



Canada and the WTO in the 21st Century Anticipating A Fair Process to Decide the Legality of Trade Bans on Seal Products

Editorial by Dr. Janice Henke, Anthropologist

If there had not been a virtual halt to the import of seal products into the European Union back in 1983, there would not be an environmental and economic crisis in Atlantic Canada now. At that time, the International Fund for Animal Welfare, headed by Brian Davies, submitted multiple citizen petitions to the legislative bodies of the newly forming Union, and convinced officials that their constituents demanded to ban the import of seal products from animals under the age of one year. The result was a multi-year loss of the market for pelts from whitecoats and bluebacks, the young of harp and hooded seals.

At that time, the stimulus for the demand to ban these products was insistence by IFAW and other NGOs that the harvest techniques were prolonged and physically cruel to the creatures, and constituted an immoral act in that “infant” animals were being taken “on the nursery ice” while their dams “watched with flowing tears”. The general public in the United States had similarly been influenced by Davies and other protest leaders, and had successfully urged the Congress to pass the 1972 Marine Mammal Protection Act,



which prevents the import into the US of the products of any marine mammals, and prohibits any harvest activity (as of certain fish) which incidentally harms marine mammals such as dolphins.

Canada began a long environmentally and economically costly period in which harp seals were virtually unmanaged in the western Atlantic. The herd, which had been slowly increasing even with a well-supervised and scientifically monitored harvest of some 180,000 animals per year, was abruptly left to grow unchecked in the new absence of significant human predation. The population steadily grew from 1.8 million animals to its present level of over 5

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million. Seals eat fish and krill. The impact that Davies and other animal activists have had on the natural environment is a collective human and environmental disaster.

Since that time, a new market has slowly developed in Eastern Europe, Russia and the Far East, and some pelt and seal oil processors in Europe have participated in a resurgence of trade, by processing seal products for sale to Eastern Europe, Russia and the Orient. Although the price of seal pelts rose dramatically, the problems of seal management have not been solved. Canada's wildlife managers have ensured that the animals' rate of increase was slowed, so that the plight of fish might be eased, and the economic status of fishermen would improve, with fish harvests more securely protected. The effort has seemed to some, too little, too late. And now, this new move in the EU to formally ban the import of seal products; Holland, Belgium, Germany, Italy and Austria are all moving towards an import ban based not on scientifically derived wildlife management concerns, but on cultural preferences that seals not be utilized. The NGO effect on public perception has surfaced again. This is a historic test of NGO power.

Canada's experts, sealers and diplomats have made countless trips to the EU, meeting with government decision makers to present them with evidence on everything from the humaneness of harvest techniques, to the economic and ecological consequences of inadequate population management, all to no avail. It is not the decision makers who need to be convinced; it is their constituents who have been "taught" by NGOs that seals should be regarded as untouchable icons of nature that must not be utilized in any way.

The EU decision makers in each nation dare not promote the well-documented and logical case for seal harvest and entry into the EU marketplace. Their jobs would be at risk. The EU citizens who demand an end to seal product imports, even en route to other final destinations, feel empowered by this success. This issue is not about seals. It is a power demonstration by urban peoples who have no stake in Canada's environmental health or the welfare of its

fishermen. Their chief concern is to prove that they can stop a practice because they have a cultural preference that it not take place, and their power is publicly demonstrated. They feel morally superior. They do not wish to be bothered by facts that refute their unfounded beliefs about sealing, and they do not care about the human misery of Inuits or Newfoundlanders. It is a "let them eat cake" decision.

Canada has now wisely decided to take its case in this matter to the World Trade Organization for dispute settlement. The process will include certain prescribed steps for the parties to take; discussions among parties, the appointment of a WTO Panel, its recommendations for resolution, and specific time limits within which parties shall come to an agreement in order to comply with the procedures agreed upon in the Uruguay Round of talks on trade and environment matters. This shall be a historic test of the effectiveness of the WTO. Nothing less can solve this matter, and the fate of environmental and economic health in eastern Canada hangs in the balance.

The very best outcome would be a timely (15 months at the most) WTO decision that seal product bans are unjustified on environmental grounds, and therefore, illegal to be instituted by WTO parties against Canada. The evidence that the Canadian management of seals and sealers has been professional and accurate from biological and statistical perspectives is overwhelming. The evidence that the EU does not have a worthy (by WTO standards) environmental argument is also apparent. The world shall be watching the outcome of this extremely important issue. The US is itself in violation of its responsibilities as a WTO party because of its Marine Mammal Protection Act, which similarly bans the import of seal products into the country. Interestingly, in the US, treaty obligations such as this supersede any domestic legislation, so the US market has been illegally closed to seal products at least since the country signed the Uruguay Round. ■

What to Say to a Person Who Has Never Hunted

by Randall L. Eaton, Ph.D.

Who is the greatest conservationist in the history of the world? The answer is, "The best known hunter in the history of the world," Teddy Roosevelt. What few people know is that he was the first man to write about women's rights, the subject of his senior thesis at Harvard. The paradox perplexes ecofeminists.

Does hunting teach violence? What do you think Jimmy Carter and Nelson Mandela would say? They both received the Nobel Peace prize - and both are avid hunters.

In a questionnaire survey I did of 2500 hunters, average age of 55, 97% male, I asked what events in their lives opened their hearts and engendered compassion in them. The prevailing choice by women was "becoming a parent," but for men it was, "taking the life of an animal."

The polarities of human life consist of women bringing life into the world and men taking life to support life. For hundreds of thousands of years boys had to kill an animal of sufficient size to prove they could provide and thus qualify for manhood and marriage. Hunting is still the most profound rite of passage from boyhood to manhood.

The same survey revealed that 82% of recreational hunters thank the animals they kill or the Creator. The words they chose to express how they feel about the animals they hunt were, "respect," "admiration" and "reverence." Not unlike Native American hunters.

Michael Gurian, author of the best-selling *The Wonder of Boys*, says in my TV production, "Respect and Responsibility: The Truth About Kids Who Hunt," that, "Hunting teaches compassion."

In the same production, Dr. Don Trent Jacobs, revolutionary educator and author of *Teaching Virtues Across the Curriculum*, states, "Hunting is the ideal way to teach young people universal virtues including patience, generosity, courage, fortitude and humility." He defines humility as knowing you are part of something greater than yourself. At one time Jacobs directed the largest wilderness center in the world for juvenile delinquents.

The most successful program ever conducted for juvenile delinquents was at the School for Urban and Wilderness



Studies in southern Idaho. For 13 years groups of boys went into the wilderness with nothing but a sleeping bag and a pocketknife. Their only food was what they could gather or catch and kill. According to follow-up surveys conducted one year after they left, 85% of the boys had not got into trouble during that year. Dr. Wade Brackenbury, who led the boys, is convinced that it was taking the lives of small animals for food that had the greatest influence on the boys' transformation.

Dr. Helen Smith of Knoxville wrote *Scarred Hearts*. She is a leading authority on violent kids (who kill). In an interview in "Respect and Responsibility," she said, "Columbine never would have happened if those boys had been properly mentored in hunting and shooting."

In the same production, Dr. Jim Rose, adolescent neuropsychologist at the University of Wyoming says, "Hunting teaches self-control and respect for life," and, "Learning to use a firearm teaches responsibility."

Dr. Scott Cutting, a psychologist in South Carolina, successfully used shooting to heal young men of serious aggression.

A few years ago, the BATF and FBI conducted a study and could not find a single instance of a young person committing a felony with a legally owned firearm, which indicates that kids mentored in hunting and shooting use firearms for the right reasons.

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Gurian, Jacobs, Smith and Rose all highly recommend and endorse hunting and shooting for youth.

Which of the following well known Americans were hunters?

- Thomas Jefferson
- John James Audubon
- David Thoreau
- Teddy Roosevelt
- George Eastman
- John Steinbeck
- Aldo Leopold
- Clark Gable
- Ernest Hemmingway
- Jimmy Stewart
- Jimmy Carter

That's right, all of the above.

Did you know that hunters were the original environmental conservationists and they still lead in that field? Did you know that 700,000 members of Ducks Unlimited have successfully conserved over 12 million acres of wildlife habitat to the benefit of the entire living community of North America? That the Rocky Mountain Elk Foundation has conserved over four million acres and reintroduced elk throughout its former range in the midwest and eastern U.S.? That there may be more wild turkeys and deer in the U.S. than at any time in history?

When the rest of the environmental community is waging rear-guard actions, the hunting community is on the offensive. The truth is that hunting is a model for sustainability. For those who participate directly in it the food chain becomes a love chain. Hunters put their money where their hearts are. ■

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Greenspin in the Southern Ocean - We're Not Swallowing It

Fairy tale number one is the claim by Greenpeace that the crew of the *Esperanza* “chased” the *Nissin Maru* off its research track and out of the hunting grounds, thus “saving whales” for the time being. The GP spokesperson did admit that the ship was headed for a comrade vessel some distance away, to refuel, and was then expected to return to business. The organization deplored the refueling action as “dangerous” to the pristine environment. Australian and New Zealand media joyously threw out to the world a victorious spin on the alleged “rout”, with the usual positive response by the public in those nations. “Their” whales were being spared by the actions of the heroes. Australia was allegedly also sending a military (customs) vessel to “monitor” Japanese whaling activity.

The Associated Press reported that Australia's Federal Court Judge James Allsop ruled the nation might pursue legal action against Japan's whaling company for being in the Australian EEZ, contrary to its national law which claims sovereign control over part of the southern ocean. The AP report noted that Japan and other nations “do not recognize Australia's territorial claim on Antarctica or its surrounding waters, and says Canberra has no authority to enforce its domestic laws on the high seas.” So much for that loud noise.

Fairy tale number two is also reported by the Associated Press, which relates the recent misadventures of late arrival Paul Watson, whose Sea Shepherds finally found the Japanese fleet. Two of his crew proceeded to try and disable the *Yushin Maru No 2* by sneaking up to the stern and attempting to foul the propellers by throwing in ropes and then, allegedly threw acid up onto the deck, whereupon they illegally boarded the vessel.

These actions, except for the illegal boarding, were repeats of Sea Shepherd criminal activities last February, but this time, the two crew members doing these cowardly deeds

were taken into Japanese custody. The fairy tale part comes in as Paul Watson claimed that the men were assaulted and then tied to the mast. This claim was immediately refuted by ICR Director Minoru Morimoto, who noted that the men were being held in the ship's office. Mr. Hideki Moronuki, head of the whaling division at Japan's Fisheries Agency, was quoted as saying “ I strongly deplore any suggestion that our crew would engage in actions that violate sound seamanship...The Sea Shepherd is a terrorist organization. We do not consider anything they say as credible.” The AP relates that Watson claims the two crewmen “were trying to deliver a letter to the Captain of the Japanese ship to inform them that they were illegally killing whales” in the Antarctic Ocean.

It is expected that both Greenpeace and the Sea Shepherds, competing fiercely with each other for acclaim, shall continue to harass the Japanese fleet and interfere with the legal scientific whaling operations, regardless of the resolution in the 2007 IWC (Anchorage) meeting that there should be no such action taken against Japan's legally operating vessels. Such behaviors are reckless of life and property, and incidentally, are violations of the International Maritime Organization treaty, which defines such actions on the high seas as piracy. Once again, Eugene Lapointe, President of IWMC World Conservation Trust, notes that nations which give aid and support to these piratical NGOs are irresponsible in this regard, both because they condemned such actions at the last two IWC meetings, and from a treaty perspective. The US and Australia both grant charity status to Greenpeace and Sea Shepherds, and both have provided the organizations with port privileges. Mr. Lapointe said, “It is high time that the nations of the world respect the international law of the high seas, and bring their support of these NGOs to an end.” ■

The Species Concept, Biology, and Common Sense

An Austrian court has ruled that a particular chimpanzee cannot be designated as a human in order to prevent its being sold or otherwise removed from the country. This ruling is in total agreement on biological grounds with all scientific opinion on what constitutes a species. A species is a group of organisms biologically capable of producing viable, fertile offspring only when mated with others of the same species. Cross-species matings cannot produce offspring that are both capable of sustained life and able to reproduce in the normal, bisexual manner.

It is unfortunate that a particular pair of chimpanzees is now in a situation that may both separate them and result in their change of domicile; however, any attempt to declare that their rights are being violated as humans is absurd. Chimpanzees and humans are members of separate species. The scientific designation of the chimpanzee also notes that the genus, an even broader biological category, is also not the same as that of human beings. Humans are genus *Homo* and species *sapiens*. Chimpanzees are genus *Pan* and species *troglodytes*. The animals are highly sensitive, intelligent, educable beings and deserve to be treated



with respect and compassion. It would not be appropriate to classify them as humans for any reason, as such a move would not socially elevate them, nor would it benefit them in any measurable way, as they are limited by the intellectual and physical capacities with which they are created.

Such a designation would result in assigning human rights to non-humans, and would thus denigrate the concept in a way that would benefit no living beings.

It is hoped that any attempt to take this case to an EU panel on human rights shall be thwarted, and that appropriate alternate measures shall be taken to ensure the safe and continued protective custody of the animal(s) in question. The Austrian court was correct in its ruling that Chimp Matthew is not a person, but that does not mean that some responsible human or group of humans can not be designated to act as permanent guardian in order to ensure that

Chimp Matthew and any other primate shall be treated and housed adequately and appropriately. No government body should monkey around with common sense, and the legal and biological reality of cases such as this. ■

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South Korea

A Responsible Government Caught in the Middle

Government officials in Ulsan, South Korea, recently announced their breakup of a whale meat smuggling ring; although minke whales caught accidentally in fishing gear can be legally processed and sold in Korean food markets, that source of supply is apparently not sufficient to meet popular demand. Some individuals have apparently been targeting whales; cooperating crews of up to three small boats are said to have been carrying on a practice of hand harpooning, butchering at sea, and bringing in to market, extra minkes. When whales are brought in and reported, government inspectors determine if the animals have been killed purposefully or accidentally. A rather large investigation is now underway.

This unfortunate situation reveals some basic truths. Minke whales are not scarce in the area of the waters between Korea and Japan. A significant number routinely become entangled in fishermen's nets, attracted by the collection of prey. Men and whales seek the same prey, in the same environment, and sometimes come into conflict when nets are breached and ruined by an entangled animal. Ruined nets are difficult to replace, and the expense is difficult to bear. There is a cultural tradition of whale meat use, and an apparently eager market. Some entrepreneurs have taken the path of illegally exploiting an abundant resource and

were discovered breaking the rules. The rules prohibit the commercial harvest of any large whales for any reason, by-catch excepted.

While the government of South Korea is to be congratulated for its diligence in this matter, the fact remains that an abundant renewable resource is desired for human consumption in this nation. At the present time, South Korea is honoring its obligations as a signatory to the International Convention for the Regulation of Whaling. As it becomes glaringly obvious that IWC like-minded members shall never vote to reinstate the practice of commercial whaling ("regardless of the science" in the words of ex-US delegate Mike Tillman), it may be that South Korea and other pro-use parties shall make the difficult decision to leave the IWC, and participate in a regional management body, in order to both use and conserve whales in their environment.

IWMC supports all nations whose leaders practice responsible wildlife management through scientific research, effective population monitoring, and effective law enforcement. May this untenable present situation soon be corrected so that human beings may once again, legally pursue traditional prey in a proven sustainable manner. ■

Discord in Cyberspace

Recently there has been much Australian press discussion in reaction to an amateur activist's video excursion into the blogisphere. The series of images and text have been posted on youtube, at <http://www.youtube.com/watch?v=e81vep0-Ii0>. Interestingly, the text is presented in both English and Japanese, making it appear as though it could have originated from a Japanese organization. The lack of sophistication, however, and the peculiar organization of the presentation, indicate to many observers that this is one individual's attempt to complain about Australian

hypocrisy in the whaling matter. The central message given is that Australia's foreign policy on the whaling issue is reflective of a basic human flaw - intolerance of another culture while at the same time, it is pointed out that Australians themselves have demonstrated extreme cruelty to animals, disregard for responsible wildlife management in the case of dingoes, refusal to consider the aboriginal people of Australia as fully human, and racial discrimination by Australians as seen in the race riots in Cronula.

The film has been given a great deal of coverage by Australian press, and Australian foreign policy spokespersons continue to insist that the country is justified in its pursuit of an end to Japan's whaling plans and present practices.

IWMC believes the youtube production is just another example of the extreme frustration that many sustainable use advocates are experiencing, as many IWC parties refuse to adhere to the Convention in their decisions and statements at each annual meeting. Yes, anti-whaling parties have

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Book

Kiumajut (Talking Back):

Game Management and Inuit Rights 1900-70 examines Inuit relations with the Canadian state, with a particular focus on two interrelated issues. The first is how a deeply flawed set of scientific practices for counting animal populations led policy makers to develop laws and policies intended to curtail the activities of Inuit hunters. This became a justification for attempts to educate and, ultimately, to regulate Inuit hunters. The second issue is Inuit responses to the emerging regime of government intervention as Inuit started to "talk back" to the Canadian state.

Peter Kulchyski and Frank James Tester (2007) Kiumajut (Talking Back): Game Management and Inuit Rights 1900-70, Vancouver, UBC Press.

ISBN 978-0-7748-1242-9 pb

Peter Kulchyski is a professor in the Department of Native Studies at the University of Manitoba. Frank James Tester is a professor in the School of Social Work, University of British Columbia. They are also authors of Tammarnit (Mistakes): Inuit relocation in the eastern Arctic, 1939-63 (Vancouver, UBC Press, 1994), winner of two international book awards.

Please visit: www.ubcpress.ca

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demonstrated hypocrisy. Yes, they have flouted the ICRW. Yes, they may have been expressing racism. Australians have been poor global citizens in this regard, but no amount of youtubing will ever change that model for their behavior. The IWC will never be "normalized" in the sense that its members will reverse their stands on the resumption of commercial whaling, or their unjustified responses to Japan's entirely legitimate and convention-mandated scientific research. Whatever the answer to this dilemma is, we suspect that it shall not be found in cyberspace in the near future. ■

Important Events

28 - 30 May 2008

Tuna 2008 Bangkok, 10th INFOFISH World Tuna Trade Conference & Exhibition, Convention Centre Central World, Bangkok, Thailand

www.infofish.org

3 - 6 March 2008

IATA World Cargo Symposium 2008, Rome, Italy

Live animal transportation: a dying breed?

There is on the one hand increasing animal welfare regulations and on the other hand the need to trade. For some trading means to have access to markets to earn a livelihood whilst for others it means remaining competitive. When it comes to introducing animals bred in captivity into the wild, having access to air lift is critical.

But in an increasingly deregulated environment, are the air carriers still willing to transport live animals? Why should they? What about the needs of our customers, what do they think? As importantly, let's not forget the animals. Listen to the IATA animal care team members and find out about needs from the laboratory world, the animal reception center in Heathrow and hear key facts about stress in animals. Learn about aquarium fish transportation and soft sided pet carriers for in cabin use.

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IATA has developed a program that brings together key players from the industry, the conservation world and from regulatory authorities to provide you with their latest views.

Come and learn how these might affect you and the way you conduct business. Take home key actions points moving forward from the event, participate and be part of the solution rather than the problem. Above all, meet people that have great passion and enthusiasm for what they do, enjoy and have a fun time.

We can't wait to see you in Rome.

International Air Transport Association

<http://www.iata.org/events/wcs08/index.htm>

