

INVESTIGATOR

Autumn • 2023

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The whaling investigation that led to the creation of EIA

US timber traders help to
support Myanmar's junta by
importing illicit teak

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INTRODUCTION



Welcome to the Autumn 2023 *Investigator* magazine.

Next year, EIA will be celebrating

a major milestone as we mark our fourth decade at the forefront of uncovering and campaigning against environmental crime and abuse.

However, the seed that blossomed into this organisation was actually planted a year earlier when our three founders all met on a mission to investigate and document Norwegian whaling.

In this issue, we're delighted to share an account by Co-founder Dave Currey of how he met with Allan Thornton and Jennifer Lonsdale aboard a refitted fishing trawler bound for the Barents Sea, in the Arctic Circle – and how that fateful trip led the trio to form EIA.

I hope you enjoy it and, once again, my sincere thanks for all your support.

Mary Rice
Executive Director

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US timber traders help support Myanmar's junta by importing illicit teak

In May, our Forests team named and shamed 12 major American timber firms importing teak from Myanmar since the start of the February 2021 military coup.

They were named in the new report *Acts of Defiance II – US companies break sanctions to import teak from*

Myanmar, a redacted version of which was published in December last year, with the identities of the 12 provided

It's time for Amazon boss Bezos to clear the decks

Jeff Bezos, Amazon founder and the second wealthiest man in the world is keen to display his green credentials.

He has previously donated \$1bn through his Earth Fund to combat climate change and protect nature and at the CoP26 UN climate summit in 2021 he revealed he would plant 20 million trees across Africa.

All very admirable, but 700 miles away, shrouded in secrecy, he was engaged in another ambitious and hugely expensive

project – commissioning the building of the largest sailing vessel in the world at a reported cost of \$500m (almost £403m).

No expense was spared and the vessel – named 'Koru', the Māori word for 'new beginnings, life and hope' – was literally bedecked from bow to stern in undeniably beautiful teak.

separately to US authorities.

Forests Campaign Leader Faith Doherty said: "It's no secret what's happening and it's not complicated – but without enforcement action, it's no wonder US-based traders blithely continue to import Myanmar's blood teak when they know there will be no consequences for them. That is not acceptable.

"The US Government needs to show political will and leverage its resources to enforce sanctions and the US Lacey Act 2008 to stop the lucrative trade in illicit timber supporting the criminal, brutal Myanmar regime and its cronies."

Myanmar is one of the world's biggest producers of high-quality natural teak, prized for its water-resistant properties and much sought-after for decking and fixtures on the superyachts of the wealthy.

But teak imports into America are

But as the best teak on Earth is found in Myanmar, it may be assumed that it will have been used for the decking on Bezos' yacht, although neither he nor yacht-building firm Oceanco have confirmed it.

EIA's repeated enquiries on the origin of his yacht's teak have been met with stony silence, so in June we ran an opinion piece urging him to clarify the issue once and for all.

We've yet to hear from Mr Bezos, but will let you know if we do. ●

Right: Jeff Bezos' teak-clad sailing yacht, the Koru

outlawed by US sanctions; the species also cannot be traded in compliance with the amended Lacey Act, which bans imports of goods in violation of any foreign law protecting or regulating plant species.

However, EIA investigators found many of the US timber importers were seeking to circumvent the law by using what is known as the 'stockpile narrative', a sleight-of-hand in which they claim their teak was purchased from Myanmar stockpiles and paid for before sanctions were imposed in April 2021. EIA has seen no evidence that this is the case.

Myanmar has one of the world's highest rates of deforestation and, if it continues at its current rate, it is estimated that the country's forests will disappear by 2035.

Opposite page: Felled teak stored in a Myanmar Timber Enterprise logyard in Yangon, Myanmar





Iceland disappoints as it decides to let cruel whale slaughter continue

As August drew to a close, Iceland announced that the killing of endangered fin whales can continue under 'stricter' conditions.

The Government declared back in June that hunting would be suspended until 31 August after an official report laid bare the appalling cruelty involved.

Indications over the summer suggested the Government would opt to ban whaling.

However, Svandís Svavarsdóttir, Iceland's Minister of Food, Agriculture and Fisheries, disappointingly announced on the final day of the suspension that it would continue.

"A regulation will be introduced that includes detailed and stricter requirements for fishing equipment, fishing methods and increased monitoring. The conditions include training, education, fishing

equipment and fishing methods," she stated.

EIA Senior Ocean Advisor Clare Perry responded: "Time and again, it has been proven that there is simply no humane way to kill a whale at sea.

"The hunt will remain appallingly cruel, utterly unnecessary, bad for the climate and a huge threat to Iceland's economy and international reputation."

Only the day before Iceland's announcement, EIA released a new briefing, *An Indefensible Practice – Iceland's commercial whaling in the face of climate, economy, welfare and biodiversity concerns*.

In it, our Ocean and Climate team experts debunked claims made in the media by the country's last whaler, Kristján Loftsson, that continuing to hunt fin whales was good for the climate because of the carbon dioxide (CO2) they exhale and the impact of their faeces and urine on the growth of algae in the seas off Iceland.

"With his ludicrous claim that Iceland will be helping to meet its goals in the fight against climate change by allowing the continued slaughter of these endangered creatures, he is descending into outright farce," said Perry.

"In fact, the reverse is true – whales, including fin whales, provide vital and unique ocean ecosystem services, including capturing carbon from the atmosphere."

Loftsson's spurious climate claims also took no account of the climate-harming emissions directly arising from his hunting of fin whales, including:

- emissions from the storage and shipping of fin whale products to Japan
- emissions from powering the hunting vessels each day through the hunting season
- emissions due to the refrigerated storage of whale products over a long period of time.

EIA calculated that a single shipment by Loftsson's company Hvalur of 2,576 tonnes of fin whale meat to Japan last December in the Norwegian-flagged Silver Copenhagen, a Dutch-owned cargo ship, resulted in greenhouse gas emissions within the range of 2,939-3,054 tonnes CO2-equivalent. ●

Opposite page: Fin whale landed at Miosandur whaling station, Iceland, in 2014

Above, left: Hvalur's two whaling ships docked in Reykjavik in August 2023

Above: The Silver Copenhagen offloads 2,576 tonnes of fin whale at the port of Shimonoseki, Japan



Global plastics treaty takes a step forward, but work remains to be done

EIA was one of the first organisations to call for a legally binding global treaty to end plastic pollution, beginning our work on a global solution to the plastics crisis in 2017. Six years on, we welcome the first draft of the treaty.

In early September, the Chair of the Intergovernmental Negotiating Committee (INC) towards a new legally binding instrument to end plastic pollution, Gustavo Meza-Cuadra, released a ‘zero draft’ of the proposed treaty.

This came ahead of the third round of negotiations (INC-3), due to be held in Nairobi, Kenya, in November this year, and represents an important step forward.

“The draft provides a firm basis for the next round of negotiations and the efforts

of the Chair to incorporate the diverse perspectives of all member states are commendable,” said Christina Dixon, our Ocean Campaign Leader. “While progress has been made, our journey is far from over and nothing is agreed until everything is agreed. As the talks move to their next phase, we hope to see member states safeguard the most meaningful measures that will end plastic pollution.”

The negotiations in Nairobi will mark the mid-point of the INC process, which is due to conclude its work by the end of

2024. This meeting, the third of a total of five negotiating meetings, will be the first opportunity for countries to haggle over legal text.

EIA campaigners will be on the ground in the Kenyan capital, continuing our work to campaign for a robust treaty that is fit for purpose to end plastic pollution. This would include controls on production of new plastics, measures to improve the design of plastic products, sectoral approaches to address some of the most destructive forms of plastic pollution such as lost or discarded fishing gear and microplastics and also a financing mechanism which would enable flows of resources from developed to developing countries.

Many countries have put forward ambitious views for a treaty, aligned with

the vision EIA has been promoting but, despite this, negotiations have so far been fraught with challenges – the most recent meeting in Paris in May was delayed for almost three days by disagreements over procedural issues.

“It is imperative that we swiftly move to substantive discussions at INC-3, avoiding the pitfalls and derailments we witnessed in Paris,” added Dixon.

“While we celebrate this milestone, let us not lose sight of the urgency to make meaningful progress. We must channel our collective efforts towards constructive and collaborative negotiations to ensure the preservation of our planet for future generations.” ●

Above: Plastic pollution washed up on a beach in Micronesia



A brief history of the illegal trade in chemicals which harm the climate

EIA has been investigating and documenting the illegal trade in chemicals harmful to the ozone layer and the planet's climate since the mid-1990s.

During that time, our work has provided unprecedented insights into the dynamics of this multi-million dollar environmental crime, including the shifting smuggling routes and methods used to evade detection.

Ahead of the 45th Meeting of the Open-Ended Working Group of the Parties to the Montreal Protocol in July, we published the new briefing *Crime and Crime Again The long-standing illegal trade in substances controlled under the Montreal Protocol*.

In it, we laid out the long history of illegal trade in ozone-depleting substances (ODS) and, more recently, in hydrofluorocarbons (HFCs), the family

of chemicals commonly used in air-conditioning and refrigeration, which were originally promoted as ozone-friendly alternatives to ODS.

The report also examined efforts by the Parties to the Montreal Protocol to combat this illegal trade and suggested potential next steps to meet the continued and growing challenge of ODS and HFC climate crime.

The signing of the Montreal Protocol in 1987 was at the time the most ambitious attempt by the global community to control and eventually phase out widely used but environmentally damaging chemicals.

But although it was not foreseen at the time, controlling and reining in the production and use of ODS created fertile conditions for an illegal trade to emerge and flourish.

From our initial work in 1997 to investigate the trafficking of ODS, we next turned our attention to the smuggling of hydrochlorofluorocarbons (HCFCs), the family of chemicals which largely replaced ODS but which were subsequently found to cause massive damage to the climate.

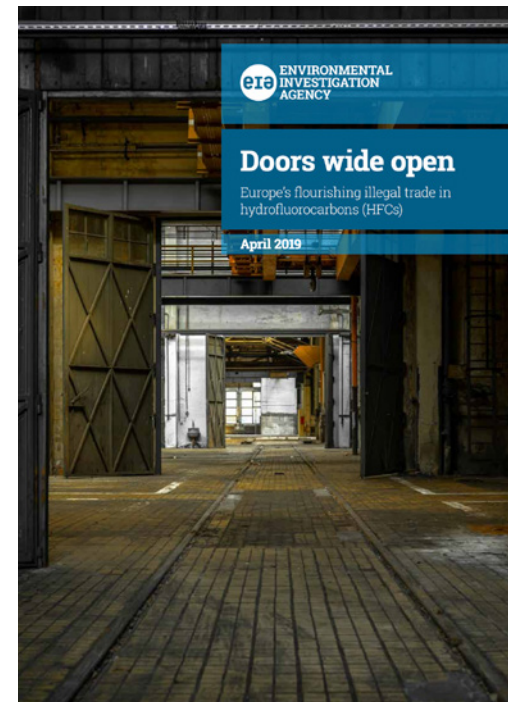
HCFCs were in turn replaced with HFCs and more recent attempts to phase down production and use of this new generation of gases have led to a widespread illegal trade in HFCs.

In 2019, we published our first report on the illegal trade of HFCs, *Doors Wide Open*, highlighting concerns at the ease with which companies could openly bring illegal HFCs through customs into the EU and a worrying trend of increased smuggling activity.

Crime and Crime Again concluded with a warning to Parties to the Montreal Protocol that the need for effective enforcement has never been greater, urging a comprehensive evaluation of the Protocol's monitoring, reporting, verification, compliance and enforcement mechanisms. ●

Opposite page: A seizure of illegal HFC gases in Poland

Top: EIA's landmark 2019 report *Doors Wide Open*, exposing the illegal trade in HFCs; right, our latest *Crime and Crime Again* briefing



Background

The Environmental Investigation Agency (EIA) has been investigating and documenting the illegal trade in ozone-depleting substances (ODS) since the mid-1990s, providing unprecedented insights into the dynamics of this multi-million dollar environmental crime, including the shifting smuggling routes and methods used to evade detection.

This briefing describes the long history of illegal ODS trade and, more recently hydrofluorocarbons (HFCs). It examines efforts by the Parties to the Montreal Protocol to combat such trade, with consideration of potential next steps to meet the continued and growing challenge of ODS and HFC climate crime.



A year of highs and lows – and the challenges to giving tigers a future

As the world celebrated International Tiger Day at the end of July, EIA's big cat experts reflected on some of the wins and losses in the past year and the challenges that lie ahead.

This year, the Government of India marked 50 years of its Project Tiger with news that the national wild tiger population is currently estimated to be 3,167.

In its report, however, it was candid about the shortcomings as well as successes, noting that there are still parts of India where tigers have disappeared and that more needs to be done.

In particular, the Government is concerned that demand for tiger body

parts outside the country continues to be a major threat – one that was put into sharp focus by a spate of tiger poaching and trafficking incidents reported in the weeks leading up to International Tiger Day.

One positive step forward has been the development of the Tackling Tiger Trafficking Framework, a comprehensive toolkit produced by EIA and 11 other organisations which brings together a range of measures and resources that governments of range countries can use

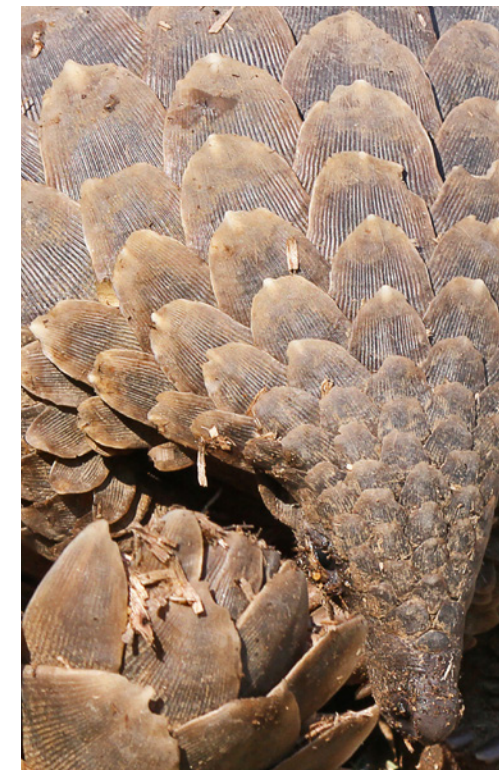
China's revised Wildlife Protection Law is a missed chance

China's amended Wildlife Protection Law was unveiled in April but left much to be desired.

Our Wildlife team reiterated concerns about the law's encouragement and allowance of the utilisation of threatened wild animals for commercial purposes.

We responded to the revised law by calling on the National People's Congress of China to continue to review the law – which came into effect on 1 May – and to take steps to outlaw all commercial exploitation of threatened wild animals.

While we recognised and appreciated where progress has been made – the amended law does strengthen the protection and restoration of important ecosystems, improves the scope for law enforcement and maintains the ban on consuming wild animals as food – these measures fall far short of what's required, given China's prominence as a destination for both legally and illegally sourced wild animal parts and derivatives. ●



Right: Pangolins are still the most trafficked mammal in the world

to counter tiger trafficking.

Elsewhere, and funded by the UK Government through the Illegal Wildlife Trade Challenge Fund, EIA partnered with Education for Nature Vietnam and Wildlife Friends Foundation Thailand to gather and analyse information on the criminal enterprises and networks trafficking tigers along the Mekong-China route, including from 'farmed' tiger parts and derivatives.

The information is shared with law enforcement agencies to inform their operations and is being used to encourage policy-makers to strengthen national laws and more effectively implement the Resolutions and Decisions of the Convention on International Trade in Endangered Species (CITES). ●

Opposite page: Wild Bengal tiger in India, tiger populations are rising in the country, but threats still remain



The whaling investigation that led to the creation of EIA

Next year sees EIA mark its 40th anniversary, but our story began even earlier. As part of our *Countdown to 40* celebrations, Co-founder Dave Currey takes a trip back to 1983 to the whaling investigation that started it all ...



Main photo: Norwegian whalers winch a fresh kill aboard; inset photo: the original crew of the Balaenoptera



My brother, hanging off the side of a rust-bucket trawler, paintbrush in hand, waved as I drove my VW camper into London's West India Dock. He was painting a large minke whale on the bow of this latest madcap idea to go to sea to document the cruel Norwegian whaling industry.

Four years earlier, I had been persuaded by Allan Thornton, then director of Greenpeace, to be a photographer on the Rainbow Warrior off Iceland.

My seasickness had been appalling and I had seen my first living whale, a fin whale, killed. Our intervention and documentation soon forced us back to Reykjavik for weeks of boat arrest.

Nevertheless, as long as this particular rust-bucket, named Balaenoptera, was in dock, I was keen to help prepare the boat for its single mission in the Barents Sea, in the Arctic Circle.

Anti-whaling had been the battle cry of the burgeoning environmental movement in the 1970s, culminating in a 1982 decision by the International Whaling Commission for a moratorium on commercial whaling to start in 1986.

The cold harpoon (non-explosive, but propelled by a cannon) had also been banned because of its cruelty. Norway had registered an objection to the moratorium, legally exempting it from the global moratorium.

One Balaenoptera volunteer was Jenny Gibson (now Lonsdale), who helped Allan buy the vessel in Aberdeen and sail it to London; she had known him from Greenpeace and was enthusiastically mucking in.

I slowly saw the volunteer crew come together from Allan's Greenpeace friends as well as experienced seamen who just wanted to help expose the horrors of whaling. I noticed Allan hadn't yet found a photographer; he kept nudging me towards the six-week trip and I eventually caved in.

Early one dank Sunday morning in June 1983, two people wearing waterproofs and wellies were dropped off a Zodiac onto a jetty at a small Norwegian town called Vardø. As the inflatable moved away, they turned and faced a five-metre fence.

"Not a good start," remarked Jenny. We both started laughing. The Balaenoptera was still offshore and we had come to find out anything we could about the whaling industry. We had one day before our cover would be blown.

Noisily clambering over the fence, we visited the police station and announced our arrival. They were more bemused than threatening as we explained we were journalists interested in knowing more about whaling.

Just down the road, we found the whale processing factory. Locals stood packing the meat into boxes, watched intently by two Japanese men. The

factory director came to speak with us and, although a little suspicious, openly discussed the business as well as allowing me to take photos.

There was a small-town friendliness in Vardø; even the Japanese happily agreed to have dinner with us. Strangers were evidently an unusual sight and we had a few conversations with people working on the small whaling boats. With employment scarce, some of them explained it was the only work.

Arriving at the hotel for dinner, we sat down with the two Japanese men in our waterproofs and wellies. We heard of their whale meat imports to Japan and the younger one's doubt that the industry would survive. They also made it clear that Japanese companies were buying all the commercially produced whale meat in the world, except whatever was consumed locally in Norway.



a reminder that peoples' circumstances often dictate their deeds and Vardø is a whaling and fishing town. I've sometimes felt guilty about my deceit, but when undercover you have to become the person you're pretending to be.

We had a wonderful night with his family and friends, drinking under the midnight sun.

A Dutch TV crew joined us in Vardø. Yvonne Habets, a well-known presenter in the Netherlands, had agreed with Allan to broadcast a piece on the trip, a vital part of our campaign to put pressure on Norwegian whaling.

We rejoined the boat and, although the whales painted on the bow had exposed our real purpose, we sailed out with a quiet sense that everything was going to plan.

The Barents Sea lies off the far north of Norway and Russia and its southern waters never freeze over. We searched for whaling boats and when we were near our two Zodiacs were launched. I spent many hours in an inflatable, with my seasickness at bay, on the calm, mirrored water. The film crew was in another inflatable. We watched as the whalers hunted and after a few days witnessed the harpooning of a minke whale.

The crack of the cannon and unravelling of the rope attached to the harpoon preceded the sound of it smashing into the hapless whale.

She tried to dive but, severely injured and probably pregnant, was unable to go far with the rope still attached. The whalers winched their exhausted victim in, taking shots at her with a rifle. As I photographed her bleeding over the boat's deck, I knew we had the valuable evidence we needed.

Shortly after, I left the Balaenoptera and headed back to the UK to process the film. I rejoined the vessel at the press conference in Amsterdam, just after Yvonne Habet's powerful film was broadcast.

The footage, information and photos travelled the world in newscasts and magazines. As a result, the Norwegians cut their annual quota of whales from about 2,000 by two-thirds and agreed to comply with banning cold harpoons.

It really is possible to make change with a madcap idea, a rust-bucket boat and a bunch of motivated volunteers.

The wellies were back in action in the summer of 1984 in the Faroe Islands, wading through a sea reddened with pilot whale blood.

Months later, feeling compelled to continue making change and understanding the campaign value of unique environmental investigations, Allan, Jenny and I founded EIA.

Opposite page: Launching a zodiac to document Norwegian whaling

Top: Lookouts on a Norwegian whaling ship; right: whalers wrangling a fresh kill



The information, contacts and photographs were more than we could have hoped for. Just as we were wondering what to do with ourselves until the Balaenoptera blew our cover the next morning, the factory director invited us to a party at his house.

I've been in this situation many times over years, accepting the kindness of the people I was investigating. It acts as



One year of the UK Ivory Act – and a call to close remaining markets

In June, our Elephant campaigners celebrated the first anniversary of the implementation of the UK Ivory Act, the country's comprehensive ban on virtually all forms of ivory trade.

The introduction of the Act was a big win for EIA UK and our coalition partners after a sustained campaign over several years to see the world's largest ivory export market close.

And just two weeks before the Act's first year on the books, it was extended to include five other ivory-bearing species – hippos, narwhals, orcas, walrus and sperm whales. After elephant ivory, hippo ivory is the most at risk of trade.

As our campaigners have regularly demonstrated in their efforts to close domestic ivory markets, legal domestic trade only stimulates demand and incentivises the illegal sourcing of ivory which is, in turn, laundered into the legal trade.

As well as the UK, countries including the US, many African elephant range states and the EU have closed their ivory markets to protect elephants from the trade. In a particularly significant win, China closed its ivory markets in 2017, the largest in the world at that point.

Currently, Japan holds the ignominious title of having the world's largest remaining legal ivory market and our colleagues at EIA US and their Japanese partner, Japan Tiger and Elephant Fund, have been engaged in a long-term battle to secure its closure.

Japan has thousands of Government-registered ivory dealers and the market has been continuously supplied by an influx of whole tusks registered for decades with little oversight.

An analysis of court cases in China related to the illegal export of ivory and ivory products from Japan to China for resale found that many cases involved organised criminal groups, indicating Japan's open market is undermining the efforts of other

countries with closed markets.

To do its part to protect elephants, Japan must close its domestic ivory market. ●

Opposite page: Wild elephants in Addo Elephant National Park, South Africa

Trafficking network convictions in Malawi a milestone

Malawi's justice system scored a major victory in its fight against illegal wildlife trade with the conviction of three key members of the notorious Lin-Zhang wildlife trafficking network.



Lilongwe Chief Resident Magistrate Court imposed the sentences in April for serious money laundering, a big success for the prosecution and court monitoring teams of Malawi's Department of National Parks and Wildlife and the Malawi Police.

The network is headed by Chinese national Yunhua Lin, who was convicted of rhino horn trafficking and money laundering and sentenced to 14 years in jail in 2021 in Malawi.

Wildlife trafficking involving ivory, rhino horns and pangolins in the region is far from being eradicated, but the conviction of key members of the Lin-Zhang network on financial crimes marks a new milestone in Malawi's fight against wildlife trafficking and is a good example for other nations to follow. ●



Top: Yunhua Lin (left), at the court in Malawi, 28 September 2021; above, mother and juvenile white rhino in South Africa



MEET THE TEAM

Name: Linh Nguyen

Age: 35

Role: Wildlife Campaigner

Hometown

Quang Tri, Vietnam

Education

MSc in Business Management

Campaign specialism

Wildlife trafficking implicating Vietnam and South-East Asia, particularly in relation to elephant ivory trafficking between Africa and Asia and law enforcement responses to the issues.

What first interested you in environmental issues?

Being born and raised in Central Vietnam, which is affected by a series of floods every year, I had developed an interest in environmental issues since I was a child. After graduating from university, I started exploring the issues on a nationwide scale in Vietnam, where examples of

environmental destruction are commonplace and have been prompting increased public anger. For example, in March 2015 the decision of a local government department to cut down 6,700 trees in the capital Hanoi inspired large protests. Over a year later, there was a huge public outcry when the Formosa Plastics Group was found to have dumped toxic chemicals into the ocean from its steel plant in Ha Tinh Province, leading to the deaths of millions of fish along huge stretches of the Vietnamese coastline, devastating livelihoods and causing dangerous levels of pollution. These events have inspired me to research the challenges facing environmentally focused social enterprises for my Master's degree dissertation.

What is your most memorable experience at EIA?

In 2022, alongside EIA Wildlife and Forests campaigns colleagues, I participated in the CITES CoP19 meeting in Panama to advocate for increased protection of endangered fauna and flora. This was my very first CITES experience and I was excited to learn how decisions involving species such as elephants, pangolins, rhinos and big cats are made at high levels and their impacts. Fortunately, intelligence-led information in relation to the issues shared by EIA with the decision-makers have contributed to securing some policy outcomes from CITES that protect endangered species from unsustainable trade.



“If it wasn't for EIA the world would be a darker place”.

Mary, EIA supporter.

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