

Sustainable eNews

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Promoting Sustainable Use

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IWMC
World Conservation Trust

Welcome to the 164th Party to CITES

Lesotho, the last country to have signed the Convention in 1975 that had not yet ratified it, has deposited its instrument of ratification of CITES on 1 October 2003 and will so become the 164th Party to CITES on 30 December 2003.

Editorial: Rational Solutions In Impossible Environments

New Procedures To Implement Whale Resource Management

By Eugene Lapointe

There are times when it makes sense to step back from a seemingly impossible situation, and take stock of those conditions that appear unlikely to be resolved by additional polite and rational talking. Apparently, this is the step that Japan is taking after more than two decades of trying to change the positions of other Parties to the IWC about the issue of resumption of commercial whaling. When faced with the argument of "scientific uncertainty" regarding the unknown dimensions of the health of whale stocks, Japan initiated programs of scientific research on whales that were intended, as much as could ever be possible, to remove those uncertainties. The IWC Scientific Committee itself finally developed the Revised Management Procedure, widely lauded by the global scientific community as appropriate to assessing all factors that could or would likely affect whale stocks now and in the foreseeable future.



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Threatened by the possibility that science would provide justification for resumption, the IWC moved to insert the necessity of a Revised Management Scheme into the IWC protocol so that further delays to whaling could be implemented indefinitely. The Berlin Initiative is the last straw in an overload of duplicity that has finally broken the back of an IWC formed to provide for the conservation of whale stocks and the benefit of the whaling industry. It has finally been recognized that these two organizational goals are never going to be implemented under the social and political conditions that prevail in today's International Whaling Commission.

Therefore, it comes as no surprise that Japan may leave the IWC in order to spend productive energy on an alternative organization. Such a body would actually carry out the dual goals of whale management and active direction of a resumed, scientifically and socially justified commercial whaling industry. According to Mr. Akira Nakamae, councillor to the Japanese Fisheries Ministry, the idea is already a plan. Mr. Nakamae announced this bombshell while his delegation was attending the Southern Bluefin Tuna conference in New Zealand, in early October. There might be an extended version of NAMMCO, or an altogether new organization, and decisions on the details shall be made before IWC meets in Italy, next July. Norway, Iceland, Greenland and the Faroe Islands constitute NAMMCO at present. The NAMMCO model for marine mammal management has been very successful in the North Atlantic, due to the common interests and diplomatic relationships among the members, and the fact that anti-whaling nations have no part in the decision making processes of this organization.

True to its tradition of serious attempts at negotiation and diplomacy, Japan will try once again to convince the IWC to change

course, but when this fails, the rival organization shall become reality. Then the power structure of the IWC shall have lost its major adversary, and the remaining Parties can, in the absence of further conflict, decide what to do with their plans for whale watching, dolphin protection, and media relations. Their embarrassment shall be coated over with loud pronouncements that Japan has destroyed the IWC, and doomed whales to extinction. This ridiculous posture is not expected to result in anything of global importance. There will be no further means for anti-whaling nations to prevent Japan and eventually, Iceland from pursuing their goals of science based whale harvest on any stocks that are judged capable of a sustainable take. Although we don't know what Iceland may decide to do when this goes down, we think it would be folly for Iceland to remain in IWC as the only whipping boy left. Nor can we predict what Norway, the Caribbean nations, or Denmark may do when Japan leaves the IWC. It would seem reasonable to expect that those nations whose sustainable whaling is important to their environment and to their citizens, shall now turn their faces to a more promising future of rational discourse based on science and issues of economic and social justice.

IWMC shares the hope of modern whaling nations that a new beginning can be made which shall demonstrate their integrity, scientific expertise, and sovereign determination to the world. Whales have not been the subject of much of the polarity in IWC. The subject has been the power to deny some Parties their sovereign rights under the ICRW. Original goals to save the whales have long been subverted in political intrigue, anti-whaling NGO rhetoric, and sometimes, an apparent willingness to exhibit power for its own sake. This is all going to come to an end, and we feel strongly that the global marine environment, and the future of many coastal peoples, shall be better for it.

Iceland Finds Greenpeace and Other Threats are All Wet

The bottom line is, nothing bad has happened to Iceland in economic or political retaliation for the government's decision to conduct an initial scientific research-whaling program. Norway's whalers and tour operators have been telling them that, all along, but Iceland had to find out firsthand. Despite dire threats from Greenpeace that the bullies of the sea would persuade tourists not to visit Iceland -- threats disguised behind a promise that they would incite tourists to visit Iceland if it would renounce to its whaling activities -- guess where the best increases in tourism originated? Great Britain and Germany, two of the staunchest anti-whaling IWC Parties, saw more of their citizens heading for Iceland this year than last. According to the High North Alliance, the Iceland tourism board tallied 25% more Brits and 77% more Germans than last year who visited Iceland this September.

Greenpeace, "mafia of the sea" to some, has not brought Iceland to her knees, and has not had an impact on the national policy of any nation to the extent that trade or economic reciprocity has been affected in any way.

Even though the Superpower has made hints of economic threats, these are not expected to be fulfilled, any more than they were when the US threatened Norway or Canada, over those nations' whaling activities. No country wishes to take the chance of embarrassment if it should impose trade sanctions that would be a violation of obligations under the terms of the World Trade Organization. It would just be too much hassle, and might unleash unpleasant repercussions at home.



Whale on, Iceland. We have confidence that you are doing so within your sovereign rights under both the IWC and the United Nations Law of the Sea, and within appropriate scientific guidelines. Yes, we recognize that your goal is to discover whether or not minke (any perhaps other species) shall be able to withstand a consistent moderate level of commercial harvest. And, we understand that your scientists want to know the ecological impact that whales are having on your marine environment. These are all politically correct, ecologically correct, and socially appropriate goals. Best of luck from IWMC and all our supporters who are watching this world stage drama.

Conference Announcement

June 3-5 June 2004 - Infotuna 2004 Bangkok, the 8th World Tuna Trade Conference & Exhibition. This event is organized by INFOFISH in collaboration with the Department of Fisheries, Thailand, and the Thai Food Processors' Association in association with atuna.com (Infish@po.jaring.my)

Will the Truly Green Tuna Please Stand Up The Tuna-Dolphin Controversy Returns

We note with dismay the continued problem of an animal-rights campaign that is causing harm to the environment and to those people whose livelihoods depend upon it. Earth Island Institute (EII), based in coastal California, is continuing to threaten American and European processors and distributors of yellowfin tuna with bad publicity if they should follow sound scientific advice and buy tuna from boats that use the dolphin-surround technique in their fishing. (See "Tangled Nets" in the October 2 issue of the Economist)



This is an old story, covered previously here and elsewhere. Dolphins swim in groups, or pods, far out to sea. They may be seen when they surface together to breathe. Large schools of mature yellowfin tuna often swim below them. The fishermen's technique to capture the tuna without harming the dolphins has evolved in the last decade to a highly sophisticated maneuver, in which the dolphins have also learned what to do to save themselves; a boat circles the pod of dolphins, and lays a weighted purse seine net around them under the animals. The top of the seine has colorful buoys to mark the placement. The bottom of the net is drawn shut, entrapping both the tuna and the top-swimming dolphins.

The boat then performs a "backdown" maneuver, in which the top of the net is relaxed in the back, between two distinctive buoys. Novice dolphins are encouraged by divers or a man in a small boat, to swim out the back where the top is slightly submerged. Pods of animals that have been previously encircled know what to do, and they head for the open space between the buoys at the back of the net. It is rare that dolphins are harmed by this evolved technique. Tuna do not escape since they stay deep within the net.

Both Greenpeace and World Wildlife Fund agree that this is an environmentally friendly way to catch tuna. Aside from the fact that the encircled dolphins are almost never harmed, there is another plus: This encirclement technique catches only mature, usually male, tuna. Other kinds of fishing nearer the continental shelves of South America, are less selective, and young, undersized fish, spawning tuna females, sea turtles, and sharks may be entrapped and killed as unwanted by-catch in methods which do not use the dolphin surround technique. Yet these other methods are the only ones that Earth Island Institute will "certify" to be dolphin safe, and they provide a list to tuna processors of boats that are "certified" by them to use other than dolphin encirclement methods. Therefore, yellowfin tuna from Mexican boats, and those from 12 other Latin American countries, are not being purchased by the three major American tuna processors, who are given the EII list, and who do not want to be attacked in the media and on the Internet for failure to comply with the EII demands.

Earth Island Institute is suing the government of the United States for insisting that the dolphin surround method is truly "dolphin safe", and for attempts to ease the 1998 law that includes a definition of "dolphin safe". Therefore, the United States still can not allow corporations to import yellowfin tuna from Mexico, because Mexican boats, like many US boats, have become committed to the dolphin surround method. Although it is said that Mexico can sell much of its product domestically, other Latin American countries with smaller populations can not do so. European tuna distributors are also badgered and threatened by EII, although some of them try to slip uncertified product in from time to time.

This is no longer about saving dolphins from fishermen. That job has been done. The issue now is how governments and corporations shall deal with this fraudulent Earth Island

Institute campaign that controls the business of tuna marketing, and overrides scientific assessments of fishing technology with severe economic threats to the fish marketing business. The only effective way to correct this situation is to distribute a credible information campaign coordinated by the affected governments, the Inter American Tropical Tuna Commission, and the companies that want the freedom to advertise and distribute a product produced in an environmentally friendly, "green" manner. Although this may be considered too risky by the tuna business, what do they have to lose? Not much, and they have a great deal to gain by promoting and demonstrating concern for both people and the environment. Perhaps the affected parties will soon take Earth Island Institute by the horns, and solve this social and environmental dilemma.

Money Laundering by Non-Profit Organizations When that Green Stain Won't Come Clean

We all expect that we have to live by rules. Otherwise, the world would be a very unpredictable and even a dangerous place. At the least, not very nice. Sometimes, however, those who are accustomed to being in a position of power seem to forget that they, too, have to live by the rules or the laws of the land, in which they live and do business. Such may be the case with two very notorious, radical non-profit organizations, one an animal rights advocacy group, and the other, an environmentalist campaign machine.

People for the Ethical Treatment of Animals (PETA) may well be breaking IRS rules for charitable, (501(c) (3) organizations through their admitted financial support of domestic terrorists such as Rodney Coronado, and other

convicted arsonists, bombers, and law breakers who routinely light fires to buildings, vandalize mink farms, let subject animals out of scientific laboratories, and in other ways, become scoff-laws. The apparent attitude of PETA founder Ingrid Newkirk is that the means to her goals of "animal liberation" are mere technicalities, i.e. if the laws of the land are being broken in the furtherance of PETA objectives, then so be it. We think that all the news reports of complicity between PETA and unlawful acts by her darlings should warrant a thorough investigation by the US Justice Department, with the end result being a lifting of the charitable status and even some penalties for PETA. Perhaps then, Ms Newkirk shall have fewer presents for her bad boys.

The other case is that of Greenpeace. Public Interest Watch, (PIW) is an advocacy watchdog organization, not a charity. PIW has filed a complaint with the IRS alleging that Greenpeace uses its charitable donations from individuals, corporations and granting institutions in ways that are not in compliance with US tax law. Further, , and that over "a three year span, one Greenpeace entity diverted over \$24 million in tax exempt contributions." PIW claims the money was used to support advocacy campaigns and unlawful activities rather than activities within the guidelines for charitable, educational or scientific programs. Mike Hardiman, Executive Director of PIW, notes that some Greenpeace charitable funds were diverted from the above legal categories to the following activities: -Blockading a naval base in protest of the Iraq war, -Boarding an oil tanker for a banner hanging, - Breaking into the central control building of a nuclear power station, and -Padlocking the gates of a government research facility. Please check out the PIW web site for further details.

<http://www.publicinterestwatch.org>

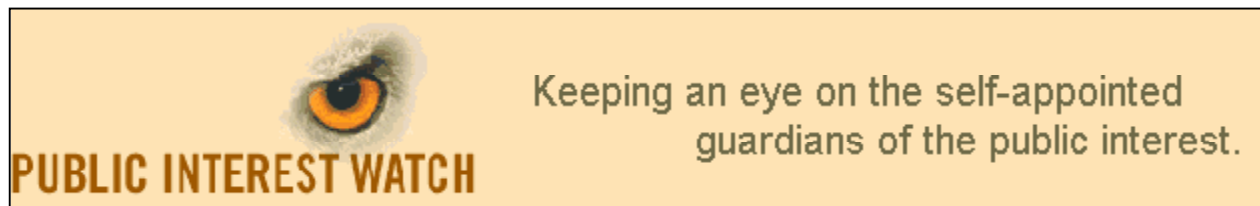
A couple of ideas should now be publicly considered: One is that those large foundations such as the Rockefeller Brothers Fund and the Turner Foundation, which

donate funds to Greenpeace, should be held accountable for any unlawful use of their money. At the very least, they should insist upon some documentation, and make their findings public. "Foundations that make tax-exempt contributions are responsible for verifying that their funds are used appropriately" according to Mike Hardiman. Illegal advocacy and civil disobedience may be the stuff of green heroes, but they should not be carried out under the guise of charity. Hardiman has also called for a Congressional investigation. His detailed report has been filed with the IRS, in the expectation that appropriate action against Greenpeace shall be taken. In addition, Hardiman may request the State of California to take action on its own because state laws on charitable fund use also appear to have been broken. Thus, not

PIW alleges that Greenpeace has illegally transferred charitable funds not inadvertently, but knowingly, to accounts that support illegal activities

only California charitable status, but also that of the US, may ultimately be denied to the mighty Greenpeace.

IWMC agrees with the goals of the Public Interest Watch group, and urges that all improprieties in the use of funds by charitable organizations be corrected. Government agencies may have been guilty of lax enforcement in these two cases, and it is time that the stain of improper accounting is not only wiped clean, but also prevented from recurring.



Whales and the Japanese: Masayuki Komatsu and Shigeko Misaki

A Review by Janice S. Henke

This 170 page, illustrated work is a uniquely Japanese declaration of cultural values, beliefs and perspectives on their use of certain whales for food and handicrafts since prehistoric times. The book is a valuable resource for anyone with an interest in cross-cultural perspectives on matters of global conservation issues. It convincingly dispels the western, protectionist-drawn stereotypes of Japanese people as "rogue whalers" in this era of political correctness, and in contrast, illustrates both their cultural needs and their scientifically based concern for whales, their prey, and their habitats. *Whales and the Japanese* illustrates the dichotomy of cultural preferences about whaling; Japanese and their allies present whale use as not only scientifically supported but ecologically and culturally necessary, while the protectionist view is that the issue is a moral one, and that science alone is insufficient to justify resumption of commercial whaling. The book is thus a nice illustration of modernism vs. post-modern values, in all the arguments for and against whaling. Japan is proud of its scientific approach to whale management. The "others" are adamant that the anti-whaling arguments shall prevail, and the power struggle for votes in IWC is given from the Japanese perspective.

Six chapters thoroughly cover whale ecology, migration, diet, early Japanese social structure, early organized whale hunting, and the final development of modern whaling technology. "The History of Rampant Whaling" is a Japanese perspective on "the

others'" international quest for whale oil well into the 20th century, with all the most active nations' exploits in excess listed for the Arctic, the Atlantic, the Pacific and the Antarctic. A recurrent theme contrasts Japanese "total utilization" of every part of each whale carcass, in contrast to behavior of those who killed whales only for the oil, and dumped meat, bones and organs overboard into the sea. The point is made that those responsible for whale species depletion are now those who wish to prevent whaling even if it should be scientifically justified.

Japanese perspectives on the history of the IWC moratorium on commercial whaling are highlighted, along with IWC-riven disputes over the scientific value of Japanese whale research and its potential for contributions to future whale and fishery management regimes. The scope and nature of Japanese scientific research whaling in the North Pacific and in the southern Ocean include an ecosystem perspective on data derived from prey species found in the stomachs of minke, brydes, sei and sperm whales. The authors note that the IWC Scientific Committee has endorsed the value of this research, in contrast to those who claim it has no value for the science of whale management. The book has been included in the library collection of the IWC. *Whales and the Japanese* shall be immediately available through whaling historian Klaus Barthelmeß, for those attending the New Bedford Kendal Whaling Museum's Whaling History Symposium October 16 and 17. Subsequently, it shall be offered on Amazon.com USA, and through selected university libraries and bookstores.



The Unreality of Animal "Rights"

Reasonable people have many different attitudes about animals. Some of us love them all. Some, fear most of them. Some people are absolutely indifferent about animals, whether they are wild or tame, and could care less if they never see, hear, touch or smell another living non-human. Many of us believe that it is not only ethical but absolutely necessary to use animals for medical research, while others believe just as strongly that this should never happen. Some of the latter arguments are pseudoscientific, that is, they claim that non-human animals are not appropriate models for drug and surgical experiments, regardless of the myriad successes that have been recorded in our quest



to prevent and cure disease, and to perform surgical procedures that ultimately, benefit both humans and other animals, as well. Animal "rights" advocates believe that we have no right to subject animals to confinement, or to use them in any way that affects their normal lives and behavior. Their argument is one of cultural preference, couched in "ethical" terms. They especially object to the practice of killing animals for

food, and this includes fish, as well as other wild and tame creatures. Many of this ilk claim and truly believe, that animals have "rights" identical to those attributed to human beings, and thus, animals must not be violated by us in any way. These people deny that we have any right to a superior position in any moral hierarchy that includes animals.

Historically, however, those who have attempted to force any legal system to accept their premise that animals' "rights" are in the same legal category as human "rights", have failed. The basis for this failure seems to be that while it may be "right" to treat animals in a way now seen as "humane", (and indeed, many States have laws defining and mandating such treatment) no governmental body has found that animals have the capacity to engage in responsible behavior and thought, thus, they do not have "rights" comparable to those of humans. We humans are usually (statistically) capable of rational and responsible action. Even when humans are born or rendered incapable of this trait, however, we insist that the same rights as those of the rest of our species be afforded them. This is our "speciest" bias, which has been our right to proclaim. We do not kill our disabled and unfortunate, but we may confine and regulate their behavior for their own good and that of others. Humans lose their civil "rights" when they act in ways that our laws have deemed to be irresponsible, dangerous to self and others, and destructive of property. And likewise, many animals that are dangerous, are dealt with in ways that prevent them from harming us or our environment, or our domestic creatures.

There has been much discussion lately of animals' "rights" due to the unfortunate attacks on some humans by some animals. Tigers and bears, alligators and sharks, snakes and wasps, all pose some level of danger to humans with whom they come in contact. These creatures may well be deserving of respect, even love in some cases, but they are not deserving of the legal right not to be confined, killed, or otherwise prevented from harming us. Because we are the top of the food chain here, and we make the rules, and we are capable of thinking about all this. Yes, we should not harm any animals unnecessarily, we should not cause them

unnecessary stress and pain. And, we should not expect them to reciprocate for rational reasons, because they are incapable of this.

IWMC encourages all who love and respect both humans and animals, to talk about this concept of human rights, and the reasons why animals can never be considered eligible for similar inalienable rights, regardless of their intelligence, charisma, or appearance. Animals are simply not endowed with those mental and spiritual gifts that have blessed Homo sapiens, and their "rights" must always be subordinate in scope and in legal reality.

Penalties for Poachers Alert Officials Deserve Our Thanks

Sturgeon are not charismatic animals. They don't have the winsome appeal of great apes, or pandas, koalas, or tigers, they lack the majesty of elephants, rhinos and whales. Nevertheless, they need a hero movement to ensure their continuation in this world. Until that movement begins and grows to another multi-million dollar epic campaign, we shall all depend on the game wardens and customs officials to do their jobs. So far, these people are doing their best to save the sturgeon from those who illegally buy and sell the meat and the roe, in what has become a \$125 million/year poaching scandal.

IWMC congratulates outdoors writer [Tom Stienstra](#), of the San Francisco Chronicle, for his October 19 piece on a sturgeon poaching scam that was uncovered by Lt. Kathy Ponting, California Department of Fish and Game field supervisor for the case. Lt. Ponting worked with sport fishermen informants and fellow officers for over nine months to uncover this vast sturgeon poaching ring in the San Francisco Bay area.

Yuriy and Tamara Bugriyev, Russian immigrants to Sacramento County, ended up being charged with buying and selling sturgeon meat and roe. They were eventually captured and will be jailed because alert sport fishermen gave the Fish and Game authorities information on their vehicle, their description, and finally, their phone number and residential address. Twenty other people were also arrested in the undercover sting. Forty-three state game wardens and three US Fish & Wildlife agents all worked together over the duration of the investigation. It is unfortunate that the community of Russian immigrants in the northern California and Oregon area is so eager to buy these products, and that there are enough risk takers to supply them. The Bugriyevs had been doing this for four years when they were caught. Russian people believe that sturgeon roe is "good for the blood", a cultural belief that illustrates their vulnerability to the illegal dealings of their fellows. In much of Russia and Poland, access to sturgeon is easier and in some areas, legal.

In a similar but smaller case, Polish Airline flight crew member Malgortzata Maria Zabierzowska was arrested when she attempted to smuggle eight thousand dollars worth of illegally procured Russian sturgeon caviar into Canada. She pled guilty in an Ontario court and was sentenced to 13 days in prison for transporting the 4-kg of caviar. Her charge was violation of section 6 (2) of the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act. Sturgeon are protected under CITES Appendix II, and a re-export certificate from Poland, based on a Russian export permit, would have been required for the transport to have been legal.

While the legal sturgeon caviar trade amounts to around \$100 million a year, the illegal trade still occurs and must be forcefully fought.

IWMC congratulates all those who conduct strictly legal trade in wildlife products and who do not succumb to the temptations of illegal profiteering. We applaud all those law enforcement officials and their informants who continually apprehend the violators of national and international fish and wildlife law. May they always be alert, and may their rewards for the job well done continue to be public recognition and support as they work for genuine wildlife conservation.

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A global voice for sustainable use of the earth's resources and the preservation of the cultures and traditions that depend upon them.