



THE UPDATE

Captain's Blog



Banning NZ seafood exports to the US - how is Sea Shepherd doing?

In short, not well.

Despite what 'Maui dolphin expert' professor Liz Slooten and Sea Shepherd New Zealand Director Michael Lawry said this week to Radio New Zealand (RNZ), the Sea Shepherd case (that New Zealand was not doing enough to protect the Maui dolphin) has thus far been shot down by the United States Government.

By way of background, Sea Shepherd originally filed proceedings in the US in 2018. They claimed that New Zealand was failing to protect the Maui dolphin, and that this should be addressed by banning all New Zealand seafood being imported into the US. Not just seafood from Maui habitat, the West Coast of New Zealand's North Island, but all New Zealand seafood. Remember, this is a \$2 billion export economy, and the US is a significant trading partner. The rationale for all seafood being banned was there was no traceability system that would determine where New Zealand seafood came from.

Sea Shepherd claimed that New Zealand's science and fisheries management standards were not comparable with those set out in US law.

In June 2019, the US Government dismissed Sea Shepherd's petition. Not to be dissuaded by that decision, Sea Shepherd filed legal proceedings in May 2020 claiming the rejection of their petition was capricious and arbitrary and again sought a ban on New Zealand seafood exports.

The Ministry for Primary Industries joined the proceedings as a party and subsequently filed a 140-page paper outlining the reasons Sea Shepherd's contentions were incorrect,

and the scientific research that underpinned the Maui and Hector's Threat Management Plan.

They also requested a comparability assessment to ascertain how New Zealand's marine mammal protection stacked up against the US. This was carried out by the US Government.

The US Government Report strongly defended New Zealand's process and again advised the Court that New Zealand's management is comparable to that in the US. The US Government again dismissed Sea Shepherd's petition for a ban on seafood exports to the US.

Slooten repeated the view that there are Maui dolphins on the North Island's East Coast. The US Government looked at the information Sea Shepherd provided to substantiate that claim and called it '*misleading*'. On this matter, the US Government Report concluded that the evidence '*... clearly shows the absence of confirmed sightings of Māui dolphin on the East Coast of the North Island and does not support the existence of either a resident or "transient" population of Māui dolphins.*'

Lawry constantly repeats the lie that there are 57 Maui remaining, when the official data is 63 over one year old.

All of this evidence flies in the face of the rhetoric on repeat from Lawry and Slooten.

Slooten also suggested to RNZ that boaties on the East Coast might like to try scooping up some sea water in the vicinity of a small dolphin to get some DNA. We are verging on the farcical here. According to the experts, picking up enough, or the right kind, or any DNA is unlikely and if you do, there are no facilities to analyse it.

A lot of time and a lot of money has been spent defending the right of one of New Zealand's most valuable industries to do business. That effort has been expended because ideology cannot be seen to triumph over science.

No one wants to go down that rabbit hole.

It's not over. The judge will allow the plaintiff (Sea Shepherd) and defendants (the US Government) and the Defendant-Intervenor (the New Zealand Government) to file their final responses by mid-December. He will hear the case in the New Year.

For the sake of the New Zealand seafood industry and the wider New Zealand economy, we can only hope that evidence continues to prevail.

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