

often only focus on controlling the direct impacts of humans on coral reefs ignoring the more remote sources of threats to reefs, notably pollution and sedimentation from the adjacent land. "Often remote from reefs, deforestation, urban development and intensive agriculture are now producing vast quantities of sediments and pollutants that are pouring into the sea and rapidly degrading coral reefs near many shores," says Toepfer.

### **Economic Potential**

The Atlas looks at the economic arguments for better reef management and the potential income from 15 million scuba divers worldwide. It describes a new database listing 2,500 dive centers in 91

countries.

According to Dr. J.E.N Veron, a contributor to the Atlas, "One of the saddest facts about the demise of reefs is that it is utterly nonsensical." Protecting and managing reefs is not just for the good of the fishes, in every case it also leads to economic and social benefits for local communities." Spalding added, "We now have dozens of examples from around the world of small-scale, often community led, systems for managing reefs. These have led to massive booms in productivity and some very happy local fishermen. They stand out as clear sparks of hope that we must use to teach others the message."

The International Coral Reef Action Network and the UNEP World Conservation Monitoring Center have joined with others to reverse the decline in coral reefs

"The growth of mass tourism, combined with the boom in the popularity of scuba diving, has brought the plight of coral reefs to public attention across the planet," says Toepfer. "Let us all now commit ourselves to the strenuous efforts needed to respond to the crisis of declining coral reefs documented in this Atlas, and to ensure that this unique ecosystem continues to feed, protect and dazzle us and our descendants for generations to come."

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## **Reaching the Reefs of Cuba**

### ***the U.S. Government is cracking down***

The U.S. government is cracking down on travel to Cuba. While American divers have been reaching Cuba on flights embarking from Canada, the Bahamas and Mexico, (at least before September 11), U.S. agents were meeting return flights and laying down the law.

One of our fearless correspondents wrote about Cuba diving (January 1999), after signing up with Scubacan, a Toronto travel agency that advertised a fully hosted, completely "legal" Cuban dive trip advertised in American dive magazines. He fudged to get around the U.S. government travel embargo and pointed out the risks Americans face when traveling to Cuba. Now one of our subscribers, whom we'll call "Johnson," reports serious problems. After hearing his story, it's understandable why Johnson prefers to remain anonymous.

Encouraged by a glossy Scubacan

brochure, Johnson booked a trip through his local dive shop on Scubacan's *Ocean Diver* live-aboard. The brochure read, in part:

"There is no law forbidding American citizens to travel to Cuba. The catch is, however, that American citizens can't spend money there. That's the current law ... Scubacan International Cuban Dive Adventures are totally prepaid, fully hosted and sponsored. You don't spend money while in Cuba. In the past, management officials have escorted hundreds of American travelers to Cuba without mishap."

Upon Johnson's return through Toronto, U.S. Customs officials asked him and his party to fill out a form listing the countries visited since their departure. Being honest citizens, and having faith in Scubacan's written assurances, they listed Cuba.

That was Johnson's first mistake,

according to Keith Bolender, who runs Scubacan. He said that when Johnson booked his trip he should have received a two-page Scubacan advisory for Americans going through customs. That advisory warns that if you declare you've been to Cuba, you're likely to be detained and questioned. The U.S. Treasury Department will then send you a questionnaire asking you to self-incriminate yourself. Johnson said he did not receive the Scubacan advisory.

A couple of months later, Johnson (and other group members) received a formal questionnaire from the Treasury Department's Office of Foreign Assets Control (OFAC) and he responded.

Mistake number two, says Scubacan. The Scubacan advisory says: "Do not under any circumstance fill out this form before you call us. Once you call us, we will pro-

vide the proper response to the Treasury Department and no further action will be taken ... If you fill out this document before contacting Scubacan, we cannot be responsible for any further charges or actions the Treasury Department may take.” Bolender tells us that clients are typically advised to ignore the form and the Treasury Department always drops its claim.

Nine months later Johnson received a notice that he had violated the U.S. Trading with the Enemy Act by engaging in tourist-related transactions in Cuba. Specifically, the notice cited a \$20 airport tax. While Bolender assured us that such taxes are paid by Scubacan, one advisory Johnson received from Scubacan recommends that one carry \$250 in-pocket money for beverages, snacks,

(Scubacan said that when people do request a hearing, their cases are generally dismissed because OFAC has no mechanism for a hearing process.)

Later, the Center told one of Johnson’s traveling companions that they had stopped taking referrals from Scubacan due to the volume of cases. Bolender says Scubacan’s U.S. attorneys are handling cases directly.

So far, no actual claims have been filed against Johnson and his friends, but they are still living under the threat.

Meanwhile, Scubacan, which has been advising Americans about U.S. law at will, has changed its tune. An advertisement in the August *Sport Diver* makes no claim about the legalities of Cuban travel. And its listing in

not consider travel hosted or sponsored if a U.S. traveler pays any travel expenses, even to a third-country person or entity not subject to U.S. jurisdiction (such as Scubacan) at any time.

Anyone who travels to Cuba, even on a fully hosted trip, is likely to spend money. How else can you sip a minty mojito or puff a mellow Cohiba? Bolender advises that on a fully hosted trip, your escort will complete your transactions for you. But, under U.S. law, even that is illegal.

David Falk wrote in the *St. Petersburg Times* in August, that the Bush administration is clamping down after years of the government turning a blind eye. “From May 4 to July 30, the U.S. Treasury Department sent out 443 letters to suspected illicit travelers. That was a dramatic increase from the 74 letters mailed in the previous four months. In the past, lawyers advised people receiving such notices to negotiate payment with the Treasury Department, or else demand an administrative hearing to contest the fine. The Treasury Department was usually happy to negotiate much lower fines; just a few hundred dollars in some cases.

**For an American to spend money legally in Cuba, he must be licensed by the Treasury Department. And licenses will not be considered for pleasure travelers.**

souvenirs and the departure tax. In this regard, Scubacan’s fully hosted “legal” trips don’t measure up.

The notice said the Treasury Department would issue a claim against Johnson for a \$7,500 penalty, give him 20 days to respond, and would inform him of his right to request a hearing. Johnson replied, but on the advice of his dive shop’s legal counsel, did not request a hearing. Later he changed his mind, but that was beyond the 20-day deadline.

Johnson contacted Scubacan for help, which handed him off to the Center for Constitutional Rights in New York, a nonprofit organization that could represent him before the OFAC. The Center advised Johnson that he had no bargaining position since he hadn’t requested a hearing,

the August *Skin Diver Overseas Divers Directory* states only that all programs conform to government regulations. But, we don’t think so.

You see, for an American to spend money legally in Cuba, he must be licensed by the Treasury Department. And licenses are granted only to journalists and staff employed by news reporting organizations (freelancers need not apply), official government travelers, and researchers, teachers, and exchange students meeting stiff standards, athletes, and certain religious folks. While other licenses may be granted, they will not be considered for pleasure travelers. Fully hosted or sponsored travelers may venture to Cuba without licenses if all Cuba-related expenses are covered by a person not subject to U.S. jurisdiction. However, OFAC does

“Because of a lack of judges assigned to embargo issues, hearings were never held, creating a backlog of unresolved cases ... But the Treasury Department now says it plans to begin using judges from the Environmental Protection Agency to hear travel cases. Several recent cases have made a mockery of the regulations. One Seattle man was fined after he traveled to Cuba to bury his father’s ashes. The Treasury Department tried to impose a \$20,000 penalty, but settled for much less ... Yet the actor Kevin Costner had no trouble when he recently applied for a license to visit Cuba to show his latest film about the 1962 Cuban missile crisis, *Thirteen Days*. A New York attorney says it isn’t so difficult to travel to Cuba legally, and cites the license granted to a karate club exchange, as well as another for

crocodile research in Cuba.”

Before September 11, Congress was moving to override both the federal ban on Cuban travel and Bush’s insistence on enforcing it. But until then, a diver who travels

to Cuba without a license is a scofflaw, no matter what Scubacan says, and faces the possibility of big fines. However, Treasury Department agents may have other concerns these days. As of this writ-

ing, whether it will lead to even closer scrutiny of Americans traveling to Cuba, or, on the other hand, a disinterest in applying fines, is uncertain.

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## The Alternative to Scuba

### *freediving rises in stature*

Freediving is going mainstream. From SlimFast commercials featuring U.S. Women’s Champion Meghan Heaney-Grier to a feature article in *The Wall Street Journal*, the original form of diving is making a comeback.

The International Association of Free Divers in North Miami, Fla., claims that their sport has grown by 25 percent in the last three years. A growing number of dive shops, resorts, and vessels are offering free diving courses to get people into the sport without becoming statistics (see sidebar). These courses vary widely in content and cost, and there is no standardization. You can pay anywhere from \$100 for a half-day course with Dive Tech on Grand Cayman to \$480 for freediving legend Jacques Mayol’s four-day Apnea-Skin Diver course, which includes boat dives.

And, there are even freediving live-aboard trips, like Peter Hughes’ journey from the Turks and Caicos to the Silverbanks to dive with humpback whales.

Freediving offers some unique advantages over scuba. Unencumbered by a tank, gauges, BC or weight belt, freediving is as close as we’ll ever come to soaring like Peter Pan. It’s silent, and therefore the best

way to approach critters like dolphins, mantas and whale sharks, who might be spooked by bubbles and noise. A freediver’s explorations are also concentrated in the optimal sunlight zone, where colors are most vivid. It’s as close to nature underwater as you’re going to get.

And there’s the challenge. Apart from marching through the surf or swimming against currents, scuba

dives. Pipin Ferreras, the current world champion in the no limits category, has ridden a sled down a drop line to 531.5 FSW, deeper than the downed Kursk submarine when it met its doom. Ferreras and his wife, Audrey Mestre-Ferreras, set a mixed tandem breath-hold record in May by descending together to a depth of 381 feet (116m) on the same sled off Florida. That was just a tune-up for

Audrey, who broke her own female no-limits record the next day. In the no-limits category, divers are pulled down by a weighted sled, leave it at the

bottom, and use a lift bag to return to the surface.

Another female champ, Tanya Streeter, set her sixth world record the same month off the Caribbean island of Guadeloupe, when she finned down to 230 FSW, grabbed a tag and returned to the surface in 2 minutes and 36 seconds. Tanya’s record is in the constant weight category, in which the diver can wear weights but cannot ditch them before ascending.

On June 30, Brazilian Karoline Dal Toe, 32, set a women’s world record of 6:13. In July, 24-year-old Martin Stepanek of Wilton Manors, Fla., set the record for simple breath-

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diving for most of us is without physical demands. About the only thing a scuba diver can brag about is how much air he came up with compared to everyone else. Freedivers can set real goals for the depth or duration of their dives, and then train to achieve those goals. That’s what differentiates free diving, a true sport, from scuba diving, a form of recreation.

Furthermore, people who only freedive to spearfish, equate it to bowhunting, and look askance at those who shoot fish on scuba.

Some of the sport’s current popularity is due to the publicity given to several record-setting competitive