

4 December  
2009

Pete Bethune  
*Ady Gil*  
 c/- Anthony Martin Manning  
 Fortune Manning Law Partnership  
 Level 12, 66 Wyndham Street  
 Auckland  
 New Zealand

Dear Mr Bethune

I understand that you are the master of the vessel *Ady Gil*, and that you intend to take this vessel to the Southern Ocean this summer to protest against Japanese vessels carrying out whaling.

My government is seriously concerned about the risks to the safety of human life and property, and the Antarctic environment, caused by the presence of whaling and protest vessels in the Southern Ocean during recent summers.

As you are aware, the Southern Ocean is a remote and inhospitable location. Very little of the area below 60 degrees South latitude has been surveyed to modern standards, and search and rescue capacity in this area is very limited.

As you also know, successive New Zealand Governments over many years have condemned Japan's whaling in the Southern Ocean. As a member of the International Whaling Commission, New Zealand is participating in a 'diplomatic process' trying to resolve differences over whaling. We continue to believe that diplomacy offers the best prospects for advancing whale conservation.

The New Zealand Government respects the right to peaceful protest. At the same time, the Government cannot support or condone actions in the Southern Ocean that risk human life or safe navigation. New Zealand has supported resolutions in the International Whaling Commission and International Maritime Organisation on safety at sea (I attach a recent example).

Given the risks of operating in the remote Southern Ocean, I remind you of your responsibility as master to ensure the safety of your vessel and crew, and to ensure that your vessel operates in a way that is safe and responsible, complies with New Zealand law, and adheres with the requirements of international law.

New Zealand has also expressed its concerns about safety at sea to the Sea Shepherd Conservation Society and to Japan.

I understand that officials have already informed you of your obligation under the Antarctica (Environmental Protection) Act 1994 to submit an Environmental Impact Assessment (EIA) at the level of an Initial Environmental Evaluation. The Act applies to any New Zealand ship that is travelling to Antarctica (defined as the area south of 60 degrees latitude), regardless of the vessel's final point of departure.

If I am satisfied that the activity you plan to undertake is likely to have no more than a minor or transitory effect on the Antarctic environment, I will notify you that that activity may, subject to any Ministerial Directions issued under s 10 of the Act, be carried out. You must receive my notification that the proposed activity may be carried out prior to crossing 60 South.

Yours sincerely

Hon Murray McCully  
Minister of Foreign Affairs