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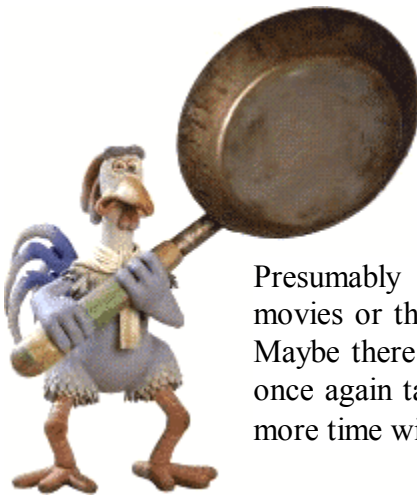
Promoting Sustainable Use

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IWMC
World Conservation Trust

Family Time...



When politicians are forced to resign, the standard cliché is rolled out that they have chosen to "spend more time with their families". Now it seems that chickens wish to do the same. Rather than being bred for human consumption, Bruce Friedrich, PETA's Director of Vegan Outreach, stated on CNN's Crossfire show on 6 January 2003 that KFC chickens "want to spend time with their families".

Presumably they have a hitherto unacknowledged hankering to watch the latest movies or they desperately want to go sightseeing or cackle joyously to each other. Maybe there are lots of secret genealogists among the poultry community. PETA is once again taking its anthropomorphism too far. Perhaps Mr. Friedrich should spend more time with his family... or with some chickens.

Editorial: To Strand or Not to Strand People ask the question, not Whales

by Janice Henke, Anthropologist

People have watched whales strand on beaches for millennia. It always draws in a crowd, and the crowd behaves differently, depending on the culture that sustains its lifestyle. Some people have always considered stranded whales a gift from the gods. They have joyfully taken advantage of the windfall, using the meat, skin, teeth and bones, and contriving songs and dances to celebrate this gift of the sea.

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This is the way the Maori of New Zealand view any whales that strand on their beaches - they feel that their traditions and wishes should be respected by the other inhabitants of their islands, so that they can use these animals whenever they come, and in what ever way they wish. But the government of New Zealand, peopled mainly by those of British descent, disagrees that this fortuitous use is proper and decent behavior. They want every effort to be made to refloat the animals, and if that is not possible, and the whales die, then they decree that they should be left to rot or, as they put it, to let nature take its course. The white westerners in New Zealand have a long tradition of denying the Maori their cultural heritage.

Perhaps this will change someday. Recently, one of their own, a biologist who serves on the Scientific Committee of the International Whaling Commission, has described the refloating of a pod of stranded pilot whales as cruelty that should be stopped. Martin Cawthorn, a former government whale biologist, now sides with the Maori, apparently because he believes that interfering with the stranding behavior does whales more harm than good, by prolonging inevitable deaths. He is not alone in this view. Two other white New Zealanders have joined him in calling refloating efforts "cruelty" and they and Maori strategists have called on the government to update its Marine Mammal laws so that whale suffering will no longer be prolonged, and Maori may have their way with their traditional resources.

The argument came to a head recently when some 159 pilot whales stranded on Stewart Island. Local people (not Maoris) rushed to the beach to refloat the animals while a woman whose family owned the land called for the government to shoot the whales as a humane alternative. Others confirmed that the animals were suffering from sunburn, and probably from massive organ damage. Thirty-eight animals were refloated, while the

remaining 121 were left "to rot on the beach." Maori people were, as usual, prevented by law from utilizing any part of the stranded animals.

IWMC sides with the Maoris in this matter. It is obvious that stranded whales are in some kind of acute distress. Efforts to refloat them and send them on their way almost never work. The animals often come right back, or strand further on along the coast.

Consideration of their suffering, and consideration of the cultural needs and desires of the people who have traditionally used these animals, should be given equal priority. It makes no sense to deny people the right to use fresh whale meat and blubber, and to deny them the right to salvage the bones and teeth for carving. To behave otherwise is to arbitrarily prioritize the colonizing culture over that of these First Peoples. The New Zealand Marine Mammals Act should be revised with this more humane perspective in mind, and with respect for the Maori people, who are urgently calling for this change. In addition, the Maori wish to show the world their carving style, which is traditionally wrought on whale bones and teeth. The New Zealand government objection to commercialization of these commodities is once again, based on the priorities of white New Zealanders. There is no biological reason to deny this Maori request. The reason is a purely political, colonial holdover from two hundred years ago. Wake up, New Zealand; respect your people. They, as much as the whales, are your valuable resources.

Now is the time for all good men to come to the aid of their country. Now is the time for all good men to come to the aid of their country. Now is the time for all good men to come to the aid of their country. Now is the time for all good men to come to the aid of their country. Now is the time for all good men to come to the aid of their country. Now is the time for all good men to come to the aid of their country. Now is the time for all good men to come to the aid of their country.

Whale-Huggers' Case is up the Spout

by Padraic P. McGuinness, Journalist

(Source: Sydney Morning Herald, 28 May 2002)

The meetings of the International Whaling Commission have long been noted for unproductive brawling. The only difference at the most recent one was that Japan is finally resisting being pushed around by the whale-huggers of the rest of the world.

In the process it exposed the absurdity, indeed the hypocrisy, of the Australian Government's commitment to a South Pacific whale sanctuary.

The IWC was set up originally as a result of well-justified fears that major whale species were in danger of extinction as a result of over-fishing. This danger is long past.

While there is reason for caution and the maintenance of bans on fishing for some species, in general there is no longer any good case to be made against whaling to supply those people who wish to eat whale meat. It is true that no-one needs to eat whale meat these days, any more than anyone needs to eat pork - but that is no reason to ban its consumption.



It is also true that not a single indigenous person of any country, including the United States or Russia, needs to eat whale meat.

Japan acted perfectly logically in insisting that if there were to be a ban on whaling it should apply equally to those who, in the name of some special sacred right of indigenous peoples, had been exempted from the general ban. Their protein needs can be perfectly adequately supplied in other ways - they simply do not depend for their survival on eating whales.

If its claim is to be based on tradition, then Japan has an equally valid claim to hunt and eat whales on a traditional basis. If the survival of a whale species is not threatened and it is getting harder and harder to argue with a straight face that minke whales, which are very numerous in the Southern Ocean, would have their survival threatened by limited commercial whaling there is no sense in protecting it.

Japan already conducts some whaling, under the guise of scientific study, and it is ridiculous to suggest that this in any way threatens the survival of the minke.

Where does the obsession with preventing whaling spring from? Once the rational aim of ensuring the survival of species has been achieved, the rest is just a hotchpotch of emotion and superstition. Of course whales are remarkable beasts, but so are pigs and no less intelligent. What makes whales morally superior to pigs? It is just that they are bigger?

There simply is no good reason to refrain from killing and eating whales unless one is a vegetarian, and that is a personal not a political choice. Some humanitarian considerations are involved but they are not the main point.

Few opponents of whaling will allow that any improvements in technique or any degree of certainty about species survival would permit a resumption of commercial whaling.

The real mystery is why the Australian Government wastes so much diplomatic effort on this nonsense. It is understandable that Labor governments like to throw the odd bone to their own lunatic fringe supporters, but it can only be supposed that the Coalition has itself a sufficient fringe of such supporters to feel it necessary to do the same.

There is no international political capital to be gained from the continuation of the anti-whaling charade, nor the South Pacific sanctuary proposal. It must be that much of the push for the sanctuary comes from bureaucrats, who are disproportionately influenced by the fashions of the half-educated middle classes.

It may be that Japan has finally decided to force the collapse of the nonfunctional IWC. It has successfully persuaded a number of other

countries to agree with it. Whether this has involved payments, direct or indirect, hardly matters it is standard practice in world politics for wealthy countries to bribe poor countries (unfortunately, most of the money goes to the privileged classes, not to relieving poverty).

The lies and misrepresentations peddled by secretive non-government organizations such as Greenpeace are understandable. Campaigning against whaling is one of their best money-raisers.

There is certainly considerable feeling in the community against whaling. But that is easily dealt with on a domestic level - few people in Australia would feel moved to campaign for a resumption of Australian-based whaling, which had a proud history.

But why should Australia, the moralisers of the European Union and other comfortable rich countries try to impose their dietary and religious preferences on the rest of the world?

The Fool and his Crew have departed

Good news on the topic of the notoriously silly Sea Shepherds and their empty threats to the Japanese scientific whaling expedition in the Southern Ocean: Watson and his band of thugs have given up the quest to get some media coverage out of their search for the research vessels. They were unable to find any research vessels, and are now headed for Tahiti. Since the pointless journey is now over, it looks as though Paul Watson will be able to attend the also ridiculous "eco-terrorist" conference that is being put on by the California State University at Fresno, February 13 and 14.

IWMC applauds the Japanese research fleet for its efforts to continue to contribute to scientific knowledge on whales in the Southern Ocean. We are pleased that Watson's nuisance value has been eliminated for now, and hope that he just disappears into the oblivion he deserves.

U.S. Court Erects New Roadblock to Makah whaling

by Edward A. Wright

A three-judge panel of the U.S. 9th Circuit Court of Appeals in San Francisco has blocked resumption of the Makah traditional gray whale hunt and vacated a quota issued by the International Whaling Commission (IWC).

But legal experts warn that the ruling represents far more than a legal and philosophical victory for animal rights activists. They say it reaches beyond the Makah's remote Pacific Coast reservation in Washington State by questioning long-established U.S. treaty law, thus setting the stage for a constitutional showdown in the U.S. Supreme Court. In another twist of irony, the ruling even defies 9th Circuit precedent, not to mention the International Convention for the Regulation of Whaling (ICRW).

Native American treaty rights are described by the U.S. Constitution as, "the supreme law of the land." The Makah Tribe possesses the only treaty specifically reserving the right to traditional whaling activities that predate modern history.

The ruling puts the Makah gray whale hunt on hold for an indefinite period. The National Marine Fisheries Service must now complete a lengthy comprehensive environmental review of the hunt. Brian Gorman, a spokesman for the service, told Seattle newspapers shortly after the ruling that his agency was deeply disappointed with the decision and that it

would take lengthy analysis to figure out how to proceed in the next round of whale-hunt reviews, scheduled for next year.

In the ruling, the panel of judges demanded that the federal government not only conduct a comprehensive environmental analysis of the hunt, but also comply with provisions of the U.S. Marine Mammal Protection Act (MMPA).



"The Makah Tribe is deeply concerned about the effect of this ruling on its treaty fishing rights and the treaty fishing rights of all Indian tribes in the Northwest," said a news release from the tribal council. "[The] ruling may lead to new, draconian restrictions being imposed on tribal fishing, notwithstanding the tribe's treaty rights and regardless of the actual impact of the tribal fishing on the resource."

This alarm over treaty rights and established legal precedent was not shared by the animal rights lobby, however. Animal-protection groups who launched the lawsuit hope the decision leads to a permanent end to whaling in the Lower 48 states.

Michael Markarian, president of the Fund for Animals, told media outlets that he was, "elated that the court has put a stop to this illegal and inhumane whale hunt. This court decision upholds the MMPA, which is a sweeping conservation measure to protect marine mammals in the U.S."

Although granted quotas by the IWC, Makah tribal members have not had a successful gray whale hunt since 1999 – the first since they voluntarily suspended whaling in 1920. That hunt attracted the attention of animal-rights activists who demonstrated at the reservation boundary and by “direct action” on the water. Among opponents to Makah whaling is a coalition including the Fund for Animals and the Humane Society of the United States, which sued the federal National Marine Fisheries Service on the grounds that, under the provisions of the National Environmental

Policy Act (NEPA), its environmental assessment was biased and inadequate.

The appeals court agreed with the coalition’s arguments and unanimously ruled that the fisheries service's environmental assessment failed to adequately consider the impact of the Makah hunt on the relatively few “resident” whales they claim live in waters around the reservation. Most of the estimated 17,000 to 25,000 gray whales migrate annually between Mexico and the Arctic Ocean.

In the ruling, the court

- Set aside the fisheries service finding that the Makah hunt would have no significant impact.
- Suspended a hunt-management agreement between the tribe and the fisheries service.
- Vacated a quota of whales for the tribe that the United States had obtained from the International Whaling Commission.

Tribal Chairman Nathan Tyler said that the ruling, "Will hurt across the board. That day the whale was on the beach (1999), the whole town was down there. People were happy and looking forward to getting some of that whale meat. Everybody is going to feel it here. They are not going to be happy with the decision."

Concerns about the far-reaching impacts of the ruling are based on the well-established legal principle that made Native American treaties the supreme law of the land unless the U.S. Congress specifically said otherwise, explained Bob Anderson, professor of law at the University of Washington.

"It is an unprecedented break with how every other court has analyzed general statutes and treaty rights," said Anderson, who directs the Native American Law Center. "It seems flatly wrong on the Indian-law component of the analysis. They are definitely stretching to find federal regulatory authority to limit treaty

rights when the Supreme Court has said that you have to find clear evidence that Congress intended to do so."

Anderson said that, in fact, Congress made clear its intent when it amended the protection action in 1994 to say that "nothing in this act . . . alters or is intended to alter any treaty between the U.S. and one or more Indian tribes."

Makah tribal attorney John Arum called the decision "devastating. It certainly has ramifications beyond whaling. If you apply this literally, the Endangered Species Act takes precedence over treaty rights, and the tribes can't fish."

Even if the Makah were to challenge the ruling and win on the Marine Mammal Protection Act portion of the decision, the tribe could still face years of complying with requirements of an environmental-impact statement before being able to hunt again.

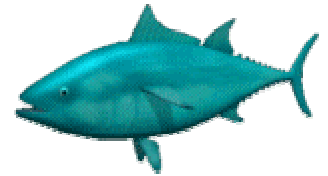
Dolphin Safe Tuna - It's not about the Animals

Back in 1999, we applauded the Clinton administration for its decision to approve the harvest of Eastern Tropical Pacific tunas via the dolphin-encirclement method, provided that the dolphins were released from the encircling purse-seine nets with no or insignificant injury or mortality. Scientists had found that those tuna that make it a habit to swim below pods of dolphins, are generally fully mature adult males. It is not known if the fact that the two species occur together is a decision of the dolphins or a "decision" of the tunas. Regardless, a method of safe encirclement and subsequent dolphin release has been developed that has been cited as so successful, that the Commerce Department has found dolphin mortality to be almost entirely eliminated, in contrast to earlier years when many thousands of the animals were injured or drowned. Today, tuna fishermen look for schools of dolphins, and set the purse seines around them, knowing that when the drawstring on the bottom is closed, that large, mature tunas will be inside.

Extremists Non Governmental Organisations (NGOs), however, have used the former high mortality of dolphins, and the fact of a film made years ago by a green advocate, to entirely intimidate the three major tuna distributors in the United States. StarKist, Bumble Bee and Chicken of the Sea all refuse to buy tuna from Mexico, regardless of the fact that the Mexican fishermen have now successfully passed the US government-imposed test of greatly reduced dolphin mortality. After the first of this year, the Bush administration declared that the Mexican boats

are producing tuna that can fairly be labeled "Dolphin Safe".

Qualifications for this label are extremely rigorous; there are independent observers on each vessel, and if a set on tunas results in any dolphin injury or mortality, then that catch can not be given the label. Small boats and sometimes, divers in wet suits, are used to herd the encircled dolphins out the back of the net, and reportedly, once a pod of the animals has learned what will happen, they all head for the marker buoys in the back, which is the point at which the top of the net is relaxed down so that they can safely escape. Clearly, this new system works to "save" the dolphins. The tunas caught in the method are truly "dolphin safe" because of the success of the new technology.



The same NGOs hate this improvement, because it threatens to reduce their impact on tuna marketers. Their power is threatened. Greens have convinced tuna importers and distributors that the public can be adversely influenced by green public advertisements and statements that the imported tuna is responsible for dolphin deaths. These large corporations want to take no chances. They will sell only tuna that have been certified that they are caught without dolphin encirclement. Incidentally, studies have shown that when tunas are caught in the absence of dolphins, the school contains many young and female fish, so the practice does not contribute to sustainability of the tuna harvest.

Clearly, science has demonstrated that tuna management and dolphin conservation are both enhanced by the dolphin encirclement method of tuna fishing.

Thus once again, science is demeaned by extreme NGOs who seek to preserve their power over commerce and government policy. Humane Society of the United States, Defenders of Wildlife, and Earth Island Institute are suing the US government for allowing Mexican tuna to be labeled "dolphin safe".

IWMC applauds the US government for its impressive efforts in determining that there is a scientific basis for the dolphin safe label. This is just one more test of the power of green groups as they intrude into the traditional government domain of public conservation policy. We wish the US Commerce Department and NMFS the best in the process that will be played out in the courts this year. The dolphin safe label fight promises to set precedents for years to come.

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