



The Alaskan Fur-Seal Crisis: Science, Capital, and Multilateralism in the Settlement of International Biodiversity Disputes

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Abstract

The history of the Alaskan fur-seal crisis shows that the development of international environmental law and the peaceful settlement of biodiversity-related disputes can occur over the very long term, through a dynamic, iterative, and cyclical process that involves four key steps: the sorting of competing interests; the sifting of evidence and expert opinion; convergence on shared values; and the articulation of new regulatory regimes that reflect those values. The fur-seal dispute followed this pattern; it occurred over a period of more than 25 years during which the parties initiated several resets of the cycle until finally reaching a durable multilateral agreement grounded in a commitment to the rule of law and the rational use of natural resources. The main obstacles that prevented a more timely and efficient resolution were scientific uncertainty and risk to investment capital. The parties found they could not reach agreement on the causes of the decline of fur-seal populations, but they could agree on a regulatory model that incented the reallocation of private capital away from unsustainable activities, and that provided for an equitable sharing of public revenues in the long term, including through compensatory payments in exchange for restraint in the exercise of legal rights. This paper traces the origins of the dispute and the steps taken to reach a solution, including the several joint scientific inquiries commissioned by the parties, and invites discussion about how the lessons of the fur-seal crisis could be applied to avoid and resolve future biodiversity-related disputes.