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WORLD NEWS

by Scott Johnson, Cari Shiffman,
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ASIA

CHINESE PROVINCIAL REPORT HIGHLIGHTS WIDESPREAD POLLUTION IN MAJOR FISHERY

An August 2006 report by China's Zhejiang Provincial Environmental Bureau ("ZPEB") highlights continuing damage from petrochemical waste, heavy metals pollution, and overfishing to the Zhoushan fishery in the East China Sea.¹ The Zhoushan fishery is among the largest in the East China Sea,² and home to more than three hundred fish species, more than eighty shrimp and crab species, and more than 125 varieties of algae.³ The fishery accounts for ten percent of China's total annual fish catches⁴ and fifty percent of total catches for the Zhejiang Province.⁵ The ZPEB study indicates that 81 percent of the 20,800 km² Zhoushan fishery earned a category four pollution rating, with a highest pollution rating of five, up from 53 percent in 2000.⁶ During approximately the same period, from 2001 to 2005, total catches in the Zhoushan fishery decreased from 1.3 million tons to 0.98 million tons,⁷ with a concurrent decrease in the quality of fish caught.⁸ China has been the world's largest producer of fish since 1990, with total production reaching approximately 40 million tons in 1999, accounting for thirty percent of the world total.⁹ Despite the continued growth of aquaculture, which has, in fact, replaced capture fishing as China's major fishery activity,¹⁰ a continued environmental decline of the Zhoushan fishery may have various significant implications to China's food security and the economic viability of its fishing industry for domestic consumption as well as export.

AMERICAS

WAL-MART INTRODUCES SUSTAINABLE SEAFOOD LABEL

On August 31, 2006, Wal-Mart announced the immediate availability of ten fish products certified as sustainable by the Marine Stewardship Council ("MSC"),¹¹ a UK-based fishing advocacy group founded by the multinational corporation Unilever and the conservation organization World Wildlife Fund ("WWF").¹² Identified by the blue MSC logo, the MSC certification indicates that a source fishery is "well-managed and sustainable,"¹³ judged by the condition of fish stocks, the impact of the fishery on the environment, and fishery management systems.¹⁴

The move received considerable attention from sustainability-oriented news outlets.^{15,16} While organizations such as Greenpeace have questioned MSC certification criteria,¹⁷ MSC Chief Executive Rupert Howes believes the move will "encourage other fisheries to join the MSC. . . and provide a powerful new route for consumers to support sustainable fishing."¹⁸ Even Wal-Mart Watch, a group aiming to "reform" the world's largest retailer, voiced support, calling the announcement a "positive move."¹⁹

Wal-Mart Watch also suggests that Wal-Mart go even further, calling for the retailer to "source and label the origin of. . . sustainable products, including meat and poultry."²⁰ Wal-Mart may in fact go this route, as Wal-Mart Seafood's vice president, Peter Redmond, claims that this move is but a part of "Wal-Mart's continued commitment to offering sustainable products at affordable prices to our customers."²¹

AFRICA

DEADLY TOXIC WASTE DUMPING IN IVORY COAST

In what one reporter dubbed "a dark tale of globalization,"²² a tanker dumped waste materials, apparently containing hydrogen sulfide, around the city of Abidjan, Ivory Coast causing several deaths and tens of thousands of injuries.²³ The ship is Greek-owned, flagged by Panama, and leased by Trafigura Beeher BV ("Trafigura"), a private Dutch oil trading company.²⁴ Violent protests erupted throughout Abidjan as thousands sought medical attention for ailments connected to the toxic sludge and "noxious fumes" that saturated the air.²⁵ The toxic dumping and ensuing violent protests forced the Ivory Coast cabinet to resign, save a few key ministers, though most cabinet members were reinstated a few days later.²⁶ Analysts estimate that the waste could have been disposed of safely in Europe for approximately U.S. \$300,000.²⁷

Trafigura insists that the gasoline waste dumped in Abidjan did not contain any toxic hydrogen sulfide and was only regular "chemical slops."²⁸ However, U.N. tests of waste found in Abidjan revealed "toxic levels of hydrogen sulfide," though this waste was not conclusively the Trafigura waste.²⁹ Trafigura additionally maintains that it gave the cargo of the ship to Compagnie Tommy ("Tommy"), a local waste disposal company, to safely

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remove the “chemical slops.”³⁰ Before the ship sailed to the Ivory Coast, Amsterdam Port Services, the waste processing company that originally handled the waste, found inconsistencies between the waste amount Trafigura said was on the ship and the amount actually on the tanker.³¹ Amsterdam Port Services additionally reported that a number of its workers complained of illnesses.³²

Ivory Coast authorities arrested ten persons in connection with the dumping, including two Trafigura executives who entered the country to assist in the cleanup process.³³ While the Ivory Coast sought to have the responsible tanker detained by Estonian officials, environmental activists blockaded the ship, preventing it from leaving an Estonian port.³⁴ Following detainment of the tanker, slop sample tests from the ship revealed trace amounts of “environmentally dangerous, poisonous chemicals.”³⁵ In Amsterdam, Greenpeace has begun filing complaints against Trafigura, Amsterdam Port Services, and Dutch environmental authorities in connection with the dumping.³⁶ Experts have expressed further concerns about possible long-term effects in the Ivory Coast from the toxic waste.³⁷ In reaction to these ongoing events, Trafigura reported that it has begun legal proceedings against Tommy in connection with Tommy’s involvement with the “slops.”³⁸

EUROPE

MEDITERRANEAN BLUEFIN TUNA POPULATION DECLINING

In September 2006, the World Wildlife Fund (“WWF”) presented data to the European Parliament’s Fisheries Committee, which is responsible for, among other things, conservation of EU fishery resources,³⁹ noting dramatic decreases in wild bluefin tuna populations in the Mediterranean Sea.⁴⁰ Declines were particularly striking in the western Mediterranean near Spain’s Balearic Islands.⁴¹ The report, prepared for WWF by the independent consultancy Advanced Tuna Ranching Technologies, SL (“ATRT”), indicates recent bluefin tuna catches in the Balearic Islands area amounted to only fifteen percent of catches ten years ago, decreasing from approximately 14,700 metric tons in 1995⁴² to 2,270 metric tons in 2006.⁴³ The WWF alleges the decrease has been caused, in part, by significant illegal, unregulated, and/or unreported bluefin catches in the Mediterranean and Eastern Atlantic, in some cases perpetrated by prominent contracting parties to the International Commission for Conservation of Atlantic Tunas,⁴⁴ including France, Libya, and Turkey.⁴⁵ ATRT alleges that those parties may be “greatly exceeding . . . quotas and deliberately failing to report much of their massive catches.”⁴⁶ Tuna farming, the process of catching, confining, and fattening wild bluefin tuna in net cages,⁴⁷ driven primarily by Japanese market demand for sushi,⁴⁸ puts additional pressure on the already strained Mediterranean stock because juvenile fish sometimes are farmed, preventing them from breeding to replace the wild population.⁴⁹ WWF also notes that increased farming capacity encourages industrial fleets to

extract even more bluefin tuna,⁵⁰ and that farming may spread disease from exotic feed fish, posing an additional threat to the already strained wild bluefin tuna population.⁵¹

MIDDLE EAST

DAMAGES DEMANDED AFTER SUEZ CANAL OIL SPILLS

In the aftermath of recent oil spills in the Suez Canal, the Egyptian government is pursuing monetary compensation from the responsible tankers for damages caused.⁵² The government released an impounded Liberian tanker, the *Grigoroussa I*, which spilled 3,000 tonnes of oil into the canal in February, after the tanker’s owners agreed to a stipulated payment of U.S. \$3.4 million in compensation damages.⁵³ Two million dollars of the damages will be paid to the canal, one million dollars will go to the Egyptian environmental agency, and four hundred thousand dollars will be issued to businesses affected by the spill.⁵⁴ The *Grigoroussa I* will further be required to pay U.S. \$1.39 million to reimburse maritime services that were provided to the tanker.⁵⁵ In connection with an oil spill that occurred in September, the Egyptian environmental agency, local fishermen, and affected businesses are asking for over U.S. \$8.7 million in damages from the responsible Liberian tanker, the *Anna P.C.*⁵⁶ The *Anna* leaked over 600 tonnes of oil into the canal when it hit the canal bank attempting to avoid hitting another tanker that had run aground.⁵⁷ In addition to the oil spills, several other accidents involving ships have occurred recently at the Suez Canal, including the one that led to the *Anna* discharging crude oil, calling into question the safety measures in place at the canal.⁵⁸

Endnotes: World News

- ¹ Chinadaily.com, *Pollution, Overfishing Destroying E. China Sea Fishery* (Aug. 16, 2006), available at http://www.chinadaily.com.cn/china/2006-08/16/content_666168.htm (last visited Oct. 24, 2006) [hereinafter *Pollution*].
- ² National Ocean and Atmospheric Administration (“NOAA”), *China Fishery Statistics* (Table 2), <http://www.lib.noaa.gov/china/archi/statistics.htm> (last visited Oct. 24, 2006).
- ³ People’s Government of Zhejiang Province, *Brief Introduction of Zhoushan*, <http://www.zhejiang.gov.cn/gb/zjnew/node428/node511/node2076/userobject1ai559.html> (last visited Sept. 24, 2006) [hereinafter *Zhejiang*].
- ⁴ *Zhejiang, id.*; *Pollution, supra* note 1.
- ⁵ *Zhejiang, supra* note 3.
- ⁶ *Pollution, supra* note 1.
- ⁷ *Pollution, supra* note 1.
- ⁸ *Pollution, supra* note 1.
- ⁹ NOAA, *supra* note 2.
- ¹⁰ FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS, INLAND WATER RESOURCES AND AQUACULTURE SERVICE, NATIONAL AQUACULTURE SECTOR OVERVIEW — CHINA, available at http://www.fao.org/figis/servlet/static?dom=countrysector&xml=naso_china.xml (last visited Oct. 24, 2006).
- ¹¹ WalMartFacts.com, Wal-Mart Stores Inc., *Introduces New Label to Distinguish Sustainable Seafood*, <http://www.walmartfacts.com/articles/4425.aspx> (last visited Oct. 24, 2006).

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¹² About MSC: Marine Stewardship Council website, <http://eng.msc.org/> (last visited Oct. 24, 2006).

¹³ MSC, FLOW CHART OF MAIN STEPS IN FISHERY ASSESSMENT PROCESS, *available at* http://www.msc.org/assets/docs/fishery_certification/Flow%20chart%20of%20Fishery%20Assessment%20Process.doc (last visited Sept. 23, 2006).

¹⁴ About MSC, *supra* note 12 (click on fisheries).

¹⁵ GreenBiz News, *Wal-Mart Launches Sustainable Fisheries Labeling*, Sept. 6, 2006, http://www.greenbiz.com/news/news_third.cfm?NewsID=33929&CFID=13660610&CFTOKEN=21973704 (last visited Oct. 23, 2006).

¹⁶ Treehugger, *It's Getting Harder to Hate Wal-Mart* May 17, 2006, http://www.treehugger.com/files/2006/05/its_getting_har.php (last visited Oct. 24, 2006).

¹⁷ GREENPEACE, THE MARINE STEWARDSHIP COUNCIL — PRINCIPLES AND CRITERIA (DRAFT) (Feb. 2, 2004), *available at* <http://www.rcep.org.uk/fisheries/>

[p2evid/p2-Greenpeacecritique-MSPrinciples.pdf#search=%22marine%20stewardship%20council%20critique%22](http://www.rcep.org.uk/fisheries/p2evid/p2-Greenpeacecritique-MSPrinciples.pdf#search=%22marine%20stewardship%20council%20critique%22) (last visited Oct. 23, 2006).

¹⁸ WalMartFacts.com, *supra* note 11.

¹⁹ WalMartWatch.com, *Wal-Mart begins selling MSC certified fish products*, http://walmartwatch.com/blog/archives/wal_mart_begins_selling_msc_certified_fish_products/ (last visited Oct. 24, 2006).

²⁰ WalMartWatch.com, *id.*

²¹ WalMartFacts.com, *supra* note 11.

²² Lydia Polgreen & Marlise Simons, *Global Sludge Ends in Tragedy for Ivory Coast*, N.Y. TIMES, Oct. 2, 2006, at A1.

²³ Polgreen & Simons, *id.* 22; *Dutch Company Refutes Chemical Concerns*, ASSOCIATED PRESS, Sept. 25, 2006 [hereinafter *Dutch Company*].

²⁴ Polgreen & Simons, *supra* note 22; Ian Bickerton et al., *Dutch Probe Abidjan Dumping*, FIN. TIMES, Sept. 26, 2006, at 3 [hereinafter *Dutch Probe Dumping*]; *Dutch Company*, *supra* note 23.