SCIENCE'

Animal welfare and rights NGOs, long allergic to most lethal consumptive wildlife utilisation (CWU), have become obsessed about the connection between pangolins and Covid-19.

But Covid-19's connection with pangolins and wet markets was misconstrued in the early stages of the pandemic. David Macdonald, a vital zoology academic, has presented evidence that neither horseshoe bats nor pangolin were present in Wuhan Market at the time they were supposedly a Covid-19 incubator. The Chinese authorities, which carried out extensive testing of thousands of animals, did not find a trace of *any* animals at the market that were infected with the SARS-CoV-2 virus or anything close to it. But Macdonald adds that the lesson remains salutary as a hypothesis which might be a reality somewhere, and sometime.<sup>11</sup>

Separately, peer reviewed journals such as *Nature* had to publish extensive corrections to scientific papers after it was discovered that scientists had muddled their pangolin labelling.<sup>12</sup>

In summary, scientists made one paper referencing a small sample (showing a link between coronaviruses and pangolins, but not SARS-CoV-2) look like it was corroborated by independent studies, when in fact what was being reported in several published papers by different authors was the same study and datasets using



different sample names. These embarrassing mistakes generated what amounted to fake news about the origin of SARS-CoV-2.<sup>13</sup>

Motivated by misconstrued science, the prohibitionist NGOs demanded the closure of wildlife wet markets and called for the prohibition of the entire international wildlife trade. Three hundred and thirty-nine NGOs even wrote to the WHO claiming that there was a ‘proven link’ between wet markets and eating bushmeat and Covid-19 and its ‘likely’ link to pangolins especially.<sup>14</sup>

But there is no evidence that Covid-19 is a factor in the conservation threats the pangolin faces. Though there is evidence that suggests that pangolins can be infected by coronaviruses; perhaps picked up in transit to markets. But many other animals, such as deer, cats and mink, can become infected too. But unlike with bats hidden deep inside remote caves, there’s never been a pangolin discovered in the wild infected with any type of coronavirus.

Though even if pangolins were shown to be a Covid-vector, since they are already banned by CITES from international trade it follows that insofar as an international trade were shown to be in play, it is an illegal one. Illegal wildlife trade is one of many issues over which CITES can only huff and puff. Even if it had proof as to which producing countries or consuming countries were behaving corruptly or feebly, there is nothing much CITES could do.

Pangolins are the most valuable illegally traded and trafficked wild mammals in the world.<sup>15</sup> The creatures will not benefit from more useless CITES activity on their behalf. In the same vein, there is good reason to suggest that any ban imposed on the international trade in wildlife may encourage illegal and unscrutinised trade, which would create ideal conditions for the incubation and spread of zoonoses.

## **THE BIGGER PICTURE, INCLUDING HUMAN PROXIMITY TO NATURE**

The idea that humans can put an impermeable barrier between themselves and the wild is for the birds. Avoiding zoonoses looks like being an extraordinarily difficult matter of vigilance and management. But there are some basic facts that it is helpful to bear in mind when we consider the management of this very recent disease outbreak and all the others which are quite likely to follow it.

The first is that humans, like all the other animals, are a great host for organisms of all sorts. Many manifest themselves as diseases in us but not often in wildlife and not always in the domestic livestock from which we caught some of them.<sup>16</sup>

The second fact is as old as the first. Human proximity to wildlife and livestock has always put us at sporadic and unpredictable risk of pandemics. Likewise, of course, our own persons, livestock and other animals have spread disease on a huge scale to ‘alien’ humans and animals, wherever we have travelled.<sup>17</sup>

Colonialism, as natural and ancient a phenomenon in human history as religion or war, was one old way disease spread across countries and continents. But that was a partial primitive form of globalisation compared to what we moderns can achieve.

The old stories remind us that we today have advantages. Personal protective equipment (PPE), ventilation of human lungs and habitats, especially vaccinations, all proved to be a speedier boon of science, government spending and capitalism than was imagined possible even two years ago. Modern human society has accumulated wealth so great that we could put our economies on hold whilst we quarantined. None of these factors were available when worldwide Spanish Flu claimed tens of millions of lives a little over 100 years ago.

Covid-19 tested the governance systems of every nation on earth. Not least by demanding levels of state intrusion and

support, civil obedience, and personal responsibility, which look very different wherever one goes. As usual, we should mourn global inequities and the plight of poor countries, including their corruption. We should also be annoyed, I suggest, by the West's hoarding, at least initially, of Covid vaccines to the detriment of the developing world.

Confusingly, IPLCs (indigenous people and local communities) keep swimming in and out of focus in the Western media as the supposed 'guardians of biodiversity' and the suspected super-spreaders of wildlife zoonoses.

Unpick the stories of tsetse flies, cholera, typhoid, plague, influenza, HIV/AIDS, BSE, Ebola and we'll discover useful similarities with this SARS-Coronavirus pandemic. We can also predict that this story will be different to the others, not least because each predecessor displayed its own characteristics, and why wouldn't this one?<sup>18</sup>

Since we can't stop people interacting closely with, and often consuming, wildlife, we presumably need to be on the lookout for diseases, and especially disease outbreaks.

This kind of logic applies to what one might call the 'disturbed wild' scenario for several zoonotic outbreaks. We know hunters sometimes eat or sell bushmeat which is infected with an ingenious killer. It seems to account for the origins of HIV/AIDS and of Ebola. By the nature of their circumstances, such people are very often short of medical surveillance or succour. In effect, the world needs to apply regulatory orderliness and remedial machinery in what are surely about the least amenable places on earth.

But I see things more positively. Sixty percent of the world's population today live in cities far removed from the wild. Whereas *all* our ancestors lived cheek by jowl with raw nature. Yet the risks they faced did not prove to be existential.

The straightforward 'disturbed wild' scenario is taken up a notch by a mark II version which posits a link between corona-

viruses and intensive agriculture and the pressure on peasant farmers, not least in China. It is argued that the shed-farming of livestock can be virus-friendly, and sometimes that high-capital farming has forced peasants to harvest wildlife, never mind that it may be infectious.<sup>19</sup> But defences already exist to protect human and animal health from this source of risk, not least in China.

## **SPECULATION RATHER THAN FACTS**

There is a third idea which posits that for one reason or another, or just by mistake, Chinese scientists made a pandemic out of a bug. This possibility has a sinister, libellous version in which Chinese actors spread the virus on the world on purpose, and a more innocent one (though still scary) in which human error in laboratory management was to blame.

The problem with assessing these possibilities has been hindered by how the West discusses the Chinese Communist Party (CCP). But perhaps the bigger factor in this discussion has been the Western media's disdain for former President Trump. The anti-Trump mainstream media tended to view the lab release explanation as a conspiracy theory that needed to be quashed at birth. This encouraged people to write books that published what the media was too scared to discuss, but which nevertheless still failed to provide convincing evidence.<sup>20</sup>

President Biden, however, is no more pro-China than Donald Trump. This might well explain why his administration placed the accidental release of the SARS-CoV-2 back in the frame. But in truth, nobody knows how the pandemic was initiated because though Covid-19 was first detected in Wuhan, China, scientists have no proof of how it arrived there.

## **THE MULTILATERAL PERSPECTIVE**

Looking around the multilateral scene, where are the candidate bodies to wrestle with pandemics?

It seems logical that the directing intelligence for the global human responses should be health-led. It will be for epidemiologists and geneticists to identify the infection routes. It will be for nearly every specialism imaginable to devise clever ways to block them on the ground. That implies that many eyes will turn to the World Health Organisation amidst a deal of scepticism as to whether it could ever provide the solution.<sup>21</sup> For its part, WHO has proposed an offshoot of its own: “a new international treaty for pandemic preparedness and response”. Boris Johnson, the UK Prime Minister, joined various national leaders in signing up to support this move. Though that’s not necessarily a good sign considering his taste for rather flakey policy on animals.

Switch focus and one understands why the Convention for Biological Diversity sees a role for itself. It is after all the multilateral home of the science and policy revolving around biodiversity, which includes pathogens. This UN MEA was conceived to provide oversight of the genetic material of the world. Unfortunately for its putative role in pandemic control, it has the great disadvantage that from its inception in 1992 it focused on the rights of member states to control the genes on their patch, and to be given a fair return for their exploitation. This means it is simultaneously in favor of both multilateral and national control of genetic policy. CBD can’t have both. WHO faces similar challenges because it does not have the means to insist, for instance, that member states share genetic information.<sup>22</sup>

As usual, however forceful the multilateral ambition to predict and limit zoonotic pandemics, and whoever heads whatever UN or allied MEA alliance emerges, it will always be the nation states on the frontline which decide whether to support or thwart them. Keep the PPE handy.

## Case Study 2: Whales: harvest or media icon?

### INTRODUCTION

Whaling is a crucial part of the consumptive wildlife use discussion because it matters on its own merit and because it triggered a new sort of conservation campaign culture. It is core to the argument put forward by *Wildlife Betrayed* that this new, powerful sort of campaign is better at generating myths than in wrestling with real-world complexity. Whales show us how CITES was born with a bad political dynamic which baked-in NGO over-reach from the start. The leading campaigners had learned how to manipulate and outwit the International Whaling Commission (IWC) and use it to grandstand as it made Japan and Iceland into pariah states. Much of that has unfolded in CITES with the additional complication that the campaigners blithely ignored the core CITES mandate of concern with species threatened by trade. Whales—though heavily over-exploited in the past—were in recent times neither threatened by trade nor facing extinction, but they were listed by CITES anyway without proper debate.

### BACKGROUND TO WHALES

The whales have always mattered to humans who lived near the sea or thought about them from afar. The marine giants appear on cave walls and screensavers and in works on paper from Dürer to Hokusai. In the lifetime of the earth's present grandparent generation, many whale species were hunted to the point of scarcity and, later, became the first widespread megafauna to be subject to multilateral bans on their use, and to recovery. The great beasts continue to fuel our imaginations, and to divide opinion.<sup>23</sup>

It is certainly good news that the whale species did not become extinct on our watch, and that there are more whales now than

at any time since their large-scale exploitation got into full swing, and in some cases such as the North Atlantic's humpbacks are returning to pre-exploitation levels.

The bad news is that some species such as the North Atlantic right whale are now the unintended victims of fishing and shipping.

It is also important, and depressing, that the process of getting to the present generally much improved situation has been so messy and at times plain ugly. That, too, may continue.

There have been almighty rows, and some skulduggery, at the International Whaling Commission. It's been the main location of the battles over whaling from 1948 till the present (though in 2019 it ceased to be the global forum it had been, as we shall see). Oddly, IWC's efforts to reconcile the utilisation of whales with their conservation may have been largely redundant, and even harmful. Indeed, the more the world heard of the IWC, the less effective it was becoming.

Along the way, almost every nation state involved in the whaling issue was wrong-footed by other players. Often, they were tripped up by their patriotic self-interest, or by an assertive idealism, and sometimes by both. Some nation states were rather cheaply induced to weigh into an argument in which they had neither any financial nor much cultural interest. Almost every player has sometimes sullied their record by being less than frank.

The heavy-hitting anti-whaling nations were exemplified by two countries (the USA and the UK) that had once had very large industrial-scale whaling interests, and which were probably motivated by guilt combined with a desire to curry favour with the emerging worldwide green movement.

Some pro-whaling nations (Japan, Norway and Iceland) were united in finding it a patriotic duty to support domestic minorities which had and have a strong cultural attachment to small-scale whaling. Japan had not been a pioneer of industrialised whaling,

but before World War two (WWII) had taken it up, and intensified its interest after WWII, when its population faced famine. The country was and is allergic to being pushed around by the rest of the world on what it thought to be a sustainable and strictly limited utilisation of wildlife.

Right now, after a 40 year ‘moratorium’ commercial whaling is once again a live issue. Norway’s and Iceland’s (and especially the former’s) histories in this industry are longer than Japan’s but they share Japan’s current view that the sustainability of limited commercial whaling can be asserted scientifically and should be gradually tested at sea.

These thoughts are bold, and even heretical. They fly in the face of what many people in the rich world, especially in the West, feel to be an important modern idea: that lethal consumptive wildlife utilisation (CWU) is morally wrong and ecologically dangerous. The “antis” don’t, by and large, put it like that. They just feel they ‘know’ that killing wildlife is wrong and can’t conceivably be good for it.

*Wildlife Betrayed* aims to show that sustainable CWU is always morally sound in principle, and often both ecologically sound and good for the wildlife which it kills. The last circumstance comes into play in the case of fisheries particularly because good conservation practice needs expensive policing: only nations with ‘skin in the game’ will bother with it.

There are profound prejudices on both sides in this argument. The evidence is undeniably patchy, complicated, and contradictory. The argument is nowhere near settled, or over. In some ways, it’s only just beginning.

## THE GREENPEACE MYTH

In the IWC in the mid-1970s, and for the first time in history, a global conservation issue became not only a matter for continuous mass media attention, but the rationale for an entirely



new force in world affairs. International conservation campaign groups (NGOs) nurtured, surfed, and manipulated the issue, and chose it in part because its attention-grabbing potential was so great. Greenpeace produced campaigns which articulated what had been a minority concern and made it highly political. (That is, in the sense that it was on the political radar everywhere in the world.)

In truth, Greenpeace and other anti-whaling campaigners were, in 1975, very late to the party. Humane Society International had arrived a little earlier, making a stir at IWC meetings from 1973 till the present.<sup>24</sup> But by the time either of these bodies turned up, whaling, in the form they most hated it, was all over bar the shouting. But there would be plenty more shouting. There is an important and little-known argument that green pressure was its own worst enemy: Japan, an important whaling player, became intransigent in the face of what it thought was irrational and even racist pressure.<sup>25</sup>

As we saw in *The Multilateral Game*, Greenpeace was from the start much more into stunts, however brave they undoubtedly were, than it was interested in evidence. They were able to persuade the world that it was their work which ‘saved the whale’.

Michael Shellenberger, author of the lively *Apocalypse Never: Why environmentalism hurts us all* (2020) says it differently in his chapter, ‘Greed saved the whale, not Greenpeace’.<sup>26</sup> He cites an assessment from a solid academic paper from 2004, entitled, *What saved the whales? An economic analysis of 20th century whaling*. It was co-written by Viktoria Schneider (surname now Kahui) and David Pearce, a scrupulous UK-based economist specialising in wildlife.<sup>27</sup>

## **ECONOMICS, NOT CAMPAIGNS OR REGULATIONS**

The Schneider/Pearce paper says that in the absence of stronger action from IWC it fell to the Conference of the Parties of CITES,

then a brand-new convention, to declare whales off-limits for further exploitation. Shellenberger quotes the relevant passage: "By 1975, the year of Greenpeace's celebrated Vancouver action [challenging Russian whalers targeting sperm whales 60 miles off the California coast], an international agreement between forty-six nations, which prohibited all hunting of the humpback, the blue whale, the gray whale, and some species of right, fin, and sei whales, was already in place".<sup>28</sup>

This account has CITES doing the good work which IWC hadn't managed on its own. But following IWC's lead was a poor move on CITES' part. In 1975 the new convention imported a set of decisions which did not fit well with its criteria about extinctions and took no account of the likely effect of the fall in whale catches which were already occurring. It seemed to throw away the independence of thought and operation which a new body could have claimed.

This weakness was compounded in 1979 by a CITES resolution that Parties shouldn't facilitate international trade: "for any specimen of a species or stock protected from commercial whaling by the International Convention for the Regulation of Whaling." CITES declared itself to be IWC's poodle.

In 1982, IWC decided to place a moratorium on commercial whaling, to come into effect in 1986. At the fourth meeting of its Parties in 1983, CITES mirrored this development and put all cetaceans covered by the IWC's moratorium in Appendix I (except for the West Greenland minke), effective from 1986.<sup>29</sup>

This essentially political decision aligned CITES with IWC without the presentation of scientific evidence to the CITES Parties as to whether all the whale species covered by IWC's moratorium met the criteria for Appendix I.

Besides, I felt strongly at the time, and argued, that the moratorium flew in the face of the intentions and text of the CITES constitution. (Article XV of the Convention doesn't allow for staged or

staggered introduction of amendments to the Appendices. It says, if a species qualifies, it does so after 90 days, and that's it.)

It is the redundancy of regulatory and campaigning effort which is so compelling in Shellenberger's vivid retelling of several items in the Schneider/Pearce account. One was that 20<sup>th</sup> Century whalers killed three times the number that their 19<sup>th</sup> Century forerunners had managed. Another was that whale catches plummeted from the mid-1960s. The idea that Greenpeace 'saved the whales' seems to blind us to the far more interesting fact, also highlighted in Schneider/Pearce: "Ninety-nine percent of all whales killed in the 20<sup>th</sup> Century had occurred by the time the International Whaling Commission (IWC) got round to imposing a moratorium in 1982."

Here are some of the numbers (from Schneider/Pearce): The slaughter of whales had reached a century-high of around 65,000 whales a year in the mid 1950s and fell to around 15,000 in the mid-1970s before plunging to 1000 or so by the mid 1980s, when the IWC ban came into effect. (It is important to note that the IWC 'moratorium' was no such thing. It became an open-ended *de facto* ban. It was an IWC lesson in farce which CITES should have learned, as we shall see in the African Savannah Elephants Case Study.)

Shellenberger quotes Schneider/Pearce as saying: "... economic growth brought with it a declining demand for whale products, whilst decreasing stock levels fed back into more and more expensive harvesting effort...".

This was a matter of a declining catch per unit effort (CPUE), a feature of over-exploitation of marine animals (and 'population collapses', famously in the case of cod and herring). Then there are the insights about innovation and demand (one of Shellenberger's main themes). With these, we see another piece of the picture: that human ingenuity was increasing wealth and switching to new materials. The effect was that the cost of killing whales had

risen whilst demand for their products had fallen. It wasn't a great business model.

Part of this phenomenon had been emphasised by the British science writer Jeremy Cherfas in his *The Hunting of the Whale* (1988).<sup>30</sup> It discussed a new idea which had begun to get traction in the late 1980s. Over-exploitation of a marine resource might lead to 'commercial extinction'. This was different to the 'population collapse' idea, or even to the idea of the 'extirpation' of a particular population of a species. The newer controversial thought was that whilst over-exploitation was obviously a Bad Thing, commercial extinction might be a blessing in disguise. Whales, for instance, might not be worth catching, and well before they actually became extinct, or suffered population collapse or extirpation.

But Cherfas went further. Schneider/Pearce had argued (a little oddly, granted the flow of the rest of their analysis), "... growing environmental awareness seems to have been a crucial force in averting complete extinction." Cherfas decided to the contrary: that the IWC/CITES use of quotas, or bans set in the future, encouraged—perhaps even forced by campaigners, had induced the owners of whaling ships to at least stay in the game long enough to get back some of their investment. Regulation helped them manage the flight path of their declining businesses, and to kill a few more whales than the sour economics of commercial extinction might have done.

There is an interesting wriggle in this series of arguments. For many years it has been argued that the availability of cheap petroleum put the whale oil industry out of business and left the whalers with nothing to sell but a niche meat product. Shellenberger joins many others in pointing out that this is a very poor reading of history. They debunk 'The Oil Myth'.<sup>31</sup>

Actually, it was the very cheapness of oil which allowed the 20<sup>th</sup> Century to produce a new, modern, industrialised whaling industry to head off on the High Seas in search of whales far beyond the

reach of the sailing ships which had previously hunted them. As much as the demand for whale oil had weakened, there were new products such as margarine which needed it rather badly. Indeed, remarks Shellenberger (following Schneider/Pearce), it was the advent of vegetable oils which really sank the whaling fleets.

The rules of commerce had far more to do with the eventual recovery of the whales than did campaigning or regulation. It wasn't Greenpeace, IWC or CITES which drove this success. Shellenberger is right to say that innovation scuppered large-scale whaling.

### **DEPLETION, RECOVERY AND SUSTAINABLE USE**

There is no doubt that many species of whales were over-exploited until it was barely worth hunting them and many were hunted to low numbers. The worst of that story took place in the 20<sup>th</sup> Century, but no species of whales became extinct and many are recovering.

Now that whaling is all but finished and has virtually nil effect on whale populations, the animals face quite other threats. They get caught up in industrial fishing; their lives are disrupted by shipping; and some may be suffering from climate change effects in the ocean (though others seem to be benefitting from them).

The North Atlantic right whale is in serious danger. Its habits made it easy prey for whalers, and now make it a victim of other damaging human contact.<sup>32</sup>

Some whale species have now recovered to be abundant in some of their populations but remain scarce in others.<sup>33 34</sup> Japan, Norway and Iceland make a good case that they have identified populations of minke whales which can sustain the very limited harvest the countries want. Minke whales are, though, the subject of discussion as to the status of some of their other populations.<sup>35</sup>

Fans of the 'consumptive utilisation of wildlife' (CWU) rightly suppose that it is indeed time to join Japan and other countries in getting serious about assessing those populations of whales which

can now or soon could sustain a harvest.

Japan left the IWC in 2019 so as to be able to pursue its own path of very limited commercial whaling in its own waters.<sup>36</sup> The whaling will continue to be of scientific interest (the old pretext or reason for doing it), but there is no sign that it will return to anything like an industrial scale, in the old manner. Indeed, the current limits Japan has imposed on its commercial whaling fleet are lower than those allowed under IWC's scientific regime.<sup>37</sup> Leaving IWC and returning to commercial whaling in its own waters looks like Japan deciding that ordinary ideas about national dignity required such moves.

There are myriad opponents to any sort of whaling, and they have several long-standing arguments against it. Here are a few important ones: The stock assessments are dubious. The whale is worth more as a living opportunity for photography than cut up as product. Whales are too like us to kill. Any sentient animal is too like us to kill.

There is something to any of those old arguments, but they are either a matter of taste, or a matter which scientific investigation can interrogate with increasing skill.

### **NEW SCIENCE, NEW LIMITS TO WHALING?**

Modern science is now offering the anti-whaling campaigners the prospect of a very enticing pair of stronger limiting factors on any future harvest of whales. Firstly: whales seem to be part of an ocean ecosystem which can usefully lock up more carbon if it is left to its own devices.<sup>38</sup> And secondly: with or without human success in reducing anthropogenic global warming (AGW), achieving the optimum reliability of a wide range of 'ecosystem services' from the world's seas requires that we promote the variety and abundance of ocean species. It follows that we should be cautious in our assessment of stock sustainability, including that of whales. (See our chapter *Harvesting the ocean: how much is OK?*)

Deciding what's a sustainable harvest is the oldest controversy in ocean science, and not just amongst dreamy or shifty conservation campaigners. There is an argument that fish (and whale) stocks have systematically been overexploited and that human wellbeing requires that we aim for greater resilience across the ocean ecosystem seen as a whole.

Naturally, WWF and Oceana and plenty of other campaigners love this line, but that doesn't make it wrong. However, it is fair to say that proving which parts of it are right, and finding policies to implement them, is going to be a challenge.

Neither line of attack in principle rules out a whale harvest, any more than it rules out a fish harvest. But it may well be that the harvesters—hunters—will have to make a different sort of case than they are used to.

It may well be that IWC will never again be the main forum for these debates even so far as they concern whales, not least because the body may seem irrelevant when Japan isn't there and Iceland and Norway pursue a commercial whale hunt. With or without the IWC, it may be that good science will show that whale abundance, and the whale's role in oceanic ecosystems, are such that quite a large valuable harvest can be had from the great beasts.

That is the sort of row which often seems to migrate to CITES. Indeed, hosting vibrant debate may well be a big part of the convention's best future. (See Case Studies, Conclusion: CITES Reform.)

In the meantime, the whaling nations are strong democracies with a taste for evidence as well as being subject to populist opinion. They have shown that they won't be bullied by feel-good campaigns or nation states with a different past.

It behoves people who do not share the whalers' cultural heritage or baggage to remember that bossiness very often increases its targets' resistance.

## **Case Study 3: The ocean, and its sharks, tuna and eels**

### **INTRODUCTORY REMARKS TO MARINE SPECIES**

CITES' growing appetite for listing commercially fished species was initiated by NGOs. Conveniently, CITES offered them the opportunity to bypass or undermine the established regulatory framework governing the fisheries industry within which their influence was not especially significant. After multiple failures at the level of implementation, there is now a pressing need for CITES to review the efficacy of its involvement in the marine arena.<sup>39</sup> Campaigning NGOs, we argue, can be useful whenever they find common cause with existing and often better suited regulatory mechanisms than CITES that could keep sustainable fish supplies in the world's human diet.

### **GETTING TO GRIPS WITH THE CORE ISSUES**

For about 30 years the shallow inland waters and deep oceans of the world have been providing an annual haul of 90-some million tonnes of captured (that is, hunted) wild fish for human use.<sup>40</sup> From boatbuilding through fish processing to retailing, the sector, very broadly defined, may contribute to 1 percent of global gross domestic product.

Driven by the increasing human population, and increasing affluence, demand for marine fish has doubled in the same period, and—perhaps surprisingly almost all of the increase has been supplied by aquaculture. Captive (farmed) fish from cages and tubs now provide as much protein as captured (hunted) fish from the wild.<sup>41</sup>

Nearly a half of the human population gets about a fifth of its animal protein from fish, whether wild or farmed, and there's every sign that overall demand will rise.

The world's wild-caught fisheries are mostly under great pressure,



as we will see. There is no quick fix. Aquaculture has problems of its own. Good science, good regulation and good implementation may help both sectors increase the quantity and sustainability of supply.

However, there are difficulties in all those areas, and especially the last.

The British navy once aimed to rule the waves in order to eliminate the slave trade. Where now is the navy—or a coalition of navies that will police the production of a sustainable fish bounty? Come to that, where will be the High Seas and fishing fleet police to safeguard the vulnerable at-sea observers mandated by multi-lateral agreements?<sup>42</sup>

Fisheries tensions have until recently been over the horizon for most of the world's population. They were unseen and distant. However, the phenomenal success of various TV nature shows, and perhaps especially of Netflix's *Seaspiracy* (2021) has put them firmly into the mass consciousness, and crucially, into that of a younger generation of Westerners.

*Seaspiracy* is manipulative and unscrupulous, but so are many persuasive campaigns. It seems to aim to wean consumers off fish and perhaps off all flesh-eating. Certainly, thorough-going vegetarianism and even rather haphazard veganism might be part of the solution to unsustainable fish consumption. Novel proteins are at the very beginning of what may well be a very large change in the world's diet.

Whilst we wait for those radical changes, we badly need improvement in the quality of discussion about fisheries. Luckily, *Seaspiracy* has triggered its own complicated backlash, the most telling of the criticisms of it coming from campaigners who liked some of its messages.<sup>43 44 45</sup>

That's the kind of internecine row which can be productive, and even quite quickly.

Questions often come in droves. Which fish stocks, and where,

are being over-fished and by whom? Why on earth would it be clever to keep suppressing fish populations instead of letting them recover, to produce bigger harvests in the end? What parts of the sea best promote wild fish stock recovery? Can aquaculture and fish farming be made more sustainable? Rather importantly for this project: what has any of this got to do with CITES, our primary focus? The answer to that at least is simple: CITES's proper place at present is as an interested observer, unless better-placed regulators very seriously fail.

Three fish species—sharks, tuna, and eels are the examples looked at here. They have been selected because they reveal so much. Like many other fish species, their populations are quite often subject to over-exploitation (or egregious welfare abuse, in the case of sharks), but rather few to the threat of extinction (or even large-scale extirpation).

And yet NGOs have argued, sometimes successfully (in the case of sharks and eels), that they should be listed in CITES Appendices. The NGOs would love to see more listings (for instance in the case of sharks and tunas) though some of their successes (especially in the case of eels) have already backfired.

This case study is important because it shows how in all these examples, existing non-CITES regulation remains by far the more appropriate control mechanism. It shows how NGO campaigns suffer from overreach which is pandered-to by some national governments and needs to meet pushback.

Vitality, it shows that working towards abundance of fish stocks, rather than managing severe depletion, might unite diligent regulators and sensible campaigners in their effort to determine the principles required to correlate fish harvest with ocean ecology. (See *Harvesting the ocean: how much is OK?*)

And as to strategies for achieving abundance? Most NGO campaigners seem to find that fighting for ever bigger 'no go', hands-off protected areas simplifies their messaging and panders

nicely to their supporters' taste for internationalism, drama, and simplicity. This is the rhetorically powerful '30 by 30' movement (see below).

The world has mostly accepted the idea that wild fish species need the sanctuary offered by Marine Protected Areas. There's little argument about that. But there is a huge difference between a move toward modest, effective Marine Protection Area (MPA) policy and what's bubbling right now in the world's media and meeting halls. There, many rather idly suppose that the campaigners are right: the more extensive the MPAs, the better.

The current call from most NGOs is for at least 30 per cent of the High Seas to be off-limits by 2030. The UN (perhaps anxious not to be left on the 'wrong side' of history), is flirting with incorporating that plan into a new sort of prohibitionism across the High Seas (officially known as 'Areas Beyond National Jurisdiction', or ABNJs). (See our chapter Nations or NGOs to rule the waves?)

My visits to the Far East, to China and Japan but to plenty of other countries too, have shown me that the desire for sustainability is widespread and serious. But there are even sharper tensions in the East and the 'Global South' than in the West. Fish have always provided affordable protein for the masses in the fast-developing world. Countries which are poor, or were formerly poor, know a lot about the pressures of keeping the food coming. I have a deal of sympathy for them when they can't or won't enforce every rule of every multilateral treaty, even my beloved CITES, especially when the regulations are irrational in their formulation or enforcement.

We may, I fear, well soon see these countries cast as pariahs if they resist the move to turn huge swathes of ocean into miles-deep 'no-go' parks.<sup>46</sup>

## SUSTAINABLE YIELD VS MPAS

Humankind is engaged in an exciting challenge: can we sustainably deliver a harvest of fish to match the undoubted rising demand?

Getting and landing vast quantities of fish from the sea has for nearly 200 years presented evidence, at least to hindsight, of the possibility, increasingly a plain fact, that haphazard plunder of the planet's wild saltwater ecosystems doesn't work for long.

During the 19<sup>th</sup> Century the growing scarcity of cod in the inland waters of the northwest Atlantic drove fishermen to go further and get cleverer in their pursuit. In the late-20<sup>th</sup> Century, Atlantic cod hit the headlines when catches were obviously becoming meagre. Finally, some cod fisheries collapsed: some populations of the fish became commercially extinct.<sup>47 48</sup>

In the 1970s the collapse of Peru's anchoveta fisheries—and of others showed that even quite recent ideas about good management hadn't worked.<sup>49</sup> That doesn't mean that humans had driven the species to global extinction or even that local populations of the species had been extirpated. It merely meant—and it was bad enough—that the CPUE was against the fishermen. That is, the Catch Per Unit Effort fell.

Plainly, the strain on fish stocks goes much wider now. Thirty years ago, the vast majority (90 per cent) of the world's fish stocks were giving us a sustainable harvest. Now only around two-thirds (perhaps 65 per) cent are. What's more, an increasing proportion of fish stocks are giving us the maximum catch which is sustainably responsible.<sup>50</sup>

And all this focus on maximum sustainable yield (MSY) may have proved successful in the sense that it has avoided any recent catastrophic collapse of fisheries. Though it doesn't seem to have shielded the fisheries from the drastic depletion of fish numbers and whatever problems may result from that trend.<sup>51</sup>

The scientists and FAO, at least, are rethinking things. For several decades there has been a growing feeling amongst many

of the researchers and the historically rather more reticent UN body, that there might be something fundamentally wrong in the accepted assessment of the viability of fish stocks. (See Harvesting the ocean: how much is OK?)

Indeed, there is now tentative evidence that the predatorial fish species of the kind we like to eat need to be much more abundant than was supposed 50 years ago. These new measures of sustainability, if they are substantiated, may produce further limits on fisheries. And that's before we get more picky as to the carbon footprint of different fish production systems.

FAO is making steps, perhaps a little late, to make it clear that it is as interested in sustainability as in production.

The majority of NGO campaigning suggest that only a radical reform of the old regulatory thinking and implementation framework will make the world's fisheries harvest sustainable. The campaigners are united in the view that large-scale, prohibitionary MPAs are necessary.

All the well-known campaigns want a sea-grab. They mostly share the mantra that the fisheries of the world are a common heritage. They gently insinuate that NGOs are the only real guardian of these natural glories. They completely overlook the way they are behaving like the worst of colonial missionaries, whose idealism was at least imperialist. The NGOs are overwhelmingly white and Western. Their success would come at the expense of the mostly poor ex-colonial nation states of the world.

The apparent unity amongst NGOs is superficial. It masks a vital rift between, say, *Seaspiracy* and its hero Sea Shepherd on the one hand, and Oceana (probably the most prominent fisheries campaign NGO) and Blue Marine Foundation on the other. *Seaspiracy*/Sea Shepherd wants abundant fish. Their argument seems to be that a subsistence, artisanal fish harvest might be acceptable, but the right thing for the rest of us is to forego fish.

*Seaspiracy* and Sea Shepherd do not insist that everyone should be vegan. They nonetheless espouse the cause, and the latter's ships are declared to be 'fully vegan'.<sup>52</sup>

This position puts Oceana and others on the spot. They are mainstream and vulnerable to the charge that they are sell-out merchants. These pressures are likely to make them even more keen to be very pure and adamant about large-area, super-strict MPAs. This would be a rerun of a familiar dynamic: 'conservation' NGOs are forced toward even greater prohibitionism by much more assertive 'animal welfare' campaigns.

The UN and its Multilateral Environmental Agreement bodies (not to speak of several virtue-signaling governments, and the G7 leaders) may come to rue any easy assumption that the 'idealistic' campaigners should be granted victory over boring old, self-interested national governments.

## **WHO SHOULD REGULATE FISHING, AND HOW?**

International co-operation on fisheries has a long and respectable history. It starts with the Romans. In our own era, the International Council for the Exploration of the Sea (ICES) has been at work since 1902. It was given formal UN status in the mid 20<sup>th</sup> century, when the UN was expanding its ideals of multilateral governance. Now, there are several UN conventions and agreements governing fisheries, not least on the High Seas.<sup>53</sup>

The UN Convention on the Law of the Sea (UNCLOS, created in 1982 but in force since 1996), codified the much older 'customary' law of the sea and enshrined non-binding aspirations about sustainable fisheries from the start.

These fisheries ambitions were given form in the 'The Agreement for the Implementation of the Provisions of [UNCLOS] of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement)'.<sup>54</sup>

It's a multi-word mouthful, but it made a good deal of sense given that fish don't bother with regulatory boundaries. The Agreement was signed in 1995 and came into force in 2001. The voluntary but respected FAO Code of Conduct for Responsible Fisheries is of the same date.<sup>55</sup>

The FAO's code marked a major step forward. It has for instance encouraged the idea that consumer power can help good things happen at sea, through certification of sound fisheries. (It's an idea that produces its own difficulties when abused by NGOs, but that's life in the real world.)

For almost 100 years there has evolved a large, mostly UN-driven effort to preserve and harvest fish stocks in territorial waters (up to 12 miles from shore), and in the more recent Exclusive Economic Zones (from 12 to 200 miles, and sometimes more), and now on the High Seas. This work has been, broadly speaking, run by the UN's FAO.<sup>56 57</sup>

Since the mid-1960s 16 RFMOs (Regional Fisheries Management Organisations) have been formed. They have been more successful than the campaign NGOs admit. The affluent USA, New Zealand and Australia can all claim to be effective in managing fisheries in their own waters. But, to take just one case, the Western and Central Pacific Fisheries Commission covers around 20 per cent of the world's surface and deservedly has worldwide attention as a beacon of what is possible. WCPFC's relative success may in part flow from the wide spectrum of nations which are involved in it.<sup>58</sup>

Such regimes may well survive the campaigners' scepticism about them, and even the wave of new thinking about what sustainability really looks like. They might, we hope, produce what some sensible fisheries campaigners want: abundance of fish and a sustainable harvest from resilient fisheries.

The present regime enshrines and exemplifies a vital principle: nations alone or in combination are assumed to be the owners and custodians of fish, whilst fishers must pay to harvest an agreed

proportion of the stock.

This property rights approach can be designed to incentivise sustainable use, but it doesn't by itself define what sustainability looks like. So that's one issue which is constantly a matter of discussion. And of course, the idea of profiting from wildlife deeply upsets the naïve who hope—surely vainly?—that there's a better way of making nations take a constructive interest in sustainability.

The RFMOs manage stocks in great swathes of ocean and comprise the countries that have fishing interests in them. Some of these bodies focus on a particular genus or species, as the animals migrate huge distances. These include ICCAT (the International Commission for the Conservation of Atlantic Tunas, 1966 (it's plural because there are lots of species of tuna within the *Thunnus* genus), and IOTC (the Indian Ocean Tuna Commission, 1993). These, and coastal states' territorial and EEZ waters regulations, cover most of the world's salt seas, at least for some species.

The reporting requirements and catch restrictions that are now in place are often burdensome and in some cases irrational. They are only as effective as they are made to be so by coastal and flag states (those which regulate fishing ports and ships).

The current system has not halted the rise in overfishing. There is a good deal of, in the jargon, 'illegal, unreported or unregulated' (IUU) fishing.

It is an important if cynical consideration that even if the old thinking behind sustainable catches was only half-good enough, it might have worked pretty well had the implementation at sea been adequate. Any future regulation—whether one inspired by campaigners and filmmakers, or an alternative inspired by fisheries scientists or international bureaucrats—can only be made and implemented by the very nation states which are currently failing. Even the charismatically piratical Sea Shepherd can't for long operate without the sanction and support of nation states.<sup>59</sup>



The RFMOs reflect the realities as they presently are. Sweeping them away or undermining them may produce a dazzlingly but only temporarily attractive alternative. However large and prescriptive, every MPA is a 'paper park' until it is properly policed. What's more, fish won't respect an MPA's borders. MPAs give fishers an incentive to hunt their prey when the animals' migration patterns take them out of the protected zone.

Some states prefer to turn a blind eye to illegal fishing, or actively engage in it, at least until such time as their bad behaviour becomes a significant diplomatic embarrassment. Some states prefer to defend their 'bad guys' against the competition afforded by other states' 'bad guys'. It may not be a very constructive approach, but it has always had patriotic appeal.

Some states are too poor to have the luxury of caring about managing the future of their territorial or EEZ fisheries or their High Seas fishing fleets. These latter have been helped, and may well need to be helped even more, by the existing International Waters programme of the World Bank's Global Environmental Facility, funded by rich countries to aid sustainability in poorer ones. Easier said than done, when it comes to providing the right incentives to the right people whilst avoiding corrupt 'dipping' of the funds.

The best national and international regulatory regimes are often long on rhetoric and self-congratulation. They need challenge. It is at least possible that the NGOs, tiresome as they are in their self-aggrandisement and their grandstanding, could provide the sceptical and informed eyes, ears and outspokenness that can make sure promises of improvement are delivered.

### **FISHES: ICONS OR PROPERTY?**

There is one more profound divide which we need to address. On the one hand there are those who want to make sure nation states can really own and exploit the fisheries of the world. And there

are those who want international governance, or international campaigns and philanthropy, to force or entice nation states away from any such blasphemy.

There is a neat philosophical divide between the tendencies. One side thinks nature is a resource (amongst a range of attributes) and the other thinks it is an icon (and that it is dangerous to think it is capable of surviving exploitation). One side thinks natural resources are property. The other defends nature's purity against so vulgar a thought.

I am not a philosopher, or an economist. I am not a theoretical ecologist. I am a conservationist who believes that people and nations will look after what their wallets and exchequers can value.

To imagine that there is an alternative to that approach is to imagine that everything we know about human history, including its history of general betterment, is a false trail.

I find it uncontroversial to assert that one should 'use it or lose it'. I am in great company. The same general principle of property rights is at the heart of the Convention on Biological Diversity (CBD) and is uncontroversial there.

Getting an equitable distribution of the benefits of nature's bounty is the essence of CBD, as it is of the UN's existing FAO/RFMO framework of fisheries management.

The status quo isn't awful in principle or an abject failure in practice. It doesn't need a revolution. It needs support, pressure and rational debate. The campaigners will divide into those whose work includes unglamorous gradualism, and those who want to show off.

## **CITES AND FISHERIES**

I strongly feel that as much as they need beefing up, the RFMOs remain the best hope of aligning increasing aspirations for good fishing policy with the national interests which will implement it

if anything can.

*Wildlife Betrayed* is focused on the question of where the under-resourced CITES can fit in. It is not remotely clear that many fisheries issues are appropriate for CITES listing.

But such listings have happened. In the process it has become even clearer that CITES does not add muscle to the FAO's framework for defending fish species. Sometimes, as we shall see with sharks and eels, it added complexity and encouraged rampant illegality. This was predictable. UN states routinely ignore the FAO's family of regulators, so why suppose they will obey CITES (whose rules they widely ignore in matters of far smaller economic import)?

However, it must be faced that CITES is the world leader in staging clashes between campaigning and trade association NGOs, and that is indeed a strength the Convention can play to. (See Case Studies Conclusion: CITES Reform.)

What's more, in a real sense any fishing on the High Seas is a matter of international trade, and any over-exploitation there might quite rapidly become a threat to the survival of a species. It is possible that CITES could have a handle on these issues, provided it doesn't sacrifice the criteria that it only actually lists species or populations which are seriously threatened by extinction 'anywhere in their range' and that international trade is a serious driver in the process. (See CITES Formal). CITES has at least a legitimate watching brief, as opposed to a leading role, and is anyway, as always, where many of the rows surface and should be thrashed out.

### **SHARKS: FORCED ONTO CITES' RADAR**

In the year CITES was preparing for its first Conference of the Parties to its convention (CoP 1, Bern, 1976) people thrilled to shark-terror.<sup>60</sup> Millions flocked to Steven Spielberg's film of the novel, *Jaws* (1975) and its anti-hero, a great white. The book's author,

Peter Benchley, soon came to regret his gory characterisation of the animal and became a leading proponent of its conservation.<sup>61</sup>

By 2020, sharks were the subject of a world-famous ditty for tots, *Baby Shark* (2016). The message is clear: sharks are sort of adorable, and not just in shark fin soup.

NGOs would have been silly not to notice that ‘saving the shark’ had over the years become a wonderful lever with which to exert control-by-proxy of the world’s vast, hugely profitable and often over-fished tuna species. That’s because most sharks are caught as a bycatch in tuna longline fisheries. Sharks are a small part of the economy of the tuna fisheries, though their produce, including fins, can be a useful perk to boats’ crews. But they made a wonderful stalking horse for reforming fisheries campaigns.

What’s more, because they are migratory, sharks provide a great rationale for campaigns for ocean-wide MPAs. (We look at the emerging High Seas MPA debate in Nations or NGOs to rule the waves?)

It is important to note the welfare arguments surrounding shark catches. For years, campaigners, including Peter Benchley, posted videos of sharks vigorously but vainly rolling around on the seabed, as useless as a sunken carpet-roll, revealing that all their fins have been removed for the soup trade.<sup>62</sup>

Bitter experience has taught me to beware of campaigners’ messaging: I have seen evidence of a good deal of fakery and suspected more. However, the point is well-made. Many countries and RFMOs have made shark finning at sea illegal. Still, it does go on and a welfare abuse is always worth attention. Finning is a flagship issue.

But whatever the merits of these arguments, why did CITES become involved? Which shark species (or more likely, populations of those species) are at risk of becoming extinct ‘anywhere in their range’ (in the case of particular populations, of ‘extirpation’)? And in either case, is international trade a prime driver?

The evidence suggests that some shark species may well be over-fished, but the evidence of near-extinction, and even of the role of international trade, is much less clear. (See FAO, NGOs & CITES: A question of evidence)

## **CITES AND THE SHARK LISTINGS**

The first Conference of the Parties (CoP1) of CITES, in 1976, had many things on its mind (fur from Big Cats, and elephants and whales, primarily). It wasn't until November 1994 and its ninth CITES CoP (CoP9), in Fort Lauderdale, USA, that CITES took sharks on board. The delegates decided they wanted Parties and scientists to bring them the data on which to make a call. CITES put it on record that they thought FAO were the people who should be gathering the information since the threats to sharks seemed to be from the fisheries boats that they regulated.<sup>63</sup>

The response of FAO was willing enough, but it took nearly 10 years to develop into anything like a CITES/FAO working relationship. Twenty-odd years on, they remain awkward bedfellows.

There was a long, necessary but tedious row about the methodology of fisheries counting and assessment.

There arose a crucial tension. CITES and FAO agreed that a CITES listing of sharks on Appendix II might produce the kind of customs declarations which could provide the evidence to substantiate a listing. On the other hand, CITES regulations, be they well or badly implemented, could drive shark fisheries into black-market depths.

What a delicious paradox. CITES and FAO needed better evidence about the condition of sharks. The best way of getting that data was to list sharks even in the absence of evidence that they were appropriate for such listing. Broadly speaking, FAO simply did not see that the vital combination of available statistical evidence *and* the likelihood of a good regulatory outcome was to hand in the case of sharks.

Well away from these arcane discussions and only lightly touched by them, campaigners were ramping up the pressure by the day.

In 2000, at CoP11 (in Gigiri, Kenya) there was the first shark listing: the UK put the basking shark in the rather limited Appendix III (this requires no vote and is only directly relevant to the nominating country). In 2001, Australia listed the white shark on that appendix. (Also known as the great white, it was later up-listed, as we see below.)<sup>64</sup>

The stakes were much higher in 2002 at Cites CoP12 in Santiago. There, the Listocrat conservation and animal activist NGOs changed the game entirely.<sup>65</sup>

With a masterful use—or abuse of CITES procedure, and in spite of expert (that is to say, evidence-led) opposition earlier in the meeting, the campaigners won a vote in the last-minute, non-expert plenary meeting. Whale sharks and basking sharks were ‘up-listed’ to Appendix II. The proponents of the proposal explicitly said that this was not the thin end of the shark wedge. The decision, they stressed, would not open the floodgates to more listings.

Like hell. Ever since, CITES has been pressed hard to list more sharks. At most CoPs, a few additions made it. They are mostly in Appendix II, the one that signals concerns relevant to its Convention and allows CITES to suggest how international trade might be modified to ameliorate them. The CITES secretariat all along pointed out that many other UN-related bodies, including FAO and the Convention of Migratory Species, have in their hands the more appropriate shark-protection levers.

An informal club of nations also resisted CITES’ involvement in marine species. Japan, Iceland, Norway and China had long understood and tried to counter the kind of NGO forces at work in the International Whaling Commission and had come to see that CITES was fatally and fatefully tempted along the Listocrat path.

To the sceptical, pragmatic ocean-going Parties, deeply involved in the fishing business, FAO seemed to have the right family of practical conservation bodies for the stock management that sustainable use of the seas required. (In a matching argument, there were rainforest range states which held the International Tropical Timber Organization in the same regard.)

In 2004, after 10 years of moving cautiously towards institutional familiarity, FAO formally organised an *ad hoc* Expert Advisory Panel to provide CITES with advice about every new proposal for listing any fish species, including sharks. That year, only the white shark was proposed for listing (actually, an up-listing) to Appendix II, at the Conference of the Parties (CoP13, Bangkok). FAO's experts reported that some populations of the white shark were over-exploited, but there was little evidence about the threat of extinctions or extirpations and a real risk that a CITES listing would be counterproductive. FAO's expert and equivocal advice was ignored at the urging of campaign NGOs and the shark was up listed with a substantial majority. (This sort of situation is examined elsewhere in *Wildlife Betrayed* in FAO, IUCN & CITES: A question of evidence.)

In 2006, FAO and CITES signed a Memorandum of Understanding which was supposed to enshrine sisterly love which the institutions didn't seem really to feel.

In 2007, FAO's Expert Advisory Panel made their recommendations on the proposals to list seven marine species at that year's CoP14. Amongst them was their view that porbeagle sharks did not meet CITES criteria. CITES' own secretariat recommended that the Parties ignore four of FAO's seven recommendations. In the end, the CITES Parties did not follow their secretariat's advice. But the affront to institutional *amore propre* mattered. FAO wrote a politely furious letter, demanding to know what was the point of the vastly complex consultation exercise it had contributed to if its advice were to be simply ignored

without explanation?

FAO was throughout these years ambivalent in its enthusiasm for shark listings. CITES had made some moves to make its listings criteria more relevant to fish species, in line with FAO's advice, but the result was a widely ignored hybrid hotchpotch of criteria.

Worse, and throughout the years, FAO found that the proponents of shark listings very often presented inadequate scientific evidence for their case. They were weak on the biology and the most probable practical outcome of listings. In a normal world, this would have been disqualifying in the way that a judge will dismiss a frivolous legal case before it is heard. But at CITES, this is not an option.

A few species of predatorial tuna and their predators, the sharks, are threatened with extinction unless fisheries change their habits. Many more species of tuna and some species of sharks are overfished. CITES has at best been a bystander and handwringer in the actual conservation of either of these classes of species. As FAO repeatedly pointed out, it was doubtful whether the increased data a CITES listing was intended to produce would have been worth the unintended consequences involved. There were other useful regulatory bodies which might have gathered the data.

CoP17 in 2016 had the participation of 3,500 people and was a blow to the pragmatists. Contrariwise, John Scanlon, the Convention's triumphant Secretary-General, declared the meeting not only 'the largest' ever but, 'a game changer', and as he reports himself saying 'the most critical meeting of the Convention's 43-year history'.<sup>66</sup>

A sceptic can point out that the FAO Expert Advisory Panel didn't endorse the important proposals to list silky and thresher shark on Appendix II. It carefully evaluated the biological criteria and determined that neither could be justified. FAO suggested that given proper implementation, a CITES listing might help the



species to do better. However, the negatives of badly implemented listings—in terms of non-compliance and unreported discards and so on—might outweigh the benefits. It seemed to be saying that listings in CITES Appendices risk undoing or harming existing FAO and RFMO work, and the efforts of coastal states and port authority to protect sharks. The CITES Parties went ahead with the listings anyway.

The march of the Listocrats had many successes. Between CoP12 in 2002 and CoP18 in 2019, 46 shark and ray species were listed in the Convention's Appendices. That is about 10 percent of all the shark and shark-like species, many of them listed on highly dubious evidence and all this supposed help of doubtful value to the animals themselves.

In 2022, CITES' CoP19 will see the pressures continue. Already as this is written (June, 2021) a study on oceanic shark declines has ratcheted up a new statistic which may prove totemic since it marries neatly with a CITES criterion for listing.<sup>67</sup> And at Standing Committee 74, Panama suggested that all the remaining shark species should be listed in CITES Appendices.

## THE TUNA DIMENSION

Interestingly, no tuna species has yet made it to a CITES listing. Indeed, in 2010, and concerning that year's CoP15, Willem Wijnstekers, a former Secretary-General of CITES, allowed himself a rare wry comment, in his authoritative almanac *The Evolution of CITES*. ('A side-step' box, in red text, unique in his tome.) Whatever merits a listing of some tuna species might have had, he said, the sheer size of its economic value made that politically impossible.<sup>68</sup> (See *The Multilateral Game* for more on this CITES dilemma.)

The case of the Atlantic blue fin tuna was very important. It was a rare moment when the campaigners such as Oceana, CITES'

experts, and the FAO Expert Panel were in accord: the fish was over-exploited, and to the point where the survival of certain stocks was sufficiently threatened to demand an Appendix I listing. Especially in the eastern Mediterranean, it was being over-fished for the international tuna meat market, and to provide the stock of young fish for burgeoning fish-farming businesses, not least in the region's waters.<sup>69</sup>

Since CoP15 the status of this species of tuna seems to have improved because ICCAT and its member states have acted properly. Though there was an IUCN's Red Listing (Endangered) in 2011. Today, even the WWF-offspring Marine Stewardship Council acknowledges that there has been a vast improvement in most tuna stocks.<sup>70</sup> But IUCN has not caught up with events yet.<sup>71</sup> This success story rather strengthens the notion that other regulatory bodies can better lead the conservation battle than can CITES.

Hence, it is important to stress that the states which fish for and eat migratory, predatory fish have every right to fear CITES involvement. Their over-fishing must be dealt with, for sure, but the involvement of CITES, much sought by campaigners, can often weaken the efforts of the existing more appropriate regulations.

Three things help control over-exploitation: more information, more enforcement, and reducing the appeal of the black market, not least by sustainable production. This is not an easy trio to reconcile.

Various Conventions (not often CITES), and RFMOs, have a clear role in the tuna case. These may well need emboldening, or better funding, or more supervision and surveillance. But neither the de-finning of live sharks nor even the over-exploitation of shark and tuna make the shark or the tuna a proper case for listing by CITES.

Public pressure has a tremendous if unquantifiable role. The NGO campaigners grandstand at CITES because they can do it

there better than anywhere else. That may be the best—so far it seems the only—way of persuading nation states to accept the sustainable use obligation. In their self-righteousness, often tiresome and fact-lite, the campaigners of every stripe, and whatever their disagreements, are at least right about that.

### **EELS: LACKING CHARISMA BUT NOT INTEREST**

Eels are not obviously exciting in the manner of sharks and tuna. They are, for instance, traditionally pickled, and eaten by the British working class in tiled cafes in the poorer districts of major cities, and especially London.

On a much larger scale, the humble eel is consumed around the world and not least in Japan where it turns up in its youth as an elver—sometimes wriggling—in dishes that I found quite appetising, especially with a pottery cup of warm sake to hand.

The European Eel spawns on the ocean, some at least in the Sargasso Sea, famously. It then drifts as a larva towards Europe in a journey that takes around 300 days. Arrived in Europe, it lives in shallow waters salt, brackish and fresh—and then returns in sexual maturity, some for sure to the Sargasso, to breed.<sup>72</sup> That is, if it evades capture long enough. In the mid-20th Century, wild stocks were under pressure as European fishermen and exporters met increasing demand, especially in Asian markets, but also for east European smokeries.

In the last quarter of the 20th Century the wild European Eel stocks seemed to be near collapse. In 2007, CITES stepped in, with a decision to list the European Eel in appendix II being taken at CoP14, in The Hague. The Parties were taking the advice of an FAO Panel of Experts which declared that stocks had been declining at the kind of rate which fulfilled CITES criteria.

The Law of Unintended Consequences also stepped in.

The science advice was not sufficiently informed by economics, a study which is necessary to, but under-rated in, ecological

debate. As plenty of people have been pointing out about bans on trade in elephant ivory and rhino horn, let alone on alcohol and drugs, prohibition often raises prices. The legal trade shifted toward other eel species, which soon faced their own stock recruitment issues. Criminals also stepped up their illicit trade in European Eel. One snake-like fish looks much like another, and there were great difficulties in detecting illegally sourced and legitimately sourced eels from one another.<sup>73</sup>

Something else happened. Entrepreneurs had worked out how to simulate the European eels' extraordinary life cycle.<sup>74</sup>

By the 1990s, aquaculture satisfied five times the international demand that wild stocks had supplied until their mid-century near-collapse. But there was and remains a problem. Part of the solution to tuna aquaculture's dependence on wild-caught fish can be overcome by moving over to capture-bred young fish. Eel aquaculture would like to go the same way, but the challenges are greater with this slippery customer. For now, eel aquaculture is totally dependent on the capture of wild young fish, of which nature provides too few.

I gather that Japan, China, and Taiwan have been talking together to agree how to control the aquaculture operations to reduce the pressure on wild eel resources. In the UK, there are eel-fishers who have been working hard and successfully to bolster the natural supply of young eels. In Gloucestershire, for instance, UK Glass Eels (slogan: 'every eel matters') have been giving the fish a helping hand. A proportion of the wild catch is taken, not for consumption, but for restocking the upstream waters of rivers in the UK and elsewhere.

Theirs is necessary work because it's not just over-fishing which has reduced the numbers of wild eels. Weirs, drainage systems, and other human interference have also made inland waters inhospitable to these inveterate voyagers.

Aquaculture faces plenty of welfare, environmental and

sustainability issues for regulators and producers to wrestle with. Nonetheless, farmed tuna, eel and salmon all offer the hope of gratifying consumer demand for affordable, formerly wild-caught fish species.

### **HARVESTING THE OCEAN: HOW MUCH IS OK?**

The idea that humans might manage the planet's 300-million cubic miles of ocean estate would have seemed mad in any time before ours. It is a stretch even now. Yet the idea that we are mismanaging it seems both obvious and rather popular. So let's take it that we have to improve our dealings with the world's single ocean, covering 71 per cent of the planet's surface. Fisheries and fishing fleets are a good place to start.

A rather new string of arguments is putting the global fishing industry—and not least the High Seas fishing fleets—on notice that they may have to haul in their ambitions, or some of their long-lines and trawling gear, and maybe scrap a few ships. Even the important and chronically underestimated 'Hidden Harvest' of inshore small-scale fisheries (often by artisans, and others beloved of multilateral and NGO rhetoric) is coming under scrutiny, and (belated as it is) it needs to be simultaneously sceptical and sympathetic.<sup>75 76</sup>

At the very least, these very different sorts of fisheries will have to fight their corners in the face of multiple evidential challenges.

None of these propositions is new or regarded as absurd by fisheries managers and many have been taken seriously for decades.

In the past handful of years, however, it is clear the UN Food and Agriculture Organisation (FAO) has shrugged off some of its diplomatic reticence and admitted in public, and quite clearly though not boldly, how hard these reforms are, given real-world pressures and demands.<sup>77</sup> There has been what amounts to a paradigm shift.

FAO had for years held steadfastly to a credo which invoked

‘maximum sustainable yield’ (MSY). MSY derives from population ecology and notes that well short of an ecosystem’s ‘carrying capacity’ if left alone, fishing activity can depress a fish stock in such a way as to maximise a sustainable harvest. There had been many refinements to this calculus over the 20th Century and since. But a competing principle, derived from ecosystem thinking, was making headway: the rebuilding of fish stocks might—long-term—raise MSY (or make harvesting fish less stressful on ecosystems).<sup>78</sup>

That amounts to an intellectual reframing of approach, and it needed expression. But FAO’s frankness may also signal its secretariat’s aspiration to get member states to take sustainable fisheries seriously and frustration at its inability to make it so. NGO campaign pressure, backed by well-informed scientific critics, surely helped drive the issue into the open. The question is, what are these ‘new’ environmental demands?

The approaches are seen best in an interlocking bundle loosely labelled as Ecosystem-Based Management (EBM), an idea with roots in the 19th Century but which has in the last 30 years been given a makeover.

Two important FAO fisheries figures, Kevern Cochrane and Serge Garcia, co-authored a piece which staked an FAO claim (with its language of an Ecosystem Approach to Fisheries, or EAF) to having been an EBM pioneer.<sup>79</sup> (See this account by others which is a little more overt in its scepticism that much had been achieved.<sup>80</sup>) Each component of EBM (or EAF) has its own backstory, and each has been growing in importance. Combined, they have become even more influential.

Obviously, they are not bad arguments just because ocean and fisheries NGO campaigners like them. However, severally or together within EBM the various strands of thought—and policy may not deliver quite what some of their most ardent supporters desire for them.

Ecosystem-Based Management is not inimical to harvesting fisheries, nor does it condemn industrial fishing. But it is a line of argument which prioritises species abundance and ecosystem resilience over fish stock management designed to optimise harvest abundance. It thus raises the bar for fish conservation. The regulations needed to implement it are complicated, constraining, and expensive. The science behind most of its concerns is speculative; or at least miles short of settled.

The EBM idea was modernised in the 1970s and 1980s. FAO also gave it three new acronyms: for the fisheries sector, FAO rebranded EBM as the ‘ecosystem approach to fisheries management’, or EAFM, which then spawned Ecosystem Approach Fisheries (EAF) for its application in capture fisheries, and EAA for aquaculture.

By the late 1980s, advocates of EBM had added a human dimension to their definition of ‘ecosystem’. This was subtle stuff: people were now often assumed to be a legitimate part of nature, and—quite a bit differently their aspirations for, and demands of, nature were to be accorded respect. This produces an oxymoron of the class of ‘sustainable development’. It was crucial if EAFM was to gain political traction; but it hugely complicated the business of doing right by nature.

By 1992, ICES (the International Council for the Exploration of the Sea, founded 1902), the northern-hemisphere’s multilateral oceans thinktank, had a working group on the subject. This is a marker of the respect in which the EBM was held, though it was probably a bit of a shaker as it hit fisheries management scientists. Their profession, after all, was used to thinking about the sustainability of fishing using tools such as MSY; the track record of individual fisheries in providing reliable harvests; and the amount of effort required to catch fish within fisheries. It was hard enough to wrestle with these metrics, which did seem to work if taken seriously. This new ‘bells and whistles’ approach seemed a very hard sell.

This was an old tension. In 1972 (and in some of the thinking behind the CITES Convention) ‘ecosystem’ health was in the minds of US legislators enacting the Marine Mammal Protection Act. But seemingly to keep older ideas in play, they somewhat contradictorily enshrined ‘optimum sustainable population as a countervailing principle which seemed to nod to “maximum sustainable yield”.<sup>81</sup>

As much as EBM represented aspirational blue-skies thinking, the competing concept of MSY represented the goal of mathematically defining the ‘sweet spot’ where the level of fishing activity reduced a fish population’s numbers but optimised its reproductivity. As much as MSY is in tension with EBM, the old warhorse is going strong against the upstart, as we can see in an 2021 ICES bulletin on the matter.<sup>82</sup>

EBM also represents a challenge to any thought that, as originally designed and as it exists today, CITES could be a major conservation player.

The conservationists who designed CITES saw it as sorting out one of the many problems facing wildlife. They wanted to address the urgent job of rescuing individual niche and charismatic species from extinction. All the other rows about conservation’s priorities, they left on one side as work for another day or a different forum.

Ecosystem-based management does not necessarily invalidate the CITES species-specific approach. But it complicates things very greatly by insisting that one needs a whole-ecosystem overview if one is to properly manage even a single species of interest, let alone the planet’s biodiversity, whether for its own sake or to get a sustainable harvest.<sup>83</sup>

Events drove EBM into the spotlight. Deep ocean High Seas fisheries were becoming technologically possible at just the time when it was plain that fisheries closer to shore were showing considerable strain. The High Seas fishing fleets even now



harvest only 5-10 per cent of the annual haul of fishes from the sea but they are attracting a far larger share of NGO criticism and wider professional anxiety. FAO's new openness is also allowing it to name major fishing countries such as China and Indonesia as crucial to whether there is to be reform of High Seas fishing.

In the last 40 years, but especially in the last 20, many coastal states, rich and poor alike, have extended 'their' national waters to Exclusive Economic Zones extending 200 miles from their shores (it's a regulatory limit notionally based on the prevalence of continent shelves, which itself gives rise to disputes). The footloose fleets of the High Seas fishing nations had to find somewhere else to go as they hunted migratory species such as tuna in whatever waters remained open to their ships.

High Seas industrial fishing was increasingly viable; and it affronted the EBM idea as it grew in intellectual and campaign appeal. Ecosystem-based management was also gaining plausible evidentiary support. Ecological research was advancing sufficiently to consider the ocean as an entire ecosystem with its own complex food, energy and chemical pathways. If that scale of holism was too far-fetched, one could at least readily imagine that the various ocean basins (the Atlantic, and so on) might be composed of several ecosystems which to some extent could be assessed separately, and yet with much more coherence than had been possible in the past. It was also becoming plausible to see whole fish populations and their habitats shifting (generally, polewards) as a result of climate change, in which fishing activities played their own part.<sup>84</sup>

The ecosystem approach allowed the possibility that a fish-stock might play its part best by being more abundant than was required for day-to-day fisheries management. Fish species (seen as something more than a harvestable stock), should be allowed to occur at levels which fulfil their natural role in the life and death

cycles of their habitat. And maybe there would be a win-win from that kind of approach: greater reliability of ecosystem services which in turn might yield more reliable harvests.<sup>85</sup>

Suddenly, trophic cascades of nutrients within the ocean; the value of predators to trophic cascades and much else; and the 'Mesopelagic Biological Pump' were jostling together as the new drivers of ocean conservation.<sup>86</sup>

These were the hot-ticket subjects of investigations which were clearly worth pursuing. But they are hard to quantify. And whilst it is relatively easy to generalise from them, that enterprise has the unwary or the unscrupulous jumping from fragile data to campaign slogans and, quite possibly, lousy fisheries management and ecosystem policy. That's life.

Later generations will know enough about the life of the oceans to know better what we should have done. We can mostly guess at what we ought to do. But we have to act on what may be no more than hunches, since even preserving the status quo is a hunch-in-action, though it is much more proven. And we have to work out what regulation may both work quite well and gain political support on the ground, in national capitals.

Against those stubborn difficulties, it looks rather hopefully as though the more intelligent conservation campaigns, many marine researchers (whether working with ICES or in attention-seeking university departments), and FAO, could be in fair accord as to what the principles of good ocean management look like.

We do know something about how savannahs dynamically adapt to the preponderance—the abundance—of one or other species out on the dry grasslands. We know something about the way rainforests dynamically adapt and can be regenerated following human abuse.

Similarly, the seas of the world may be about to give up sufficient of their secrets for humans to learn how to get a reliable harvest from them whilst respecting and relishing their ability to

thrive and provide ecosystem services.

The multiple arguments within ecosystem-based management don't end with what level of harvest might be consistent with a thriving fish population and habitat. There is an important atmospheric dimension to what might otherwise seem a watery matter. Part of the power of EBM thinking derives from it incorporating the role of the ocean's ecosystem in Earth's carbon cycle. We want to know how much of a harvest we can take from the ocean without damaging its capacity to operate as carbon sinks. This line of enquiry is really on the edge of known knowledge, worth pursuing, of course, but far from being credible enough to influence policy makers.

Such probing plays nicely into a wider set of negatives that campaigners throw at industrial fishing.

Long-distance, oceanic fishing fleets currently haul in only a small proportion of the world's catch of free-range fish as they exploit 'areas beyond national jurisdiction' (ABNJ).

But they consume large amounts of state-subsidised diesel to power themselves miles from their home ports. One study noted: "The top five subsidising political entities (China, European Union, USA, Republic of Korea and Japan) contribute 58 per cent (USD 20.5 billion) of the total estimated subsidy."<sup>87</sup>

Globally, about a fifth of the subsidy was directly toward fuel. Set against the hundreds of billions the fish go on to earn it is hard to assess how much subsidies account for over-exploitation of the resources, or the sector's carbon budget.

The High Seas fisheries fuel subsidies can be presented as an injustice since it is a matter of richer countries' taxpayers or state entities grabbing fish on the High Seas which would otherwise have been available to the commercial fishers of poorer countries in their own national waters.

The critics of High Seas fishing tend to argue that closing the High Seas (the ABNJ in the parlance) to fishing would have little

net effect on food availability since the fish involved would merely be caught more cheaply and equitably by smaller boats nearer their home ports.<sup>88</sup>

A further alleged sin of the High Seas fishing fleets is that they have an even higher carbon footprint—a food miles component—than most other fisheries.

There are counter arguments to consider. It is quite possible that absent the High Seas fleets, the fish in territorial waters and EEZs would face greater exploitation in poorly regulated local waters. After all, at least in principle, it is becoming easier to police massive fleets of large ships on the open High Seas. It is not necessarily becoming easier to police local fishermen under more or less lax local governance.

So, we have circled back to wider and even more problematic issues. Nonetheless, we have seen that EBM may be able to hold its own as a guiding principle which provides opportunities as well as challenges for any long-term player in the fisheries business.

From the producer or consumer point of view, EBM simply insists that the more we know about nature's workings in the round (and in the depths), the better we can help the planet give us a living.

National and international players may be learning the slow way that they can only counteract some of the unrealistic propaganda of the campaigning NGOs by being more honest, robust and transparent in their own dealings.

The distance between NGOs and fisheries managers can be rendered quite simply. The fisheries campaigners tend to defer to the 'naturalness' which the ocean should enjoy. The fisheries managers tend to defer to the productivity which a healthy ocean can offer. It is tempting to suggest that the campaigners appeal to people's hearts whilst the managers appeal to their stomachs. However, our heads tell us that the matter is rather more complicated and interesting than that.

## **FISHERIES CONCLUSION**

Each bogus listing in the Appendices is another expense CITES resources cannot afford, and another abuse of rationality which weakens its reputation and thus its capacity to be really useful in the cases which it should be addressing. The Listocrat prohibitionist NGOs have their agenda, and sometimes can be useful in raising public awareness. But their long record of manipulating and weakening CITES and other regulatory regimes should make us angry.

Their CITES stunts have one great merit. They remind us that CITES is where it's at, from the campaigners' point of view. We can use that focus to turn CITES into a body which can stand up for the best that we now know and are trying to achieve. It may well be that CITES will be seen as the best exponent of robust and resilient conservation. It can stand out amongst its sibling Multilateral Environmental Agreements (MEAs) as the location where every sort of wildlife issue—and not least the oceans and their fisheries—really receive the attention they deserve. But to make useful progress CITES must first review the efficaciousness of its existing listings of aquatic species.

## Case Study 4: The African savannah elephant

### INTRODUCTION

This Case Study focuses on CITES' betrayal of the southern African savannah elephant. The African forest elephant is a much scarcer animal and under multiple, perhaps unfixable threats. The continent's abundant savannah elephants have a far more positive outlook. But savannah elephants have become embroiled in a stand-off between two diametrically opposed conservation models. Over decades the controversial decisions made by CITES with regards to savannah elephants has stretched its authority to near breaking point. We aim to show that the influence and power of the West's conservation campaign industry forms a large part of the difficulty. A continuation of the *status quo* risks sparking an exodus of Parties from CITES. But IWMC suggests that a more evidence-led debate might nudge CITES' Parties toward a sustainable use solution.

### SOME CITES AND ELEPHANT HISTORY

The war of ideas and of competing policies, never polite, is about to hot up. At CoP19, in 2022, southern African countries will once again press for the right to manage their wildlife, and their elephants, the way they think fit. Certain Asian consumer countries may well join them. They will be demanding the right to trade internationally, to satisfy cultural preferences, and to help monetise wildlife to pay for its own conservation and the mitigation of Human-Wildlife Conflict. But they will face the noisy barrage of a well-funded and manipulative opposition, which has embedded itself in CITES' affairs since it came into effect in 1975.

CITES' fate, like that of the savannah, has always been mightily shaped by the elephant. In the early 1970s there was a good deal of

coverage in the West's media about the plight of eastern Africa's elephants. The discussion and debate then focused mostly on eastern African countries, especially Kenya and Tanzania. (Southern Africa's elephants didn't much interest the media.) Should Kenya and Tanzania, for instance, have a 'hands-off', 'wait and see' approach to the fate of megafauna which were confined to unnaturally small ranges? Or would a hands-on approach be wiser?

Historically, it matters that Zimbabwe was less attractive to rich colonialists and tourists than was Kenya. Zimbabwe developed a rather unsentimental, workmanlike approach to wildlife management. Kenya tended to a more touristic, glamorous approach that appealed to the rich. The leading conservationists of both were often of British extraction, though Kenya's were on the whole of a more bourgeois, aristocratic heritage than Zimbabwe's.

Kenya had one profound concept. The country endorsed the views of its leading conservationists and the managers of private and public wildlife reserves. There should be no trophy hunting and no culls of elephants. The only rifles allowed on the countries' reserves would be those of anti-poaching teams.

The year CITES got off the ground, 1973, Kenya rather pre-empted or at least upstaged its debates when it banned elephant hunting. Then in 1976/7 it banned all hunting. That year, Africa's elephants were listed in Appendix II of CITES.<sup>89</sup> Remember, that's the appendix which positively allows (as well as controls) lethal consumptive use of a wildlife species of concern, which Kenya was against.<sup>90</sup>

The 'prohibitionist' campaigners very soon displayed one of their important characteristics: they are 'Listocrats'. They want to have more and more species listed in CITES Appendices, and they want such listings to be as close as possible to a ban on exploitation of almost any commercial sort. That turns them into list snobs: they want as many species as possible in Appendix I. They are list purists: they want listings to be de facto bans on trade.

Rather contrary to those impulses, but true to its founders, between 1983 and 1985 CITES introduced various measures to try to ensure that international trade in ivory could be made sustainable and that the species could stay in Appendix II. These featured a quota system for trade in ivory, and that was refined over the years.<sup>91</sup>

In 1989, a crucial year, and ostensibly because nothing had halted the rise in poaching, CITES (at CoP7) decided that all Africa's elephants should be moved to Appendix I.

The move was supported by President Bush (senior) and the US delegation at CITES. It marked one of the many signs that Western politicians were looking nervously at the environmentalism of some of their voters. Most outsiders wrongly thought that this 'uplisting' meant that no elephant products could legally enter international trade. It also enshrined an outright nonsense. A listing in Appendix I is by definition reserved for the most threatened species or populations of a species. But it was now being used in the case of an entire species the African elephant—some of whose populations were thriving.

Actually, uplisting was a propaganda coup for the prohibitionists but an administrative chimera: the southern African countries, which had the most thriving elephant populations, 'entered reservations', such that for all practical purposes theirs weren't included. The countries some years later withdrew their reservations (as we shall outline in more detail later in this text).

On Planet CITES, nothing is simple. In fact, contrary to popular misconceptions, Appendix I doesn't outlaw trophy hunting. The southern African countries mostly pursued that practice, with some conservation success. But the ivory trade was a more troubling issue.

1989 was a bad year for the 'Zimbabwean' side of the argument. And it felt like a very bad year for me, too. I was the Secretary-General of CITES, and well-known for believing that



its core mandate was to facilitate international trade where that could be shown to benefit conservation. But there was a sustained campaign against me, and I was fired in 1990.<sup>92</sup>

CITES has always had a huge problem accommodating the southern African countries. Ever since 1989, CITES has tried every possible avenue to hang on to the remnants of its modernised mission to encourage sustainable use of the species. There have been various (mostly failed) attempts to deploy quotas for ivory trade and to get Parties to monitor and control aspects of the ivory trade, also with mixed results.<sup>93</sup>

The most significant policy dances—actually, a sort of fencing match have concerned ‘split-listing’ and a de facto ‘moratorium’ on the trade in ivory.

‘Split-listing’ occurred in 1997 at CoP10 in Harare when Botswana, Namibia and Zimbabwe (followed by South Africa in 2000) secured for their thriving elephant populations a down-listing to Appendix II. The quid quo pro was that the countries were denied the resumption of the trade in ivory that would more naturally have flowed from the down-listing that its supporters fought hard to secure.

In what amounted to a betrayal of the Washington Convention, the prohibitionists beefed-up Appendix II to make it as anti-use as possible. The avowed intent of Appendix II, which was to use sustainable international trade as a regulated force for conservation good, was thwarted. Instead of legalising the international trade in ivory, the southern African countries did, however, win the right to hold the first of two batches of controversial supposedly ‘one-off’ ivory-stock auctions in 1999. It was at that time that CoP10 founded the Monitoring Illegal Killing Elephant (MIKE) programme and the Elephant Trade Information System (ETIS), both of which are NGO managed, to monitor and assess what effect legal sales had on elephant poaching and ivory trafficking.<sup>94</sup>

The next dance or fencing match went hither and thither

through the early 2000's and came to a head in 2007, at CoP14. It was finally agreed in 2007 that the southern African states could hold further auctions of ivory stock in 2008. The quid quo pro was their acceptance of a nine-year 'moratorium' on further ivory sales (that is, a ban which would or more precisely should have run until 2017) that is still in existence.

So, it wasn't a moratorium at all. It turned out to be rolling ban on the trade which has stifled it ever since.

Thus were CITES's core principles sacrificed. Appendix I had for a while formally listed Africa's most thriving elephant populations whilst Appendix II was increasingly bent out of shape, as though Wise Use was inherently abhorrent when it came to elephants. The Appendix II listing was and remains a proto-Appendix I. It was a classic case of conservation myopia. The image of one iconic beast was allowed to eclipse the interests every other species, as well as CITES' remit and commonsense.

The actual reality is that all its animals variously shape the African savannah and are shaped by it, as they look for food and water according to the season. The elephant is only the most obvious and visible of these forces, to which it is subject like its smaller co-habitees.<sup>95</sup>

## **THE MAKING OF MYTHS AND THE WHITE MAN'S BURDEN**

Today, hours of rich-country TV documentaries and campaign ads glamorously feature the plight of Africa's savannah elephants that we Westerners must save. For years, Sky's UK viewers have watched WWF ads which assert the species is on the verge of extinction.

They almost all ask us to adopt an elephant to save it from poaching. The implication is that poaching is the elephants' only problem, and that because of it we may be 'saying good-bye' to the species.<sup>96</sup>

It's a stirring pair of messages, and both are wrong because they pander to a willfully simplistic reading of a situation whose complications are as much political as ecological; as much cultural as natural; as much international as local.

Obsessing about the charismatic elephants distracts the world from thinking about all the other grazing animals (and predators) which also live and die on sub-Saharan drylands and tropical forests and feed on their grasses and trees.<sup>97</sup> Wildebeest, buffalo, impala, kudu: might not these make the best harvest from the savannah? These creatures live in the shadow of the mighty pachyderm. But their fate matters as much, maybe more. They are, like the elephant, protein on the hoof. All these wild vegetarian species might help feed humans, and do it better, say, than the cattle with which they all have to compete with for space.<sup>98</sup>

These are the real conundrums we have to confront. What is the best achievable fit between man and non-human nature in the 'uncultivated' wild of Africa?

The beliefs behind the 'conservation' campaigns seems to be that civilisation (especially when it emerges in Africa) is a blight; that animals are heroic; and that we should ban most wildlife exploitation, and especially lethal 'consumptive wildlife utilisation'. The campaigns and their supporters place great faith in the efficacy of bans. They are born 'prohibitionists'.

For about half a century I and many others have tried, inside and outside CITES, to present a rather different, pragmatic, case about conserving Africa's elephants.

Most nature programming on TV air-brushes humans out of the picture, except as villains. IWMC sees things differently. We say that admiring elephants, for example, and wanting to help them, requires that one take account of the fact that wild species in poor countries have shrinking habitats available to them, and that many humans live intermingled with dangerous wild animals.

Many of the poorest African farmers suffer from what's called

Human-Wildlife Conflict (HWC).<sup>99, 100</sup> Where there are lots of elephants, that often takes the form of Human-Elephant Conflict (HEC) in which crops and homes are destroyed, and people are enraged, injured and killed.

Modern humans cannot just leave nature to do its own thing. Somehow or other, we have to make decisions about the wildlife we are necessarily crowding. We have to influence—even aspire to manage diminishing habitats. We have to intervene in and interfere with the existence of many species and do so with regard to every creature—human or wild as an individual and as a component in an ecosystem. And we need a wise harvest from the wild, lest we turn it into bad farmland.

We ‘pragmatists’ know our management will sometimes fail, but we insist that the effort must be made, and the lessons learned. We know that there are several very healthy elephant populations in Africa.

We think the ivory trade can be an important part of the solution to the elephant problem. The legal monetisation of elephants can be good for their conservation, for their nearest human neighbours, and for the range states whose charges they are.

Who has a greater ‘right’ to decide the future of wildlife: the countries where it occurs, or TV-viewers and the keyboard warriors on other continents where problem wildlife is a matter for the pest exterminator? The irony is especially rich when one considers that the Westerners who most want to boss Africa around about its elephants are hyper-critical of the sort of historic ‘white’ wrongs in the Global South they are now mimicking themselves.

### **THE CITES ELEPHANT DISPUTE: THE ‘BATTLE’ LINES**

Africa in its prehistoric state probably had many millions of elephants. In 1979 the first comprehensive modern survey, by Iain Douglas-Hamilton, suggested that there were around 1.3 million African elephants (both savannah and forest).<sup>101</sup> Now, the figure

is more like perhaps half a million. The details of this decline are complicated. The very recent picture contains good as well as bad news.

It is routine to say that poachers caused the decline. They certainly were an important factor. Western trophy hunters, however, are not part of the modern problem, far from it. Violence between humans is a much bigger problem for elephant populations than poaching. So is, understandably, the increase in human numbers, pressing on the land available for untouched wildlife habitat.<sup>102</sup> Human poverty hasn't helped. African governance has been, very often, very dire.<sup>103</sup>

It is, of course, not entirely fair to make Zimbabwe and Kenya stand for the great divide in the southern vs eastern savannah elephant argument, or for other similar stand-offs. Other African countries have their own characteristics and there are arguments amongst people of either broad school of thought anywhere.

Nonetheless, Zimbabwe does stand as a good example of southern African models of conservation of elephant (and other megafauna, sometimes known as The Big Five or Big Game).<sup>104</sup> And, likewise, Kenya is a good example of how things are done and thought about in eastern Africa.

It is, in the round, a story of southern African success and eastern African failure. It is, bizarrely, also a story of the southern approach being reviled and of the eastern approach being lauded, so far as most Western campaigners (and even including some of IUCN's elephant specialists) are concerned.

Put simply, southern Africa is far richer in megafauna than eastern Africa, and that's especially true of Namibia, Botswana and Zimbabwe, not least where they share boundaries.<sup>105 106</sup>

An IUCN 2016 survey tells us the story of the two African elephant species (the forest and savannah populations taken together). It says: "Southern Africa has by far the largest number of elephants in any of the four regions." That breaks down as: south-

ern Africa has 70 per cent of Africa's elephants, eastern Africa has 20 percent, central Africa six per cent and western Africa has under three per cent.<sup>107</sup>

It is worth noting that Namibia now has more elephants than at any time in its history.

The most striking anomaly in these numbers is that southern African countries are host to over 70 per cent of Africa's elephants, but only 42 per cent of the total range. (See *The African savannah elephant: How many elephants are there?*)

Kenya and Tanzania are still host to the long-range, mass, multi-species Serengeti migration, the most remarkable on the planet. It is an ecological and sociological phenomenon, which moves nearly everyone who sees it. Viewed at all seriously, it also makes one realise that fauna and flora depend on each other in a dizzyingly complex set of shifting relationships.<sup>108</sup> It is under pressure from human encroachment inside and outside reserves and parks.

But all Kenya's wildlife is under intense pressure.<sup>109</sup> <sup>110</sup> The country's 2019 Task Force on consumptive wildlife utilisation in Kenya noted a little plaintively that, in many instances, it had little scope to make meaningful recommendations because most large animals were too scarce to be risked being killed by hunters. But they vitally noted that in some places (they might have added, especially on important fenced reserves), abundance is producing the problem of over-crowding, which is a classic opportunity for sustainable use.<sup>111</sup> But the problem with myopic conservation is that it leaves little room for nuance.

The 'Zimbabwe model' believes that one must keep available the freedom to manage wildlife by controlling certain species, which may result in killing some animals in culls, and or translocating some, as sometimes occurs in Kenya too.<sup>112</sup> While the 'Kenya model' believes that habitats will manage themselves, given time. Either model stands a better chance of working if there is plenty

of habitat where there aren't many people and livestock. Neither model has that luxury in the real world.<sup>113</sup>

We are in favour of abundance. But that's a feelgood response which begs many important questions and especially the issue of over-crowding that we have been discussing here.

Back in the late 1980s and early 1990s the 'Zimbabwean model' was given its first real practical chance on the ground.

The country's wildlife service had already helped a handful of pioneer white ranchers switch from free-range cattle. The ranchers' territories were so large that they could be converted to viable reserves for wildlife, and they had pre-existing fences. The result was a sustainable harvest from dryland, low-rainfall ecosystems that did much better under the new grazing regime. These farmers had the option to cull wildlife if need be, and to sell hunting licences or nights in wildlife-watching lodges, or both, according to their choice.

It was beginning to be possible to see new ways of looking at how the human need for protein might best be met in hot dry places.

Then, and it still strikes me as an initiative of genius, the Zimbabwean Wildlife Service started Campfire (often seen as CAMPFIRE) in the 1980s. This project allowed profits and produce from cropping (since ceased), hunting, and tourism to be shared with the local people who shared the habitat with wildlife. Many experienced foreign and African observers were thrilled: here was the reconciliation of conservation and development policy aims which had confounded them for years. WWF's in-country offices were vital to these processes and, not least in Namibia, still are. (See WWF: pandering to the squeamish.)

One of the problems in comparing the southern and eastern African approaches is that policy, whether national or multilateral and multinational, is not the only or greatest human factor. Human factors matter very greatly. There is population growth, of

course. And giant, visible forces, such as civil war and insurgency. Perhaps as important as all of these is the quality of national and local governance.

Nowhere in the world is politics a perfect process or easy to assess. I risk saying, however, that politicians and bureaucrats have seemed to work rather better in southern than in eastern African countries, at least so far as conservation is concerned.<sup>114</sup>

Nonetheless, there was culling and trophy hunting up to the mid 1970s in Kenya, and in Zimbabwe (then Rhodesia). But then in the 1970s and especially the 1980s a particular school of Western conservation thought—represented by modern animal activist NGOs, but allied to an old strand of campaigning conservation began influencing Kenyan policy towards anti-utilisation. Though there was still limited cropping of certain species such as venison on private ranches up to the 1990s. It was stopped altogether in 1996, supposedly because of corruption. But the real reason was that IFAW, Born Free, etc. put pressure on Kenyan Wildlife Services.<sup>115</sup>

The Zimbabwe's conservationists, including its national WWF office, held the line for utilisation. In the 1980s, the 'Zimbabwe model' favoured, firstly, culling in wildlife reserves and outside them (though it's not current practice); and secondly, the idea of sustainable harvesting of wildlife. The 'Kenya model' favoured and largely still favours a 'hands-off' and even a 'Keep Out' approach in their famous parks.

It is little noted that most African wildlife occurs outside of protected parks (it's probably true in much of the world). Just as there are lots of animals outside of parks, and they are often amongst unprotected people, there are also lots of unprotected people—as well as tourists—inside many parks.<sup>116 117</sup> That's the real-world muddle that complicates policy.

But it's animal rights squeamishness and simplism which dominate the headlines and international conservation politics.



The 'Zimbabwe Model' strongly supports trophy hunting by Westerners as a fine way to earn revenue to deploy on conservation.<sup>118 119</sup> Kenya banned the practice, as we saw, gained much kudos from this pandering to outsiders.

Kenya and several other states then fell in with the Western campaigners in insisting, on feeble evidence, that any trade in elephant products was incompatible with the species' survival.<sup>120</sup> This is the fulcrum argument. If it were true, there might be a case for banning the international trade in ivory.

Actually, the trends in poaching have never for very long or very much tracked either bans or ivory prices. We do have a picture of generally rising prices for ivory since the CITES bans, but the variations, place by place, and year on year, are head-spinningly various.<sup>121</sup>

It is not remotely clear that ivory will buck the normal supply and demand thesis of economics which says that given stable demand, larger supplies weaken prices.<sup>122 123</sup>

Ah, say the Kenyans, so let's crack down on the demand for ivory as well as the supply. Good luck with that, say the Zimbabweans. But what rarely gets a mention is the ivory stock that is produced every year by natural mortality. Assuming 500,000 elephants with the mortality rate of 1%, that give us 5,000 elephants = 10,000 tusks per year. If we assume that a tusk weighs 5 kg, that equals 50 tons.

Put it another way, African poachers remain a permanent but nevertheless shifting problem. Meanwhile, Asian countries (the main consumers) show little sign of eliminating their desires to own ivory. Even if they reduced demand for the product by some degree (it would be naïve to believe they could ever eliminate it), might not the trade still produce a conservation-orientated trade better suited to the potential quite large, legitimate and sustainable supply of ivory from sustainable sources?

This is the core argument of the largely private rhino ranching industry in Namibia and South Africa. It works. It would like

income from a legal rhino horn trade. Unlike poaching, this is a non-lethal consumptive use and compatible with non-consumptive safari tourism. But like the ivory trade, it has bitter enemies: poachers and campaigners alike thrive by seeking to kill it off.<sup>124</sup>

Of course, poaching might—often has and does scupper either southern or eastern approach. But the ‘Zimbabweans’ know best how to persuade communities to dissuade poachers from poaching by ensuring that local people receive tangible benefits from wildlife conservation. Some ‘Kenyans’ support taking similar measures but are hampered by the existence of prohibitions, such as on trophy hunting.

And so, the row rages on, and it is as much cultural as ecological. ‘Zimbabwean’ policy is mostly pragmatic and permissive. Zimbabweans have no objection to ‘Kenya policy’ so far as it concerns only elephants in range states which adhere to it. But they don’t want to be banned from killing their own elephants and eating or selling the resulting produce.

Contrariwise, the Kenyan camp agrees with the majority of its tourists: Mother Nature can sort everything out provided there is nothing so gross as killing. It insists a ‘take nothing but photographs’ approach should be able to put food in the bellies of Africans and compensate them for Human Wildlife Conflict. Its savannahs have both declining wildlife and plenty of human conflict and poverty. A largely Western, rich-world cultural war accounts for part of that dire picture.

## **A NEW PROHIBITIONIST POLITICS: TROPHY HUNTING**

I need now to turn to two old, linked, issues and show how they have become crucial examples of how NGOs have upped the ante against CITES by deploying politicians in the domestic markets for wildlife use of which they disapprove.

The first of these, trophy-hunting was the trailblazer. In the

absence of what southern Africa range states believe should be a thriving formal ivory market, trophy hunting is one of the few ways of monetising the wildlife stock which is so expensive to these countries, and dangerous to many of their countrymen.<sup>125</sup>

Trophy hunting has produced a much more focused and compelling row, not least because it involves charismatic animals and humans which are easy to caricature. The media hungers for this sort of emotional and political red meat. It is an appetite which has led to tabloid-style journalism. An example of this was when *The Times* (of London) went overboard in support of the Ban Trophy Hunting Campaign by ‘exposing’ how WWF offered practical help for the trophy hunting of wild animals, especially elephants (but also, I add, black rhino and polar bears).<sup>126</sup>

It is the small talent of the Western campaigning NGOs to have been able to ‘play’ the media and thus also politicians. They do it mostly in their own, huge, home markets and arenas. (Though they also see that a variety of the game can be played anywhere in the world.)

Trophy hunting is permitted by both Appendix I and II, because the ivory it produces is not in international commercial trade. (Money changes hands for the right to hunt, and the product, for instance, an elephant ivory trophy, can be taken home by the hunter with a CITES permit but mustn’t be sold-on.)

Trophy hunting of elephants and others of the Big Five species (mostly by southern Europeans and north Americans) is a perfect fit for the countries that allow it. It earns more money for conservation and resolving Human Wildlife Conflict (HWC) issues than the extremely limited international ivory trade, with its very different but equally committed consumer base. That is why the relevant IUCN specialist group supports trophy hunting, and so do a wide and rather brave band of conservation experts and academics who know the issue.<sup>127</sup>

Tourism is a larger source of revenue for Africa, and especially

in the picturesque eastern countries where hunting is banned (it is permitted in Tanzania). But tourism and trophy hunting are proved to co-exist in the southern countries which allow both. Whilst they are far fewer in number, it is worth remembering that trophy-hunters, per head, bring in more revenue than wildlife tourists, and may be a more reliable source of income.

Western government policy has mostly been ambivalent about trophy hunting, whilst not being able to forbid it. It is, after all, entirely legal and positively encouraged in the sovereign countries where it is practiced. Between 1997 and 2018, US citizens were merely banned from importing their hunted trophies. President Trump, who tweeted that trophy hunting was a ‘horror show’, restored in principle the right of hunters to obtain permits to bring their trophies home. President Biden is under pressure, of course, to re-impose the ban. But, despite what he said in his election campaign, he has, wisely from the perspective of conservation, agreed to begin reissuing permits to import elephant trophies.

The EU as a whole does not ban imports of hunting trophies in controlled circumstances. It is also in the process of consulting about how to manage this issue in the future. But France and the Netherlands have stricter rules. (Australia banned imports of lion trophies following the unjustified outcry over the killing of Cecil the lion.)<sup>128</sup>

It seems quite possible that Boris Johnson (or just as likely his successor) will follow the lead of his animal activist wife, Carrie Symonds, and of his animal welfare minister, Zac Goldsmith, in their often-stated loathing of trophy hunting. Prime Minister Johnson re-iterated his support for some sort of a ban in Parliament in October 2020.

The prohibitionist campaigners will feel they have everything to play for at CoP19 in 2022 and at the time of writing there is an extraordinarily dissembling and manipulative campaign against the whole practice.

The ‘Ban Trophy Hunting’ campaign may hope to get the Parties to CITES to come out against all trophy hunting. However, if this policy were pursued too zealously it might break the Convention wide open because constitutionally CITES can only vote to restrict trophy imports of ‘threatened’ species.

In other words, CITES has absolutely no right or authority to intrude on national concerns. But the campaign will probably feel triumphant if it merely forces the UK government to forbid UK trophy hunters to bring their spoils home.

At its heart is the unspoken proposition that southern African countries know and care less about how to conserve their thriving populations of elephants than celebrity ‘influencers’ and their main spokesperson, Eduardo Gonçalves.

At the heart of Mr. Gonçalves’s book, *The Killing Game: The extinction industry*, (2020) is not merely the morally contestable view that killing animals for sport or fun is despicable. Equally feeble, but this time because it is a simple falsehood, is the statement that trophy hunting is heading several species for extinction.

My view, supported by compassionate and experienced conservationists, is that if the death of an animal benefits its fellows, and/or the humans living close to it, and/or its habitat, then the death is justified. The precise motives of whichever human the authority allows (or commands) to do the killing is a matter of indifference. The moral case is not complicated, but it is counter-intuitive. Local people need incentives to support conservation measures. Conservation needs financing. When undertaken within a managed conservation agenda, trophy hunting is more humane than nature’s solution to the over-abundance of particular species, especially in constrained habitats: ‘she’ brutally starves the surplus to death.

However, one can put the essence of Mr. Gonçalves’ message on a T-shirt above a gorgeous picture. Mine, I am afraid, takes a longer pair of sentences.

That's the nature of the 'Culture War' we're in.

The 'Ban Trophy Hunting' campaigners may win whatever CITES says or does. They may make the sport socially unacceptable. They may, however, produce a bloody-minded and perhaps not exclusively attractive reaction.

The most *Wildlife Betrayed* and IWMC can do is consider the interests of the African elephant and its present stewards and to try to explain why morality is by no means the sole preserve of the animal activists, the vegans, and the easily offended Woke generation.

### LEGAL IVORY MARKETS: CITES AND SOVEREIGNTY

On the ground in elephant range states—the 'producer' countries—there are plenty of circumstances in which CITES decisions seem irrelevant. Poverty, corruption, criminality and civil war or insurgency all vitiate the good intentions of the 'international rules-based order'.

Perhaps sensing how spasmodic their CITES successes were, campaigning NGOs have made a very rational move into influencing events on the ground in consumer countries where pressure and regulations arguably have more power. We saw that in the trophy hunting case, where the field of action was in the West. But this new move was something altogether more radical in effect.

At CoP17 in 2016, the campaigners got CITES to recommend that China and Japan shut down their legal ivory markets, if they could be shown to encourage poaching. The *'if'* was rational, and left masses of wriggle room, and Japan especially used it to avoid the closures. At CoP18, in 2019, there was pressure to beef up these proposals, but that move failed.

Nonetheless, the animal activist campaigners felt they had achieved something momentous. And they were right. They could build on CITES' new appetite for hectoring consumer countries about their internal markets and do some direct hectoring of

their own.

The campaigners worked hard to influence consumer opinion with countries such as Japan, an important customer for elephant ivory for carving. The most recent example of this trend is the open-letter campaign by the International Fund for Animal Welfare (IFAW), Humane Society International (HSI) and the Environmental Investigation Agency (EIA). This campaign tried to persuade Japan's national and regional governments that the continued existence of its domestic ivory market was incompatible with being the host of an avowedly environmentalist Tokyo Olympics, 2020 (which in the event Covid-19 was postponed until 2021).<sup>129 130</sup>

It is certainly possible, even likely, that these same campaigners were behind the 2019 open letter from 37 members of the US Congress to Japan's Washington ambassador in much the same terms. But so far, Japan has not closed its legal ivory markets, and sees no conservation reason to do so.

China was until recently an exponent of the right of its consumers to legally buy carved ivory. That was why it participated in the 2008 legal auction of southern African ivory stocks.

In 2015, the country shifted its position and made a large public show of its agreement with the US that both countries should do their best to shut down their domestic ivory markets. Accordingly, in 2017, China withdrew licenses for the very carving works it had been encouraging seven or eight years previously.

There still seems to be a thriving Chinese illegal ivory market. But China has been strict in the enforcement of its regulations, recording numerous seizures and prosecutions of illegal traders, some of whom it has repatriated from Africa.<sup>131</sup>

I have seen with my own eyes that China has made much progress in animal welfare and conservation issues. It is important to recognise that the country gave up a good deal—and more culturally than economically when it declared the closure of its

domestic legal trade in ivory and its legal carving workshops. But this concession had a very poor conservation and human outcome in Africa. And, I would strongly argue, the move provided an unintended incentive to poaching for the illegal trade,

The sustainable use proponents have not wavered in their belief that a legal trade would be a far easier conduit for consumers, and good for elephants and Africans, and require less and easier policing. Six African nations—the ones hosting the most elephants, as I never stop repeating—will, according to media reports of a recent conference in Zimbabwe, propose another ‘one-off sale’ of Africa’s massive stockpile of seized ivory, worth approximately US\$600 million in Zimbabwe alone. Or perhaps, more ambitiously, they’ll call for the resumption of the ivory international trade sourced from their vast stock of elephants, which are overpopulated, and therefore ripe for a sustainable harvest.<sup>132</sup> The lobbying is already building up steam. Especially in Zimbabwe, which recently lobbied the EU on the issue and hosted a major conference on the attended by representatives from 14 African countries.<sup>133</sup>

Zimbabwe’s African Elephant Conference was attended by Dan Stiles, an expert on elephants based in Kenya. He reported that while the need to sell ivory was mentioned, there was no discussion or agreement about how this might come about. Instead, the debate focused on: “Details of elephant population and trends in size, distribution, connectivity, habitats, human elephant conflict/co-existence, mortality numbers (from the various sources i.e., natural and non-natural causes such poaching); community participation in elephant conservation and the need for trade in elephant products globally to fund management and the problem of CITES trade restrictions, management of stockpiles, some giving quantities.” Stiles warned the attendees that CoP19 is unlikely to back any request to reopen the ivory trade. He suggested instead that the cash-rich NGOs should purchase Africa’s ivory stockpiles at market rates, so that they can put them



beyond reach if they so wish.<sup>134</sup>

## HOW MANY ELEPHANTS ARE THERE?

Early in the 19<sup>th</sup> Century, there may have been upwards of 25 million elephants in Africa.<sup>135</sup> Their ivory tusks and their meat had always appealed to Africans, whose predations probably made next to no difference to the population of their prey.<sup>136, 137</sup> But many non-Africans from antiquity onwards also valued ivory, and it was widely traded. When Europeans travelled deep into the interior, from the early 19th Century, they slaughtered elephants for ivory and sport but also to feed their African followers.<sup>138 139</sup>

Between 1890 and 1900, the ivory of 60,000 African elephants a year reached London. That decade's toll of just one of many markets around the world added up to more dead elephants than there are alive in Africa now.<sup>140</sup>

In the late 1970s, after many decades of multiple human pressures on their numbers, there may have been about a million elephants in Africa.

Even now, the compilation of elephant numbers is a matter of heroic guesswork, assessments, and estimates, all delivered in an inevitable confusion of terms of engagement. The truth is that over decades IUCN, and especially its African Elephant Specialist Group, has wrestled with the uncertainties and yet affect to be authoritative whilst hanging on to a semblance of scientific modesty. Whatever else arises out of all this, it is not a census and not really a database of merit. With the best will in the world, we have at best a spurious accuracy labelled by IUCN as 'Definite' (this category is a misnomer because it never means or implies 'definite' but merely conveys estimated projections of counted elephants and dung samples), 'Probable', 'Possible', and 'Speculative'. In other words, all four of IUCN's computational categories are guesstimates.

IUCN experts led the vetting, analysing and publishing of the

Great Elephant Census (GEC) in 2016. But it is a pity that it was not bolder in stating the degree of muddle and ambiguity involved. Some of it, though, is inflicted not merely by IUCN's duty to be seen to say something. There is also an element of opinionated spin in their pronouncements, for which specialists and especially NGOs seem to volunteer their various cultural beliefs as much as their technical judgment.

The little-known fact is that the GEC was financed by Paul Allen Foundation's operating vehicle Vulcan.<sup>141</sup> The work it funded on the ground and in the air was led by Mike Chase from Elephants Without Borders, an NGO which has subsequently been accused by Botswana of sensationalising its research findings for PR purposes.<sup>142</sup> Two of the principal NGOs providing services to Vulcan's GEC count (especially in Central Africa) were WWF and WCS, both of which rely for a large part of their funding on the continuation of the narrative that African elephant populations are in terminal decline.

The GEC calibrated a combination dung samples and elephants counted from airplanes, which surveyed up to 20 percent to as little as 5 percent or a particular range area, from which statistical modelling was used to extrapolate findings that were recorded in Vulcan's centralised database.

Based on GEC's findings, IUCN's 2016 African Elephant Status Report (AESR) suggests that there are perhaps between 532,000 and 550,000 elephants living on the continent's savannah and in its forests. Though the headline figure that IUCN quotes most, for funding reasons we surmise, is 415,000 elephants. This discrepancy arises because IUCN admits that there are between 117,127 to 135,384 elephants in areas not systematically surveyed. In addition, IUCN rarely tells the world that on top of this: "There remains an additional 38% of range for which no elephant population estimates are available".<sup>143</sup>

IUCN's current tally amounts to a reduction of around 100,000

elephants between 2007 and 2016. However, it is very unclear how IUCN can note: “This is the first AESR in 25 years that has reported a continental decline in elephant numbers.” After all, IUCN in 2016 does not tell us what the 1992 or 1991 or (especially) the 1998 numbers were on which it bases this assertion.<sup>144</sup>

Besides, that emphasis on a ‘25 years’ arc throws dust in the eyes of a reader who has not researched what IUCN was saying in 1989.

A little online digging allows one to discover that in 1989 IUCN believed that there were 600,000 elephants in Africa (more than halving the plausible 1,300,000 of ten years previously).<sup>145</sup> If we accept that estimate as being a reasonable assessment, it’s clear that by IUCN’s reckoning there was a halving between 1989 and 1998 to around 300 000 African elephants, after a period in which poaching had declined somewhat.<sup>146</sup>

Anyway, based on IUCN’s best guess there were many more reported African elephants in 2016 than in 1998 (an 18 ‘years arc’ that shows a significant increase in the number of African elephants). In short, we see that IUCN’s own numbers do not support its preferred narrative of an implied continuous decline from the 1970s’ one million elephants to today’s half-a-million or so. A careful study reveals that there were falls and rises in the numbers of elephants that IUCN estimated.<sup>147</sup>

For perhaps 20 years between the mid-1990s and the mid-2000s elephant numbers saw a bump: they were slowly rising for about a decade, and then started to fall. There’s a reason. As IUCN says: “The decline is largely caused by the surge in poaching for ivory that began around 2006, the worst that Africa has experienced since the 1970s and 1980s. ... Other underlying drivers of population decline, such as loss of habitat and increasing human-elephant conflict, are still of critical conservation importance.”

This continual confusion over decades about the veracity of the number of elephants in Africa might explain why Namibia

insisted upon trusting its own experts to count them. Their findings suggest that there are currently several times more elephants in Namibia ( $22,754 \pm 4,305$ ) than the protectionist activists could detect (IUCN's 1998 African Elephant Database reported 6, 263 in Namibia 'definite').

Nevertheless, Namibia's aerial and ground survey was carried out simultaneously and in close cooperation with the GEC in other countries (in both 2014 and 2015). Namibia's information was then fed to the African Elephant database, the Status report of which declared the quality of the country's evidence to be reliable. Namibia's upbeat story, however credible it was deemed to be, was excluded from the final published GEC results; perhaps because it did not reinforce the sought-after narrative.<sup>148</sup>

A similar dispute over the veracity of the GEC's findings is ongoing in Botswana, home to the single largest population of elephants. So much so that the IUCN's AESR was forced to admit on page four of its 2016 executive summary: "Continuing uncertainties about the number of elephants in Botswana have a substantial potential impact on continental population estimates."

In the fog of these wars, at once statistical and cultural, one can reasonably suggest that IUCN's elephant specialists prefer that the illegal ivory trade is villain number one, but its hate-status is hotly pursued by the legal ivory trade, and only after that do we see rankings for rising human population, decreasing habitat, wars, civil unrest, and bad governance as putative causes. A fair observer could juggle any of these causes and come up with a different ranking for their causational power at different times and in different countries.

IUCN has recently issued further rather dire, but also rather dubiously pessimistic, news. In a press release and other communication which fell over itself in internal contradictions, it told the world it had decided that the African savannah elephant (of the south and east of the continent) is a different species from

the African forest elephant (of the centre and west). This was its imprimatur on old news (not new science), but the world's premier source of scientific advice on conservation derived from it the need to reclassify both the new species (which when co-joined had shared a 'vulnerable' status). Now, the savannah elephant has had its risk status set at 'endangered' and the forest elephant has been raised two steps to 'critically endangered', one short of extinction (though counting them is far tougher and more prone to error than is the case with savannah elephants because they live in forests). No wonder the facts and level of risk are hard to fathom.<sup>149</sup>

The forest elephant is indeed at all sorts of serious risk (though there are a few conservation successes in the Republic of the Congo and Gabon).

However, the savannah elephant is as usual thriving in some range states (in southern Africa, but in populations in Kenya too). But there is some sleight of hand in IUCN's argument for gloom: "... the population of African savanna elephants decreased by at least 60 percent over the last 50 years, according to the assessments." That may be true. But only if one takes numbers from before the dire 1970s and 1980s, when poaching took its worst toll, and the methods of counting elephants were not close to as reliable as they are today, which is not, as IUCN accepts, close to being precise given the huge range it provides between 'definite' and 'speculative' findings. But as we have seen, the trick doesn't work from 1998 onwards, when considering what IUCN amusingly labels 'definite'.

It is not churlish to point out that IUCN has chosen an odd moment to raise fears that the savannah elephants are at greater risk now than ever, when their overall numbers are greater than for decades. Indeed, the problem in Namibia, Botswana and Zimbabwe is that there are too many elephants, not too few.<sup>150</sup>

But then, specialists on whom one relies for scientific evidence

have their own strong views and fall into ‘use’ and ‘non-use’ schools of thought like everyone else. “For both species, poaching is still the biggest driver of decline,” said Kathleen Gobush, leader of the new assessments, and a member of the IUCN’s Elephant Specialist Group, adding: “These assessments hopefully will garner renewed attention for the world to double down on stopping the killing, trafficking, and demand for ivory”.<sup>151</sup> But poaching is a relatively minor problem in Namibia which has reported that elephants lost to poachers is at an all-time low: 11 elephants were poached in 2020, compared to 13 in 2019, 27 in 2018, 50 in 2017, 101 in 2016 and 49 in 2015.<sup>152</sup>

As we keep repeating, these facts matter because Namibia now has more elephants than at any time in its history. The most striking anomaly in these numbers is that southern African countries are host to over 70 per cent of Africa’s elephants, but only 42 per cent of the total range.<sup>153</sup>

But as I say at every CoP, nothing is simple in this story. There is certainly a disparity: the southern African versus eastern African stories. But there are anomalies within each broad area. Within southern Africa, one multi-country area is host to many elephants, and indeed to one country’s hotspot, in a good way.

As KAZA (Kavango-Zambezi Transfrontier Conservation Area) the umbrella initiative in the region, notes: “It lies in the [...] river basins where Angola, Botswana, Namibia, Zambia and Zimbabwe converge”.<sup>154</sup> The combined area is larger than Germany and Austria taken together and nearly twice as large as the United Kingdom. Within the KAZA region, and indeed within Africa as whole, southern Africa’s Botswana has—anomalously by far the largest population of elephant in a single country.

Significantly—also anomalously—Tanzania, an eastern African country, accounts for the major single share of the recent decline in elephant numbers. It is not as stalwart a ‘hands-off’ anti-hunting country as its neighbours, but it has more poaching. One east-

ern country, Kenya, can claim to be doing rather better by at least some of its elephants, if patchily.

Let's remember that African elephant numbers seem to reveal an overall decline over the long term, which should worry us. In central and western Africa there are relatively small populations and their condition is generally poor. Some populations of elephant may indeed disappear (the technical term for this is 'extirpation'). But there are regions in both the south and the east of the continent which have considerable and thriving elephant populations. IUCN admits this, and yet insists that these and some other populations are seriously threatened. It may simply be a case of the old precautionary principle of the coward: nobody was ever proved wrong when they said something awful may happen one day.

We have to wonder if CITES has succeeded in much helping either elephants or the Human-Elephant Conflict which arises from people's intermingling with wildlife (some call this human encroachment, a term I resist). And when we see what CITES might call its elephant successes, such as they are, they are mostly the result of its being bent out of recognisable shape. It has made compromises over elephants which are heroic or unholy depending on what side of the fence you're on, but which certainly risk the operation of the Convention becoming incoherent.

## CONCLUSION

The animal activist campaigners' victories over trophy hunting bans and legal ivory trading have been won partly within CITES and partly on international and national stages. The campaigners have brilliantly taken a cultish, and largely uninformed and poorly argued ethical point of view. Because their arguments are not, finally, about evidence but about feelings, they make normal policy making extraordinarily difficult.

They have skimmed over complicated facts on the ground

and over the differences of opinion amongst reasonable conservationists, and ignored anything which does not accord with their simplism.

They have variously cowed, co-opted, and corrupted governments and conservation campaigns and done so from a position of seeming weakness using many hundreds of millions of US dollars donated by billionaires. But perhaps the greatest strength of the prohibition lobby is that they are at one with our times which rewards emotionalism and scorns reason.

There is no ideal number for the number of elephants there should be in Africa. 'The more the merrier' is, however, not a viable approach. The continent does have some very significant elephant populations, and in both southern and eastern countries there are populations which are thriving. Indeed, some of these populations may be over-crowding the available habitat and raise profound and unavoidable management issues.

Put brutally, disaster can and may befall some African elephant populations. But barring some continent-wide catastrophe, the species as a whole is not remotely under threat of extinction.

CITES has, as we have seen, just about managed to steer a course through the diametrically opposed ideological forces at work in its deliberations. It refused to give either the 'Zimbabwean model' or the 'Kenya model' its unconditional endorsement. But both its core principles and its pragmatic approach to international relations and national sovereignty have recently been challenged fundamentally.

In 2022 it is just possible that the CITES Conference of the Parties will see a much wider acceptance of conservation and human development realities.

However, the animal activism of many key players is extraordinarily deep and powerful; CITES may break on the anvil of their convictions and strategies. That outcome might be preferable to endless compromises in which one side—the practitioners of sustainable use—must take by far the greater losses.



## Case Study 5: Rainforests, and the rose-woods

### INTRODUCTION

In the culture wars, rainforest became the living embodiment of our guilt about consumption, our longing for redemption through conservation, and our taste for Virtue Signals. But when it comes to protecting any species or habitat, ill-considered trade bans risk institutionalising indelible corruption. Rosewoods are an example of where that happened because of the misuse of the precautionary principle by CITES. Rather than aiding conservation, CITES' rapid and near universal listings of rosewoods and their lookalikes resulted in the uncontrollable criminal destruction of habitats and biomes, and damaged human well-being, too.

We need wide-scale, well-evidenced, heartfelt, popular, political, entrepreneurial and philanthropic support for the idea that the rainforests are more various, more robust, and often more amenable to sensitive and constructive management than one-size-fits-all prohibitionists would have us believe. We argue here that CITES can only ever have a supportive role, because there are more appropriate regulatory bodies than CITES empowered and qualified to manage rainforests efficaciously.

### CITES AND ROSEWOODS

From its inception, CITES has been involved in plant conservation, including trees.<sup>155 156 157</sup>

In recent years a broad category of trees, the many species generally labelled as rosewoods, have been by far the most prominent in the news, and they certainly throw up multiple dilemmas. 'Rosewoods' is generally little more than a trade name, and only very occasionally part of a taxonomical term.<sup>158</sup>

CITES' taking an interest in rosewoods looks far more like

trying to shut or constrain a trade than protecting a species or several species from extinction. Its targets included, for instance, all the *dalbergia* species, which CITES listed, to the dismay of India, which had a sustainable harvest from some of them. In these cases, CITES was acting precisely because it had no evidence of a species-by-species threat of extinction, but supposed that it must list various obvious rosewoods. It then had to list more and more rosewoods lookalikes as criminals became increasingly inventive in what they could pass off as authentic rosewood (as if there had ever been such a thing). CITES' well-intentioned interventions have largely failed, and indeed backfired.

We will look at one or two aspects of that lack of success. Were the efforts of any international body bound to fail in the face of the rosewoods' implacably energetic and careless criminal exploiters? Could a legitimate market have produced a better outcome?

In the rosewoods matter, it is hard to see what CITES can do about the mess it now finds itself in. Unless, that is, it resolutely insists that wise use of rosewoods could become a template for other, similar, rainforest 'wicked problems'.<sup>159 160 161</sup>

Certainly, 'something had to be done', in the words of the rallying cry which so often produces policy miss-steps. The UN Office on Drugs and Crime (UNODC) said in 2017 that rosewoods and pseudo-rosewoods 'appeared to be the biggest single wildlife crime market in the world'.<sup>162</sup> Based on the value of volume of seizures of illegal timber, these out-sold the combined figure for illegal ivory, rhino horn and Big Cat products combined.

Here's a spoiler alert. There is good news for some of the multiple species which comprise the rosewoods. As in the case of African elephants, it is ecologically rather easy to propagate some of the many rosewoods; unlike the African elephant, each specimen doesn't even need much space. Some rosewood types can be bunched together, and no harm done (though some are fussy and some are invasive).

All this matters because the core of a rosewood tree is dense and has a rich—essentially red—tint which in some species yields fragrant oils. In the West, one comes across its woody products in musical instruments or cosmetics. In China and to a lesser extent in Vietnam, it has historically been prized by elites for distinctive furniture-making, known in the former as Hongmu. That term should not be taken as specifying a species of tree which must provide the raw materials: it's much more a matter of the properties exhibited. These up-market tastes have been democratised by modern mass affluence and a spectacular growth in the Chinese market for rosewoods since the mid-2000s.<sup>163</sup> The result has been that rosewoods, not especially uncommon in rainforests around the world and in the Big Three—the Amazon, the South-east Asia 'estate' and the Congo—have become relatively scarce wherever it has been relatively easy to get at them and get them to market.

So, a rather unexceptional very general class of rainforest trees sharing a rich red heartwood and a good scent became valuable and then a candidate for international regulation.

We will argue that the good news, more generally, about rainforest is that its roles in biodiversity, carbon sequestration, provision of livelihoods, and the production of prized timber, including the rosewoods, could all be maintained within the considerable areas of rainforest which could be sustainably exploited alongside crucial areas remaining virgin.

The main obstacle, as usual, is the existence of corruption and the absence of sufficient, stable multiple range state buy-in for policies which could work toward long term ecological and economic benefit, if they were only able and willing. Trade bans fail miserably because they incentivise institutional and community-based corruption. Quota systems have also been tried. But corruption among elite stakeholders has ensured that the quotas have all been exceeded to the detriment of conservation. Meanwhile, almost all the voices the public hears recoil from the idea that the

hands-on sustainable use and management of rainforests could ever be managed by and in the interests of a wider group of stakeholders at the expense of corrupt influences.

It might be a little bizarre to say it but CITES might have a key role as the multilateral body best fitted to midwife some improvement in these processes and attitudes. It could do so by speaking up clearly for the difficulties involved. (See Case Studies, Conclusion: CITES Reform.)

### **HOW DIFFERENT IS THE CASE OF THE RAINFORESTS?**

At some level or other, much of Africa's wildlife could support and be much supported by wildlife exploitation. Many of the fish stocks of the world could support and benefit from wise exploitation (what else will pay for the navies policing good behaviour?). How different is the rainforest story?

Dryland savannahs and the seas are ecosystems which are (rather lazily) seen as the container and habitats within which exciting species of aesthetic, campaigning and commercial interest live. But when campaigners address rainforests, they are mostly discussed as a totality and almost as if they were a charismatic species in themselves.

"Tropical forests cover at least 8 percent of Earth's land surface or 2.5 percent of its total surface area", says a decently conservative 2020 estimate.<sup>164</sup>

The bulk of the world's rainforest is in a very few huge areas, the Amazon and Congo basins and a band across some of south-East Asia. Amazonian rainforest dwarfs the other two, having over 50 percent of the world's stock, two-thirds of it in one country, Brazil. Contrary to common perception, of the Big Three, Amazonia's is the least damaged by humankind. (The Congo's is the most eroded by man's activities.) Brazil's national governments have intermittently been pretty good protectors of its rainforests. Though that record has slipped badly under President

Bolsonaro.<sup>165</sup> The Big Three rainforest estates are not only vast, they form very large patches of intact, naturally regenerating (in some places 'semi-natural') forest (though the south-east Asian rainforest is separated by seas).<sup>166</sup>

The south American tropical rainforest confounds easy misanthropic prejudices. As the latest scientific evidence reveals, it is in part a 'creation' of man and the silvicultural activities of colonising peoples and their retreat from their cities (which we are discovering buried deep in the Amazon jungle that swallowed them) for reasons that we can only speculate about, starting when (if you don't mind the term) the Anthropocene was young.<sup>167</sup> Say, about 8,000 years ago.<sup>168</sup>

Recent generations of humans have lost or badly damaged 40 percent of our rainforest inheritance. The rate of decline has slowed somewhat over recent years. But is still headed in the wrong direction. Many targets for rainforest conservation have been set, and few met.<sup>169</sup>

We will argue that the losses could, ecologically speaking, be in large measure reversed. Economically, that will be costly and politically it will be difficult. However, crude greed caused a lot of the damage, and with luck sophisticated greed can put it right. Humanity's next big trick in the rainforests (as in other biomes) will be to get money from markets, philanthropy and governments to flow into active conservation which enlarges the supply of natural resources for sustainable use. There are many approaches to this in tropical forests.<sup>170</sup>

Rightly, nature-worship programmes elevate us with images of the abundance of exotic flora and fauna in rainforests. Hard-hitting documentaries bludgeon our consciousness with the idea that brutal and criminal loggers have driven roads into nature's richness and opened up the way for ranchers to industrialise ancient slash-and-burn. Thus, in our frightened and not very accurate perception, were the forests turned into scrappy grass-

lands for cattle to produce hamburger meat. Our furniture and our fast food were wrecking the lungs of the world.

A reality check should have pointed out that neither the rainforest nor Gaia Earth is an organism, and that rainforests don't produce net oxygen, though they do lock up carbon, which is released by fire, decay and finally death.<sup>171</sup> (Aquatic algae are remarkable for doing both.) Human interference in tropical forests risks exacerbating anthropogenic global warming (AGW), and on a considerable scale. Contrariwise their wise use and conservation could be locking up 'new' carbon.<sup>172</sup>

It is not at all clear how these processes work or what they add up to: as much as one may need to invest in the forests of the world as carbon sinks, one also needs to balance the bang-for-buck return on that route to salvation against others.

It might have helped dispel stereotypes if it had been generally known that much rainforest logging (Brazil's, for example) was for domestic not international markets, which limit demand.<sup>173</sup> Also, it would have been useful if the tropical forests had not been stereotyped as uniform: the rainforest biome is very various, and in some places its underlying soils cannot sustain change of use to plantations or even ranching of various sorts.<sup>174</sup> Whether such changes of use can be made worthwhile depends on where and how well they're done. And in any case, as we shall see, much more than is supposed, logging can be sustainable and, where it hasn't been, the damage can often be repaired by actively guiding the return of the forest, or even by standing back and letting it repair itself.

Much of the 'Save the Rainforest' campaign rhetoric has been built on the premise that rainforests should be left entirely alone, and that only scattered tribes of indigenous people could properly be regarded as their guardians as they get suitably sustainable human livelihoods within them. This is a very narrow view of the rainforests and the people living in or near them.<sup>175</sup>

In the real world, it is very problematic to sanctify areas on the scale of the earth's three great rainforest regions. No fence could be long, strong or high enough to enclose any of them.

Only the most powerful and humane state or combination of states could legislate to decently preserve them as National Parks. The scale of the task is demonstrated by the difficulties which have plagued the 'Keep Out', 'parks' policy which has had conservationists such as WWF involved in dubious pseudo-military operations, to the outrage of human rights campaigners, and the embarrassment of their Western government sponsors. (See *The Multilateral Game on the NGOs' '30 by 30' campaign*.) One of the features of that issue is a very old one: what happens when a 'parks' mentality conflicts with the needs, wants and the rights (however they are to be defined) of indigenous peoples?<sup>176</sup>

It is entirely true that the purist and prohibitionist dream of rainforest 'preservation', if it could be humanely delivered, would be a bonus for the planet's biodiversity and atmosphere. And yet, as in the savannahs and oceans cases, rainforests are not good candidates for the management of the sort prohibitionist NGOs admire: that is, the 'hands off' and 'Keep Out' approaches. It took them a while to soften their idealistic hardline. But prohibitionist conservation campaigners, keen to fend off human-rights campaigns such as Survival International, have made some efforts to show they care for locals, especially those who qualify as what the Enlightenment called Noble Savages. Frankly, it often looks like tokenism.

Many of the indigenous 'guardians of the rainforest' themselves aspire to improve their life chances. So do most rubber tappers within Amazonia's rainforests, who were economic migrants in their day, as, presumably, were the Indian tribes before them. The tappers were the people whom Chic Mendes, assassinated by cattle ranchers in 1988, was most concerned with.<sup>177</sup> They would like land rights and roads to make modest prosperity possible, as

would some 'indigenous' leaders.

The rights of people living in or very near rainforest plainly matter. But they are not all purist environmental heroes of campaign stereotype or Multilateral Environmental Agreement (MEA) rhetoric. One can't help feeling that IPLCs (Indigenous Peoples and Local Communities) are tolerated with the prohibitionist conservation mindset provided they are content to constrain themselves to live in the exemplary manner of Adam and Eve (before their sin) or as 1960s idealist hippies attempted to for a while. Then again, the likes of WWF and Wildlife Conservation Society (WCS) have often shown extreme intolerance toward IPLCs, when they evicted them brutally from their traditional environments.<sup>178</sup>

### **ROSEWOODS: VICTIM OR HERO?**

Many small scale-farmers on the fringes of South-east Asia's rainforest readily became illegal temporary rosewood loggers at the behest of rogue Chinese agents. I have seen accounts which say that whilst they were away at their new trade, they paid for their land to be farmed by incomers and women, and for their children to be better educated. The money came out of the small proportion they got of the prices the trees fetched. Almost all the officials they met in the forest were corruptly paid to facilitate the illegal logging. Some illegal loggers are now converts to forest conservation, but it seems important to remember that their previous criminality was against nature and not persons. They weren't even really to be equated with 19<sup>th</sup> Century poachers stealing from a wealthy local landowner.<sup>179</sup>

The illegal loggers were and are often focused on rosewood trees, as we and CITES are.<sup>180</sup> There are thousands of such forest poachers around the world. Recently, they have been especially prevalent in Africa, where lookalike 'rosewoods' are found. The 'phony' rosewoods are very convenient to illegal loggers, granted



that the easiest of the 'pure' rosewood pickings have already been taken (from south-east Asia), and regulation (yes, including some of CITES' work) has made the going rather tougher for their criminal paymasters.<sup>181</sup>

One case has been infamous and very trying: that of Madagascar. It is a poor, populous country which has received a great deal of international attention for the years'-long over-exploitation of its rosewood species. It is impossible to disagree with the proposition that Madagascar's rosewoods largely met CITES criteria for listing, nor with the well-evidenced reports that Madagascar power elites aided and abetted the criminal defiance of CITES regulations.<sup>182 183</sup>

It is, perhaps, understandable that CITES eventually initiated trade sanctions as a sign of its anxiety that the country had not seriously addressed the conservation of these trees. Equally, there was something disquieting about the treatment meted out to Madagascar's CITES delegate at a Conference of the Parties when she argued that the regulations were impossibly onerous for a poor country. Her appeal for others to understand her country's social, economic, and political problems were met by WWF's appeal that Madagascar should not be 'left unpunished' for its disobedience. That really means that they wanted the country's citizens to pay for the sins of its criminals. I witnessed a similar contemptuous attitude from NGOs when they directed their myopic ire at southern African range states.

Rosewoods may be the Chinese equivalents of Europe's 17th Century tulips, or of the modern art market, or the gold and diamonds of nearly any period. In these speculative investments, the prospect of forthcoming scarcity, and its corollary, rising prices, are all to the good. By one well-put argument, CITES' interest in rosewoods—its bans, in effect has been manna to these investors. Middle class consumers see things similarly: any likelihood of the rosewoods' becoming scarcer is part of their appeal.<sup>184</sup>

Trade in many rosewoods has been regulated for many years, at least on paper, with increasing strictness, by CITES and, consequently, by many rainforest range state signatories to the Convention (including China and Vietnam). Manifestly, CITES' efforts have failed, foiled by indifference compounded by corruption on the ground and the nimbleness of criminals in their 'species-hopping', as they seek to avoid the protection of rosewoods 'proper'.

As much as CITES regulation had gradually become stricter (certainly on paper), it was broadened in 2016 to include a wide range of lookalike trees, not formally branded as rosewood, which yield a simulacrum of rosewood timber and other products. They had increasingly been targeted by the booming trade, whose predations had made 'proper' rosewoods harder to harvest. CITES and other regulations had a role, but may have stimulated demand more than they dampened it.

All this produced a good deal of regulatory complexity, even before one takes account of the difficulty in pinning down and tagging the provenance of any particular rosewood or rosewood-ish tree. Determining an exact, traceable identity of some timbers has proved very difficult even for the best of Northern, rich-world, scrupulous consumer-country regulators, out in the timberyards at ports and so on, where it counts. In short, as with shark fins, one of the easiest ways of avoiding CITES-inspired national regulation is simply to fake the required certificates of type and origin (though there are hopes that digitisation may help fight fraud).

Few cash-strapped and often corrupted range-state authorities have enforced the internationally-mandated regulation their governments notionally signed up to implement. A CITES listing, for instance, requires certificates of Non-Detriment Findings (NDFs) to accompany wildlife product. But outlawing detrimental carelessness requires legal loggers to maintain a saintly adher-

ence to costly good practice which it is tempting to bypass and cover-up with lying documentation.

The basics of sustainable rainforest logging are probably not remotely in the illegal loggers' minds. They do not have the stipulations of 'selective logging' in their minds. Have I picked the right season so far as seed regeneration is concerned? Have I left the right mix of generations of my target species? Have I left the right soil conditions for the seed regeneration? Have I left the right canopy conditions for the required light levels for regeneration? Have I extracted the target trees with the minimum damage to surrounding habitat? Have I respected the requirement to leave untouched and natural stream and riversides, so as to preserve the waterways' ability to contribute to water table health? (All that without even considering whether the loggers took with them the right provisions, rather than resorting to poaching endangered animals for their meat.<sup>185</sup>)

To be fair, sophisticated logging techniques are not high on the list of emotive NGO campaigning messages in the West either. Sustainable logging in our precious rainforest? Amongst campaigners and supporters of a purist and prohibitionist frame of mind these are not vote-winners, nor fund-raisers.

However, looked at with the eye of someone who is more pragmatic, there is much in the evidence which supports the idea that the rosewoods could be produced sustainably. They could become the hero of a different way of seeing the entirety of rainforest conservation. (See the last section of this Case Study.)

## **SUSTAINABLE RAINFOREST USE**

Much of the research which supports this idea has been around for as many years as CITES. Indeed, much good thinking and practice about sustainable tropical silviculture (that is, forestry which takes account both of wood production and long term habitat health) was developed in the widely-abhorred colonial

times. But let's stick with the modern era.

Most readers of this document will be in the northern hemisphere. Much and probably most of the 'wild' they—we—admire is at best semi-natural landscape. Our gardens and National Parks, and our better farms and forests, were and are heavily influenced by humankind, and yet they are alive with the pulse of an older 'Nature', which we cherish. The point here is to recognise that these habitats (the 'semi-natural ancient woodlands', for instance) are not to be sniffed at. The question to ask of rainforest conservation is: To what degree, and above all where and how, can secondary, or 'disturbed' or 'degraded', rainforest produce the variety of outputs we hope for it?

For at least 30 years foresters, researchers and regulators have known a lot about where the solutions lie, and some of the techniques and rules they recommend are now almost commonplace in, for instance, Malaysia's best practice.<sup>186</sup>

In a better, imaginary, future we can concede quite a lot to the purists. Doubtless there will be a very important role to be played by some percentage of existing pristine rainforest being left entirely untouched. Let's leave aside what that number should be—60 percent, 20 percent? of the existing stock of untouched rainforest.<sup>187</sup> These virgin forests may be necessary for the avoidance of extinctions, or the survival of indigenous people, or to fulfill biodiversity ambitions, or to provide essential rainforest eco-services.

But what about repairing the damaged rainforests? Or replacing the disappeared rainforests? Rather messy solutions may add up to a good net result. In everything that follows, regulation has a powerful role, but it can be regulation which facilitates market forces and philanthropic entrepreneurship to produce carrots to partially replace regulatory sticks.<sup>188</sup>

For years, we have known how to conduct logging so as to get a harvest without the damage we often currently and widely inflict.

In a better world, more rainforest range states would have encouraged or forced loggers to help regeneration take place. Malaysia has done so, in some places, and with some success using a Selective Management System, which requires loggers to factor in and manage forest regeneration. It has also pioneered enrichment planting techniques with both indigenous and exotic species.

But it is far more convenient and cheap to log carelessly and illegally, and never mind the long-term damage.

It is also easier to campaign against logging than to campaign more quietly and intelligently for better national enforcement of necessary regulation of forestry following known principles.

Some rainforest areas have been wiped out by being turned into plantations of soya (especially in the Amazon) and oil palm (especially in south-east Asia). It may well be that moves to make this sort of agricultural plantation better at soil preservation, carbon capture, and biodiversity richness, already gaining traction, will be amongst the most practical reparations for that damage our generation can make.<sup>189</sup>

It is fascinating that many damaged rainforests can be turned into managed rainforest of considerable vitality and utility. Some are being replanted, others regenerated, and either approach can yield surprising outputs of, variously, timber and all the other benefits we need or want.

To repeat myself: it will be a great day when the famous campaigning NGOs put their persuasive abilities into proclaiming that there are marvelously positive techniques which we ought to celebrate and support.

Many damaged rainforests need initially to be well-managed (by silviculture using regeneration or re-planting) and then to be left alone for upwards of 20, 40 or more years—perhaps 100 years or so years—to become anywhere near as species-rich as the virgin forest they once were. At some point in this process, many of them could support selective logging. With the right regulation, a

contractual deal about the logging might have paid for the whole recovery operation.

These secondary rainforests would perhaps never fully recover the carbon that they once trapped ('sequestered') but their re-growth would go some way to restoring it, and many other sustainability goals. Their biodiversity might always be a little lacking, to a very expert eye or powerful microscope. But we can be thrilled at the prospect of being able to put our hand to facilitating carbon recovery, species richness, biome strength, national income and local livelihoods.

All this is how we handle many of the northern hemisphere's woodlands in which people find recreation and a working simulacrum of primordial naturalness.

We see something of all these processes in existing 'carbon offset' schemes. These remind us that wise use practices in the rainforest can't merely be conscience-savers for heavy carbon users (in their private jets, in an extreme). The affluent well-travelled make an overall net contribution to humanity's collective carbon footprint and it may well remain heavy. But every little amelioration helps, and every small step may prove to be a model for great strides.

### **ROSEWOODS: ROLE MODEL FOR WISE USE IN RAINFORESTS**

Rosewoods are currently a poster-boy for the purist and prohibitionist approach to conservation. They could easily become the hero of sustainable use.

It happens that many rosewoods are very readily regenerated and replanted, or planted afresh, within existing forest territory or elsewhere. One can indeed deploy the idea of managing these trees within their original rainforest setting, to the benefit of both. But rosewoods need not be deployed solely as though they were so fussy. It may well be that it is

within highly-managed contexts, including plantations, that we find the only feasible way of matching human demand with sustainable supply.<sup>190</sup>

These trees are ideal for sustainable use, whether within tolerably natural secondary rainforest, or in plantations which could in varying degrees be designed to become simulacra of natural, almost-virgin, rainforest. But wholesale prohibitions and short sightedness on the part of suppliers and buyers currently prevents the potential of this viable solution from being realised.

All capitalist markets require regulation. Blowhard free-marketeers are nearly as wrong as regulation-mad socialists about these matters. Never mind. Consumers could be equally pleased with their purchase of rosewood goods, whether from regeneration, replanting or plantations. In any of these cases the trees would be valued, whether grown in well-managed semi-natural rainforest, or in large areas where they are produced for their scent and timber, but also for biodiversity, carbon capture, clean water, and recreational possibilities.

There is a big problem here. The supply of sustainable rosewood will take several decades to catch up with and replace the scale of present illegal logging. In the case of this species and of other trees, it would be a work of contractual genius to construct the mechanism for the right decades-long regulated market which might underwrite forest restoration and forest creation work.

Historically, long-term silviculture has been the preserve of aristocratic multi-generation asset-planning, and of governments seeking to future-proof their supply of wooden ships and, later, props for underground mines and warfare trenches, and for railway sleepers. We have to replace that sort of thinking with something which matches the strategic needs and wants of our times. Namely properly managed sustainable use that meets the needs of consumers and conservation.

## CONCLUSION

As a matter of conservation, almost however defined, it is now urgent that we act on rosewood production as a part of rainforest well-being. If the Western conservation movement could balance the need for pragmatic use against their taste for purist protection, they could swing their supporters toward the right approaches.

South-east Asian consumers of, and investors in rosewoods should not be characterised as pariahs who should change their tastes. Common sense suggests that the voluntary and capitalist sectors have mutual interest in creating a large flow of legitimate rosewoods, and at pace. For sure, consumers and businessmen would welcome an affordable and plentiful supply. It's true, though, that consumers may be rather keener on rosewoods becoming cheap than are speculative investors, but the knowledge that rosewoods would one day become rather commonplace might take some of the heat out the latter market.

Luckily, there are signs that many intelligent, rich, philanthropic investors, are looking into all these matters. It is, after all, a beautiful case in which people could see that rainforest conservation depends on some being seen as 'protected forest', but others—perhaps the majority being seen as various sorts of 'production forests'.



## Case Study 6: Vicuña and the crocodilians

### INTRODUCTION

This case study demonstrates how good governance and international trade produce positive conservation outcomes. First, we recount how the link between the wildlife trade and the fashion industry was addressed at CoP1. Then we look at how human influence on vicuña was made to work for the species and its human neighbours. We look at how vicuña benefited from international trade and assess to what extent CITES helped the process along. We also explain how large-scale captive production of crocodiles and alligators for lethal consumption and profit saved crocodilians. Finally, we highlight an incident that demonstrates how animal rights activists risk doing more harm than good by campaigning to stop the fashion industry profiting from wildlife.

### CITES AND THE FASHION TRADE

In 1976, at the first Conference of the Parties to CITES, the then brand-new regulator of international trade in endangered animals, its principal UN sponsor, Mostafa Tolba, the executive director of the United Nations Environment Programme (UNEP) made the key opening speech (though not in person).<sup>191</sup>

At one point he listed four special problems facing the wildlife trade. They were: the international trade in pets; primates used for pharmaceutical research; the use of “spotted wild cats like leopard, snow leopard, cheetah and ocelot and from aquatic mammals such as seals and otters, and of skins from various species of crocodiles, lizards and snakes” for the fashion trade; and trade in rhino horn and elephant ivory (for ‘medicine’ and decoration, respectively).

Tolba went on to say that the ‘fads and fancies’ of the fashion trade were a very bad reason for destroying a species, not least considering that UNEP saw itself as working to deliver ‘basic human needs’ in harmony with nature. These were all, including

the implied anti-capitalism, becoming hot-button issues.

It turned out that the fur wing of fashion trade and its expensive frippery was very biddable when it came to leaving the spotted cats out of its stores. It went on, indeed, to be a quite a large feature in saving various species of exotic reptiles, which might otherwise have faced extinction through habitat loss and unregulated hunting.

The most intriguing of all these luxury-orientated stories concerns a species which Tolba did not mention. It was being hunted to extinction. It was mild-mannered, very hardy and much preferred to avoid humans and even other camelids. The Andean vicuña and the predatorial crocodile were odd bedfellows, but the fashion industry saved them both anyway.

We will discuss the part CITES played in the high-end fashionistas' unexpected successful conservation of wildlife, but if it was a mixed bag, at least it wasn't negligible.

It is interesting to note, I think, that vicuña and crocodilians are united in being examples of a phenomenon very common in mineral or fossil fuel extraction: poor countries export a natural resource the profit in which resides in rich countries with the technology to transform them into desirable products and to market them. But these natural wildlife resources leave their country of origin without even paying an above board royalty system which might have gone some way to allaying doubts that shady dealings are at work.

## VICUÑA

Vicuña are the taxonomic 'cousins' of other Andean long-necked, doe-eyed camelids such as alpaca, lamas and guanacos. The species is native in Argentina, Chile, Peru, and Bolivia and is an introduced animal in Ecuador.<sup>192</sup>

Vicuña and guanacos, which are both wild animals, are resistant to domestication, and prefer higher altitudes than the domes-

ticated alpaca and llamas.<sup>193</sup>

Left to themselves, both vicuña and guanacos would stay clear of their lower-altitude ‘relatives’. Likewise, they would, left to themselves, have very little to do with humans.

Of course, it’s a crowded world, and neither guanaco nor vicuña are left without human influence in their lives. (Much less famous worldwide than the vicuña, the guanaco seems to be under greater human pressure.<sup>194</sup>)

Trade has always had a role in the vicuña’s life. Its wool was always valued for its lightness, warmth, fineness, and scarcity. Between the mid-19<sup>th</sup> century and the mid 20<sup>th</sup> century, vicuña were hunted from a population of several hundred thousand down to something approaching extinction, if not across the whole of their multi-national range, at least in the sense of some populations approaching extirpation (a sort of local extinction). By 1970, there were only scattered remnants of these populations, mostly in Peru and Bolivia.

Since then, and rather typically for this extraordinary animal, humans have become very powerful influences in its high-altitude, rain-starved life.

## **HUMANS AND VICUÑA: SOME HISTORY**

Long before Europeans arrived, the animal had religious and social significance for the Inca. They developed, or borrowed from peasants, the ‘chaku’ a ‘non-consumptive, low impact’ utilisation by which wild herds were (and still are) briefly channelled toward shearers and their fleeces harvested, literally on the hoof. A few animals were culled for meat. It may be that sumptuary and other rules kept all these practices under strict aristocratic control.

That use, probably sustainable, changed during the Spanish colonial period, with this prized wool being harvested much more freely, and more often by killing the animal. In the 18<sup>th</sup> century the trade with Europe was said to consume 20,000 skins annually,

and in 1777 the Spanish Crown forbade the Indians from killing vicuña, never mind who ordered them locally to do so.<sup>195 196</sup> Thus was 'lethal consumptive wildlife use' (lethal CWU) branded as poaching by aristocratic rulers, pretty much as was the habit of hunting regimes worldwide.

In the early 1970s the largest number of vicuña, about 10,000, were in Peru, and half of those were in a pioneer National Park, Pampa Galeras in the south of the country. It had armed guards, and led to the exclusion of local livestock herders so there was controversy about their being discriminated against. This sanctuary had been established in 1967 by a Peruvian conservation movement which could tap into a nascent patriotic attachment to the vicuña and a great deal of international NGO support.<sup>197</sup>

An 1825 order enshrining the animal as the nation's symbolic fauna was approved by Simón Bolívar, Peru's liberator and dictator. It appeared on the national flag.<sup>198</sup> As much as the vicuña must once have symbolised colonial power, it now became emblematic of a free nation's people.<sup>199</sup>

It was consistent with a cultural memory of Bolívar's ambitions for Hispanic American concord that other nations followed suit with their own National Parks. In 1979, many signed the Pan-Andean Agreement for the Conservation and Management of the vicuña.

The world gained rather a skewed awareness of Peruvian efforts to save the vicuña. Western media played along with the self-promotion efforts of Felipe Benavides, a diplomat and anglophile, who was vice-president of the Fauna Preservation Society (as the veteran FFPS then was) and a trustee (and substantial funder) of WWF-Peru.

He was a splendid international publicist for the cause, but his personal—and shifting—ideals had less influence on helping the animals than westerners supposed. (See reference to Sr Benavides,

below.)

When I visited him at his astonishing house, a mansion, really, in the mid-1980s, Felipe was fiercely against international trade in vicuña. He was a big man, and quite intimidating in his anger. He took me to see vicuña and showed me something of the life of the livestock herders, with their various camelid charges, inside and outside of the National Park.

In 1975, all the Andean vicuña populations had been listed by CITES on Appendix I, which had made international trade all but impossible. And then, because of conservation progress, in 1987, Peru obtained CITES permission to internationally market live-shorn vicuña wool.

I was sure it was important to get the influential Benavides to change his mind about trade. I wanted him to look favourably on an Appendix II listing, so that more international money could flow into conservation and the communities living near the vicuña. I made several visits to him and eventually he became a committed supporter of international trade in vicuña. It was also great to have such a live wire support my work for 'consumptive wildlife utilisation' (CWU), which was not a feature in vicuña conservation, but vital elsewhere.

## THE VICUÑA RECOVERY

In 1995, the entire Peruvian population, and those of Argentina, Bolivia, Chile and Ecuador, were 'downlisted' to Appendix II, a sign of great progress in the species' conservation.<sup>200</sup> Twenty-five years on, in 2021 there were (estimates vary) between 300,000 and 500,000 or more Andean vicuña and one can buy anywhere in the world—if one is rich enough—a vicuña sweater, certified as 'live-sheared' in the Andes.

It's a remarkable harvest, at once very small and important. In 2016, a good year, 7,000 kg of vicuña 'hair and fibre' (de-hairing the fibre doubles its value) went into export. One Italian firm

and a handful of much smaller players then turned the fibre into garments selling for astronomical prices. Much more cheaply, and often very dubiously, one can buy vicuña garments in unmonitored trade much nearer the animals. Either way, the countries which produce the raw material get 2-6 percent of the take on the final garment price, and the locals who live closest to the animals for better or worse, and who harvest them, get much less than that.<sup>201</sup>

That doesn't capture another absurdity. Peru is by far the biggest exporter of vicuña raw fibre. This trade earned the country \$3-4 million in 2016. Its own exports of garments manufactured in-country from such raw materials were worth around \$300,000. That 10:1 disparity is perhaps the greatest absurdity in this richly, almost comically, mixed up business.

It also reminds one that whilst the European manufactures are proud of the fabulous price their products command, they are much more shy about producing a figure for the total worth of their trade. Such a number would really drive home the value lost to countries which can't or won't develop their own capitalist exploitation of this resource.<sup>202</sup>

There are two quite distinct ways of assessing the success of international trade in the produce of a threatened species. Firstly, perhaps, one asks whether the animal in question is doing well, across its whole range or at least across significant parts of its range. (That test is implicit in the CITES convention text. See CITES Formal) Secondly, one asks whether the relations between humans and the species have been enhanced. Part of this second question is whether people local to the species are motivated by trade, or anything else, to help the species thrive.

In 2021, the evidence from any of the vicuña's range states as to population numbers isn't substantial. But numbers almost everywhere (apart from Chile) seem to have grown steadily and significantly. The conservation status—its well-being beyond mere

numbers nonetheless varies markedly according to the country concerned, and, at a finer grain, to the circumstances of individual populations (of vicuña and their human neighbours).

In many Andean places, poaching remains a problem, though many believe it nowadays has a much smaller potential to impact the status of the species. In others, wild vicuña are being hybridised by deliberate cross-breeding with other camelids, especially alpacas and guanacos, the better to produce lookalike products, for sale at home or abroad.<sup>203</sup>

In the Andes it is difficult to defuse the tensions between human and vicuña populations. Official flows of income from vicuña wool haven't proved a sufficient compensatory peace offering for living close to the animals. And all the while, the high price and scarcity of the wool tempt people into criminality.<sup>204</sup>

The argument is not really one of ecology or even of economics. Governance is the vital part of the triumvirate of forces at work.

The general mantra of the free-market fans of community-based conservation (CBC, or CBNRM) is: 'what communities own, they look after'. That's the strong version. A weaker but valuable version is: 'What communities benefit from, they look after.' There is a weaker version still (espoused by sociologists and cultural historians), and it is very important too: 'What communities identify with, they look after.' The second and third of these are what seem to have worked in Zimbabwe, Botswana and Namibia. A mix of cash and culture has achieved conservation success there. How well and thoroughly either of these latter pair of ideals will be put into practice in the Andes remains uncertain. It's a battle only half-won in many places.

### **CHASE THE POWER AS WELL AS THE MONEY**

Success will depend on the will of outsiders more than that of locals.<sup>205</sup> The idea that a 'local rural community' is a single-minded entity is absurd. Livestock herders may be poachers, and if they

aren't they may well know and socialise with them. But local rural livestock farmers are more likely to cohere about looking after, say, the vicuña on or near their patch if they believe that local officialdom, political forces, and law enforcement are on guard, benign, expert, consistent, incorruptible, and well-aligned with official and political forces upstream of them.

That is a great deal of trust to demand, and plenty of rich democracies of long-standing countries find it hard to engender.

It's a huge call but necessary for the simple reason that Andean communities have at best tenuous claims to property rights in the local vicuña, nor can they really legislate for the wild species or the ground their own stock graze, let alone where the vicuña graze. The Tragedy of the Commons is all around them, and in its most brutal form; namely they neither own nor control the 'commons'. And even if they did, they can't engineer or fund the level of sophistication and co-ordination required for good management and commercial exploitation.

It is intriguing that as early as 1970 (according to a *New York Times* appreciation of his work) Felipe Benavides thought that sound conservation might lead to a revival of a local industry based on the vicuña. "We need industry badly in the mountains," Mr. Benavides said. "We can get it from herding vicuna and alpaca and manufacturing the cloth. It could be for us like cashmere is to Scotland." This wasn't so much 'community-based conservation' as 'conservation-based community industry'. That's a rather easier goal, still very worthwhile, and still a way off in the case of the vicuña.<sup>206</sup>

As we have seen, a sharp example of the issue of lack of control by locals is the ongoing failure of local capitalism to grab a higher proportion of the value of vicuña wool. The certification by an overseas fashion house that their product was 'live-sheared' does not certify what percentage of the huge price tag stayed within the nation, let alone the region, of the animal whose wool was



harvested. Indeed, and perhaps for very good reason, at least two overseas vicuña wool garment makers have gone in for 'vertical integration': they bought large tracts of vicuña habitat, the better to control the animals' harvesting and to capture a better share of its value.

These are small examples of the many ways in which locals are in the hands of outsiders when it comes to the legal management, exploitation and monetisation of the wild species on their doorstep.

There is evidence that local rural people are sceptical that national government knows or cares very much about the detail, the fine grain, of matters which it is easy to pontificate about in general in a Parliament, but rather hard to manage on the ground. In forestry and wild animal use and management, locals will often listen more attentively to a university-educated Forestry or Wildlife Service 'official' than to someone in a suit they hear on the TV, or who steps out of a limousine on a flying visit. The Forestry or Wildlife Service person, who can walk the walk with the locals, may gain in credibility what he or she may lack in power.<sup>207</sup>

## **INTERNATIONAL POLITICS IS LOCAL POLITICS**

From the very start, it took European funding and the interest of European conservation groups to get a largely 'Parks' based, 'hands-off', prohibitionist approach to work for the conservation of the vicuña in Peru and elsewhere. But there were solid groundswells of national pride in the creature's survival, as we have seen.

Hartmut Jungius, then a young European conservationist and a pioneer expert, noted in the 1970s that vicuña were being cross bred with other camelids, with a view to combining their wonderful wool with a more conventional livestock and herding approach. He noted that hybridisation for any purpose depended on very good management to keep 'pure' and 'impure' herds well

apart. "I feel strongly that the future of vicuña utilisation is not in this field. Its best chance lies in the production of wool, skins and meat under sound game management, with later the attraction of tourism."<sup>208</sup>

So it was fine-grain local management that mattered. And money. And governance.

From the start, there was a stout belief amongst Andean players and European conservationists that one day the conservation programme might achieve such success that the extraordinary economic value of the slow-growing wool of the creature could enter the international market to everybody's benefit. A similar faith bound together some Kenyan 'parks-minded' elephant conservation experts with their more 'sustainable use' colleagues from Zimbabwe, at least for a while in the mid-1980s. (See Case Studies Some CITES & elephant history.)

This is a widespread conservation dilemma. There is quite a big gap between, on the one hand, a community gaining marginally from international trade and, on the other, the entire conservation process being locally driven whilst funded from trade profits which have filtered down to local control.

In most instances, locals have never grabbed much clout in the conservation effort or the trading processes.

These are usually dominated by elites at home and abroad. Those elites are, of course, often well aware that they themselves are victims of their own fallibility in these often extremely difficult issues. Their conservation failures have been numerous, but seldom admitted. (See 'Wicked Problems' in the Rainforests, and the rosewoods Case Study and in *The Multilateral Game*).

## HOW MUCH DID CITES HELP THE VICUÑA?

I am inclined to think that the present Secretary-General of CITES, Ivonne Higuero, has been a little immodest in suggesting the CITES approach had proved itself in the vicuña case. Such

stories, she told the Convention's CoP18 in 2019 demonstrate the power of CITES. In 2020, she told the UN Chronicle that CITES' vicuña work was a great example of sustainable wildlife use and of delivery of local livelihoods, just as was required in the age of the UN's Sustainable Development Goals (SDGs). She said: "Vicuñas were exploited to near extinction until they were listed in Appendix I of the CITES Convention in 1975, through which the international trade in vicuñas was prohibited."<sup>209</sup>

Her view is a part of what I believe is a rather common failing in the modern multilateral environment agreements (MEAs), such as the CBD and the SDGs. It is a small but worldwide empire, centred on the UN and built on rhetoric, vain promises, and self-congratulation. (We look elsewhere at the MEAs' incoherent aversion to consumptive wildlife utilisation, with CITES alone standing up for CWU. See *The Multilateral Game* for a systematic look at the phenomenon.)

Of course, unlike the case of the crocodilians, vicuña exploitation is relatively uncontroversial: it is non-consumptive, non-lethal, wildlife use and it does indeed produce profits. Harvesting vicuña wool appears to produce relatively little, and short-term, stress.<sup>210</sup> But the animals are often still poached, and face other threats, whilst many local Andean communities do not feel they seriously participate in or benefit from their association with the gorgeous species.

The Convention is always only as good as the nation states which implement its rulings. Andean states wanted to conserve the vicuña, and they legislated separately and together to do so. They got help, in money and advice, from European conservation bodies from the start and throughout. At first, CITES helped get the wider international community (there's an oxymoron) to realise that it should ban imports of this wild product, and for just so long as was necessary for the vicuña populations to recover.

However, the nation states did not, perhaps could not, make

the governance come right. There is also something in the common observation that the prohibition incentivised poachers and their illegal trade.

Later, CITES probably helped the international community realise that the product was now legitimate and even useful (even if its end-use hardly satisfied a 'basic human need'). It had of course to have credible provenance as being 'live-sheared'.

Whether it prohibits or regulates, CITES can't help but encourage illegal parallel poaching and trading. That's why it must be bold in insisting that it has no bullets, let alone silver bullets. Everything depends on people throughout the chains of ecology, economics and governance.

None of this is to deny that community-based conservation (CBC) might be an increasingly common outcome of rising vicuña numbers, and that CITES possibly played the positive role in the outcome which it longs to be able to claim.

Hartmut Jungius was largely right about the commercialisation of the species. It has been a success, if patchily. But achieving these successes required, and building on them requires, a primarily national, regional and local involvement. They often require, at the very least, veterinary expertise and clout which is common in the developed world, and has its work cut out to impose the right disciplines even on its home turf.

Again and again, we see CITES being fairly useful in getting nations at both ends of an international trade to undertake, at least formally, to conduct their part of the exchange with a higher regard to the conservation of wildlife and with a regard for the wellbeing of humans, and perhaps especially those living close to the wildlife. These successes tend to arise when the nation states can see something to gain and not much to lose in going along with the virtuous and pragmatic paths CITES enjoins them to follow.

The example of vicuña doesn't change the general *Wildlife*

*Betrayed* thesis that CITES hasn't much shifted the dial on the behaviour of nation states. This is a case in which nearly everyone agreed that sustainable use of the species and the entry of the product into international markets was possible and advantageous. For all kinds of reasons, good conservation work was undertaken. And for all kinds of reasons—mostly nation state weakness of many sorts—the overall condition of the vicuña and those who live nearest to it leaves a good deal to be desired.

CITES, and come to that, its sister MEAs, have a long way to go before they can declare success for their dream of an 'international rule-based order' which extends from the richest to the least enfranchised of the world. It is still proving tough to devise the good governance which might help integrate wildlife use with good ecology and good economics.

### **CROCODILIANS, SAVED BY FASHION AND FARMING?**

Crocodiles and alligators are not obviously lovable. Their gaze can seem more menacing than doe-like. Worldwide, they cause very much more injury and death than sharks, let alone than the tough but mild vicuña. In Africa, they are greater killers than elephants or any other animal.<sup>211</sup>

The crocodilians make an interesting contrast in other ways. The economics, ecology and governance of their use and management have all been quite different to that of vicuña.

For a start, they and their fellow reptiles are big players in the world wildlife trade. They do not have quite the scarcity cachet which attaches to vicuña (or to the redwood trees to be met in the Case Studies, Rainforest, and the rosewoods). But they are expensive enough to be way beyond the reach of those who have Dr Tolba's 'basic needs' as their main concern.

Some of the people living closest to crocodiles and alligators have historically revered them (as in Papua New Guinea); others (the ancient Egyptians, for instance) are said to have greatly feared

them. Nearly everywhere people have commonly hunted them for meat. It is possible that the idea that crocodilia were vermin may only have arrived with European colonialists. In most of the tropics, the new rulers' 19<sup>th</sup> Century ideas of land management, exclusive hunting laws, and settled agriculture, brought a plethora of regulations. As Bolanle Erinoshio notes: "The first international legal instrument for the management of the African environment was signed by the colonial powers on 19 May 1900 in London: the Convention for the Preservation of Wild Animals, Birds, and Fish in Africa." Erinoshio also says that crocodile eggs, poisonous snakes, lions, leopards, owls and vultures were all candidates for eradication. As indeed, they all still are, when seen as a nuisance.

As the 20<sup>th</sup> Century progressed, what had been colonial rules became the preserve of multilateral environmental agreements (MEAs), with very varying degrees of buy-in from newly-independent states, let alone from their peoples.<sup>212</sup>

In some places recent generations of people have un-learned their ancestors' wary accommodation with crocodilians, not least after several decades in which the species' numbers in the wild were low because of predation for the skin trade. Larger populations of humans now live close to crocodilians, whose numbers have increased because of conservation measures. They are less likely than ever to be allowed to hunt the animals for subsistence, and indeed may not see themselves as hunters at all. The chances of human/wildlife conflict have increased, against a background of lessened human toleration of the risks to life and limb.

Half a century ago, many range states introduced regulation of hunting as part of conservation efforts. That was logical enough. But there was an unintended consequence. Some intelligent conservation efforts led to further pressure on crocodilian populations. Indeed, it seems that once one regulates one part of the chain of a human involvement with nature, one may need to be very thorough and efficient in regulating other links.

An IUCN Crocodile Specialist Group (CSG) meeting reporting in 2011 found that in Viet Nam and Cambodia wild populations of Siamese crocodiles had been driven into greater and greater scarcity by the pressure to stock the very farms which were celebrated as a conservation measure. The paper notes that there were plenty of challenges in restocking the wild with Siamese crocodiles; that crocodile farmers didn't seem interested in helping from their captive-bred stocks; and poor people raised objections to the whole idea.<sup>213</sup>

The same sort of concern was evident when a considered 1983 report noted that in Papua New Guinea, farmers were required to be ready to reintroduce some of their captive young into the wild to avoid depletion there. Farms had become the occasionally useful reservoir of young stock for the wild, rather than the wild the fragile reservoir of young stock for farmers. The study showed that many countries had crocodilian farms, and there were several varieties of wild/farm interdependency.<sup>214</sup>

Crocodilians have been farmed at least since the 19<sup>th</sup> Century (in Florida, USA, for instance), and in much greater numbers since at least the 1960s in the USA, Papua New Guinea and Zimbabwe.<sup>215</sup>

This is lethal consumptive wildlife utilisation (lethal CWU). It has proved relatively uncontroversial, perhaps because the species concerned are not cuddly, and seem lazy when in the wild, except when threatening.

The crocodilians have become the product of sustainable industries, and thus are, so to speak, and at least in death, good taxpayers and employers.

In the USA, but in plenty of other countries too, crocodilian farmers can even use animals which have become unattractive to the skin trade. Until Covid's interruption, they paid their way in part as tourist attractions. As in the case of sharks, it seems that humans everywhere in the world increasingly enjoy proximity to the savagery of predators, just as they live in an increasingly tame

world and love horror films.

In poorer countries, it is moot whether the animals would have been hunted out of existence as a nuisance had they not been farmed, and it is equally unprovable whether farming has much reduced ‘human/wildlife conflict’ (HWC). Crocodilians may have paid their way on farms, but beyond the fence, they are still not always convenient neighbours.

### **DID CITES HELP THE CROCODILIANS?**

The IUCN CSG 2011 report mentioned above concentrated on the Siamese crocodile, because, as it said: “This species meets the IUCN Red List criteria for ‘critically endangered’ and is on Appendix I of CITES. It is one of the relatively few crocodilian species whose status in the wild has declined rather than improved over the last forty years.”<sup>216</sup>

One can take that as authoritative, so far as it goes. We also know that every crocodilian species has been put in one or other of the CITES Appendices, (some have moved between them), starting with a pioneer listing in 1975 and with additions right through until 2021.<sup>217</sup>

It is certainly true that various range states acted vigorously to encourage farmers to supply the highly profitable (if fluctuating) worldwide market for crocodilian skins. They did so partly for fear of crocodilian scarcity in the wild, but it is impossible to know (and it may not much matter) to what degree the farming and ranching efforts were driven by an economic or a conservation ethic.

The economic value of crocodilian farming is rather little discussed. The captive production works so well because it can be done on quite a large scale (arguably, so could rhino farming). The big farms provide employment and other ‘trickle down’ effects. Some depend on smaller enterprises for some of their stock of breeding material. But the degree to which this picture looks like the



UN's beloved Community-based Natural Resource Management (CBNRM) or benefits its favoured Indigenous Peoples and Local Communities (IPLC) is quite another question. The 'rural livelihoods' agenda is probably no easier to deliver around crocodilians in hot countries than it is anywhere else in the world.

We know the impetus to farm the animals long precedes CITES' existence and we know that various states realised, as did CITES, that proving the provenance of crocodilian skins by tagging protocols might help regulate the international trade in them. Beyond that, it seems fair to say that the effect of CITES interventions in these processes is hard to assess.

The UN's Office on Drugs and Crime (UNODC) in 2016 produced a fascinating account of the fashion industry and its use of wildlife species, and especially reptiles, including the crocodilia. Its own data gave a rather skewed view of a complicated picture. (UNODC really only has a direct handle on seizures of illicit produce.) It did not get into the role of regulation in stifling or encouraging illegal activity. It did say: "The use of crocodile skins in the West appears to have peaked in the late 1950s to early 1960s, but demand persists today, and farming is widespread, with at least fourteen countries having registered captive breeding operations for Appendix I crocodile, alligator and caiman species."<sup>218</sup>

UNODC also said that other reptiles were more likely to be gathered from the wild informally (a sort of code for 'perhaps illegally') for the international and other trade. This kind of distinction prompts the thought that crocodilian materials are (compared with those of many snakes, for instance) in principle amenable to regulation. Perhaps that explains why the crocodiles and alligators account for only one per cent each of the recent annual seizures of illicit reptile skins. (Pythons are 50 percent.)

The IUCN's Crocodile Specialist Group produces an upbeat account of the trade in crocodile skins (which in their terms includes other crocodilians). It sees CITES as having worked well

to help provide the international tagging system which can prove the provenance of crocodile products from farms, and prove the sustainability of the farming chain of production.<sup>219</sup>

It is, contrariwise, quite possible that the decency of producers, dealers and regulators at both ends of the trade chain matters more than CITES involvement. (Much the same argument might be made in the case of the international fur trade and spotted cats.)

The crocodilians make almost too handy a case for the merit of CITES. The Convention lays out a gold standard for regulating international trade where it risks the well-being of a species. Crocodilians met that condition. However, they represent a relatively easy case. These commercially valuable creatures seem to thrive in captivity, and their production was thus readily civilised. It was easy to satisfy a lucrative legal trade, and it was a rare case in which criminals could be starved of easy pickings.

The huge dilemma for CITES is that in the cases of most endangered species, in most places in the world, gold standard regulation can't be applied. Worse, as we see in other Case Studies, the gold standard actually becomes the enemy of sustainability: it represents a golden opportunity for crooks.

## **PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS (PETA)/IUCN DUST-UP**

A very remarkable exchange took place in 2019 between some IUCN reptile specialists and a representative of PETA, the occasionally witty, usually canny and often infuriating exponent of something very close to the 'speciesism' variety of animal rights. A blog on the IUCN's website sparked the row. Ten experts on the IUCN's Species Survival Commission Crocodile Specialist Group (IUCN SSC CSG) insisted that a recent Selfridge's (of London) decision to ban exotic leathers on ethical grounds was itself unethical.

The CSG people wrote: "Sustainable use of natural resources lies at the core of conservation—most wildlife is outside strict

protected areas, and for it to survive people need to be both motivated and empowered to conserve it.”<sup>220</sup>

They added: “Yet it seems retail corporations are often misinformed. Animal rights organisations who pressure retailers to ban exotic leathers contribute little to wildlife conservation. These organisations frequently neglect to acknowledge the impact of their actions on those living with the species they aim to protect. They seem to prefer species go extinct rather than be utilised.”

PETA replied with its best shot at rubbishing this view. Their misinformation included claiming that harvesting skins was a major cause of pollution and that every year ‘millions of reptiles are killed barbarically’ on behalf of the fashion industry.

The lead author of the IUCN blog replied, in effect, that, as explained in private email exchanges between them earlier: the specialists cared about animals and people; had wide experience of both, on the ground where it mattered; had provided good evidence for everything they said; and would happily show PETA people round the sort of places which made their point.

A world populated by animal rights or animal welfare vegans might be able to organise conservation rather well along thorough-going ‘hands-off’ lines. But that would involve an extraordinary retreat by humans from simply vast areas of the globe. Humans would have to seek their living somewhere other than wild or even semi-wild places.

Even if one allowed that such a self-denying ordinance would be a good turn of events, isn’t it also important to recognise that right now ethical and practical matters need to be discussed with a decent reference to logic and the facts as best we know them?

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- Interactive versions of the above at URL: <http://www.fao.org/state-of-fisheries-aquaculture> Accessed: 19/04/2021
- <sup>51</sup> Robertson, et al., Over 90 endangered fish and invertebrates are caught in industrial fisheries *Nature Communications*, *Nature Communications volume* 11, Article number: 4764 (2020) 21 September 2020  
<https://www.nature.com/articles/s41467-020-18505-6> Accessed 11/06/2021
  - <sup>52</sup> Paul Watson, V Stands for Verity, Virtue, Valor, Validity and Veganism <https://seashepherd.org/2014/05/06/v/> Accessed 11/06/2021
  - <sup>53</sup> How much of a 'continental shelf' and its waters are the 'enclosed' territory of national states, and how much the Common Heritage of Mankind (CHM, or CHH)?

And even more problematic: who is to legislate for the CHM/CHH? This paper lays out some history and dilemmas. Lodge, MW, Enclosure of the Oceans versus the Common Heritage of Mankind: The inherent tension between the continental shelf beyond 200 nautical miles and the Area [Beyond National Jurisdiction], International Law Studies Series, Volume 97, 803 (2021), Stockton Center for International Law, US Naval War College <https://digital-commons.usnwc.edu/ils/vol97/iss1/34/> Accessed 11/06/2021

- <sup>54</sup> Marashi, SH, Recent Developments Concerning the Conservation of High Seas Fisheries, FAO Fisheries Circular. No. 908, Rome, FAO. 1996 <http://www.fao.org/3/w1310e/w1310E01.htm> Accessed 13/06/2021
- <sup>55</sup> 'FAO, Code of Conduct for Responsible Fisheries.' (mid-1990s) <http://www.fao.org/3/v9878e/v9878e00.htm> Accessed 22/04/2021
- <sup>56</sup> FAO Division, Regional Fishery Bodies (RFB) Notes in a 'related document' that 43 Secretaries from the various RFBs (RFMOs, GRFMOs, etc) attended the 2018 meeting of the Regional Fisheries Network. Accessed: 21/04/2021
- <sup>57</sup> Ásmundsson, Stefán, Regional Fisheries Management Organisations (RFMOs): Who are they, what is their geographic coverage on the high seas and which ones should be considered as General RFMOs, Tuna RFMOs and Specialised RFMOs?, July 2016 <https://www.cbd.int/doc/meetings/mar/soiom-2016-01/other/soiom-2016-01-fao-19-en.pdf> Accessed 11/06/2021
- <sup>58</sup> "The Western and Central Pacific Fisheries Convention (WCPFC) covers 20 per cent of the world's surface.... WCPFC is an international fisheries agreement that seeks to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks (ie, tunas, billfish, marlin) in the western and central Pacific Ocean." <https://www.wcpfc.int/about-wcpfc> Accessed 11/06/2021
- <sup>59</sup> Solène Guggisberg, 'The roles of nongovernmental actors in improving compliance with fisheries regulations', *Review of Comparative International and Environmental Law* (RECIEL), Wiley, revised, 2019 <https://onlinelibrary.wiley.com/doi/10.1111/reel.12304> Accessed 20/04/2021
- <sup>60</sup> CITES, 'History of CITES Listing of Sharks (Elasmobranchii)' Undated, maybe 2017 <https://cites.org/eng/prog/shark/history.php> Accessed: 24/04/2021
- <sup>61</sup> CITES, 'CITES Steps up to Protect Sharks 40 Years after Jaws.' [This was CITES, under John Scanlon, its media-friendly secretary-general (2010-2918) dabbling in populism, though under the strict injunction: "For use of the media only; not an official document."] <https://cites.org/eng/cites40shark>. Accessed: 22/04/2022
- <sup>62</sup> Peter Benchley, author of *Jaws*, (1974) on sharks, defining, and public perception: 'Peter Benchley Jaws: Fact or Fiction', WildAid, YouTube, 2010 <https://www.youtube.com/watch?v=P9DvHG-0c6c> Accessed: 24/04/2021
- <sup>63</sup> This reference gives us the first CITES official work on sharks. It's a 1994 request for help, asking that: "FAO and other international fishery management organizations establish programs to collect and assemble the necessary biological and trade data on shark species." (CoP9, Resolution Conf. 9.17). The point being that at the time FAO was not directly involved in shark management (sharks weren't the commercial object of the fisheries FAO was promoting and regulating); and they had not been in CITES' sights as species threatened by international trade. Both bodies had to adjust, and haven't quite resolved their conundrums even now (2021). See: CITES, 'History of CITES Listing of Sharks (Elasmobranchii)' Undated, maybe 2017 <https://cites.org/eng/prog/shark/history.php> Accessed: 24/04/2021

- <sup>64</sup> The CITES Conference of the Parties (CoP) process is a maze in which one meets Proposals, Resolutions, Information Documents and more. From 2000, there has been an ENB (*Earth Negotiations Bulletin*) running report on each CoP, and these are intelligible and accurate. They are a production of the International Institute for Sustainable Development (IISD), and are posted at the relevant page of each CoP as in this reference: CITES, Conference of the Parties <https://cites.org/eng/meetings/cop> Accessed: 22/04/2021
- <sup>65</sup> A handy official account of CITES dealings with sharks from 2003. It ends at 2017, unfortunately. <https://cites.org/eng/prog/shark/more.php>
- <sup>66</sup> CoP17 by John Scanlon, [then] CITES Secretary-General, Guest Article, IISD Scanlon, John, 'CITES CoP17: A CoP of 'firsts' and a turning point for the world's wildlife', 20 October 2016 <https://sdg.iisd.org/commentary/guest-articles/cites-cop17-a-cop-of-firsts-and-a-turning-point-for-the-worlds-wildlife/> Accessed 13/07/2021
- <sup>67</sup> Vaughan, Adam, 'Sharks at unprecedented risk of extinction after 71 per cent decline', *New Scientist*, 27/01/21 <https://www.newscientist.com/article/2265724-sharks-at-unprecedented-risk-of-extinction-after-71-per-cent-decline/> Accessed 25/06/2021

And:

Pacoureau, N, et al., 'Half a century of global decline in oceanic sharks and rays', *Nature* 589, no. 7843 (January 2021): 567–71 <https://doi.org/10.1038/s41586-020-03173-9> Accessed 25/06/2021

- <sup>68</sup> A veteran and scholar of CITES here expresses displeasure that trade overrules the Convention within CITES. In the reference below, see Chapter 54, page 810, where it is written, "CoP 15 [2010] also rejected a proposal to list Atlantic Bluefin tuna in Appendix I. This proposal attracted a lot of public and media attention, but could not be agreed because of the enormous economic interests. One of the most heard arguments against the proposal was that developing countries, which were dependent on exports, would lose the fishery in the absence of local markets, whereas the European Union had a large internal market which was not affected by a CITES listing"

Wijnstekers, W, *The Evolution of CITES*, 11th edition, (1988-2018), International Council for Game and Wildlife Conservation (CIC), Hungary, 2018. [https://cites.org/sites/default/files/common/resources/The\\_Evolution\\_of\\_CITES\\_2018.pdf](https://cites.org/sites/default/files/common/resources/The_Evolution_of_CITES_2018.pdf) [Make sure you have the above full 1022-page version of 2018] Accessed: 20/04/2021

- <sup>69</sup> CITES and FAO Experts are seen in agreement that Appendix I listing is appropriate for Atlantic bluefin tuna (ABFT). See: CITES E15-68A03.pdf: <https://cites.org/sites/default/files/eng/cop/15/doc/E15-68A03.pdf> And...

Oceana is seen in agreement with above CITES/FAO position and citing it: CITES\_English\_Bluefin\_Fact\_Sheet.pdf (probably 2010) It might be noted that Oceana is keenest to respect science when the data's going their way. In general campaigners fulfill FAO's expectation that they will be very partisan. See text and reference for FAO's expert panel's complaint about this behaviour. [https://oceana.org/sites/default/files/CITES\\_English\\_Bluefin\\_Fact\\_Sheet.pdf](https://oceana.org/sites/default/files/CITES_English_Bluefin_Fact_Sheet.pdf) Accessed: 22/04/2021

- <sup>70</sup> Tuna fishing rapidly shifting toward sustainability "...almost 30% of the world's tuna

catch by volume is now certified to the MSC's Standard for sustainable fishing—just 14% of the world tuna catch by volume was certified in 2014.” <https://www.msc.org/media-centre/news-opinion/news/2021/05/02/world-tuna-day-tuna-fishing-shifting-toward-sustainability> accessed 08/02/2022

<sup>71</sup> IUCN lists the species as ‘Endangered’, but it’s an elderly assessment (2011). See: <https://www.iucnredlist.org/species/21860/9331546#conservation-actions> Accessed 20/04/2021

As against:

MSC seem more positive, as of 2018. See: <https://www.msc.org/species/tuna/assessment-of-bluefin-tuna-fisheries> Accessed 20/04/2021]

<sup>72</sup> Bourton, J, ‘Eel Reveals Its Migration Secrets,’ BBC Earth News, 2009. [http://news.bbc.co.uk/earth/hi/earth\\_news/newsid\\_8273000/8273877.stm](http://news.bbc.co.uk/earth/hi/earth_news/newsid_8273000/8273877.stm) Accessed 24/04/2021

<sup>73</sup> It’s official: European glass eels are in the top seven creatures in illegal trade, according to UNODC’s compilation from illegal wildlife seizures. That’s: illicit rosewood, ivory, rhino horn, pangolin scales, live reptiles, big cats—and European eel.

And this:

‘World Wildlife Crime Report 2020: Trafficking in Protected Species’, United Nations Office on Drugs and Crime (UNODC) <https://www.unodc.org/unodc/en/data-and-analysis/wildlife.html> Accessed 22/04/2021

<sup>74</sup> Aquaculture and the European eel (*anguilla, anguilla*) ‘FAO Fisheries Division, Anguilla Anguilla’ [http://www.fao.org/fishery/culturedspecies/Anguilla\\_anguilla/en](http://www.fao.org/fishery/culturedspecies/Anguilla_anguilla/en) Accessed 22/04/2021

<sup>75</sup> An invaluable resource, telling us not merely of the neglected contribution of capture fisheries in general (c1 per cent of global GDP), but specifically of the greatly neglected (and largely unresearched) economic and social contribution of small-scale (artisanal) fisheries near-to-shore. The big message is that in developing countries the majority of fishers work in small-scale operations whose production is mostly for local use. The inference is that the developing country haul of fishes divides pretty evenly between small and large-scale operations (the latter employing far fewer people per fish and contributing far more to export trade). Strikingly, the report believed that estimations of small-scale-catches seemed to be chronically low. Ecologically and economically there seems to be a lot to learn: World Bank, Hidden Harvest: The global contribution of capture fisheries, May 2012  
<https://documents.worldbank.org/en/publication/documents-reports/documentdetail/515701468152718292/hidden-harvest-the-global-contribution-of-capture-fisheries> Accessed 23/06/2021

<sup>76</sup> See page 176 for FAO’s report of imminent progress in updated the 2012 World Bank project on Hidden Fisheries, mostly artisanal: FAO SOFA, 2020 FAO Fisheries Division, The State of World Fisheries and Aquaculture 2020, Sustainability in action, FAO Rome, 2020, [longform], 244pp URL: <http://www.fao.org/documents/card/en/c/ca9229en> Accessed: 23/06/2021

<sup>77</sup> The FAO SOFIA fisheries reports are indispensable but (as in the case of the FAO’s regular “SOFA” and “FRA” reports on the forest estate) seem to improve because of NGO and academic challenge. The tension perhaps (indeed probably) arises when the FAO’s “stock management” needs and biases confront the “green orthodoxy” with its preference for “ecosystem management”. See this interesting and very rare insight into the changing scene:

Pauly, et al., "Agreeing with FAO: Comments on SOFIA 2018", Marine Policy, Volume 100, February 2019, Pages 332-333, 2019 <https://doi.org/10.1016/j.marpol.2018.12.009> Accessed 23/06/2021

And:

FAO SOPHIA 2020 FAO State of the World Fisheries and Aquaculture 2020 ("Sustainability in action") <http://www.fao.org/publications/sofia/2020/en/> Accessed 23/06/2021

And:

FAO SOPHIA 2018 FAO State of the World Fisheries and Aquaculture 2018 ("Meeting the sustainable development goals") <http://www.fao.org/publications/sofia/2018/en/> Accessed 23/06/2021

<sup>78</sup> See FAO SOFIA, 2020, page 54

<sup>79</sup> Garcia, Serge M., and Kevern L. Cochrane. 'Ecosystem Approach to Fisheries: A Review of Implementation Guidelines', *ICES Journal of Marine Science* 62, no. 3 (January 1, 2005): 311-18. 2005 <https://doi.org/10.1016/j.icesjms.2004.12.003> Accessed 23/06/2021

And:

The same authors produced a matter-of-fact but inspiring official handbook of fisheries management. It was simultaneously an admission of something like guilt and a rallying cry. It acknowledged three overarching difficulties: fisheries managers know too little about how fisheries work; they have underestimated the degree to which fisheries must fit into a wider picture of ocean health; and they have not listened enough to fisheries stakeholders: 'A Fishery Manager's Guidebook, Second Edition, 2009 Edited by Kevern L. Cochrane and Serge M. Garcia, The Food and Agriculture Organization of the United Nations and Wiley-Blackwell <http://www.fao.org/3/i0053e/i0053e.pdf> Accessed 23/06/2021

<sup>80</sup> This 2008 paper was keener than Cochrane/Garcia to note the absence of acceptance and implementation of EBM principles; emphasised the value of Marine Protection Areas (MPAs); and especially noted that one "super-Regional Fisheries Management Organisation" (RFMO), the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) was a beacon of EBM (along with a handful of others: Ruckelshaus, M, et al., 'Marine Ecosystem-Based Management in Practice: Scientific and Governance Challenges', *BioScience* 58, no. 1 (January 1, 2008): 53-63. 2008 <https://doi.org/10.1641/B580110> Accessed 23/06/2021

<sup>81</sup> Section 2 of the Findings and Declaration of Policy which opens the US Marine Mammals Protection Act of 1972, says: "The Congress finds that— (1) certain species and population stocks of marine mammals are, or may be, in danger of extinction or depletion as a result of man's activities; (2) such species and population stocks should not be permitted to diminish beyond the point at which they cease to be a significant functioning element in the ecosystem of which they are a part, and, consistent with this major objective, they should not be permitted to diminish below their optimum sustainable population. Further measures should be immediately taken to replenish

any species or population stock which has already diminished below that population. In particular, efforts should be made to protect essential habitats, including the rookeries, mating grounds, and areas of similar significance for each species of marine mammal from the adverse effect of man's actions" [https://www.mmc.gov/wp-content/uploads/MMPA\\_March2019.pdf](https://www.mmc.gov/wp-content/uploads/MMPA_March2019.pdf) Accessed 24/06/2021

- <sup>82</sup> ICES, 'ICES approach to advice on fishing opportunities', 25 February 2021 [https://www.ices.dk/sites/pub/Publication Reports/Advice/2021/2021/Advice\\_on\\_fishing\\_opportunities.pdf](https://www.ices.dk/sites/pub/Publication%20Reports/Advice/2021/2021/Advice_on_fishing_opportunities.pdf) Accessed 24/06/21
  - <sup>83</sup> elementalscience.com, 'Which One Is It Biome, Ecosystem, or Habitat?', <https://elementalscience.com/blogs/science-activities/biome-ecosystem-habitat>. Accessed 24/06/2021
  - <sup>84</sup> Smith, KA., et al., "Simmered then boiled: Multi-decadal poleward shift in distribution by a temperate fish accelerates during marine heatwave", *Frontiers in Marine Science* 6 (2019) <https://doi.org/10.3389/fmars.2019.00407> Accessed 25/06/2021
  - <sup>85</sup> Good definitions and explanations of the ecosystem services concept: Department of the Environment, Water, Heritage and the Arts, 'Ecosystem services: Key concepts and applications', Australian government, 2010 <https://environment.gov.au/biodiversity/publications/ecosystem-services-key-concepts-and-applications> Accessed 24/06/2021
  - <sup>86</sup> Spiers, EKA., et al., "Potential role of predators on carbon dynamics of marine ecosystems as assessed by a Bayesian belief network", *Ecological Informatics* 36 (November 1, 2016): 77–83 <https://doi.org/10.1016/j.ecoinf.2016.10.003> Accessed 24/06/2021
- And:
- Cavan, EL., et al., 'Exploring the ecology of the Mesopelagic Biological Pump', *Progress in Oceanography*, 176 (September 1, 2019): 102125 <https://doi.org/10.1016/j.pcean.2019.102125> Accessed 24/06/2021
  - <sup>87</sup> Sumaila, UR, et al., 'Updated Estimates and Analysis of Global Fisheries Subsidies', *Marine Policy* 109 (November 1, 2019): 103695 <https://doi.org/10.1016/j.marpol.2019.103695> Accessed 24/06/2021
  - <sup>88</sup> Sumaila, UR, et al., 'Winners and losers in a world where the High Seas is closed to fishing', *Scientific Reports* 5, no. 1 (February 12, 2015): 8481 <https://doi.org/10.1038/srep08481> Accessed 24/06/2021
  - <sup>89</sup> A handy brief guide from US Fish and Wildlife Service on CITES' elephants dealings up until 2013 <https://www.fws.gov/le/pdf/CITES-and-Elephant-Conservation.pdf> Accessed 26/06/2021
  - <sup>90</sup> IUCN SSC/TRAFFIC, Analyses of proposals to amend the CITES Appendices, CITES CoP11, Inf. 11.8, 2000 [Page 72] <https://cites.org/eng/cop/11/info/index.php> Accessed 01/04/2021
  - <sup>91</sup> IUCN, Trade Measures in CITES, IUCN Report (09/11/00)-2, A Report by IUCN for UNEP Accessed 01/04/21: <https://cites.org/sites/default/files/common/prog/economics/iucn-trademeasuresinCITES.pdf>
  - <sup>92</sup> Lapointe filed a lawsuit against the United Nations for his wrongful termination. The

UN confirmed that he was fired in an ‘arbitrary and capricious manner’.

- <sup>93</sup> This is the best single account of most of the rows and dilemmas surrounding the African elephants and CITES’ long-standing difficulties in dealing with them: Somerville, Keith, *Ivory: Power and Poaching in Africa*, C Hurst & Co, 24 November 2016 Accessed on Kindle, May 2021
- <sup>94</sup> See [https://cites.org/eng/prog/etis/index\\_new.shtml](https://cites.org/eng/prog/etis/index_new.shtml) Accessed 02/05/2022
- <sup>95</sup> Thomson, G, Are there too many elephants in Botswana?, *Africa Geographic*, 2018 <https://africageographic.com/stories/research-too-many-elephants-botswana/> Accessed: 09/04/2021
- <sup>96</sup> WWF TV ad (SKY, UK), May 2021 “Are we taking our last look at them? Are we really saying, Good-bye old friend? With nearly 20,000 elephants being killed every year for their ivory [a 2015 CITES number is used], we could be looking at a world without elephants. Please adopt an elephant, for just .... and let’s make sure we are not saying good-bye to one of our oldest friends.” Transcribed 22/05/21 Similar ads have been running in north American markets.
- <sup>97</sup> This is a useful review (overview) of the latest output of a fascinating project by A. R. E. Sinclair on the Serengeti migration and its many facets, not least its potential for human-wildlife conflict (HWC), and its themes of dynamic species interactions on Africa’s most famous savannah. Goheen, Jacob R., Book review: “Serengeti IV: Sustaining Biodiversity in a Coupled Human-Natural System”, *Journal of Mammalogy* 97, no. 3 (June 9, 2016): 1001–2. <https://doi.org/10.1093/jmammal/gyv217> Accessed 05/06/2021
- <sup>98</sup> du Toit J.T., et al., *Managing the Livestock–Wildlife Interface on Rangelands*, In: Briske D. (eds) *Rangeland Systems*, Springer Series on Environmental Management, 2017 [https://doi.org/10.1007/978-3-319-46709-2\\_12](https://doi.org/10.1007/978-3-319-46709-2_12) Accessed 05/06/2021
- <sup>99</sup> Human Wildlife Conflict Study Namibian Case Study Brian T. B. Jones with economic analysis by Jonathan I. Barnes, 2006 [https://wwfeu.awsassets.panda.org/downloads/hwc\\_namlastfinal.pdf](https://wwfeu.awsassets.panda.org/downloads/hwc_namlastfinal.pdf)
- <sup>100</sup> Lamarque, F, et al., *Human-wildlife conflict in Africa: Causes, consequences and management strategies*, *FAO Forestry Paper*, 157, 2009 <http://www.fao.org/3/i1048e/i1048e00.pdf> Accessed 05/06/2021
- <sup>101</sup> Iain Douglas-Hamilton (Save the Elephants) is a famous African elephant researcher and campaigner. In 1979 his team estimated there were 1.3 million African elephants. Douglas Hamilton, Iain, *Ivory and Insecurity: The Global Implications of Poaching in Africa*, evidence before the Committee on Foreign Relations, U.S. Senate, May 24, 2012 <https://elephantsforever.files.wordpress.com/2012/07/2012-douglas-hamilton-testimony-on-ivory-and-insecurity-the-global-implications-of-poaching-in-africa-before-the-committee-on-foreign-relations-us-senate.pdf> Accessed 05/06/2021
- <sup>102</sup> A good introduction to some of the tensions between agriculture and wildlife in Africa’s drylands: Conroy, Andrew, *Maasai agriculture and land use change*, *FAO*, c2001 [www.fao.org/fileadmin/templates/lead/pdf/05\\_article01\\_en.pdf](http://www.fao.org/fileadmin/templates/lead/pdf/05_article01_en.pdf)
- <sup>103</sup> An excellent account of several of the tensions amongst rural Africans, and between rural Africans and various powers-that-be. Includes a sharp account of the reality of local politics in Zimbabwe. Nelson, Fred, ed., *Community Rights, Conservation and Contested Land, The Politics of Natural Resource Governance in Africa*, Earthscan, UK, 2010 <https://portals.iucn.org/library/efiles/documents/2011-122.pdf> Accessed



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- <sup>104</sup> Zimbabwe Parks and Wildlife Management Authority, Zimbabwe National Elephant Management Plan (2015-2020), 2015 <https://zamsoc.org/project-reports> Accessed: 08/04/2021
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- <sup>110</sup> Norton-Taylor, M, How many wildebeest do you need? [https://www.researchgate.net/profile/Michael-Norton-Griffiths/publication/23725096\\_How\\_Many\\_Wildebeest\\_do\\_You\\_Need/links/5f3d00fa458515b7292c90b5/How-Many-Wildebeest-do-You-Need.pdf](https://www.researchgate.net/profile/Michael-Norton-Griffiths/publication/23725096_How_Many_Wildebeest_do_You_Need/links/5f3d00fa458515b7292c90b5/How-Many-Wildebeest-do-You-Need.pdf) Accessed: 08/04/2021
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- <sup>114</sup> Okumu, W, The role of elite rivalry and ethnic politics in livestock raids in northern Kenya, The Journal of Modern African Studies, 2017 <https://www.cambridge.org/core/journals/journal-of-modern-african-studies/article/abs/role-of-elite-rivalry-and-ethnic-politics-in-livestock-raids-in-northern-kenya/752461985B08AC0BF8D40D7F8CBDD61D> Accessed (paywall alert): 09/04/2021
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 Trophy hunting bans imperil biodiversity, Letters, American Association for the Advancement of Science, 30/8/2019: [https://www.sciencemagazinedigital.org/sciencemagazine/30\\_august\\_2019/MobilePagedArticle.action?articleId=1515303#articleId1515303](https://www.sciencemagazinedigital.org/sciencemagazine/30_august_2019/MobilePagedArticle.action?articleId=1515303#articleId1515303) Accessed 01/04/2021
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- <sup>119</sup> Hewitson, L, Conservation, Hunting, and Rewilding in Africa, 2015 <https://geographical.co.uk/nature/wildlife/item/1418-conservation-hunting-and-rewilding-in-africa> Accessed 09/04/21
- <sup>120</sup> A very rare and thorough-going account of the hijacking of developing country national policy by Western NGOs came from a vastly experienced conservationist and researcher in Kenya, Mike Norton-Griffiths:  
 Norton-Griffiths, M, "The growing Involvement of foreign NGOs in setting policy agendas and political decision-making in Africa.", *Economic Affairs*, 30(3):29-34, October 2010 Accessed 05/06/2021
- <sup>121</sup> Sosnowski, M, et al., Global ivory market prices since the 1989 CITES ban, *Biological Conservation*, Volume 237, September 2019, Pages 392-399 [https://www.researchgate.net/publication/334680667\\_Global\\_ivory\\_market\\_prices\\_since\\_the\\_1989\\_CITES\\_ban](https://www.researchgate.net/publication/334680667_Global_ivory_market_prices_since_the_1989_CITES_ban) Accessed 12/07/2021
- <sup>122</sup> Perhaps the most famous book on economics and wildlife ever written. It came from a stable of sustainable development specialists mostly associated with the International Institute for Environment and Development in London, UK. Its argument, that a controlled trade in elephant ivory could be a conservation and economic boon, failed to win the support of many of its important conservation informants. Barbier, E, Burgess, JC, Swanson, TM, Pearce, DW, *Elephants, Economics and Ivory*, Earthscan, London, K, 1990
- <sup>123</sup> This is a valuable, pugnacious piece putting an argument which had been relevant for at least a quarter of century and has remained so: Jenkins, Simon, "If you really want to save the elephants, farm them", 13 February 2014 <http://www.theguardian.com/commentisfree/2014/feb/13/save-elephants-farm-them-ivory-tusks> Accessed 27/06/2022
- <sup>124</sup> (Video and story) On non-lethal CWU of rhino horn, ranching, poachers, and Covid. Crawford, Alex, 'Horn Wars', on location, Otjozondjupa, northern Namibia, April 2021 <https://news.sky.com/story/horn-wars-how-covid-has-infected-the-fight-to-save-the-rhino-12263254> Accessed 05/07/2021
- <sup>125</sup> Cooney, R., 'The baby and the bathwater: trophy hunting, conservation and rural livelihoods', *Unasylva*, An international journal of forestry and forest industries, No. 249, Vol. 68 2017/1, 2017 [https://www.researchgate.net/publication/315511020\\_The\\_](https://www.researchgate.net/publication/315511020_The_)

baby\_and\_the\_bathwater\_Trophy\_hunting\_conservation\_and\_rural\_livelihoods  
Accessed 09/08/2021

<sup>126</sup> Hardly a pro-Trophy Hunting voice, but a good account of *The Times*/WWF fiasco (and not behind *The Times*' paywall): Keeling, Tracy, "Major Conservation Charity Drops a Bombshell, Putting the Trophy Hunting Industry on Very Thin Ice", *The Canary*, 18/07/20 <https://www.thecanary.co/discovery/analysis-discovery/2020/07/18/major-conservation-charity-drops-a-bombshell-putting-the-trophy-hunting-industry-on-very-thin-ice/> Accessed 09/06/2021

<sup>127</sup> Dickman, A, Cooney, R, Johnson, PJ, Maxi, PL, Roe, D, and 128 signatories Trophy hunting bans imperil biodiversity Letters, American Association for the Advancement of Science, 30/8/2019 [https://www.sciencemagazinedigital.org/sciencemagazine/30\\_august\\_2019/MobilePagedArticle.action?articleId=1515303#articleId1515303](https://www.sciencemagazinedigital.org/sciencemagazine/30_august_2019/MobilePagedArticle.action?articleId=1515303#articleId1515303) Accessed 12/07/2021

<sup>128</sup> Cecil the lion—the real story <https://www.shootinguk.co.uk/features/cecil-the-lion-the-real-story-93266> Accessed 28/02/2022

<sup>129</sup> Brown, C, (CEO Namibian Chamber of Environment), Africa Geographic, 'Ecologist responds to Guardian newspaper article against trophy hunting' Accessed 01/04/2021: <https://africageographic.com/stories/opinion-ecologist-responds-to-guardian-newspaper-article-against-trophy-hunting/>

<sup>130</sup> Council of Elders, AEC, 'African Elephant Coalition (AEC) Calls on Japan to Close Its Ivory Market', *Journal of African Elephants*, 17 June 2019 <https://africanelephantjournal.com/council-of-elders-of-the-32-member-african-elephant-coalition-aec-calls-on-japan-to-close-its-ivory-market-and-support-elephant-protection/> Accessed 12/07/2021

<sup>131</sup> See for one example from many 'China customs seizes over seven tons of ivory' <https://nypost.com/2019/04/15/china-seizes-2700-ivory-tusks-in-massive-smuggling-case/> Accessed 02/05/2022

<sup>132</sup> See 'Six African Nations Agreed to Push for Restarting Ivory Trade' <https://www.occrp.org/en/daily/16393-six-african-nations-agreed-to-push-for-restarting-ivory-trade> Accessed 13/06/2022

<sup>133</sup> See 'Zim appeals to EU over ivory stockpiles', *The Herald* <https://www.herald.co.zw/zim-appeals-to-eu-over-ivory-stockpiles/> Accessed 16/06/2022

<sup>134</sup> See The 2022 African Elephant Conference in Zimbabwe <https://medium.com/@danielstiles/the-2022-african-elephant-conference-in-zimbabwe-a706f79ccd5a> Accessed 13 June 2022.

<sup>135</sup> Eleanor Milner-Gulland and J. Beddington, 'The Exploitation of Elephants for the Ivory Trade: An Historical Perspective', *Proceedings of The Royal Society of London. Series B, Biological Sciences* (1934-1990) 252 (22 April 1993): 29-37, <https://doi.org/10.1098/rspb.1993.0042>.

<sup>136</sup> Ian Parker Collection of East African Wildlife Conservation: The Ivory Trade, George A Smathers Libraries, University of Florida <https://ufdc.ufl.edu/AA00020117/00001/13x> Accessed 13/07/2021

<sup>137</sup> A brief and fascinating insight into Ian Parker and his experiences of and opinions on African conservation issues:

Adams, B., Book review of *What I Tell You Three Times Is True: Conservation, Ivory, History and Politics* by Ian Parker (2004), 414 pp., Librario, Kinloss, UK. ISBN 1 904440

- 38 X (Pbk), £14.99, Oryx 39, no. 1 (January 2005): 99–100 <https://doi.org/10.1017/S0030605305210189> Accessed 13/07/2021
- <sup>138</sup> John M Mackenzie, ‘Chivalry, social Darwinism and ritualised killing: the hunting ethos in Central Africa up to 1914’, in *Conservation in Africa: People, policies and practice*, eds Anderson, D and Grove, R, Cambridge University Press, 1987
- <sup>139</sup> John M Mackenzie, ‘Chivalry, social Darwinism and ritualised killing: the hunting ethos in Central Africa up to 1914’, in *Conservation in Africa: People, policies and practice*, eds Anderson, D and Grove, R, Cambridge University Press, 1987
- <sup>140</sup> IUCN Species Survival Commission, African Elephant Status Report, 2002
- <sup>141</sup> See “Great Elephant Census” <https://paulallen.com/Exploration/Great-Elephant-Census.aspx> Accessed 02/05/2022
- <sup>142</sup> See the New York Times’ article ‘Doubts Mount in Botswana Over Charity’s Claim of Elephant ‘Poaching Frenzy’ (warning: paywall) <https://www.nytimes.com/2018/09/28/world/africa/botswana-elephants-poaching.html> Accessed, 02/05/2022
- <sup>143</sup> See executive summary “IUCN Species Survival Commission, African Elephant Status Report, 2016” [https://portals.iucn.org/library/sites/library/files/documents/SSC-OP-060\\_A.pdf](https://portals.iucn.org/library/sites/library/files/documents/SSC-OP-060_A.pdf) Accessed 03/05/2022
- <sup>144</sup> A good, referenced account of (a) African elephant numbers 1979–2002 and (b) the role of CITES bans and legal and illegal ivory trades on those numbers. The author argues that the influence of the bans on poaching was indiscernible, but allows that evidence may emerge that proves him wrong. The author is a pro-trade proponent but worked with both sides in the argument. Stiles, D., “The Ivory Trade and Elephant Conservation.” *Environmental Conservation* 31 (December 1, 2004): 309–21. [https://www.researchgate.net/publication/231964536\\_The\\_Ivory\\_trade\\_and\\_elephant\\_conservation](https://www.researchgate.net/publication/231964536_The_Ivory_trade_and_elephant_conservation) Accessed: 30/04/2021
- <sup>145</sup> See “Millions of elephants once roamed Africa–90% of them are gone” <https://actionforelephantsuk.org/information/millions-of-elephants-once-roamed-africa/> Accessed 02/05/2022
- <sup>146</sup> We’re assuming here that IUCN’s ‘The African Elephant Database 1998’ is an accurate representation of what it believed then (that there were roughly 300 000 elephants in continental Africa) because it is still available to researchers online. <https://portals.iucn.org/library/sites/library/files/documents/SSC-OP-022.pdf> Accessed 02/05/2022
- <sup>147</sup> Crucial IUCN elephant numbers ‘data’ one must reconcile: The URL below is perhaps the simplest way to rapidly compare IUCN’s assessments of elephants numbers over the 1995–2016 period. Beware, though. IUCN warns against one’s comparing year with year as though they were comparably calibrated. It does so itself, and frankly one has to. Watch out for the little line which runs: “All Years for Africa: 2016 — 2013 — 2007 — 2002 — 1998 — 1995”. That’s where one can choose a year to focus on. And remember also: the numbers one often sees quoted anywhere in discussion of this matter almost always either (a) derive from adding two contiguous columns together because they are indicated as more approaching fair certainty, or (b) are sometimes larger because they derive from adding three or more columns together, with increasing excursions into uncertainty. *Wildlife Betrayed* has generally chosen approach (a). Choosing two rather than three or four columns does not seem to radically alter the overall picture of decline or fall in elephant numbers, but presumably one should apply one’s choices consistently in comparisons: <http://africanelephantdatabase.org/report/2016/Africa> Accessed 13/07/2021

<sup>148</sup> See ‘Elephants are thriving in Namibia’ by Gail C. Thomson, which provides a detailed account (complete with links to proof points) of the tension between Namibia and the GEC, and describes well just how challenging and costly it is to count elephant numbers accurately. <https://www.conservationfrontlines.org/2021/07/elephants-are-thriving-in-namibia/> Accessed 03/05/2022

<sup>149</sup> IUCN Red List update and the ‘two species’ news moment, March 2021. It may well have made sense to make official an old old-news view that there are two species of African elephant (‘forest’ and ‘savannah’). But why say they were both endangered, when one at least plainly was not?: IUCN, “Africa’s elephant species now Endangered and Critically Endangered”: IUCN Red List, 25/03/21, Gland, Switzerland, 25 March 2021  
<https://www.iucn.org/news/species/202103/african-elephant-species-now-endangered-and-critically-endangered-iucn-red-list> Accessed: 30/04/2021

And:

Greenfield, Patrick, ‘African elephant recognised as two separate species—both endangered’, *The Guardian*, 25 March 2021 <http://www.theguardian.com/environment/2021/mar/25/african-elephants-now-red-list-two-species-both-nearer-extinction> Accessed 13/07/2021

<sup>150</sup> See ‘Elephants: A Crisis of Too Many’, Not Too Few by Brian Childs <https://www.conservationfrontlines.org/2020/04/elephants-a-crisis-of-too-many-not-too-few/?print=pdf> Accessed 03/05/2022

<sup>151</sup> There seemed to be divergent IUCN views on the importance of poaching which is usually and universally the bogeyman which can be adduced to support any anti-CWU approach:

The *Guardian* had:

“Dr Ben Okita-Ouma, co-chair of the IUCN elephant group and head of monitoring for Save the Elephants, said: ‘As much as we may see that poaching has gone down in many countries, there is this silent killer of habitat fragmentation and habitat loss. During encroaching on elephant habitats, there are conflicts between elephants and people. In the process, elephants are killed.... It is something that we need to really, really talk about. If you look at the data on the killing of elephants, we’re seeing a recent shift in terms of killing because of conflict instead of poaching.’” Greenfield, P., ‘African Elephant Recognised as Two Separate Species—Both Endangered’, *The Guardian*, 25/03/21 <http://www.theguardian.com/environment/2021/mar/25/african-elephants-now-red-list-two-species-both-nearer-extinction> Accessed: 30/04/2021

Rather differently, National Geographic had:

“For both species, poaching is still the biggest driver of decline,” says Kathleen Gobush, leader of the new assessments and a member of the IUCN’s Elephant Specialist Group, a group of technical experts focusing on conservation and management of elephants. “These assessments hopefully will garner renewed attention for the world to double down on stopping the killing, trafficking, and demand for ivory.” Nuwer, R, “Both African elephant species are now endangered, one critically” (Strapline: “For the first time, a major conservation body has recognised the savanna elephant and forest elephant as two separate species—and they’re in dire straits.” *National Geographic*, 25/03/21 <https://www.nationalgeographic.com/animals/article/both-african-elephant-species-are-now-endangered-one-critically> Accessed 30/04/2021

<sup>152</sup> Of course, it very difficult to gather accurate data. It is hard to count the number of elephants in Africa and harder still to count those killed by poachers, so a degree of scepticism is called for when taking any estimation at face value. But the fact that confirmed poaching numbers are so low and elephant populations so high in Namibia rather dents the dominant narrative promulgated by IUCN. See: 'Less poaching, more arrests in 2020' <https://www.namibian.com.na/208434/archive-read/Less-poaching-more-arrests-in-2020> Accessed 08/05/22

<sup>153</sup> Michael J. Chase et al., 'Continent-Wide Survey Reveals Massive Decline in African Savannah Elephants', *PeerJ* 4 (2016): e2354, <https://doi.org/10.7717/peerj.2354>.

<sup>154</sup> "About KAZA" <https://www.kavangozambezi.org/index.php/en/about/about-kaza> Accessed 13/07/2021

<sup>155</sup> CITES listings: flora vs fauna, trees vs other plants The most authoritative (and quite complicated) 'at a glance' account of CITES fauna & flora listings shows there are around five times more plant species listed than animal species: "Over 38,700 species—including roughly 5,950 species of animals and 32,800 species of plants—are protected by CITES against over-exploitation through international trade." CITES, 'The CITES Species', 2019 <https://cites.org/eng/disc/species.php> Accessed: 24/04/2021

And:

CITES, under 'Supporting sustainable management of endangered tree species', the CITES Tree Species Programme notes that CITES had by 2019 listed 900 tree species (or less than 3 per cent of the plant listings total): "Concerned that the long-term survival of commercially valuable tree species may be threatened by over-exploitation, the CITES Conference of the Parties has agreed to include more than 900 tree species under the CITES Appendices. Products of these tree species may only be exported if the Scientific Authority of that Party has advised that the export of the specimens will not be detrimental to the survival of the species in the wild."

[https://cites.org/eng/prog/flora/trees/trees\\_project#CTSP-About](https://cites.org/eng/prog/flora/trees/trees_project#CTSP-About) Accessed: 24/04/2021

<sup>156</sup> Kew Gardens' timber guide An excellent, clear, readable account of some complicated stuff and timber trees and CITES. Groves, M & Rutherford, C, CITES and Timber: A guide to CITES-listed tree species, updated 2016 Available as a free download PDF from: <https://www.kew.org> Accessed: 24/04/2021

<sup>157</sup> A good indicative snapshot notes that in 2021 there are "three times as many trees on the IUCN Red List than in 2015". It focuses on the variety of trees which can be called "rosewoods", and the attempt to assess their status as candidates for extinction: BGCI, "First IUCN Update of 2021", Botanic Gardens Conservation International (blog) <https://www.bgci.org/news-events/over-half-of-the-worlds-tree-species-assessed-on-the-iucn-red-list/> Accessed 19/06/2021

<sup>158</sup> UNODC World Wildlife Crime Report, 2016. This is used here only for its remarks about rosewoods as a proportion of wildlife crime. For a more recent and invaluable account of UNODC's take on rosewoods, see UNODC WWCR, 2020 (elsewhere in these references). Note that UNODC's '35 per cent of seizures' data is only a snapshot of the illegal trade, as it is surfaces in UNODC and allied work. [https://www.unodc.org/documents/data-analysis/wildlife/World\\_Wildlife\\_Crime\\_Report\\_2016\\_final.pdf](https://www.unodc.org/documents/data-analysis/wildlife/World_Wildlife_Crime_Report_2016_final.pdf) Accessed 06/06/2021

<sup>159</sup> Wicked Problem Stony Brook University, What's a Wicked Problem?, undated <https://www.stonybrook.edu/commcms/wicked-problem/about/What-is-a-wicked-problem> Accessed 16/06/2021

<sup>160</sup> Conservation is littered with 'Wicked Problems'. These go beyond intractable disputes over competing interests. The term is used to capture problems in which any possible solution comes with high risk, usually compounded by a lack of evidence. And yet, some action must be attempted. Multilateral Environmental Agreements (MEAs) stand accused of being ill-equipped to admit to the degree of these difficulties and of liking high-sounding solutions whose serial failures they are later reluctant to admit to. In a related issue, many experts of long experience (at or after the end of their professional careers) feel that the modern tendency is for professional conservationists to have limited experience at a senior level of ecosystem management on the ground. (See references to Keverne Cochrane and "silo thinking" in fisheries issues, elsewhere in *Wildlife Betrayed*.) The following pair of references make a good start on these issues: Mongabay Environmental News, "Failure in Conservation Projects: Everyone Experiences It, Few Record It", 17 October 2019 <https://news.mongabay.com/2019/10/failure-in-conservation-projects-everyone-experiences-it-few-record-it/> Accessed 07/06/2021

And:

Boedhihartono, Agni K, et al, "Conservation Science and Practice Must Engage with the Realities of Complex Tropical Landscapes." *Tropical Conservation Science* 11 (2018). <http://dx.doi.org/10.1177/1940082918779571> Accessed 07/06/2021

<sup>161</sup> Bull, GC, Elliott, C, Boedhihartono, AK, Sayer, J, "Failures in tropical forest and conservation policy: what is the solution?", Guest editorial, *Journal of Tropical Forest Science* 26(1): 1–4 (2014) [https://www.academia.edu/12741571/Failures\\_in\\_tropical\\_forest\\_and\\_conservation\\_policy\\_what\\_is\\_the\\_solution](https://www.academia.edu/12741571/Failures_in_tropical_forest_and_conservation_policy_what_is_the_solution) Accessed 19/06/2021

<sup>162</sup> UNODC World Wildlife Crime Report, 2020 World Wildlife Report 2020\_9July.pdf <https://www.unodc.org/unodc/en/data-and-analysis/wildlife.html> Accessed 18/06/2021

<sup>163</sup> The China/rosewoods connection Sandy, O & and Carver, E, 'The Rosewood Trade: An Illicit Trail from Forest to Furniture.' *Yale Environment* 360, 2019 <https://e360.yale.edu/features/the-rosewood-trade-the-illicit-trail-from-forest-to-furniture> Accessed 25/04/2021

<sup>164</sup> Rainforest data 101 *Mongabay*, '10 Rainforest Facts for 2020', *Mongabay* (conservation news project) rainforest site <https://rainforests.mongabay.com/facts/rainforest-facts.html> Accessed 06/06/2021

<sup>165</sup> Brazil reduces Amazon regulations, 2020 Borges, T and Branford, S, *Mongabay Environmental News*, Brazil drastically reduces controls over suspicious Amazon timber exports," 11 March 2020. <https://news.mongabay.com/2020/03/brazil-drastically-reduces-controls-over-suspicious-amazon-timber-exports/> Accessed 17/06/2021

<sup>166</sup> The State of the World's Forests, 2020 A picture of general deterioration in the world's 'natural' forest assets, and of "intact" vs 'fragmented', and 'naturally-regenerating' vs 'planted' forests. The overall picture reminds us that rainforest is not the only—and not even the most threatened of the world's forest types. FAO and UNEP, The State of the World's Forests 2020: Forests, biodiversity and people (SOFO), 2020 <https://doi.org/10.4060/ca8642en> Accessed 12/07/2021

- <sup>167</sup> Marley, Jack, 'Enough 'Anthropocene' nonsense—we already know the world is in crisis', 14 January 2016  
<https://theconversation.com/enough-anthropocene-nonsense-we-already-know-the-world-is-in-crisis-43082>  
 Accessed 16/06/2021
- <sup>168</sup> The 'manmade' Amazon rainforest: Panko, B. 'The Supposedly Pristine, Untouched Amazon Rainforest Was Actually Shaped By Humans', *Smithsonian Magazine*, 2017 <https://www.smithsonianmag.com/science-nature/pristine-untouched-amazonian-rainforest-was-actually-shaped-humans-180962378/> Accessed: 24/04/2021
- <sup>169</sup> FAO: 'Progress towards Aichi Target 12, on preventing the extinction of known threatened species and improving their conservation status, has been slow': FAO and UNEP, *The State of the World's Forests 2020: Forests, biodiversity and people (SOFO)*, 2020. Page 51 applies <https://doi.org/10.4060/ca8642en> Accessed: 16/06/2021
- <sup>170</sup> Wittkamper, Jonah, 'Investing in Amazon Rainforest Conservation: A Foreigner's Perspective' Commentary, Mongabay Environmental News, April 21, 2020. <https://news.mongabay.com/2020/04/investing-in-amazon-rainforest-conservation/> Accessed 07/06/2021
- <sup>171</sup> A useful account of some phony arguments and ploys surrounding Brazilian rainforest comes from Michael "Apocalypse Never" Shellenberger: Shellenberger, M, 'Why Everything They Say About The Amazon, Including That It's The 'Lungs Of The World,' Is Wrong', *Forbes*, 26 August, 2019 <https://www.forbes.com/sites/michaelsellenberger/2019/08/26/why-everything-they-say-about-the-amazon-including-that-its-the-lungs-of-the-world-is-wrong/?sh=7ada1f8d5bde> Accessed 16/06/2021
- <sup>172</sup> This paper endorses the common case that tropical forest destruction may produce 'only' eight percent of human-caused CO2 emissions, but that good rainforest preservation and management could make them 23 percent of the solution to AGW. The paper acknowledges uncertainty about the data. Wolosin, M., and N. Harris, 'Tropical Forests and Climate Change: The Latest Science' Working Paper, World Resources Institute, 2018. <https://wriorg.s3.amazonaws.com/s3fs-public/ending-tropical-deforestation-tropical-forests-climate-change.pdf> Accessed 07/06/2022
- <sup>173</sup> Timber Trade Portal, Country Profile, Brazil <https://www.timbertradeportal.com/countries/brazil/> Accessed 06/06/2021
- <sup>174</sup> These recent studies point to one example of patches of higher soil quality in parts of the Amazon rainforest, but also to human interactions with them over centuries: Silva, LCR, et al., 'A New Hypothesis for the Origin of Amazonian Dark Earths', *Nature Communications* 12, no. 1 (January 4, 2021): 127. <https://doi.org/10.1038/s41467-020-20184-2>. Accessed 06/06/2021
- And:
- Oliveira, EA de, et al., 'Legacy of Amazonian Dark Earth Soils on Forest Structure and Species Composition.' *Global Ecology and Biogeography* 29, no. 9 (2020): 1458–73. <https://doi.org/10.1111/geb.13116>. Accessed 06/06/2021
- <sup>175</sup> The complicated story of Amazonian rubber tappers (deeply-embedded in the forest world, but not "indigenous"; using natural resources, but not just for subsistence). This



is a useful account (from a “Marxist anthropological perspective”). Barbosa de Almeida, Mauro William, ‘Rubber Tappers of the Upper Juruá River, Brazil: The Making of a Forest Peasant Economy’, Doctoral thesis, Cambridge University, 1993. <https://www.repository.cam.ac.uk/handle/1810/245084> Accessed 07/06/2021

<sup>176</sup> Vidal, John, “Large-scale human rights violations’ taint Congo national park project’, *The Guardian*, 26 November 2020 <https://www.theguardian.com/world/2020/nov/26/you-have-stolen-our-forest-rights-of-baka-people-in-the-congo-ignored> Accessed 16/06/2021

<sup>177</sup> It is worth getting beyond the stereotype of Chico Mendez: not merely an ‘eco-hero’, but a brave progressive trades unionist Branford, Sue, ‘The Life and Legacy of Chico Mendes’, BBC News, December 22, 2008 <http://news.bbc.co.uk/1/hi/7795175.stm> Accessed 07/06/2021

<sup>178</sup> Survival International accuses WCS of funding the abuse and the eviction of Bayaka ‘Pygmies’ and other rainforest tribes in the Republic of Congo <https://staging2.survivalinternational.org/films/wcs> Accessed 09/02/2022

<sup>179</sup> Accounts of illegal logging from the loggers’ point of view Wang, A and Belmaker, G, ‘A fight to control chainsaws in Myanmar could turn the tide on illegal logging’, Mongabay Series: Global Forests, Mekong Forest Trade, 4 May 2017 <https://news.mongabay.com/2017/05/a-fight-to-control-chainsaws-in-myanmar-could-turn-the-tide-on-illegal-logging/> Accessed 16/06/2021

And

Kahfi, Kharishar, et al, ‘Money isn’t everything: Ex-illegal loggers regret cutting down trees’, *The Jakarta Post*, March 15 2021 <https://pulitzercenter.org/fr/node/21553> Accessed 16/06/2021

<sup>180</sup> CITES and rosewoods, a handful of useful sources: An excellent narrative of the CITES & rosewoods saga (with on-the-ground material too): “In 1975, when CITES came into force, just 18 tree species were listed under the Convention and therefore subject to international trade controls.” CIFOR (a leading forestry research body): Reeve, R, The role of CITES in the governance of transnational timber trade, CIFOR Occasional Paper 130, 2015 [https://www.cifor.org/publications/pdf\\_files/OccPapers/OP-130.pdf](https://www.cifor.org/publications/pdf_files/OccPapers/OP-130.pdf) Accessed 25/04/2021

And:

CITES and the taxonomic nightmare of listing rosewoods. “The many scientific uncertainties and ambiguities about the taxonomy of *Dalbergia* spp. was a key reason that the entire genus was listed instead of particular species. (Another reason was the ‘lookalike species’ issues, which is particularly acute in a genus where even experts often disagree on the taxonomy, and have difficulty telling species apart.)” Barber, CV et al., Implementing CITES Rosewood Species Listings: A Diagnostic Guide for Rosewood Range States, WRI, 2019 Source (as a draft for CITES discussion): <https://cites.org/sites/default/files/eng/cop/18/inf/E-CoP18-Inf-050.pdf> Accessed: 25/04/2021

And:

The CITES nightmare of locating the rosewoods: “Data on the distribution of many rosewood species is often scant, out-of-date, or incomplete.” Barber, CV et al.,

Implementing CITES Rosewood Species Listings: A Diagnostic Guide for Rosewood Range States, WRI, 2019 Source (as a draft for CITES discussion): <https://cites.org/sites/default/files/eng/cop/18/inf/E-CoP18-Inf-050.pdf> Accessed: 25/04/2021

- <sup>181</sup> The ‘pivot to Africa’ as criminals went rosewoods species-hopping A sharp account of how the criminal rosewoods trade switched to, for instance, Pterocarp species in Nigeria: Environmental Investigation Agency (IEA), ‘The Rosewood Racket’, October 2017 <https://rosewoodracket.eia-global.org/> Accessed 12/07/2021

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<sup>190</sup> Some blogs and papers on rosewoods and their role in forest restoration. A useful Peruvian case study of a small manually-planted rosewoods regeneration scheme on a mid-forest plot damaged by slash-and-burn and gold-mining: Amazon Conservation Association, 'Restoring degraded forests with rosewood', 15 July 2020 <https://www.amazonconservation.org/rosewood-restoration/> Accessed 19/06/2021

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<sup>193</sup> Wursten, A., et al., 'Habitat use and preference by guanacos, vicuñas, and livestock in an altitudinal gradient in northwest Argentina', *Eur J Wildl Res* 60, 35–43 (2014).  
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<sup>194</sup> Heuvel, Daphne van den. 'New Law Protects Guanaco in Bolivia', IUCN NL, 2019  
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<sup>195</sup> Laker, Jerry, 'The interactions between environmental, agro-ecological and sociopolitical factors in determining vicuña distribution and appropriate management systems', James Hutton Institute, 23/02/04 <https://macaulay.webarchive.hutton.ac.uk/mac/Publications/laker-rsgII.pdf> Accessed 21/06/2021

<sup>196</sup> Vilá, B, et al., 'Vicuñas (*Vicugna Vicugna*): wild Andean altiplano camelids; multiple valuation for their sustainable use and biocultural role in local communities.' *Case Studies in the Environment* 4, no. 1 (January 7, 2021), University of California Press, 2021. <https://doi.org/10.1525/cse.2020.1232692> Accessed 21/06/2021

<sup>197</sup> Jungius, H. 'Bolivia and the Vicuña.' *Oryx* 11, no. 5 (May 1972): 335–46. 1972  
<https://doi.org/10.1017/S0030605300010371> Accessed 21/06/2021

<sup>198</sup> WorldAtlas. 'Flags, Symbols, & Currencies of Peru' <https://www.worldatlas.com/flags/peru> Accessed 21/06/2021

<sup>199</sup> Masur, GS., Simon Bolivar, *Encyclopedia Britannica* <https://www.britannica.com/biography/Simon-Bolivar> Accessed 21/06/2021

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of the Vicuña, A Report by IUCN for UNEP, IUCN Report (09/11/00)–2 <https://cites.org/sites/default/files/common/prog/economics/iucn-trademeasuresinCITES.pdf> Accessed 12/07/2021

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- <sup>205</sup> This is a very interesting historical, cultural and political account of the vicuña story: Wakild, Emily. 'Saving the Vicuña: The Political, Biophysical, and Cultural History of Wild Animal Conservation in Peru, 1964–2000.' *The American Historical Review* 125, no. 1 (February 1, 2020): 54–88. 2020 For a free, late draft of the piece: [https://scholarworks.boisestate.edu/history\\_facpubs/135/](https://scholarworks.boisestate.edu/history_facpubs/135/) Accessed 21/06/2021
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- <sup>211</sup> This paper focuses on Africa and many kinds of HWC, but with special reference to crocodiles: Lamarque, F., 'Human-wildlife conflict in Africa: Causes, consequences and management strategies', FAO Forestry Paper 157, FAO, 2009 <http://www.fao.org/3/i1048e/i1048e00.htm> Accessed 21/06/2021
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- <sup>213</sup> IUCN Crocodile Specialist Group, 'Crocodiles', Proceedings of the First regional species meeting, Bangkok, 2011 [http://www.iucnscg.org/365\\_docs/attachments/protarea/1-20-022e339c.pdf](http://www.iucnscg.org/365_docs/attachments/protarea/1-20-022e339c.pdf) Accessed 22/06/2021
- <sup>214</sup> This paper is fascinating because it shows how 40 years ago many commercially-valuable crocodilians were under hunting pressure for international trade, in addition to being subject to habitat reduction because of farming and development. It looked forward to the expansion of long-standing farming practices as a solution: Ayensu, ES, 'Crocodiles as a Resource for the Tropics', Report of an ad hoc panel of the Advisory Committee on Technology Innovation, National Research Council, in cooperation with the Division of Wildlife, Department of Lands and Environment, Papua New Guinea. USA, 1983 <https://www.nap.edu/download/18531> Accessed 22/06/2021
- <sup>215</sup> Florida's crocodilian farms and the official literature about the species and its management make great if precautionary reading. This reference leads into splendid material, much of it from the mid-1990s and some of it written by a major crocodilian figure, F Wayne King: Alligator Farming, Florida Fish & Wildlife Conservation Commission (FWC) <https://myfwc.com/wildlifehabitats/wildlife/alligator/farming/> Accessed 12/07/2021
- <sup>216</sup> Here is a handy guide to the IUCN Red Book status of crocodilian species Crocodiles Of The World, "Conservation Status", Crocodiles Of The World <https://www.crocodilesoftheworld.co.uk/conservation/conservation-status/> Accessed 22/06/2021
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## **Section 4.**

# **Taking back control**

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Institutionally, CITES might have put up a better fight to be the embodiment of its Convention. The UN system and its close multilateral allies have not faced up to the difficult tensions in sustainable development.

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## **Introduction**

IDEOLOGICALLY CITES HAS BEEN PENETRATED BY POWERFUL animal activist non-governmental organisations (NGOs). Our call for reform spells out how CITES can take back control of its affairs to the benefit of the wildlife trade and conservation that it exists to protect and promote.

Institutionally, CITES might have put up a better fight to be the embodiment of its Convention. The UN system and its close

multilateral allies have not faced up to the difficult tensions in sustainable development, let alone sustainable use. The media neither asked the environmental campaigners nor the UN and allied institutions awkward questions. National politicians and leaders have often used their natural resources polices, such as they are, as a sop to vocal disrupters.

Whatever the reasons, there is no doubt that CITES' core principle—that sustainable wildlife exploitation can be good for wildlife and habitats—offends many vociferous 'influencers' who have enticed CITES to betray the Washington Convention.

There is a pressing need for CITES to examine its track record so that mistakes can be corrected and never repeated. Here we define the problem and propose part of the solution.

## **THE PROBLEM WITH CITES**

CITES is the place where commerce meets conservation. It is where international trade, private enterprise and other highly disputed forces are on display in a conservation and sustainable use context. But CITES is not functioning as originally intended.

CITES was born in the early 1970s when (a) it was the only international body dealing with trade-related species threats, and (b) it seemed obvious that NGOs represented 'Civil Society' which had much to contribute to turning the spirit of the convention into realistic policy. Since then, an untidy tangle of UN and other eco-conventions has grown up around CITES and sometimes compete with it. None of these developments were anticipated by the founding fathers of CITES.

CITES' CoPs repeatedly pick, and is currently committed to picking, the wrong fights. An important example is the way it puts in train regulatory requirements which either won't be implemented by Parties or only badly, and which backfire anyway. As important are those listings which campaigning NGOs espouse in the face of evidence that they are not CITES' business.

In some instances, it would be more appropriate if CITES were to (a) accept that a particular species was at risk, with international trade as a factor, and list it and/or refuse to do so while (b) insisting that it is not necessarily the *most* appropriate or *qualified* regulatory body involved in protecting every species.<sup>1</sup> This would require CITES to pay more respect to the likes of the FAO and to cooperate more closely with other relevant regulatory bodies and networks.

*Wildlife Betrayed* says that CITES has four main weaknesses. It is clumsy, reticent, obscure and out-of-date.

CITES is clumsy and reticent because its meetings are sometimes transformed into circuses at which the calibration of efficacy is subordinated to virtue signalling, and contentious issues are fudged instead of being properly addressed and resolved. It is obscure because it was mostly designed by people who lacked practical conservation experience in the field. CITES is largely unknown because it doesn't talk to the world. It is out-of-date because its rules were written before the world's governments had spawned many competitors to CITES.

We propose a handful of reforms. Our recommended actions are available to the Parties without requiring an amendment of the Convention. But our proposals face immense opposition from the vested interests that have subverted CITES' core purpose. These powerful forces have slowly but surely turned CITES into the executive arm of the animal rights and wildlife trade prohibition lobby.

Yet our proposals reflect the strengths of CITES' founding principles. They also reflect some other UN and non-UN multilateral environmental agreements (MEAs), and multilateral trade bodies, and borrow some approaches from them.

## CONTINUING WHERE COP18 LEFT OFF

Part of what *Wildlife Betrayed* wants to achieve was set out at

CITES CoP18 in 'Strategic matters: Review of the Convention' (CoP18 Doc.11), a proposal submitted by Democratic Republic of the Congo, Namibia, South Africa and Zimbabwe.<sup>2</sup> And another part was proposed by Antigua and Barbuda (CoP18 Doc. 12).<sup>3 4</sup> The former focused mostly on land-based animals and the latter marine ones.

CoP18 Doc. 11 noted that 1994 was the last and only time that CITES had systematically reviewed the effectiveness of the Convention. Though it acknowledged that CoP11 in 2000 had, exceptionally, considered a series of one-off actions. But 2000 marked, as CoP18 Doc. 11 says, "the end of any further discussion or consideration on the subject of the Review of the Effectiveness of the Convention."<sup>5</sup>

CoP18 Doc. 11 stated that the time had come for CITES to carry out another comprehensive review of the efficacy of its listings. And it stressed that this time CITES must also examine the "role of people and States to be the best protectors of their own wild fauna and flora and the rights of rural communities and indigenous people over their own natural resources which include wild animals and plants". And I add that it must take account of wider socioeconomic factors, along the lines proposed by the conservationists calling on CITES 'To Think Before You Act'. (See *Wildlife Betrayed*'s chapter 'IPLCs: Think Before You Act')

The proposers of Doc.11 reminded CoP18 that the 1994–1997 review had looked at the "extent to which the conservation status of a representative selection of species listed in each of the three Appendices of CITES has been affected since listing, and the extent to which this can be attributed to the application of CITES, in both party and non-party States".<sup>6</sup> This is almost exactly what IWMC would like to see happen again.

CoP9's initiation of a review in 1994 resulted in major improvements. These included adopting CITES' Strategic Vision (which could now profit from being updated based on the findings of a new

review), formalisation of its cooperation with other Conventions and bodies and an agreement to implement an array of administrative actions. These actions, CoP18 Doc. 11 noted, ranged from the “consolidation of Resolutions and Decisions through to the rather mundane improved numbering of the documents prepared for the meetings of the Conference to the Parties and new reporting requirements regarding the Secretariat and its functions and personnel”.<sup>7</sup>

Nevertheless, many of the recommendations adopted in 1997 at CoP10, following the findings of an independent report, were never implemented. These outstanding actions include:

Developing an interpretive resolution for consideration by the Parties that addresses the relationship between sustainable use and CITES (Recommendation 3C of CoP10 Doc. 10.20 Annex, 1997)

For the Secretariat to consider initiating an accelerated process of review of the scope and coverage of the Appendices. (Recommendation 4A of CoP10 Doc. 10.20 Annex, 1997.).<sup>8</sup>

The Standing Committee should enhance co-operation and information exchange between CITES and the General Agreement Tariffs and Trade (GATT) prior to the conclusion of on-going WTO discussions on trade and environment issues.

With regards to GATT and WTO (the former was subsumed by the latter in 1995), CoP18 Doc.11 explained how in 1997 Decision 10.12 at CoP10 stated that the Parties: “Should encourage co-ordination between the CITES Secretariat and the Secretariat of the World Trade Organization (WTO).” Additionally, 10.12 stated that: “CITES Management Authorities are encouraged to work with trade experts in their countries to improve mutual understanding of the objectives of both CITES and the WTO.” The aim of the two

decisions was to address the existing and potential future compatibilities or incompatibilities between the two Treaties.

But, according to CoP18 Doc. 11, at the governing level of the two bodies there have been no reported co-operation and information exchanges between CITES and the WTO prior to the conclusion of its on-going discussions on trade and environment issues. Without explanation on CITES' website this issue is now listed as 'no longer valid'.<sup>9</sup>

Another ignored recommendation was directed at the Animals Committee. In summary it said:

The review of species listed in Appendices I and II in connection with the criteria for amendment in Resolution Conf. 9.24 shall continue. (Recommendations 10.71 and 10.83, 1997).

CoP18 Doc.11 further identified the extent to which resolutions and commitments made in and since 1997 (especially at CoP17 in 2016) to ensure that CITES fulfils its constitutional commitments have been ignored. Namely:

Listings are still being proposed before the scientific evidence that might justify their inclusion is established. (This runs counter to Resolution Conf. 9.24, Conf. 9.24 (Rev. CoP17).)

There are still inadequate reviews taking place of the trends in trade and the conservation benefits or impacts of the current listings in the Appendices that assess whether they are still appropriate.

There is little to no attempt being made to assess whether the listing of a species in the Appendices is in conformity with the criteria adopted for such a listing by the Conference of the Parties. (Resolution Conf. 9.24 and Rev. CoP17).<sup>10</sup>

Part of the problem facing the African proposers of CoP18 Doc.



11 is rooted in the resolution passed in 1997. While some actions were given priority status and marked as requiring further study, experience reveals that it would have been better had its recommendations been made mandatory. It seems that the initiators of the 1994 review put too much trust in CITES to honour the spirit of its deliberations and implement the proposals it adopted.<sup>11</sup>

At CoP18, Antigua and Barbuda submitted a similar proposal to CoP18 Doc.11, titled 'Securing better implementation of marine fish species listings in the Appendices' (CoP18 Doc. 12). This argued, and nations such as Japan and China agreed, that the listing of marine species had produced no quantifiable conservation benefits. It further said that more likely than not the listing of marine species in the Appendices had proved counterproductive because of the difficulties encountered with the implementation and enforcement of CITES' provisions. Antigua and Barbuda therefore wanted to instruct the:

"...CITES Secretariat, in consultation and cooperation with the Food and Agriculture Organization of the United Nations, to undertake at the earliest opportunity a complete review of the efficiency, from a conservation and management perspective, of all marine fish species listed at CoP12 (Santiago, Chile, 3-15 November 2002) and at subsequent CoP meetings."<sup>12 13</sup>

But instead of debating the content of this proposal, the CITES Secretariat, NGOs and opposing Parties focused on the first word in this sentence: "Urge the Parties not to make further proposals for the listing of marine fish species in the Appendices until the review [of the efficacy of existing listings] has been completed." Opponents of the proposal claimed—again and again—that the word *urge* was a command to Parties to cease proposing marine species for listing in the Appendices. This, they said, infringed the sovereign right of Parties to propose amendments to Appendix I or II.

But any reasonable person with a good knowledge of English

(and most of the opponents were mother-tongue or at least fluent in English) would have interpreted the word *urge*, in the context of the proposal, as meaning ‘strongly encourage’.

Whereas the response to Antigua and Barbuda’s proposal was crushing, the response of CITES to CoP18 Doc.11 was to make it almost impossible to make meaningful progress. Instead of facing up to the challenge, CoP18 decided to fudge the issues by launching a review of the need for a review. Or in its convoluted words:

“The Standing Committee shall *consider the need for* a targeted review of the implementation of the Convention, taking into consideration the prior review of the Convention and existing CITES review mechanisms, and, if appropriate, prepare a costed proposal, including draft terms of reference, for consideration by the 19th meeting of the Conference of the Parties.” (editor’s italics)<sup>14</sup>

IWMC participated in the Working Group created to consider the issue. Populated mostly by NGOs and Parties hostile to the content of CoP18 Doc. 11, it was a futile exercise. Its discussions focused on the difference between the meaning of “initiate a Review” (supported by the proponents) and the words “consider the need for a Review” (supported by those opposing the Review).

At the time of writing this chapter, it appears inevitable that little progress will be made in resolving this dispute by time CoP19 is held in November 2022. It remains to be seen how the authors of CoP18 Doc. 11 will respond to this predictable bureaucratic, pedantic sabotage of their intent.

## **PROPOSALS TO TAKE BACK CONTROL**

Our concrete proposals for the reform of CITES address CITES’ long-standing inability to keep the prohibitionist cause in its proper place. That place, it is important to note, is not negligible,

irrelevant or unworthy in the context of the broader public debate outside of CITES, or even sometimes within it.

IWMC World Conservation Trust's (IWMC) proposals (set out below) are intended to complement the debate sparked by CoP18 Doc.11 and Antigua and Barbuda at CoP18 as well as the experts who are calling on CITES to 'Think Before You Act' about socio and economic issues. Our proposals reinforce their collective calls; specially for CITES to implement in-depth reviews of the efficacy of its listings in the Appendices, 25 years after the first and only comprehensive review was concluded.

### **CODE OF CONDUCT FOR CONTRIBUTORS**

We propose that there should be a CITES Code of Conduct which would be obligatory for all observers and contributors to the Convention's deliberations to respect if they are to participate in its affairs as an accredited body or person.

Any of the sovereign Parties would be free to declare their acceptance of any part of the Code of Conduct they thought suitable for them.

The CITES Code of Conduct would incorporate a series of propositions which would be considered to constitute 'CITES-compliant' contributions and behaviours.

Above all, to be deemed CITES compliant contributors must accept that sustainable use and management, including Consumptive Wildlife Utilisation (CWU) that encompasses the killing, culling and harvesting of wildlife, are in principle legitimate, as assumed in the Convention's founding texts (including subsequent amendments to the 1973 original and subsequent Vision Statements). We suggest that all observers should sign a document declaring that they accept this principle.

A CITES CoP or Standing Committee could still invite contributors who were not CITES-compliant to address and/or challenge them: face-to-face or virtually (online), in public or private; on

the real-time record or with an agreed delay in publication. But contributors openly hostile to CITES' core mission and principles (those who refuse to adopt and abide by the code) should not be accredited to attend meetings or allowed to sit on working groups or to provide services to CITES that are directly concerned with forming or implementing its decisions.

### **‘FINANCIAL TRANSPARENCY PRINCIPLE’ MUST BE RESPECTED**

It is important that CITES deliberations and decisions be financially ‘clean’. We propose that the CITES Code of Conduct must include a provision that to be CITES-compliant, every NGO involved in CITES' processes must declare any funding given or received for a CITES-related activity or contribution. This includes all subsidies or sponsorship of meetings and other events, including hospitality and travel.

NGOs and external bodies to the Convention must be mandated to put on the record any funds that they allocate to Parties to attend CITES' meetings.

Serial offenders should be subjected to appropriate sanctions, including being banned from participating further (for a fixed period) in CITES' affairs.

### **‘EVIDENCE-LED’ PRINCIPLE IS NON-NEGOTIABLE**

‘Cherry-picking’, emotive appeals, selective use of data and other ploys involve CITES Parties and officials in time-consuming and unproductive extra work. Such ploys might often work well in campaigning but are dangerous in legislative and quasi-judicial deliberations such as those at CITES' meetings.

We propose that to be CITES-compliant any contribution from a Participant or other non-Party contributor must be fair-minded and well supported by evidence. Parties should be able to have documents and other submissions that do not meet the mini-

imum standard required to be CITES-complaint (as set out in the Code of Conduct) rendered null-and-void in the decision-making process; to make such challenges fair, rules and procedures would be required.

## **NON-COMPLIANCE HAS CONSEQUENCES**

Any contributor, contribution or recommendation that does not meet the required standard of compliance should be ‘marked down’ in official records based on the criteria set out in the code of conduct adopted by the Parties or in other calibrations enshrined in the Convention, as established by the Parties. Repeated or extreme non-compliant behaviour (such as breaking the financial transparency rules) should put the offenders’ accreditation to CITES at risk.

## **CUT COSTS, REDUCE PHYSICAL PARTICIPATION LEVELS**

CoPs and other meetings have increasingly become over-attended and unwieldy events. It is now imperative that the size of CoPs and of other components Standing Committee, Animals Committee, Plants Committee and working groups be drastically reduced. A diminution of the lobbying merit of physically ‘attending the Court’ (as though CITES was Versailles) is also required.

To scale back the expense (in cash and carbon) of CoPs and Standing Committee meetings, they should become partially and or, sometimes, totally online events, labelled Virtual Conferences of the Parties (VCoPs) and Virtual Standing Committees (VSCs).

Fully or partially VCoPs and VSCs would have the same status as old-school CoP and Standing Committee meetings. In response to the challenges of Covid-19, the committee system of CITES is already well advanced down this track, which will be the right one whatever happens with the pandemic.

Not having to attend meetings but still being able to influence

the debate (through on-the-record written contributions and or invitations to observe, participate and perhaps speak virtually) will save NGOs money for more important work for wildlife. It will also end the discrimination that works against any lobby body that lacks the financial muscle to book flights, hotels and cover other expenses.

## **MANDATE COMPREHENSIVE REVIEWS**

The Parties should empower their Standing Committee to mandate the CITES Secretariat to commission a series of independent, evidence-led state-of-play works, tentatively to be called CITES Comprehensive Reviews. These Reviews would often take the form of an assessment of the implementation of CITES listings and annotations, or of the practical outcomes of listings and annotations. Part of their merit would be that they could look well beyond CITES for causes of and appropriate solutions to threats to wildlife.

Where they cover matters coming before CoPs or the Standing Committee, CITES Comprehensive Reviews would provide an alternative to biased briefings. They would also demonstrate the width of evidence available from knowledgeable NGOs and others who should be seen as valuable contributors to CITES whilst not wishing or wealthy enough to be Participants as currently understood.

These reviews would be numbered and dated, and each could evolve, and would usually cover subjects of great contention. Parties or contributors to CITES would be encouraged to submit evidence of their own. They would also be permitted, even encouraged, to undertake reviews of their own, of course. But these would not qualify to be badged as CITES Comprehensive Reviews.

It is important to note that the CITES Comprehensive Reviews would probably not be focused on making recommendations to the Parties or their Standing Committee as to amendments to

the three CITES Appendices. Though they might discuss a range of possibilities.

CITES Comprehensive Reviews would carry no obligation upon Parties. It should be understood that CITES must necessarily be tactful when—if ever—criticising its sovereign Parties. But no such tact need apply to the CITES Comprehensive Reviews when they touch on the activities of any other CITES contributors or anyone else.

However, the Reviews themselves must be CITES compliant. To stay compliant, the reviews need to respect the following guidance:

### **RESPECT THE PRECAUTIONARY PRINCIPLE**

All actions and inactions have consequences, intended or otherwise. No action or inaction is without risk, and none can be proved beyond doubt to be safe, especially in the future. When invoked baldly, as the Precautionary Principle (PP) usually is, it is deployed to bolster a case which is short on evidence and otherwise too weak to win rational support. The PP can only help produce operable policy if its use is mitigated by a matching concept generally known as ‘proportionality’.

This interlocking principle is vital and widely forgotten. But it’s right there in the UN’s 1992 Rio Declaration on the Environment and Development. Indeed, ‘Principle 15’ of the Rio Declaration declares:

“In order to protect the environment, the precautionary approach shall be widely applied by *States according to their capabilities*. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing *cost-effective measures* to prevent environmental degradation.”<sup>15</sup> [Editor’s italics]

The key words, regarded as anaemic by prohibitionist campaigners, but simply vital in the real world, are (as italicised

from Principle 15 above): “States according to their capabilities’ and ‘cost effective measures””.

We propose that wherever a CITES Comprehensive Review discusses the PP, it should include at least as an Annex a standardised account of the original formulation of precautionary principle (PP) as being a tension between competing principles, especially to do with the use of the PP being ‘proportionate’.

CITES Comprehensive Reviews will require a robust, and a sceptical, assessment of any deployment of the PP. Adopting a principled caution about the PP should be key to an utterance being CITES-Compliant (see Code of Conduct).

### **SUSTAINABLE USE CANNOT BE SIDE-LINED**

It is a founding principle of CITES that it exists to further conservation, not least through sustainable use and CWU (Consumptive Wildlife Utilisation). Subsequent amendments and policy making have highlighted conservation’s role in human sustainable development (an ideal updated in CITES’ vision statements).

Sustainable use, or even management, of wildlife appals many people on ethical grounds (however flawed), and they have a perfect right to fight for that cause in the media and in politics.

CITES Comprehensive Reviews will respect animal rights positions as a matter of respecting any ethical stance. But animal rights positions can’t of themselves outweigh or constitute evidence as to science or best practice and socioeconomic realities. CITES does not exist to halt the sustainable use of healthy wildlife populations and indeed must always assert the rights, in principle, of humans to exploit abundant wildlife resources.

### **HABITAT MANAGEMENT CAN’T BE SIDE-LINED**

CITES Comprehensive Reviews must be sceptical of any proposition which is based on the idea that humankind has no



right (as a matter of principle) to interfere with and benefit from the exploitation of wildlife. Doing nothing is seldom an option when considering issues of conservation or human intermingling or contact with the wild.

Almost all wildlife management involves the prospect of the direct or indirect involvement in the death of some fauna and flora, often as a matter of ensuring the wider well-being of the totality of a habitat's fauna and flora.

CITES Comprehensive Reviews will always make a robust assessment of evidence concerning the value of any proposed human interference in the non-human world, but never assume that such interference is in principle unacceptable.

## **REVIEWS MUST BE EVIDENCE-LED**

Any international body is the servant of the member States which sign up for its Convention and become its Parties.

It is crucial that Parties and contributors act—speak, vote, campaign—with a proper regard for evidence, not least because the only practical way to respect any Party's opinion and options is to weigh the arguments around them.

CITES Comprehensive Reviews will have great value if they present and analyse evidence, however inconvenient that may be to any CITES or other players, especially when socioeconomic and the scientific findings are not aligned. Evidence is often thin, patchy, inconclusive and contradictory. So be it.

CITES Comprehensive Reviews cannot be partisan. The personal preferences of CITES Comprehensive Review authors, however heartfelt, cannot be allowed to flavour their assessment of the evidence, however far authors are taken from their comfort zone.

## **CITES REVIEWS MUST BE INDEPENDENT**

It is unlikely that a signatory State Party to CITES would

be deemed an appropriate author or co-author of a CITES Comprehensive Review. It is possible that a regular contributor to CITES deliberations might be considered as an author or co-author, especially if he or she has a proven track record of pro bono CITES-compliance or co-authorship was properly balanced.

The authors of CITES Comprehensive Reviews would be commissioned by the appropriate CITES body. Putative authors could suggest themselves and be commissioned or not, by the same mechanisms.

### **ALL REVIEWS TO BE WIDE-RANGING**

Quite often there is alarm, justified or not, about threats to a particular species. A CITES Comprehensive Review might be commissioned to establish what evidence lies behind the alleged threat. To establish the role of international trade, if any, the review could legitimately discuss the several other factors which might be involved. These might well include habitat loss or degradation, local trade, over- or under-use by locals, poaching, or revenge killing, as a result of human wildlife conflict. They might also consider civil strife, war or insurgency, and other socio-economic factors that might have a material impact on the efficacy of particular listings (proposed or existing).

The likely efficacy of any likely regulation by any likely regulator might also be an interesting area for exploration.

In short, CITES Comprehensive Reviews might fulfil a very useful ‘housekeeping’ role for the Convention by demonstrating whether it should have taken a role in particular cases, or should in the future.

### **PROVIDE A PUBLIC SERVICE**

We propose that CITES creates a Media Service which would promote the Convention’s own Comprehensive Reviews in plain language. This service would also be the home of debate about

threats to species, and not least the role of international (and preferably, any trade) amongst them.

The CoP will, we hope, authorise that CITES Standing Committee be empowered to set up the CITES Media Service, probably deploying the Secretariat for the detailed work of commissioning and overseeing the service. CITES would declare itself the custodian of this service, whose essential guiding principle would be the development of the independent, robust fair-mindedness, all-round view which is supposed to inform all journalism.

## Concluding remarks

Listocrats don't care about the socio-economic and environmental consequences or about the inability of CITES to implement the listings they propose. They don't care if CITES' listings turn honest trades into illegal ones or if they make the demise of a species more probable. This fact of life threatens the sustainability and purpose of CITES.

The very first logo adopted by CITES was a replica of the mystical and iconic Noah's Ark. It embodied CITES' mission: saving wild species for the benefit of humanity and the wildlife trade alike. It is an image that I have always treasured.

When CITES' Ark sailed on her maiden voyage, humans and wildlife involved in trade stood to benefit from each other. Then came internal conflicts, resulting mainly from environmental NGOs that used specious arguments to court the media and gain influence in elite circles. Convinced of their moral superiority, they invested their time and multi-million-dollar budgets to capture CITES ideologically and operationally. According to many of those involved in this self-styled cult of Saviours, it is morally wrong to use wild animals to sustain livelihoods and to generate profit.

Inspired by an evangelical spirit, they popularised among Western elites the supposed virtues of a second wave of colo-

nialism: Eco-colonialism. Just like the colonialism of past eras it imposes severe constraints upon the developing world and criminalises any culture and mores its advocates consider distasteful or backward. Some of these same NGOs, which claim to be the good guys, use brute force in remote locations to impose their will and morals on others, especially when they think nobody of influence is interested or looking.

These self-styled environmental Saviours have exploited their influence to bring more and more wild animals and plants onto the Ark. It is now so full of species that don't need saving from the effects of trade—or are better protected by other regulatory bodies—that it is starting to sink. Today, both humans and wild-life suffer from being 'prohibited' to benefit from each other as it could and should be.

As one of the first humans to embark on the Ark's voyage, I shall remain onboard not merely because I think the ship is worth saving. But because I truly believe that it can be saved. However, if my optimism turns to dust, I will remain onboard, if only for the purpose of providing advice and guidance to those wishing to ensure their survival and that of their wildlife resources, either inside or outside the Ark.

## References

- <sup>1</sup> One precedent for doing this was CITES' refusal to list blue tuna at CoP10, even though it was a species widely acknowledged to be at risk from international trade. Another is vicuña, which CITES lists in its appendix but only on the terms already established by Convention for the Conservation and Management of the Vicuña.
- <sup>2</sup> <https://cites.org/sites/default/files/eng/cop/18/doc/E-CoP18-011.pdf> Accessed on 28/01/2022
- <sup>3</sup> See <https://cites.org/sites/default/files/eng/cop/18/doc/E-CoP18-011.pdf> Accessed 04/05/2022
- <sup>4</sup> See <https://cites.org/sites/default/files/eng/cop/18/doc/E-CoP18-012.pdf> Accessed 04/05/2022
- <sup>5</sup> See the CoP11 2000 'Strategic and administrative matters, Evolution of the Convention: Action plan to improve the effectiveness of the Convention', which states that: 'Processes that have started will be seen through to their natural conclusion. However, if the Conference of the Parties wishes to establish long-term processes, these should be recorded in a new resolution (rather than a "decision")'. [https://cites.org/sites/default/files/eng/cop/11/doc/12\\_1.pdf](https://cites.org/sites/default/files/eng/cop/11/doc/12_1.pdf) Accessed 28/01/2022.
- <sup>6</sup> See <https://cites.org/sites/default/files/eng/cop/10/doc/E10-20to22.pdf> Accessed 28/02/2022
- <sup>7</sup> See <https://cites.org/sites/default/files/eng/cop/18/doc/E-CoP18-011.pdf> Accessed 28/02/2022
- <sup>8</sup> See <https://cites.org/sites/default/files/eng/cop/18/doc/E-CoP18-011.pdf> Accessed 28/02/2022
- <sup>9</sup> In fairness, Doc.11 accepts that there was inadequate drafting with regards to the future relationship of GATT and CITES. For example, decisions 10.11 and 10.12 "only refer to coordination between the two Secretariats and a directive to the Parties to improve understanding of the objectives of the two treaties; thus no action was taken to address the potential incompatibilities of the two treaties at the time when the WTO was established and where it as the primary multilateral trade organization could have deliberated on potential incompatibilities and how to deal with them".
- <sup>10</sup> See Criteria for Amendment of Appendices I and II from 1994 on page 87 <https://cites.org/sites/default/files/eng/cop/09/E9-Res.pdf> Accessed 28/01/2022  
And  
See Criteria for Amendment of Appendices I and II from CoP17 <https://cites.org/sites/default/files/document/E-Res-09-24-R17.pdf> Accessed 28/02/2022
- <sup>11</sup> Doc.11 to CoP18 comments that if the recommendations had been made mandatory "there may have been a fundamental impact on subsequent processes and outcomes in CITES, as some of the most contentious issues in CITES before CoP10, and ever since, are directly related to these recommendations..."
- <sup>12</sup> See Criteria for Amendment of Appendices I and II from CoP17 <https://cites.org/sites/default/files/document/E-Res-09-24-R17.pdf> Accessed 28/02/2022
- <sup>13</sup> The additional information on document CoP18 Doc. 12 (submitted by Antigua and Barbuda) in support of this proposal provided a detailed analysis of the failures of marine listings to produce meaning conservation outcomes. It explains why most of the marine listing in the Appendices caused material harm to the conservation of

the very species, habitats, trades and livelihoods they were meant to protect. It also outlined how CITES had hampered the efforts of better qualified regulatory bodies and authorities to conserve marine species, such as regional fisheries management organisations and the FAO. See <https://cites.org/sites/default/files/eng/cop/18/inf/E-CoP18-Inf-008.pdf> Accessed 30/02/2022.

<sup>14</sup> See Strategic matters <https://cites.org/sites/default/files/eng/cop/18/doc/E-CoP18-012.pdf> Accessed 30/02/2022

<sup>15</sup> See [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_CONF.151\\_26\\_Vol.I\\_Declaration.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf) Accessed 30/02/2022

## Acronyms used in *Wildlife Betrayed*

ABNJ	Area Beyond National Jurisdiction
AEC	African Elephant Coalition
AESR	African Elephant Status Report
AGW	Anthropogenic Global Warming
ARCC	Aboriginal, Rural and Coastal Communities
ASCOBANS	Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas
AWF	African Wildlife Foundation
BBNJ	Biodiversity Beyond National Jurisdiction
CBC	Community-Based Conservation
CBD	Convention on Biological Diversity
CBM	Community-Based Management
CBNRM	Community-Based Natural Resource Management CBMNR
CCP	Chinese Communist Party
CEESP	Commission on Environmental, Economic and Social Policy (IUCN)
CHH	Common Heritage of Humankind
CHM	Common Heritage of Mankind
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CoP	Conference of the Parties
CPUE	Catch Per Unit Effort
CSG	Crocodile Specialist Group
CSR	Corporate Social Responsibility
CTL	Core Trust Fund
CWU	Consumptive Wildlife Utilisation
EAA	Ecosystem Approach to Aquaculture
EAF	Ecosystem Approach to Capture Fisheries
EAFM	Ecosystem Approach to Fisheries Management
EBM	Ecosystem-Based Management

EEZs	Exclusive Economic Zones
EIA	Environmental Investigation Agency
ESG	Environmental, Social and Governance
ETIS	Elephant Trade Information System
FAO	Food and Agricultural Organization
FSC	Forest Stewardship Council
GATT	General Agreement on Tariffs and Trade
GCA	Global Commons Alliance
GEC	Great Elephant Census
GEF	Global Environment Facility
HEC	Human-Elephant Conflict
HSI	Humane Society International
HWC	Human-Wildlife Conflict
ICCA	Initiative for Conservation in the Andean Amazon
ICCAT	International Commission for the Conservation of Atlantic Tunas
ICCWC	International Consortium on Combating Wildlife Crime
ICES	International Council for the Exploration of the Sea
IFAW	International Fund for Animal Welfare
IOTC	Indian Ocean Tuna Commission
IPLCs	Indigenous Peoples and Local Communities
IRDNC	Integrated Rural Development and Nature Conservation (programmes)
ISSF	International Seafood Sustainability Foundation
IUCN	International Union for the Conservation of Nature
IUU	Illegal, Unreported or Unregulated (Fishing)
IWC	International Whaling Commission
IWMC	IWMC World Conservation Trust
KAZA	Kavango-Zambezi Transfrontier Conservation Area
MEA	Multilateral Environmental Agreement
MIKE	Monitoring the Illegal Killing of Elephants
MoU	Memorandum of Understanding



MPA	Marine Protection Area
MSY	Maximum Sustainable Yield
NDF	Non-Detriment Finding
NGO	Non-Governmental Organisation
OIOS	Office of Internal Oversight Services
PETA	People for the Ethical Treatment of Animals
PoW	Programmes of Work
PP	Precautionary Principle
PPE	Personal Protective Equipment
QTL	CITES External Trust Fund
RFMO	Regional Fisheries Management Organisation
RSPO	Roundtable on Sustainable Palm Oil
SDG	Sustainable Development Goal
SSN	Species Survival Network
SULi	Sustainable Use and Livelihoods Specialist Group (IUCN)
TNC	The Nature Conservancy
UN	United Nations
UNCLOS	UN Convention on the Law of the Sea
UNEP	United Nations Environment Programme
UNODC	United Nations Office Drugs and Crime
VCoP	Virtual Conference of the Parties
VSC	Virtual Standing Committee
WCPFC	Western and Central Pacific Fisheries Commission
WCS	Wildlife Conservation Society
WHO	World Health Organization
WTO	World Trade Organization
WWF	World Wide Fund for Nature aka World Wildlife Fund
ZWG	Zoonotic Working Group (CITES)

# Wildlife Betrayed

*Wildlife Betrayed* is the forward-looking, reforming manifesto which 21st conservation and sustainable development has lacked. It is in the form of a short book-length document, ideal for online propagation. It has six Case Studies ranging from Elephants to COVID showing how populist “hands-off” conservation and animal welfare campaigns are pursuing a well-funded and relentless campaign to mislead the public and hijack multilateral institutions, especially CITES.

Eugène Lapointe has been in the center of the controversy created by the NGO’s simplistic but appealing campaigns. If you feel committed to the conservation of wildlife, well-being of native and indigenous peoples, and welfare of rural and coastal communities, read *Wildlife Betrayed*.

Professor Joji Morishita, PhD

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Eugène Lapointe was home-schooled in the Canadian wilderness by his mother and game warden father. After military service, he spent 14 years in government service, where he helped draft the *Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)*, of which he became Secretary-General (1982–1990). After leaving CITES, he founded the International Wildlife Management Consortium, which campaigns to Integrate Wildlife, Markets and Conservation (IWMC). IWMC believes that when wildlife species have value, stakeholders will make the effort to sustain it. Eugène Lapointe is a jurist, diplomat, hunter, humanist, husband, father, ice hockey coach, and lecturer. But he is also one of the most credible and optimistic thinkers in the field of conservation.

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