Case Studies, Day 3: Whaling, Trade in Endangered Species, Biodiversity, Fisheries

Whaling

"Illustrates the transformation of an international regime from one that allowed virtually unregulated exploitation of an endangered species to a framework for global conservation, despite the continued resistance of a strong veto coalition"

Issue definition: this issue is fundamentally different from some of the previous issues, insofar as "emotions and concerns for national sovereignty influence the global debate on whaling more than detailed scientific analysis and debate or economic interests." What are the competing narratives put forth by the lead and veto states? (n.b.: in such a political environment, the fact-finding stage is effectively meaningless.)

Regime creation: The existing International Whaling Commission (IWC) was used as the forum to control whaling, with the growth of environmentalism in the US in the late '60s driving the lead states to challenge the veto coalition led by Japan, Iceland and Norway.

Challenges to regime strengthening: "the build-up of a pro-whaling coalition within the IWC, outright defiance of international whaling rules, misuse of scientific whaling, the potential for weakened support for the moratorium, and the use of other processes, including CITES, to attempt "end-runs" around IWC prohibitions"

International Trade in Endangered Species

How is this a more limited regime than that covering biodiversity? What is a "range" state?

Regime creation: The 1973 Convention on International Trade in Endangered Species (CITES), which currently protects more than 33,000 species and has 167 parties to the convention.

Appendices I-III: Species in Appendix I are threatened with extinction and can only be traded for scientific or cultural purposes. Species in Appendix II are at risk of endangerment by international trade and can only be traded if their export is not considered harmful to the survival of the species. Appendix III species are listed voluntarily by range states seeking international cooperation. [Appendix I lists 800+ species; Appendix II lists 32,500;; and Appendix III around 290]

Two case studies: African elephants and big-leaf mahogany. In the case of African elephants, why would the text say that "it was Japan…not the African states, that determined the viability of the regime."

Why is there no single group of lead or veto states? Because CITES is an 'umbrella regime' with various 'mini-regimes', each of which has their own set of lead and veto states and organizations

Biodiversity Loss

***Issue definition/fact-finding*:** we have discovered approx. 1.75 million of somewhere between 3 and 100 (!) million species, but have increased extinction rates by up to 1,000 times over background extinction rates.

Regime creation: The Convention on Biological Diversity (CBD); signed at Rio and generally regarded as a weak regime due to North-South disputes over intellectual property rights (IPR). What was the source of the division?

***Lack of regime strengthening*:** "the ambiguity of the process reflects the more diffuse nature of the regime's rules and norms, the absence of a strong lead state coalition, the absence of an enforcement mechanism, and a general lack of political will to enforce the regime". The regime is also "lacking in precise binding language."

Fisheries Depletion

Possible veto states: "The seven biggest fishing states (China, Peru, United States, Japan, Chile, Indonesia, and the Russian Federation) account for 51 percent of the global catch. The countries with "distant-water" fishing fleets (Russia, Japan, Spain, Poland, the Republic of Korea, and Taiwan) are responsible for the majority of the catch in international waters."

Regime creation: Although international fisheries are regulated by a number of national and international bodies, the first binding agreement was the UN Convention on the Law of the Sea in 1982.

Lack of regime strengthening: ongoing problems with enforcement, coordination, and incentives

Conclusions: Four possible reasons for veto states' changing their position: 1) new scientific evidence, 2) change of government, 3) domestic political pressure, 4) fear of adverse international opinion