

# Quarterly

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## Cover

Forest guards from India's Manas National Park hold seized ivory and rhino horn. According to Dave Currey of the Environmental Investigation Agency, the situation facing animals in India has been desperate: "one tiger being poached every day, protected areas being destroyed by industrialization, tiger bone and skin traders walking free and forest guards without uniforms, boots, and, often, salaries." EIA's high-profile tiger campaign has been instrumental in publicizing the plight of India's wildlife, and now the government is beginning to make wildlife a priority. For instance, the Indian Board for Wildlife, which had not met for eight years, was reconvened by Prime Minister Deve Gowda, who chaired a lengthy initial meeting. More changes may be in the offing, as Gowda lost a vote of confidence, which may bring a new Prime Minister, or even new elections. For more on tigers, see pages 4 and 5.



cover photograph by Dave Currey  
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## Dolphin Death Act Derailed in Senate


Legislation identical to last year's "Dolphin Death Act" was put on the fast track to passage by congressional and Clinton Administration free trade advocates in April. It succeeded in being rushed through a hearing and markup in the House (see page 4) and was about to be rammed through the Senate as well—but was dramatically delayed when Greenpeace pulled back from the legislation and endorsed a compromise. Senators Ted Stevens (R, AK) and John Breaux (D, LA) angrily cancelled their April 17 hearing, fearing that the Greenpeace defection, along with heavy opposition from 85 conservation, environmental and animal welfare groups, as well as leading senators, could scuttle the bill.

Greenpeace has been under heavy pressure from its membership, which strongly favors dolphin protection, and from the vast majority of the conservation community, which branded Greenpeace a renegade. Four other groups support the Dolphin Death Act, favoring free trade over dolphins: Center for Marine Conservation, World Wildlife Fund, Environmental Defense Fund and National Wildlife Federation.

When Greenpeace submitted its compromise testimony to Stevens and Breaux two days before the hearing, the Clinton/Gore Administration and the Mexican government, which had thought they had Greenpeace in their pocket, attacked the Greenpeace move. According to congressional sources, Greenpeace lobbyist Gerald Leape was dragged to an emergency meeting with Senate staff and the anti-dolphin groups, where he was berated and pressured for two hours to recant his testimony and resume backing the Dolphin Death Act.

But a deluge of negative publicity kept Greenpeace from caving in again to the dolphin killers. Intense public pressure, including a full-page ad in the *Los Angeles Times* denouncing Greenpeace, alerted its membership and touched off a crisis in the group. Thousands of calls were pouring daily into Greenpeace offices to protest its sellout.

The compromise endorsed by Greenpeace would set up a 2-3 year scientific study to determine the effects on dolphins of the tuna fishing technique where more than one million dolphins are chased and netted each year. Most conservation and animal welfare groups, along with leading marine biologists, warn that the stress and injury inherent in fishing "on dolphin" are dangerous to the marine mammals and to the health of their populations, which have shown no sign of recovery from the massacre that has drowned more than seven million dolphins over the past 39 years.

It is doubtful that the Administration will endorse a compromise, and the Latin American tuna industry has denounced it because any change in the dolphin-safe label would be delayed pending the scientific study. 



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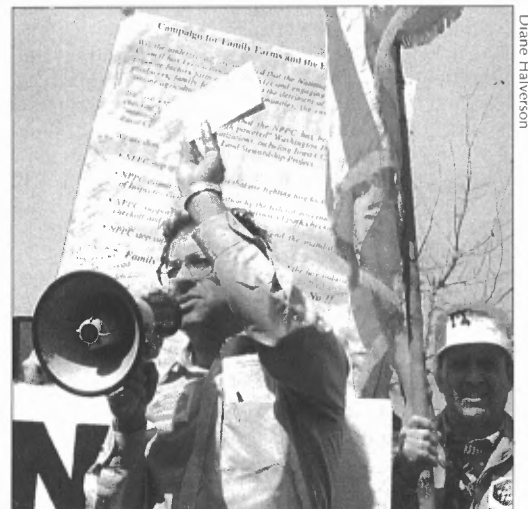
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Cynthia Moore

This baby elephant's fate hangs in the balance of a complex and turbulent international debate. Will the protection that elephants won with the 1989 ivory trade ban continue? Or will greed and short-sightedness bring about more senseless elephant killing? See our story on page 8.



Diane Halverson

Minnesota farmer Paul Sobocinski holds the slip of paper showing he has paid "checkoff" money while demonstrating at the headquarters of the National Pork Producers Council, which has been accused of misusing these funds. See our story on page 15.



# Dolphin Protectors Work to Halt "Death Act" Steamroller

Despite valiant opposition by Congressman George Miller (D, CA), HR 408—identical to last year's "Dolphin Death Act"—has been approved by the House Resources Committee and awaits floor action. Supporters of this legislation are pushing hard to appease the Mexican government and Latin American lobbyists.

HR 408 was marked up in the subcommittee less than 24 hours after a hearing on the bill. George Miller, a longtime

champion of animal protection and conservation legislation, introduced a substitute bill to maintain the integrity of the dolphin-safe label and reduce dolphin deaths, but the substitute was unfortunately rejected by the subcommittee.

Congressman Miller warned, "If Congress adopts HR 408, we are sentencing both dolphins and our marine mammal protection efforts to avoidable death so that Mexico can sell its unsafe tuna in American supermarkets and deceive consumers into believing it is safe for dolphins." The hearing held April 9th engendered testimony against H.R. 408 which, although it was disregarded by the Committee, contained the very essence of the controversy. The authors, Christopher Croft, a biologist, and John Fitzgerald, an attorney, have devoted years to the dolphin-tuna problem.

A highly significant section of the testimony is the firsthand report of Mr. Croft's experiences during his years as a National Marine Fisheries Service observer aboard tuna vessels in the Eastern Tropical Pacific:


My actual experience runs contrary to the Inter-American Tropical Tuna Commission's (IATTC's) claim that "dolphin mortality is easily noticed and documented since dolphin carcasses float and are visible from a great distance." ... Observers aboard tuna seiners often travel over thirty to fifty square miles of open sea as the vessels attempt to scare, exhaust and force a single school of dolphins numbering in the hundreds or thousands to submit to capture in a net. It's difficult to monitor every square foot of sea in the blinding glare of sunlight, downpour of rain or a twenty knot or greater wind creating a choppy sea state. During this time there is a tremendous amount of confusion and the state of the ocean is highly variable, consisting of wakes from speedboats and white caps and waves several feet in height. Even if mirror-like calmness prevails, as it rarely does, it is virtually impossible to identify and tally the bodies of dead or dying dolphins, even if they were to remain on the surface....

Attempting to keep the observer from seeing dead dolphins was sometimes part of a crew's job description, and I suspect it still is....

I often suspected that some dead dolphins were removed from nets immediately after backdown, just before the net was brought close enough to the vessel for me to see. It was largely because of my concern for trickery that I ventured into the water, and witnessed dolphin entanglement from a different perspective. What one sees underwater is usually not visible from the deck of tuna vessels where observers are supposed to stay due to dangers from sharks and other factors. It is because of what I saw while in the net that I have little faith in any observer's ability to effectively monitor the activities from the deck of boats....

As dolphins are obligate breathers, they don't drown—they suffocate. One doesn't look at the issue quite the same way, nor see backdown as a great advancement, after seeing schools of dolphins fighting for breath against a canopy of netting created by the current of water during backdown. After pushing up against the weight of the net until too weak to continue, their snouts are often bloodied and cartilage often protrudes. I have almost been pulled beneath net canopies myself. My fingers have slipped into the mouths of dolphins during their death throes, but never been bitten. While attempting to release dolphins from nets, I have been butted by neonates (infant spotted dolphins) seemingly attempting to protect their mothers....

Unless observers actually see a dead dolphin, the tuna captured in a set like I've described will be sold to consumers as "dolphin-safe."

The full House Resources Committee approved the Dolphin Death Act on April 16 and it will now be considered by the full House of Representatives. 

## Senator Boxer Lambastes Bill for Potentially Easing Drug Shipments

Senator Barbara Boxer (D, CA) has become the greatest friend of dolphins that the US Senate has ever seen. She held off attempts to pass last year's proposed Dolphin Death Act, which would have removed the protection afforded dolphins through the dolphin-safe label that appears on all cans of American tuna.

Advocates of the bill wanted to attach it to other legislation coming to the Senate floor in the last days of the 104th Congress, but Senator Boxer made it known that she would object to any bill to which a Dolphin Death Act rider was attached, thus protecting dolphins through another perilous period.

This year, Senator Boxer again addressed the issue on the Senate floor on March 20, speaking about "the United States embargo against Mexican tuna and the efforts by some, including the Mexican Government, to lift this embargo." She noted:

The current embargo—which was imposed in 1990 against all countries that do not have environmental policies that protect dolphins from unsafe tuna fishing practices—prohibits Mexican tuna vessels from selling their products in the United States market.


Lifting the embargo would undoubtedly lead to an increase in the number of Mexican vessels operating in the eastern tropical Pacific. I believe that given the current power and reach of the drug cartels in Latin America—particularly Colombia and Mexico—and their frequent reliance on maritime vessels to make drug shipments, now is not the time to open up a whole new avenue of maritime trade from Mexico.

Cartels are using fishing boats and cargo ships more and more often to smuggle cocaine from Colombia to Mexico where it is then shifted to trucks and other vehicles for transport across the border into the United States.

The risk of capture for these vessels is low in an ocean so large. And even when the ships are stopped, it is hard for law enforcement to find the drugs, which are hidden in secret compartments. Many fishing vessels have sophisticated radar equipment that allows them to keep ahead of law enforcement.

According to an article in the January 20 *Washington Post*, our own Coast Guard admits that the eastern Pacific is "one of the most difficult places for us to interdict drug shipments. It's a vast ocean. There are no choke points, no places to hide and lots of places to search—including 2,000 miles of coast." So why, at this time when narcotics trafficking in and through Mexico into the United States is threatening to undermine our two countries' relationship, would we deliberately make it harder to bring these cartels under control?

Mr. President, I ask unanimous consent to have printed in the Record two documents relating to this question—one, the *Post* article to which I just referred, and two, a recent report by the Humane Society of the United States on the predicted impact on narcotics trafficking of lifting the tuna embargo at this time.

I trust that we will not act in any way to increase opportunities for drug smuggling. 



## The Desperate Plight of India's Tigers

An ambitious plan called Project Tiger was launched in 1973 to pull India's national symbol back from the brink of extinction. WWF International was instrumental in launching the effort along with the Indian government. Project Tiger set up 23 tiger reserves and directed badly needed funding into these protected areas for conservation and enforcement. Initially, the project was a success—the tiger rebounded, and WWF and Project Tiger congratulated themselves.

Now, however, the situation is drastically changed. Tigers are being poached at the rate of one a day, while the front-line forest guards are reduced to patrolling on foot armed only with sticks.

What went wrong? Complacency, corruption, waste, and apathy have grown up like weeds within and around Project Tiger—and WWF.

Former BBC correspondent Mark Tully wrote recently in *The Independent* that WWF "has raised more than £1 billion [\$1.65 billion] in the past 12 years, much of it in the name of the tiger." It then spends almost 50 per cent of its income on administration. Tully found that money which could have been supplying India's ill-equipped forest guards or helping to protect tiger habitat was actually paying for "plush offices, star-studded bashes, glossy magazines, official reports and seminars." WWF India



Marc Moritsch © National Geographic Society

Contrasting images of tigers: above, Koucher and Niurka are Siberian tiger cubs who were orphaned when their mothers were shot by poachers. They are now safe in a reserve. At right, bones destined for the destructive, illegal trade in tiger products. The Environmental Investigation Agency recently conducted an undercover investigation in New York that found 80% of Asian medicine pharmacies sell products that contain tiger parts, or claim to. "It was a tiger supermarket," said EIA's Dave Currey. "It is easier to find tiger parts in New York than it is in Taipei or Beijing."



© EIA

made more than \$990,000 last year, he wrote, but "could not afford to buy even a single £7,000 [\$11,550] patrol vehicle for the beleaguered rangers."

Ashok Kumar, the former head of WWF India's TRAFFIC organization, told Tully he left WWF India because "he felt he wasn't getting adequate support and

that money was not being spent on the right projects.

"He told me: 'When there's a fire burning, do you say, "Oh, let's have a seminar," or do you put out the fire? If, like WWF, you own 80 per cent of the conservation field, then you must take 80 per cent of the blame.'" 🐾

## Advocates of Anti-Leghold Trap Law's Passage Now Struggle for its Full Implementation

Barbara Castle and Madron Seligman—two retired Members of the European Parliament who were instrumental in passing the European Union's Regulation against leghold traps—returned to the Parliament in February to fight for implementation of the law's fur import ban, which should be imposed against those nations still using leghold traps.



Former European Parliament Members Madron Seligman and Barbara Castle with AWI Executive Director Cathy Liss (center), in Brussels.

More than five years after the European Union (the Parliament, Council of Ministers and the Commission) passed Regulation 3254/91, Castle and Seligman traveled to Strasbourg to meet with Members of the Parliament and the Commission, and to address Commissioner Ritt Bjerregard at a meeting of the Intergroup for Animal Welfare. The Parliament responded, adopting a Resolution against the loophole-ridden trapping agreement reached between the European Commission, Canada and Russia—and for enforcement of the European law.

The following week, the Council of Ministers met in Brussels and discussed the anti-leghold trap Regulation and identified specific concerns with the trapping agreement negotiated by the Commission. The Council delayed implementation of the fur import ban until June to give the Commission time to modify the agreement. In the meantime, every effort must be made to ensure that the Council and Parliament do not accept any agreement permitting use of leghold traps. It is hoped that in June, the Council will insist that the Regulation's prohibition on import of fur from 13 species of animals into the EU from nations who have not banned use of leghold traps or adopted "internationally agreed trapping standards" will finally come into force. 🐾

## Bear Protection Act Reintroduced in Congress

*"I, for one, will not stand by and allow our own bear populations to be decimated by poachers."*

—US SENATOR MITCH MCCONNELL UPON INTRODUCTION OF THE BEAR PROTECTION ACT

As readers of the *AWI Quarterly* know well, North American black bears are under increased threat from poachers, smugglers and dealers who exploit these magnificent creatures to supply the lucrative trade in bear parts and products.

Specifically, bear gallbladders and bile are used in Traditional Chinese Medicine (TCM) to treat maladies ranging from delirium to hemorrhoids and are now also used in high-priced cosmetics such as shampoo.

As Asiatic black bear populations have been decimated for the bear parts trade, unscrupulous profiteers have set their sights on America's viable bear population. Federal legislation is sorely needed to create a uniform legal framework protecting American bears from this threat.

On February 5, 1997, Senator Mitch McConnell (R,KY) introduced "The Bear Protection Act" (BPA) in the US Senate (S 263). As of April 30 there were 31 co-sponsors of this bipartisan bill. Simultaneously, Congressman John Porter (R,IL) introduced identical legislation (HR 619) in the House of Representatives—also a bipartisan effort with over 60 co-sponsors.

Both versions of the bill

- Make it illegal to import into or export from the US bear viscera [the body fluids or internal organs, including the gallbladder] or products that contain or claim to contain bear viscera;

- Make it illegal for a person to sell, barter, offer to sell or barter, purchase, or possess with intent to sell or barter, in interstate or foreign commerce, bear viscera or products that contain or claim to contain bear viscera;

- Authorize the imposition of civil and criminal penalties as high as \$20,000 and up to 5 years in prison per violation pursuant to the US Lacey Act of 1981; and

- Promote international cooperation to protect bears by instructing the United States Trade Representative and the Secretary of the Interior to consult with representatives of the leading importing, exporting, and consuming countries in an effort to establish a coordinated strategy to end this detrimental trade.

Notably, the BPA will not usurp states' authority for managing resident bear populations or preempt strong state laws that already prohibit commercialization of bear parts.

The purpose of the bill is to ensure that the United States does not contribute to the disastrous trade in bear parts. It prohibits importation of products from endangered Asian bears, closes the loopholes created by the current patchwork of state laws, and upholds America's international treaty obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

This legislation will help maintain a healthy American bear population and will send a message to poachers, smugglers and consumers the world over that the US will not tolerate an attack on our bears and will not participate in this horrible black market trade. As Senator McConnell noted, "Although we cannot restore the numbers we once had, we can insure that the remaining bears are not sold for profit to the highest bidder."



## WILL 1997 BE THE

### Pelly Petition Against South Korea Submitted to Interior Secretary Babbitt

*According to a South Korean tour guide, "of the 360,000 South Koreans who traveled to Thailand in 1995, approximately 30,000 consumed bear and/or bear parts while in the country.... Tourists pay from US\$7,500 to US\$9,000 for a live bear. The bear is then drowned, its gallbladder removed, and its meat and paws consumed."*

—SIERRA CLUB LEGAL DEFENSE FUND PETITION

The day following Congressional introduction of the Bear Protection Act, 133 organizations throughout the country jointly sent a letter to Secretary of the Interior Bruce Babbitt requesting that South Korea be certified under the Pelly Amendment to the Fisherman's Protective Act of 1967 for its continuing role in the global bear parts trade. Such certification enables the President to impose economic sanctions against South Korea, much like those imposed on Taiwan for its leading role in the trade in parts and products of endangered tigers and rhinos. South Korea is currently undermining the effective implementation of existing bear protection under CITES, which it joined in 1993.

Although only a handful of Asiatic black bears (*Ursus thibetanus*) remains in South Korea, domestic demand for bear products appears insatiable. Bear parts consumption in Asian countries—such as South Korea—threatens not only the few remaining indigenous South Korean bears, but all other bear species throughout the world, including American black bears (*Ursus americanus*), whose gall bladders are virtually indistinguishable once removed from the animal.

The Pelly petition, filed by the Sierra Club Legal Defense Fund, Inc., contains revelations of South Korean abuses of CITES regulations intended to protect various bear species. The petition notes that "there have never been any seizures or prosecutions of bear gall smuggling in South Korea. In this vacuum of official acknowledgment and action, South Koreans continue to consume bears at an alarming pace."

The Petition cites many specific, illegal acts driven by the demand for gall bladders, bile, paws and meat including:

- "the smuggling out of Thailand of thirty bears for consumption by South Korean athletes for the 1988 Olympic Games."

- "An employee of Korean Airlines who concealed and transported bear gallbladders and even whole bear carcasses into South Korea stated that he was able to get the bear parts into the country by bribing customs officials."

• "The president of Seoyung Trading Company, based in South Korea, has stated, 'When I am sick, I go to the USA for bear and watch it killed myself.'"

There is no justification for permitting a country whose citizens engage in such repeated, egregious circumventions of international conservation agreements to go unpunished. At the very least, Pelly certification by the Secretary of the Interior will let the South Korean government and others throughout the world know that the United States takes its obligations under CITES seriously and will not tolerate violation by other nations or their citizens. Strong action by the United States against South Korea for its flouting of the Convention will lay the framework for further achievements in bear protection at the upcoming CITES Conference of the Parties this summer in Zimbabwe.

## YEAR OF THE BEAR?

by Adam Roberts

### Bear Protection on the Agenda at June CITES Meeting

*"Impacts (on brown bear populations) are likely to increase as high prices continue to provide an incentive to poach bears, and as access to bear habitat increases."*

—CITES LISTING PROPOSAL SUBMITTED BY FINLAND

Following due consideration at both the CITES Animals Committee and Standing Committee meetings last year, the subject of the illegal global trade in bear parts and products has been officially listed on the agenda for the upcoming tenth CITES Conference of the Parties (see "CITES Takes an Important First Step to Help Bears," *AWI Quarterly*, Fall 1996). It is AWI's hope that the United States CITES Delegation will join China in calling for passage of a resolution declaring a global moratorium on the trade in bear parts of all bear species, particularly the wildly profitable gall bladders. Such action will play a tremendous role in ending the threat to the world's bears from the commercialization of their valuable parts.

Additional specific attention to the plight of brown bears (*Ursus arctos*) has been brought to the attention of CITES delegates in separate proposals submitted to the CITES Secretariat by Finland, with the support of Bulgaria and Jordan. These submissions seek to raise the level of protection afforded all remaining populations of brown bears (excluding North America) from Appendix II to Appendix I, thus preventing trade in brown bear parts. This action is another effort to reduce problems

associated with the visual similarity of brown bear parts such as the gall bladder with similar organs of other endangered and threatened bear species.

Adoption of the proposal will add an essential level of protection to the dwindling populations of brown bears throughout Europe, Asia, and the former Soviet Union, and hopefully will be passed expeditiously.

Brown bear range disbursement is extremely diverse, occurring in small pockets of land throughout Asia, Europe and North America. As human populations continue to grow, brown bear populations become increasingly fragmented and fragile. Further, worldwide deforestation, especially throughout Turkey, Russia and surrounding rangelands, has restricted available suitable habitat for brown bears.

The brown bear is already extinct in many European countries, and population status reports indicate no more than 110,000 to 120,000 brown bears inhabit the Eastern Hemisphere. As brown bear numbers vary from country to country, so, too, does the level of protection each population receives. According to Finland's proposal, in France, Poland, the Ukraine and other countries the species is "fully protected," while Romania allows bear hunts "under special license, but only in season." Japan, with an unknown but "increasingly isolated sub-population" of brown bears, maintains minimal legal protection and permits bear hunts "for sport and as a pest."

Finland's proposal notes that "poaching of brown bear and illegal trade in bear parts is at its most severe in the Russian Far East" and that "the Russian Mafia is heavily involved in the illegal wildlife trade." The Eastern Hemispheric illegal bear parts trade embodies a complex smuggling web where: "illegally imported hunting trophies from Romanian bears have been seized in Spain," "German sport hunters circumvent domestic legislation prohibiting the import of trophies from Romanian bears by passing them through Russia first," and "illegal trade into Greece provides an opening into the whole EU [European Union]."

It is important that CITES delegates support proactive measures in accordance with the "precautionary principle" and recognize the danger brown bears face from these intricate and extensive poaching and smuggling operations. As the proposal acknowledges: "To the poacher, it does not matter which species of bear is hunted... if traders are found with galls from [endangered Asiatic] black bears, they merely claim that they are from brown bears." An Appendix I listing will not only directly benefit brown bears, but also highly endangered bear species\* whose gallbladders, as mentioned above, are visually indistinguishable from those of brown bears and are illegally laundered as such.

Preemptive measures such as the BPA, South Korean Pelly certification, and appropriate action by CITES Parties will provide incalculable benefits to help stabilize all bear populations so they can survive for generations to come. 🐾

\*Asiatic black bear (*Ursus thibetanus*), sun bear (*Helarctos malayanus*), spectacled bear (*Tremarctos ornatus*), and sloth bear (*Melursus ursinus*).





In the two decades leading up to the 1989 international ban on commercialization of elephant ivory, the continent-wide African elephant population was cut in half. Now, almost ten years later, AWI and other conservation and animal protection organizations are forced to defend global elephant protection against those who wish to reopen the bloody ivory trade and subsequent elephant slaughter.

The focus of the global debate is whether or not Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) will stand firm against pressure from opponents of the current ban on commercial trade in African elephant products. Now is a pivotal time for deciding the elephant's future, as Zimbabwe, Botswana and Namibia are lobbying hard for CITES Parties to reduce African elephant protection when the tenth Conference of the Parties (COP10) convenes this June in Harare, Zimbabwe.

African elephants (*Loxodonta africana*) are protected both internationally and in the US. CITES lists the species on Appendix I, which includes "all species threatened with extinction which are or may be affected by trade." Commercial trade in Appendix I species is prohibited in most cases, but one of the current exceptions is sport-hunted African elephant trophies, which are legal with special permits. The US Endangered Species Act lists the species as "threatened," meaning that it is likely to become endangered if not protected.

The 1988 African Elephant Conservation Act established a moratorium on importation into the US of ivory—again, with exemptions for sport-hunted trophies.

Together, these protections helped stabilize elephant populations at roughly half a million, caused a dramatic decline in ivory prices, and simplified law enforcement and anti-poaching efforts. However, as scheming forces the world over work tirelessly to profit once more from dead elephants, poachers have increased elephant kills in order to "make a (financial) killing" should ivory again be sold legally in the global marketplace.



# W I L L I T E V E R E N D ?

BY ADAM ROBERTS

## Prospective Poaching

Reports out of southern and eastern Africa show profiteers positioning themselves to reap enormous financial rewards should the ivory trade be reopened. One Reuters report from Dar Es Salaam in Tanzania noted that "police seized 143 elephant tusks on the Indian Ocean island of Zanzibar bound for Thailand." Another report from Lusaka, Zambia, states that "Zambian police in Southern Province have smashed an organized ivory racket, impounding 56 elephant tusks and arresting three suspects." And, news from Harare, Zimbabwe, is that a "North Korean diplomat was being questioned after he tried to smuggle 33 pieces of elephant ivory out of Zimbabwe."

These are just a few cases that have been uncovered. Who knows how many other shipments of ivory go undetected to willing ivory merchants? What is clear is that international movement of illegal ivory—or at least attempts at such transborder shipments—has started up again.

Zimbabwe, leader among the southern African ivory trade proponents, has probably the largest domestic ivory carving industry on the continent. According to a detailed report by the CITES Panel of Experts:

There is evidence that two dealers...[have] issued Certificates for large commercial quantities of worked ivory destined for export to a variety of countries, including Japan, China, Thailand, Hong Kong, the Philippines, Indonesia, USA and South Africa. Some of the shipments were very large, including a single sale of seals valued at Z\$ 919,113 (approximately US\$ 90,000) to a Japanese customer and one destined for Thailand valued at Z\$ 600,006. The ivory registers of the dealer involved indicated that during the month of April 1996 alone, he had sold ivory seals to Japanese customers carved from 182 tusks, totalling 1.6 tonnes.

The Panel concluded that "this is a matter of serious concern" for a variety of reasons including the facts that Zimbabwe Customs officers failed to detect or prohibit these shipments and that the importing nations "appear to have failed to intercept these illegal

imports of worked ivory."

Egregious violations of the current CITES prohibition indicate an inability, or at least unwillingness, among some CITES Parties, such as Zimbabwe, to adhere to the Convention. Moreover, it shows that wildlife law enforcement, as well as export and import restrictions, are flouted. A clear message from the CITES Parties that the ivory ban is non-negotiable is essential for reduction of poaching and smuggling.

## Zimbabwe, Botswana, & Namibia

The original 1989 proposal to ban international commercial trade of ivory came from Tanzania and continues to be supported overwhelmingly by African range states. Prior to the 37th meeting of the CITES Standing Committee, a special meeting was held in Dakar, Senegal "to provide the African elephant range States with an opportunity to consult each other on issues related to the conservation of the species."

One conclusion of the meeting, according to official CITES documents, is that "selling [ivory] through a legal system to international markets raised concerns, especially by a number of west African range States, about the stimulation of illegal trade and the negative impact this might have on some elephant populations."

Despite this serious concern and having already failed at CITES meetings in Kyoto and Fort Lauderdale to downlist African elephants, a few southern African countries, led by Zimbabwe, will be making yet another attempt at COP10.

Together, Zimbabwe, Botswana and Namibia are proposing downlisting each of their elephant populations from Appendix I to Appendix II to allow export of tons of whole tusks from their stockpiles to Japan, one shipment in 1998 and one in 1999; to export live animals to "appropriate and acceptable" destinations; to allow international trade in hunting trophies; and for Zimbabwe to allow international trade in elephant hides, leather articles and ivory souvenirs.

These proposals represent an obvious attempt to put a huge wedge in the door to ultimately opening the full-scale resumption of the ivory trade. The legalization of international commercial trade in ivory, regardless of its origin and destination, would provide a cover for illegal trade, and the resumption of any legal ivory trade would stimulate currently suppressed ivory markets worldwide. As was the case before the ivory ban, market demand would stimulate an illegal trade dependent on poached elephants.

## Experts Question Controls

A CITES Panel of Experts was convened to investigate conditions related to elephant conservation in the countries involved in the downlisting proposal. The seven-member international panel spent two weeks last October traveling throughout Botswana, Namibia and Zimbabwe, with a subsequent December trip to Japan, the proposed importing country for the stockpiled ivory.

The 54-page detailed report sets forth numerous conclusions, including the following:

- Botswana**
  - Controls over ivory stocks in Botswana are inadequate. It may not be possible to determine the origin of much of the ivory within the stockpile.
  - ... the Panel is unable to predict what psychological effect [from downlisting] on poachers and illegal traders in ivory will be.... The Botswana government does not have a clear policy on how to use the money, or mechanisms for ensuring transparency in the way that it is used.
- Namibia**
  - ... the majority of Panel members believe that the large number of confiscations of ivory of Angolan origin provides circumstantial evidence that some ivory is moving through Namibia and this view is supported by the ESPU [Endangered Species Protection Unit] of South Africa.
- Zimbabwe**
  - Law Enforcement with respect to the ivory trade has been grossly inadequate. DNPWLM [Department of National Parks and Wild Life Management] has permitted the establishment of large-scale ivory carving operations, which are selling commercial quantities of semi-worked ivory intended for export to Asian countries, including Japan, People's Republic of China and Thailand.
  - Information from ESPU indicates that a large proportion of illegal ivory arriving in South Africa has passed through Zimbabwe.
  - Zimbabwe has poor control over trade in elephant products other than ivory.
  - The Zimbabwean government does not have a clear policy on how to use the money from sale of government-owned ivory, or mechanisms for ensuring transparency in the way that it is used.
- Japan**
  - The control of retail trade is not adequate to differentiate the products of legally acquired ivory from those of illegal sources.

Based on the Panel's report one can conclude that although elephant populations in a few African countries may be stable and adequate monitoring may exist, sufficient trade controls and regulatory enforcement mechanisms—especially in Zimbabwe—are not in place. If the downlisting is granted, it is likely that African elephants will once again be slaughtered and the products, including ivory, laundered along with existing stockpiles. Ultimately, if the ivory trade is completely reopened at a future CITES meeting, the elephant will again fall prey to the poachers' high-powered rifles, and populations of this magnificent species throughout the continent will resume the dramatic decline that initially led to strong international protection.

continued on next page





An elephant family group

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### Sitting Around the Smoldering CAMPFIRE

It is not only the Zimbabwean government that is supporting a renewed elephant slaughter. Today, the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) and the well-funded Africa Resources Trust (ART) have joined forces with Safari Club International to facilitate elephant killing and the CITES downlisting.

According to CAMPFIRE's own published literature, "it seeks to restructure the control of Zimbabwe's countryside, giving people alternative ways of using their natural resources." This benign description belies the fact that CAMPFIRE exerts strong pressure to exploit elephants for their valuable ivory.

Creating sustainably functioning African communities is a praiseworthy goal. In fact, CAMPFIRE recognizes some acceptable wildlife-based, non-consumptive industries including "rafting the rapids of the wild Zambezi, viewing the Victoria Falls, trekking in wilderness areas, climbing the mysterious mountains of Chimanimani." CAMPFIRE also advocates community-based tourism, where rural communities host tourists themselves, cultural tourism where "tourists experience the local culture through sharing traditional foods, music and lifestyle," and traditional ecotourism industries, including bird-watching and exotic wildlife viewing. All of these are laudable mechanisms for advancing a self-sustaining community and profiting from natural resources without destroying them.

However, CAMPFIRE literature states that 90% of its income is derived from trophy hunting of elephants. Make no mistake, this is not only about allowing a handful of wealthy Americans or Europeans the opportunity to have an African safari and bring back an elephant trophy. It is about full-scale resumption of the ivory trade. Tawona Tavengwa of the CAMPFIRE Association admitted as much: "Zimbabwe, largely on behalf of CAMPFIRE, is leading the campaign to re-open the ivory trade."

The major contention of CAMPFIRE and Zimbabwe is that reopening the ivory trade would provide much-needed revenue to impoverished villagers. Of course, if Mr. Tavengwa is accurate in suggesting that CAMPFIRE "has been making a lot of money... \$13.2 million in 1995," one must wonder why such a successful program needs a reopened ivory trade at all.

Moreover, as the Panel of Experts noted, there is no

guarantee that money made from ivory sales will get from the government to local communities. This was not the case prior to the ivory ban, and there is no reason to believe that it will be true now. Given the potential for governmental corruption in Zimbabwe (see "CAMPFIRE's Richest District Goes Broke," *AWI Quarterly*, Spring/Summer 1996) such financial disbursements are unlikely.

In a December 1996 report, the Zimbabwean Parliament concluded that Zimbabwe's DNPWLM is "riddled by corruption, infighting and jealousy" and that there exists a "management crisis" within the department. This is hardly a sound vote of confidence for Zimbabwe's ability to prevent illegal elephant killings and appropriately distribute funds from such slaughter to communities in need of financial assistance.

According to Dr. Teresa Telecky of The Humane Society of the United States (HSUS) who has helped lead the defense of the ivory ban, an independent evaluator was hired by the United States Agency for International Development (USAID) to assess CAMPFIRE's effectiveness. Dr. Telecky reports: the "evaluator found that the project is 'notoriously weak in its environmental assessment of potential impacts resulting from the project'; that local governments kept most of the revenue rather than giving it to the people; and that the project's approach is 'subject to collapse once donor financing is withdrawn.'" Part of this "donor financing" actually includes grant money from USAID itself. Dr. Telecky noted further that "CAMPFIRE earns far less from trophy hunting (approximately US\$2 million per annum) than it gains in foreign aid from the US government and other governments (at least US\$5 million per annum from the US alone)."

### USAID—Your Tax Dollars at Work

The money that USAID spends on the CAMPFIRE program, which will balloon to almost \$30 million by 1999, is presumably used to fund a variety of programs. These include promoting trophy hunting of African elephants and lobbying to lift the international ivory ban. As noted above, it is doubtful that this money is being used wisely, efficiently, or in an equitable manner among districts throughout Zimbabwe.

### AFRICAN SUPPORT FOR THE IVORY BAN

"Appendix I has raised hope for elephant populations."  
-M.M. Lyimo, Chief Law Enforcement Officer, Wildlife Department, Tanzania

"Poaching of elephants has all but stopped, the price of ivory is at an all time low and public attitudes in support of elephant conservation are very high indeed."

-Richard Leakey, Former Director, Kenya Wildlife Service

"Appendix I listing has greatly reduced cross-border trade in ivory. It has also caused the poaching of elephants to decline."

-Moses Okua, Chief Game Warden, Uganda

"The Appendix I listing... has contributed to the level of awareness for both government institutions and the community, with benefits to species preservation."

-Manuel Enoch, Chief of Department of Parks and Reserves, Angola

"No doubt about it, elephants are worth far more alive than dead."

-Norbert Mumba, former head of the Zambian Species Protection Department



HSUS notes that "for every dollar the US government puts in, CAMPFIRE earns only 52 cents in income. Of the 52 cents earned by the program, only 5 are returned to villages, while the rest are retained by the Zimbabwean government's Rural District Councils, national and district governments."

Perhaps most egregious, though, is the fact that USAID gives a considerable sum of money, American taxpayer dollars, to an independent organization named Africa Resources Trust (ART). The four year budget for ART—just from USAID—is \$2,436,689! ART uses the money to publish criticisms against humane and conservation organizations, as well as CITES itself, and to print materials promoting the resumption of the ivory trade.

According to the June 1995 "Plan of Operations" for the "Natural Resources Management Project (NRMP) Phase II - Zimbabwe," ART's "outputs" are to include promotion of international markets for CAMPFIRE products such as ivory by developing "regional and international support networks for CAMPFIRE" and to keep "key decision-makers, media, NGOs and academic communities in USA, selected countries of Europe, and Africa informed and influenced." Basically, US money goes to ART for international lobbying to promote the ivory trade. This is particularly reprehensible since US policy and the great majority of US citizens do not support international commercial ivory trade, but an agency of the US government, USAID, is using millions of dollars of American taxpayer money to fund organizations that promote resumption of the global ivory trade! Also, a recent poll revealed that 84% of the American public oppose the federal government providing funds to aid trophy hunting of elephants and other wildlife.

Furthermore, according to the ART "Activities" list for the period 1995-1999, money will be used to secure offices and recruit staff in the United Kingdom, Brussels, Washington, DC, and South Africa; produce and publish CAMPFIRE and ART brochures, "fact sheets, books, booklets and position papers"; "identify and influence up to 100 key individuals"; and "hold briefing seminars... in USA, Europe and Africa."

The most succinct irony may have come from recent comments by David Hales, Director of USAID's Global Environment Center: "No one is fighting to lift the ban on ivory," Mr. Hales claims. Interesting. The Zimbabwean newspaper the *Citizen* reported on December 26, 1996, that "CAMPFIRE has called for the ban on ivory trading to be lifted." Moreover, Taparendava Maveneke of the CAMPFIRE association said in the April 1996, *CAMPFIRE NEWS*, "National and international legislations [sic] must be supportive of free trade in ivory and elephant products." Maybe Mr. Hales and USAID should rethink their position on ART, CAMPFIRE and the ivory trade before making any more statements on the subject—at least before making any more huge financial expenditures.



Zoo Atlanta's Dr. Terry Maple, testifying on behalf of the African Elephant Conservation Act, said, "In 1990, I visited a site in Kenya's Tsavo National Park, where two adults and one baby elephant were butchered by poachers. Poachers had cut off their faces to remove their tusks. I had never witnessed an uglier act of genocide."

### **No Blood Money**

In addition to ecotourism-based approaches, such as non-consumptive wildlife tourism and cultural tourism within local communities, there are some other ways to help elephants and impoverished African communities.

Much of the money devoted to CAMPFIRE, ART and Safari Club International for direct and indirect support of elephant trophy hunting and promotion of the ivory trade could be redirected to promoting and marketing ecotourism and the sustainable cottage industries that will develop as increasing numbers of foreign tourists visit southern Africa. These burgeoning new wildlife-based ventures include such innovative ideas as making paper from elephant dung. Kenyan native and conservationist Mike Bugara discovered that the dung can be boiled, soaked, pressed, and sun-dried into raw paper. The *New Scientist* reports that the Kenya Wildlife Service has "commissioned him to produce elephant dung invitation cards for the wildlife service's 50th anniversary celebrations this year along with a special map of Kenya for presentation to the country's president." The Wildlife Society of Malawi and Paper Making Education Trust have collaborated to make elephant dung paper, envelopes and other items with the money going back into elephant conservation.

Additionally, innovative programs are underway to minimize the human-elephant conflict that sometimes arises because of a stable elephant population and booming human population. For instance, the International Fund for Animal Welfare has donated over \$2 million to the National Parks Board in South Africa to purchase land which can be used for relocation of elephants from areas where their concentration is too great. Additionally, HSUS has undertaken an extensive research program on immunocontraception to minimize the impact of human/elephant conflict.

None of these may be the single answer to the global elephant debate, but together they can contribute to a peaceful and prosperous existence for Africans and African elephants. 🐾



# Fight for the Forests—and Their Inhabitants

by Juliette Williams

As this report goes to press, new figures have been announced by the United Nations Food and Agriculture Organization which show that our planet witnessed a net loss of 56 million hectares of forests between 1990 and 1995—this is equivalent to an area twice the size of Italy. Eighty per cent of the world's old growth forests have now been destroyed or degraded, and much of the remainder is being heavily logged, with catastrophic results for wildlife. In the tropical forest regions alone, an estimated 27,000 species could be forced into extinction by deforestation each and every year.

Though the global timber trade (now valued at around \$400 billion per year) is not the only cause of forest loss, it is the greatest threat to natural forests (the richest in species). To meet the demand for cheap and plentiful supplies of timber and paper, the international paper industry continues its destruction of forests, arguing that their replacement with single-species plantations is "sustainable." Yet these plantations are about as similar to a natural forest as a football field is to a flower-rich meadow.

Across the globe, the same pattern is occurring: a catalogue of devastation, from Canada's old-growth forests, home to bear, wolf and lynx; the tropical forests of Indonesia and Malaysia, irreplaceable habitat for orangutans; to Russia's forests, home to the last remaining 250 Siberian tigers—all are under severe and immediate threat from the timber industry.

As the global marketplace expands, it is increasingly difficult for governments and consumers to influence the activities of companies operating both within and beyond

their national boundaries. Ninety per cent of the international trade is dominated by huge transnational companies whose economic and political muscle allows them virtually unrestricted access into forests across the globe.

Given that both the causes and effects of forest loss and degradation are frequently global in nature and extent, it is evident that the global forest crisis will not be resolved unless, and until, global cooperation is achieved.

In 1995 the Environmental Investigation Agency (EIA) launched a major new international campaign for a global Forests Convention to provide, among other things, environmental regulation of the global timber industry. Although a number of existing international agreements and UN agencies have relevance to forest issues, none has proved effective at getting to the root of the problem. A Forests Convention will orchestrate a coordinated assault on forest problems at all levels of governance. A new Convention will provide a strong framework to conserve forests, and—unlike the present situation—will ensure legally-binding commitments: making governments more accountable and their decisionmaking more transparent; as well as encouraging national forest planning and protected forest areas. It will also provide an essential forum to coordinate financial assistance, technology transfer, and scientific and technical research.

In June 1992, world leaders met at the Earth Summit in Rio to discuss the state of the world's environment and propose actions to achieve forest conservation and sustainable development. Despite this, the rate of forest destruction has proceeded unchecked and the timber and paper industry has been allowed to escalate without restraint. This coming June, world leaders will meet again at Earth Summit II to review progress made since 1992 in implementing agreed-upon actions to conserve the environment. The Summit presents a historic opportunity to agree on a clear course of action towards developing a Forests Convention.

The Rio Earth Summit established the UN Commission on Sustainable Development, which at its third meeting in March 1995 discussed progress made towards achieving forest conservation. Recognizing the size of the task and the complexity of the debate surrounding forests, the commission established an Intergovernmental Panel on Forests (IPF) to "pursue consensus and coordinated proposals for action to support the management, conservation and sustainable development of all types of forests."

The panel's mandate was to examine issues that affect forests, including over-consumption of timber, the impact of trade upon the environment, and means to remedy these problems including mobilizing financial assistance, coordinating scientific and social research, and encouraging technology transfer.

Over the past two years, EIA has worked within the IPF to try and ensure that when world leaders meet at Earth Summit II in June, they will make a decision in favor of a new Forests Convention.

At the fourth and final IPF meeting, February 11-21, 1997, a number of nations declared their support for a new Global Forests Convention, and unlike the polarised situation of the Earth Summit, the divisions between Northern and Southern



Alaskan temperate rainforest

## "Bushmeat": Primate Casualties of Out-of-Control Greed for Timber

As timber companies press further and further into the Central African rainforests, the destruction wrought on habitat is not the only damage done to animals. A flourishing trade in "bushmeat"—usually the smoked meat of unidentifiable primates—uses logging trucks and logging roads as distribution channels, and has a captive market in the timber workers, since the logging companies generally do not pay to feed their crews. This trade is combining with habitat destruction and other factors to gravely endanger Africa's great apes.

Traders in bushmeat kill gorillas and chimpanzees, among other animals, in alarming numbers. The International Primate Protection League estimates that in Northern Congo alone, 400-600 gorillas are killed annually.

Another tragic consequence of this trade is the orphans it produces: when mother apes are killed for meat, their young cannot survive on their own. These infants all too often either die or are kept as pets in cruelly negligent conditions. Only a few can be rescued and raised in sanctuaries.

For more information, read the report "Slaughter of the Apes," available from the World Society for the Protection of Animals, 2 Langley Lane, London SW8 1TJ, England; phone (44) 171 793 0540. 🐾

nations have diminished substantially. Notable among nations that now support a convention are Russia, Malaysia, the Philippines, Indonesia, China, and Papua New Guinea. Strong support for a convention continues to come from Canada and the European Union—it is official policy of all EU member nations to support the development of a convention.

Surprisingly, at the fourth meeting of the IPF, a number of non-governmental organizations (NGOs) opposed the development of a Forests Convention, claiming that it is “premature” and will enshrine a “lowest common denominator” for forest management. This, despite the fact that in 1992, over 50 international environmental organizations gave vocal support to a convention.

The US Government played on NGO fears, but stood relatively isolated in its regressive stance on a forest convention, arguing that the case for a convention has yet to be proven. Given that about 40 countries are in favor of a convention and many more are open to the possibility, the question arises as to why the US has taken such an isolated and apparently intransigent position.

In 1992, Vice President Al Gore had supported the negotiation of a forest convention—he led the US legislators’ delegation to the UN Conference on Environment and Development (Earth Summit) in 1992. Gore has also served as President of GLOBE International, which in 1992 produced a draft forest convention “to provide guidance and essential elements to the international debate about forests.” As his personal internet homepage proclaims, “Al Gore’s commitment and leadership on environmental issues is unparalleled. He has said the protection and preservation of the earth’s environment is one of the most important issues facing this generation.”

In a keynote address to the Commission on Sustainable Development in June 1993, just one year after Rio, Gore noted that “we are united by a common premise: that human activities are needlessly causing grave and perhaps irreparable damage to the global environment. The dangers are clear to all

### *The World’s Largest Corporation; the World’s Most Flagrant Despoiler?*

The biggest corporate economy in the world—the Mitsubishi Corporation—wields more economic power than all but 21 countries. Instead of using its weight and influence for good, however, this mammoth company is steadily overexploiting the world’s resources for profit: logging all the way to the bank.

Mitsubishi, which controls over 9 million hectares of forest, runs the largest mill in the Amazon rainforest, owns Chile’s largest exporter of woodchips, and is consistently among the largest exporters of tropical timber to Japan.

Together with the Mexican government, Mitsubishi plans to establish a salt production facility in Mexico’s Laguna San Ignacio, the last undeveloped mating ground and nursery for gray whales. The project would include a pier partly blocking access to the lagoon, the factory would drain water from the lagoon at the rate of 6,000 gallons per second, and—adding environmental insult to environmental injury—the salt produced would go into making chlorine, an ecologically harmful process and product. 🐾



Andrew Smith/Australian Conservation Foundation

*Greater gliders nest in holes which only begin to form in trees older than 120 years. Short-sighted forestry practices destroy their homes.*

of us.... The earth’s forests are being destroyed at the rate of one football field’s worth every second.”

Given this clear recognition of the dire situation facing the world’s forests and the global environment, and the urgency of finding effective, long-term solutions to the forest crisis, why does the US advocate maintenance of the status quo, in the face of the escalating crisis of forest loss? If the US Government now asserts that a forests convention is premature, how many trees will be lost before the US decrees that the time is right to launch negotiations?

The US cites a lack of consensus on certain issues as a barrier to initiating negotiations, but consensus was far less advanced when the negotiations for the Conventions on Biological Diversity and Climate Change were initiated. Furthermore, negotiations for a convention have, in effect, been undertaken since the preparatory process for the Earth Summit in 1992, and have recently intensified during the Intergovernmental Panel on Forests process.

At the Rio Earth Summit, political leaders were unable to agree upon the desirability of a new convention. Five years on, Earth Summit II presents a historic opportunity to commit themselves to conserving the planet’s forests. It represents the single best hope for global cooperation into the next millennium. The alternative is unthinkable—“business as usual” is an intolerable situation for the world’s forests, wildlife and peoples, and cannot be allowed to continue. The US must change its mind and support the majority of countries represented at the Commission on Sustainable Development in supporting a convention. 🐾

*Juliette Williams is a forest campaigner for the Environmental Investigation Agency.*

## Appreciation

### Charles R. Richey, US District Judge for DC

Judge Charles R. Richey will long be remembered for his magnificent series of landmark decisions for the protection of animals.

In condemning the "performance standards" that had been written under duress by the Secretary of Agriculture to implement the Improved Standards for Laboratory Animals amendments to the Animal Welfare Act, he wrote: "At the outset, the Court shall state the following. This case involves animals, a subject that should be of great importance to all humankind." Judge Richey justly objected to this regulatory proposal that so severely weakened the original proposed regulations.

In another case (unfortunately overturned), Judge Richey ruled that the Animal Welfare Act must cover the most numerous experimental animals used by scientific institutions—namely, mice, rats and birds.

His ruling on dolphins, which saved hundreds of thousands of them from death in tuna purse seines, was widely acclaimed. The judge ordered the National Marine Fisheries Service to enforce the dolphin protection provisions of the Marine Mammal Protection Act against the US tuna industry. He was appalled that the US tuna fleet was unwilling to implement the most basic conservation measures to protect dolphins at that time. His



decision sparked changes that now make the US industry the world leader in the protection of dolphins.

A colleague who spoke at his memorial service told the large body of mourners that Judge Richey was "born to be a judge" and left no backlog of cases. He worked conscientiously to the end. He was noteworthy for "the efficiency with which he kept up with his caseload," said the *Washington Post*.

"Judge Richey also sought to make government officials abide by laws he felt they were trying to ignore. In 1993, he caused a storm of criticism when he directed the Clinton administration to come up with an environmental impact statement covering the North American Free Trade Agreement.

"The administration was lobbying heavily for Senate ratification of the measure, and the judge's action was seen as an obstacle that could provide fence-sitters with a politically acceptable reason for opposing it. In the end, the US Court of Appeals vacated the judge's order, and the treaty was passed," according to the *Post*.

On fighting drugs, "Judge Richey's criminal calendar included the 1989 trial of Rayful Edmond III, a notorious kingpin of the District's drug trade who was sentenced to life in prison without parole. The judge broke new ground for trials in the city when he kept the jury anonymous to forestall reprisals from the drug world." 🐾

## News Roundup

### NC Governor, Legislator Move to Limit Hog Factories

North Carolina Governor Jim Hunt proposed that the state legislature put a two-year moratorium on new or expanded hog factories. Meanwhile, state Representative Richard Morgan is also sponsoring a bill limiting large hog farms. Morgan's bill calls for a one-year moratorium on operations with more than 250 hogs, restores local governments' zoning authority over industrial farms, and increases the required setback distances between hog facilities (such as buildings and lagoons) and neighboring rivers, lakes and homes.

### Wildlife Law Enforcement Highlights

According to *The Federal Wildlife Officer*:

- US Fish & Wildlife Service (FWS) Operation Eider—a campaign focusing on illegal taking of rare sea ducks—has culminated in several outstanding cases, including that of Garrett Senk, who is a well-regarded taxidermist, and Clifford Johnson, who is a former vice president of Safari Club International. Also as a result of Operation Eider, a North Carolina waterfowl guide was fined \$1,000 and given a year's loss of hunting privileges and two years' probation.

- FWS agents in Alaska arrested a

big-game guide who had been indicted for 15 felony counts related to his guiding activities. "Interestingly," writes *The Federal Wildlife Officer*, "while some of the federal violations were committed, this guide was free on work release while he was serving a two-year state prison sentence for sexual abuse of a minor."

- FWS announced that a Florida man was sentenced to two years in prison and ordered to pay a \$25,000 fine for conspiring to smuggle over one hundred Peruvian red tail boa constrictors into Miami, in violation of the Endangered Species Act. A healthy red tail boa constrictor is reportedly worth \$400 on the retail market.

### EIA Hosts Elephant Conference

The Environmental Investigation Agency Charitable Trust is hosting a major conference on the elephant, to be held in Johannesburg, South Africa, May 5-7 1997. The conference will cover a wide spectrum of issues relating to the success and effectiveness of the 1989 CITES decision to ban international trade in African elephant products and to underline the need for maintaining Appendix I for all African elephant populations.

The conference will provide a platform for the voices of African and Asian conservationists to be heard by the media, by decision-makers and the public at large. Papers presented will cover the

positive benefits of the Appendix I listing of the elephant and address issues such as the benign "use" of elephants, the role played by the tourism industry in elephant conservation, enforcement of the international ban and the ecological role of elephants within their ecosystem. The conference will be chaired by Perez Olindo, Director of African Elephant Foundation International; Norbert Mumba, formerly with the Species Protection Department of Zambia; and Valerie Sackey, with the office of the president of Ghana.

### Jailed Protesters Strike for Leghold Trap Ban

Five nonviolent anti-fur demonstrators, jailed for sentences ranging from 30 days to seven months on various charges, went on hunger strikes in February and March to express their opposition to cruel trapping practices.

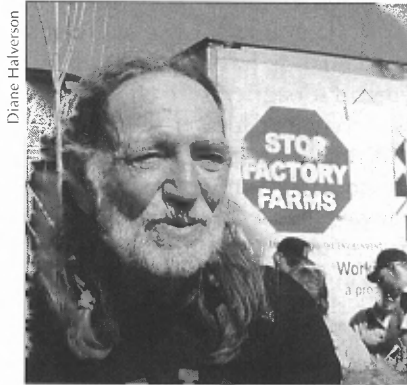
The strikers demanded: 1. a federal ban on the leghold trap, 2. that the US end its opposition to the European Union's anti-leghold trap Regulation (see page 5), and 3. that the State of New York stop a bill that would legalize using painful snares on beavers.

According to Richard Marris, attorney for two of the protesters, "For some reason, they were sentenced very harshly for offenses which are relatively minor."



## Demonstrators Condemn NPPC's Misuse of Funds

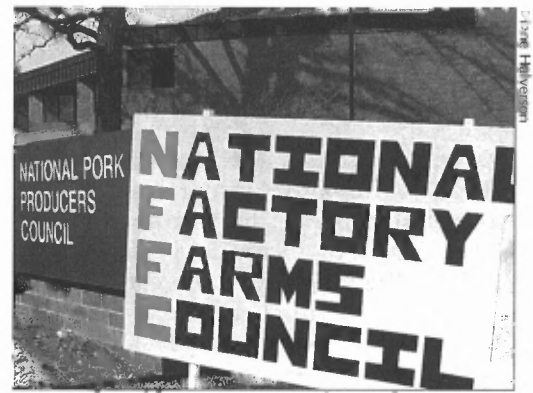
Hundreds of people demonstrated outside the offices of the National Pork Producers Council in March to voice support for family farms and opposition to factory farms. Musician and family farm advocate Willie Nelson spoke and performed at the demonstration. At issue is the more than \$45 million a year that NPPC receives in the form of "checkoff funds," paid by farmers whenever they sell hogs. NPPC is accused of using those funds to investigate pro-family farm organizations. At the rally, family hog farmers Dwight Ault and Lynn McKinley called for the humane treatment of farm animals, and Roger Allison of the Missouri Rural Crisis Center decried the "unspeakable conditions" in which factory-farm hogs are kept.



Willie Nelson

The NPPC claims to be impartial and to represent the interests of both small and large hog operations, but—among other instances of factory-farm favoritism on the part of NPPC—the council paid nearly \$50,000 in 1996 to a consulting firm, Mongoven, Biscoe and Duchin, to monitor grassroots organizations—such as the 300,000-member National Farmers Union and three member groups of the Campaign for Family Farms and the Environment (of which AWI is also a member)—and report back to NPPC on their activities.

The US Department of Agriculture investigated, and in its preliminary audit said that the subject matter of some of Mongoven's reports "fell outside the generally-recognized limits on the use of checkoff funds." NPPC, which had vacillated over whether the money used had come from checkoffs, was forced to back down, facing a storm of public outcry and the pressure of USDA's investigation. In April it discontinued the consultants' services and returned \$51,300 in checkoff funds. 🐾



Sign placed by protesters in front of NPPC headquarters in Des Moines

## Book Review

### *And the Waters Turned to Blood*

BY RODNEY BARKER

Simon and Shuster, 1997, 328 pages, \$24.

This is a true story of cover-ups and hubris in academia and state bureaucracies charged with protection of their citizens' health and the environment. The adversary: a single-celled creature with the power to change its form and multiply with fearsome speed, or to hide itself in a tiny, hard case and sink out of sight when conditions are unfavorable.

Like a Greek god or a Grimm's fairy tale character, it can assume a variety of different forms, as occasion demands. This dinoflagellate, *Pfiesteria piscicida* by name, thrives in polluted water, bursting into a population explosion when nourished, such as by overflow from the giant cesspools attached to factory farms pouring into rivers and estuaries in North Carolina's once pure waterways.

Rodney Barker is a first-rate investigative reporter, scrupulously sticking to the facts. *And the Waters Turned to Blood* evokes the sinking feeling so often experienced in recent years by protectors of animals faced with stonewalling bureaucracies and inexplicable actions by granting agencies that seem designed to create non-action where action is clearly called for.

A brief mention of organized pork producers' pressure on North Carolina State University reminds us that the bulk of grant funding for university farm animal research comes from industry profits, and the research the industry wants is geared to increasing those profits for the corporate hog factories—regardless of the feelings of the animals. This book does not touch on animal suffering, only on the resulting pollution. For example, it cites the Pulitzer Prize winning series on hog farms that appeared in *The Raleigh News and Observer*:

"Imagine a city as big as New York suddenly grafted onto

North Carolina's coastal plain. Double it.

"Now imagine that this city has no sewage treatment plants. All the wastes from 15 million people are simply flushed into open pits and sprayed onto fields.

"Turn these humans into hogs and you don't have to imagine at all. It's here."

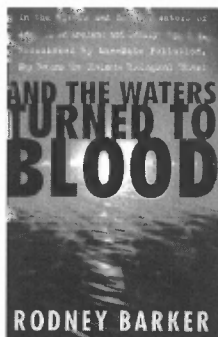
The terrible cruelty to the vast numbers of sows uniformly pressed into the smallest possible space, unable to even turn around, subject to painful sores and deprivation of all that makes life pleasurable for these highly intelligent animals, is not mentioned in either this book or the newspaper series.

But because it is the unabashed cruelty of the hog factory industry that underlies the water and air pollution that sickens us human beings, this book holds special interest for everyone concerned with the protection of farm animals.

The book's central figure is the brave botanist JoAnn Burkholder, whose work led to establishment of a "Level 3" biohazard laboratory for study of *Pfiesteria piscicida*. With a doctorate in Botanical Limnology, a series of unexpected circumstances led her to an increasingly shocking realization that the tiny creature she was destined to study was not a plant at all but the extraordinary microscopic animal *Pfiesteria piscicida*, capable of eating huge holes in fishes, of causing raw sores in humans and, strangest of all, causing them to suffer startling memory losses and inexplicable rages.

The organisms are stimulated to reproduce massively by the pollutants discharged into rivers and estuaries from such sources as fertilizer plants and hog factory farms. *Pfiesteria piscicida* was easily detected whenever fish were seen desperately jumping to escape the attacks of the tiny monsters who were eating them alive. 🐾

—Christine Stevens



## Stop U.S. Population Growth—Save Endangered Species

by Anne Elizabeth Beale

Recent debates over the Endangered Species Act, protected lands in the western U.S., and the federal government's role in environmental protection, while important, overlook the primary cause of species extinction in the United States: human encroachment into natural habitat, driven by increased population growth. Considering that the majority of the estimated 30,000 plant and animal species in the United States live near coasts where more than 50% of the human population also resides, massive habitat destruction is inevitable. And given our current growth rate, the rate of species extinction in the United States will increase dramatically unless we are able to achieve U.S. population stabilization.

The United States grows by nearly three million people a year, or about 60,000 a week, with over half of that growth stemming from immigration, including refugees and asylees. If current trends continue, the United States will double its population by the year 2050, with the vast majority (90%) of that growth attributable to immigration. Contrary to the cornucopian notion of unlimited bounty, the reality is that the United States' ability to support a population within its carrying capacity (the number of people who can be sustainably supported in a given area within resource limits and without degrading the natural, social, cultural, and economic environment for present and future generations) is already being challenged by our ever-increasing population.

Consider just a few of the implications of our current population size. Five hundred species are already known to have vanished forever in the United States. Nearly 700 species are endangered or threatened and 9,000 species are at risk of

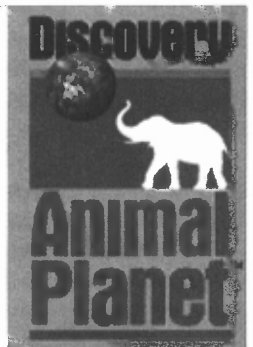
extinction, in part from construction for freeways, home, businesses, schools, and other structures that has destroyed habitat. The number of grizzly bears thriving in the western U.S. was at one time estimated at 100,000. Today there are fewer than 1,000 grizzlies left, restricted to the mountainous areas of Wyoming, Montana, Idaho, and Washington. In 1990, sixty-five of the remaining 300 key deer in the United States were hit and killed by U.S. drivers on roads that run throughout the deer's natural habitat. One of the leading causes of death of the endangered manatee is being hit by drivers of recreational boats. To accommodate growth, we pave over an area equal to the state of Delaware every year. Fifty percent of our original wetlands have been drained to accommodate increased demand for agriculture and development. Such development is responsible for the demise of 50% of the endangered species in the United States.

Clearly, population growth in the United States has had and will continue to have devastating effects on our wildlife habitat. Unless we are successful in the campaign for U.S. population stabilization, we will add over the next five years another 15 million people, or the population equivalent of another Los Angeles, New York City, Chicago, and Houston combined. The reality, however, is that the United States has a finite resource base that cannot accommodate an ever-increasing population. Without a stabilized population, all our efforts to protect the environment and improve our quality of life will surely fail. 🐾

*Anne Elizabeth Beale is the Deputy Director of Population-Environment Balance. For more information write: 2000 P Street, Ste. 210, Washington, DC 20036; phone: 202/955-5700.*

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# AWVI Quality

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**Cover:** *The affectionate mother-calf bond is the foundation of a cattle herd's cohesive social structure. A study by Viktor and Annie Reinhardt (see page 20) suggests that the bond lasts for life under natural conditions. Here, cow Dora grooms her eight-year old daughter Riese while grandson Rick is taking a nap. Photo by Viktor Reinhardt.*



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## Leakey, Proud to Be a "Bunny Hugger"

Shirley McGreal



*The famous paleontologist and (retired) Kenyan Wildlife Service head Richard Leakey spoke at the Species Survival Network's reception in Harare, June 12. Starting out by explaining how he always makes a point of leaving Zimbabwe within 18 hours of any controversial speech he makes (and that he was leaving first thing in the morning) he went on to deliver an impassioned plea*

*to not downlist elephants. "I am entirely opposed to any resumption of any international trade in ivory," he said. "The practice of the trade under present circumstances in both producer and consumer countries is untenable."*

*He appealed to the hall packed with delegates and observers to remember that the whole reason for CITES is to protect endangered species, not necessarily economic interests: "The money to be made from trading ivory may be substantial for individuals but is a pittance for governments. Governments are supposedly there to serve the people and I believe that, if these governments wanted to well serve their people, they will stand firm and ensure that the ivory trade remains banned indefinitely."*

*Finally, he defiantly announced that he for one was not afraid to be called a "bunny hugger." Whipping a pink toy plush bunny out of his back pocket he cradled it into his burly red cheek and patted it sweetly on the back.*

*"I do not feel guilty or uncomfortable," he said, "when I am accused of being 'on the side of wildlife': I care and so do millions of other people in every part of the world. We must be heard, we must stand tall and remember that a species is lost for all time." 🐾*



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Elephant tusks and stuffed zebras were among the grisly displays greeting delegates to the CITES conference in Harare, Zimbabwe (see page 4)



Ben & Jerry's groundbreaking new anti-rBGH label, the subject of an intense court battle (see page 17)

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# SHOWDOWN IN ZIMBABWE

by Ben White

As one who presumes to work for wildlife and wild places, I sometimes feel their presence peering over my shoulder to see if I am holding true to their concerns. Never have I felt this scrutiny as much as during the two weeks I spent in Harare, Zimbabwe, at the tenth Conference of the Parties (COP) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). There, the survival or destruction of millions of creatures and millions of acres of critical habitat was decided, all by a relatively small group of human beings in one place. Before leaving for the meeting, I wondered what the animals and plants whose survival—and worth—was being debated would say in my place.

CITES is a system of agreements between countries that tries to strike a balance, offering three levels of protection: Appendix I bans all international trade except for hunting trophies and live animals "not to be used for primarily commercial purposes." Appendix II allows some trade in the species within specified limits. Appendix III lists species named by individual nations for protected status.

At the Harare meeting, the non-governmental organization (NGO) observers representing conservation and animal protection were far outnumbered by "sustainable use" advocates, those that traffic in wildlife, trophy hunters and whalers. Even the physical setting was daunting. A visitor to the convention hall attached to the Harare Sheraton had to pass by the frozen glare of many African animals—such as Cape buffalo and Cheetah—their bodies stuffed and mounted, their spirit gone. Day by day, as the first week wore on, the tenor of debate became slightly more acrimonious. More than a conflict between countries, CITES is a battleground of ideas and shifting attitudes.

Some say that in our crowded world endangered species must have a monetary value, must "pay their own way" in order to justify their preservation. Some hold that all forms of life are resources and that the task at hand is to create a way for people to "sustainably use" them. Others believe that we should manage human affairs in such a way that, at least, no more species are driven to extinction, and that the allowable trade in endangered species should be zero.

Advocacy groups of every persuasion held forth from their booths. The pro-whaling High North Alliance offered T-shirts



Adam Roberts

Zimbabwe's sanguine National Parks and Wildlife department smugly put stuffed wildlife on display for the conference attendees; the sign at left promotes "sustainable utilization of natural resources."

that had the slogans "Intelligent People Need Intelligent Food" and "Save a Whale—For Dinner," bannered above prostrate cartoon whales.

For two weeks CITES gave thumbs up or down on proposal after proposal to either list for the first time or uplist (both giving greater-than present protection), downlist (removing some protection), or delist (remove from the Appendices completely) for dozens of species that are traded but threatened.

One measure decided at the conference was a proposal by Japan to circumvent the International Whaling Commission's ban on commercial whaling, and establish a system to trade in whalemeat. A secret vote was requested by Japan, and the resolution was rejected.

A seemingly insignificant change in wording was proposed by Namibia to alter the definition of the words "for primarily commercial purposes" in the protection offered by Appendix I. The change would have allowed governments to sell off any stockpiles of endangered animal or plant parts or "harvests" of so-called "nuisance animals" without the sale being considered "for primarily commercial purposes." Nuisance animals could include anything from elephants in Africa to macaws in Central America; the proposal was withdrawn.

Our greatest early victories at CITES involved whales. Three different populations of minke whales, one of Brydes (pronounced brutus) whales, and the US population of California grey whales were proposed to be downlisted so that their meat could be internationally traded. Whale advocates lobbied and coaxed. In the end the whales won the vote. Even though the Norwegian proposal to downlist the minke whales in their neck of the woods received a majority, it fell well short of the 2/3 majority required to downlist.

Lending urgency to the proceedings were the reports of new pirate whaling in the North Atlantic, perhaps in anticipation of the relaxation of rules on the selling of whalemeat. At least six yachts have recently reported finding dead or dying sperm whales with radar marker buoys attached waiting to be picked up by some unknown whaler. The Portuguese have responded by sending a patrol vessel out












continued on next page



Distant view from the balcony of Committee I, where NGO representatives were banished while delegates below made far-reaching decisions on the world's imperiled wildlife



## What Happened in Harare: an Overview

-  Hawksbill sea turtles: A move to downlist Cuban populations to Appendix II, thus opening trade, was **rejected**.
-  Elephants: Botswana, Namibia and Zimbabwe's proposal for limited ivory trade, allowing them to sell their stockpiles, was **amended and adopted** (see sidebar at right).
-  Redefinition of primarily commercial purposes: Namibia's resolution would have opened the door for large exports of Appendix I species, in contravention of the convention. The proposal was **withdrawn**.
-  Brown bear: The resolution by Finland, Bulgaria and Jordan to uplist all European, Eurasian, Caucasian and Asian populations from Appendix II to Appendix I was **rejected**.
-  Jaguar: Venezuela's attempt to establish an export quota for hunting trophies starting in 3 years was **withdrawn**.
-  Bigleaf mahogany: the US and Bolivia's attempt to list bigleaf mahogany on Appendix II, monitoring trade, was **rejected**.
-  Southern white rhinoceros: South Africa's proposal to allow trade in rhino horns and other rhino products was **rejected**.
-  Illegal trade: the US's move to form a CITES illegal trade working group, to assist in enforcement efforts, was **rejected**.
-  Whaling: Japan's attempt to interfere with the International Whaling Commission, and weaken CITES protection for whales, was **rejected**. No whale downlisting proposals were passed.
-  Thailand's proposals to list the banteng and wild Asian buffalo on Appendix I were both **withdrawn**.
-  Green-cheeked Amazon parrot: the effort to transfer this rare Mexican parrot to Appendix I was **passed**.

*continued from previous page*

from the Azores to try to find the outlaw.

Bears did not fare well at CITES. The proposals by Finland, Bulgaria and Jordan to increase protection for all brown bears outside North America were soundly defeated, despite Jordan's unwavering defense. Fierce opposition by brown bear range states including the Russian Federation, Romania, and the Czech Republic made it difficult for many countries to support the species' uplisting.

The resolution ultimately passed by the Parties on Conservation of and Trade in Bears was hollow. Although it calls on Parties to improve national legislation and enforcement "to demonstrably reduce the illegal trade in bear parts," it does not call for a voluntary suspension of the bear parts trade, a measure that AWI has long supported. In fact, the United States announced just prior to the Conference that it would support such a moratorium if recommended by other Parties, but no such suggestion was proffered. China, seemingly supportive leading up to the Conference, sold out the bears when it counted most. Even a modest amendment proposed by India to attempt to "eliminate" the illegal bear parts trade—rather than simply reduce it—was defeated as an unrealistic goal.

Lastly, a resolution was adopted concerning the use of endangered species in traditional Asian medicines. Included is an unacceptable recommendation that Parties "consider, where appropriate and with sufficient safeguards, the application of artificial propagation and, in certain circumstances, captive breeding, in meeting the needs of traditional medi-

## What the Ivory Decision Does—and Doesn't—Mean

The recently accepted deal on ivory was still a crushing blow for elephants, despite its defenders' rosy predictions of strict controls on the trade. Even the most sharply limited trade offers untold opportunities for laundering and stimulates poaching—"speculative poaching," based on the hope that full-blown ivory trade will recommence. According to wildlife consultant Ian Redmond, "many wildlife departments are now bracing themselves for an upsurge in poaching activities, and police and customs face a similar increase in smuggling."

It is important to understand just what the decision entails, says Redmond. "Even though the elephant populations of Botswana, Namibia and Zimbabwe have been 'downlisted' from Appendix I to Appendix II of CITES, the move carries with it stringent precautions before a legal ivory trade can commence. The downlisting [which comes into effect September 18] allows only these three countries to export hunting trophies, live animals and, for Zimbabwe alone, elephant hide and locally carved ivory curios." Eighteen months later, trade in ivory could then be permitted to Japan, provided—among numerous other conditions—that current deficiencies in enforcement and ivory control are remedied as verified by the Standing Committee, and mechanisms are in place "to reinvest trade revenues into elephant conservation." 🐾

cine." To its credit, the United States proposed to amend the line to consider the "impact" rather than "application" of captive breeding facilities, which, of course, will include the deplorable Chinese bear farms. China spoke out against the simple but beneficial language change and the document was approved without the US amendment.

The proposals by the US to increase protection for 12 species of map turtles and the alligator snapping turtle were watered down and defeated or withdrawn. The reason given for the retreat of the US team was intense pressure from the state fish and wildlife agencies—under the banner of the International Association of Fish and Wildlife Agencies—to leave protection up to the states.

Tuesday of the second week saw the Great Elephant Showdown. When the smoke finally cleared, 62 out of the 123 countries eligible to vote had made comments in the heated debate. When it appeared that the individual proposals from Botswana, Namibia, and Zimbabwe might fail to reach the magical 2/3 margin of success, South Africa introduced an amendment that made the downlisting slightly more palatable to some. The amendment was essentially window dressing, saying that the sale of ivory would be limited to a one shot deal: the three countries would only sell the almost 50 tons of ivory they now hold between them to one buyer (Japan) and that there would be no sales for eighteen months. Being slightly more restrictive, the South African plan was seen as having the best chance to pass. In a knuckle-biting secret vote, the amend-

*continued on next page*

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ment failed by just three votes to gain the 2/3. Those of us fighting for keeping the ban on ivory in order to stop poaching breathed an enormous sigh. NGO observers were relegated to a balcony, and looking down on the floor, I saw Israeli delegate and wildlife champion Bill Clark slump in his chair almost to the floor in a gesture of relief and exhaustion. It was expected that, although late in the day, the votes would be taken on the more liberal downlisting proposals of the three states and, most likely, they would be defeated— one, two, three.

But it was not to be. In a blatantly partisan ruling by David Brackett, Canadian chair of Committee I, the debate was stopped. Instead of voting on the proposals once and for all, he ordered the formation of a working group under (strongly pro-use) Norway, with the participation of the three African states wanting downlisting along with Japan and the European Union. The next day this working group produced a "consensus" document almost identical to the failed South African amendment. In a startlingly abrupt manner, this "compromise" then sailed right through, easily gaining 2/3 of the votes. Then the individual proposals were approved—Botswana, Namibia, and finally, Zimbabwe.

When the Zimbabwe elephant downlisting cleared, jubilation reigned. Parks employees danced and hugged each other. Rows of scrubbed schoolchildren in British style uniforms and straw hats cheered and applauded. A man stood up in the upper balcony, and—without a murmur of interruption from the chair—sang out the long national anthem in a ringing baritone.

The concerns of the countries of Africa still under siege from well armed poachers had been ignored, as well as those from India and Bangladesh that had already seen an upsurge in the killing of Indian elephants just in anticipation of the possible downlisting. In eighteen months the trade of ivory, although supposedly severely restricted, will resume.

Clearly, when it appeared the downlisting would be defeated, the committee chair halted the process, shifted gears, and came up with the desired result. Perhaps it was naïve for me to assume, given the money riding on the decisions, that we would see a fair fight in Harare.

Each morning, the local newspaper, *The Herald*, was slipped under each hotel room door, and each morning the headline greeted delegates with pro-ivory trade propaganda. Each time the television was turned on there were pro-ivory news interviews and half-hour CAMPFIRE infomercials. Animal welfare and conservation NGOs got our share of press attention, too, but the publicity was for the most part antagonistic to the West and considerably favorable toward the elephant downlisting.

The dual international trades in wildlife and drugs have become increasingly intertwined, bringing odd bedfellows into the conference. The enormously powerful Russian mafia was said to be in attendance, interested, among other things, in the unrestricted flow of caviar (the uplisting of sturgeon products was amended to permit a generous allowance for "personal consumption"). Many of the proposals to restrict the

huge trade in wild birds failed, perhaps partly due to the popularity of packing cocaine inside already dead birds in the bottom of the shipping cages. One dedicated activist from the Caribbean confided to me that in the last year she has had both her house and her sailboat destroyed by drug runners angry at her effectiveness in exposing the drug/wildlife trade link.

After the Wednesday vote downlisting the elephants the committees zoomed through dozens of life-or-death proposals with little debate, as if a log jam had been broken and permission to elbow aside any nagging concerns about endangered species had been found.

Even though it was strongly supported by both the major importer (US) and the major exporter (Bolivia), the proposal to increase protection of bigleaf mahogany was voted down, defeated by timber interests for the third time in a row. Also defeated were the uplisting of sawfishes, mantella frogs, timber rattlesnakes, Kara Tau argalis, several species of parakeets, lorikeets, and cockatoos, and the cloth from wild vicunas. Protection was decreased on the export of leopard trophies and skins, tree kangaroos, Nile crocodiles, collared peccary, and the pearly mussel.

In the last blitz, we did eke out a few victories. A proposal from Venezuela to establish a quota for exporting Jaguars failed, and the proposals to allow the sale of white rhino horn from South Africa, and the renewed trade in hawksbill (sea) turtles from Cuba failed.

"Sustainable use" proponents argue that if we bunny-hugging richer countries want wild elephants, zebras and giraffes in our world then we should pay for the privilege. They have a point. However, that is already happening with the thousands of tourists that pack the buses to come to see the exotic fauna. The concept that animals can best be "sustainably used" by killing them and trading in their body parts is both wildly optimistic and contrary to history. The "sustainable" lethal use of any wildlife has never been our strong suit. The current global collapse of fisheries, the whaling industry, the ancient decimation of beavers and birds for hats are all examples of market economies that became engines of annihilation. Once identified as a resource, the world's diversity becomes a coin that can be spent, saved, or converted into gold.

Nonetheless, "sustainable use" became the mantra of the CITES conference. If we are going to be successful being the voice of animals it would appear that we need to clarify what that means: a way for local people to make money from the very existence of wild animals—living where they live—wild and free. Encouraging the market economy of endangered animals and plants just invites plunder, with the local economies no better for the loss. We need to think clearly how best to stop the commoditization of the wild. And we need to say over and over that our global choice is not animals versus people but greed versus community. 🐾

Longtime activist Ben White (see "Nightwork in Japan," AWI Quarterly, Spring 1993) has joined AWI's staff as Wildlife Investigator. His specialty is marine mammals.



Jaguars, luckily, escaped the clutches of the pro-trophy hunting contingent at CITES.

# Bavin Awards Recognize Wildlife Law Enforcement Heroism

The following people received AWI's Clark R. Bavin Law Enforcement Award at the Species Survival Network reception, held June 12 in Harare, Zimbabwe, at the CITES conference. The magnificent rhino sculptures created by John Perry were presented by the Secretary-General of CITES, Izgrev Topkov, for outstanding achievement in combatting wildlife crime. On a sad note, one of this year's awards was posthumous—that of Ghana's Simon Kpenindoma.

BOURAMA NIAGATE, Wildlife Chief of Mali, has been fighting organized poaching gangs for years, including bushmeat poachers. Mali has an important wildlife heritage, including the desert-adapted elephants of Gourma. Chief Niagate has spearheaded efforts to protect these elephants from poaching and thirst, through his Gourma rehabilitation project. He is an ongoing, positive influence on CITES and the species it seeks to protect.

SEYDINA ISSASYLLA, National Parks Director for Senegal, waged a successful campaign against commercial poaching gangs in Niokolo Koba National Park. When the ivory ban came into effect in January 1990, Niokolo Koba's natural population of at least 5,000 elephants had been shot down to just 28 individuals. A concerted campaign with new strategy and tactics, including new rangers with adequate equipment and vehicles, shut the poachers down.

SIMON KPENINDOMA was a courageous wildlife ranger in Bui National Park. Upon hearing shots from poachers inside the park, Simon and three other rangers gave chase. Simon was unarmed, and he knew the poachers were armed. Nevertheless, he ran hard and caught up with the poachers first. He was shot point-blank by a poacher named Moro Baah. He died of his wounds shortly thereafter. He left a pregnant widow. Moro Baah escaped into Ivory Coast. Ghanaian authorities have requested the extradition of Moro Baah to stand trial for murder, but so far the requests have been ignored.



N.K. Ankudey, Ghana's deputy wildlife chief, accepted the award on behalf of Simon Kpenindoma, who was killed by poachers.



From left to right: Bourama Niagate, Mali's Wildlife Chief; AWI's Adam Roberts; and Ghana's wildlife department head Gerald Punguse, who first proposed the Appendix I listing for African elephants, in 1976.

Appendix I listing, he put Ghana's elephants on CITES Appendix III. Because of this, today's ivory ban covers all elephant ivory acquired since 1976 (date the species was first listed on CITES). Today, Ghana is an inspiration in other areas. For example, Ghana has a good population of African grey parrots, a bird which is very popular with the pet industry. CITES permits trade in this species, but Ghana forgoes the financial

rewards of trade in order to serve the higher interest of the species. Mr. Punguse's leadership in wildlife law enforcement is well-recognized. Through the years, he has caught many poachers and put them in jail. He is a member of the Interpol Sub-group on Wildlife Crime.

FRED DEN HERTOG, a Dutch police officer, chairs the Interpol Sub-group on Wildlife Crime. Interpol considers wildlife crime an extremely serious offense and is urging all countries to invest more resources in suppressing such crime. Mr. den Hertog organized an effort that broke up an illegal marketing ring, resulting in the confiscation of hundreds of thousands of traditional Asian medicine products containing endangered species. His cooperation last year with

USFWS agents resulted in the arrest of members of an important reptile smuggling ring.

SPECIAL AGENT RICHARD MARKS, who has been with the US Fish and Wildlife Service (USFWS) for almost 20 years, was the lead agent in the overt phase of the case against Tony Silva. Silva, an exotic bird expert and author of numerous books on the subject, was sentenced to 82 months in prison as a result of the USFWS "Operation Renegade." Silva pleaded guilty to smuggling scores of rare exotic birds into the U.S., many of whom died of suffocation.

CARL L. MAINEN, Senior Special Agent, USFWS, began his career with the Service's Division of Law Enforcement in 1977. He was the lead agent for "Operation Falcon" that uncovered a Middle Eastern plot to smuggle endangered falcons from North America. He helped South African police set up their Endangered Species Protection Unit and aided enforcement training in Indonesia, India, the Philippines, Bangladesh, Nepal, Taiwan, France and Israel. He provided support for "Operation Wise Guy," "Operation Snow Cat," "Operation Brooks Range" and "Operation Renegade" and assisted criminal investigations relating to wildlife in 23 countries.

DR. VALENTINE ILYASHENKO, the Russian CITES Management Authority Director, is responsible for officially establishing Department Tiger, Operation Amba, as a department within the Russian Ministry of the Environment. He also put together Russia's official CITES Task Force in Moscow. Ilyashenko and his team have cracked down on the illegal smuggling of rare and endangered species into Russia, including African grey parrots, chimpanzees and rhino horn. Since the importers are often members of Russia's Mafia, Ilyashenko is routinely threatened. 🐾



# NASA Pulls Funding from Unjustified, Antiquated Monkey Experiments

by Daniel Greenberg

In the bitter strife between mainstream science and animal rights advocates, the scientists have made a strong case for experimenting on animals to advance human welfare. In fact, anyone who disputes them is likely to be relegated to the nut fringe.

But you don't have to be an animal-rights zealot to wonder about NASA sinking \$31 million into an international study of how monkeys with electrodes in their brains and wires in their bodies react to a two-week space voyage.

The question was of scientific interest in the beginning of manned space flight, when human experience in the unknowns of weightlessness was limited to a few days. But in recent years, human space travelers have remained in orbit for months, serving as the subjects of countless sophisticated experiments on the bodily and psychological effects of zero gravity.

NASA's animal experimenters, however, won't give up. And their rigidity is compounded by American commitments to sustain the impoverished Russian space enterprise, which has a long tradition of shooting monkeys into space.

Thus, when a space shuttle flight for a Franco-American monkey experiment was canceled in 1994, the project, called Bion 11, was handed over to the Russians. Animal protection groups and individual scientists disputed the scientific value of the experiment.

On Christmas Eve, in a capsule supplied by the Russians, Bion 11, carrying two rhesus monkeys, was launched into orbit from a Russian cosmodrome for a two-week flight.

As described in the authoritative weekly *Space News*, "While in orbit, the monkeys were dressed in space suits, which were secured to chairs. Their heads were shaved and small holes were drilled into their skulls to permit sensors to take regular readings of body temperature. A half-dozen electrodes were put into the monkeys' muscles, with the wiring connected to recording devices. On the ground in Moscow, two other rhesus monkeys were in the same basic position to permit comparisons of the reaction to weightlessness."

The experiment was deemed a success. But then one of the

monkeys died, in circumstances unrelated to its space voyage, according to NASA officials. Shortly after their return from space, the monkeys were anesthetized for the removal of bone and muscle specimens. On the following day, as one of them was emerging from the anesthetic, the monkey went into cardiac arrest and died, despite efforts at resuscitation.

The scientific justification for these antiquated experiments is nil. But that doesn't deter the champions of animal experimentation from emulating the extravagant rhetoric of their opposites. In the old days, space enthusiasts invented tales of Tang and teflon coming out of space research, which they did not. They have since graduated to more grand, though similarly bogus, claims.

Americans for Medical Progress, for example, declared that the project would not only help humans in space but would also "assist in understanding and finding treatments for anemia, osteoporosis, muscular atrophy and immune system dysfunction for patients on earth."

As a recruiting tool for the animal rights movement, Bion is a dream that can turn into a nightmare for legitimate experimentation on animals. 🐾

*Daniel Greenberg, editor and publisher of Science & Government Report, extended permission to reprint this article from the Journal of Commerce.*

**P.S.** NASA eventually withdrew its funding from the controversial Bion experiments. Calling the studies "schlock science," Greenberg wrote that "The retreat came after a bout of bad publicity for the image-conscious space agency and a negative report from an outside group that NASA commissioned to look into the program."

"Further monkey flights have not been ruled out by NASA," according to Greenberg, "but given the space agency's fiscal woes and image obsessions, the simian side of Bion could quietly disappear."



## Herbivorous Friends

Ina, an orphaned hippopotamus, has found a fast friend in Cow. The two live at a ranch in South Africa, where they refuse to be separated from one another's company.

When Ina's mother was killed by a rhinoceros, says ranch manager Louis Patrick, no one knew how to take care of her. Ina refused to eat at first, but after a stay in a wildlife rehabilitation center, she began to recover.

Patrick fed Ina a mixture of egg yolks, baby food and cream as she grew. "Hippos are social animals," writes Patrick, "and have to have company around them." She was, therefore, introduced to Cow, and the two have been inseparable ever since—a curious but telling example of the basic need for companionship which is shared by all social species. 🐾

## Infant Monkeys Suffer and Die; Air France and USFWS Ignore Humane Transport Law

by Shirley McGreal

On May 28, 1997, Air France Flight 257 landed at Charles De Gaulle Airport, Paris. The flight had started in Jakarta, Indonesia. The human passengers ate, drank, and watched movies. Meanwhile, down in the cargo hold, 255 monkeys sat in shipping crates. Among them were 20 tiny babies clinging to their mothers, and 17 mothers-to-be. The monkeys had been shipped by the Indonesian firm Inquatex and were on their way to a company called LABS in South Carolina, which already owned over 7,500 monkeys.

After 17 hours, the plane landed in Paris. According to Air France, one of the mother monkeys was dead. Clinging to her was her suckling baby. He was killed, or "humanely euthanized," as Air France says. The crates did not meet international shipping guidelines established by the International Air Transport Association, and Air France's personnel at Jakarta Airport should never have accepted the shipment. Some of the terrified monkeys escaped briefly in Paris.

There was a two-day delay in Paris before the monkeys, now numbering 253, took off for Chicago. Wildlife shipments reaching the US are supposed to be inspected by a US Fish and Wildlife Service (USFWS) inspector. The purpose of the inspection is to verify that the shipments comply with US wildlife laws, including humane shipment regulations. But no USFWS inspector was at Chicago Airport to look at the shipment.

US humane shipment regulations (50 CFR Sec. 14.105) do not allow shipment of baby monkeys or nursing mothers except for urgent medical attention:

A nursing mother with young, [or] an unweaned mammal unaccompanied by its mother ... shall be transported only if the primary purpose is for needed medical treatment and upon certification by the examining veterinarian that the treatment is necessary and the animal is able to withstand the normal rigors of transport. Such an unweaned mammal ... shall not be transported to the United States for medical treatment unless it is accompanied at all times and accessible to a veterinary attendant.

The mothers and babies were NOT sick: an Indonesian health certificate states that all were in good health. So the one exception to the ban on shipping baby monkeys and nursing mothers did not apply. Even if he did not check the crates, there was another way for the inspector to know there were

babies in the shipment, and that it violated regulations, because each shipment was accompanied by a list of all the monkeys. Tiny babies just three and four weeks old were listed. The trucking firm that took the monkeys from Chicago to South Carolina had to know there were babies. The recipient company had to know there were babies, even if it didn't know in advance.

Nobody said anything. A conspiracy of silence would normally have kept the public from knowing what was going on. But by a stroke of good fortune somebody compassionate saw the shipment and felt outraged at the sight of the terrified baby monkeys. That person tipped off the International Primate Protection League (IPPL).

An IPPL Freedom of Information Act request revealed that there had been an earlier shipment which reached Chicago on April 10, 1997. This shipment of 253 monkeys was also sent by Inquatex to LABS. It included 20 babies (several four weeks old) and 17 pregnant monkeys, all listed on the shipping roster. The Indonesian health certificate again attested to the good health of all the monkeys.

The Chicago inspector had checked that 100% of this shipment was inspected. When contacted he stated that he had never seen the shipment and had no idea it included baby monkeys.

These incidents are probably the tip of the iceberg of abuse in the laboratory monkey trade. Frustrating as these tragic incidents are, let's remember some words of the late Margaret Mead: "Never doubt that a small group of thoughtful, committed citizens can change the world: indeed, it is the only thing that ever has." We have to work to enforce our nation's wildlife laws and to persuade airlines to be more responsible in handling animal shipments.

**Action:** USFWS has a new director. Please send a letter asking her to order the USFWS Division of Law Enforcement to investigate why two shipments including baby monkeys that reached Chicago in April and May 1997 were cleared, despite non-compliance with regulations, and to ensure that action is taken against any party found responsible. Request that the role of the Chicago inspector who cleared the April and May shipments be investigated. Write to Jamie Rappaport Clark, Director, US Fish and Wildlife Service, Washington DC 20240.

Also, please send a letter to the President of Air France (60 cents postage for a half-ounce, \$1 for an ounce) expressing concern over the two monkey shipments. Request the airline to stop carrying monkeys, especially shipments that include babies, and nursing and pregnant monkeys. Write to Christian Blanc, Chairman, Air France, 45 Rue de Paris, 95747 Roissy CDG - Cedex, France. 🐾

Shirley McGreal is the chairwoman of the International Primate Protection League.



A baby and mother macaque in a holding center in Indonesia

**World Wide Web users:** thanks to the efforts of Yale University's David Seelig, the 60-slide presentation "Environmental Enhancement for Caged Rhesus Macaques," by AWI's Laboratory Animal Consultant Viktor Reinhardt, is available on the World Wide Web at:

<http://www.primate.wisc.edu/pin/pef/slide/intro.html>



## SHAMEFULLY WEAK TRAPPING AGREEMENT IS ACCEPTED BY EU

Despite a flood of letters, faxes and phone calls, Europe's foreign ministers voted in July to accept a shoddy "humane trapping" agreement with Canada and Russia. The agreement would allow those countries to continue using the terribly cruel, outdated leghold trap, and sell their furs within the European Union—even though the EU has banned such traps. The foreign ministers' decision overturns that of the EU's environment ministers, who rightly rejected the agreement.

As weak and capitulating as Canada's and Russia's agreement was, it wasn't weak enough for American proponents of leghold traps; apparently any compromise was too much compromise for leghold-trap adherents in the US. Evidently these diehard defenders of cruel trapping methods have elevated the steel jaw leghold trap (which originated with barbaric, crippling man-traps set for poachers) to the status of a religious symbol. They continue to refuse to sign any agreement that bans any kind of leghold trap.

The EU's Regulation 3254/91, passed in 1991, prohibited the use of leghold traps in EU member countries, but also has a provision closing off imports of fur from countries that have not yet either banned such traps, or adopted "internationally agreed humane trapping standards." This provision has yet to be implemented.

The recently accepted agreement is the latest development in this long charade. Canada and Russia promise to ban some leghold traps within two to four years, while other types can be used for eight years or more as trap "testing" continues, but by and large it will be business as usual for trappers—the Agreement permits the status quo to continue essentially unchecked in these two countries. The standards are a betrayal of the animal welfare intention of the original Regulation. 🐾

## What Comes Next?

The Commission will now try to reach an agreement with the US, and is likely to report to the Council in October or November. The Commission must formally publish a list of countries exempt from the import ban proposed under Regulation 3254/91, and the import ban will be introduced three months after its publication. Canada and Russia, along with about 20 other countries, will be exempt. If the US does not reach an agreement with the Commission, the import ban will be exercised against the thirteen species of fur covered by the Regulation, and the US will undoubtedly file a World Trade Organization (WTO) challenge against the European Union.

Once this challenge is filed, the EU will have to defend its Regulation against the US objection. The EU can use Article XX of the GATT treaty, which allows trade restrictions to be implemented on grounds such as conservation, protection of animal or plant life or health, and "public morals." All these grounds can be invoked by the EU in its Regulation's defense.

There is no rational reason for the United States to file a WTO challenge against the EU, but the extreme prejudices of the International Association of Fish and Wildlife Agencies (IAFWA) can be expected to have a powerful influence on our government's behavior. If the Council of the European Union remains true to its determination to insist that any agreement reached with the United States must be "at least equivalent" to the Canada-Russia Commission agreement, the US will be prohibited from exporting any of the 13 listed furs to the EU. 🐾

## Excerpts from the House of Lords Discussion on "Leghold Traps: EU Fur Import Ban"

Barbara Castle, when she was a member of the European Parliament, authored Regulation 3254/91 banning leghold traps throughout the EU. She now sits in Britain's House of Lords, where she led the following colloquy July 17:



Baroness Castle

**Baroness Castle of Blackburn** asked Her Majesty's Government:

What steps they are taking in the Council of Ministers to secure the implementation of EU Regulation 3254/91 banning the import of furs into the European Union from countries which still sanction the use of the leghold trap.

**Baroness Farrington of Ribbleton:** My Lords, the Government remain committed to ending the use of leghold traps. We shall continue to resist adoption of the framework agreement on humane trapping standards because it does not go far enough in banning the use of leghold traps. If the agreement is rejected by the Council of Ministers next week, we shall press the Commission to bring forward the necessary measures to implement the fur import ban as soon as possible.

**Baroness Castle of Blackburn:** Yes, of course I welcome that reply as far as it goes. But is it not a fact that at the meeting next Tuesday of the Council of Foreign Ministers our own Foreign Secretary will have an opportunity to vote out that inadequate alleged agreement in relation to allegedly more humane methods of trapping animals by the leg to restrain and not kill them? Is the Minister not aware that the Environment Council and the European Parliament previously rejected that framework agreement out of hand? Can we please ask that the British Government vote boldly at next Tuesday's meeting and that we insist that EU Regulation 3254/91 is implemented without further delay?

**Baroness Farrington of Ribbleton:** My Lords, my noble friend is absolutely right. The weaknesses in the agreement that is to be considered at the General Council next week is that, far from prohibiting leghold traps, it risks giving an international seal of approval to padded leghold traps and drowning leghold traps. The Government believe strongly that that agreement must not be accepted next week. If no further satisfactory agreement is reached under the terms to which my noble friend referred, the Government believe that there should be an implementation of the ban.

**The Earl of Courtown:** My Lords, what confidence do the Government have that a European Union ban will accelerate significantly the phasing out of those traps in view of the fact that non-European markets are also being exploited?

**Baroness Castle of Blackburn:** Is it not a fact that, even if the framework agreement for this allegedly more humane system of trapping were to be approved, it still would not include the United States of America, which has the largest number of sinners in this field of any country? Therefore, even the Trade Commissioner, Sir Leon Brittan, would have no grounds then for refusing to operate the import ban against furs coming from the United States. Will the Minister bear that in mind?

**Baroness Farrington of Ribbleton:** My Lords, I shall ensure that the concerns raised by my noble friend will be borne in mind. It is the case that the USA Federal Government are unwilling to sign the agreement or enter into a legally-binding agreement because of the constitutional difficulties as regards the rights of individual states. However, the concerns raised by my noble friend are, of course, important and ought to apply to the states.

The British government did, in fact, "vote boldly"—it was one of the three European countries that sensibly voted to reject the Agreement, along with Austria and Belgium. 🐾

## European Parliament Blasts Commission's Capitulation on Trapping Deal

The European Parliament issued an excellent critique of the Agreement and called on the Council and the Commission "to reject the proposed Agreement as totally inadequate and ineffective and to implement the import ban without further delay."

Recognizing that "the US has not agreed to endorse the Agreement," the Report states: "Thus, despite the many

unsatisfactory animal welfare compromises proposed in the Agreement, a real threat of a WTO dispute remains. Therefore the Agreement fails both in terms of its animal welfare and trade objectives."

The scope of the Agreement is summarized as follows: "The Agreement seeks to establish standards for all mechanical restraining and killing devices used to trap eighteen species (including those covered by the Regulation). While encompassing more than leghold traps, the Agreement is not comprehensive. Notably, non-mechanical traps, including such cruel and commonly used devices as neck-snares, are not covered, despite already being prohibited in many countries. The Agreement concentrates principally on the injury caused to 'target animals' caught in restraining traps and the time to unconsciousness for those caught in killing traps. Other significant factors relevant to animal welfare and conservation are omitted. These include a requirement for individual trappers to be licensed; a minimum age for trappers; an appropriate system for identifying the owner of a trap; how animals trapped alive are to be humanely killed; requirements for traps to be inspected at regular intervals; and above all, an adequate assessment of animal pain and fear."

"Restraining Traps," under which category leghold traps fall, states: "The basis for deciding whether such traps meet the humane standard is whether, under test conditions, at least 80% of the test group show none of the sixteen specified indicators of poor welfare, however, important injuries such as lacerations of a tendon or ligaments, soft tissue maceration and frozen toes are omitted. Under test conditions, the 'humane standard' allows up to 20% of the target animals and any number of 'non-target animals' to suffer any or all of the specified traumas ... the level of injury and suffering caused is affected by the period an animal is held in the trap ... It is therefore crucially important that the standard incorporates a

maximum time that a trapped animal can be held."

Under "Leghold Traps," the report says: "It is expected that so-called 'padded' leghold traps will continue to be used for up to another eight years and perhaps indefinitely if they can meet the standard .... These traps cause extreme pain—the fact that they could comply with the standard indicates that it is focused almost entirely on injury and not suffering. It is totally unacceptable that the standard could be so low as to allow such traps to be approved, especially when more than 80 countries have already banned their use and they are condemned by leading veterinary associations in both Europe and North America .... The EC should not be party to an agreement which legitimises the use of leghold traps. In particular because the proposed thresholds and indicators for both killing and restraining traps may have been selected to enable ongoing use of certain leghold traps by third countries. At a minimum, the use of all forms of leghold trap on land should be immediately prohibited under the Agreement."

Under "Selectivity," the report notes: "In effect, a trap can conform with the standard even if a majority of the animals trapped are from non-target species and suffer substantially."

It further notes: "There is no requirement in the general standard for maximum times between trap inspection."

In a sinister bid for the lowest common denominator, the Agreement states: "Each Party shall recognize the trapping methods of any other party as equivalent."

Under "Transparency and Consultation," the Report asks: "What opportunity if any will there be for public scrutiny of the test protocols, conduct, data and results? What provisions are to be made to enable participation and consultation with independent animal welfare experts and NGOs?"

The Report concludes, "Accession to an agreement that would perpetuate the use of leghold traps and may actually classify some as 'humane' is totally unacceptable." 🐾



European Union Parliamentarians oppose the trapping Agreement signed by Canada, Russia, and the EU Commission. Carlos Pimenta, MEP from Portugal (shown here brandishing a large "padded" leghold trap), was charged with producing a report on the Agreement. Pimenta's analysis, roundly rejecting the Agreement, gained overwhelming support from the Parliament.



## Brittan Reveals His Bias and Ignorance on Animal Issues

Sir Leon Brittan, Vice President of the European Commission and powerfully biased proponent of unrestricted trade, heralds the trapping Agreement recently signed by Canada, Russia and the Commission (see page 10) as a major success for international cooperation on "humane standards," though only two countries are included, and the Agreement simply entrenches inhumane methods. On July 17, he was invited to attend the meeting of the European Parliament's Intergroup on the Welfare and Conservation of Animals to respond to questions on the negative impact of GATT and WTO on the protection of animals.

Brittan was first asked about the ban on importation of seal pelts, and he stated that this directive "revealed without doubt that the import ban was justified on grounds of conservation of the species ... the survival of harp and hooded seals," he said, was a "legitimate reason for a ban under GATT." And so it is, for harp and hooded seals are under intense pressure and must have strong protection against opportunistic hunters who could so easily decimate the seals' vulnerable babies lying helplessly on the ice. However, Brittan followed this up by erroneously stating that he didn't "think the seal ban was comparable with the issue of leghold traps, which did not concern threatened species." Apparently Brittan is ignorant of the dire straits in which a considerable number of the 13 species listed in Regulation 3254/91 find themselves.

An official "Notice regarding import of furs into the EU" refers to the Regulation and notes, "Article 3 mandates that pelts, whether whole, cut, or finished, from 13 species, are prohibited from import into the Community if the originating country has not adopted adequate administrative or legislative provisions ... to prohibit use of the leghold trap." It then proceeds to list the species: beaver, otter, coyote, wolf, lynx,



Sir Leon Brittan

bobcat, sable, raccoon, muskrat, fisher, badger, marten, ermine.

The question is, why does Brittan discriminate against the lynx, which is already extinct in 17 of the states it once inhabited? The species is "seriously imperilled and clearly threatened," according to Jasper Carleton of the Biodiversity Legal Foundation. "As such, there is no justification for any trapping." The Foundation has petitioned the US Fish & Wildlife Service to list the lynx and the fisher under the federal Endangered Species Act. "Clearly there should be a ban on trade in skins of lynx and fisher," says Carleton. He further states that the marten is in decline, with "the Humboldt subspecies of marten clearly endangered."

As for the grey wolf, the species is listed as endangered in the lower 48 states, except for Minnesota, where it is listed as threatened.

But Sir Leon Brittan claims threatened species aren't involved! The fact is that every mammal listed as endangered can fall victim to these cruel traps because they do not discriminate, and trappers seldom report the deaths of these "non-target" animals. Whatever creature is unlucky enough to step on a hidden leghold trap's pan will be painfully gripped in its powerful jaws. Some animals actually gnaw off their own foot to escape, so great is their terror and pain. Most have to wait for the trapper's return to release them from their agony by killing them.

The so-called "humane trapping standard" agreed upon by Canada, Russia and the EU Commission under Brittan's leadership sets **no limit** on the amount of time animals can be left suffering in the traps. Endangered species of birds as well as mammals are therefore threatened with death from thirst, predation or from extremes of temperature ranging from sub-zero to 100° F or more. 🐾

## FWS Finds Eagles Are Killed for Profit; Leghold Traps Used in Trade

The U.S. Fish and Wildlife Service recently ended a two-year undercover investigation into the killing and selling of bald and golden eagles, and other migratory birds. In all, approximately 35 individuals and businesses are expected to be charged with selling protected migratory bird parts in a highly profitable illegal market.

Posing as traders of Indian artifacts, undercover agents were able to infiltrate a commercial trapping ring. They were

told that in one pueblo during the last year's winter migration, more than 60 eagles were intentionally killed either by being shot or caught in leghold traps baited with fresh meat. The agents located trap lines and were sold dead eagles with trap marks on their legs and feet. The Service decided to end this investigation, dubbed Operation 4-Corners Feather Sales, prematurely to prevent more eagles from being killed. Some of those eagles were offered for sale from \$850-\$1000 each.

"As the agency responsible for protecting this nation's wildlife, we must put an end to the commercial killing of eagles and other migratory birds. We decided to move now to stop this slaughter to protect vulnerable eagle populations in the Southwest. By taking this action, we protect birds which are sacred to many Native American cultures," said John Rogers, Deputy Director of the U.S. Fish and Wildlife Service.

Congress has enacted three separate Federal laws which protect the eagle: The Bald Eagle Protection Act, amended to include the golden eagle in 1962; the Migratory Bird Treaty Act, amended to protect eagles in 1972; and the Endangered Species Act. These statutes make it illegal for anyone to take, possess, transport, sell, or purchase any eagles or eagle parts, including feathers without a special permit. 🐾

### BEQUESTS TO AWI

To all who would like to help assure the Animal Welfare Institute's future through a provision in your will, this general form of bequest is suggested:

*I give, devise and bequeath to the Animal Welfare Institute, located in Washington, DC, the sum of \$ \_\_\_\_\_ and/or (specifically described property).*

Donations to AWI, a not-for-profit corporation exempt under Internal Revenue Code Section 501(c)(3), are tax deductible. We welcome any inquiries you may have. In cases where you have specific wishes about the disposition of your bequest, we suggest you discuss such provisions with your attorney.

## Clinton Signs "Dolphin Death Act"; Is Another Tuna Boycott Inevitable?

The tuna industry's ferocious pursuit of schools of dolphins by speed boats and helicopters was provisionally accepted by the U.S. Senate when a compromise, reached between proponents and opponents of the "Dolphin Death Act" S.39, passed July 30. President Clinton signed the bill into law August 15.

At present, cans of tuna labelled "dolphin safe" are still able to withstand truth in labeling scrutiny, but within six months, consumers will have to look sharp and be ready to reject the Mexican, Colombian, and Venezuelan tuna expected to show up in supermarkets. It won't be labelled "dolphin safe," at least not yet, for the Senate compromise calls for a 20-month government study of dolphin populations before the Secretary of Commerce could give the go-ahead for tuna caught by chasing dolphins into tuna purse seines to be labelled "dolphin safe." Surely, this would make the Secretary guilty of Orwellian "double-think."

Craig Van Note, head of the Monitor consortium, summarized the situation in a letter to *The New York Times*:

The short story from your Mexico City bureau today ("Mexican Fishermen hail Senate Vote on Tuna Ban") misleadingly describes the fishing method that is at the center of the tuna/dolphin conflict.

The dolphins caught and often killed don't just "happen to be in the area" where the Latin American fishermen are netting tuna. In this method, called "setting on dolphins," the foreign fleets purposely search out schools of dolphins because yellowfin tuna are usually found swimming below the dolphins.

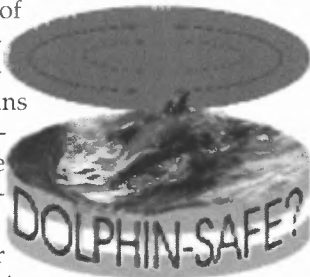
When a tunaboat finds dolphins—often hundreds of the marine mammals—a long pursuit begins, using helicopters and speed-boats to round up the panicked animals. After many miles of chase, the exhausted dolphins are surrounded by a mile-long purse seine net. The top and bottom of the net are closed ("pursed"), trapping the dolphins as well as the tuna.

This destructive fishing method has already drowned more than seven million dolphins, and injured countless more, in the

eastern tropical Pacific. It should be banned, just as the United Nations banned the devastating high-seas driftnets several years ago. Indeed, consumers in the U.S., Canada and Europe have successfully demanded only dolphin-safe tuna in their markets. The major canners, led by Heinz's StarKist, have responded responsibly.

Although many tunaboats have turned to dolphin-safe fishing methods, others refuse to abandon this cruel practice. Each year, these renegade fleets from Mexico, Panama, Venezuela, Colombia and Vanuatu chase more than three million dolphins, killing and injuring many thousands in the process. They are demanding access to the U.S. market with their tainted tuna.

The Clinton/Gore Administration's claim that there is "no significant adverse impact" on dolphins from the chase and capture technique is unscientific and nonsensical. If the federal definition of "dolphin-safe" is changed by the Administration in 1999 to endorse this inhumane and deadly fishing technique, the public will know what to do: once again boycott dolphin-unsafe tuna.



Senator Barbara Boxer, aided by Senators Joseph Biden and Bob Smith, fought hard against the Dolphin Death Act. Without their strenuous efforts, S.39, with all of its most cruel and fraudulent features, would now be law. The Clinton-Gore Administration and the Mexican government wouldn't even consider compromise until forced into negotiations by Senator Boxer's heroic stand. Because of her, friends of dolphins still have a fighting chance on two fronts: 1) boycotting dolphin-deadly tuna if and when it appears in groceries, and 2) getting some genuine scientific observation into the government study which is part of the compromise legislation. This will not be easy. John Fitzgerald, the attorney who chaired the coalition that won the dolphin-safe labeling law in 1990, said of the compromise's study, "This is not `sound science,' it only *sounds like science.*"

Independent scientists who recognize the need for unbiased investigation and analysis must be brought into the effort. 🐾

## Stress Study Results Lead to Ban on Chasing Deer with Hounds on National Trust Land

One positive consequence of the debate about dolphins and tuna nets is that it has brought to light little-recognized facts about the physiological consequences of stress and fear on animals, notably the groundbreaking work of physiologist Albert Myrick (see "Research Shows Extreme Stress of Chase and Roundup Can Cause Irreparable Damage to Dolphins," *AWI Quarterly*, Winter 1996).

In a radically different milieu, Professor Patrick Bateson of Cambridge University was asked by Britain's National Trust to study the effects of hunting red deer by chasing them with hounds. Staghunt proponents had claimed that the deer enjoy the chase, and that hunted deer are within their adaptive niche when fleeing from pursuit.

According to *The New Scientist*, Bateson's study showed that the deer are "in a worse state physiologically after a chase by hounds than after a traumatic road accident."

The National Trust—which owns most of the land the hunts take place on—banned the hunts on its land the day after the report was released.

Deer, who evolved for a forest habitat, are best suited to sudden, short chases. Their muscles are adapted for bursts of activity, not the lengthy pursuits involved in the hunts. Bateson said that deer who were chased for more than 30 kilometers were "completely depleted"—they had utterly no energy left.

The Universities Federation for Animal Welfare (UFAW) writes in *Animal Welfare* that "As Professor Bateson noted in his foreword to the report, studying animal welfare scientifically is still in its early stages. This publication and the National Trust's immediate decisive action, represent significant landmarks in the application of this type of approach. The point is made in the report that the results, which are based on species-specific considerations of behavior, ecology, physiology and reactions to stress, cannot be generally applied to other species. It seems likely that there will be pressure for further research of this sort to investigate welfare aspects of other human-wild animal interactions." 🐾

## Next of Kin

by Roger Fouts with Stephen Tukul Mills

Introduction by Jane Goodall

432 pages. William Morrow & Company, 1997.

\$25.00. ISBN 0-688-14862-X

In 1966, a graduate student in psychology named Roger Fouts applied for an assistantship with Allen and Beatrix Gardner, researchers at the University of Nevada. The Gardners' study focused on raising chimpanzees in human homes and teaching them American Sign Language (ASL). When Fouts was introduced to a rambunctious two-year-old chimpanzee named Washoe, a 30-year rollercoaster ride began. Fouts, in *Next of Kin*, doesn't just tell the story of Washoe and her fellow signing chimpanzees, however. He raises crucial questions about human nature, the mind, and about how we treat other creatures—particularly laboratory animals—and he doesn't exempt his own research from ethical scrutiny.

The implications of this story are every bit as groundbreaking as Jane Goodall's discovery of tool use in chimpanzees in 1960. The work of Roger and Deborah Fouts, among others, with signing chimps has changed our conception of language and communication, redefined how we think about animals and ourselves, and helped to widen our moral universe. *Next of Kin* is essential reading for anyone interested in animals, language, or human beings.

According to Fouts, previous experiments in trying to teach nonhuman animals to "talk" have been hampered more by the researchers' approach than by the animals' inability. In some cases, the focus was too much on vocal speech—chimpanzee vocalizations, controlled by the limbic system, are largely involuntary, like saying "ouch," and those who have been taught to speak can only do so in a faint rasp due to the structure of their esophagus. In other cases, traditional psychologists relied too much on conditioning by punishment and reward, which inhibits learning for learning's sake—the words or signs become meaningless paths to food. In still others—most notably the case of Nim Chimsky and Herbert Terrace—the animal was kept in bleak, depressing conditions and given little emotional or social contact.

This last was the most important point for Washoe and her companions. From the start, Project Washoe's foundation was love and family. Fouts, quite reasonably, holds that since human children develop language more or less spontaneously in a supportive, richly social family environment, the same would go for chimpanzees. Washoe took this a step further when she taught ASL to her adopted son Loulis without human intervention.

The sophisticated gestural communication of chimps in the wild is not hard-wired and instinctive, but specific to each colony and subject to local and individual variations—in other words, they learn it from their families, as we do. Fouts explains that the reason chimpanzees have taken so well to ASL is that they are primed for gestural communication, as our common hominid ancestor must have been. Sign language, according to Fouts, is an evolutionary stepping stone to higher thought and an understanding of conceptual and social rela-

tionships. He has also had immense success in helping autistic human children reach out and begin to communicate through sign language.

Jane Goodall writes in her introduction that "Had he written it in the early eighties, it would have been a gripping story and a great contribution to scientific knowledge. But the intervening decade has transformed *Next of Kin* into something more." That "something more" is a plea for the humane treatment of animals used in biomedical research, a scathing critique of the research establishment's resistance to change, and an eloquent exploration of the ethics of doing research on animals.

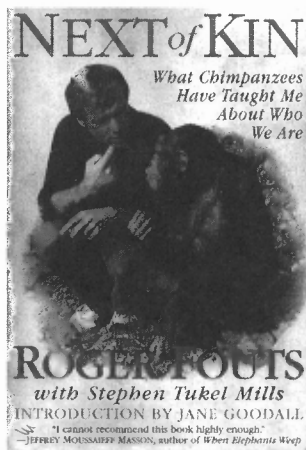
When Fouts and Goodall toured Sema, a Maryland laboratory, and saw the nightmarish conditions the chimpanzees lived in there, Fouts realized he could no longer insulate himself from the horror of those chimpanzees less fortunate than Washoe, Loulis, Tatu, Dar, and Moja. He began speaking out for better conditions in laboratories, and joined with the Animal Welfare Institute and the Animal Legal Defense Fund in a lawsuit against the United States Department of Agriculture for failing to uphold the Animal Welfare Act—which requires that animals' "psychological well-being" be promoted. It clearly was *not* promoted in a laboratory such as Sema, where chimpanzees were kept in sense-depriving isolettes devoid of any toys, blankets, or—most damagingly—social contact.

Fouts found that his fellow scientists regarded his speaking out as a betrayal: "Jane Goodall and I were soon branded as heretics and animal rights extremists by NIH spokespersons. According to them, anyone who wanted to improve the welfare of animals was out to abolish biomedical research and ought to be excommunicated." The National Institutes of Health began rejecting all of his grant proposals, but Fouts did not back down. In fact, he writes, his perspective had broadened irreversibly. "As horrific as many biomedical labs were, the underlying problem was captivity; captive environments differed only by degree of their cruelty," writes Fouts. "If I were to have any moral authority on the subject, that would have to include my own research as well."

As the chimpanzee has been found to be a poor model for human AIDS research, there is a large and growing chimpanzee surplus. Fouts holds that the most intelligent and humane solution for those animals now in laboratories is retirement into halfway houses and, whenever possible, sanctuaries in the wild.

Our genetic closeness to chimpanzees, their intelligence, and their rich lives are all well-known now, and the implications are becoming ever more widely recognized. While it is wrong to treat chimpanzees well just because of their intelligence (that would justify treating less intelligent animals less well), recognizing our kinship with chimpanzees is a good first step to recognizing our kinship with all life. Fouts writes, "Our current system of law and morality is based on an imagined gap between humans and nonhumans. The great apes are the likeliest candidates to bridge that gap. And once they have done so, we humans may be more inclined to give up our godlike throne above nature and assume our rightful place as part of the natural world." 🐾

—Patrick Nolan





## Food and Drug Administration "Reform" May Usurp Consumers' Right to Know

by Sara Amundson

Two bills have been introduced in Congress that could have a marked impact on animal-friendly consumers' right to know about the cosmetics we wear, the drugs we take and the food we eat. These Food and Drug Administration reform bills—H.R. 1411 and S. 830—are an industry "wish list" to keep vital information off product labels.

In S. 830, cosmetics and non-prescription drugs are included in a precedent-setting "national uniformity for labeling" provision, which would pre-empt states' rights to pass laws compelling manufacturers to provide more information on the labels of their products than the limited requirements of the Food and Drug Administration.

California's Proposition 65—a product-labeling success story—is the sort of law that would be superseded under the banner of "national uniformity." Proposition 65, for years a target of the cosmetics industry, requires a label on consumer products containing known toxins. Not one manufacturer has had to market a product with a warning label; instead, toxic ingredients have been removed from fingernail polish and other personal care products prior to

being placed on the shelf.

The House version of the proposed legislation includes food in the "national uniformity" provision. As it currently reads, over 100 state laws would be pre-empted, including labeling information on rBGH content in dairy products, organic produce, seafood handling, and even kosher laws.

Consumers rely on product labeling to provide critical information. A poll commissioned in November, 1996, through the Opinion Research Corporation of New Jersey, resulted in fully 66% of all women stating they would buy a cosmetic product based on a label providing information on animal testing.

In an era of strong support for returning power to the states, it is an anomaly that industry lobbyists can persuade a Republican majority congress to embrace federalism by centralizing authority for labeling cosmetics, non-prescription drugs and food with the Food and Drug Administration. 🐾

*Sara Amundson is Legislative Director at the Doris Day Animal League.*

## New Law Streamlines Adoption of Law Enforcement Dogs

On July 21, a law was enacted making it easier for dogs who have worked in law enforcement to be adopted by their handlers when the dogs retire. Elton Gallegly (R, CA) introduced the bill.

Federal law enforcement dogs are considered government property, and when they retire they are declared "surplus." Until recently, retired dogs had to be auctioned, owing to regulations that require competition for the purchase of surplus government property.

Further, since the dogs used by the Border Patrol, Park Police, Customs and the Secret Service are specially trained, they require expert care and handling. Formerly, if no appropriate trained handler came forward, the dog might be caged—or euthanized. Gallegly's law eliminated this inhumane situation, and also cut a great deal of red tape, thus speeding the dogs' way to happy homes.

"We all know what a tremendous contribution these animals make in protecting Americans and upholding our laws—asking virtually nothing in return," said Gallegly. "Providing a loving home and secure environment for their retirement is the very least we can do." 🐾



## NAFTA EXPANSION: ON A FAST TRACK TO CHAOS

The White House and some high-priced lobbyists for transnational corporations are gearing up to exert intense pressure to expand the North American Free Trade Agreement (NAFTA), using the so-called "fast track" method, whereby the Congress abdicates to the Executive its prerogative to review or fix bad trade deals. A vote on fast track is expected sometime this fall.

NAFTA expansion is why the administration is asking for a fresh grant of fast-track trade negotiating authority, and NAFTA has been a failure at every level of detail, and has severely damaged U.S. animal protective legislation—witness the tuna/dolphin controversy (see page 13).

Because of NAFTA's provisions lessening border inspection, and the new flood of imports, contaminated food and illegal drugs are pouring across our southern border in unsafe, uninspected trucks. These new NAFTA threats wouldn't be acceptable even if NAFTA was an

economic success, which it clearly is not.

The Department of Labor has certified 136,000 workers, under one narrow program, who have lost their jobs because of production shifts to, or imports from, Mexico and Canada. Moreover, our unprecedented trade deficit with our NAFTA partners (\$39 billion last year), demonstrates that the Department of Labor's number is the tip of the job loss iceberg.

The unregulated expansion of North American trade has made an already polluted border region much dirtier and more dangerous. NAFTA has pushed the border ecology to the breaking point, for people and animals alike.

If it passes, fast track will give the administration unlimited power to please its "free trade" friends in business by railroading through Congress major legislation without adequate debate or any amendments, let alone basic democratic accountability to the people of this country. 🐾

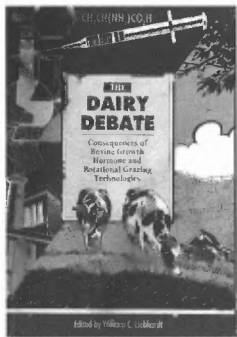
## ***The Dairy Debate, Consequences of Bovine Growth Hormone and Rotational Grazing Technologies***

Edited by William C. Liebhardt

372 pages. Davis, CA: University of California, Sustainable Agriculture Research and Education Program, 1993. \$28.00

Monsanto's much touted recombinant bovine growth hormone (rBGH) forces cows to use up their own tissue to produce 12 percent more milk than is normal. This book points out that the "agrigenetics market potential" could be \$50 billion to \$100 billion by the year 2000.

The Food and Drug Administration has approved human consumption of milk from rBGH-treated cows, but a leaked "safety report" noted extraordinary use of secondary drugs, many unapproved for lactating cows, to treat mastitis. "The extra-label use of three unapproved antibacterials—Piperacillin, gentamycin and trimethoprim-sulfa—has two implications: 1) mastitis had not responded well to approved drugs, thereby creating the need to try unapproved drugs; and 2) the lack of a specified withholding period, during which contaminated milk is discarded, further burdens screening milk for antibiotics and augments risk to human health. The latter point has been emphasized by the General Accounting Office (GAO 1992b)."



The unfortunate cows injected with rBGH are much more susceptible to mastitis, the painful infection of the udder. Professor Kronfeld cites a trial in which "22 of 29 new cases of mastitis during rBGH treatment were cultured for *Staphylococcus aureus*, which is less amenable to preventive measures." *Staphylococcus aureus* is the dangerous infection which has spread throughout human hospitals.

From an economic standpoint, the shortened life of the cow argues against use of the growth hormone. Professor Kronfeld draws attention to the "Increase in cows culled, averaging twice the usual rate of herd replacement (about 20 to 25 percent per year), due to protracted infertility and refractory disease."

The effect on family farmers is also given attention. William Murphy, Professor of Agronomy at the University of Vermont, writes: "The workload withstood daily by dairy farmers feeding cows year-round in confinement is simply amazing. One farmer, Terry Wright (personal communication 1984), told us that before switching his cows from year-round confinement feeding to controlled grazing, he would hit the ground running at 4 a.m. and work all day until he fell asleep exhausted at 10 p.m. One day in mid-July, Wright said he was 'sweating blue blazes' while chopping forage, hauling it to a silo, blowing it up into the silo, augering silage out of the bottom of the silo and hauling it to the feed bunks for the cows. He asked himself, 'Wouldn't it be easier if the cows did this for themselves?' That was the beginning of the end of year-round confinement feeding on his farm. After Wright switched to pasturing his cows six months of the year, he said the tempo of his farm slowed down and he was able to enjoy life again. Many other farmers who have switched from confinement feeding to grazing livestock on well-managed pasture have experienced similar reductions in work load during the grazing season . . . They have more time, energy and money to enjoy life. Isn't that what farming is all about?"

"Much less equipment and fewer storage facilities are needed with six to ten months of pasture feeding than with year-round confinement . . . For example, Terry Wright sold about \$80,000 worth of equipment (silo, tractor, wagons, chopper, blower, planter and sprayer) after he stopped growing corn and began to depend on well-managed pasture in his farm feeding program. It makes us wonder who profits by farmers feeding dairy cows in year-round confinement." 🐾

—Christine Stevens

**A**STRID LINDGREN, the famous author and maker of films for children, wrote a letter to Sweden's principal newspaper, *Expressen*, September 22, 1985—that still resonates today.

### **Astrid Lindgren Wants to Save the Cows**

*"The last chance to save the cows now is a vigorous protest," writes Astrid Lindgren. She thinks that legislation may even be needed to save cows and calves from spending their entire lives in their stalls, and to protect their right to graze freely during the summer. That way, at least one time they can get to see the sun, escape the roaring fans and breathe fresh air.*

Summer is almost over, and it has certainly been lovely, between the rain showers. My favorite summer image, the one I will take with me into the darkness of autumn, is an upland birch grove, the prettiest, most delightful paradise, with green grass and bluebells and daisies, and a lot of wild strawberries here and there. And actually—even one single living, breathing cow. She walked around, grazing, looking pastoral, and I thought, 'Dear Bessie—surely that must be your name—how nice to see you! Here you are, walking about, just one contented Swedish cow. And not doomed to life imprisonment like so many of your sisters, not just another 'production unit' in one of our barns. Maybe you didn't know that—be happy!'

I just want to say that if all the cows and calves and pigs and chickens in this country who have been deprived of their 'human' rights could escape from their animal factories and barns, and organize a kind of animal tribunal, perhaps right here under the birches, what a lamentation of blood would go forth over the land! A lamentation that would crack the windows of the Farmers' Meat Marketing Association! That would hammer the eardrums of the whole Swedish people, so that they might begin to wonder a little, at least. Wonder if it is really right and decent to treat animals the way they are treated in this country, where we are actually so fond of animals.

But an animal tribunal, well, that's something that can only happen in stories. And this subject is really a bitter reality. I'd like to say a little something about that reality.

Yes, indeed, the Swede is a lover of animals. That became very clear to me as I read all the letters that poured in last spring, when I wrote a little snippet in defense of cows.

But people in general don't know enough to get involved, to speak out and say that this is not the way it's going to be!

At any rate, one letter writer—we can call her Lena—knew enough—more than enough.

Lena is a veterinary surgeon and a Ph.D. in ruminant medicine. She has seen enough suffering, frightened animals in slaughterhouses and animal factories, enough sick, anxiety-ridden cows and calves and pigs imprisoned for life. And what she feels is a deep disappointment, and an equally deep fury, when confronted by what she calls 'our cruelty to life itself.'

Why is such unfair treatment expanding with every year that passes? Who or what is it that forces animal-loving Swedish farmers to collaborate in this legalized cruelty to animals?

The keyword is profitability! Profitability is what demands such great sacrifices, and wants to achieve higher and higher returns from every "production unit." And of course, Swedish agriculture has to be profitable; that goes without saying. But hasn't it become a question of profitability that has gone mad, and finally turned into its opposite? Isn't it time to look for new methods? 🐾

## Major Bird Dealer Imprisoned, Hit with Largest-Ever Fine

Adolph "Buzz" Paré, one of the nation's largest importers of exotic birds, has been sentenced to a year in prison and fined \$300,000 for smuggling more than 4,000 African grey parrots, according to the US Fish & Wildlife Service (USFWS). Paré pled guilty to conspiring to illegally smuggle African grey parrots into the United States and to defraud the USFWS by filing false importation documents on twelve different shipments of parrots, in violation of the Lacey Act and other federal laws.

Paré's fine is the largest sum ever in a federal wildlife smuggling case in the United States. According to the indictment and public documents, his company Gators of Miami was the nation's largest importer of African grey parrots during 1988, 1989 and 1990, having imported approximately 24% of all such birds. The African grey parrot is listed as a protected species in Appendix II of the Convention on International Trade in Endangered Species (CITES).

These particular parrots were smuggled from Zaire to the laundering country of Senegal, and then exported using false CITES export documents to the United States. The CITES export documents falsely stated that the parrots originated in Guinea or the Ivory Coast, countries where the "Congo" African grey parrot does

not occur in the wild. African grey parrots are highly desired birds within the pet trade and a large "Congo" African grey parrot will commonly command a retail price of approximately \$600 to \$1,000 per bird in the United States.



B. Everett Webb/Bird Talk

A "Congo" African grey parrot

**More on smuggling of exotic birds:** The following items are adapted from *The Federal Wildlife Officer*:

- The US Customs Service enlisted the USFWS's help in investigating a recent case in which baby macaws were smuggled into Texas. Four seized baby macaws were fed and transported to the Quarantine Center in San Ysidro, and an USFWS agent charged the defendant with a CITES violation. If paid, the \$5,000 fine will be the highest amount of money paid on a Notice of Violation in the West District of Texas since a new schedule was adopted.
- Also in Texas, Jose Angel Salinas was convicted by a jury in Brownsville of smuggling parrots. U.S. District Judge Filmon B. Vela imposed a jail term of 27 months. He had already served 101 days in jail which will count toward his sentence. On February 2,

1997, USFWS agents interviewed Salinas in jail at his attorney's request in an effort to have his sentence reduced. Leads that he gave the agents are being pursued. 🐾

## Three Cheers for Ben & Jerry's—Anti-rBGH Label Can Be Used

Just when we feared that the large transnational corporations had co-opted the federal government and quelled the spirit of smaller companies, a press release from Ben and Jerry's arrived. They've won a lawsuit enabling them to label their ice cream with the statement: "**We Oppose Recombinant Bovine Growth Hormone.** The family farmers who supply our milk and cream pledge not to treat their cows with rBGH."

Up to now, this fight has gone against the cows, the family farmers and the consumers ever since Monsanto persuaded the US Food & Drug Administration (FDA) to approve the corporation's "Posilac"—genetically engineered rBGH. FDA approved it and even refused to require labeling of milk from cows injected with the drug despite studies, some of which reported a 79% increase in mastitis (infection of the udder) resulting in greater need for antibiotics, reduced pregnancy rates, cystic ovaries and uterine disorders, digestive disorders and lacerations, enlargements and calluses of the knee.

According to Ben & Jerry's CEO, when FDA "approved voluntary labeling in 1994 but left regulation of labels to the states, we began contacting each state to get approval for our label. We sued the largest of them, Illinois, in federal court citing the Constitution's First Amendment protection of free speech. We have the right to tell our customers what is and isn't in our ice cream."

Since 1994, Illinois has threatened to seize products having an anti-rBGH label, thereby effectively stopping such labeling throughout the country because it is not feasible for nationally distributed dairy products to be labeled differently in individual markets.

A 1996 poll commissioned by the US Department of Agri-

culture and performed by researchers at the Universities of Wisconsin and Oregon showed that 94 percent of more than 1,900 respondents surveyed nationwide favored labeling that would allow consumers to distinguish between milk from cows treated with rBGH and milk from untreated cows. Other consumer surveys support this finding.

The FDA issued interim guidelines on voluntary labeling in February 1994, setting forth how labels could be worded so as to be truthful, not misleading, and in compliance with food and labeling law. Most states followed those guidelines, but a handful of states including Illinois refused to permit any anti-rBGH labeling.

Ben and Jerry's CEO said he feels confident the label approved in this settlement with the State of Illinois and the City of Chicago addresses all legitimate concerns that could be raised by any state.

According to the Organic Valley cooperative, which supplies milk and cream to Ben & Jerry's, "The family farmers who make up the Organic Valley Family of Farms are in this business because we love cows. We would not knowingly subject our animals to a drug with side effects that could cause illness, death and create undue stress on the animal. Utilizing any genetically engineered product is counter to what we believe in."

From now on, humanitarians will be able to reject dairy products that don't have the anti-rBGH label and stop the spread of these cruel injections into helpless cows.

It is a laudable precedent for other efforts to label products whose manufacture is injurious to animals. Legislation on FDA rules regarding labeling is pending in Congress (see page 15). 🐾

## Sniffer Dogs Help Count Tigers

• An innovative new study by Russian scientists revealed that WWF estimates of the number of Siberian tigers living in the Russian Far East are grossly inflated, the *New Scientist* reported. A 1996 survey by WWF counted between 415 and 475 tigers; the actual numbers are closer to half that.

The problem with the WWF study, according to Sergei Shaitarov of Vladivostok's Tiger Protection Society, was that they counted tracks in the snow. By this method, it is very easy to count the same tiger more than once.

The new survey, cleverly, used German shepherds trained to distinguish between different tigers' scents. This pioneering technique deserves more attention. First, the team trained the dogs to distinguish between the odors of circus tigers, rewarding correct matches. Scent samples from known wild tigers were then stored in a laboratory; and the dogs matched these with scents found in the field.

## Of Corridors and Roadblocks

• According to *Newsweek*, several environmental groups seek to institute an 1,800-mile "wildlife corridor" running between Yellowstone National Park and Canada's Yukon Territory. The corridor would allow a more diverse gene pool for the region's animal populations; it would also protect them from hunters as they traveled between the two areas

• It is the lack of just such a corridor in rural Kenya that is contributing to elephant-human interaction problems, according to a scientist from Oxford University's Conservation Research Unit. John Fanshawe writes in the *WildCRU Review* that "Approximately 100 elephants live in Sokoke, entirely cut off from a range which formerly extended to Tsavo East National Park. All the intervening land has been settled by farmers." The elephants, who have traveled on this path for generations, are cut off from their accustomed range and have no choice but to raid crops.

## Agencies Nab Poachers on Army Base

• On April 27, 1997, a multi-agency task force conducted a raid on the campground at Fort Leonard Wood, Missouri that served as a gathering place for a loose-knit group of poachers who frequented the area during the turkey and deer seasons.

The investigation documented 20 possible defendants and over 100 violations. The laws violated include the Migratory Bird Treaty Act, Lacey Act, Sikes Act; state wildlife laws of Missouri, Illinois, Iowa and Colorado. The violations include exceeding limits on doves, hunting doves with bait, hunting deer during closed season, with the aid of an artificial light, from a motorcycle, and over limit; Fishing during closed season; unlawfully killing a mountain lion; stealing government property; and using and possessing marijuana.

Fort administrators were concerned about the violations as there were many safety issues. Subjects were unlawfully shooting game, including turkey and deer from a motor vehicle without concern of what was behind the animals. In many cases, the game was poached from the housing areas of the fort. One deer was shot while the poachers were at the car wash on the post.

Federal, state and military law enforcement officers and game officials participated in the raid. Jim Pokorny, a state conservation agent, said he had been on a lot of raids, but this was the first one he had been on where the good guys outnumbered the bad guys. FWS agent Dickinson credited the success of the raid to "surprise, speed, and superiority of personnel,

coupled with the shock of the raid execution." Within less than one minute the entire camp was surrounded, personnel controlled, security sweeps completed of all tents, campers and vehicles. The subjects did not have time to hide, drop, or get rid of the narcotic and illegal wildlife evidence.

## Prominent Trophy Hunter Arrested

• An award-winning trophy hunter was indicted for bankruptcy fraud in Anchorage, Alaska, and fled to Mexico where he was arrested. The FBI and IRS agents working the case requested assistance from USFWS agents to execute a search warrant at an Anchorage storage facility the man had rented under an alias.

A total of 245 mounted big game trophies from around the world were recovered after the individual had claimed that he donated the trophies to charitable institutions to hide the collection from creditors. The trophies included endangered species, which led to Endangered Species Act and Lacey Act charges against the individual—in addition to various white-collar crime charges.

During much of this investigation, the suspect remained a fugitive in Mexico where he was operating as a hunting guide. He was subsequently arrested by Mexican authorities who transported him to the border and turned him over to the United States authorities.

## Japanese Ivory Controls Have No Teeth

• The few controls that exist on ivory trade into Japan suffer from glaring enforcement loopholes that render them ineffective, says Hideo Obara, president of the Wildlife Conservation Philosophy Society of Japan.

"The Ministry of Trade and Industry (MITI), which is Japan's CITES Management Authority, has stated to us that violation of the Customs Law is beyond their jurisdiction and so there is no mechanism for Customs to report all seizures to MITI, even though it is MITI which deals with CITES issues."

Among other enforcement problems, Obara writes, "The penalties are too low, the number of dealers who are supposedly regulated is very small and a large number of small-scale retailers fall outside the control system altogether."

"Under these conditions, no meaningful enforcement can be achieved," Obara said. This is particularly frightening given the impending reopening of trade into Japan (see page 5).

## Tethers as Primary Housing for Dogs Outlawed by USDA

The US Department of Agriculture announced in August an amendment to Animal Welfare Act regulations regarding animal housing, prohibiting tethering as a means of primary enclosure for dogs.

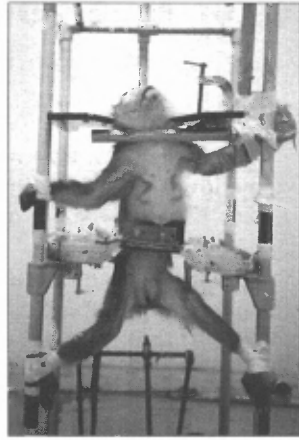
"We don't believe putting a dog on a tether provides adequate housing under any circumstances," said Michael V. Dunn, USDA's Assistant Secretary for Marketing and Regulatory Programs.

"This change in regulations reflects concerns voiced by the public and affected industries during a series of public meetings we held in 1996," Dunn said. "As a result of that input, persons now using tethers as 'housing' will be in violation of the Animal Welfare Act."



## Taub Honored

• Edward Taub, the psychologist whose cruel experiments on animals kept in horrid conditions caused intense controversy in the 1981 "Silver Spring Monkeys" case, has been given one of his profession's most prestigious awards. The American Psychological Society named him a William James Fellow at its annual meeting in Washington, DC, in June, for "fundamental discoveries" about brain reorganization.



PETA

The society failed to mention that as principal investigator at Maryland's Institute for Behavioral Research, he conducted gruesome experiments in which he severed nerves in monkeys' arms, desensitizing and paralyzing them. In extreme distress, they would bite off their own fingers. Monkeys were strapped in restraining devices (see photo above) and subjected to intense pain (which researchers termed "acute noxious stimuli"). In Taub's facility, animals went days without feeding, lived in filth, and were dumped in a bucket of formaldehyde when they died.

The case attracted widespread publicity when People for the Ethical Treatment of Animals co-founder Alex Pacheco documented the cruel conditions while working at the laboratory as an intern. Sixteen of the monkeys were seized and Taub was convicted of providing inadequate veterinary care to six monkeys. Years of legal wrangling ensued, however, and in 1984 the conviction was overturned on a technicality.

The monkeys who suffered and died for Taub's "fundamental discoveries" were not given any award by the society.

## McDonald's Loses Face in Libel Farce

• The legal marathon of Britain's protracted "McLibel" trial has come to a lackluster end for McDonald's Corporation, which spent three years and \$15 million on a lawsuit against two penniless London activists who published a leaflet criticizing the giant fast-food chain; they conducted their own legal defense.

In 1986, London Greenpeace (not affiliated with Greenpeace International), issued a pamphlet titled "What's Wrong with McDonald's?," which took the corporation to task for its environmental impact, its treatment of animals and of its workers, and the effect on human health of its food. According to *The Nation*, McDonald's hired detectives to infiltrate the tiny group and spy on its members, then filed libel charges against five activists. Three settled out of court, but Dave Morris and Helen Steel refused, and the longest trial in English history was born.

Finally, on June 19, *The Nation* wrote, "Judge Rodger Bell ruled that while Morris and Steel had not proved that McDonald's caused starvation in the Third World, or was responsible for destroying the rainforests, or had knowingly exposed customers to the risk of food poisoning, or that eating at McDonald's leads to heart disease or cancer, they had proved that the company's ads exploit children, and that it is cruel to animals and underpays its workers. McDonald's had asked for about \$150,000 in damages; Judge Bell awarded less than \$100,000." While not quite a defeat, it is a glaring non-victory for the corporation, which would have done much better to leave its critics alone.

## Toxic Veal Drug Brings Heavy Penalties

• A federal case involving the smuggling of clenbuterol—a violently toxic, illegal drug given to veal calves to produce rapid growth—has resulted in encouragingly severe penalties for those involved. Despite food and drug regulations banning its use, the drug was allegedly brought into the United States from Holland, mixed with feed additives and distributed by the Vitek Supply Corporation, a leading feed supplement manufacturer. In calves, clenbuterol can increase weight as much as 30 percent per day, while causing anemia, pallor and often death. Humans who eat the poisoned meat can experience increased heart rate, muscle tremors, headache, dizziness, nausea, fever and chills.

The 1994 investigation has led to several indictments, large fines, and the imprisonment of Vitek's president, Jannes Doppenberg. The company was fined over \$1 million. According to the Humane Farming Association's Gail Eisnitz, it is "the strongest penalty ever handed down against the veal industry." Provimi Veal Corporation—the nation's largest producer of veal—was ordered to pay \$300,000. Eisnitz uncovered Provimi's role in the scandal.

Further, the president of Travis Calf Milk, Inc., a Wisconsin veal formula company, was sentenced to five months in jail and five more of home confinement after pleading guilty to criminal conspiracy to defraud the US government. According to the grand jury, Travis purchased 150,000 pounds of clenbuterol-laced feed from Vitek. One of the country's largest veal farms, V.I.V., Inc., is also implicated in the case, and its owners face imprisonment and fines on charges of smuggling and conspiracy.

There is still more to be done, however. Dutch businessman Gerard Hoogendijk—owner of Pricor, a feed supplement company based in Oudewater, Holland—was indicted on nine federal offenses and could be fined up to \$2 million and be imprisoned for up to 41 years. Prosecutors say Pricor was "the principal source of black market drugs" to Vitek. He must be extradited to the United States to stand trial. "Until now, Dutch authorities have been very reluctant to pursue this case," said Eisnitz. Now, however—thanks to pressure from HFA supporters and the US government—his extradition is being considered by the courts in Holland.

**Action:** Please write to Her Excellency W. Sorgdrager, Minister of Justice, c/o Royal Netherlands Embassy, 4200 Linnean Avenue NW, Washington, DC 20008, Attn: Political Section. Demand that Gerard Hoogendijk be extradited immediately to face trial for smuggling illegal, toxic drugs into the United States. 🐾



Humane Farming Association

Calves for the "gourmet" white veal trade, in the crates in which they are confined for months. They never are allowed to stretch their limbs, avoid their own excrement, or have access to solid food.

# Birth Intervals in Cattle Raised for Meat: Belief and Fact

by Viktor and Annie Reinhardt

It is commonly believed that calves must be artificially weaned so that the cow gives birth at the most frequent possible intervals. We had the unique opportunity to question the justification of this belief by comparing the reproductive performance of 18 cows who were allowed to raise their calves beyond the age of natural weaning with the reproductive performance of 96 other cows who were subjected to the traditional forced weaning management system. Both categories of cows lived on the same ranch, in herds of approximately 50 animals including two mature bulls per herd.

The calves of the "managed" cows were taken away from their mothers at the age of about eight months and raised in separate groups. Shortly thereafter, the mothers were also removed from the original herd and re-grouped in other herds. These artificial disruptions of social relationships were extremely disturbing for the animals, and it took several days or even weeks until they calmed down again and established new relationships with the members of the new groups.

The calves of the "semi-wild" cows were naturally weaned by their mothers: female calves at the age 7-12 months, male calves at the age of 9-14 months. The weaning did not impair in any way the affectionate bond between mother and calf. In fact, the mother-calf bond was the foundation of the herd's cohesive social structure (see cover photo).

The performance of cattle is usually assessed by calculating the time lapse between two births. This so-called calving inter-

val averaged 388 days in the semi-wild cows, versus 494 days in the managed cows.

The difference of 106 days was statistically significant, indicating that the performance was enhanced when the calves were allowed to stay with their mother rather than when they were artificially weaned by being taken away from the maternal herd.

The better performance of the semi-wild cows could not be attributed to different climatic or nutritional conditions. In contrast to the managed cows, however, the semi-wild cows lived in a stable social environment. It was probably this stability of the social environment that accounted for the animals' better reproductive performance. Artificially breaking not only the bond between mothers and their still nursing calves but also friendship relationships between the mothers and other herd members, apparently, constituted a severe stress situation for the managed cows which resulted in a depression of their reproduction.

Our observations challenge the inertia of tradition, demonstrating that reproduction of beef cattle is **enhanced** rather than reduced when cows are allowed to wean their calves at the biologically determined age. Interfering in biological processes may satisfy man's ambition to have control over them, but this is bound to have unforeseen repercussions if the biological process is not properly understood. Interfering in the natural weaning process of cattle not only inflicts avoidable emotional pain but it also unnecessarily diminishes the animal's natural reproductive potential. 🐾

## Devastation of Forests

*The first meeting of the Intergovernmental Forum on Forests is scheduled to meet in New York in October, but it won't report its findings till the year 2000! Meantime, the transnational logging companies who control 80-90% of the international trade in timber are free to roam the globe seeking our untouched forests for exploitation.*

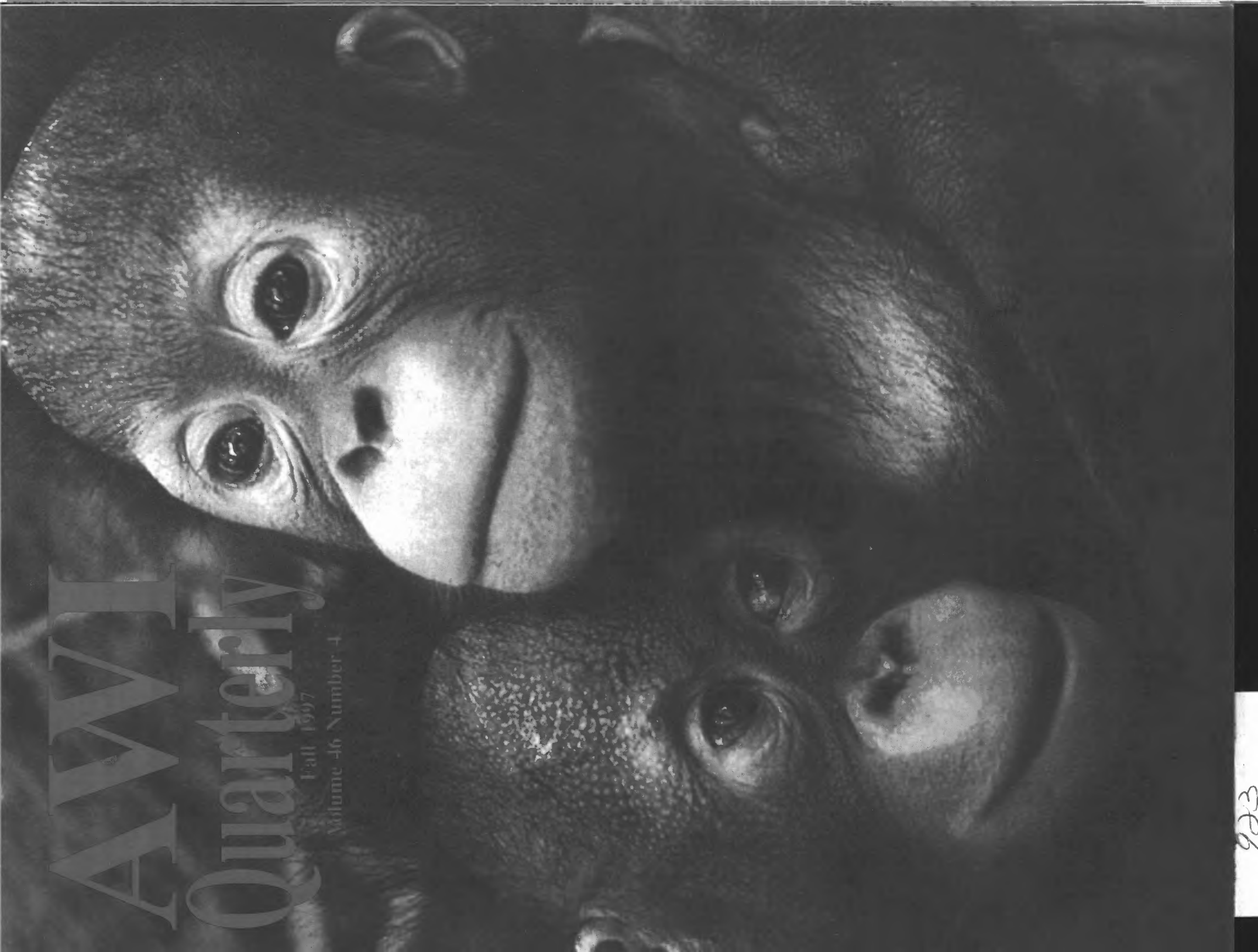
- The ancient forests of the United States are nearly (95%) gone, and these are the forest animals' favorite refuges. Even the redwoods are threatened by the Maxxam Corporation, which wants to apply its chain saws to the revered Headwaters Forest. All investors should follow the example of the California State Teachers Retirement System and divest themselves of Maxxam stock.
- Home Depot, the mammoth building supply company, publicly announced it won't buy old growth redwood from its suppliers, including the giant logging corporation Louisiana Pacific.
- US District Judge Schell found the US Forest Service's actions in Texas's National Forests to be "arbitrary, capricious, an abuse of discretion." He banned timber cutting on public lands except in rare cases.



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# AWI Quarterly

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**Cover:** Franz Lanting's photograph of two young orangutans captures the closeness and interdependence of these, our primate cousins. However, half a world away, as forest fires burned out of control in Southeast Asia, orangutan families—among many others—were torn apart. Animals died from fire, from smoke inhalation, and at the hands of humans. See story on page 11.

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**Jamie  
Rappaport  
Clark,  
Director  
of the U.S.  
Fish and  
Wildlife  
Service**

Fish and Wildlife Service Director Jamie Rappaport Clark was confirmed by the Senate last August. She has already achieved a goal sought for many years by friends of wildlife, namely the elevation of the Service's Chief of Law Enforcement to the Director level. This important organizational change will make possible more effective enforcement of laws protecting wild animals and plants from the well-organized smuggling rings and other scofflaws whose power and elusiveness has grown so disastrously in recent years.

In addressing all the employees of the Service, Director Clark said, "As you know, our agents have a difficult and often thankless task of enforcing a wide range of federal wildlife laws from poaching to smuggling of wildlife. It is a job that crosses virtually all program areas yet it seems far different from what others do in the Service. I think it is important that the Director be personally involved in law enforcement issues and, therefore, I am undertaking a realignment to make the Law Enforcement Division accountable directly to the Director's Office."

Clark cited "the remarkably successful Operation Renegade" under which "we got our 38th conviction for smuggling parrots." The undercover Operation Renegade was started by Chief of Law Enforcement Clark Bavin, who is memorialized in the Clark Bavin Awards of the Animal Welfare Institute.

Kevin Adams, who has served for 21 years as a Special Agent in the Service's Law Enforcement Division was appointed Chief of the Division in November, 1997. He has emphasized the need to build stronger global partnerships in combatting smuggling, poaching and traffic in illegal wildlife products. 🐾

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Above: elephants face new poaching threats. See story, page 6.



Above: an owl caught in a leghold trap. Below: a teaser for our European Voice advertisement on the leghold trap issue. See stories on pages 4 and 5.

Foundation for British Birds

**DON'T BE CAUGHT UP BY THE U.S. LEGHOLD TRAP AGREEMENT**

...see page 5



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# U.S. Evades Fur Import Ban, Leghold Trap Proponents Cheer

## *Humane Intent of European Law Does a Disappearing Act*

The advertisement on the facing page ran in the *European Voice* just before the final vote on implementation of the European Union import ban on fur. AWI and the 16 major organizations whose logos appear on the bottom of the ad appealed to the Council of Ministers to reject the U.S. proposal. But heavy lobbying from the United States, particularly the threatened World Trade Organization Challenge of the EU law, overpowered the United Kingdom, Belgium and Austria—who stood for protection of animals from the cruel jaws of leghold traps.

The U.S./EU Agreement is flawed because: it is not legally binding; it defers responsibility by the federal government to the states; it contains a loophole-ridden offer to slowly phase out use of “conventional” leghold restraining traps—without defining which leghold traps are “conventional” and which are not; and it embraces “best management practices” (BMPs), an idea contrived to disguise continued use of leghold traps.

### NTA Gloats Over Agreement

The character of the U.S./European Union agreement is starkly revealed by the reaction it has inspired in the National Trappers Association (NTA), which is overjoyed that, as its president puts it, the agreement on trapping “remains firm in the necessity and humanness of leghold traps.”

In his letter to members, a copy of which has reached AWI, NTA President Craig Spoore assures trappers that “The scientific BMP process *will discover* that some leghold traps *will continue* to be necessary and *prove best* for some American species” (emphasis added).

Does Mr. Spoore possess some mystic power to foretell the future or is he simply passing along to his constituency the low-down on a back-room deal? The existence of such a deal has long been suspected between the European Union Commission, the Clinton Administration, and the International Association of Fish and Wildlife Agencies—which exerts massive influence over the state fish and game departments.

“Thanks to you,” Spoore wrote to NTA members, “the animal activists have suffered another major defeat. We still have our market and our tools.” By “tools,” Spoore undoubtedly means steel jaw leghold traps.

### Meanwhile, in Parliament...

In the European Parliament, few have been as dedicated to animal welfare as Carlos Pimenta, the Portuguese member who authored the Parliament’s stern condemnation of the previous draft trapping agreement. Speaking during the Parliament’s debate on the issue in

December, Pimenta said, “This very day, the European Union is undertaking the conclusion of a new agreement, this time with the United States of America. The understanding I got by reading the texts I received privately is that this particular agreement is even weaker than the one we just analyzed with Canada and Russia. It is the worst because it gives more time to the United States to prohibit the use of leghold traps with jaws. It is especially bad as regards observation and enforcement....”

“I would like to ask the Commission what did the American [Trade] Representative Charlene Barshefsky write in the letter she sent to Minister Klaus Kinkel, where she stated that this derogation will be applied in case of extreme necessity, and will remain the same as in the agreement with Canada and Russia.”

Anita Pollack, another Member of the European Parliament who has strongly supported the leghold trap ban, said: “We are here debating a very peculiar creature. It is called an agreement yet in reality it is a non-agreement. I would liken it to the Cheshire Cat because all you can see is its smile. First, it should be said that Parliament did not seek this agreement, we want the implementation of the 1991 Regulation. That was very carefully put together to end the worst cruelty associated with the trade which allows rich women to wear the furs of tortured animals. In the face of threats of WTO from Canada and the United States, the Commission took it upon itself to negotiate this non-agreement and it is fundamentally flawed....”

“The Americans cannot ensure implementation because of their federal system. The Canadians are happy for it to have enough loopholes for a pack of wolves to run through, and the Russians love the self-enforcing, self-evaluating system. So there is still no commitment to abolish the cruel leghold traps. At the end of the day this unwanted, unworkable non-agreement will perpetuate the use of the

leghold trap and is unable to improve the welfare of trapped animals. Even the Cheshire Cat trapped behind its smile. I urge support for the Pimenta report.”

MEP Caroline Jackson asked Sir Leon Brittan, “One point on which I would be grateful if the Commissioner could reply. It seems that the Commission was possibly reluctant to implement the original Regulation because of fear of WTO proceedings. Is this true? How does the Commission regard the original Regulation as likely to fare within the WTO?”

Brittan did not reply to Jackson’s questions, but sidestepped them by claiming, “we all share the same commitment,” noting that “the problem is more severe in the United States and it takes longer to get rid of it.” 🐾



“In reality [the U.S. agreement] is a non-agreement. I would liken it to the Cheshire Cat because all you can see is its smile.”

—European Parliament Member Anita Pollack



# The EU has passed a landmark law against leghold traps. Will the Clinton Administration be allowed to undermine it?



*Coyote caught in a leghold trap.  
Photograph: Daniel J. Kelly*

## TO THE COUNCIL OF MINISTERS:

We respectfully request that you oppose the current trapping proposal offered by the United States. The U.S. proposal will not reduce the unnecessary suffering of animals caught in leghold traps. It is merely a ruse by the U.S. – both to avoid changing its barbaric trapping practices and to avoid the EU's fur import ban.

Three quarters of Americans want leghold traps banned. Eighty-eight countries have already banned them. But now, the EU's historic law may be caught between the jaws of the Clinton Administration's two devious strategies: the deceitful proposal, and the scare tactic of a threatened World Trade Organization (WTO) challenge.

The proposal should be rejected because:

- **It's fraudulent.** The EU Commission has claimed that the U.S. offer to phase out conventional steel jaw leghold traps within six years is unconditional. However, the U.S. Trade Representative's Office openly stated that the proposed phase out of these leghold traps will be subject to numerous derogations.
- **It can't be enforced.** The U.S. has stated clearly that trapping is not a federal matter, and it cannot force the states to comply.
- **It permits too much delay.** Canada and Russia have committed to end use of conventional leghold traps unconditionally in 4 years. The U.S. proposal permits 6 years – with derogations.
- **It's based on a misreading of the threat from WTO.** The Regulation is totally defensible under WTO. Don't give in to U.S. blackmail and talk of trade sanctions.

### *The EU Law Against Leghold Traps*

- In 1991, the European Union adopted Regulation 3254/91.
- As mandated by Phase I of the law, all of the EU's fifteen Member States prohibited use of leghold traps in 1995.
- On December 1 of this year, Phase II of the law – its import ban on furs from countries that have not either banned the trap or adopted "internationally agreed humane trapping standards" – came into effect. The U.S. has failed to comply with either provision.

*Since the U.S. has not agreed to stop using leghold traps,  
the fur import ban should be implemented as required by law.  
It should only be lifted if the U.S. puts forth a genuine  
anti-leghold trap proposal, and the European Parliament  
and Council of Ministers accept it.*



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# ELEPHANT POACHERS POISED TO MAKE A KILLING

by Adam M. Roberts

As Ben White eloquently and sadly reported in the last *Quarterly*, the African elephant (*Loxodonta africana*) did not fare well at the tenth Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) held last June. Despite our indefatigable defense of the ivory ban, convention host Zimbabwe successfully won the downlisting of its own elephant population, as well as Botswana's and Namibia's, through intense lobbying schemes and an overwhelming government-backed media campaign. The looming question for CITES nations is whether or not the ivory trade specifically should resume as a result of this downlisting and what effect the downlisting has had, and will continue to have, on African elephants across the entire continent.

The decision taken by the Parties last summer reclassifies the elephant populations in Zimbabwe, Botswana and Namibia from Appendix I (no commercial trade) to Appendix II (regulated commercial trade allowed). Right now, these three countries can export live elephants and hunting trophies. The U.S. government no longer has the important responsibility—nay requirement—to issue an import permit, as was previously mandated. Zimbabwe has a special dispensation to export ivory souvenirs and elephant hides as well. Thankfully, under the provisions of the United States African Elephant Conservation Act, America will not permit any ivory across its borders, although other non-ivory elephant products now have seemingly unfettered entree.

The historic decision to weaken elephant protection did not automatically enable the legal resumption of international ivory trade, however, and if it does occur, the only trading partner to receive such ivory is Japan. Decision 10.1 of the Parties describing "Conditions for the resumption of trade in African elephant ivory from populations transferred to Appendix II at the 10th meeting of the Conference of the Parties" outlines nine specific requirements which must be met if trade in raw ivory is to resume. Unfortunately, this decision paper is incompatible with the text of the Convention; it is incomplete, weak, and does not give other elephant range states appropriate participatory roles in decisions related to ivory commercialization. Moreover, this document and the others related to the elephant debate were written in secret, passed without due democratic dialogue, and form an inadequate regulatory framework to examine the ivory trade and elephant conservation.

However, one particular requirement is especially noteworthy: condition G declares that the CITES Standing Committee (due to meet in the United Kingdom, March 1998) must agree "to a mechanism to halt trade and immediately re-transfer to Appendix I populations that have been transferred to Appendix II, in the event of non-compliance with the conditions in this Decision or of the escalation of illegal hunting of elephants and/or trade in elephant products owing to the resumption of legal trade." This is an important provision because most other requirements pertain to actions within each of the three downlisting proponent range states. This requirement, on the other hand, refers broadly to the "escalation of illegal hunting" without specifying where the illegal hunting occurs. AWI has always feared the effect a resumption of the ivory trade would have on all African elephant populations, not just those in Zimbabwe, Botswana and Namibia.

Before Ben and I left for Zimbabwe, I wrote in the winter *Quarterly* about "Prospective Poaching" and claimed that "Reports out of southern and eastern Africa show profiteers positioning themselves to reap enormous financial rewards should the ivory trade be reopened." Bearing in



B. K. Volta-Tineh/Ghana Wildlife Department

Above: a poached elephant carcass decaying in Ghana's Mole National Park.

Right: a pile of elephant bones.



mind that the ivory trade itself cannot be completely resumed until the aforementioned nine conditions are met, it is worth investigating what has happened in the months surrounding the downlisting decision at COP10 and whether these same prospecting profiteers are still hard at work. Has there been an "escalation of illegal hunting of elephants"?

•Senior Wildlife Officer B. K. Volta-Tineh reported on August 8, 1997, from Ghana that "On 30th June 1997, eight days after my return from the CITES conference in Zimbabwe, a report was received on a poached elephant in Mole National Park.... On the spot investigation revealed that it was a mature bull carrying only one tusk. The carcass was already in an advanced stage of decomposition. The animal might have been shot by the poachers at a place other than where it dropped because the tusk and the tail were still in place. The poachers escaped arrest.... 2. Barely two weeks after the above poaching incident, another report on a poached elephant in the park was received.... It was a young female of about 10 years of age and this time the poachers succeeded in carrying away everything with the exception of the skull and bones.... 3. It may interest you to learn that since 1988, this is the first time we have encountered elephant poaching in the park. The repercussions of the CITES downlisting of the species for the three southern African States on the other range states is already showing in Ghana. The rapid succession in which these two poaching cases occurred in Mole National Park forebodes a very bleak future, not only for the Park but for the entire country, as far as the survival of this species is concerned."

•A report in *The Namibian* on July 23, 1997, notes that in Namibia "Poaching is continuing unabated in the West Caprivi Game Park, where poachers killed at least two elephants and scores of smaller game in the past month."

•An October 2, 1997, Associated Press story out of Nairobi, reveals that "Poachers have killed five elephants and hacked off their tusks in Kenya, renewing fears that poaching will surge as a worldwide ban on ivory trading is eased." The story notes that this was "the first time ivory has been poached

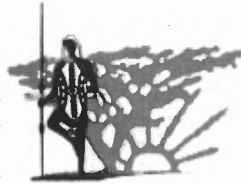
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## Maasai Group Takes Issue with CAMPFIRE's Lobbying Tactics

The Maasai Environmental Resource Coalition (MERC) was formed "To protect and manage the vast diversity of wildlife and other natural resources on our land for the benefit of the Maasai people, our country and the world." Ole Kamuaro Oloitisatti reports in the current *Care for the Wild News* an analysis of the disastrous downlisting of African elephants at the CITES Conference in Harare, Zimbabwe.



Maasai Environmental Resource Coalition

CAMPFIRE, Zimbabwe's communal areas management scheme, was touted as the flagship strategy for 'sustainable' natural resource use in the southern African region. CAMPFIRE targets the harnessing of wildlife resources for commercial purposes, including the re-opening of the international ivory trade. The ivory trade was the focus of attention because of the potentially massive profit to be made. Japan had already been identified as the trading partner.

Secondly, and perhaps most importantly, the Organisation of African Unity Heads of States held a summit in Harare, just one week before the CITES Conference began. President Mugabe of Zimbabwe was elected Chair of this organisation. It was an opportune moment for Zimbabwe, Namibia and Botswana (the three countries which were proposing to resume the ivory trade), to lobby the rest of Africa. Heads of State would have found it difficult not to offer their support to their chairman, for purely political reasons, devoid of ecological considerations.

A third factor—and perhaps one that is lost to many an observer—is the public relations campaign undertaken by the CAMPFIRE Association's implementing agencies, which include the Africa Resources Trust and the Zimbabwe Trust. A carefully choreographed global information campaign

targeting governments and international conservation organisations downplayed the risks to the African elephant. The lobby staged a play, centred around the misery and poverty of rural Africa and Zimbabwe in particular. Wildlife was portrayed as having encroached on humans and the situation as being compounded by certain wildlife species, particularly the African elephant.

The theatre group toured the world, strategically targeting major global, environmental and financial events, such as the IUCN General Assembly in Canada and the annual meeting of the World Bank in Washington, DC. Audiences throughout the world were continuously misinformed of the views of the Maasai of Kenya and Tanzania, who were portrayed as supporters of the ivory trade! The message to the audience is that trade in wildlife is the panacea to the economic problems of rural Africa. The ivory trade received particular attention.

Against the above background, the curtain for CITES '97 was lifted by none other than Zimbabwe's President Mugabe....

Nevertheless, it is important to note that, apart from CAMPFIRE Associations and their regional affiliates in southern Africa, the only other African NGOs at the conference were those opposed to the downlisting of elephants. These included groups from Ghana, Kenya, Liberia, Uganda and Zambia.

... In our view, the ideals that founded CITES—namely the regulation of trade in endangered species of wild flora and fauna—remain some of the greatest accomplishments of our time. It is the same spirit that needs to drive and guide the deliberations surrounding the Convention. Our hope is that these ideals will always be upheld, even under the severest of political tests.

In Harare, this vision was nearly sacrificed, thanks to the aggressive marketing tactics of the proponents of the ivory trade. 🐾

*continued from previous page*

in Kenya this year" and quotes Kenya Wildlife Service elephant expert Patrick Omondi saying: "We are very, very concerned about our elephants.... We are not sure what will happen to them with the downgrading of elephant protections." The UK-based Care for the Wild International added that it "has received the horrifying news that in just one month, 29 elephants have been slaughtered in Kenya for their ivory."

•AFP reported on September 14 that Zimbabwe's newspaper *The Sunday Standard* claims recording "a 50 percent increase in cases of elephants poached since the international ban was relaxed two months ago .... Willis Makombe, acting head of the Department of National Parks and Wildlife, [said] the average number of poached elephants had shot up from four per month for the first six months of the year to six in July following the lifting of the ban."

•Additional reports include twelve elephants poached in one week in the lower Zambezi area of Zambia; 95 elephants killed by Sudanese poachers in the Central African Republic; and 40 Sudanese poaching camps established in the Democratic Republic of Congo.

During the elephant debate at COP10, India, too, spoke out against the downlisting proposal. The delegate noted that past legal ivory trade was harmful to the global elephant population and that ivory traders were already engaging in the prospective poaching of Asian elephants. As of November 15, 1997, 105 poached Indian elephants were recorded—more than any other single year in more than a decade.

It is impossible to infiltrate the mind of a poacher to determine the motives underlying the barbaric massacre of majestic elephants and discern whether the lifting of the ivory ban may be the impetus for the renewed slaughter; what is clear is that the message of a potential resumption of trade in ivory is a glaring signal to poachers that there is profit to be had by elephant deaths. The CITES Parties made a potentially dangerous decision downlisting the species. Through the Standing Committee process, there is an opportunity for Parties to judge the impact of the elephant downlisting and possibly prevent the resumption of legal international ivory sales. Elephant poachers and Japanese ivory consumers must not be the loudest voice heard on vital matters of global species conservation. There is precious little room for error in the future of the species. 🐾

### Israel Blasts "Railroaded" Ivory Decision

*A combination of blatant bias and underhanded dealings made the relaxation of the CITES ivory ban possible in June in Harare, Zimbabwe. Accordingly, the Israeli CITES Management Authority issued a vigorous denunciation of the decision—and demonstrated that the vote was pushed through illegitimately—in a petition to the chairman of the CITES Standing Committee, parts of which are excerpted below:*

Mr. Chairman, full and free debate is a vital right of the democratic process. If a deliberative assembly, such as CITES, is to secure intelligent and responsible decisions on proposals there must be free interchange of thought through discussion and debate. Furthermore, parliamentary law customarily requires that every member of a deliberative assembly have the right to know the meaning of any proposition before the assembly, and what its effect will be. Such knowledge is achieved through a presentation or explanation of a particular proposal by its proponent, and by the exercise of full and free debate once the presentation or explanation has been made.

Although during the previous day there had been some general debate on the African elephant issue, at no time had there been any consideration of the text of document Com. 10.34. There was no presentation or explanation of the several complex provisions of the document, nor was any debate permitted on those specific provisions, even though they were among the most contentious in the history of CITES.

It is our conclusion that debate, crucial to an intelligent and responsible vote on the African elephant proposals, was improperly denied and suppressed. It is further our conclusion that the Rules of Procedure have been transgressed, and as a consequence, the vote following that transgression is invalid....

The abrogation of pertinent Rules of Procedure, and the consequent deprivation of Parties of their rights of free and open debate on issues is a most serious matter that in itself should be enough to invalidate any decisions which are produced from such infringements....

It is further our conclusion that the entire handling of the issue lacked fairness and good faith. The timing of the elephant issue so late on the agenda, and particularly the shocking announcement that the most critical documents would be neither explained nor debated, as well as the persistent use of secret votes—far beyond the stated intentions of Parties who approved the new voting regime—combine to obscure the CITES process. There is a lack of transparency. There is a hint of trickery. Several Parties left Harare with the feeling that the African elephant issue had been railroaded....

If such fundamental characteristics of parliamentary procedure are undermined, the future of the Convention and the wild fauna and flora it seeks to protect, are jeopardized. 🐾

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# WHAT'S THE REAL STORY ON MISSOURI'S RIVER OTTERS?



*A river otter mother and child  
(photo by Daniel J. Cox)*

Missouri spent ten years and \$1.6 million to reintroduce river otters to the state. The transplanted otters enjoyed Missouri's waterways, and thrived. However, in 1996 and then again in 1997, the state Department of Conservation (DOC) opened a no-limit otter trapping season. In addition to defeating the purpose of the reintroduction program with an unsustainable drain on their numbers (they are listed on CITES Appendix II—threatened), the trapping subjects otters to the cruelty of leghold traps—all to feed a market for their fur in China.

DOC scientist David Hamilton claims that there are more than enough otters to go around, but Hamilton's population estimates have fluctuated curiously, skyrocketing to a level which reputable biologists have called into question: ecologist Dr. Richard Ostfeld, of the Institute of Ecosystem Studies, took Hamilton to task for "scientifically dubious

procedures and assumptions," saying that the no-limit season is "unjustifiable on scientific grounds" and that "there is no justification for opening a trapping season." St. Louis Public Schools science coordinator Raymond R. Feick said, "his interpretation is obviously biased." Dr. Thomas E. Eveland called the 1996 season "an obvious over-harvest."

Last year, Hamilton estimated that the otter population had increased to 3,000 from the original 845 who had been reintroduced into Missouri from Louisiana. Now, after the 1996 trapping season (during which 1,054 otters were killed), Hamilton has announced that Missouri has 8,000 otters—5,000 more than what he said a year ago. Hamilton says the earlier estimate was wrong. The inflated numbers were politically very convenient, given trappers' eagerness to bag as many otters as possible in 1997—only the second year since 1910 that river otter

trapping has been allowed.

The Animal Legal Defense Fund filed—and lost—a lawsuit charging the U.S. Fish and Wildlife Service with acting "in an arbitrary and capricious manner" by allowing the otter pelts to be exported (of the 1,054 otters killed in 1996, all but 20 were tagged for export). Unfortunately, the court ruled (among other technicalities) that since Missouri was going to hold the trapping season in any case, the issue of whether the pelts were exported or not wasn't at issue.

The DOC is a member of the Fur Institute of Canada, which has paid for David Hamilton's transatlantic travels—made, he said under oath, "to educate [European Union] biologists, members of the environment departments, members of the trade departments, politicians, dignitaries and the public about fur management programs in the United States."

But what sort of "education" is Hamilton giving the Europeans? He glosses over leghold traps' terrible cruelty and the fact that many other, less cruel trapping methods are available (enumerated in detail in AWT's *Alternative Traps*). He also fails to note that the fur industry has a vested interest in "business as usual" and has no incentive to change trapping methods for humane reasons. Hamilton asserted: "I don't think there's a conflict of interest here. The fur industry is the only group that's going to come up with more humane traps."

For more of the sad results of such interventions by spokesmen for state fish and game agencies and by the U.S. Trade Representative, see page 4, where the European Parliament's overwhelming opposition to the U.S. trapping agreement is expressed in its most recent debate; also see the *European Voice* advertisement reproduced on page 5. 🐾

## After Spending Millions, New Jersey Animal Test Laboratory Drops Lawsuit

Although Huntingdon Life Sciences had hoped to recover some of the 10 million dollars it estimated it had lost as a result of PETA's eight-month undercover investigation of its New Jersey animal testing laboratory, Huntingdon called it quits after having spent more than two million dollars in legal fees and expenses on the suit. The settlement, in which PETA does not pay Huntingdon any damages or costs, was signed by federal district court Judge Henry Morgan in Norfolk, Virginia on December 15.

Civil rights attorney Philip Hirschkop, who represented PETA for a greatly reduced fee, believes Huntingdon's decision to drop the expensive

lawsuit "sends a strong message to the coalition of laboratory and fur industry groups which had lined up behind Huntingdon, anxious to see PETA's investigations stopped. It didn't work."

PETA president Ingrid Newkirk celebrated the victory at the group's Norfolk headquarters, saying: "Huntingdon launched an expensive attack that backfired. We sought to show the world how laboratories like Huntingdon treat animals behind the scenes and we succeeded; a number of big pharmaceutical houses saw PETA's evidence and suspended or canceled their contracts with Huntingdon, and Proctor & Gamble launched an independent investigation that led to its denouncement of Huntingdon's animal handling practices. The video is out there, and Huntingdon can't bring it back any more than it can reclaim the 40 beagles who, as a result of PETA's action, Kim Basinger saved from having their legs broken and being destroyed in Huntingdon's lab."

As part of the settlement, Huntingdon agreed to vacate a contempt finding against Newkirk arising from PETA's efforts to free the beagles. The company remains under investigation by the U.S. Department of Agriculture for possible violations of federal law arising out of a complaint in this case. The company, which has seen its stock fall 67 percent since it came under scrutiny in the United Kingdom following the release of undercover videotapes there, has also taken disciplinary action against several New Jersey employees: two of its staff in Britain have been criminally convicted of cruelty to animals. 🐾

### No More Animal Testing of Cosmetic Products in Britain

The use of animals to test cosmetic products in Britain ended in November, when the three companies licensed to do such tests agreed to stop. Government ministers who had promised to outlaw the tests before their elections—and were accused by the public of breaking their promise—met with the licensed firms and obtained the voluntary ban.

Cosmetic *ingredients*, however, can still be tested on animals.

Other measures the government has decided upon include a ban on chimpanzees and gorillas in scientific experiments (though none has been used in Britain for a decade), and a possible ban on the use of animals, particularly beagles, for tobacco and alcohol testing, although no licenses to do so currently exist. 🐾

## MONSANTO'S GENETICALLY ENGINEERED PRODUCTS MEET RESISTANCE

by Ronnie Cummins

Monsanto has suffered a number of technological and public relations "glitches" over the past few years, including the massive marketplace failure of its billion-dollar flagship product, rBGH. After three years on the marketplace, only 4% of America's dairy cows are being shot up with the drug. Wall Street analysts told Business Week magazine in 1996 that due to farmer and consumer opposition (and the fact that rBGH damages the health of cows) the drug was a total failure, and that in economic terms it should be taken off the market. [Editor's note: rBGH has been reliably linked to health problems that cause extreme suffering to cows, including mastitis, a painful inflammation of the udder. See the Spring/Summer 1997 *AWI Quarterly* for more details.]

In scientific and public health terms, data continues to pile up that significantly increased levels of the human growth hormone factor IGF-1 in genetically engineered milk and dairy products constitute a serious human health risk for increased breast and colon cancer. In addition, scientific studies have recently been brought to the attention of the World Health Organization that injecting mammals with genetically engineered growth hormones very likely increases their susceptibility to deadly, incurable brain-wasting diseases such as BSE, commonly known as Mad Cow Disease, or its human variant, Creutzfeldt-Jakob Disease. Consequently the WHO, the European Union, and the Codex Alimentarius are unlikely to ever approve rBGH as a safe drug, leaving the U.S. as the only industrialized nation in the world to have approved rBGH.

Other troubles for Monsanto's genetically engineered products continue to mount: in mid-1996 Monsanto/Calgene's highly-touted "Flavr Savr" tomato was taken off the market, ostensibly because of production failures and genetic glitches; Monsanto's entire Canadian genetically engineered rapeseed or canola crop had to be recalled earlier this year because of unexplained "technical difficulties"; and up to a million acres or 50% of Monsanto's Bt Cotton crop in the U.S. were attacked by bollworms in 1996, prompting lawsuits by outraged cotton growers who

claim they were defrauded by Monsanto. Further, dairy cows eating Monsanto's "Roundup Ready" soybeans are producing milk with different chemical characteristics (higher fat levels) than cows who are eating regular soybeans. 🐾

*Ronnie Cummins is the National Director of the Pure Food Campaign USA. For more information, write to: Pure Food Campaign, 860 Highway 61, Little Marais, Minnesota 55614, or call (800) 253-0681.*

### More on Monsanto

A German activist who forwarded criticisms of Monsanto to an Internet mailing list found himself the target of the giant chemical corporation's lawyers—and the company lost.

Last winter, Werner Reisberger received a message from a group of protestors who were organizing an anti-Monsanto protest. The protestors called Monsanto "A corporation of poisons, genes and swindle." Reisberger passed the announcement on to an e-mail discussion list called GENESIS, which concerns food technology. The thin-skinned corporation sued Reisberger, even though he was not the author of the message and the discussion list only had 24 members.

"Monsanto claimed that I offended the company with the word 'swindle' and endangered their creditworthiness," Reisberger wrote in *Earth Island Journal*. "They gave me three days to sign a declaration promising never again to say, 'Monsanto, the corporation of swindle.' Every time I repeated this sentence, I would have to pay Monsanto 100,000 DM (\$66,666)."

Reisberger refused to sign, and a German court rejected all of Monsanto's claims and ordered the company to pay the court costs. Such hypersensitive litigation only serves to make giant companies look silly, as Monsanto should have learned from England's McLibel trial. 🐾



## Asian Fires, Fueled by Shortsightedness and Greed, Cause Untold Suffering

Horrific fires have swept across the lush, densely populated islands of Southeast Asia this Fall. Smoke has filled the air, choking birds to death. Orangutans, tigers, and elephants have fled the burning jungles, only to find they had nowhere to go. What wasn't immediately apparent was that the fires were set intentionally.

The reason? Palm-oil and paper companies set fires to clear off cropland, and a drought in the region—caused by anomalous El Niño weather patterns—aggravated the fires until they burned out of control.

Birds, bees and insects have all but disappeared in some areas, but particularly hard hit were the highly endangered orangutans of Kalimantan, Borneo and Sumatra, who have already had their habitat severely reduced by the encroaching human population and by poaching. Their population has fallen by 50% in the last 10 years. An estimated 1,000 of the 30,000 remaining orangutans have died in the fires, and more will likely die of starvation, habitat loss, or from the loss of a parent. Further, amid food shortages, Indonesians have killed orangutans for their meat as the animals tried to escape the burning jungle. According to Willie Smits, of the Wanariset Samboja conservatory on the island of Borneo, at least 120 orangutans have been tortured or killed by residents. Rescued orangutans await an uncertain future in rescue centers and conservatories, which are full to capacity.

Many other of Southeast Asia's animals, suffering from respiratory problems and impending famine, have had serious conflicts with humans: three tiger attacks were reported in smog-ridden Sumatra in the last six months, and elephant herds have rampaged in Java and Sumatra, trampling already-scarce crops.

Little effort has been made to rein in the plantations and logging concerns, or to hold them responsible for the destruction caused by the fires. Though Indonesia's government revoked 151 timber exploitation permits on October 3, just 2 months later it had reinstated 45 of them.

The greedy slash-and-burn practices that led to the fires have benefited the palm-oil producers the most: their land has been cleared, and palm-oil prices have risen dramatically. Meanwhile, the monsoon is late due to El Niño, and even when it comes it may not stop the fires, which have lodged in coal seams and peat bogs and could smolder there for years. 🐾



Orangutans were among the animals hardest hit by the fires.



### In appreciation of Mary Stearns McGaughan

Mary McGaughan was the driving force behind enactment of the steel jaw leghold trap ban in the State of Rhode Island. She founded the Humane Society of Jamestown 25 years ago and established a class in the third grade based on humane educational principles with emphasis on wildlife and nature. The class still continues and has graduated many students over the years who have carried on her humane work and message. She conducted issues meetings on animal protection worldwide and was defending the Dolphin Protection Act only weeks before her untimely death. She worked closely with the Animal Welfare Institute to advance our mutual aims. She will be sorely missed. 🐾

### News Updates

- Eklof Marine Corporation, of New York, was sentenced to pay \$3 million to the U.S. Fish and Wildlife Service for violations of the Migratory Bird Treaty Act, resulting from a 1996 oil spill off the Rhode Island coast. It is the second-largest fine ever imposed under this act, exceeded only by the 1989 Exxon Valdez oil spill in Alaska.

Eklof Marine and two affiliated companies own the tugboat *Scandia* and the *North Cape* oil barge, which ran aground off Matunuck, Rhode Island in January 1996, "killing hundreds of birds including loons, waterfowl, grebes, and gulls," according to Ronald Lambertson of the U.S. Fish and Wildlife Service.

Judge Mary M. Lisi of the U.S. District Court in Providence directed the Fish and Wildlife Service to spend the \$3 million on conserving wetlands within Rhode Island.

- A group of property owners are suing Headwaters forest owner Maxxam and its chairman Charles Hurwitz for "recklessly irresponsible logging" in an environmentally sensitive area of ancient redwoods, Reuters reported in December.

Thirty-three residents of Stafford, California, says Maxxam-owned Pacific Lumber was responsible for property damage sustained in landslides caused by deforestation. "Maxxam's logged timberlands lie like open bleeding sores on the landscape," the suit said. "This is a case in which a whole community, Stafford, has been virtually wiped off the map due to the callous disregard exhibited by [Maxxam's] rush to turn trees into cash." 🐾

### BEQUESTS TO AWI

To any who would like to help assure the Animal Welfare Institute's future through a provision in your will, this general form of bequest is suggested:

*I give, devise and bequeath to the Animal Welfare Institute, located in Washington, DC, the sum of \$ \_\_\_\_\_ and/or (specifically described property).*

Donations to AWI, a not-for-profit corporation exempt under Internal Revenue Code Section 501(c)(3), are tax deductible. We welcome any inquiries you may have. In cases where you have specific wishes about the disposition of your bequest, we suggest you discuss such provisions with your attorney.

## The Price of Meat

by Danny Penman

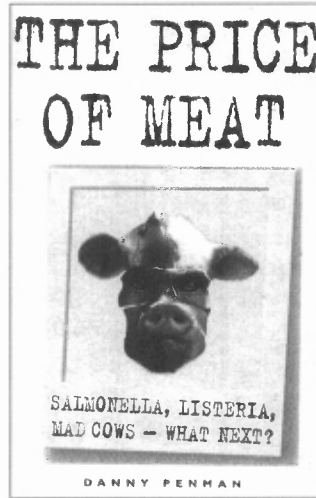
Victor Gollancz, 1997. 240 pages.

ISBN 0-575-06344-0

Danny Penman's clear prose describes everything that people of conscience need to know about farm animals, including the science and technology being loosed on these creatures whose natural origins and natural behavior is disregarded by the industry as inconsequential. Mr. Penman dedicated his book "to Jill Phipps, who died while trying to stop the export of veal calves."

Jill Phipps was the young woman crushed by a truck during a massive protest against the export of calves and sheep to the European continent. Huge demonstrations succeeded in stopping exports by sea. As Penman writes in the Introduction: "The battle to stop live exports showed the power of individuals. Welfare groups were occasionally offered seats around the table with the Government but were ignored. The people of Shoreham, Brightlingsea, Coventry and elsewhere pursued their own path through direct action. For this reason, the most effective way of bringing about change is through individual action."

The extraordinary make-up of the demonstrations, which drew their greatest numbers from middle-aged housewives, was quite different from the image industry prefers to project of jobless youths in outlandish garb



making animal rights protests.

Each species of farm animal is dealt with in a separate chapter followed by discussion of genetic engineering described as "Redesigning Animals" and covering such subheads as "Building New Chromosomes"; "Sperm Engineering"; and "The Future: the Economist and the Engineer." Some of these engineering feats have already caused severe problems. Broiler chickens "already grow too fast for their own legs, and are in constant pain because of it, so a further raising of the growth rate without at least a corresponding increase in leg strength could condemn millions more birds to agony."

A further chapter entitled "Patenting Life" is followed by a chapter entitled "Animals are Worthless: the Traditional View" which examines Descartes' callous philosophy and Jeremy Bentham's famous quote,

"The question is not, Can they *reason*? nor Can they *talk*? but Can they *suffer*?"... Bentham may have laid the explosives under Descartes' views but it was Charles Darwin who detonated them. In *The Origin of Species*, Darwin argued that mankind was not fundamentally different from the rest of creation because life evolves through a process of natural selection... The differences and similarities between man and beasts are of degree not of kind.

*The Price of Meat* was written shortly before adoption of the new status of animals by the European Union which now has declared them to be "sentient beings." This book should serve as a guide for action by the European Union and to point the way for reforms in the United States. 🐾

—Christine Stevens

## AWI Hosts Book Party

A book-signing party given by the Animal Welfare Institute and Psychologists for the Ethical Treatment of Animals (PSYETA) was held October 9 to launch the two organizations' new books and introduce guests to Roger Fouts' recently published *Next of Kin* (reviewed in the last *AWI Quarterly*).

AWI's hard-hitting *The Animal Dealers, Evidence of Abuse of Animals in the Commercial Trade, 1952-1997* begins with a televised interview with a former buyer and record keeper for a major random-source dog dealer. Not until his own dog was stolen did he realize what his role had been in this nefarious trade. "That day," he said, "I seen them burning the dog collars. That's the day I knew they'd stole them."

Inspection reports by U.S. Department of Agriculture veterinarians and technicians were obtained under the Freedom of Information Act. They document mistreatment so gross that it would be hard to believe were it not for the massive series of quotations from these inspection reports. Photographs illustrate these abuses and those encountered in the primate trade, the wild bird trade, and the reptile and amphibian trade, to each of which a chapter is dedicated. Mary Ellen Drayer edited the book and with Cathy Liss collected material from USDA and from AWI's voluminous files.

Peter Knights, who went undercover with Dave Currey of the Environmental Investigation Agency in both Africa and South America, wrote the chapter on commerce in wild-caught exotic birds and the smuggling, extreme overcrowding and massive deaths involved. Enforcement of the Wild Bird Conservation Act, passed in 1992, together with Lacey Act requirements, has eliminated the worst abuses committed by big U.S. dealers. Knights reports, in compelling style, on "Operation Renegade," the U.S. Fish and Wildlife Service sting that resulted in a series of indictments and convictions of major bird dealers. Knights ends his well-documented chapter by stating:

"Europe, the United States, Australia, most of Africa and South and Central America, and most Asian countries have all banned export of their

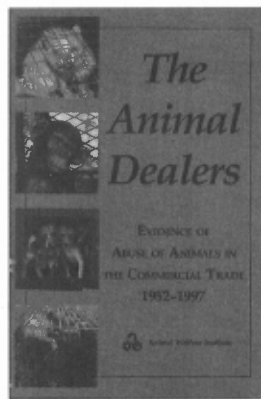
own wild birds for the pet trade. Only a dozen or so countries still have a commercial trade. Hypocritically, the wealthy countries still continue to import from some of the countries least able to regulate a wild bird trade. The trade is highly profitable for a few individuals precisely because they cut corners at every stage. For every rule there is an abuse, and such abuse is widely practiced.

"Those who still advocate maintaining the wild bird trade at a 'sustainable' level should look more closely at the track record. The reality is that traders are expert at avoiding any regulations, and there will never exist proper resources to police such a far-flung business. We need to eliminate demand for wild-caught birds as pets through education and enforceable legislation and look to captive breeding to supply any birds for the pet trade. The mass trade in wild-caught birds for the pet trade will always result in unacceptable cruelty and has a built-in tendency to drive species towards extinction."

Highly critical of the trade in reptiles, Clifford Warwick wrote the chapter entitled "The Shelf Life of Reptiles." Just shortly before the book was published, the U.S. Fish and Wildlife Service proposed to extend transport regulations for reptiles and amphibians under the 1981 Lacey Act amendments on Humane and Healthful Transport of Wild Mammals and Birds.

"The Primate Trade," written by Jessica Speart in close collaboration with Shirley McGreal of the International Primate Protection League, details the horrors of this trade, including all the great apes and the many monkeys.

Dr. Kenneth Shapiro's new book, *Animal Models of Human Psychology*, soon to be published by Hogrefe & Huber, presents a closeley reasoned analysis of the massive use of animals in psychological research and teaching. His understanding and sympathy with the creature most commonly—indeed, almost automatically—subjected to painful and distressing procedures, the albino rat, are movingly expressed at the beginning and end of the book when Dr. Shapiro briefly recounts his personal experiences. *Animal Models of Human Psychology* will be reviewed shortly in the *AWI Quarterly*. 🐾



## New Book Shows How Greed and Cruelty Have Subverted Hard-Won Protection for Livestock

### *Slaughterhouse*

by Gail A. Eisnitz

Prometheus Books, 1997. 311 pages.

ISBN 1-57392-166-1

*Slaughterhouse* is an intensively researched exposé written by a woman who, virtually singlehanded, uncovered the de facto repeal of our country's federal Humane Slaughter Act. Gail Eisnitz's interviews with slaughterhouse workers, inspectors, and veterinarians as she pursues the shocking results of deregulation of the meat industry make compelling and completely convincing reading.

The Society for Animal Protective Legislation, AWT's companion organization, was the leader in convincing Congress of the need for the Humane Slaughter Act in 1958. Support was so broad and strong from groups as disparate as the General Federation of Women's Clubs, the Butcher Workmen's Union, and newspapers nationwide, that President Eisenhower said if he went by his mail he would think Americans were interested in no other issue. The Livestock and Feed Grains Subcommittee of the House Agricultural Committee visited slaughterhouses to see for themselves the overwhelming need for legislative action. The whole country supported the legislative reform.

But in recent years the industry's passion for the profits that can be made by speeding up the slaughter line wiped out consideration for humans and animals alike. According to a U.S. Department of Agriculture veterinarian quoted in the book, "At every inspection station on the kill floor there's a stop button... if an inspector sees anything wrong, he has the authority to hit that stop button. He's the only one who can give the company permission to turn it on again." But, these days, it hardly ever happens.

And there are a variety of reasons, all related to intimidation, that this basic law enforcement system has been destroyed. For example, an inspector tells the author, "How can you monitor something like that if you're not allowed to leave your station to see what's going on?"

A beef-kill knocker tells Eisnitz, "As the foreman speeded up the line, it got harder and harder to knock 'em. I have to hit 'em four or five times, sec, and even then they sometimes still get up." Describing the air gun, he told her, "they turned the air pressure down and didn't repair the gun when gaskets broke."

Eisnitz, questioning him further, is told, "Once they regain consciousness, they start bellowing. They're hanging there going OOOAAHH!" She asks, "How many of them are like this?" "Twenty-five to thirty percent, easy.... Just to keep the line moving. I've seen cows hit with whips, chains, shovels, hoes, boards. Anything they can use to move 'em. Seen them laid wide open across their nose and stuff."

When Eisnitz asks if he ever complained, he's emphatic: "You bet. To the Foreman, the inspectors, the kill floor superintendent. Even the superintendent over the beef division.... I've gotten so mad on some days I'd go pound on the wall because they won't do anything about it."

Anger at the frightful suffering contrasts starkly with the cold-hearted indifference of the packing company and the slavish following of outrageous policy by those in authority is exemplified by a sticker's account of his failed efforts at getting the hogs to



Gail Eisnitz

Recklessly increased slaughter-line speeds (some as fast as one hog every three seconds) have made humane slaughter impossible, Gail Eisnitz reports.

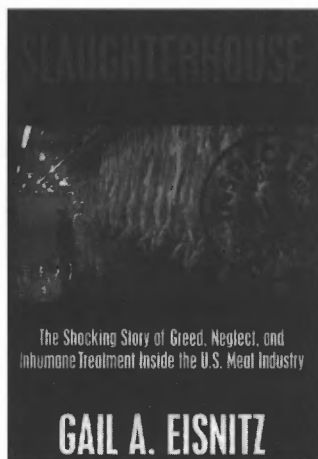
be stunned as required by the federal Humane Slaughter Act. "We kept telling them we were slaughtering conscious hogs. We asked them to set the stunner voltage high enough to knock the hogs out. We said we could try this, try that. The main foreman would agree to take care of the problems, then just walk away. Five minutes later, when we knew he was in another area, we'd run upstairs to the control room and turn up the voltage. What does management do? Puts a lock on the control room door."

Taking the reader into the confidence of the men hired to do the most menial and dangerous jobs, this incisive book manages to cover all of the horrific abuses—including the pitiful, hideously painful deaths of little children who ate hamburger tainted with *E. coli* 0157:H7, the result of feces splattered on the meat during traumatic slaughter. Far from degenerating into a litany of horrors, however, Eisnitz's fast-moving investigation with each individual described and quoted from tape-recorded conversations creates a broad understanding of the whole intolerable situation.

A fierce sadistic spirit has taken hold of some of the men, together with alcoholism and domestic violence. The lead pipes used by such slaughterhouse workers are gathered up before consultants hired by the packing company visit. They don't see conscious hogs driven into the scalding tank or hear their screams. Visiting government officials are likewise carefully protected against the possibility of witnessing the routine cruelty documented in *Slaughterhouse*. 🐾

—Christine Stevens

For more information, contact the Humane Farming Association, 1550 California Street, San Francisco CA 94109, or visit its website at [www.hfa.org](http://www.hfa.org).



*Editor's note: the Multilateral Agreement on Investment, or MAI, has gotten almost no attention in the media, though this abstruse agreement is a serious threat to sovereignty and to governments' ability to regulate transnational corporations. Among other laws, those that protect animals and the environment are threatened by MAI. The excellent article that follows is reprinted from Econews.*

## MAI: Giving the World Away?

by Elaine Weinreb

Imagine if the U.S. were sued by a foreign corporation because it is losing money conforming to laws which insist on dolphin-safe tuna, arguing that this is a trade barrier because other countries don't impose this requirement on tuna.

Imagine, too, that this suit would be heard by an international tribunal from which there is no appeal, that private individuals and organizations were forbidden from suing the foreign company and that local and state governments could not pass laws contradicting the tribunal's decision.

Imagine, even further, that if the U.S. refused to comply with the tribunal it would be subject to trade sanctions like those we impose on Cuba or Iraq—and even could face military force.

Yet all this is possible under the Multilateral Agreement on Investment (MAI), a new international trade pact that would radically alter the ways government can regulate transnational corporations.

Written by the Organization for Economic Cooperation and Development (OECD), which consists of 29 industrialized nations—with input from 447 of the 500 largest transnationals, MAI would substitute an international tribunal for our court system in all matters concerning international trade.

### Trade is Paramount

The purpose is to reduce trade barriers among the 29 countries by requiring that all investing companies, foreign or domestic, be treated equally by any nation that signs the treaty.

Countries now may limit the ability of foreign corporations to dump toxic wastes, strip natural resources or displace local workers, and favor local businesses that promote national goals such as energy conservation or clean air and water. However, under the proposed MAI, this would all be history.

Corporate investors could challenge legitimate public health, safety and environmental safeguards as impediments to the free flow of capital. What's more, once the treaty is signed, nations are locked in for 20 years.

Although preliminary negotiations have been going on since 1995, the proposed treaty has been shrouded in secrecy, and only reached public attention during the recent "fast-track" hearings in Congress. The defeated fast-track legislation would have given the President authority to negotiate trade agreements without any changes by Congress, which only could have voted yes or no.

The MAI treaty has been described as a Bill of Rights for transnational corporations, and the last thing in the world the corporations want is public discussion about it.

### What You Can Do:

Talk to people. It's amazing how many sophisticated people know little or nothing about this threat to freedom. Tell them you do not want MAI because it threatens the ability of the federal, state and local governments to pass and enforce environmental laws, as well as undermining national sovereignty.

For further information, contact Public Citizen, 1600 20th St., NW, Washington, D.C. 20009; (202) 588-1000; e-mail [public\\_citizen@citizen.org](mailto:public_citizen@citizen.org). 🐾

## Danger: WTO's Frightening Record

*All humanitarians need to know the shocking facts detailed here by The Ecologist—the following are excerpts from an editorial in Vol. 27, No. 4.*

by Simon Retallack

If anyone was in any doubt as to the true nature of the World Trade Organization, its actions in the three years since it was created paint a depressingly clear picture. As feared, in every case brought before it to date, the WTO has ruled in favor of corporate interest, striking down national and sub-national legislation protecting the environment and public health at every turn....

When an industry-backed governmental challenge to a "disadvantageous" national or local law is brought before the WTO, the contending parties present their case in a secret hearing before a panel of three totally unaccountable trade experts—generally lawyers who have made careers of representing corporate clients on trade issues—hardly the most neutral of arbiters. There is no provision for the presentation of alternative perspectives from non-governmental organizations, and documents presented to the panel, and the identification of the panelists who supported a position or conclusion, remain secret....

In May 1997, in a move which bodes ill for the European Union law requiring the labelling of all genetically engineered food, a WTO panel declared that the European Union's ban on imports of beef produced with artificial growth hormones violated international trade rules and was consequently illegal. This represents an important victory for the agro-chemical giant Monsanto which produces the hormones, and for the American cattle industry, which uses them to make cattle grow faster and produce more milk.

The issue before the three-member WTO panel was whether the ban was grounded on any scientific evidence that the use of hormones might

endanger health. The "consensus" among "scientific experts" was that there was no such evidence, despite the fact that the results of Monsanto's own clinical trials, which it attempted to disguise, showed that the use of the hormone rBST [also known as rBGH] increases the rate of udder cell infection by 20 percent, leading to a set of painful and disabling health effects. The most important of these is mastitis, inflammation of the mammary gland or udder, which results in pus clots in milk, a swollen red udder and, in bad cases, terminal sickness....

[rBST milk] is also contaminated by rBST, increased levels of thyroid human enzyme, pus, antibiotics (used to treat the mastitis) and increased levels of IGF-1 which has been incriminated as a risk factor in breast and colon cancer, particularly for young children....

If the WTO has swept away laws protecting human health and the balanced composition of the atmosphere, legislation designed to safeguard endangered species has been given even shorter shrift. The U.S. Marine Mammal [Protection] Act placed an embargo on tuna caught with dolphin-killing methods. It was denounced by Mexico as a protectionist trade weapon designed to close markets to foreign competitors. Rather than reform its practices, Mexico sued the U.S. and succeeded in having the law declared illegal under GATT rules, under the pretext that the way in which a product is produced may not be used as grounds for trade discrimination.

The U.S. law restricting the import of shrimps for countries whose fishermen catch them with methods that kill endangered sea turtles appears set to follow a similar fate....

It has been estimated by the U.S. chief negotiator at one of the preparatory meetings for the Rio conference that 80% of America's environmental legislation could be challenged and declared illegal before WTO panels. 🐾



## From Guinea Pig to Computer Mouse

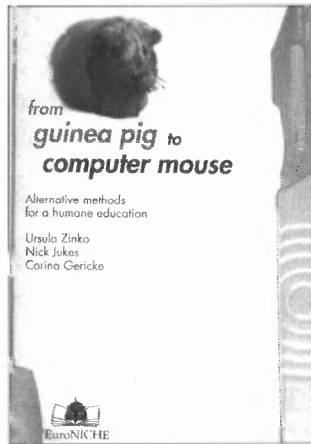
By Ursula Zinko, Nick Jukes, and Corina Gericke  
Published by European Network of Individuals and Campaigns for Humane Education (EuroNICHE), 1997

This book is a valuable compendium of resources for teachers and students interested in replacing traditional "educational" experiments that harm or kill sentient animals and in complementing existing humane education. EuroNICHE, whose members compiled this book, is an organization established in 1988 by students and animal welfare campaigners. The book provides information on replacing animal experiments traditionally conducted by students with non-animal techniques. Although it is primarily aimed at undergraduate college-level and veterinary school education, teachers and students at other educational levels will find it useful. This book deserves wide distribution.

Alternative resources are listed with descriptions of their use and information on how to obtain them. The listing includes a variety of alternatives, from models and mechanical simulators, film and interactive video, computer simulation and virtual reality, self-experimentation and human studies, responsible animal use, in vitro and plant experiments, and observational and field studies of living creatures. Although many of the resources are available from European sources, some have been developed in the United States and are readily available here. *From Guinea Pig to Computer Mouse* is distributed in the U.S. by the Humane Society of the United States (see information given below). Both EuroNICHE and HSUS have established loan systems for a number of these resources that enable teachers to sample and familiarize themselves with alternatives.

EuroNICHE defines an "alternative" as a teaching approach or educational aid that forms part of a humane education system or which can replace harmful animal use. They point out that the use of alternatives is the norm in some European universities. Indeed several countries in Europe (the United Kingdom, Germany, Sweden, Denmark, the Netherlands, and elsewhere) have laws that, very reasonably, require a certain level of competency of persons who engage in animal experimentation. For instance, the 1986 German law states: "Only persons with the requisite

expertise may conduct experiments on animals. Only persons who have completed university studies in veterinary medicine, medicine, or natural sciences may conduct experiments on vertebrates." This means that students must hold at least a baccalaureate degree in one of the biomedical sciences before being allowed to experiment on vertebrate animals. No such law exists in the United States.



Indeed, the U.S. is far behind Europe in establishing alternatives in education and yet the problems of mistreatment of animals in biology education have been particularly serious here. Despite many efforts for reform in the U.S., still only a few state laws limit high school dissection by making it optional. Furthermore, only a handful of states have laws that ban high school experiments that involve inflicting pain. A notable exception is a 1979 Massachusetts law that prohibits elementary and secondary school students from conducting experiments in which vertebrate animals (mammals, birds, fish, reptiles and amphibians) are "experimentally medicated or drugged in a manner to cause painful reactions or to induce painful or lethal pathological conditions, or in which said vertebrates are injured through any other type of treatment, experiment or procedure but not limited to anesthetization or electric shock, or where the normal health of said animal is interfered with or where pain or distress is caused."

In the U.S., there are no national policies that limit the use of animals in colleges or professional schools. But veterinary and medical students have been vocal in protesting requirements that they harm animals as part of their education, for instance conducting non-therapeutic surgery on dogs and cats. As a result, some institutions, such as Tufts University Veterinary School, have developed "alternative programs" for their students who object to causing harm to healthy animals. Among the many substitutes offered are that the veterinary students use cadavers, and only conduct therapeutic surgery (not practice surgery on healthy animals).

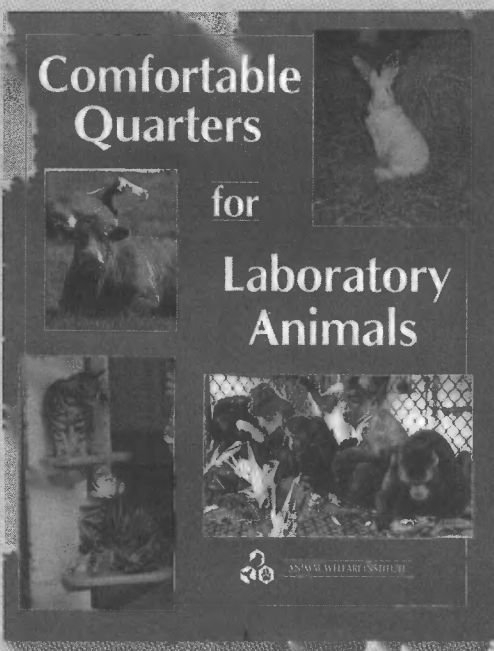
The overall aim of EuroNICHE is to create a humane education system throughout Europe. Their vision is of 100 percent replacement of harmful animal use. They object to the tradition of harmful use of animals in education in which countless frogs, fish, rats, and other animals are used as disposable tools and are killed each year to teach about the processes of life. They believe that this violation of the animals' integrity and this culture of violence degrades animals, students, and the wider society.

These organizational objectives are realized by a number of activities aimed primarily at university students. EuroNICHE offers an alternatives advisory service, provides support and advice for students who have a conscientious objection to harming animals, and holds annual conferences. The organization maintains national contacts in over 20 countries, and these contacts include members who are the very people who face difficulties at universities regarding freedom of conscience and the right to non-animal, non-harmful alternative methods. 🐾

—F. Barbara Orlans

*From Guinea Pig to Computer Mouse* is available from Dr. Jonathan Balcombe, Associate Director of Education, The Humane Society of the United States, 2100 L St, N.W., Washington, D.C., 20037, Tel: 202-452-1100, Fax: 202-778-6132, at a price of \$10.95 which includes shipping.

## AWI's Animal-Housing Resource Revised, Updated



AWI has published a new, comprehensive eighth edition of *Comfortable Quarters for Laboratory Animals*, edited by Viktor Reinhardt, with a foreword by John Gluck and with chapters by 17 leading scientists and veterinarians.

The book, which provides authoritative information on every aspect of animal care, is an indispensable resource for investigators and a valuable contribution to animal welfare.

A free copy of *Comfortable Quarters* is available to scientific institutions, members of Institutional Animal Care and Use Committees, veterinarians and architects; for all others, it is available for \$5. Call or write AWI for more information.

## Japan and Norway Use a New Tactic to Forward Whaling Agenda

In their push to reopen commercial whaling, Japan and Norway are trying furiously to manipulate the International Whaling Commission's new chairman—and it looks like they're succeeding.

Michael Canny, the Irish commissioner who became chairman of the IWC last year, is now peddling an "Irish Proposal" that would allow coastal commercial whaling not only on the ten species of large whales, but also the hundreds of species of smaller whales, dolphins and porpoises. Canny—a career bureaucrat who heads Ireland's parks department—may be in over his head when it comes to whaling issues.

The Irish compromise would call for a ban on all pelagic (deep-sea) whaling (such as Japan's whaling in the Antarctic) but authorize all coastal nations to conduct whaling within their territorial waters (which, in the case of Norway and Japan, reach 1,000 miles out to sea). Unfortunately for the world's whales and dolphins, the territorial zones along coasts and around islands cover 40% of the world's oceans. Worse still, almost all whale and dolphin species swim within Canny's "killing zone" at one time or another every year. Coastal whaling is a long-sought Japanese aim.

The Irish scheme was roundly condemned by more than a dozen IWC nations at the commission's 1997 meeting, as well as by the conservation and animal welfare groups leading the Save the Whales campaign. When Canny called for a special intersessional meeting of the commissioners to package the proposal for the 1998 meeting, strong opposition was expressed by the United States, the United Kingdom, New Zealand, Australia and Brazil, among others.

Nevertheless, Canny scheduled the closed-door commissioner's meeting for February 1998 in, of all places, Antigua. The location, and the fact that no pesky whale-savers will be allowed to observe, have raised many eyebrows. Not only is Antigua among several Caribbean nations who are heavily influenced by Japan, it has also repeatedly been linked to various forms of corruption and organized crime. Just last year, the U.S. State Department called Antigua "a weak link in efforts to combat drug trafficking and money laundering."

The Japanese government and whaling interests have bought massive influence in Antigua and four other island nations: St. Vincent, St. Lucia, Dominica and Grenada. All five of these countries vote slavishly in line with Japan's wishes at the IWC meetings. In this manner, Japan is often able to block whale-protection measures requiring a three-quarters majority of the commission's 39 member nations.

Further complicating the picture, Japan claims to *oppose* the Irish

scheme—perhaps because they are unwilling to stop their Antarctic "scientific" whaling, which supplies millions of dollars' worth of whalemeat to the Japanese market.

**Action:** Please write a letter of protest to the Irish government, asking why Ireland, normally a strong conservationist nation, is helping the two renegade whaling countries, Japan and Norway, in their attempt to overturn the global whaling ban that has already saved tens of thousands of whales from being harpooned. Write to: Embassy of Ireland, 2234 Massachusetts Avenue NW, Washington, DC 20008. 🐾

### Other News from Monaco

From October 20-24, the International Whaling Commission (IWC) gathered in Monaco for its 49<sup>th</sup> annual meeting, with 38 countries and about 100 official observers in attendance, including the Animal Welfare Institute. As always, the meeting was a peculiar dance between the adherents of two mutually exclusive worldviews: whales as kin or whales as dinner.

Last year the U.S. government's attempt to win a quota of five California Gray Whales yearly for the Makah Indian tribe of Washington state was withdrawn. In Monaco, the Makah plan returned, tucked in with the existing quota for Russia's Inuits of 124 whales a year. Delegates wanted to give the Russians their quota, but were still strongly opposed to the Makah proposal. Language was inserted into the proposal limiting whale hunting to those aboriginals "whose aboriginal subsistence and cultural needs have been recognized." Because these needs of the Makah have specifically *not* been recognized by the IWC, many delegates and observers believed the proposal does not permit the Makah to hunt whales. The U.S. argued the reverse—undoubtedly sending the issue into U.S. courts for resolution.

In other developments, the IWC upped the quota of Greenland's minke whale take by 20 whales a year. Japan pushed for a change in the rules of procedure that would allow the option of votes being taken by secret ballot, a move that has enabled substantial corruption at CITES (Convention on International Trade of Endangered Species) by allowing countries influenced by Japan to hide their compromised votes. The IWC also voted down for the tenth year in a row Japan's request for an allotment of 50 minke whales to their coastal whalers, due to its clear commercial component. 🐾



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