

US court setback for Japanese whalers

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DISAPPOINTED Japanese whalers are checking their options after a United States court rejected their plea for a preliminary injunction against Sea Shepherd activists in the Antarctic.

Justice Richard Jones said the conservationists' actions in the Southern Ocean were potentially dangerous, but rejected claims that any whalers had been hurt by the harassment, which he likened to "petty vandalism".

He warned that he would weigh the environmental harm in killing hundreds of whales, and global public opposition to whaling, in his final decision in the case to restrain Sea Shepherd.

And he queried why the whalers were attempting to obtain a favourable ruling in his US District Court, after they refused to abide by an injunction obtained in the Australian Federal Court against whaling in an Australian Antarctic whale sanctuary.

The Japanese government's Institute of Cetacean Research and its ship operator, Kyodo Senpaku, said after the decision they were disappointed the court in Seattle did not give them the means to prevent physical attacks on their vessels during the current Antarctic season. "The court has not yet issued a ruling on Sea Shepherd's motion to have the case dismissed," they noted in a statement.

Sea Shepherd leader Paul Watson said from the ship Steve Irwin in the Antarctic that by filing the case, the whalers had unwittingly opened the door to counter-suits. The group foreshadowed a damages claim after an activist was injured last month in the conflict.

"Our lawyers said this would also be an excellent opportunity for the Australian government to file a case on legality against Japanese whaling in a US court," Mr Watson said.

The whalers said they took the case where Sea Shepherd is headquartered in the hope that an injunction could be enforced against the group's leaders and managers there.

Judge Jones said that in his many years on the bench he had never seen such a case. "As near as I can tell, no United States court has ever imposed an injunction under the circumstances before me," he said, according to a transcript of last week's proceedings.

Counsel for the whalers John Neupert said the denial of an injunction would continue to put Japanese seamen at risk of injury, and he rejected any link with the 2008 Australian Federal Court ruling. "This is about human safety, free passage at sea, not whether or not there is a right to take whales," Mr Neupert said.

Sea Shepherd's counsel, Daniel Harris, said the case was being taken in Seattle, rather than in Australia, which was a more appropriate forum, because the plaintiffs knew they would lose in Australia.

"Plaintiffs have lied about conducting research," Mr Harris said. "They are killing whales for commercial gain and to advance an ultra-nationalist agenda."

Judge Jones said he expected to give his final decision and detailed reasons within weeks.

In the Southern Ocean, Mr Watson said two Sea Shepherd ships would continue harassing the whaling fleet through March.



Brigitte Bardot and the Shonan Maru
Photo: Sea Shepherd