

## *Protecting the World's Marine Mammals*

### The Washington Strategy: an integrated advocacy and fundraising campaign

#### Summary Overview

##### Introduction

This paper is a summary overview of a United States marine mammal protection advocacy campaign—a campaign that will be necessary if the animal protection movement hopes to defend, secure, and build upon its recent seal protection legislative success in the European Union (EU).

The campaign was conceived by KEYS DIRECT Marketing & Communications (KEYS) at the request of Animal Alliance / Environment Voters (AAEV), a Canadian animal protection organization and federally registered political party.

The campaign—with the working title the “Washington Strategy”—is a necessary “next step” following from what has been achieved for the seals in the EU. However, the Washington Strategy does not limit itself to securing protection for seals. For reasons of international trade law, campaign message framing, and fundraising, the Washington Strategy’s objective is greater global protection for all marine mammals.

On May 5, 2009, tens of millions of people joined with the thousands of organizations that they support and celebrated the European Parliament’s 550-49 vote to ban the importation of seal products into the 27 member states of the EU. Three months later, the Council of the European Union gave final approval to the ban.

The trade ban is an historic animal protection success. It greatly expands the protection for seals that the International Fund for Animal Welfare (IFAW), with the support of other organizations, won in 1983 when the EU banned the importation of products derived from whitecoats harp seal pups (*Pagophilus groenlandicus*) and blueback hooded seal pups (*Cystophora cristata*).

Despite the new EU seal product ban and the welcome reduction in seal mortality, particularly in Canada, the world’s seal hunts are not over, and the world’s seals are not safe. Politicians in the sealing nations, as they did after the 1983 ban, continue to subsidize, promote, and defend the hunts locally and in international fora. It’s to their

political advantage to do so, and it will remain so, putting seals at continued risk, unless animal protection groups take further concerted action.

Canada and Norway have already announced World Trade Organization challenges to the EU ban. Politicians may again increase seal hunt subsidies. Direct and indirect subsidies cost little as seal hunts employ few people and have minimal economic value. Subsidies are, therefore, a cheap means to gain significant electoral benefit for the politicians and political parties who provide and promote them.

The lessons learned from the years following the 1983 EU ban are clear. In order to end the commercial exploitation of seals, it is not enough just to close markets. Punitive sanctions are required that will directly affect not only countries which fail to ban commercial sealing, but also individuals who benefit from sealing operations.

To that end, the United States Congress offers the best opportunity to bring about and impose the necessary sanctions. There is ample precedent for the United States Congress using domestic legislation to influence the public policies of other nations, and ample precedent for nations acquiescing.

Despite the fact that a Canadian organization is the initial instigator of the Washington Strategy, the onus necessarily can only fall to an American animal protection group, or a coalition of groups, to raise the necessary public support and apply the political pressure that will give the United States Congress the “political will” to pass the required legislation and impose sanctions.

Animal Alliance / Environment Voters can support the Washington Strategy in Canada, but it lacks the infrastructure and financial wherewithal to campaign effectively in the United States.

### The Washington Strategy

Washington Strategy is an integrated advocacy and fundraising campaign. It has two, equally critical, mutually dependent elements.

The first element is the strategic objective:

federal legislation authorizing the United States government to prohibit the importation of fish products from countries whose marine mammal policies would be illegal under U.S. law.

Such legislation would apply to countries like Canada which sanctions commercial seal and polar bear hunts and marine mammal culls ostensibly to protect fisheries. It would apply as well to the Faroe Islands, an autonomous province of Denmark, which promotes the killing of pilot whales (*Globicephala melaena*). Other countries that export fish and fish products to the United States and have marine mammal policies inconsistent with U.S. law are Norway, Iceland, Japan, and Namibia.

The Washington Strategy follows necessarily from the EU seal product ban, but it includes all marine mammals, not only seals. The reason is that US domestic legislation protects all marine mammals, not only seals. It would be inconsistent with current US law to enact new or amend existing legislation that singled out for special protection only one or two families of marine mammals: Otariidae (fur seals and sea lions) and Phocidae (true seals). Such an arbitrary, indefensible inconsistency would render the legislation more vulnerable to domestic legal challenges and international trade organization complaints.

Including all marine mammals in the Washington Strategy also makes sense tactically. America's protection of all marine mammals is, inherently, a more "noble" cause than only protecting seals. A campaign for legislation that would help protect all the world's hunted marine mammals has more political gravitas, and would be more politically advantageous to champion, than legislation that would protect only seals, and mostly baby seals at that. Campaign messaging and the framing of the message would have the advantage of being able to use facts, images, videos, and spokespeople relevant to all forms of marine mammal exploitation. The number of publicly known spokespeople who might agree to speak in favor of the Washington Strategy increases when the cause is all marine mammals rather than only seals. Lastly, the rationale for the legislation can invoke the full gamut of reasons for protecting marine mammals from cruelty to conservation, from ethics to ecology, greatly expanding messaging options and range of receptive audiences.

The second critical Washington Strategy element is:

a campaign that is revenue positive for the organizations involved.

The Washington Strategy communications strategy must be heavily weighted to the greatest extent practicable to fundraising: particularly lapsed donor reactivation and new donor acquisition. The Washington Strategy must have, of course, the benefit of the comprehensive utilization of the whole arsenal of political lobbying and campaign tactics, but it cannot succeed if it exacts financial losses on the implementing organizations. If that were to occur, those who will certainly oppose the Washington

Strategy both from within the US Congress and from affected countries would merely have to wait in order to defeat it. Nor is it enough that the Washington Strategy is only revenue neutral.

To succeed, the longer the Washington Strategy campaign is waged, the stronger the participating organizations' supporter bases and financial positions must become. An integral component of the messaging must be making this reality abundantly apparent to opponents. The mere fact of the Washington Strategy campaign, if publicized well nationally and internationally, will affect offending countries' politicians and their fishing industries, and cause national debate about the wisdom of their marine mammal policies. The campaign can only expand and intensify that effect if waging it increases an organization's funds and supporter base.

Strategically and tactically, the Washington Strategy is predicated on the political reality that a grassroots public policy objective is generally winnable only if it:

- is, without doubt, worthy and noble
- inspires a broad, committed, and politically significant following
- strengthens, enlarges, and ennobles its advocating organizations
- is sustainable as long as necessary
- is supported by well-managed, integrated political, public and press relations, and fundraising campaigns.

The Washington Strategy meets these criteria.

### Progress to Date

Before the Washington Strategy was offered for consideration outside of the AAEV – KEYS circle, Karen Levenson, an AAEV director, travelled to Washington, D.C. in May 2009 to canvas the opinion of U.S. Senators and Representatives who had sponsored or co-sponsored Senate Resolution 84 or House Resolution 27, the resolutions condemning the Canadian commercial seal hunt.

Levenson met with aides to:

Senator Barbara Boxer (D-CA)  
Senator Edward Kennedy (D-MA)  
Senator John Kerry (D-MA)  
Senator Carl Levin (D-MI)

Representative William Delahunt (D-MA, 10<sup>th</sup> District)  
Representative Sam Farr (D-CA, 17<sup>th</sup> District)  
Representative Ileana Ros-Lehtinen (R-FL, 18<sup>th</sup> District)  
Representative James McGovern (D-MA, 3<sup>rd</sup> District)

In her preliminary report to AAEV and Keys Direct, Levenson wrote,

“The meetings were productive. I was able to accomplish my initial goal of introducing the Washington Strategy and establishing relationships with key U.S. politicians. The meetings aroused interest in and discussion of the means by which trade sanctions against Canada’s seafood industry could be accomplished, and will undoubtedly lead to further discussions and meetings.

“The aides provided insight into the workings of the two branches of the US Congress, named committees and subcommittees in both the House and the Senate that should be contacted, identified a number of obstacles that will have to be overcome, and generated a list of pertinent members of Congress for future meetings.

“Each of the aides expressed interest in further discussion, encouraged other meetings, and indicated that they would read the strategy document and information I brought them on the politics of the commercial seal hunt.

“Most of the aides also indicated that they would discuss the Washington Strategy with office staff and inquire about possible precedents and legal avenues that might apply.

“While some aides expressed concern about issuing trade sanctions against Canada because of its stature as the United States’ No. 1 trading partner, no aide said that it should or could not be done.

“They responded positively to my suggestion that participating NGO’s may launch media campaigns in their individual districts to arouse the interest and support of their constituents. “

Relevant to this paper, because David Lavigne, Science Advisor to IFAW, has generously offered his advice and guidance as the Washington Strategy was developed, Levenson also reported that,

“...several of the aides stated that they either had worked with David Lavigne or knew of him. They also expressed high regard for both the International Fund for Animal Welfare (IFAW) and The Humane Society of the United States (HSUS).

“The aide to Senator Kerry, Melanie Nakagawa, mentioned that both IFAW and HSUS have a strong presence in Washington.”

As politically ambitious and challenging as the Washington Strategy may be, Levenson’s meetings with Congressional aides did not uncover any insurmountable difficulties.

The United States Congress can enact the legislation envisioned in the Washington Strategy, and, if it is made to be in their best political interests to do so, Senators and Representatives will give serious consideration to passing the legislation.

The fact alone that Congress will give serious consideration to the Washington Strategy will affect how politicians, the press, and the public in countries like Canada view their marine mammal policies.

### Moving Forward

The next step for AAEV and KEYS is to make common cause with a like-minded United States animal protection organization or a coalition of organizations. Such arrangements have served AAEV well in the past. In 2004, AAEV produce a detailed paper outlining how a Canadian Seafood Boycott might help the seals. The boycott was presented to a number of organizations. The Humane Society of the United States (HSUS) adopted it, still promotes it extensively, and uses it to fundraise. AAEV’s Karen Levenson divides her time between promoting the Canadian Seafood Boycott for HSUS and her regular duties with AAEV. The Washington Strategy too needs a major US animal protection organization “partner” to succeed.

The preferred partner is IFAW, for four primary reasons. The first reason is that the Washington Strategy needs to be pursued in Washington by organizations that have impeccable reputations for quality of information. The lobbyists for the Washington Strategy will be asking Representatives and Senators to make commitments and take initiatives that will be aggressively challenged, will have international repercussions, and will put their reputations on the line with their colleagues. Given the pressure and

scrutiny they'll have to endure, few US politicians will champion or support the Washington Strategy if they cannot be absolutely confident of the information they are receiving and in the integrity of the people providing that information. Since its inception, IFAW has adhered to a commitment of disseminating only quality, demonstrably factual information. Its *bona fides* can be attested to by politicians in many countries, references that will not be lost on members of the U.S. Congress.

The second reason is the IFAW's recognized expertise in a broad range of marine mammal issues. It's an expertise that has produced a range of peer-reviewed research papers. Few animal protection organizations in the United States can match the IFAW's marine mammal scientific expertise. This demonstrated credibility can do much to secure the necessary confidence of US legislators.

The third reason is that the IFAW already enjoys a significant US membership which will likely embrace the Washington Strategy enthusiastically and can be mobilized in short order. IFAW is not the largest animal protection group in the US, but is large enough to successfully implement the Washington Strategy, and capitalize on the growth opportunities it can afford.

For US legislators, the campaign will be as important as the issue. Their support will be determined, in part, by the personal political benefit they see in promoting the Washington Strategy. The IFAW, thanks to the support of its members, has demonstrated it can plan and execute electorally significant campaigns.

The fourth reason is that it is important that the Canadian government and other governments take seriously the potential of the US Congress passing the proposed Washington Strategy legislation. Canada and other nations are very wary and rightly suspicious of the US Congress's propensity to pass legislation that is nationally popular even when it contravenes international agreements. A Washington Strategy campaign that is perceived to be viable and has the potential for success will have an immediate effect on how affected countries, their fishing industries, the press, and local animal protection groups will approach their current marine mammal policies. The IFAW has the necessary track record, reputation, and credibility to insure that the Washington Strategy will be taken seriously, particularly in Canada.

In recognizing the IFAW as the preferred Washington Strategy partner, AAEV and KEYS are aware that the IFAW enjoys Internal Revenue Code 501(c)3 status and, as result, is constrained in the amount of lobbying for legislation it is permitted to do. Based on how supporters respond to the Washington Strategy and results of

fundraising tests, there may be some benefit in considering additional incorporation options.

### Conclusion

Given the history of Canada's commercial seal hunt, AAEV is of the view that it is not over until the Canadian government says it is over. One means of achieving that is US legislation that holds the potential for a US import ban on seafood from countries whose marine mammal policies are inconsistent with US law.

Early indications from US legislators are that the Washington Strategy is politically viable. AAEV introduced the Washington Strategy, in principle, to its membership in its July 2009 house mailing. As of the writing of this paper, indications are that it has generous support. It appears that the Washington Strategy, from a fundraising standpoint, is economically viable as well.

AAEV and KEYS are hopeful that the Washington Strategy can be announced to the Canadian press, with an American animal protection organization partner attached, in time to take full advantage of the Holiday Season fundraising period and while the Canadian government is considering to the 2010 sealing season.

As well, a Canadian federal election is possible in the fall. AAEV plans to include the Washington Strategy in its campaigns as an example of how Canadian politicians have failed the majority of voters such that it is necessary to go to other countries to gain protection for Canadian wildlife and the environment.

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