

FOR COD AND COUNTRY

I recently came very close to serving the rest of my life in a Canadian prison.

I didn't kill or hurt anybody, and I didn't damage any property. My crime? I embarrassed the government of Canada and for that, the Canadian judicial servants threw down the glove and lunged straight for my jugular.

It ain't easy policing the oceans, especially if you're protecting fish.

It all started in August 1993 when I departed from Nova Scotia as captain of the 200-foot *Cleveland Amory* to go to the Grand Banks of Newfoundland and ordered Spanish and Cuban draggers off the fishing grounds. Canadian fisherman and politicians had been whining for a year about the giant draggers that continued to strip-mine fish after Canada had declared a total moratorium on cod fishing. With Canadian fishermen on welfare and sitting on the dock, the government's response was a course heavy on rhetoric and weak on action. The fishery had collapsed in Canada, and draggers flying various foreign flags of convenience were raping the waters just outside the territorial limits.

Something had to be done. We left with well wishes from the fishing community and even a good luck salutation from the Canadian Minister of Fisheries and Oceans.

Three days later, I encountered a Cuban trawler, the *Rio Las Casas*. I was also met by four Canadian government ships that refused to communicate with me. They just followed in my wake like a silent escort.

Citing the authority of the United Nations World Charter for Nature, which allows for non-governmental and individual action to protect endangered species and habitats, I ordered the Cubans to stop fishing. To my surprise, they did. That is, until a Canadian Fisheries patrol boat radioed them: "That black ship is commanded by a pirate. You have every right to fish in these waters."



The Cubans reset their net, so I cut them off, and with the aid of a harmless stink bomb, evacuated their trawl deck. I again ordered them to leave, and they did. I then headed off to obstruct two Spanish draggers.

Unbeknownst to me, the Canadians—who I thought were on my side—had secretly stashed a 21-man emergency response team from the Royal Canadian Mounted Police onboard one of the Coast Guard ships, and had dispatched a Canadian Naval destroyer to back up the four government ships, five aircraft and 200 personnel already on site.

The Mounties chased the Cubans and pleaded with them for two hours to lay a complaint against me. They did, and my ship was boarded and seized and my crew detained and held without charges. I was arrested and charged with two felony mischief counts endangering life.

A government that had been complaining that they had no authority to

deal with over-fishing outside the 200-mile limit had strangely enough found the authority to board my ship and arrest me in international waters for obstructing the same ships they insisted they wanted removed!

I was received with a hero's welcome by Newfoundland fishers, but the government would not relent. I was ordered to stand trial in September 1995, and released on \$10,000 bail. If found guilty, the maximum sentence on two of the felony counts would be life. I was also charged with simple mischief.

While I waited for the trial, the government in March 1995, goaded by political pressure from frustrated fishermen, attacked the Spanish trawler *Estai* with gunfire and water cannon in international waters. The ship was seized and her captain arrested. The Minister of Fisheries of Canada was lauded in the media as a national hero. He then dropped the charges and released the Spanish



The Sea Shepherd ship Cleveland Amory obstructing the trawl nets of the Spanish dragger Pesca Vaqueiro on the Grand Banks of Newfoundland, 240 miles off the coast of Canada, July 28, 1993. Photo: Peter Brown

actions were illegal. My defense was that while I did in fact obstruct the Cubans, I was acting under the authority of the United Nations World Charter for Nature. The Crown prosecutor called me "a pirate motivated by ideology, and misguided priorities."

The jury disagreed and returned with a not guilty verdict on the two serious charges, and a guilty verdict on the charge of simple mischief for aiding and abetting a crew member who tossed a stink bomb. The crew member was not charged.

So after the Canadian government spent CAN\$3.2 million to arrest me and another million on prosecuting me, I was ordered to pay a \$35 fine and given a 30-day jail sentence, which I am now appealing and am confident that I will win.

Most importantly to me, the Cuban ship we obstructed returned to Cuba without catching any more fish, and the entire Cuban fleet was recalled. Whereas redfish quotas in 1992 were exceeded by 40%, in 1993 the catch was 40% under quota. We had indeed saved some fish.

Even more embarrassing for the government, however, Spain charged Canadian Fisheries Minister Brian Tobin with piracy and malicious prosecution for attacking the Spanish trawler *Estai*. Spain has called me as a witness for the plaintiff to prove that Canada's actions were wrong. Incensed, Canada is now appealing my acquittal by the jury and demanding a second trial.

Like I said, it ain't easy policing the oceans.

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ship with compensation.

In September, my trial began. It was a three-week affair with thirty government witnesses. I was not allowed to compare my actions to the government's attack because according to the judge, the government's

A riddle from the deep...



Riddle me this: When is an editorial not an editorial?

Time's Up. When it's written by a fund-raising copywriter and not the person whose signature appears on the byline.

Not exactly what you'd expect from the "magazine divers trust."

What ever happened to calling an aqualung an aqualung?

