

Report
of the Royal Commission
Volume 2



Canada

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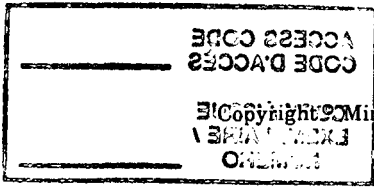
SEALS AND SEALING IN CANADA

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REPORT OF THE
ROYAL COMMISSION

Volume 2

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PART II

Introduction to
Seals and Sealing

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Chapter 6

Overview of Canadian Seals

Seals constitute an order of mammals called the Pinnipedia (although they are sometimes considered a suborder of the Carnivora – dogs, cats, bears, for example). Mammals are warm-blooded, air-breathing animals whose young develop in the uterus of the mother and are suckled with milk from the mother's mammary glands after birth.

Seals differ from other aquatic mammals such as whales and porpoises because of their inability to give birth to their young in the water; this activity, as well as moulting and breeding in some species, requires a firm platform such as that provided by land or ice. The Pinnipedia comprise three families of seals: the "true" or "hair" seals, such as the harp seal (Phocidae); the "eared" seals, such as sea lions and fur seals (Otariidae); and the walruses (Odoboenidae). The Royal Commission decided that virtually all problems leading to the Inquiry rested within the first two families. Consequently, walruses were not included in the Commission's deliberations.

The two families of seals, the Phocidae and the Otariidae, differ in several respects. These differences include, in part:

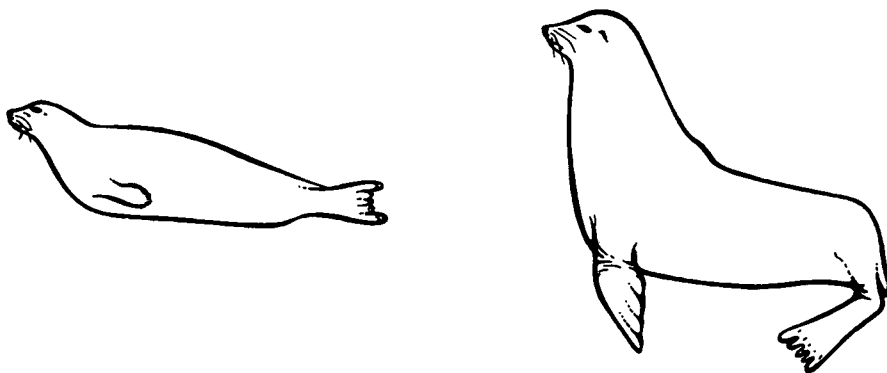
- the range of habitats occupied;
- the presence of external ears;
- the positioning of the hind flippers;
- the presence of fur on the flippers.

The Phocidae inhabit a wider range of habitats than do the exclusively marine-dwelling Otariidae; the former are found in some freshwater lakes and rivers, as well as in estuaries and the marine environment.

The Otariidae are called "eared seals" because they have small external ear pinnae, about six centimetres long, while the Phocidae (true seals) have a much smaller ear flap which is less obvious. However, all seals have acute hearing: it is often equal, in the air, to that of humans, and surpasses human hearing in the water (King, 1983).

A major difference between the two families of seals is the structure and positioning of their limbs (Figure 6.1). The hind limbs of the true seals are permanently angled backward at the hip joint. The inability of the Phocidae to bend the hind limbs forward under the body for support makes these limbs of little use for locomotion on land or ice, although they are the main propulsive force for swimming. The small forelimbs are used less often than the hindlimbs when the animal is swimming, since their main purpose is to enable the seal to change direction rapidly. On land, however, the forelimbs of the Phocidae provide some support for locomotion, and the animal is able to hump along on its abdomen for short distances at speeds approximating those of a human jogger (Backhouse, 1969).

Figure 6.1
Seal (Phocidae) Left; Sea Lion or Fur Seal (Otariidae) Right



The Otariidae, on the other hand, are able to use all four limbs to move on land. The hind feet are pointed forward and can be placed flat on the ground for support. Sea lions and fur seals can reach speeds, over short distances, comparable to those of a human runner (Backhouse, 1969). In the water, the hind limbs are carried pointing backward, and the main force of propulsion is provided by the foreflippers.

Seals also differ in their means of protection from cold. All seals are insulated by a layer of blubber just beneath the skin, but this layer is much thicker in the Phocidae and the sea lion species of Otariidae than it is in the fur seal species of Otariidae. Fur seals compensate for their lack of fatty tissue by having a denser coat of water-repellent underfur than have the

Phocidae or the sea lions. All seals undergo an annual moult of their hair or fur, which is shed in a short period of time by the Phocidae, but continuously, over several months, by the Otariidae. In order to conserve body heat, the Phocidae become more terrestrial in their habits during the moulting period, hauling out on land or ice. The flippers of phocid seals are covered with hair, but those of otariid seals are naked.

Seals are carnivores, and once the pups are weaned from their mother's milk, their food consists exclusively of animals. Although diet varies among seal species, their prey generally consists of fish and invertebrates (squid, octopus, crustaceans), some of which are commercially important species. Seals are termed "opportunistic" feeders because they take whatever animals are most abundant at a particular time and place, and do not depend exclusively on any one food species for sustenance.

Thirty-three species of phocid and otariid seals occur in the world (Table 6.1), although one is probably now extinct. King (1983) estimated the total world population of seals to number as many as 68 million. The species numbering in the millions are, in decreasing order of abundance, the antarctic crabeater seal, the ringed seal, the harp seal and the northern fur seal. Ten species of seal are found in Canada. Distribution maps for these species are given in the chapters on the status of stocks (21 and 22).

Phocid Seals

Seven species of phocid seals occur in Canada. Two of these are typically arctic species (ringed, bearded), three are temperate (harbour, grey, northern elephant seal), and two are migratory between arctic and temperate regions (harp, hooded). The arctic and migratory species bear their young on ice, while the harbour, grey and northern elephant seals whelp on sandy beaches or rocky reefs. With the exception of grey seals, which may be either monogamous (only one mate) or polygynous (one male mates with more than one female), and northern elephant seals, which are polygynous, the Canadian phocids are promiscuous (both sexes mate indiscriminately), and the males do not hold territories or maintain harems.

Harp Seal

This abundant ice-breeding species has three breeding stocks, of which the northwest Atlantic is largest. The other two are in the White Sea

Overview of Canadian Seals

and near Jan Mayen Island. The northwest Atlantic stock has supported a commercial hunt for over 300 years. Because of the controversy since the 1960s over the kill of pups, dealt with elsewhere in this Report, it is Canada's best-known species.

Table 6.1
Species of Seals of the World and Their Estimated Populations

Species	Scientific Name	World Population ^a
<u>Otariidae</u>		
Sea Lions		
Steller sea lion ^b	<i>Eumetopias jubatus</i>	300,000
California sea lion ^b	<i>Zalophus californianus</i>	100,000
South American sea lion	<i>Otaria flavescens</i>	240,000
Australian sea lion	<i>Neophoca cinerea</i>	5,000
New Zealand sea lion	<i>Phocartos hookeri</i>	6,000
Fur seals		
northern fur seal ^b	<i>Callorhinus ursinus</i>	1,700,000
Guadalupe fur seal ^c	<i>Arctocephalus townsendi</i>	1,000
Juan Fernandez fur seal ^d	<i>Arctocephalus phillippii</i>	800
Galapagos fur seal ^d	<i>Arctocephalus galapagoensis</i>	1-5,000
South American fur seal ^d	<i>Arctocephalus australis</i>	320,000
Cape fur seal	<i>Arctocephalus pusillus</i>	875,000
Tasmanian fur seal } ^d		
Victorian fur seal }		
New Zealand fur seal	<i>Arctocephalus forsteri</i>	40,000
Western Australian fur seal } ^d		
Kerguelen fur seal } ^d	<i>Arctocephalus gazella</i>	400,000
antarctic fur seal }		
Amsterdam Island fur seal } ^d	<i>Arctocephalus tropicalis</i>	214,000
sub-antarctic fur seal }		
<u>Phocidae</u>		
Northern Phocids		
harbour seal ^b	<i>Phoca vitulina</i>	360,000
large seal	<i>Phoca largha</i>	400,000
ringed seal ^b	<i>Phoca hispida</i>	6-7,000,000
Baikal seal	<i>Phoca sibirica</i>	50,000

Table 6.1
Species of Seals of the World and Their Estimated Populations
 (continued)

Species	Scientific Name	World Population ^a
Caspian seal	<i>Phoca caspica</i>	600,000
harp seal ^b	<i>Phoca groenlandica</i>	2,500,000
ribbon seal	<i>Phoca fasciata</i>	240,000
bearded seal ^b	<i>Erignathus barbatus</i>	500,000
hooded seal ^b	<i>Cystophora cristata</i>	365,000
grey seal ^b	<i>Halichoerus grypus</i>	88–100,000
Southern Phocids		
Mediterranean monk seal ^c	<i>Monachus monachus</i>	1,000
West Indian monk seal ^c	<i>Monachus tropicalis</i>	probably extinct
Hawaiian monk seal ^c	<i>Monachus schauinslandi</i>	700
southern elephant seal ^d	<i>Mirounga leonina</i>	700,000
northern elephant seal ^{b,d}	<i>Mirounga angustirostris</i>	48,000
crabeater seal	<i>Lobodon carcinophagus</i>	15–50,000,000
Ross seal	<i>Ommatophoca rossii</i>	250,000
leopard seal	<i>Hydrurga leptonyx</i>	800,000
Weddell seal	<i>Leptonychotes weddelli</i>	500,000

- a. From King (1983). These estimates may differ from numbers used in the text.
 b. Species found in Canadian waters.
 c. Endangered species, listed in Appendix I of the Convention on International Trade in Endangered Species (CITES).
 d. Threatened species or look-alike species (likely to be confused with a threatened or endangered species), listed in Appendix II of CITES.

Harp seals whelp in large herds on ice floes off southern Labrador and northern Newfoundland and in the Gulf of St. Lawrence. The single pup (whitecoat) is born with a thick coat of white silky hair, which the animal begins to moult when it is one week old (ragged-jacket stage). The moult is completed in three to four weeks, when the white coat is replaced with a short-haired coat of grey spotted with black (beater stage). The pup is nursed for eight to twelve days and then abandoned, after which the females mate with one or more males (Sergeant, 1976).

Adults moult on the ice in April and May. Following the moult adults migrate north in May, while the beaters follow separately. Harp seals spend the summer in the eastern Canadian Arctic and around Greenland, and migrate south again by late December. Adult males and females are both about 1.6 metres in length. Mature females weigh an average of 120 kilograms, while the males, at 135 kilograms, are slightly heavier. The northwest Atlantic stock numbers about two million.

Hooded Seal

This large ice-breeding species is migratory, like the harp seal, but is less numerous. Its breeding groups on heavy floe ice are more scattered and constitute family groups of male, parent female and her pup. Because of the relatively scattered nature of its breeding numbers in heavy ice, the hooded seal is less well studied than is the harp seal. Adult males reach lengths of 2.5–2.7 metres and weigh about 400 kilograms. Females are slightly smaller, at about 2.2 metres and 350 kilograms.

The pup is born in the second half of March. Instead of the temporary foetal hair that the whitecoat harp seal pups possess, it has a rich, lustrous hair coat which gives the pup its name, "blueback", and which was, until recently, in high demand at fur markets. Pups are suckled for as short a time as four days and then abandoned. When lactation ends, the female mates with her male companion, who has remained with her on the ice during the whelping period. The hooded seal has been said to be monogamous, but may be polygynous to some degree (Miller and Boness, 1979).

Hooded seal breeding areas on the Canadian side of the Atlantic lie mainly off northeast Newfoundland, but some of these seals at times whelp in Davis Strait, and a few whelp in the Gulf of St. Lawrence. Others breed near Jan Mayen Island, north of Iceland. In April, the hooded seals that have whelped near Newfoundland and in the Gulf start to migrate north to Davis Strait and southwest Greenland. Major moulting concentrations occur on the ice east of Greenland in June and July, after which the Canadian seals return to Davis Strait. Southward migration of the Newfoundland stock occurs in the fall, but the group which whelps in Davis Strait appears to remain in the Strait throughout the winter.

Relationships between the Canadian and Jan Mayen stocks are not clear because the degree of exchange between populations is uncertain, and

estimates of population sizes are imprecise. The size of the western Atlantic population is difficult to determine, but it has been estimated at 300,000 animals.

Grey Seal

In Canada grey seals are confined to the Atlantic coast and are widely scattered from Labrador to Nova Scotia. They form breeding colonies in such localities as Deadman Island near the Magdalen Islands and Sable Island off Nova Scotia.

Grey seal pups, which are born between late December and early February, are covered with long white hair that is shed about three weeks after birth. Pups are able to swim at birth, but usually wait until they have completed their first moult. The pup is weaned when it is approximately three weeks old, after which it may go to sea or spend several weeks on land. The mother mates with one or more bulls, either on land or in the water, at the end of the lactation period. Males are monogamous if there is ample breeding space, as there is on fast ice or on the beaches of Sable Island, but polygynous when crowded into large aggregations (Mansfield, 1966).

Mature grey seals are large; an average male weighs 220 kilograms and reaches a length of 2.2 metres, and an average female weighs 150 kilograms with a length of about 1.8 metres (King, 1983). This seal is considered to be increasing in numbers; the present Canadian stock is estimated at 40,000–75,000 animals, more probably in the upper part of the range. This can be compared with a few thousand in 1949.

Grey seals are of concern because of their impact on Canadian commercial fisheries. In particular, they may damage gear and compete with fishermen for fish, and they are the primary host for a parasite that must be removed from the flesh of cod and flatfish.

Harbour Seal

The harbour seal, a coastal circumpolar species with no organized social pattern of reproduction, occurs on both sides of the north Atlantic and north Pacific Oceans. Harbour seals often ascend rivers into fresh water, and some of them have become land-locked in areas such as northern Quebec.



Harbour seal

Harbour seals are solitary in the water, and form groups only to haul out at low tide on exposed rocks or sand bars, where they normally remain until high tide, when they disperse to feed. On very rocky coasts they breed mostly in single family units or in small groups. The single pup, which is often born between the tidemarks, is able to swim immediately after birth. In estuaries, the population of the whole area may congregate on one or more sandbanks to whelp. The young are born with a short adult-type coat, although a covering of whitish foetal hair may persist for up to a few days in the northernmost young. The pups may swim away with the rising tide, accompanied by their mothers. Lactation lasts four to six weeks, and suckling may take place on land or in the water. Adult males are 1.5–1.8 metres long and females 1.2–1.5 metres, and the animal's maximum weight is about 113 kilograms (King, 1983).

On the B.C. coast, the stock is estimated at 45,000–60,000, and on the Atlantic coast, at 13,000. The population size in Labrador, Hudson Bay and the eastern Arctic is unknown.

Ringed Seal

Like the harbour seal, this small, ice-breeding, circumpolar species is rather solitary, but widely distributed throughout arctic and sub-arctic Canada.

Males and females both reach a length of 1.4–1.5 metres and weigh about 70 kilograms. Adult ringed seals use the claws of their foreflippers to maintain breathing holes in fast ice. The single whitecoated pup is born between mid-March and early April in a birth lair hollowed out of a snowdrift. The pup is nursed for as long as two months, after which it is abandoned by the female. The breeding season extends from mid-March to mid-May. Adults are presumed to be promiscuous, but there is some recent evidence of polygyny (Miller et al., 1982). Copulation occurs in water under the ice, while the female is still lactating. During the haul-out period in June, most ringed seals lie on the ice, fasting and moulting.

Ringed seals are a staple food and a source of clothing for the Inuit. The size of the Canadian stock is unknown, but it probably numbers over a million individuals.

Bearded Seal

This large, arctic, ice-breeding, circumpolar species is solitary, with a distribution similar to that of the ringed seal. Adults of both sexes reach approximately the same length of 2.3 metres and weigh about 250 kilograms. Bearded seals prefer shallow waters near coasts that are free of fast ice during winter, as well as gravel beaches and near-shore ice floes (King, 1983). They are most often found on moving ice floes which have open leads between them.

Pups are born in the open on the ice in early May. Lactation lasts for 12–18 days, and during this time the female remains close to her pup. Adults do not concentrate in groups during the breeding season, which takes place in May at the end of the lactation period.

The tough and flexible hide of the bearded seal has been used for dog-team traces, harpoon lines and boot soles. The meat is eaten, but the species is secondary in importance to the ringed seal for subsistence economies. The size of the Canadian stock is unknown, but it is much lower than that of the ringed seal stock.

Northern Elephant Seal

This very large species is confined to the Pacific coast. It does not breed in British Columbia, but scattered males migrate in winter from breeding colonies in California to B.C. waters. Sightings are rare, but have increased in frequency over the last 15 years. Males reach a size of 4.5 metres in length and 2–2.5 tonnes in weight (King, 1983).

Otariid Seals

The three species of otariid seals occurring in Canada are found on the Pacific coast. The Otariidae all show strong development of social structure, polygyny, and sexual dimorphism (Bonner, 1982). The breeding and pupping areas, called "rookeries", are located on land. Mature females are grouped in harems, each with a dominant male, the harem bull, that defends the territory and the females within it against other males. Dominant bulls mate with the many females (polygyny) within their individual harems. Sexual dimorphism in these three species is expressed by the considerable difference in size between males and females; the adult female attains approximately one-quarter to one-half the size of the males.

Pups are gregarious and spend much of their time in groups, sleeping, playing, or making exploratory trips around the rookery. Otariid pups are less precocious than the pups of many of the phocid species. Sea lion pups, for instance, suckle until the next pup is born in the following year, and northern fur seal pups nurse for three months. Otariid pups do not enter the ocean for a period of time after birth. Steller sea lion pups, for example, play in tidal pools before progressing to the open ocean when they are about three months old (King, 1983).

Northern Fur Seal

This species breeds on the Pribilof Islands and Commander Islands in the Bering Sea, and on Robben Island and in the Kuril Islands off Sakhalin. A small breeding colony has recently started on San Miguel Island, California. They do not breed in British Columbia, but females and young-of-the-year migrate south through B.C. waters in winter. They usually remain offshore, but sometimes come into inside waters.



Northern fur seals

Adult males return to the rookery in early June and establish their territories. Females arrive in mid-June, and harems are formed primarily as a result of the gregariousness of the females, rather than as a consequence of control by the bull (Peterson, 1968). Males that lack territories or harems form groups of bachelor bulls that occupy separate parts of the beaches.

Pups are born about two days after the female comes ashore, and mating takes place about a week after the birth. Parental care is limited, as males ignore pups, and females provide protection for only one week after the birth. After that time, for a period of three months, females return weekly to the rookery to feed their pups, which have gathered into groups. Fur seals are able to swim at birth, but enter the water only when they are about one month old (King, 1983).

Adult males are about 2.1 metres long and weigh 180–270 kilograms, whereas females are about 1.5 metres long and weigh about 50 kilograms (King, 1983). The population in the eastern Bering Sea and eastern Pacific Ocean, primarily the Pribilof Islands stock, numbers about 825,000.

At one time northern fur seals were taken at sea commercially, and were hunted for subsistence use by coastal Indians. Pelagic sealing has not taken place for many years and the stocks have been managed internationally until very recently by Canada, Japan, the United States and the U.S.S.R. through the North Pacific Fur Seal Commission, whereby commercial sealing has been restricted to breeding islands.

Steller Sea Lion

This is the largest species of sea lion. Mature males reach a length of about three metres and weigh approximately one tonne. Adult females are smaller, with average lengths of 2.2 metres and weights of 270 kilograms.

Steller sea lions form breeding harems in May and June, mainly off Cape St. James in the Queen Charlotte Islands and on islands north of Cape Scott on Vancouver Island. A number of former breeding colonies were eliminated during control killing in the 1950s.

Dominant breeding bulls arrive at the rookeries in early May. Pups are born between mid-May and mid-July. They remain close to their mothers for about one week, but when several weeks old they gather in groups. Copulation between mature adults takes place about two weeks after the birth of the pup, usually on land, but sometimes in shallow water (King, 1983). Some females and young may remain on the rookeries for the entire year, but by the end of August the adult bulls have returned to the sea.

Steller sea lions also occupy haul-out sites, which appear to be occupied all year-round by a population composed of a mixture of ages and sexes (Bigg, 1985). Some of the sea lions found in these non-breeding assemblages may be from breeding populations in Alaska and possibly also in California. The B.C. resident population is small compared with the centre of abundance in the Aleutian Islands, numbering about 4,800 to 6,600 animals.

California Sea Lion

This sea lion, which is known to many people as a circus performer, does not breed in British Columbia, but young and mature males migrate north from California breeding colonies in late fall into B.C. waters and

remain there over winter and into early spring. The breeding biology is much like that described for the Steller sea lion. Bones from this species found in Indian middens suggest that this migration pattern has been occurring for many years, but coincident with population increases in California, there has been a marked increase in the winter abundance of this species in British Columbia over the past 20 years. The B.C. winter population is estimated to number about 4,500 animals (Bigg, 1985), concentrated in the Gulf Islands and in Barkley Sound, but extending north in scattered numbers. Many people do not distinguish this sea lion from the Steller sea lion, but its raucous bark, smaller size, darker colour and a forehead "crest" in older males are distinctive.

Adult males reach a length of about 2.4 metres and weigh about 300 kilograms. Adult females are smaller, averaging about 1.8 metres in length and 100 kilograms in weight (King, 1983).

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Chapter 7

The History of Sealing

Sealing has had a long and varied history around the world. It has been undertaken for both subsistence and commercial purposes, in this country and abroad. Aboriginal peoples have hunted seals in the Arctic and on the Atlantic and Pacific coasts of Canada for thousands of years. Europeans have engaged in the hunt in "Canadian" waters since the arrival of Basque fishermen in the 16th century. For the past several centuries, commercial sealing operations have ranged around the world from the Barents Sea to the Gulf of St. Lawrence and from the Bering Sea to Antarctica.

The importance of the seal hunt to the arctic Inuit and to other Canadians living in provinces bordering the Atlantic Ocean has made it an integral component of their respective cultures. Besides its impact on incomes and material well-being, therefore, the recent drastic decline of the hunt has had a profound effect on the less tangible aspects of arctic and Atlantic life-styles.

This chapter provides a retrospective account of the seal hunt, commencing with world sealing and continuing with the hunt in Canada.

World Sealing

Seals and their relatives, the sea lions and walrus, present the hunter with an attractive package of high-quality meat, together with skins for clothing and oil for fuel or light. Consequently, they have been harvested almost everywhere that they and humanity co-exist and have become, since ancient times, a basic element in the economy and culture of coastal peoples over many parts of the globe.

Throughout much of prehistory and recorded history, however, seals, unlike some land animals, were usually underexploited because many species were migratory and spent most of their lives out of the reach of humankind. While seals could provide almost all the essentials of human life, in terms of food, clothing and fuel, only a few societies, like the coastal Inuit of the Arctic, ever became heavily dependent on sealing.

The nature of the seal hunt is determined largely by the behaviour and, especially, the breeding habits of the various seal species (Le Boeuf, 1986). (See also Chapter 6.) Fur seals, for example, are polygynous and breed in dense colonies, consisting sometimes of tens of thousands of animals, along a few kilometres of coastline. Most of their breeding places are on remote and inaccessible islands, but once they were discovered, they became highly attractive to industrial-scale sealing. While the stocks lasted, catches were limited only by the capacity of the sealers' ships.

Other seal species, including most of those found in Canada, are monogamous or promiscuous and tend to breed individually or in small colonies. These may be exploited successfully by a lone hunter, but they are unattractive to large-scale operators.

Harp and hooded seals hold an intermediate place. They do not form dense breeding colonies with little space between individual animals, as is typical of fur seals, but at breeding time they do collect in extensive patches where tens or hundreds of thousands of animals cover a few hundred square kilometres of ice. Two such concentrations occur in Canadian waters: in the Gulf of St. Lawrence (almost all harp seals) and at the "Front", the area of ice to the north and east of Newfoundland. Large-scale exploitation of these concentrations was infeasible until ships capable of operating in heavy ice became available.

Seal hunts have been conducted in areas of the north Atlantic and north Pacific from very early times. Most pre-industrial sealing was of a subsistence character: that is, seals were hunted mainly for domestic use by the hunter and his family, but there were exceptions. Records exist of the sale around the Baltic Sea of sealskins and seal oil from northern Scandinavia as part of the trade of the Hanseatic merchants, and trade in these products may have occurred much earlier. The Russians also engaged in the fur trade at an early date, including trade with the Chinese, who sought the skins of fur seals for the trimming of their more expensive robes. In few places, however, were seals abundant enough and alternative resources scarce enough for sealing to be more than a marginal activity. Only in rare instances, as in the Canadian Arctic and Greenland, did societies depend on sealing as their main source of livelihood.

Commercial sealing began in earnest with the age of exploration. The industry tended to follow in the path of the early overseas explorers who discovered previously unknown seal populations. Within 25 years of Columbus' first voyage, Spaniards were killing fur seals in the estuary of the River Plate, and the French were killing seals (probably grey seals) at the

mouth of the St. Lawrence. The European discoveries probably signalled the end of the Caribbean monk seal, although the record is not clear.

These stocks were relatively small, however, and large-scale or "modern" commercial sealing dates from the 18th century, with the discovery of some of the larger fur seal stocks and acquisition of access to the breeding patches of harp seals. During that and the succeeding century, sealing enterprise was encouraged by the general growth in world trade and the demand for leather and oil generated by the advance of industrialization. Throughout the period, commercial sealing was often synonymous with the utilization and total destruction of newly discovered seal herds.

The expansion of sealing was closely associated with whaling. Since the oil of seals is similar to that of whales (at least that of baleen whales), and since both serve the same market, whaling ships were among the first to take advantage of previously unexploited seal populations. In the 1770s, U.S. whaling ships killed southern elephant seals on the Falkland Islands, and in the next half-century or so, whalers and sealers led the exploration of the southern seas, penetrating almost to Antarctica. As they found the fur seal herds of different islands, enormous catches followed for a few years, but often the stocks were quickly depleted.

Western explorers discovered that northern fur seal pelts could be traded in China for tea and other commodities. Russian fur hunters began exploring the Aleutians in the mid-1740s and, by 1786, had discovered the large fur seal rookeries on St. Paul and St. George Islands (Pribilofs), where 80% of the population breeds (Hansen, 1982; Veltre and Veltre, 1981), and had established a sealing industry in the north and east Pacific. Between 1740 and 1790, the Russians exported a total of 2,500,000 seal furs to the Chinese (Busch, 1985).

Meanwhile, British and U.S. sealers entered the south Pacific and virtually exterminated the fur seals and sea lions found on the islands off the west coast of South America. More than three million seals were taken on Isla Mas Afuera (Juan Fernandez group) during the seven years prior to 1797 (Busch, 1985). Then U.S. and Russian sealers began to meet in the vicinity of the California coast and to collaborate in seal hunting in that region: during a three-year period *circa* 1810, the Farallon Islands off San Francisco yielded about 150,000 fur seals. Sealing in the Pacific was not without its hazards, as many seal herds occupied some of the most inaccessible islands. It was not uncommon for sealers' boats to be dashed to pieces on the rocky coasts and crews thus lost or abandoned to their fate by the ship captains.

In the early 19th century, sealers began to enter sub-antarctic regions; by 1825, 1,200,000 seals had been taken from South Georgia, and this herd was exhausted. The South Shetlands were exploited next, followed by the southern coast of Australia. The Dutch had been harvesting the South African fur seal stock since the 17th century, and this industry tended to blend with the general exploitation of seals in the southern hemisphere. By the early 19th century the accessible seal populations of that hemisphere had all been seriously depleted and, in some areas, whole herds had been wiped out. Even a century later, only a handful of seals were to be found on the islands mentioned above, although the South Georgia population has been increasing lately. (See Chapter 28.) Many fur seal stocks have not recovered to this date.

The southern islands belonged to no country, and there was no control over the exploitation of the seal stocks located on them. Farther north, in South Africa, in Uruguay and on the Pribilof Islands, local governments exercised some control, although there was a burst of uncontrolled sealing on the Pribilofs after the sale of Alaska to the United States in 1867. Generally, however, the controls were inadequate, and most stocks declined. In brief, while huge harvests of seals were taken and great profits made by some sealing interests in the 18th and 19th centuries, this era was, on the whole, a period of profligate pillage of resources, the effects of which are still visible.

Despite the difficulties of operation because of ice conditions and the greater dispersion of animals in the breeding patches, the harp seal hunt of the 19th century is by no means exempt from the foregoing criticism. A detailed description of the development of seal hunting in Canada follows. Further details of recent sealing practices in some other countries are discussed in Chapters 19 and 28.

The Arctic Seal Hunt

Archaeologists believe that Inuit have hunted seals for millenia in the area that now comprises the Northwest Territories and the sub-arctic areas of Quebec and Labrador. Evidence indicates the existence of a regular hunt as far back as the emergence of the Early Dorset culture, about 3,000 years ago (Fitzhugh, 1977). Approximately 2,000 years later, the Thule culture expanded rapidly from the west into the eastern Arctic, replacing the earlier Dorset culture. Thule culture introduced more advanced hunting techniques, thus increasing the efficiency of subsistence activities. Seal

hunting, for example, improved with the use of large skin boats and heavy-duty harpoon gear (Fitzhugh, 1977).

The Thule hunt involved intensified winter hunting for seals on the ice. Summer camps, also, were established in bays and on islands with good fishing, bird-hunting and sealing sites. Typically, the Thule winter hunt would involve living on the shore and hunting for ringed seals at their breathing holes. For many groups, such as the Clyde River Inuit on Baffin Island, ringed seals provided the bulk of their diet from freeze-up until steady caribou hunting began in late May or June.

Northern Indians were less reliant on seals, preferring a more varied diet. Moreover, their location tended to be inland and distant from seal-hunting sites. Nevertheless, for a number of Indian groups, the seal hunt was of major importance.

The commercial element was introduced into seal hunting in the Arctic in the early 1800s, when the Hudson's Bay Company began to trade with northern Indians and Inuit. This element grew in significance until, by the late 1800s, the ringed seal was both a vital subsistence resource and an important source of cash revenue. Commercial sealing remained a major factor in the arctic economy into the 1980s. Some 60,000 seals (ringed seals, for the most part) were still being harvested annually during the late 1970s, in the Northwest Territories and northern Quebec; the skins of two-thirds of these seals were marketed.

The Report of the Inuit Land Use and Occupancy Project (Freeman, 1976) noted that ringed seal hunting was virtually universal among Inuit communities in Canada. The commercial aspect of this hunt increased in extent and significance for two reasons:

- technological change (i.e., the replacement of dogteams, kayaks and harpoons by snowmobiles, power boats and rifles);
- relocation of population groups to settlements distant from seal-hunting grounds, making imperative the use of modern technology (e.g., mechanical transport) to achieve greater range.

The acquisition and maintenance of the equipment created the necessity for a cash income. As a result of the increasing costs involved, combined with the effect of the collapse of sealskin markets due in part to the actions taken by the European Community (EC), the economy and way of life of the Inuit

and northern Indians have been devastated. The issue is examined in greater detail in Chapter 13.

The Atlantic Seal Hunt

When Europeans arrived in the Atlantic region, there had existed from time immemorial a subsistence hunt for seals, conducted by the aboriginal peoples. The species hunted probably included harp seals in the winter and spring and grey seals at other times. In the 16th century, Basque, Breton and Norman fishermen, on their annual (summer) expeditions to the rich fishing grounds of the region, began to harvest the local seal stocks. At a later period, inhabitants of coastal fishing villages harvested seals from shore. The early reports of sealing activity (by Cartier and others) presumably relate in the main to grey seals, and it is possible that these operations reduced the grey seal stocks to the low level from which they are only now recovering.

Sealing in the Atlantic region nowadays tends to be equated with the hunt for harp seals, and especially with the whitecoat hunt. This was not always so, for the large-scale harvest of whitecoats only began early in the 19th century. Harp seals are born on ice floes, at the Gulf and Front breeding grounds. From the colour of its fur, the pup is called a "whitecoat". After one week, it becomes a "ragged-jacket" and, at three to four weeks, a "beater". At one to five years of age, it is known as a "bedlamer". (The hooded seal has a similar life history, except that it is born farther from land and with a bluish coat which gives the pup the name "blueback".)

Labrador

As in the Arctic, sealing has been a central economic activity of the aboriginal peoples of northern Labrador for thousands of years. The Labrador Inuit, who are descendants of the Thule Eskimos, have a highly specialized seal-hunting culture and are credited with having improved harpoon technologies. They were adept at finding and killing seals both at breathing holes in the ice and, using kayaks, on the open water.

In Labrador, the winter hunt continued until the ice became too thick and snow covered the seals' breathing holes. In the spring, when the seals basked on the ice, the hunt resumed with intensity at leads of open water. Like their more northerly counterparts, the Labrador Inuit also

turned to caribou hunting in late spring or early summer. The Montagnais, Naskapi and Cree Indians of the Labrador interior also hunted seals and had direct access to the coast across Inuit lands (Brody, 1977). Similarly, the Inuit could move inland freely to hunt caribou as needed.

The first Europeans to settle in Labrador were the United Brethren (Moravian Mission), who arrived in 1771. They established settlements from Killinek, on the northern tip of the coast, to Makkovik, joining some 2,000 Inuit already living in the area between Killinek and Rigolet. Other Europeans began to arrive in the 1790s, and immigration, on a small scale, continued throughout the 19th century. These settlers adopted the activities and learned the skills of the Inuit, including seal-harvesting techniques.

Soon after their arrival, the Moravians introduced the use of nets, which were particularly effective for harvesting harp seals during the seals' autumn and spring migrations along the Labrador coast. They exported the products of this hunt and held a monopoly of trade on the northern Labrador coast. Records indicate that, by the beginning of the 19th century, cargoes of seal products worth more than \$25,000 were exported annually.

The subsistence needs of Labrador Inuit for seals increased throughout the 19th century and the first half of the 20th century. The bowhead whale had been hunted to near extinction by European whalers, and declining stocks of walrus and beluga reduced the availability of food supplies. Fur-trapping activities and permanent settlement required larger dog teams for travel and hauling wood, and more dogs meant that larger supplies of dog food were needed; seal meat was a major source of inexpensive dog food. Before snowmobiles replaced dog teams and stores offered alternative foods for human consumption, a community of 200 people required a minimum harvest of 2,500 seals per year to meet basic subsistence needs. Major failures in the annual seal harvest caused severe hardship, marked by malnutrition, susceptibility to disease, and a shortage of materials for clothing. Although the Labrador seal hunt was relatively small in scale, it was nonetheless of vital importance to the communities concerned.

Newfoundland

Sealing in Newfoundland has had an uninterrupted history since ancient times. Harpoons skilfully crafted by the Archaic Indians on the west coast of the island and spearheads and seal bones from prehistoric campsites

in Bonavista and Trinity Bays and on the northern peninsula confirm the extent of subsistence seal hunting by the aboriginal peoples. Jacques Cartier reported sealing by Indians of the Strait of Belle Isle in the mid-1500s. The first European vessel specifically outfitted for sealing sailed from England in 1593 (Busch, 1985), and by 1610 an annual summer seal hunt was being conducted by Europeans off Newfoundland.

Although European fishermen may have preceded John Cabot's arrival in Newfoundland by 15 years or more (Rothney, 1973), it was following Cabot's first voyage in 1497 that Newfoundland became famous for the prodigious codfish stocks located close to its shores. As a result, the island became the major fishing station of the north Atlantic. Fleets of fishing ships, carrying tens of thousands of men, arrived each spring; the crews fished and cured their catches through the summer and departed for Europe in early autumn with their cargoes of salted cod. This was a migratory seasonal fishery and, in the early 1700s, after 200 years as a base for the fishery and several attempts at colonization, Newfoundland still had no more than 3,000 English and a handful of French residents, and most of the latter were forced to move to Acadia in 1713.

The herds of harp and hooded seals, which congregate early each spring to whelp and breed on the ice floes at the Front and in the Gulf, were not exploited by the migratory European fishermen because the seals were in the high Arctic during the cod-fishing season, when these fishermen were in Newfoundland. A prerequisite for a harp seal hunt was the presence of permanent residents on the island. The first European settlers established themselves in the harbours of the southeast coast and, in consequence, were ill-situated to take advantage of the seal resources. In the early 1700s, however, some settlers moved to the more northerly bays, and by the 1720s, seal oil was being exported from Newfoundland to England. Throughout the 18th century, the residents confined their sealing activities to the ice and waters near their homes. They shot older seals and killed whitecoats when the animals appeared in the neighbourhood, or they set nets to intercept seals off headlands and in narrow passages.

This seal hunt was the original "landsmen" hunt, and it was centred in the sparsely settled areas around Bonavista and Notre Dame Bays. It was not very productive. Although the U.K. market for sealskins and seal oil was buoyant, there was no significant growth in Newfoundland production between the 1720s and 1780s (Colonial Office, undated). Sealing provided valuable subsistence products, however, and it was an influential factor in population distribution and settlement.

By the end of the 18th century, the population of Newfoundland had increased sevenfold, as a result, directly and indirectly, of the introduction of the potato, the British conquest of New France, the American Revolution, and the development of the seal hunt on the northeast coast of the island. Circa 1800, about 20,000 English and Irish settlers inhabited the coast from Harbour Breton in the south to Twillingate in the northeast. Wartime prosperity in the cod fishery, between 1793 and 1815, encouraged an additional 20,000 people to take up residence in Newfoundland. The better harbours became overcrowded, and a number of "planters" (fishery entrepreneurs) were prompted to send ships and crews to fish along the north coast of the island and the coast of southern Labrador during the summer months. When peace was restored, French fishermen resumed their summer fishery on the island's north and west coasts, causing serious difficulties for Newfoundland residents. At the same time, market reverses, particularly in Spain, resulted in severe depression in the Newfoundland cod fishery. A collapse of the "north shore" fishery, as had occurred in post-war depressions during the 18th century, was averted by growth in the sealing industry.

In the 1790s, fishermen had discovered that harp seals could be harvested on the ice floes during March and April, and certain shipowners in St. John's and the more densely populated harbours of Conception Bay began to send vessels to hunt them. The vessels were small, and their crews had much to learn about sealing. Through trial and error, captains and fishermen acquired the necessary skills and thus inaugurated the large-scale commercial seal hunt that was to play so prominent a part in Newfoundland's economy in the following century.

During the first half of the 19th century, the sealing industry accounted for up to one-third of the island's total exports. The growth of the industry in the early decades of the century contributed increasingly to the employment of shipping and manpower. In 1827, 290 vessels and 5,418 men were engaged in sealing. By 1833, the numbers had increased to 359 vessels and 7,983 men. Thereafter the number of vessels dropped slightly, but individually, the ships increased somewhat in average tonnage and carried larger crews (about 32 men each, on average). In 1848, the fleet was distributed as shown in Table 7.1.

Expansion peaked in 1857, when 370 vessels and 13,600 men were involved in the seal hunt. The harvest of seal pelts had followed a parallel trend. From a level of 5,000 sealskins in 1793, production had risen to over 53,000 skins in 1803 and 81,000 in 1805. It rose again to 165,000 skins in 1818 and 282,000 in 1819. In 1831, following energetic development of the

Table 7.1
Large-Vessel Sealing Fleet, Newfoundland, 1848

Place of Ownership	Vessels (no.)	Total Tonnage (tons)	Total Crew (no.)
St. John's	96	9,353	3,215
Brigus	66	5,010	2,111
Carbonear	54	4,634	1,672
Harbour Grace	51	5,084	1,684
Other ports	74	5,803	2,123
Total	341	29,884	10,805

Source: Colonial Office (undated).

European market, production reached 687,000 skins, and this level was maintained throughout the 1830s and 1840s, when exports exceeded 600,000 skins in each of a number of years. Similarly, exports of seal oil rose from about 1,000 tons annually at the beginning of the century to over 7,500 tons each year during the 1830s. (These quantities are measured in long tons, each long ton weighing 2,240 lb and equivalent to approximately 1 tonne.) By this time too, the wartime and post-war disturbance of international trade had subsided and prices had stabilized.

The plateau in production and commitment of resources, achieved by the Newfoundland sealing industry in the 1830s, was maintained into the 1860s. This period is referred to nostalgically on the island as "the Great Days of Sealing". Then production fell into decline, probably as a result of overexploitation of the seal stocks, and other changes began to take place. The change-over from sail to steam power was initiated in 1863, when two steamers were sent to the ice fields, and the fleet gradually expanded to include some 20 steam-powered vessels.

The seal fishery has been greatly altered within the last twenty years. It is now conducted chiefly by steamers – about twenty in number – and partially by small craft numbering from twenty to thirty and varying in size from ten to seventy tons (Talbot, 1882).



Send-off of the sealing fleet

The subsequent career of this fleet, at five-year intervals, is illustrated in Table 7.2.

The increasing size of sealing vessels and the introduction of steamers had a significant effect on the distribution of Newfoundland's residents, particularly those situated on the Avalon Peninsula. In the early years of the 19th century, the outports were heavily engaged in the sealing industry, but by the end of the century, St. John's dominated it completely.

As a result, during the 1880s and 1890s, Port de Grave, Harbour Grace and Carbonear declined in population. With this shift in the base of operations, sealers from the outports journeyed to St. John's each spring to compete for berths on the sealing vessels. Although the fleet thus continued to be manned largely by external labour, St. John's captured most of the advantages of the industry's relocation.

Table 7.2
The Newfoundland Steam-Powered Sealing Fleet:
Inputs and Output for Selected Years, 1865–1910

Year	Vessels ^a	Men	Seals Harvested
1865	3	323	19,086
1870	10	1,050	102,310
1875	19	3,357	252,880
1880	24	4,894	124,968
1885	18	7,466	174,681
1890	15	3,309	165,052
1895	16	3,784	234,993
1900	19	3,760	353,276
1905	22	3,532	177,100
1910	19	3,364	333,349

Source: Chafe (1923).

- a. From 1865 to 1887, most vessels (about 60% of the fleet) made second trips each season to the sealing grounds. This practice then began to be phased out, and it was banned officially in 1895.

The employment generated by the sealing industry was much more extensive than direct participation in the seal hunt. It included employment both in the construction and maintenance of vessels, ancillary craft and equipment, and in the processing of pelts and the rendering of blubber into oil. In addition, the administration of supplies created employment for agents, clerks and others.

Shipbuilding was a great industry during the first half of the last century . . . nearly every vessel at the seal fishery was native built. Every harbour of importance on the East Coast built its own vessels; Twillingate, Fogo, Greenspond, Bonavista, King's Cove, Trinity, Hants Harbour and Conception Bay . . . [work was provided] for ship carpenters and sail makers, building, rigging and fitting out and repairing vessels, making punts, oars, gaffs . . . (Chafe, 1923).

The sealing industry continued to be of primary importance in the economy of St. John's, and the city was less affected than other areas of the island by recession in the trade in seal products during the second half of the 19th century. The downturn accelerated after 1880 and, combined with a decline in the price of seal oil (concurrent with the increase in petroleum production), brought about severely depressed conditions in this vital segment of the colonial economy.

In the 1850s, the average export of sealskins (an indicator of the industry's size) exceeded 400,000 annually, but during the last decade of the century, the number had fallen to approximately 250,000. By this time exports of seal products were worth only about one-third as much as they had been in the 1850s and accounted for less than 10% of the total value of Newfoundland's exports. The smaller, less secure sealing enterprises were unable to survive the economic contraction and, consequently, the industry became highly concentrated in structure.

The composition of the fleet also changed. Beginning in 1906, the wooden steamers of 200–500 tons, which had predominated at the turn of the century, were replaced by steel vessels of about 2,000 tons, that were heavy and powerful enough for ice breaking. About 20 of these vessels were acquired during the succeeding decade. It proved extremely difficult, however, to find profitable use for them outside the one-to-two-month sealing season, and many were disposed of during the First World War. The fleet was reduced to eight or 10 vessels in the 1920s, and the last of those was withdrawn from the seal hunt during the Second World War.

The decline in the relative importance of sealing persisted into the present century. The overall economy of Newfoundland had grown considerably: the population, for example, which stood at fewer than 75,000 in 1836, was over 220,000 in 1901 and approximated 290,000 in 1935. On the other hand, by the late 1920s, sealskin exports from Newfoundland had dropped to an average of about 145,000 skins per year, and employment in the large-vessel sealing fleet was less than 2,000. Nevertheless, the hunt continued on a fairly substantial scale, as shown in Table 7.3.

This table, unlike Table 7.2, includes landings by smaller vessels or "longliners" and by landsmen, as well as by the large-vessel fleet. The landsmen's contribution to commercial production during the period 1911–1913, inclusive – when, as far as is known, smaller vessels did not operate – was negligible.

Table 7.3
The Newfoundland Seal Harvest for Selected Years, 1915–1980

Year	Pelts Landed (no.)	Gross Value (\$)
1915	47,004	n.a.
1920	22,285	n.a.
1925	127,882	n.a.
1930	241,236	n.a.
1935	143,031	n.a.
1940	159,687	n.a.
1945	11,543	n.a.
1950	121,908	n.a.
1955	55,561	n.a.
1960	37,459	115,374
1965	79,954	902,681
1970	93,286	763,079
1975	78,127	1,630,341
1980	122,223	3,322,381

Source: Canada, DFO (1985).

A striking feature of the series in Table 7.3, and one obvious even from a random tabulation, is the wide annual variation in the seal harvest: the 1930 harvest, for example, was more than 10 times larger than that of 1920. The variation is explained in part by difference in sealing "effort"; for example, the number of vessels in operation was drastically reduced during wartime (sealing ceased altogether in 1943); in part by difference in weather conditions and/or in seal behaviour (migratory pattern, and other aspects); and in part by fluctuation in seal-product prices. The relatively small harvests of the late 1950s and 1960s reflect a shift in production to a Nova Scotian fleet, crewed for the most part by Newfoundland sealers, but landing in Nova Scotia. (See Table 7.6.) Dominance in the large-vessel seal hunt was reasserted by the Newfoundland-based fleet in the 1970s.



Discharging seals from S.S. Eagle

Until the Second World War, seal oil was the principal commercial product of the sealing industry. In the post-war period, the situation was reversed: demand in the international fur trade made sealskins increasingly valuable, and the hunt came to be prosecuted primarily for pelt production. There have been other changes since 1945. The large steel steamships were replaced by diesel-powered vessels, up to 10 in number, somewhat smaller but still capable of manoeuvring in heavy ice. These were joined, in the 1970s, by a fleet of intermediate-sized fishing craft of more restricted mobility, some 140 in number, known as "longliners". Landsmen, many of whom use small powered boats, continued to harvest seals as before.

The more or less steady increase in pelt landings from the 1960s onward represented a response to improving market conditions: between 1960 and 1980, the average price for pelts increased by a factor of nine, that is, from \$3 to \$27 each. This development attracted additional Canadian and foreign entry into the seal hunt of the northwest Atlantic. A further important development was the establishment of a large sealskin-processing plant at Dildo, Newfoundland, in 1970. This step resulted in an improvement of seal-product quality and in an increase of Newfoundland's share of the total Atlantic seal harvest from about 60% in the 1960s to 80% in the early 1980s.

Success was short-lived. With the collapse of the major market in Western Europe, reinforced by the EC ban on imports of "whitecoat" and

"blueback" products, the price of sealskins plummeted in 1983. First the large-vessel fleet and then the longliner fleet were forced to withdraw from sealing operations, bringing to an end – temporarily at least – an industrial activity with a history in Newfoundland of almost two centuries.

Quebec

Jacques Cartier is credited with the first recorded observations of abundant seal and other marine resources in the Gulf of St. Lawrence. As for Newfoundland, the earliest interest of Europeans in these waters related to fishery resources, especially codfish, but as the world demand for oil products increased during the 18th century, more attention was paid to seals and other marine mammals. The seal hunt that has evolved in Quebec includes the harvesting of adult harp seals on their migration into and out of the Gulf, along the north shore, and the harvesting of harp seal pups and adults at the breeding patches, mainly by sealers from the Magdalen Islands.

Sealing from the Quebec north shore, or Côte du Nord, was an important subsistence and commercial activity from at least the middle of the 19th century, as shown in Table 7.4. As early as 1689, the harvest of migratory harp seals on that coast had become so lucrative that the French fought with the local Indians for its control. When Abbé Ferland visited Samuel Robertson at La Tabatière on the lower north shore in 1858, he recorded that Robertson netted at least 4,000 seals in a single season (Chambers, 1912). The total production of the north shore is not known, but it was much smaller than that of Newfoundland. Harvests declined in the late 1800s, but recovered to some extent in the present century, peaking between 1945 and 1955 (Baril and Breton, undated.) In recent years, the catch has averaged about 5,000 seals annually, valued at \$100,000. (See Table 14.17, Chapter 14.)

The seal hunt at the breeding patches developed along much the same lines as the one based in Newfoundland. Colonel Richard Gridley, an entrepreneur from Boston, established himself on the Magdalen Islands about 1762 and held a monopoly of the walrus hunt in the Gulf. He brought to the islands – and virtually enslaved – a number of Acadian families from Prince Edward Island and Nova Scotia to exploit the walrus herds. By the 1790s, these workers had decimated the herds, and their energies were redirected toward the abundant seal stocks, which had already been exploited by Indians. The seal hunt thus became the most lucrative occupation of the Magdalen Islanders. By the middle of the 19th century, it was well

established. In the sample year of 1848, 21,000 gallons of seal oil, almost all of it from grey seals, were shipped out of the Magdalens (Mowat, 1984).

Table 7.4
Sealing Activity, Quebec North Shore, Between 1860 and 1890

Year	Vessels Engaged	Seals Caught
1860	5	3,311
1865	14	3,316
1870	14	17,312
1875	18	4,426
1880	21	18,397
1885	20	428
1890	22	1,905

Source: Vigneau (1969).

Commander Fortin, subsequently Canada's first fishery-patrol officer, reported on land-based sealing activities on the Magdalen Islands in 1864:

In an instant, the news is spread through all the islands by the ringing of bells and firing of guns, and soon the whole population rushes to the shore, whence may easily be seen the seals scattered over the ice as far as the eye can reach.

Young and old men, each armed with a large knife, a rope and club, spring on to the fields of ice, while women remain on shore within reach, to prepare their meals, and to supply them with hot drinks in order to protect them from the effects of the cold and damp, to which they are incessantly exposed . . . This fatiguing and often dangerous labour continues throughout the whole day, and even the night in clear weather, so long as there are

any seals on the ice near the shore, and the ice has not been driven away by the land breeze . . . (LeMoine, 1878).

In 1864, the ice was close to shore for only two-and-a-half days (27–29 April) but, in that brief period, the landsmen took 6,000 seals worth \$18,000. In addition, some 25 schooners from the Magdalen Islands were fitted out for the hunt and earned \$9,780 from the 1,633 seals taken. Two vessels were lost in the ice that year, leaving 13 widows and 45 orphans. Between 1875 and 1890, an estimated 60 vessels were engaged in the offshore seal hunt in the Gulf (Roy, 1963). The majority of these, however, came from ports on the middle north shore of the Gulf (Table 7.4). Subsequent developments corresponded closely with those in Newfoundland, except that, with less exposure to the north Atlantic Ocean, the ice was more stable, and there was relatively greater participation by landsmen. The progress of the hunt in recent times is shown in Table 7.5.

Table 7.5
The Seal Harvest, Magdalen Islands, Between 1955 and 1980^a

Year	Quantity (no.)	Value (\$)
1955	235	1,175
1960	n.a.	n.a.
1965	937	10,307
1970	3,033	24,264
1975	3,995	39,950
1980	7,743	157,200

Source: Québec (1955–1980).

- a. The years selected, for conformity with the other tables in this chapter, distort the actual record. The average catch per year for the period was about 12,000 seals, valued at over \$126,000. Annual catches varied in quantity from 235 (1955) to 41,757 (1964) and in value from \$1,175 to \$517,626 (for the same years). These data demonstrate the enormous annual variation characteristic of the seal hunt of the Magdalens.

Nova Scotia

Nearly a century later than Cartier, Samuel de Champlain and Nicolas Denys made similar observations on the wealth of resources in the coastal waters of the Gulf of St. Lawrence and the Bay of Fundy. Denys, writing in 1672, reported on the attempts of seafaring entrepreneurs from New England to develop the cod fishery and the seal hunt in southwest Nova Scotia. He also recorded how French settlers from Port Royal set out in the month of February to hunt grey seals on the islands located between Cape Forchu and Cape Sable:

The men go all round the islands with strong clubs; the fathers and mothers flee into the sea, and the young which try to follow are stopped, being given a blow of the club upon the nose of which they die . . . Fully three or four young ones are needed to make one barrel of oil, which is good to eat fresh, and as good for burning as olive oil. It has not the odour in burning of other fish oils, which are always full of dregs or settlings at the bottom of the barrels (Denys, 1908).

Denys also noted that the Micmac Indians harvested the smaller harbour seals to obtain oil for their feasts and to grease their hair. To the present day, the name of the Aspotogan peninsula, dividing St. Margaret's and Mahone Bays on the south shore of Nova Scotia, is derived from the Micmac word for a place where the passage of seals is barred. As early as 1774, the local people were utilizing seal stocks: they made clothes from the tanned hides, used the oil to fuel lamps and consumed the meat during summer (Chantraine, 1980).

About the end of the 18th century, an enterprising Nova Scotian established an oil-extraction plant on Sable Island to make use of the area's abundant grey seal population. The station was eventually plundered by New England fishermen, but Nova Scotians resumed the hunting of grey seals on the island after the colonial government assigned permanent lighthouse keepers there in the 1820s. Other Nova Scotians turned their attention to the harp seal stocks in the Gulf of St. Lawrence and off the coast of Newfoundland. In 1829, vessels from Halifax, Lunenburg and Liverpool sailed to Newfoundland, but the results were disappointing. During the same period, approximately 20 smaller vessels from west coast ports in Cape Breton engaged in the seal hunt in the Gulf (Innis, 1954).

Another would-be sealing entrepreneur, William Foster, petitioned the Nova Scotia Legislative Assembly in 1833 for the creation of a bounty to assist large vessels to undertake the voyage to the Newfoundland sealing grounds, arguing that:

Those concerned in the Seal Fishery from Halifax, Liverpool and Lunenburg have to contend with a long and hazardous voyage and expensive outfit, their vessels are obliged to proceed to the Atlantic ocean to the Northward of St. John's, Newfoundland, at the very worst season of the year, this, added to the difficulty experienced in procuring of men of sober habits and sufficient skill, accustomed to such voyages, has already driven several out of the Trade. Your committee respectfully submit to the House the propriety of granting to this important branch of Trade a bounty on all Tonnage of vessels employed in it for two or three years, until it is fairly tried, when the beneficial effect arising from it may be felt in common with Newfoundland where it has been carried on with much success (Nova Scotia Legislative Assembly, 1833a).

Subsequently, on 20 April 1833, the Assembly passed *An Act to Encourage the Seal Fisheries of this Province*, which allocated a fund of £750 to assist vessels to participate in the offshore hunt. The bounty was set at £0.16.5 per ton for vessels 45 tons and over, £0.11.0 per ton for vessels under 45 tons. Bounty assistance was restricted to vessels that fitted out and manned crews from ports in Nova Scotia and to sealing activities undertaken between 1 March and 1 June (Nova Scotia Legislative Assembly, 1833b).

Because of the high costs involved in fitting out vessels for the offshore hunt and the riskiness of the investment, Nova Scotians did not pursue Atlantic offshore sealing as vigorously as did their Newfoundland counterparts. They did, however, participate in the Bering Sea fur seal hunt in the 1880s (*Proceedings of the Tribunal of Arbitration, 1895*). They also engaged in the south Atlantic seal hunt during the 1920s. One expedition lasted eight months, for example, leaving Halifax in October 1923, and returning to port in May 1924. The pelts were unloaded at Montevideo and shipped to England for processing (*Montreal Standard, 24 May 1924*).

The large-vessel seal hunt was abandoned in the 1930s, but was reinstated after the Second World War when the Karlsten Shipping Company, which had moved to Halifax during the war, established a seal-processing facility at Blandford in 1948. In most seasons between 1955 and 1970, seal landings in the province from the Front and Gulf grounds exceeded those in Newfoundland, as indicated in Table 7.6.

Table 7.6
The Nova Scotian Seal Harvest,^a Between 1950 and 1980

Year	Quantity (no.)	Value (\$)
1950	39,093	76,600
1955	99,732	245,400
1960	111,600	585,500
1965	54,966	549,000
1970	43,209	432,000
1975	33,309	635,000
1980	27,882	660,000

Source: Canada, DFO (1985).

a. The data include a small indigenous landmen's catch.

Developments in the seal hunt of the Atlantic region subsequent to 1975 will be found in the account of the recent or contemporary sealing industry and of the trade in seal products presented in Chapters 14–17.

Appendix

Appendix 7.1 Landmarks in the History of Canadian Sealing

1000 B.C. (approx.) Inuit of the Early Dorset culture engage regularly in sealing in the central and eastern Arctic and in Labrador.

- 1000 A.D. (approx.) Inuit of the Thule culture move into the central and eastern Arctic and Labrador and greatly improve efficiency in sealing technology.
- 1534 French explorer Jacques Cartier notes Labrador Indians harvesting seals in the Strait of Belle Isle. By the end of the 16th century, seals become an important catch for Basque, Breton and Norman fishermen on their annual expeditions to the western Atlantic fishing grounds. Settlers begin harvesting seals from shore.
- 1794 The introduction of wooden schooners to Newfoundland waters enables seals to be hunted at the breeding patches offshore.
- 1863 Steamers replace sailing vessels in the Newfoundland offshore (large-vessel) seal hunt. By this time the annual seal hunt employs a major proportion of the island's population and accounts for about one-third of its exports. The yearly harvest often exceeds 500,000 seals.
- 1895 Concern over dwindling seal populations leads to the enactment of laws in Newfoundland to protect animals of breeding age by prohibiting sealing vessels from making more than one trip a season to the ice.
- 1906 Wooden steamers are replaced with much larger steel craft in the Newfoundland large-vessel seal hunt.
- 1911 The Fur Seal Treaty is signed by the United States, Russia, the United Kingdom (on behalf of Canada) and Japan, banning the pelagic hunt for north Pacific fur seals. Pelagic sealing, in which Nova Scotian sealers were active, had led to disastrous depletion of the stock.
- 1946-1948 After the large steel steamships are phased out of the hunt, their place is taken by a fleet of smaller diesel-powered vessels, based in Nova Scotia as well as in Newfoundland.

- Sealskins replace seal oil as the principal product of the sealing industry.
- Plant for primary sealskin processing is established at Blandford, Nova Scotia.
- 1949 Newfoundland becomes a province of Canada, leading to extensive and intensive research on the harp seal stocks by federal agencies. Seal-protection regulations come into force.
- 1961 A closing date, to protect adult females in moulting concentrations, is imposed on the annual seal hunt.
- 1964 and after Increasing public interest in harp and hooded seals leads to more population studies, better control of hunting procedures, and research into humane killing methods.
- 1967 The International Commission for the Northwest Atlantic Fisheries (ICNAF) begins collecting scientific data on harp and hooded seal populations.
- 1970 The use of aircraft to hunt seals is banned.
- A plant for the primary processing of sealskins is established at Dildo in Newfoundland.
- 1972 The *Marine Mammal Protection Act of 1972* is passed by the U.S. Congress, effectively prohibiting the import of seal products.
- 1977 Canada extends national fishery-management jurisdiction seaward over an exclusive economic zone (EEZ) 200 nautical miles wide adjacent to the coast.

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PART III

**Public Concerns
about Sealing**

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Chapter 8

Humanity's Relation to Animals

To kill an animal however painlessly, or however humanely, is still to inflict harm on that animal (Sumner, 1985).

As a sealer, as a fisherman standing before you today, I say to you that I am the endangered species. I am endangered but I still fight back. I will survive. I will not let animal rights become more important than human rights. I will not let people give souls to animals while they rob me of my human dignity and right to earn a livelihood (Small, 1985).

From the beginning of time, the human race has sought to control the natural environment for its own purposes. The degree of this control has increased continuously to the extent that humanity has found it necessary to establish rules of conduct governing the use of the natural environment. In determining what is right and wrong in humans' interactions with animals, consideration of moral principles has been necessary. In particular, there are questions of what obligations humanity has to animals; whether animals have rights of their own; when and how humankind can use animals; and when and how humankind can kill animals. In dealing with these questions, it is important to realize that views on what is moral or ethical vary. Interpretation depends on many factors such as history, community, geography and culture.

Although the primary objective of the Royal Commission is to examine the various principles that should be followed in respect to the seal hunt and the management of seal populations in Canada, it is necessary to do so within the general context of how humans interact with animals.

There is no single, generally accepted set of principles governing human interaction with animals, and there is a wide range of viewpoints. With respect to sealing, there are several types of seal hunt and reasons for killing seals. While the clubbing of seal pups has been the element of Canadian sealing that has attracted most attention, other elements also pose

important and difficult questions. These issues include the hunting of seals by aboriginal peoples for subsistence; the importance of seal hunting to the people in the coastal areas of mainland Newfoundland, Labrador, the Quebec north shore, and the Magdalen Islands; the level of future seal populations; and the possibility of culling certain seal species in order to assist the fishing industry. Judgments on each of these issues may vary greatly, even on the basis of a single set of principles.

Common to most of the viewpoints expressed below is a recognition of humanity's special responsibilities and obligations to the environment. The practical expression of this viewpoint, however, may be very diverse. In this chapter no attempt will be made to reach final conclusions. Rather, the chapter sets the background against which some of the technical issues can be judged.

Different Views about the Treatment of Animals

Animals as Individuals

Morgan (1983) categorized viewpoints concerning animals according to the degree to which human interests dominate animal interests. She suggested the following classification: animal exploitation, animal use, animal control, animal welfare, animal rights, and animal liberation. A note of caution is necessary here because the viewpoints described by Morgan consider only the treatment of individual animals. The more general concerns with what happens to the population of a single species and the ecological interaction between species are not addressed.

The group labelled as standing for animal exploitation takes the view that humans are entitled to treat animals as they will, without regard to their interests or suffering. Only a small minority (2%–5%) of respondents in the six Western countries surveyed in the Royal Commission poll (see Chapter 11) considers that humans have the right to use or kill animals without restraint.

The next two groups, representing animal use and animal control, can be discussed together because they tend to hold very similar points of view. Both consider animal populations as resources that should be harvested in the most efficient manner, on the basis of social and/or economic criteria; at the same time overexploitation should be avoided. The justifica-

tion for this attitude is based more on the need to produce long-term benefits for humankind than on principles of biological conservation. Nonetheless, humanity has the responsibility to protect animals both from suffering and from extinction.

Animal-use and animal-control groups have their differences: the former are more inclined to practise *laissez-faire*, and the latter are more interventionist in philosophy. The differences in viewpoint often relate to the interest of the individuals involved, some of whom are actually engaged in hunting and fishing and some of whom take part in management agencies. Members of the first group hold that no action to conserve the population or to correct alleged cruelty should be taken until the need for action has been conclusively proved. Members of the second group believe that rules and regulations should be introduced as soon as possible. The long-term result is likely to be much the same in both cases: protected species, high sustained yields, and little, if any, cruelty. The pattern whereby a fishery or sealing industry reaches such a situation, however, could be very different under the two approaches. Participants in the sealing and fishing industries could normally be expected to share views similar to those of the group promoting animal use, whereas employees of the federal Department of Fisheries and Oceans (DFO) and their provincial counterparts could normally be expected to share views similar to the group promoting animal control.

Supporters of animal welfare emphasize the need to avoid inflicting suffering. Some of their principal concerns are with captive or domestic animals. As far as wild animals are concerned, they differ from the previous groups in the relative emphasis they give to the avoidance of causing suffering to animals. If they were convinced that harvesting could be carried on without inflicting significant suffering, they would probably develop long-term policies very similar to those advocated by groups supporting animal use and animal control. If, however, significant suffering were an unavoidable part of some harvesting, the group supporting animal welfare might call for elimination of that harvesting or its substantial reduction even if such action involved significant economic cost. Opinion polls suggest that most people can be categorized as supporters of animal-use, animal-control or animal-welfare viewpoints.

A clear statement of the ethical views on harvesting of these groups was made by the Hon. N. J. Cournoyea, Minister of Renewable Resources, Government of the Northwest Territories: "A wildlife harvest is ethical if animals are killed humanely and the populations are maintained" (Cournoyea, 1985).

Two final categories of viewpoints, animal rights and animal liberation, are held by only a small minority. Only 2%–7% of the respondents in the countries polled by the Royal Commission expressed attitudes that correspond to these categories (see Table 11.2, Chapter 11). These respondents share very similar basic principles and ultimate ends. The classification makes a distinction between animal abuse, which is opposed by both groups, and animal use, which, provided that no killing or other suffering is involved, might be allowed by the group supporting animal rights. In terms of their manner of viewing animals, however, these groups can be considered together.

The fundamental principle put forward by the animal-rights movement and the animal-liberation movement is that animals have certain rights. Advocates of this viewpoint draw analogies with the tenets of those who champion human rights. They attempt to look at questions from the non-human viewpoint and to treat the rights of animals as essentially similar to those of humans.

Singer (1975) bases his argument for animal rights on the fact that animals experience both pain and pleasure: "No matter what the nature of the being, the principle of equality requires that its suffering be counted equally with the like suffering, in so far as comparisons can be made, of any other being." On the subject of killing animals, he argues that certain considerations give some lives more value than others, but that there is no sharp distinction between killing humans and killing animals.

Regan (1985), in dealing with the ethics of commercial sealing, makes the point in very personal terms: "Whereas some people see seals as stocks or herds, with quotas to be harvested or populations to be cropped, others (myself included) see them as individuals, each one of which has a life of its own to live . . ."

Sumner (1985) expressed the view that "ethical issues about the hunt must reflect the fact that animals, in this case seals, do count, or matter, to some extent in their own right; that is, they have some intrinsic value, or intrinsic importance. The benefit to humans from the seal hunt does not justify the high cost to the seals."

Stone (undated) provides an assessment of the interrelationship that encompasses the various viewpoints so far discussed, while opting for a middle ground:

... humans have a built-in source of conflict. On the one hand we share with other animal species a biological drive to claim a place in the sun, and it is that drive which leads us to kill animals for food, to use their hides, to displace them to build our cities, and to rely on them to develop medicines to cure our diseases. That biological drive is at tension with a moral awareness which is central to our institutions, laws, mores and civilisation. To resolve the conflict we must develop a system of ethics or morals which acknowledges the relevance of both drives...

Yet there is an equally powerfully converse argument. In rural societies, there are no protest movements concerning animals. People who live close to the land are aware from childhood that all animal life is a matter of struggle against starvation and predators. Only when people are protected by the extraordinary productivity of modern farms from the seasonal struggle for food does the idea arise that man can live in utopian co-existence with other animals. If we were to desanitise our cities, if city folk were brought a little closer to the struggle for food, what would disappear (the argument goes) is not the use of animals, but the protest movements.

Now I'm pretty sure that it is the latter view which is correct. On our list of priorities, animal welfare gives way quickly to issues of our own survival. But it does not follow that the concern with animal welfare is trivial. The advocates of animal welfare may be middle-class and citified but the issues they raise compel attention.

After discussing the various viewpoints put forward, Stone concludes that a moderate approach is necessary as a basis for reform: "It is time for moderates on all sides of this long debate to lay the foundation for progress."

Emond (1985) states that the animal-rights group gives some answers to the fundamental questions about the kind of society Canadians wish to form. The following statements are extracts from his deposition:

But the animal rights supporters go much further than equal treatment of all persons. They seek to expand our moral consciousness and hence the boundaries of our moral community by including all animals in such a community. There is however another view of society, one that sees society as an ecological community, tied together "by biological relationships in interdependent webs or systems of life." Such a view focuses on the characteristic structures of an ecosystem and emphasizes its capacity to withstand changes or stress. (Emphasis in original)

The ecological viewpoint proposed by Emond and further discussed later in this chapter stresses the maintenance of animal populations rather than the obligation to relieve the suffering of individual animals: "This is not to say that the environmentalists feel no moral obligation toward individual animals, but only that the integrity of the broader community is sometimes better served in ways other than animal welfare. The ecological community seeks harmony and balance." Emond concludes by saying: "Were seals an endangered species, prohibition would be a sensible response. If they are not, it seems to me that the interests of the people (the hunters and consumers) clearly deserve respect."

There appears to be a contradiction among some of those who champion the cause of animal welfare by concentrating on the seal hunt. How, for example, can one contend that killing seals is immoral and yet not condemn other types of killing (e.g., Barry, 1985; Snow, 1985)? Sealers appearing before the Royal Commission found it difficult to understand the attitude of those members of the anti-sealing groups who oppose the seal hunt, yet accept the killing of animals for their own consumption: "Amidst the vast slaughter that mankind for its diversion, sustenance, and clothing visits upon the animal kingdom, why should the seal hunters of Newfoundland be selected for abuse?" (Newfoundland Fishermen, Food and Allied Workers Union, Local 1252, 1985). Cournoyea (1985) addresses the same subject as follows:

It is ironic that our people, who live so close to the land, are being affected by a people who are so far removed from the natural environment, namely urban-based animal rights groups. Urban people, through their consumptive use of fuel, power, manufactured goods,

processed foods, and non-renewable resources contribute to far more serious environmental destruction than well-managed harvesting of a renewable resource can. Provided that conservation measures are implemented, renewable resource harvesting can continue indefinitely.

Many of those most active in the animal-rights movement are aware of this problem. Thus Singer (1975) has said:

To protest about bull-fighting in Spain or the slaughter of baby seals in Canada while continuing to eat chickens that have spent their lives crammed into cages, or veal from calves that have been deprived of their mothers, their proper diet, and the freedom to lie down with their legs extended, is like denouncing apartheid in South Africa while asking your neighbours not to sell their houses to blacks.

In a democratic society, those who profess strong viewpoints often receive extensive media coverage, despite the fact that they may represent a very small proportion of the population. This section has dealt extensively with the viewpoints of the animal-rights group and the animal-liberation group, and reactions to those views by others who hold more moderate, middle-of-the-road views. Those presenting animal-rights and animal-liberation views before the Royal Commission were as numerous and as vocal as those holding the middle-of-the-road viewpoints referred to above, although the latter are much more numerous in the population as a whole. The society in which we live, however, is not a vegetarian society. The number of mammals, birds and marine species killed each year is in the billions. This figure is not likely to change in the foreseeable future, and it must be taken into account in assessing the viewpoints set out in this section.

Animals as Species and Populations

In the arguments set out up to this point, the classification of viewpoints has been in terms of the consideration given to the individual seal. The distinction is made between those at one extreme, who view a seal

as just so much meat or as a potential fur coat, and those at the other, who believe that the rights and interests of an individual seal should be given as much attention as those of a human being. Even in this classification, there is not necessarily a sharp division between seal killers and strong supporters of the rights of animals. Instead, there is a middle ground into which most people fall, along with the aboriginal peoples, who both kill seals, and recognize the interests of seals.

Other classifications are possible, and another important ground of classification exists in terms of the attention given to the populations of seals, and to the ecosystems in which these animals live. Again, a progression can be noted from careless slaughter or destruction of the environment, at one extreme, to rigid conservation and opposition to all interference with the natural system, at the other. Individuals or groups often tend to take similar positions under both classifications, but this is not always the case. Economic groups interested in the long-term welfare of their members should have a strong interest in maintaining healthy seal populations, even if they may have little interest in the individual seal. Many animal-rights groups have little interest in populations or ecosystems *per se*; indeed, some extreme members have been responsible for some of the more ecologically irresponsible acts, such as the liberation of mink in parts of the United Kingdom.

A similar policy of strong support for conservation of animal populations and ecosystems may emerge from quite different basic attitudes, attitudes of ethical concern or of enlightened self-interest. An example of the former is the statement of MacKay (1985):

The underlying philosophy which suggests that living animals are merely resources, is the philosophy that had led to widespread ecological problems, some with tragic consequences of great magnitude for people as well as non-humans. More and more we are groping, however inconsistently and perhaps even illogically, for new perceptions of our own place in the scheme of things. We are looking for a new way to relate to others, human and non-human who share the finite resources of this planet.

One of the best statements of the latter approach, and one that receives wide support, is the World Conservation Strategy. Prepared by the

International Union for Conservation of Nature and Natural Resources, (IUCN) with the co-operation and support of the World Wildlife Fund (WWF) and the United Nations Environment Programme (UNEP), and in collaboration with FAO and UNESCO, that strategy defines conservation as:

. . . the management of human use of the biosphere so that it may yield the greatest sustainable benefit to present generations while maintaining its potential to meet the needs and aspirations of future generations (IUCN, 1980).

This approach emphasizes the human use of resources and particularly their use by future generations. The primary concerns of this strategy are that the harvest of populations be sustainable, and that the harvest not unduly interfere with ecosystems and ecological processes. Wildlife species should be conserved; if they are harvested, the harvest must not endanger the species and should provide on a sustained basis for future human needs. Protection of the ecosystems and the environment is essential. Living resources – plants and animals – are critical for human survival. Since human requirements for these resources are rapidly increasing, society must recognize the importance of conserving these resources. Whereas this strategy is concerned solely with ecosystems and populations, Morgan's (1983) analysis deals only with the individual animal.

The Canadian Nature Federation was founded to promote awareness and enjoyment of nature, as well as the conservation of the natural environment so that the integrity of natural systems is maintained. In a submission to the Royal Commission, the Federation states:

The Nature Federation does not oppose the consumptive use of wildlife and does not oppose sealing. Throughout history, the people of Canada have harvested wild living things for food and clothing, originally to serve personal needs and later for trade. The sealing industry developed out of this tradition . . .

Individual sealers . . . probably as a rule live more simply and with less of an impact on the environment on which the animals they kill ultimately depended, than do most of the people in cities who oppose sealing . . .

However, although the Nature Federation does not oppose sealing, as an organization representing Canadian naturalists, it is not its policy to promote sealing, either. Rather, the Canadian Nature Federation promotes and supports policies that ensure the perpetuation of the vast herd of Harp Seals which inhabits the northwest Atlantic, and policies that increase public awareness and understanding of this herd, which is part of Canada's natural heritage (Fox, 1985).

The Minister of Renewable Resources of the Government of the Northwest Territories expressed the following view to the Royal Commission:

Fish and wildlife resources should benefit people. In order to provide those benefits, however, the supply of those resources should be maintained by the application of sound resource management principles . . . The Department encourages the wise use of seal resources for the benefit of northern people . . . (Cournoyea, 1985).

It is a point of view very similar to that expressed in the World Conservation Strategy.

Special Case of the Aboriginal Peoples and Others Dependent on the Seal Hunt

The Hon. T. Curley, Minister of Economic Development and Tourism, Government of the Northwest Territories, spoke about the Inuit relationship with animals in the following manner:

The Inuit hunter is a proud and independent man, preferring to earn his living by hunting, retaining all the skills and self-esteem that are the symbol of every craftsman. He would rather provide for his family through his own efforts than rely on welfare, which he considers demeaning and unmanly. We in the North

view the present anti-sealing campaign as a totally misguided intrusion into our lives.

The Inuit and Dene, because of their reliance on renewable resources, have earned the reputation of being professional conservationists, who support strongly the "wise use" of the earth's resources. Non-indigenous people do not have the same relationship with the land, instead they attempt to manipulate it. This difference in philosophy manifests itself in the animal rights movement. Urban people, through their consumptive use of renewable and non-renewable resources and manufactured goods, contribute to far more serious environmental destruction than well-managed harvesting of a renewable resource can. Provided that conservation measures are implemented, renewable resource harvesting can contribute indefinitely to the well being of our residents (Curley, 1985).

The aboriginal peoples of northern Canada live on land which does not permit farming. Consequently, since time immemorial, these aboriginal people have depended on hunting and fishing for their existence. Their view of the natural world is different from that of non-aboriginal people living in the south, particularly those who live in urban centres. Aboriginal people usually have a respect for animals and the environment in which they live. Being well aware of the dangers of over-exploitation, they have always realized that wildlife species have a right to existence.

Okituk (1985), speaking on behalf of the Makivik Corporation, stated to the Royal Commission that the Inuit view every living creature as entitled to life. The animals which Inuit kill to survive are a renewable natural resource. There is balance in the ecosystem which must be respected, and it is the duty of Inuit to maintain a balanced system. Ernerk (1985), speaking on behalf of the Keewatin Inuit Association, declared that seal hunting has a cultural and social significance to the Inuit. It is an affirmation of their identity and culture. It is an important means of subsistence. According to Amagoalik (1985), speaking on behalf of the Inuit Tapirisat of Canada, "Ironically, a ban on seal hunting in the Arctic would inevitably result in grave harm to other animal populations. The reason is that most other major food sources, like caribou, whales, geese and anadromous fish, are neither as big a product nor as plentiful as seals."

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The following extracts from a submission by the Labrador Inuit Association (1985) express very clearly the Inuit's special relationship with animals :

At the centre of our beliefs is the recognition of the relationship of our souls to the environment, to the animals and to the spirit of all our ancestors. We are people of natural laws.

As Inuit we too have given some human characteristics to our animals, including the seal, but we give them those characteristics exclusively in the spiritual realm and do so to recognize and pay tribute to the seal and its importance to us in our physical and cultural lives. It is our way of expressing our respect for the seal and our appreciation of our environment.

Out of regard for this special relationship, the executive, legislative, and judicial authorities in Canada have recognized:

1. That since time immemorial, the Inuit and Indian peoples
 - (a) have been exercising personal and usufructuary rights over the territory occupied by them;
 - (b) have been exercising fishing, hunting and trapping rights while in possession and occupation of these lands.
2. That the diet of the Inuit and Indians consists mostly of the food which they trap, hunt and fish, that their religion revolves around the game animals, and that the killing of all animals has a strong religious significance for them.

(Le Chef Max "One-Onti" Gros-Louis et autres contre la Société de développement de la Baie James et autres 1974 Rapports de Pratique (Quebec, Canada) 38 and authorities therein cited is authority for these statements.)

In addition to aboriginal peoples, there are others living on the coast of Newfoundland, Labrador, the Quebec north shore of the Gulf of St. Lawrence, and the Magdalen Islands who are also dependent on hunting and

fishing. Hunting seals is part of their social and cultural fabric. Since this subject is dealt with in Chapter 15, it is sufficient to say here that sealers often have an intimate appreciation of nature, partly because their livelihood is directly tied to the environment. Like arctic sealers, Atlantic sealers live in an environment which either precludes farming, or where farming and employment opportunities other than hunting and fishing are very limited. Although the harvest of seals takes place during only a few weeks in each year, it comes at a time when sealers have no other source of employment to provide cash income. To sealers, then, the harvesting of seals is a natural and fully acceptable practice, since they view seals as a renewable resource.

Small (1985), speaking on behalf of the Canadian Sealers Association, told the Royal Commission that sealers want the right to harvest the renewable resources of the land and sea. They are not interested in relying on social welfare assistance, preferring to earn their living with pride and dignity. They are bitter about the anti-sealing campaign and believe that their views were ignored by the protest groups.

Public Opinion

In a democratic country, the governing bodies are elected by universal suffrage and therefore depend on the public will. Parliament, in enacting legislation, and the Executive, in promulgating rules and regulations, take into account the opinion of the majority. It is through free and complete examination and debate of the issues involved, without any fear of reprisal, that the population makes known its will to elected representatives. There are dangers, however, in permitting the majority to impose its will on the minority. Society is in a constant state of evolution. What was acceptable yesterday is not necessarily acceptable today. The majority opinion which existed yesterday may become the minority opinion tomorrow. Moreover, minorities can often reflect the cutting edges of progress and civilization. Individual citizens and groups must be protected against decisions that a majority might wish to adopt, even though that majority might be acting in what it believes to be the common interest.

The population expects the governing authorities to provide leadership, although that leadership may not always be in accordance with the will of the majority. Freedom of speech, freedom of assembly, and the right to practice one's religion are examples of individual rights which the majority are obliged to respect. Prior to the enforcement of the Canadian

Charter of Rights and Freedoms, the courts relied on the rules of natural justice to protect individual citizens and groups. Since the enactment of the Canadian *Constitution Act, 1982* these and other fundamental rights have been enshrined in the Constitution.

The Canadian *Constitution Act, 1982* contains provisions guaranteeing aboriginal, treaty or other rights or freedoms pertaining to the aboriginal peoples of Canada. Sections 25 and 35 of the Act read as follows:

25. *The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including*
- (a) *any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and*
 - (b) *any rights or freedoms that may be acquired by the aboriginal peoples of Canada by way of land claims settlement.*
35. (1) *The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.*
- (2) *In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.*

These special provisions were enacted at the request of the aboriginal peoples in order to help them preserve their culture and identity, their customs, traditions and languages.

Non-Consumptive Uses of Seal Populations

Hunting is not the only potential source of economic benefit from wild animals. Many of those criticizing seal hunting on ethical grounds have suggested that emphasis on the use of seals should be switched to non-

consumptive uses. For some African countries the economic benefits obtained from the tourist trade currently exceed those from any other use of wildlife. Such non-consumptive uses are now receiving increasing attention in discussions of resource management. The possibility of tourist visits to the harp seal nursery areas must be assessed. While the Atlantic ice lacks the warm climate and proximity to the Indian Ocean beaches that so help the East African tourist industry, for which wildlife is the major attraction, several interveners appearing before the Royal Commission recommended that Canadian tourism authorities promote tours to view seal populations. Atlantic Marine Wildlife Tours Ltd. stated that the harp seal herd is one of the world's largest single concentrations of marine mammals; as such, it could serve as a tourist attraction (Lewis, 1985). (See Chapter 17.)

Seal tourism and seal hunting are not necessarily incompatible. For example, a geographical separation could allow harvesting of seal pups and seal-watching tours to co-exist, as these activities do in South Africa and Uruguay. (See Chapter 28.) Clearly there are occasions when the two types of activities are incompatible. Animals that are hunted normally become shy and, therefore, less valuable as tourist attractions. This does not seem to be a factor in the harp seal hunt, for the seals seem equally indifferent to moderately close approaches by either hunters or photographers.

In general there is as yet little significant non-consumptive use of seals in Canada. The possibility of future non-consumptive uses should therefore not be forgotten, though it does not seem to be a significant factor in framing management policy. It should also be pointed out that some proponents of the animal-rights viewpoint may regard non-consumptive use of animals as representing interference with, or harassment of, animals and therefore as unacceptable.

Regional Differences

Regional differences, not just in the type of sealing, but in attitudes to many aspects of sealing, including the views on the morality or immorality of the activity, are very striking and need careful consideration in any attempt to reach a balanced judgment on the ethical issues involved. At a fairly superficial level, the difference in economic importance of sealing in Canada as a whole (negligible), in St. John's (minor), in some Newfoundland outports (an important contribution to income at a critical time of year), and in parts of the Arctic (where the harvest is vital to subsistence), provide one set of criteria for determining whether sealing is justified and acceptable. But narrow economic criteria, it is contended, are not enough.

Regional differences call, where possible, for regional solutions. To some extent it may be possible to achieve these solutions. Regulations can differ from region to region, or special allowances can be made for Inuit hunting when calculating quotas for seals. Many actions, however, are unselective, either explicitly, or in their practical effect. The wording of the European Community's (EC) ban was specifically aimed at the killing of young harp and hooded seals (whitecoats and bluebacks). Yet, though other factors were at work, the EC ban was a significant element in the collapse of the whole sealskin market in Europe. Among the main losers from this collapse were the Inuit people, who received only a fraction of the price previously received for their ringed seal skins, and who had never hunted whitecoats or bluebacks.

Summary

There are many different views concerning what constitutes the desirable relation between humans and animals. These inevitably influence peoples' perceptions about the sealing issues. At one extreme, some hold the view that no seal or other animal should be killed. For others, some killing of animals is acceptable, but the important questions (as the issue relates to seals) are whether the killing threatens the sustained existence of seal stocks; the degree of pain or suffering caused; the effect the seal hunt has on other animal species, such as fish stocks; and whether the purposes for which the seals are killed are important or trivial.

There have been serious differences among the various seal hunts in Canada concerning the threat to the stocks, the degree of humaneness practised in the kill, and the importance of the activity to both the participants and the final consumers of the seal products. Even from a single viewpoint, the acceptability of different sealing activities may vary. Different policies may therefore be desirable for different situations.

To investigate whether the stock is depleted or threatened with extinction, the average time required for a clubbed or shot seal to lose consciousness or die, the contribution of sealing to the economy of different communities, or the uses made of seal products, can help to resolve some arguments about the acceptability of a given sealing operation, but it cannot resolve some of the more fundamental issues. As long as there are basically different attitudes to the relation between humans and other animals, different conclusions about appropriate public and private behaviour will remain.

To those who view seals mainly as a potential economic resource, or to those concerned principally with the conservation of animal populations or ecosystems, a seal fishery that satisfies the following conditions would be acceptable:

- The seal population should be in a healthy condition.
- The numbers killed should not exceed the sustainable yield.
- The seals should be killed quickly and humanely.
- The seal products should be put to useful purposes with minimal waste.

From the viewpoint of supporters of animal rights or animal liberation, a hunt represents the exploitation of seals; it interferes with the animals' rights to live and to multiply within the constraints of the natural checks and balances of the ecosystem. To these people commercial hunting represents an unnatural and immoral intrusion by humankind on the welfare of animals.

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Chapter 9

The Campaign Against Sealing

Right off from the beginning, it was my belief that what we were dealing with here was not so much an issue of conservation in the traditional sense of the word, but we were dealing with an issue that was more directly linked with ethical and moral concerns (Moore, 1985b).

We feel very angry about the methods used by certain anti-sealing groups to halt the sealing industry in Newfoundland. If the curtailment of the seal hunt was the result of a need to conserve, this would be acceptable. It is not easy to accept that our sealing industry was so easily destroyed by means of propaganda (Barker, 1985).

The campaign against Canadian sealing, principally the hunt of harp seal pups, has run for more than 20 years. Millions of people around the world have become involved on one side or the other in this controversy. The effort expended by both sides has been large relative to the size of the sealing industry. As Lavigne (1978) has stated:

It would appear that the amount of public attention, including media coverage, focused on the harp seal is disproportionate to the realities of the situation. The gross economic value of the sealing industry to Canada does not account for the attention it receives from the general public, the media and various government officials.

This chapter briefly traces the history and nature of the anti-sealing protest, and the reactions of governments and proponents of sealing to this campaign.

History of the Anti-Sealing Movement

Prior to 1950, little concern was expressed about the Canadian and Newfoundland seal hunts, and the general public outside the areas of the hunt knew very little about sealing. In the 1950s and early 1960s, individuals and organizations began to question two aspects of the seal hunt. The Canadian Audubon Society was concerned that too many harp seals were being killed, and that the population could not tolerate the level of harvest (Horwood, 1960; Sergeant, 1963; Pimlott, 1966). After observing the hunt, Lillie and Cunningham raised the concern that seals were being killed inhumanely; various Canadian animal-protection organizations adopted the cause (Horwood, 1960). At this time, however, the idea that the seal hunt should be completely abolished was rarely, if ever, suggested.

Sustainable harvest levels and humaneness of killing methods are still major concerns of a number of organizations. Certain groups that were troubled by these issues in the late 1950s and early 1960s worked with government and sealers to achieve solutions that would sustain herd populations and prevent inhumane killing, and they remain concerned about these questions to this day (e.g., Brown, 1985; Fox, 1985).

In 1964, the seal hunt became more widely publicized and more groups became involved. Artek Films produced a documentary on the seal hunt containing scenes in which a seal was cruelly killed. The film was aired on Radio-Canada in Quebec and subsequently, on German television. The authenticity of this film is in doubt due to conflicting statements that the cruel killing was staged (e.g., Pimlott, 1967). Lust, a Montreal journalist who saw the film, wrote an article about the hunt entitled "Murder Island"; this article was published in more than 300 newspapers around the world (Lust, 1967). Lust's article was probably the first introduction for many people to the Canadian seal hunt.

In 1965, Davies began a campaign in behalf of the New Brunswick Society for the Prevention of Cruelty to Animals which was aimed at abolishing the Canadian seal hunt (Davies, 1970). Davies directed his efforts to creating a public attitude in Canada hostile to seal hunting, to encouraging Europeans to boycott harp seal pelts, and to soliciting foreign support for Canadians fighting against the seal hunt (Davies, 1970). He later continued his campaign with the International Fund for Animal Welfare (IFAW), which he founded in 1969, and he has remained actively involved in the anti-sealing movement.

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The years from 1965 to 1969 were a period of great anti-sealing activity. The hunt was the subject of intensive media attention, with television coverage and articles and photographs in many influential newspapers and magazines. Davies personally escorted reporters and photographers to the ice each year, starting in 1967. Key elements made the hunt ideal for media coverage: the clubbing of harp seal pups in the Gulf of St. Lawrence took place each year during a single concentrated period and within concentrated areas; the seals were very young and very attractive; the killing took place in the open on the ice; and the killing was bloody and looked brutal.

During this period, many aspects of the hunt were condemned. Protesters charged that too many seals were being harvested and claimed that this was endangering the species. Frequently they charged that the killing was exceptionally cruel, and that pups were skinned alive. They claimed that it was wrong to kill helpless, nursing seal pups in front of their mothers, and that the mothers wept over the carcasses of their young; that sealers made little money from the hunt; and that there was no need for the products of the hunt. These charges have been repeated throughout the history of the anti-sealing campaign.

The widespread publicity given to the sealing issue during the late 1960s aroused considerable public concern in North America and even more in Europe. Canadian government officials in Ottawa and abroad received many thousands of letters (Coish, 1979), and protesters in West Germany organized a petition, containing a reported three million signatures, to persuade the Bundestag to ban the importation of sealskins (Anonymous, 1967). As a result of the publicity and public concern, European prices and markets for sealskins were reduced considerably (Foote, 1967).

Media interest in the seal hunt seemed to die down during the period from 1970 to 1975, but the protest movement remained active. IFAW tried to promote tourism as an alternative use of the seal herds in the Gulf of St. Lawrence. Organizations concerned with animal rights became more deeply involved with the seal hunt. Some protest actions were undertaken, but the period appears to have been relatively calm in comparison to the activity that began in 1976. At the same time, the problems affecting other marine mammals were receiving widespread attention, especially in the United States. Most of the stocks of large whales were depleted, and great numbers of porpoises were being caught incidentally in the U.S. tuna purse-seine fishery in the eastern Pacific. These events and, to a lesser extent, concern over harp seals led to the adoption of the United States *Marine Mammal*

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Protection Act of 1972, which has served as a significant milestone in the changing attitudes towards marine mammals.

Greenpeace began its involvement with the seal hunt in 1976. Basically an organization with an environmental focus, its initial concern was the numbers of seals being harvested, rather than the issue of cruelty. Greenpeace was extremely successful in attracting media coverage by, for example, protecting seals with their own bodies, dyeing seals so that their pelts would be worthless, blocking the path of an ice-breaker, trying to disrupt the send-off of the sealing fleet, and one protester handcuffing himself to a ship's towline. All of the groups ensured that their activities had media coverage and thus stirred up world-wide interest in the hunt. Prices for sealskins, which had recovered during the early 1970s, again plummeted (Wenzel, 1978).

Some protesters, by their presence on the ice close to seals, contravened the Seal Protection Regulations or other relevant laws and were charged and convicted in court. The actions of protesters and the perceived threat from some protest activists no doubt caused some sealers to refrain from sealing in their presence. In particular, sealing vessels stayed well clear of the *Sea Shepherd* in 1983, presumably out of fear of being rammed. Its captain, P. Watson, had previously rammed a pirate whaling vessel off the coast of Portugal.

In 1977, Davies turned IFAW's attention away from activities on the ice and directed it toward political action in Europe to end the seal hunt. The goal of the anti-sealing campaign in Europe was to force the European Community (EC) to ban the importation of pelts from harp and hooded seal pups. To this end, IFAW:

- purchased full-page advertisements in 15 European newspapers, with a potential readership of 44 million, asking concerned readers to write their members of the European Parliament (MEPs) and encourage them to support the import ban;
- encouraged the British and Canadian members of IFAW to write key MEPs;
- presented a three million-signature petition against the hunt to the president of the European Parliament; and
- sent a 17-member IFAW team to lobby the MEPs intensively for two weeks prior to the vote (Davies, 1982).

During the campaign IFAW spent more than £1,500,000 (Best, 1983a). Other anti-sealing organizations were also active in campaigning for the ban. Herscovici (1985a) indicates that the European Parliament received about five million letters and postcards on the issue.

Former MEP Moreland, in testimony before the Royal Commission, discussed the pressure that was put on the MEPs during this campaign. MEPs had received about 100,000 letters during 1982; he had personally received about 1,000 letters (Moreland, 1985).

The campaign was ultimately successful. The EC Council of Ministers approved a two-year ban which went into effect on 1 October 1983. (See Chapter 10.) Anti-hunt groups have maintained pressure on the EC to retain the ban. The markets for sealskins have collapsed almost completely, probably as much or more because of the massive public campaign for a ban and the subsequent influence on public fashions, as because of the ban itself, which affected only products from harp and hooded seal pups. Despite collapsing markets, hunting of seals continued in Canada, in part because it plays an important subsistence role in many areas. Anti-sealing groups therefore continued their campaign to bring an end to the killing of seals, especially that of whitecoats.

In 1982, IFAW launched a campaign in the United Kingdom to boycott Canadian fish products until Canada ended the hunt. It first wrote to the Canadian government and representatives of the Canadian fish-processing industry, outlining the boycott and its potential effects. As Best's letter (1983b) shows, IFAW was fully cognizant of the damage that such a boycott would cause if it succeeded, but it attributed the responsibility for damage to the Department of Fisheries and Oceans (DFO), which could end the boycott at any time by implementing "a legally binding prohibition on the killing of all harp and hooded seals up to the age of 1 year in the Canadian exclusive economic zone" (Hart, 1984). DFO (Canada, DFO, 1985) reports that IFAW later added further conditions for ending the boycott, including a ban on hunting at the whelping grounds and a restriction of the total annual harp seal harvest to 30,000 animals.

In the second phase of the boycott, IFAW and its members wrote to British retailers of Canadian fish products requesting that they not stock these products. The third phase was mounted through newspaper advertisements, public mailings and door-to-door handouts, asking Britons not to buy Canadian fish products and requesting that they write to their retailers about the boycott. In 1984, IFAW extended the fish boycott to the United

States. Two major fast-food chains were selected as special targets (Canada, DFO, 1985). One major British supermarket chain agreed not to stock Canadian fish products, but otherwise the campaign does not appear to have been very successful (Anonymous, 1984; Fraser, 1984), and it was formally ended in 1985 (IFAW, 1985).

Nature of the Anti-Sealing Movement

The anti-sealing movement is an aggregate of many organizations and individuals working more or less independently toward related goals, rather than a single cohesive movement. The activities of the various organizations generally complement one another, however, and the groups share some common characteristics. Although many of the organizations making up the anti-sealing or seal-protection movement have grown increasingly sophisticated with each new campaign, many of their techniques have been used virtually since the movement began.

Information Provided to the Public

The protest groups have always actively publicized the seal hunt through mailings to their members and the general public, newspaper advertisements, books, films, and information releases to the media; they have also encouraged media coverage of the hunt. Not surprisingly, the information presented has usually been selected to help the seal-protection cause.

One of the most evident features of the anti-sealing information is its emotional appeal, which has elicited a response from individuals around the world. Photographs and descriptions of attractive young harp seal pups are contrasted with gruesome photographs or descriptions of the killing of these seals. Lavigne (1985a) and Herscovici (1985b) have argued that harp seal pups elicit an innate human biological response to protect the animal. Clubbing pups may appear brutal even to trained observers familiar with methods of killing animals.

Anti-sealing material emphasizes the analogies between seals and humans, through use of words that are generally used of humans such as a "baby seal", "murder", "innocent", or by attributing human properties to seals, for instance in ascribing tears to sadness. Tears are a normal biological function that keep the eyes of harp seals moist, and they are not related

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to grief. (See Chapter 20.) Some groups have so often charged that seals are skinned alive, or that mother seals weep over the bodies of their babies that many readers unquestioningly accept these charges as facts.

The anti-sealing campaign owes part of its success to the fact that it has been able to isolate as its target a small group of rural people whose way of life is far removed from the understanding of the urban people at whom the anti-sealing appeal has been aimed. As Cournoyea (1985) has stated:

Animal rights groups have to date attacked those who live closest to the land, who are poorest and who have remained relatively aloof from mass technological society: sealers, fur trappers and native peoples.

Some information handouts use emotional language to paint the sealers as the villains of the seal hunt. Amory (undated) stated:

He goes to meet, in a curious, friendly, playful way, the first human being he has ever seen and is – by that same human – clubbed on the head and skinned on the spot – sometimes while he is still alive.

This sad, cruel episode is repeated over and over and over during the "hunt" by hundreds of Canadian and Norwegian sealers, who first kick away the mother, and then drive home their horrible message by bludgeoning the baby using a club, or the brutal spike-tipped hakapik. (Emphasis in original.)

In other handouts, the sealers are presented as victims of the ship and factory owners. For example, Moore (1982) stated:

It is not really the sealers that are being defended but rather a few millionaires, many foreign, who own the ships and factories where the skins are processed.

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The seal hunters are being exploited under an archaic system of piecework carried out in an uncontrolled, bloody, ice-cold environment. If offered viable alternatives in the fast-expanding fishing or oil industry, they would certainly be the first to change their ways. (Emphasis in original.)

The emotional pitch of the campaign has no doubt added to the bitterness expressed by both sides of the sealing issue.

The anti-sealing campaign has become a symbol for many persons engaged in the conservation and animal-rights movements. In a statement which put emphasis on the conservation and environmental issues, Davies (1970) wrote:

I see the seal issue as representing a showdown for wildlife. These animals are symbolic, and if they can't be saved, it is probably not ever going to be possible to save any substantial population of wild creatures. The world will gradually fill with filth, and one day, empty of all but man, this planet will become the loneliest place in the universe. Perhaps in saving the seals, man may save himself. (Emphasis in original.)

Moore, on the other hand, expressed a view that explicitly played down environmental and ecological issues (quoted in Herscovici, 1985a):

And that's why the seal hunt was such a special issue . . . What the seal hunt represented was the paramount focus for public attention on the need to change our basic attitude and relationship to nature and to the species that make it up . . . It wasn't primarily a question of wildlife management or economics or politics or science or any of the other things they tried to argue their way around. It fundamentally came down to a question of morality . . .

Some groups made an effort to create mistrust of government and industry actions and information. Amory (undated), for example, discussing a Canadian government public relations campaign claimed, "This last ditch attempt to continue the hunt was packed with inaccuracies, over-estimations and outright lies." In 1981, the Sea Shepherd Conservation Society stated that, "The Royal Canadian Mounted Police told Paul Watson in March 1979 that if he returned to the ice they would kill him" (Anonymous, 1981). Best (undated a) sent a memorandum to members of Parliament and the Canadian press which began "It is important to understand that statements made by the Department of Fisheries and Oceans are frequently replete with distortions, innuendos and lies."

Anti-sealing groups have been quite selective in their use of the information available about the hunt. This is not surprising in what is, in essence, a propaganda campaign, the object of which is to present a particular viewpoint as strongly as possible. Lavigne (1978) commented on this tendency on the part of both sides of the sealing controversy:

Both sides disregard unfavorable data and carefully select only those scientific "facts" which support their particular point of view and quote them widely and usually out of context to lend credence to their cause.

The anti-sealing groups, for example, were selective in the information used to present their view of one of the most important issues, the humaneness of the killing. Of the more than 40 veterinarians, animal-welfare officers and biologists who have observed the hunt and assessed its humaneness, the anti-sealing groups have emphasized the observations of the only two veterinarians, Simpson and Jordan, who concluded that not only was the hunt inhumane, but also that it could not be changed sufficiently to render it humane. (See Chapter 20.) A Greenpeace (1978) advertisement discussing humane killing used results from a study by Rowsell (1977). It did not mention that this was a study of the shooting of seals and was not applicable to clubbing, nor did it provide any information from the various studies dealing with clubbing.

Use of the Media

Anti-sealing groups have made skilful use of the various types of media throughout their campaigns. The issue was first brought to public

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attention through media efforts (Artek film, Lust article), and Davies made persistent efforts to obtain media coverage of the hunt:

This persistent wooing of a major newspaper might not make sense to some. But I had convinced myself that one day the Canadian Government would yield to hostile domestic and international public opinion . . . and the Daily Mirror was the largest, English-speaking daily newspaper in the world (Davies, 1970).

The importance that Davies placed on media coverage is shown by his statement that "reporters, by definition, can do more for the seals than pathologists can" (Davies, 1970), that is, that media coverage was more important than answering the question of how much cruelty there was in the killing of seals. From 1967 onward, press and television reporters and photographers regularly accompanied the protesters visiting the ice.

Several methods were used to increase media interest in the hunt. In the late 1970s, famous individuals, including politicians, and movie stars Brigitte Bardot and Yvette Mimieux, were taken to the ice to attract the attention of the press. Protest rallies also generated media coverage.

Greenpeace proved to be masters at arranging events that attracted media attention. The events were usually more symbolic than practical in terms of "saving" seals, but they sometimes prevented sealers from carrying out their work or distracted fisheries officers who would otherwise have been overseeing the hunt.

The role of the media in disseminating information on the seal hunt is evident from the results of the Royal Commission's poll (Chapter 11), which showed that almost all respondents received their information on the seal hunt from the media.

Direct Mail

In recent years the protest groups have increasingly used computerized direct mail techniques. Morast (quoted by Rolbein, 1984) stated that by 1982, IFAW had learned how to use direct mail to reach more people and to focus on supporters who would donate money. In 1984 they were sending out

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about 400,000 pieces of mail every four to six weeks to people on their computer files who had already made a donation. Their computers allowed them to contact people by geographic area, by issues of interest, and by the times and sizes of previous donations. They also conducted membership drives, sometimes using lists bought from other organizations. All told, Morast stated that IFAW sent out more than five million pieces of mail in a six-month period (Rolbein, 1984). The printing and mailing costs alone for an operation of this size would probably have run to more than \$2 million, which gives some indication of the economic significance of the protest movement.

The mailings are used to encourage supporters or potential supporters to take some specific action, such as mailing a postcard or letter, or boycotting Canadian fish products. They usually also carry an appeal for donations, which provide the revenue that the anti-sealing groups need to function and to keep the anti-sealing campaign active. Best (undated b) included the following appeal in a mailing:

Please, please, please befriend a seal. There are 200,000 of them facing a wicked death. If I could find just 200,000 people – one for each seal – to send a gift today then they could be saved. (Emphasis in original.)

A Greenpeace mailing (undated) included an appeal to adopt a seal:

By supporting Greenpeace's Adopt-A-Seal Program, with a tax-deductible contribution of \$25 or more, you can help save a seal pup's life. We're going back out on the ice this year to save the pups from death, and we would like to send you a picture of one of those seal pups – your baby seal – plus a certificate of adoption identifying you as part of the Adopt-A-Seal Program. We'll also send you seal commemorative stamps, to use on your letters, share with your family and friends, or just save – as a beautiful reminder of what you've done to save one of nature's gentlest creatures.

In the fund-raising appeals, the anti-sealing groups usually presented themselves as having very limited resources to wage their campaigns

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relative to what they contended to be the much greater resources of the government and the sealers. Davies (1984a), for example, stated:

This costs money, and the seals and I can only beg your generosity. Smith and his gang [Canadian Sealers Association] have the Canadian government and the fur industry to turn to for help. THE SEALS AND I HAVE JUST YOU. (Emphasis in original.)

These fund-raising methods have been quite successful. According to Morast the income of IFAW (U.S.) jumped from \$1 million in 1978 to \$2.8 million in the first six months of 1982 (Rolbein, 1984).

Public Pressure

Letter-writing campaigns and other techniques have been very successful in developing public pressure for various specific anti-sealing actions. Masses of letters and massive petitions doubtless had considerable impact on many politicians. In an example of such a letter-writing campaign, the Royal Commission received some 108,000 virtually identical postcards as a result of at least two Greenpeace (U.S.) mailings.

In addition to form letters and post cards in which the senders do little more than sign their names (which account for the vast majority of all the anti-sealing correspondence), many people sent letters setting out their personal views. DFO (Canada, DFO, 1985) presented a sample of these to the Royal Commission and the Commission has seen a number of others. Most of them are rational and often helpful to politicians and others who are trying to determine the nature and strength of public views. A disturbing minority, however, were obscene and/or abusive. A 1977 letter to a sealer in St. Anthony, for example, expressed the hope that he would become impotent so that he could not father any more sealers. Again, a 1971 letter to the "Federal Fisheries Dept." in the Magdalen Islands included the wish that the crew of a sealing vessel that had sunk had gone down with the ship.

Influencing Politicians

As the anti-sealing movement has become more powerful, it has gained increasing political influence, largely because of many efforts to lob-

by politicians and win political support. Elected politicians from the United States and the United Kingdom have been taken to the ice to witness the hunt (and the protest activities). Letter-writing campaigns have been mounted, not only to sway the votes of politicians, but also to support the efforts of politicians favourable to the movement. In adopting this approach, the seal-protection groups are following the example of many other pressure groups for which the direct lobbying of politicians, especially in the United States, is a major activity.

During the campaign for an EC ban, in particular, anti-sealing proponents worked closely with politicians and advisers in the EC. Best (1985a) stated that Canadian authorities:

... seemed completely unaware of the high degree of access to bureaucratic and elected officials enjoyed by interest groups in the European Community, and the importance placed on their involvement in the decision making process.

Furthermore, as has been mentioned previously, a 17-man IFAW team lobbied the EC MEPs intensively for two weeks prior to their vote.

Reactions to Anti-Sealing Campaign

Government Regulatory Actions

During the early to mid-1960s, the federal government took steps to exert more control over the seal hunt. These actions were no doubt caused, at least in part, by the pressure from groups and individuals concerned about the hunt, particularly about the humaneness of the killing and the number of seals being killed.

The Canadian government introduced regulations to control the methods of killing seals in 1964, greatly increased government supervision of the hunt, held meetings with representatives of humane societies to improve the regulations, and began to take qualified observers to the ice in 1965 and 1966, to assess the humaneness of the killing techniques. Several observers of the hunt during the period from 1966 to 1968 noted definite

improvements in the humaneness of the killing methods (Hughes, 1967, 1968; MacLeod, 1967; Walsh, 1967), although Simpson (1967) did not see any improvement. Government efforts to improve killing methods are described further in Chapter 20.

The 1964 Seal Protection Regulations, first applied during the 1965 hunt, set a quota of 50,000 harp seal pups to be taken by sealing ships in the Gulf of St. Lawrence. With international co-operation, the Canadian government gradually moved to bring all killing of harp seals in the northwest Atlantic under a quota system. Government efforts at managing the harp seal harvest are described in Chapter 30.

In 1971, the government established an independent advisory Committee on Seals and Sealing (COSS). COSS was established to investigate all aspects of seal hunting in the northwest Atlantic and the Arctic, in particular the economic, sociological, ecological and humanitarian aspects, and to recommend to the Minister of Fisheries and Forestry any changes in regulations that it deemed necessary. The membership of COSS has consisted of university biologists, a veterinarian, animal-welfare officers from Canadian and international organizations, and representatives from the sealing industry. COSS has made numerous recommendations for changes to the Seal Protection Regulations, many of which the government has implemented.

Two provisions of the Seal Protection Regulations that pertain to the use of helicopters near seals and to visiting a hunt have often been criticized as being more for the purpose of controlling the activities of protesters than for the purpose of protecting seals.

In 1970, the Seal Protection Regulations were amended to prohibit helicopters and other aircraft from landing within one-half nautical mile of a seal hunt in the Front or Gulf area. This regulation was changed in 1974 to prevent landings within one-half nautical mile of a seal. In 1976, the government added further restriction requiring that helicopters and other aircraft (except for commercial flights) must be operated at an altitude of at least 2,000 feet over any seals on the ice. Provision was made in 1976 for exceptions to both these requirements, provided that ministerial authorization had been obtained. A principal purpose of the altitude regulation was to prevent aerial disturbance of the breeding seals (Mercer, 1980). The purpose for the landing regulation was to prevent the use of aircraft in taking seals (Mercer, 1980), but a recent Canadian Press wire (Anonymous, 1985) states that the purpose was to protect pregnant seals from disturbance. Protesters have charged that the regulations were implemented to prevent observation

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of the hunt rather than to help the seals (e.g., Davies, undated). Recently, after the harp seal pup hunt and protest activities on the ice had virtually ended, the Minister of Fisheries and Oceans moved to reduce the distance specified in the landing regulation to one-third nautical mile in order to facilitate tourist visits to the harp seal herds (Anonymous, 1985).

A second regulation, introduced in 1978, required that only the holders of sealing licences or permits issued by the Minister could approach within one-half nautical mile of any area where a seal hunt was being conducted. This regulation was obviously implemented to control the activities of the protesters on the ice. The Minister of Fisheries, the Honorable R. LeBlanc, stated in a press release that the regulation was "designed not to prevent legitimate viewing of the seal herds, but rather to prevent illegal and unjustified interference in the lawful activities of the seal hunters" (Canada, DFE, 1978). COSS had recommended the adoption of the regulation for the same reason (Rowell, 1978). (COSS compared the seal hunt to an outdoor slaughter operation and stated that there was no necessity for the government to provide access to slaughter operations.) In the press release, the Minister stated that, "Accredited journalists, scientists, humane society personnel and other legitimate observers will be permitted to the hunting areas as usual," but that DFE "will not, however, allow persons or groups near the sealing operations whose announced intention is to interfere with the livelihood of authorized and licensed fishermen." This provision would presumably also have enabled fisheries officers to devote more of their time to the actual supervision of the hunt.

Protest groups have interpreted the regulation as a government attempt to impose a form of censorship on news from the hunt (e.g., IFAW, undated b). DFO (Canada, DFO, 1985) reported that from 1979 to 1984, 190 permits were issued to individuals, media representatives, and representatives of organizations, including groups opposed to the seal hunt. However, despite requests to DFO, the Royal Commission was unable to obtain information about which or how many applicants were denied permits, or about the specific grounds on which refusals were based.

Another DFO regulatory provision aimed at controlling the actions of protesters involved the marking of seals. In 1976, Greenpeace made plans to spray seal pups with an inert and physically harmless green dye in order to ruin the value of their fur (Coish, 1979). DFO quickly responded with an amendment to the Seal Protection Regulations prohibiting the tagging or marking of live seals in any manner, except with the permission of the Minister.

Government Provision of Information

In order to present its viewpoint on the seal hunt, the Canadian government, and in particular DFO, prepared many informational brochures and responded to a great many letters of concern (Canada, DFO, 1985).

In contrast to the very strong emotional appeal of some of the information provided by the anti-sealing movement, the government information has generally concentrated on the technical details of the protests: the status of stocks and the amount of suffering inflicted, rather than presenting the ethical and moral issues. Emphasis is often placed on DFO's views that the numbers of seals taken are within sustainable yields, that the method of killing is humane, and that the seal hunt is an important source of revenue to the sealers.

Some of the government statements have been attacked by the seal protection movement. For example, the brief submitted to the Royal Commission by the Canadians for Abolition of the Seal Hunt (CASH, 1985) is headed "Deception of the Canadian public and the news media on matters related to sealing – through false and misleading statements from government officials and others using public funds." Some of these accusations are so general that they are incapable of being confirmed or disproved. Of the more specific accusations, some are clearly mistaken, and others represent matters of interpretation, but there remains a small core of cases where statements have been clearly misleading, whether accidentally or deliberately.

A good example of the first type of specific accusation appears in CASH's brief, which quotes a DFO pamphlet as stating: "Question: Is the harp seal an endangered species? Answer: No, definitely not." The brief then goes on to say that this statement "flies in the face of international concern expressed by virtually all independent marine scientists world-wide, regarding seal stock depletion", and quotes at length two scientists who emphasize the uncertainties inherent in estimating the abundance and status of seal stocks. This shows a misunderstanding, perhaps not unexpected on a complex technical issue, about the nature of the doubts raised. These doubts were principally related to the precise numbers of harp seals, and whether, as a result of the catch quotas in the last 10 or 15 years, their numbers were increasing or not. The statements quoted are not really relevant to the question of whether or not the harp seal is at present an endangered species. As discussed in Chapter 21, there are doubts whether recent pup production is 300,000 or 400,000 or even 500,000, and whether recent total allowable

catches (TACs) have allowed the stock to increase or still result in a decrease. It is quite certain, however, that the total harp seal population is high – well over a million animals – and if there is a decrease it is slow. Few, if any, marine scientists could be found to challenge the DFO statement, as it related to the conditions of 1982, though many would have and did, express concern about the conditions 20 years earlier, before effective management measures were introduced.

Similar misunderstandings about technical matters or the changes that have occurred in the management of seals in the last 20 years underlie many of the accusations pertaining to matters in which the government statements have, in fact, been perfectly correct. In some other situations, the interpretation is less straightforward, as in arguments over whether or not “whitecoats” were killed in 1983.

As shown by Lavigne (1985b, Table 4), several different classifications and names are used to describe seals less than one year old. The term “whitecoats” is used in all technical classifications – but not in identical ways – as well as serving as a synonym in common public usage for “baby seal”. The broadest grouping is that used by the Northwest Atlantic Fisheries Organization (NAFO) in which whitecoats included all seals aged up to about 19 days; seals aged from 19 days to one year were classed as “beaters”. In contrast, both scientists and the sealing industry use more detailed classifications restricting the term “whitecoat” to animals seven days old and less; they term the older animals “ragged-jackets” and “grey coats” (scientific usage) or “overgangs” and “tanners”.

In 1983 some 10,000 young seals were killed. These animals were apparently 10–20 days old and were classed by the industry as “tanners” or “ragged-jackets”. The DFO then stated, in one sense correctly, that no “whitecoats” were killed. However, in the initial reports to NAFO, which used the broader classification, these animals were included as whitecoats. When this discrepancy was noted, the NAFO reports were modified to include them as beaters, and no whitecoats were recorded.

The matter of classification is not merely a statistical detail. A “baby” seal (see Chapter 11) has a significance to many members of the public that is different from that of an older seal. The boundary is uncertain, but could be somewhere about the time of weaning, or of moulting the white foetal hair – in both cases, at about two weeks of age – and somewhere between the scientific categories of “whitecoat” and “ragged-jacket”. Thus, to be able to claim that no “whitecoats” and, by implication, no “baby seals” were being killed had considerable significance in the public relations

arguments. It is not surprising, therefore, that Lavigne (and others) have made considerable play on the discrepancies between various statements and the reclassification of the reports to NAFO. Certainly, these records did leave DFO open to attack, but no more than that. On the basis of the evidence presented by Lavigne, the statement that no whitecoats were killed and the later amended report to NAFO were not untrue, and were consistent with the more detailed classification of ages.

Similar conclusions can be reached about most of the other criticisms made by Lavigne and others which appear to have some substance. The matters under consideration are subject to differences of interpretation. The interpretations favoured by DFO may not be those favoured by opponents of sealing, but most of them were neither obviously wrong nor clearly misleading. The report of the International Council for the Exploration of the Sea (ICES) working group (ICES, 1983) did show that there was probably a recent increase in harp seals and did represent "an important victory for Ottawa and its responsible stewardship of the seal herds" (quoted by Lavigne, 1985b, from the *Toronto Sunday Star*, 21 November 1982), even if ICES did not say that the stocks had certainly increased. Harp and other seals do eat a great deal of fish, some of which are commercial species. There is little or no doubt that they do have *some* effect on fisheries on these species even if that effect cannot be rigorously demonstrated. In these and other instances the pro-sealing interests may have chosen the pieces of information that suit their argument, and so have the anti-sealing interests, but these actions fall far short of science being "misrepresented, misused and abused in public discussion", as claimed by Lavigne.

There have been exceptions, perhaps most notoriously in relation to the ICES report. The observation that the estimates of the population in 1977-1980 (1.5-2.0 million) were mostly above those for the late 1960s (1.2-1.6 million) was accompanied by a strong qualification: the possibility of no increase or a slight decline was not negligible. That this qualification was omitted in popular presentations of the ICES findings is excusable. In some cases the responsibility for the omission lay with the media rather than with the official statement. However, there were official communications that did not recognize these qualifications. By exposing themselves to public rebuttals, as in the correspondence columns of the *London Times*, such statements undermined the credibility of all Canadian statements on seals. In the specific case of the ICES report, they had the effect of deflecting attention from the conclusions of the report that were very helpful to the pro-sealing case: that there are over a million seals, that their numbers may well be increasing, and that at the worst, the rate of decline is slight.

Even if these errors in public statements by the pro-sealing interests are recognized, it does not appear that they have been, as a whole, more biased or more misleading than statements by anti-sealing groups. The balance, in fact, probably lies the other way. The effect on the public of misstatement by the two groups is not the same, however. Occasional misstatements or extreme selectivity in the use of information by committed pressure groups can often be excused as individual acts of over-enthusiasm, without invalidating the general argument. When a government department appears to be misleading the public, however, its whole credibility on an issue is weakened. This may seem unfair, but it is a reality and must be recognized as such.

Pro-Sealing Campaigns

Sealers and other individuals who were directly or indirectly affected by the actions of the anti-sealing movement seem to have been very slow in responding to the call to end the seal hunt. At first they apparently did not consider the movement a serious threat. Furthermore, sealers in the out-ports were not organized to stand up to the anti-sealing movement.

In the late 1970s, various groups in Newfoundland began to work together and circulated petitions to support the hunt (Coish, 1979). Some attempted to counteract the emotional pitch of the anti-sealing campaign with humour, using such means as satirical songs, a play by the Mummers that toured Canada (Coish, 1979), and the tongue-in-cheek organization Codpeace.

In 1978, Newfoundland Premier Frank Moores toured cities in Canada, the United States and Europe to present the pro-sealing viewpoint at press conferences and meetings with politicians. The tour received considerable publicity and included some rather acrimonious confrontations with anti-sealing people. Coish (1979) reported that the tour had led to balanced reporting of the issues in a number of cities, but Herscovici (1985a), from his perspective of six years later, concluded that the counter-offensive had had little lasting effect.

Groups have been organized to represent the sealers and hunters directly, such as the Canadian Sealers Association, and the Indigenous Survival International (ISI). Some of these have had direct contacts with protest groups, and these contacts have promoted a better understanding of the sealers' problems. Discussions between ISI and Greenpeace International in England, in October 1985, have apparently led Greenpeace to call off

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its campaign against the fur trade. Greenpeace has not given up its basic opposition to fur trapping, and feels that there is no future for it, but it wants to maintain a working relationship with aboriginal peoples in order to fight other environmental issues (Moore, 1985a).

Sealers' reactions to protesters, like the protests themselves, have generally been peaceful and within the law, even when protesters directly interfered with the lawful work of sealers. One incident, however, differed in this respect. In 1984, a fuel emergency forced an IFAW helicopter to land on the Magdalen Islands. A riot ensued in which the helicopter was destroyed. IFAW later turned this outburst of anger against the sealers, mounting a fund-raising campaign centred on the actions of "brutal . . . destructive . . . lawless" sealers (Davies, 1984b). The wrecked helicopter was mounted on a truck and taken to various U.S. cities as part of the fund-raising drive.

Overall, the reactions of governments, sealers, and pro-sealing groups and individuals to the anti-sealing campaign can be summarized as ineffective. This point was made by Henke (1985), and Felsberg (1985) stated that:

Our Governments - Federal and Provincial - were persistently unaware or unconcerned [about] the profound nature of this powerful international debate, or remained naive and helpless to counteract the challenge, and it was left to individual effort to attempt a pittance on a personal level.

No one has found an effective means of challenging the emotional appeal and the professional techniques of direct mail, mass advertising and media coverage that have been used by the anti-sealing groups. Best (1985b) made an important point about his view of the relative competence of pro- and anti-sealing campaigns:

The reduction in the number of seals killed of almost 90%, over the last few years, has been, in no small way, caused by the incompetence and deficiencies of those representing the sealers and the Inuit. And I would like that ignorance to be maintained. There are a great many issues left to be dealt with in Canada that will involve

Inuit and people from Newfoundland and the less they know about political lobbying, the better it will be for wildlife.

Some Consequences of the Anti-Sealing Campaign

Reactions Against Environmental Organizations

The anti-sealing protest movement may have had an impact on the effectiveness of some moves to protect and conserve the Canadian environment. While the environmental movement has wide support in most of Canada, and the rest of the world, this is not the case in areas where sealing is carried on. To many people in those areas the anti-sealing movement is seen as an attempt by people remote from the sealing areas, and often badly informed about seals and sealing, to impose inappropriate urban values on others who are often much poorer. This adverse reaction to this aspect of the conservation movement has had the effect of reducing the credibility of all conservation activities in regions such as Newfoundland. Snow (1985), in behalf of the Wilderness Society of Newfoundland and Labrador, stated that:

The whole issue has resulted in all "environmental groups" being tarred with the same brush in Newfoundland and in other parts of Canada. For some people, environmental groups have become synonymous with Greenpeace or Brian Davies. This has greatly reduced the effectiveness of groups like the Wilderness Society. While trying to protect the interests of Newfoundlanders and the Newfoundland environment, we are constantly vulnerable to being labelled as Greenpeacers.

The Public Image of Canada and Canadian Sealers

The vast publicity that has surrounded sealing has had its effect on foreigners' view of Canada and other Canadians' view of Newfoundlanders. Thus, in the IFAW poll discussed in Chapter 11, over 55% of people in West Germany said that the seal hunt made them feel less favourable towards Canada. Most of the other West German respondents reported no effect or no views. The effect was less pronounced in the United Kingdom and the United States, where 35% and 19% respectively reported less favourable feelings, and 1% and 4% respectively reported more favourable feelings. These differences may have occurred because, in the more distant countries, the sealing issue may represent one of few things that some people know about Canada. Thus, from Peru, Benavides (1985) reported:

As you may know considerable protest goes on all over the world with reference to killing the snow white seal puppies in Canada. So much so that many children at our school when they mention Canada say "Is that the country that has the same flag, red-white-red, as we have and where they hit the baby seals with a baseball bat?" Peru was known as a land of gold, Incas, guanos and the fine vicuna carrying the finest wool in the world. Now, I find that abroad people talk of Peru as a land of terrorism, or Japan as the land of electronics and cruel killing of whales. It seems that cruelty more impresses the press all over the world than the good things.

This adverse image has particularly concerned the Newfoundland sealers and Newfoundlanders in general, because they have been more closely linked with it in the mind of the Canadian public than have been other sealers or provinces. It has caused considerable and justified resentment (Barry, 1985; Felsberg, 1985; Small, 1985).

We have been labelled barbarians in the later years but we were not labelled barbarians when we were asked to fight two wars and volunteered to become a part of the cause. We fought side by side so we could make a living, not to be later singled out and have a part of our livelihood taken away from us (Walsh, 1985).

Perceived Future Trends

The Protest Industry: One Protester's Viewpoint

Public statements by Best, formerly of IFAW (Canada) and now with I KARE Wildlife Coalition, provide considerable insight into possible future trends of those environmental groups for which the seal issue has been particularly important:

I feel quite content to create an industry based on trying to protect wildlife, as big if not bigger than the one based on exploiting wildlife . . .

And if Inuit and Newfoundlanders have a right to make a living out of killing seals and make it a part of their culture, do I not have a right to make a living saving them and make that part of my culture? (Best, 1985b).

It is implicit in Best's remarks that the seal protest movement is an industry in its own right, and that there are individuals employed in the movement who have a direct economic interest in maintaining the public argument over seals. While the policies of the protest groups are determined by the broader issues of conservation, cruelty or ethics, these groups depend on financial support by the public, and therefore must focus some of their attention on those aspects of these issues that can attract broad public interest, such as the clubbing of whitecoats ("baby seals").

According to Best, this industry will achieve its aims by continuing the controversy and obtaining political power, and some peoples and cultures will suffer from these activities:

Controversy and continuing controversy is what will protect wildlife. I find that the idea of coming to some sort of an agreement is one of the more nice moral things that we try to put forth. It stops the conflict and I see no value in that. I intend to continue the conflict going in all issues, constantly, because what destroys the markets

and what prevents people from taking wildlife is the fact that someone is going to be always around screaming at them for doing it . . .

But what will decide what will happen is whoever acquires the most amount of political power, and right now those who pollute the air and the water and the land, and sell dead animals have the say . . . If the people who want animals left alive get more power than those people, then there will be more living things on this planet. It's as simple as that. And no matter what happens either way, for wildlife or against it, someone's culture will suffer, someone's economy will be affected, because change does that . . .

What it really comes down to is that you want to live one way, I want to live another way. We have a problem, and whoever gets the most amount of political power gets to say what's going to happen. And whoever prevails will impose on the rest of society a new morality (Best, 1985b).

Future Sealing Protests

The significant protest businesses, such as those described by Best, will not abruptly disappear even if the "sealing issue" were to disappear tomorrow. In fact, it will not. Whatever the decision of the government and the state of the market for seal products, some seals will almost certainly still be killed: by Inuit for meat or by fishermen angry with seals for damaging their gear. Even if no seals were killed, there would likely be arguments over the effect of seals on fishery gear, fish catches or the incidence of parasites. The future activities of protest groups will depend on what forms of seal killing remain. The protest groups have already drawn their members' attention to other aspects of Canadian sealing, such as netting and shooting of seals (e.g., Davies, 1982) and clubbing of grey seal pups in culls (Bøe, undated). They could place increased emphasis on these issues in future.

If any clubbing of baby harp seals continues, the future is clear. Whatever the technical realities about the amount of pain inflicted, this form of hunting inevitably appears as brutal and abhorrent to most people.

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Opposition to this type of seal hunt is bound to gain wide public support, and questions relating to such matters as conservation and the status of stocks would be irrelevant. Because the "baby seal" issue can mobilize so much public support, many of those with interests in the financial welfare of environmental or animal-welfare groups will feel unable to ignore the issue. As long as any whitecoats are killed, or are likely to be killed, the anti-sealing movement will be actively pursued, probably along the lines of Davies (1985):

Well, it's been over two years now since the EEC victory – where does the cause of the seals stand today? In 1983 and again in 1984, the slaughter of harp and hooded seals in the North Atlantic was reduced to about 20% of the average annual take of previous years . . . If the EEC ban is not renewed sometime this year, however, this is what will happen in 1986 . . . Many more baby seals, bleeding from the nose and mouth, will be rolled onto their backs to have the skins ripped from still trembling bodies . . . some will be skinned alive! . . . It really is true . . . that the lives of hundreds of thousands of these animals hang on your decision. (Emphasis in original.)

It is also clear that such campaigns would have similar success in attracting mass support resulting in demonstrations, mass petitions or thousands of protest letters as in earlier campaigns.

If clubbing of baby seals is stopped and netting and other methods that clearly involve cruelty are phased out, the situation could be very different. Those elements of the seal hunt that would remain, mostly shooting, have an image that is much less obviously brutal and abhorrent. Those groups for which sealing is just one among many issues would find less reason for protesting on these grounds, on grounds of cruelty or, assuming that the numbers of seals killed are properly controlled, on grounds of conservation. At the same time, the financial support from the public for anti-sealing campaigns is likely to be much less without the pictures of baby seals being killed to catch the public eye.

There seems, in fact, once the potentially explosive issue of clubbing baby seals is removed, to be no reason why there should be serious conflict between most conservation and animal-welfare groups, including many of those which have taken an active part in the anti-sealing campaign, and

Canadian sealers and fishermen, including the aboriginal peoples of the North. The two "sides" have long-term interests in the natural environment which may differ in detail, but they share more similarities with each other than with most urban societies, or indeed agricultural societies. Sealers and fishermen have much to gain from working together with environmental groups, or at least from engaging in meaningful dialogue rather than continuing conflict, especially conflict at a distance, through the media, or with the government acting on behalf of one party. A significant step in this direction has occurred with the meeting between Greenpeace International, and Indigenous Survival International, in October 1985, over the general fur trade.

There will still be some groups for which sealing is the sole or dominant issue, or whose members believe, regardless of whether cruelty has been stopped, or whether conservation is no longer a problem, that all killing of seals should be stopped. There are also groups and individuals that consider conflict and confrontation to be the means of attaining their objectives and of maintaining public attention, and that are thus not interested in reaching a consensus (e.g., Best, 1985b). Undoubtedly, some of these groups will continue their activities as long as any killing of seals continues. However, without the support of the public at large or of other conservation groups with wider interests, it seems unlikely that their campaigns will be as effective as they have so far been.

Other Issues

The Canadian seal hunt is only one of the issues of concern to the organizations involved in the anti-sealing movement, even though it is a major concern of many of them. If there were no Canadian seal hunt, these organizations would have other issues to which they could devote their efforts.

At such a time, the various groups that have been fighting against the seal hunt would probably focus on different issues. Organizations such as IFAW have been concerned primarily with animal killing and the protection of wild and domestic animals, and they will probably continue to focus on such issues. Greenpeace, on the other hand, has always had and will probably continue to have broad environmental interests, including a strong opposition to nuclear testing, a position that has received world-wide publicity since the sinking of the Greenpeace vessel *Rainbow Warrior* in Auckland harbour in July 1985. Many of the organizations are international in nature and might turn to issues that do not include Canada.

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Best has identified two areas of particular concern to Canada, in which the animal protection groups may become involved. The first is fur trapping:

To state . . . that if the seal hunt is lost to the protesters they will turn their energies to other aspects of the fur fashion industry is stating the obvious (Best, 1983b).

He has also suggested the possibility that the protest groups might take up the question of Inuit (and presumably Indian) hunting practices:

I would say, in a hypothetical sense, and I'm not speaking for the organization . . . If it was entirely up to me, I would launch an aggressive campaign against Inuit hunting practices. Only because I think that the Inuit should be put on notice that they are not living alone in the world. In other words, that the wildlife that walks out in front of them . . . does not belong to them. It belongs to everyone (Best, 1984).

Fur trapping is an issue that has been of considerable concern to many humane societies and animal-protection organizations, and many of these groups are actively campaigning against it. A number of briefs and testimonies to the Royal Commission expressed concern about the possible impact on aboriginal Canadians of campaigns against fur trapping (Cournoyea, 1985; Ernerk, 1985; Bekale, 1985; Moss-Davies, 1985; Moses, 1985).

An examination of these other campaigns that might be undertaken by the groups that have been protesting the seal hunt is outside the terms of reference of the Royal Commission. However, a loss of all fur markets following the loss of most sealskin markets could have a disastrous effect on many northern communities, for whom wildlife is the only resource. The Royal Commission therefore feels compelled to take note of possible future changes in the fur trade generally in considering the impact of the changes in sealing.

Undoubtedly the successes of anti-sealing groups can result in their tackling the fur trade with increased enthusiasm. It might also be argued,

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however, that as long as the seal issue and especially the "baby seal" issue remain open and command wide public attention, these issues will be a source of support and funding for these groups. Any conclusions about the conservation, cruelty or ethical aspects of the commercial seal hunt will have an immediate impact on how similar aspects of the fur trade are treated.

Nor is there much doubt that if the lessons of the seal campaigns have not been learned by those engaged in the fur trade, there will be similar successes for those opposed to hunting or trapping wild animals for their furs. A success for those wishing to continue with these activities will depend, *inter alia*, on recognizing that opponents of trapping or hunting are not homogeneous, acknowledging the real complaints that are common to most groups, such as the cruelty that is inevitable in some forms of trapping, and identifying those groups that have interests that are not dissimilar to those of trappers and hunters, for example in such matters as a balanced and productive ecosystem. If action is taken to deal with the real problems, such as the leg-hold trap, and if co-operation is sought with the organizations with related interests, the problems with the relatively few protest groups which are implacably opposed to all aspects of the fur trade should be reduced.

Future Government and Pro-Sealing Activities

The pictorial attractiveness of the baby seal and the apparent brutality of clubbing, together with the remoteness of many urban peoples from the uglier realities of the natural world, provide advantages to the anti-sealing interests in what has often been a propaganda war. These factors do not, however, account fully for the successes of the anti-sealing movement and the extent of public opposition to sealing. An important factor has been the competence with which the anti-sealing campaign has, in large part, been conducted, and the difficulties that have occurred in mounting an effective counter-campaign.

The counter-campaign in defence of sealing, which has been conducted largely by DFO, has been much less effective than the campaign against sealing. Although governments do have some advantages in such a campaign (e.g., through access to funds), they also have disadvantages; furthermore, some of their apparent advantages can be double-edged. Statements made by a government spokesman, for example, are generally considered reliable and trustworthy, and the trust they evoke should be an advantage when the evidence is confused, and the truth - about the status of stocks, for instance - can be almost as much a matter of opinion as a matter of demonstrable fact. This trust can break down, however, if government

statements can be shown to be misleading. Protest groups do have the advantage that the public is much more likely to discount individual misleading statements made by these groups as a forgivable piece of enthusiasm for their cause, than it is to take a lenient view of misleading government statements.

Unfortunately, as noted earlier, there have been instances when public statements by Canadian government representatives have been clearly wrong and have been highly counter-productive. They have made it very easy for the anti-sealing groups to represent the Canadian position as unreliable and constituting an abuse of science (e.g., Holt and Lavigne, 1982), and for this view to be increasingly accepted by the scientific community (e.g., Beardsley and Becker, 1982) and the general public.

This viewpoint, in fact, influenced the sealing decision in the European Community. Few members of the European Parliament (MEPs) have the opportunity to go into the details of the seal arguments, but some have contacts in the scientific community to whom they can turn for guidance. In the face of a barrage of cards and letters from their constituents and the supporting arguments of the anti-sealing groups, and on the other side, the counter-arguments of the Canadian government, the MEPs would naturally ask their contacts whether the Canadian government's statements were reliable. If the answer were "no" or "not completely", the typical MEP could vote with a clear conscience in favour of a ban on imports of seal products.

It must be stressed that this point relates to the impact of a few incidents in which government statements fell below the highest standards. The results emphasize the need for the greatest care in future. It is not suggested, however, that the general level of government statements has been poor. To be more specific, a number of the allegations of government bias and misrepresentation made to the Royal Commission have not been substantiated.

Difficulties with government statements have arisen from attempts to present complex issues by means of the relatively blunt instruments of press releases and brief formal statements. These may provide the only practicable means of approaching large numbers of people quickly and directly, but less direct approaches may be more productive. Thus the Royal Commission poll showed that 70%–88% of the public obtained their information on seals and sealing from the media. (See Chapter 11.) The appropriate channels are therefore those media resources concerned with

environmental and related matters. Through extended dialogue, it should be possible to give the appropriate media representatives complicated information that can then be conveyed to the public.

Another disadvantage of government authorities who are engaged in a propaganda war is that their official position makes it easy for anti-sealing groups to represent themselves as David tackling Goliath. This perception may well have an effect on the trend of developing public opinion, even when the government is speaking on behalf of small groups. When the arguments are largely between two distinct interests, it seems much better for the two groups to present their viewpoints directly or to meet face to face, rather than for the government to act as spokesman for one or the other group. The recent accord over fur trapping between Greenpeace International and Indigenous Survival International provides an example of two distinct interests meeting directly and finding some common ground.

Public opinion is not fixed. While the present state of public opinion makes it wholly impractical to consider large-scale killing of whitecoats and difficult to practise other forms of sealing, these conditions may not remain the same in the future. The public opinion polls have shown that many of the reasons given for finding the killing of seals unacceptable were either based on inaccuracies or were inconsistent with public attitudes to other activities. (See Chapter 11.) A greater knowledge of seals and sealing might lead to a less negative public attitude towards sealing.

MEP Moreland (1985) provided an example of the way that public attitudes, as represented by those who have expressed strong anti-sealing views, might change. At the time of the debate in the European Parliament, he had received 1,000 letters calling for support for the proposed ban. He wrote to senders, explaining why he could not support the ban. He received 20 responses, of which 15 accepted his defence of sealing, and only five wrote to defend the anti-sealing argument. It cannot be assumed on the basis of 20 replies that 75% of the original 1,000 people with presumably strong anti-sealing views had been converted by Moreland's letters to supporting sealing. It is interesting, however, to consider what happened to the other 980 original correspondents. If they still held strong anti-sealing views, they should, presumably, have attempted to pressure their MEP to vote in the way they wished. That they did not would suggest either that their initial views were not strong, and that they were responding somewhat unthinkingly to requests to join the mail campaign, or that they had been persuaded by Moreland to modify their strong anti-sealing views, although not necessarily to accept completely the pro-sealing argument.

By itself this incident proves nothing, but it does support the view that public attitudes are susceptible to change through rational argument. How far can this change go? In other words, if a section of the sealing industry wished to promote public acceptance of its activities, what chance would they have of success? One ground can be dismissed at once: there is no chance of public acceptance of clubbing "baby" whitecoats. Whatever the logical arguments about the status of the stocks, cruelty, or the ethical comparisons with other widely accepted activities, public opposition would again become overwhelming if only a few pictures of the clubbing operation were to be shown on television.

The situation is different for other types of sealing. There is already wide public acceptance of aboriginal hunting for subsistence, as well as concern among some of those active in promoting the EC ban about the unplanned impact of their actions on aboriginal peoples. Those wishing to continue other types of sealing would need to prepare similar factual defences. Supportive arguments should include demonstrations of the facts that there is no risk of the stocks being endangered, that no undue pain is inflicted, and that the hunt is ethical in the sense that the benefits to be obtained by the hunters are sufficient to justify killing seals.

If the arguments are presented in a rational manner, and if constructive discussions are held between the various pro- and anti-sealing groups, there is reason to believe that this process should lead to the resolution of many of the present conflicts. In some cases it may lead to public acceptance of some forms of sealing. In other cases, where there are strong arguments against that form of sealing (e.g., netting of seals), it could lead to a better understanding on the part of the sealers of the reasons why the public finds their activities unacceptable.

If the Canadian government is to support any type of sealing, it should concentrate on those types, such as aboriginal hunting, which appear to be acceptable to the public. It should therefore make regular studies of the current state of public opinion toward different types of sealing. The implications of current public opinion for government provision of information are dealt with further in Chapter 11.

Government information programs should not appear to prejudge the issue or to take either side of the debate. The government's role should essentially be to provide the facts. This responsibility should include taking full account of the doubts that surround many aspects of sealing, such as the status of the stocks or the frequency of improper killing of seals, and the implications of these uncertainties.

Conclusions

1. The anti-sealing campaign has been professionally promoted by means of skilled political lobbying based on an emotional appeal. For 20 years it has been highly successful in generating public concern and in raising money for the anti-sealing groups.
2. The anti-sealing campaign owes part of its success to the fact that it has had as its target a small group of rural people whose way of life is far removed from the understanding of the urban people at whom the anti-sealing appeal has been aimed.
3. A major factor in the success of the anti-sealing campaign has been the failure of the pro-sealing forces to grasp the significance, the nature and the tactics of the anti-sealing movement, and to respond with an effective counter-offensive.
4. The animal-protection movement has become a thriving business in its own right. The sealing issue and, especially, the "baby seal" issue are major sources of public support for this industry.
5. Some elements in the anti-sealing movement will continue to seek out areas of Canadian vulnerability and will mount campaigns to exploit these until the harp seal pup hunt is abolished.

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Chapter 10

The Importation Ban of the European Communities

On 1 October 1983, a European Communities Directive (EC, 1983b), binding on all member states, came into force. It prohibited the import of the skins, raw or processed, of harp seal pups (whitecoats) and hooded seal pups (bluebacks). The Directive noted the important role that the hunting of seals and other animals fulfills in certain areas of the world, and the fact that the traditional Inuit hunt does not include whitecoats or bluebacks. The Directive initially covered a period of two years; it was later renewed for a further period of four years, that is, until 1 October 1989 (EC, 1985c). (Copies of the Directives are reproduced in Appendices 10.1 and 10.2.)

This chapter describes how and why the European Communities (EC) came to institute the ban, the arguments raised by the Government of Canada against the ban, and the possibility of the ban being modified in the future. The description draws from two reports prepared by consultants at the request of the Royal Commission. The first report offers a European perspective of the developments leading to the ban (MIA, 1986), while the second report provides a Canadian perspective (Gardner Pinfold, 1986). The intent of this chapter is to present both perspectives before the Commissioners offer their own conclusions and recommendations. Those conclusions and recommendations follow at the end of the chapter.

The EC's Institutions and Decision-Making Processes, and the Legal Framework

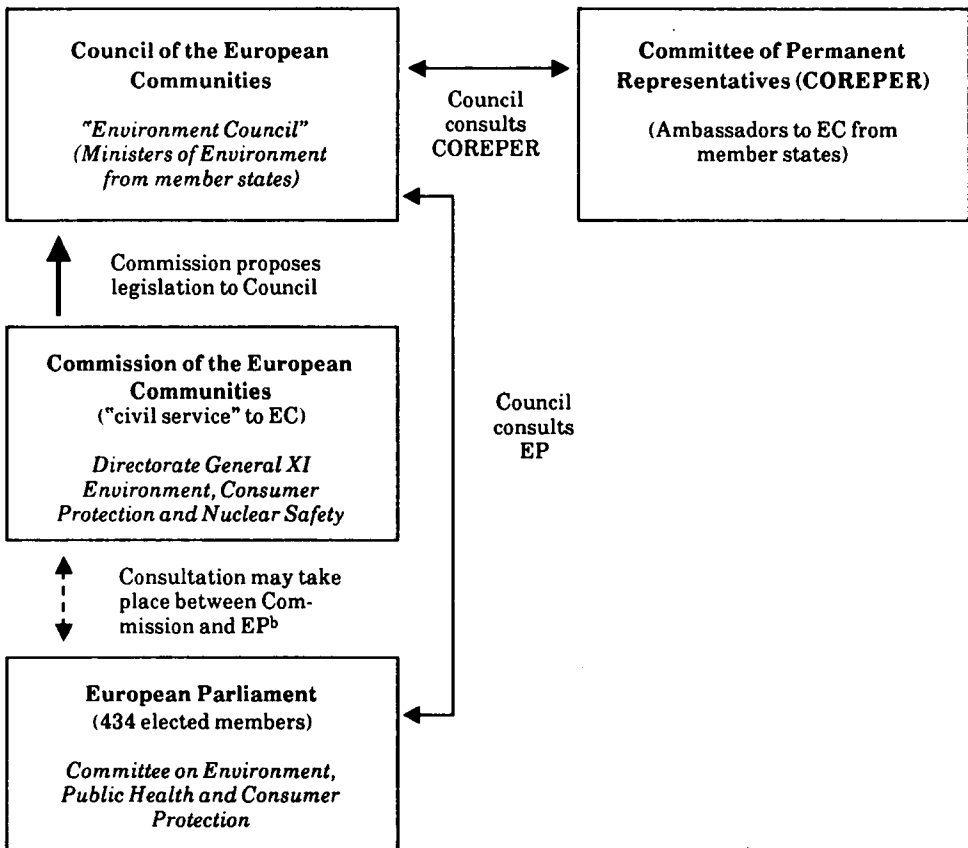
Before examining how and why the ban on whitecoats and bluebacks was introduced it is useful to describe briefly the EC's institutions and decision-making processes, and the legal framework of the ban. (The EC is properly referred to as the European Communities, but it is commonly referred to as the European Community, EC or simply the Community.)

Institutions and Decision-Making Processes

Community legislation is enacted by the Council of Ministers on a recommendation of the European Commission and after consultation with the European Parliament (EP). (See Figure 10.1.)

Figure 10.1
Institutions of the European Communities^a

Council enacts legislation



- The subgroups specifically concerned with the importation ban on seal products are shown in italics.
- In the case of the importation ban, the initial proposal originated in the European Parliament.

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When the directives against the importation of certain seal products were issued, the Council of Ministers was composed of one minister from each of the 10 member states. (Details are given of the Community's structure when the directives were issued, prior to the 1986 accession of Spain and Portugal. The numbers have changed subsequently to reflect their inclusion.) The composition of the Council depends on the subject under discussion. For the seal question, the ministers involved were normally those responsible for environmental matters, and hence that Council is sometimes called the "Environment Council". Under the EC Treaty, most Council decisions - especially those concerned with agriculture - can be taken by majority vote. Germany, France, Italy and the United Kingdom had 10 votes each; Belgium, Greece and the Netherlands had five votes apiece, Denmark and Ireland three votes apiece, and Luxembourg two. A "qualified majority" meant 45 votes out of a total of 63. Decisions affecting the vital interests of member states, however, have to be taken unanimously. As described elsewhere, there is disagreement between Denmark and the other members about whether a future extension of the seal Directive can be decided by a qualified majority vote, or whether a unanimous vote would be required.

When it receives a proposal from the Commission, the Council refers it to the Committee of Permanent Representatives (COREPER). This committee is composed of the Permanent Representatives (Ambassadors) of the member states to the Community. When the Permanent Representatives are in agreement, decisions are often adopted without debate in the Council. In the case of the seal ban, the matter was of sufficient importance and sufficiently controversial to be discussed at length by the Council itself. It was in the Council, as described below, that the compromise solution to extend the ban by four years was negotiated.

The European Commission based in Brussels is the "civil service" of the Community. The Commission is represented at meetings both of the Council of Ministers and of the Committee of Permanent Representatives. Its functions are to supervise the working of the EC, in particular to see that EC legislation is adhered to, and to make recommendations for legislation to the Council of Ministers. The Commission is headed by 13 Commissioners who are nominated by the member states for a period of five years. Each Commissioner, except the President of the Commission, is responsible for one or more of the Directorates General (DG) into which the Commission is divided. For the seal question, the relevant Directorate General is DG XI (Environment, Consumer Protection and Nuclear Safety), specifically Directorate XIA (Protection and Improvement of the Environment). The Commissioner heading DG XI is Mr Clinton Davies (United Kingdom) who was

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appointed in January 1985. Previously the responsible Commissioner was Mr. Narjes (Germany).

Since June 1979, the European Parliament has been directly elected. The term of office of the Parliament is five years, and the second direct elections took place in June 1984. The Parliament contained 434 members: the United Kingdom, Germany, Italy and France each represented by 81 members; the Netherlands by 25; Belgium and Greece by 24 each; Denmark by 16; Ireland by 15; and Luxembourg by 6. The Parliament will now be increased by 60 Spanish and 24 Portuguese members. It has few real powers. It cannot legislate, but it can refuse the Community budget – a power it has used on one occasion, and it can censure and dismiss the Commissioners, a power it has never used. It also has the right to be consulted about proposed legislation. Because it is directly elected the Parliament has some moral authority. The Parliament and its different committees can submit questions, oral and written, to both the Council and the Commissioners. Representatives of both the Commission and the Council attend Parliamentary debates and meetings. There is therefore considerable dialogue between the Parliament and the Commissioners and the Council.

Eighteen permanent committees prepare the ground for full sessions of the Parliament. These committees correspond roughly to the areas of competence of the Commission's Directorates General. The committee concerned with the seal question is that on Environment, Public Health and Consumer Protection. Members of the European Parliament (MEPs) can also set up "intergroups" on specific subjects. One such intergroup, "The Intergroup on Animal Welfare", became particularly involved in the seal issue, as will be seen below.

The Legal Framework

The ban on the import of products of harp and hooded seal pups exists in the form of a Council Directive. A directive is legally binding on all member states, but each state is at liberty to determine by what means it is enforced in its own territory. The Commission can be satisfied, for example, by an effective voluntary ban imposed by the relevant trade association(s) instead of by national legislation. The only specific action that member states have had to take under the Directive relating to seals is to introduce a common tariff number for the banned products so that trade can be monitored. The Commission had originally proposed to introduce the ban in the form of a regulation which would have obliged member states to intro-

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duce legislation. In the Council some Ministers, including the U.K. representative, resisted this proposal because they wished to keep as much national freedom of manoeuvre as possible. The legal basis of the ban, as given in the Directive, is Article 235 of the Treaty of Rome, a catch-all article enabling the Community to take action in areas not specifically mentioned in the Treaty. This article has often been used to introduce legislation concerning environmental matters in which the Community has increasingly involved itself during the last 10 years. The Commission had originally proposed instituting the ban under Article 113, which is concerned with regulation of trade, but was overruled by the Council. The argument about whether to use Article 235 or Article 113 has no practical significance to this discussion.

There is some disagreement within the Community about whether the Directive provides a precedent for the EC to involve itself in questions of animal welfare as distinct from conservation. The United Kingdom apparently wishes to resist such a precedent, and against the evidence and the opinions of the other member states, maintains that the Directive is solely concerned with conservation. The issue is an internal legal argument.

For external use, in the General Agreement on Tariffs and Trade (GATT), for example, the Community would probably prefer to rely on the conservation argument. A precedent for restricting international trade because of the cruelty of the slaughtering methods could easily lay the EC open to retaliatory action. According to the EC Commission's legal advisers, however, there has been no test case to show how far either conservation or animal welfare would prove to be acceptable reasons for restricting trade under Article 20 of the GATT.

The EC has a duty to harmonize trade inside the Community. Article 30 of the Treaty of Rome says that products which are freely on sale in one member state should not be banned in another. Before the Directive was issued, some member states had already banned whitecoat and blueback skins, while others had not. The Directive allowed this situation to be resolved.

It was necessary for the 1983 Directive to be approved unanimously in the Council. But the Directive itself stated that it would remain in force until October 1985, *unless the Council decided otherwise by a qualified majority*. In 1985, when the subject came up again in the Council, all member states except Denmark and Greece maintained that because of the terms of the Directive, a qualified majority was sufficient to extend it *after* October 1985. The Danes maintained that the meaning of the 1983 Directive was

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that it could be revoked *before* October 1985 by a qualified majority, but not that it could be extended after October 1985 by a qualified majority. In any event, this argument was not resolved. A compromise solution to extend the Directive for four years was reached unanimously. Since the terms of the Directive remain the same, however, the only change being to replace "1985" by "1989", the argument about a qualified majority will likely be resumed in 1989 unless, in the meantime, the constitution of the Community is modified to allow wider use of majority decisions.

The Issues: A European Perspective

During the debate within the European Community and in discussions between the EC and Canada and Norway, the issues involved were:

- the seal pup hunt (particularly its perceived cruelty);
- the population status of harp and hooded seals;
- the interests of the people, particularly Inuit, dependent on seals;
- the interests of the EC in the fur trade and fishing industry;
- harmonization of trade within the EC;
- restriction of trade between the EC and Norway and Canada.

Within the Community the importance of these issues, over time, was not necessarily the same for all parties. Nevertheless, the overwhelming issue, without which the ban would not have been introduced, was the perceived barbaric nature of the hunt for "baby seals" and the resulting public outcry.

The Seal Pup Hunt

The public objections to the "baby seal" hunt have been analysed by the European Commission (EC, 1983a) as deriving from a "combination of all of the following aspects: the slaughter of (1) defenseless, newborn, (2) wild animals (3) on a massive scale (4) under not sufficiently controllable circumstances, (5) with clubs and hakapiks, that can be misused, (6) bleeding

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and pelting on the ice (7) in many cases in the presence of the mother (8) for trivial, luxury purposes." To these objections may be added public response to the appealing appearance of the young seal.

The public outcry against the seal hunt was the main reason advanced by both the Parliament and the Commission of the EC in favour of a ban. This is explicitly stated in the relevant documents. The Council, which was driven somewhat reluctantly to agree to the ban, was much less explicit, and in the Directive (see Appendix 10.1) mentioned the public outcry only indirectly by referring to the opinion of the European Parliament. Too much importance, however, should not be attached to the wording of the Directive. According to MIA (1986), the Council believed it politic, in view of the Directive's application to Canada and Norway, to put forward the more "scientific" conservation argument. It is also important to recognize that the Directive was a compromise between those member states (the majority) whole-heartedly in favour of a ban and those, such as Denmark and the United Kingdom, which for various reasons, as described elsewhere, were less than enthusiastic.

The fact that the public outcry was the main consideration of both the Parliament and the Commission can be briefly demonstrated as follows. A major Parliamentary Committee report (EC, 1981), referred to as the "Maij-Weggen Report", sets out as the first point of its explanatory statement the fact that the "annual slaughter of young seals, in particular hooded seals and harp seals, never fails to arouse deep public outrage". In the Parliamentary debate on the Maij-Weggen Report, Mr. Narjes, on behalf of the Commission, stated that the Commission could not ignore condemnation of this "brutal hunting practice", and called upon Canada "to put an end as quickly as possible to the brutal hunting of young seals" (EC, 1982c). Subsequently, the Commission attempted to persuade Canada and Norway to prohibit the killing of the "baby seals". When the attempts failed to produce "positive results", the Commission made its proposal for a regulation, in which it gave as reasons for a ban "the moral objections among large sections of the general public" and the fact that "increasingly strong public demand" had induced several states to introduce their own measures, and that this movement risked distorting trade within the Community (EC, 1982b). The proposal did not mention conservation.

Nevertheless, the Council's resolution of 17 December 1982, asked the Commission to try again to persuade Canada and Norway. In these second negotiations, Canada's suggestions that the Commission participate in a "humane killing panel" were rejected (EC, 1983a). The Commission had no wish to be involved in any way in the prosecution of the seal pup hunt.

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Moreover, the Commission already believed that "It is an established fact that the stunning and exsanguination method used in the killing of sealpups is technically humane and similar to methods used in slaughterhouses" (EC, 1983a), and had considerable doubts about the efficacy of a stunning pistol. In any case, "It must be seriously doubted whether improved stunning methods would change public opinion" (EC, 1983a).

EC Commission staff had mentioned to Norwegian representatives that they considered the hunt by professional sealers operating from large ships more humane and easier to supervise than the hunt by landmen and longliners. It was made clear to Norway, however, that this was not a reason for exempting large ships from the ban. In the words of the Commission, "It is not the methods and circumstances of the hunt of baby seals that is at the root of Parliament and public objection – it is the fact of the hunt itself" (EC, 1983a).

After reporting to the Council, the Commission was asked by the Council to continue talking to Canada and Norway in the period before the ban was due to come into effect, in October 1983. These talks foundered on the fact that Canada desired an undertaking from the Commission that future recommendations and actions would be "based solely on objective scientific evidence" (Canada, 1983). The Commission refused to agree to this proviso since its report "must necessarily deal with all aspects of the sealpup question" (EC, 1983a) including the overriding issue of public opinion and the seal pup hunt.

The Population Status of Harp and Hooded Seals

There was genuine concern within the European Community about the status of seal populations, at least that of the hooded seals. There was also concern about other species of seal, especially the Mediterranean monk seal, which the Community is taking special steps to protect. The Mediterranean monk seal is certainly an endangered species and might follow the Caribbean monk seal which is probably extinct. In several of the European discussions the fate of different seal species was apparently confused (e.g., EC, 1982c), and this confusion may have strengthened the case of those arguing for a ban on all seal products.

The Maij-Weggen Report went into considerable detail about the population status of numerous seal species, and concluded that most were under threat to a greater or lesser degree, although not the harp seal or the

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ringed seal (EC, 1981). The Commission's communications to the Council of February and August 1983 also contained detailed analyses of the population status of harp and hooded seals. The Commission concluded that:

The results of the NAFO study underline the necessity for a cautious management of harp seals as long as the existing uncertainties cannot be adequately removed. In the case of the hooded seal there should be significantly reduced TAC's and quotas or even a cessation of the commercial hunt (EC, 1983c, Point V of the summary).

A ban on the import of skins of seal pups would not have been seen as the appropriate response, however, if conservation had been the only issue. For example, the Maij-Weggen Report (EC, 1981) recommended that all endangered seals should be included in the Convention on the International Trade in Endangered Species (CITES), while the Commission in its communication to the Council of February 1983 said that "The conservation question can appropriately be dealt with . . . in NAFO, ICES and CITES" (EC, 1983a). Nevertheless, an import ban on pup skins, by reducing the demand for skins, and hence, presumably, the number of pups killed, would contribute to a lessening of concern about the seal populations. This was a pay-off from the ban which the conservationists welcomed (MIA, 1986).

The European Commission pointed out that the conservation issue should not be confused with the objection to killing "baby seals" and should be dealt with separately. Nevertheless, there was a tendency to blur the two issues. For example, the Maij-Weggen Report stated that, "In view of the threat to the species and the barbaric hunting methods employed, a Community import ban on the skins of both harp and hooded seals seems appropriate" (EC, 1981). The EC Directive itself gave "doubts concerning the population status of harp and hooded seals" as a justification for the ban (EC, 1983b).

Since Greenland left the European Community in January 1985, the EC is no longer directly involved in the management of the north Atlantic seal stocks through NAFO, but it does retain a general interest in the protection of endangered species. The Community is a member of CITES as a signatory of the Washington Convention.

Harmonization of Trade Policy

When the Commission made its proposal for a regulation in October 1982, it noted that some member states of the EC had already introduced bans on the import of seal pup products, while others were preparing to do so, either by legislation or by means of voluntary agreements with the fur trade (EC, 1982b). France had had such a voluntary ban since 1977, and in the Netherlands, trade in any sealskins had been prohibited since 1980. Voluntary bans were instituted in Germany and the United Kingdom in early 1983. This situation risked creating distortions of trade within the European Community.

At about the time that the Directive came into effect in October 1983, the other member states introduced legislation to enforce the ban. In all member countries, except the United Kingdom, the various bans were without time limit. The United Kingdom had enacted legislation to enforce the Directive for its period of application, that is, to October 1985.

The Commission, in its June 1985 recommendation to the Council to renew the ban, mentioned this situation as giving rise "to the necessity to adopt Community measures in order to avoid distortion of the functioning of the Common Market" (EC, 1985b). In fact, even now that the ban has been renewed, there is not total harmony. The Netherlands, for example, continues to ban *all* seal products. It is worth pointing out that even if the ban had not been renewed at the Community level in 1985, member states would almost certainly have continued to enforce their own national bans. Harmonization of trade policy thus does not appear to have been of over-riding concern.

Economic Interests within the Community

Apart from the interests of Greenland Inuit, the only economic interests within the EC concerned by the ban were those of the fur trade and the fishing industry.

Fur Trade

The fur trade interests in most member states were in favour of the EC ban as a means of defusing the public protest which risked damaging the trade as a whole. In fact, in Germany, France and the United Kingdom, the fur trade interests had already introduced their own bans before the Direc-

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tive came into force in October 1983. In the Netherlands and Belgium, trade in sealskins had mostly ceased several years previously. It was only the Danish fur trade which had a substantial economic stake in sealskins and was opposed to the ban. The Danish fur trade also refused to co-operate with the government in instituting a voluntary ban.

The EC Commission itself believes that the ban is in the interests of the wider fur trade. In proposing the prolongation of the ban in June 1985, the Commission stated that it was

... convinced that the negative reactions to be expected in case the Directive is not prolonged will do further and maybe irreparable damage to the fur industry as well as to the economy of the Inuit in Canada and Greenland. A prolongation of the Directive will prevent such and other, otherwise unavoidable, negative consequences and, although it seems to be paradoxical, rather serve than harm the interests of all parties involved (EC, 1983a).

Fishing Industry

The fishing industry might have opposed the EC ban on the grounds that the resulting increase in seal populations would be prejudicial to the industry. In fact, apart from some questions in the European Parliament, the fishing industry made no objections.

This may be explained by the fact that harp and hooded seals cause little or no direct damage to coastal fisheries in EC waters, unlike the situation in Canadian coastal waters, where seals do cause serious damage to fisheries. (See Chapters 24, 25, 26.) Some Western European fishermen were concerned, however, that the sealing controversy could affect fish-quota allocations in Canadian waters.

Inuit Interests

The Directive banning the import of whitecoat and blueback products into the European Community specifically excludes the products of the Inuit hunt (EC, 1983b, 1985c). This exception was made on the insistence of Denmark. Exemption for the Inuit was based on the following arguments:

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- Inuit do not hunt newborn pups to any significant extent.
- Local hunting for domestic consumption is not the main threat to the seal populations.
- The traditional Inuit way of life depends on sealing.

These arguments were taken up in the 1982 Maij-Weggen Report, which even went so far as to say that to take account of the interests of the indigenous population in the arctic regions, "where necessary, the limited and controlled hunting of or trade in endangered species" should be permitted (EC, 1982a).

During the Parliamentary debate on the Maij-Weggen Report, Mr Narjes, speaking for the Commission, showed himself in favour of protecting the Inuit. He said that the Commission had already made contact with Greenland and Canadian Inuit groups "in order to guarantee with them that the traditionally accepted use of seal stocks will not be hindered by Community measures" (EC, 1985c).

In the event, the original Commission proposal for a Regulation of October 1982 did not mention the Inuit because it was concerned with imports from *outside* the Community. The Commission, as already mentioned, thought that an exemption for Inuit was superfluous, since Greenland at that time was inside the EC and therefore would not have been affected by the proposed regulation, while Canadian Inuit are rarely in a position to kill whitecoats or bluebacks and therefore generally do not do so. Since the Directive finally adopted by the Council in 1983 called on member states to prevent imports of bluebacks and whitecoats into their *own territories*, it was necessary to make an explicit exemption for the Inuit hunt.

The member state most deeply concerned about the interests of the Inuit was Denmark, and Denmark argued strongly in the Council against enforcing an indefinite ban. The extension of the Directive for a period of four years after 1985 was a compromise between the Danish wish that the Directive be extended for only one year and the wish of most other member states that the ban be extended indefinitely. Denmark also insisted that the Commission undertake a study on the situation of the Inuit. The report is due before October 1987.

The European Commission, however, as well as others, has argued that the ban is, in fact, a good thing for the Inuit. By defusing public opinion on the "baby seal" question, the ban leaves open the possibility of Inuit

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developing a seal industry based on the hunt for adult seals. It has been pointed out that the public outcry against the "baby seal" hunt caused great damage to the seal trade in general. It has also been argued that it would have been in the best interests both of Inuit and of others engaged in sealing to extend the ban indefinitely in order to avoid continuing uncertainty and the risk of arousing public opinion each time that the ban came up for renewal.

Other people involved, including members of the U.K. Seal Protection Group, warned the Royal Commission's Belgium-based consultant that it would be dangerous for the Inuit to attempt to build up a seal-products industry on a large scale (MIA, 1986). At signs of any such move the anti-sealing campaigns would be ready to go into operation again.

Now that Greenland has left the European Community, it will be more difficult to gain support for the Inuit within the EC, and there is some scepticism, at least within the Commission, about the claims in favour of Inuit. In particular, it is said that the so-called "traditional way of life" is largely a myth (MIA, 1986).

EC Relations with Canada and Norway

The possible repercussions of a ban on EC relations with Canada and Norway were of considerable concern to the Community, particularly to the Commission and certain Council Members. The subject appears to have been of much less concern to the Parliament, which hardly raised it in its debates.

As mentioned elsewhere, after the Parliamentary vote on the Maij-Weggen Report the Commission gave priority to opening negotiations with Canada and Norway, in the hope that these two countries would agree to impose their own ban on the seal pup hunt and thus avoid the necessity of a Community ban. The Commission was particularly concerned that Canada might be provoked into reprisals against the EC's fishing industry.

The Council's insistence that the Commission should continue to negotiate right up to the time that the ban was imposed in October 1983 is also an indication of the Council's reluctance to take a step which could damage relations. It is understood that the countries showing most resistance in 1983 were the United Kingdom and Denmark. The United Kingdom has closer relations with Canada than the other EC countries, while Denmark has particularly close relations with Norway. It was

pressure from the United Kingdom and Denmark that persuaded the Council to impose the first ban for a period of only two years. In 1983, the hope was that during the two-year period Canada would take steps to make a renewal of the ban unnecessary (MIA, 1986).

Canadian Dealings with the EC: A European Perspective

After the vote in the European Parliament on the Maij-Weggen Report in March 1982, the EC Commission engaged in discussions with Canada and Norway. As Mr. Narjes had explained to the Parliament, this was a necessary procedure in the light of the co-operation agreement with Canada and the GATT (EC, 1982c). The Commission was also concerned that a unilateral import ban could lead to reprisals, such as the banning of European fishing vessels from Canadian waters.

In October 1982, the Commission reported to the Council that "consultations with Canada and Norway with a view to bringing about a prohibition of the killing of baby seals have not had positive results" (EC, 1982b). It therefore proposed a ban on importing young harp and hooded seals.

The Council was reluctant to take such a step – the Danes and the British were particularly reticent – and therefore asked the Commission to continue exploratory talks. These talks took place in January and February 1983. It was in the course of these discussions that Canada proposed that the Community join a "humane killing panel", and an international convention to manage seal stocks. The Commission rejected these proposals because it did not wish to be involved in managing the seal pup hunt, and because it considered that conservation could be handled in already existing bodies such as NAFO. On the conservation front, the Commission did express willingness to continue talks with Norway and Canada to bring about "a substantial reduction in the take of the hooded seals," but on the main issue of the seal pup hunt, as the Commission reported to the Council, the conversations had not "introduced elements which would enable the doubts expressed by public opinion . . . to be dissipated" (EC, 1983a). The Council therefore adopted a Directive in March 1983, which was to come into effect in October 1983, unless the Commission was able in the interim to negotiate a solution with the countries in question.

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Subsequently, however, no serious negotiations with Canada took place. In reply to a Commission invitation to resume discussions, Canada sent a *note verbale* on 30 May (Canada, 1983), saying that its government would be willing to enter into discussions provided that the Commission agreed to base its report to the Council "exclusively on scientific considerations". This the Commission refused to do. In August the Commission reported back to the Council that further contacts with Canada and Norway "did not bring about a situation which would make the application of the Directive superfluous".

When the Directive came into force in October 1983, Canada confined itself to deploring the action and calling on the Community to withdraw the ban as soon as possible. It stated that it did not see much point in talking to the Commission as long as it was not willing to withdraw the ban before October 1985.

In November 1984, Canada informed the EC Commission that the Royal Commission on Seals and the Sealing Industry in Canada had been set up and was to report in September 1985. It asked the EC to take account of the Royal Commission's findings before deciding on an extension of the ban beyond October 1985. The Commission replied that, because of the timing, the Royal Commission's report could only partly be taken into account.

Following the renewal of the ban for a further four years in October 1985, Canada notified the Commission that it proposed to raise the matter in the GATT. At the time of writing, Norway, which had threatened to take action if the ban was renewed for more than one year, has not yet decided what steps, if any, it will take.

Talking at Cross-Purposes

The "Canadian Commentary" on the Commission's report to the Council of August 1983 includes the words:

Canada remains convinced that the creation of an international sealing convention would be a legitimate response to the Resolution of the European Parliament of 11 March 1982.

The action taken by Canada to meet these objections to the killing of newborn seals was to explain in private and

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public fora the irrationality of these objections and to propose an international organisation to explore these issues further. (Canada, DFO, 1985, Appendix XL).

The "Canadian Commentary" also points out numerous "errors", "omissions" and "misinterpretations" contained in the Commission's report.

The official Canadian point of view apparent in this Commentary is that the EC's concern can be met by measures to ensure that stocks are scientifically managed, and that the hunt is conducted in a humane manner. As shown above, this response was virtually irrelevant to the overwhelming issue of the public outcry against the "slaughter of baby seals".

MIA (1986) considered it difficult to judge whether the Canadian negotiators deliberately pretended to misunderstand or genuinely did not understand what the Community's real concerns were. They may have believed that they had nothing to lose by taking this approach, since the only Canadian response which would have satisfied the Commission would have been an official and permanent ban on the seal pup hunt. On the other hand, Canada may have been misled by the wording of the Council's Directive of March 1983, into believing that an investigation into the "scientific" aspects of the hunt was a sufficient response. The relevant words of the Directive are:

Whereas further investigation into the scientific aspects and consequences of the culling of pups of harp and hooded seals is desirable; whereas, pending the results of such investigations, temporary measures in accordance with the resolution of the Council and of the representatives of the Governments of the Member States of 5 January 1983 should be taken or maintained . . . (EC, 1983b).

The Commission's Communication to the Council of 23 August 1983 (EC, 1983a) does, in fact, suggest that Canada interpreted the wording of the Directive as indicating a "shift of emphasis" in the direction of relying purely on "scientific considerations". In reply the Commission agreed that more emphasis was being put on scientific considerations, but this did not mean that other considerations were of less importance.

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The Canadian side may also have been misled by the Commission's willingness to discuss the conservation issue. As explained above, conservation, although largely irrelevant to the "baby seal" issue, was a subject in which the European Community considered that it had a legitimate interest.

Whatever the reason, the fact is that these discussions at cross-purposes appear to have helped create considerable frustration and bad feeling on both sides.

Appraisal of the Canadian Approach

MIA (1986) concluded, on the basis of their review, that Canada could not have prevented the imposition of the EC ban except by imposing an official and permanent ban itself. This move would have had to be made in conjunction with Norway. MIA concluded that there was a good chance that Norway would have agreed, since it had decided in early 1983 to cease the whitecoat and blueback hunt. A Canadian decision would preferably have had to be taken before 1983. A promise to introduce a ban for the 1984 hunt would not have been sufficient to prevent the EC ban coming into force in 1983.

Once the Directive came into force, there was no possibility of its being withdrawn before it expired in 1985. There was also very little chance of it not being extended after October 1985, whatever Canada had done (MIA, 1986).

According to some EC Commission officials, the Canadian approach was rather heavy-handed in some respects (MIA, 1986). Attempts by Canada to denigrate people in the anti-sealing campaign, such as Brian Davies, were not well received and tended to promote the idea that Canada did not have a very strong case. Canada's complaints that anti-sealing campaigners had too easy access to the Commission and the Parliament were not well received either. It was pointed out that the Commission is an open house, and it is no secret that members of the Intergroup for Animal Welfare of the European Parliament worked closely with outside representatives of the anti-sealing campaigns such as the Eurogroup for Animal Welfare, which they had a perfect right to do (MIA, 1986).

The fundamental problem with the Canadian approach, however, as already mentioned, is that it failed to address itself to the real concern of the European Community: the public outcry against the "massacre of baby seals".

Prospects: A European Perspective

MIA (1986) concluded that to repeal or modify the Directive, before it is due to expire in October 1989, would require a qualified majority in the Council. As things stand, there is absolutely no chance of this happening. The likelihood is that the Directive will be prolonged in its present form, probably for an indefinite period after 1989, although it is dangerous to make predictions so far ahead.

Although the Parliament did not achieve all it wished, that is, a ban on the taking of all harp and hooded seals under the age of one year, there is no real pressure to insist on this point. The Seal Protection Group in the United Kingdom has called the extension of the ban a "victory" and appears well satisfied (MIA, 1986).

Public debate will resume, however, as the time comes up for renewing the ban in 1989. This debate is likely to be low key unless there are new developments which provoke the anti-sealing movement into action.

The following two sections examine what the reaction in the European Community would likely be in the event either of more intensive efforts by Inuit to market seal products or of attempts by Canada to market the products of seal culling which might be carried out in the future to control the population of harp seals.

Inuit Seal Hunting

The position of the European Community, as expressed in the Parliament and by both the Commission and the Council, is that there is no wish to harm the traditional hunting by aboriginal peoples. On the contrary, there is a positive wish to protect aboriginals as shown by the fact that traditional Inuit seal products are specifically exempt from the import ban. Moreover, as already shown, the European Commission considers that the ban is in the interests of Inuit. Therefore no official obstacles would be placed in the way of Inuit trying to market the product of their traditional hunt more effectively. The term traditional, however, which is used in the Directive, implies that the Community would not find it acceptable for Inuit to increase their hunt for hooded seals, for example, to the extent that it posed a threat to the seal population.

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It is less easy to forecast what might be the reactions of public opinion and the anti-sealing movement, in the event of increased marketing efforts for Inuit seal products. In the view of MIA (1986), it seems unlikely, unless Inuit started killing seal pups, that the various animal-welfare groups would consider public opinion could be aroused against a revived Inuit hunt. It is, of course, an entirely separate question whether there would be a market for the products of such a revived hunt.

Culling Seal Populations

According to European Commission officials, as they expressed their views to MIA (1986), the European Community would not be opposed to culling seals provided that:

- irrefutable scientific evidence could be produced to show that culling was necessary to protect the fishing industry;
- the culling was conducted in as humane a manner as possible and under official supervision.

Given these conditions, it would be difficult, in the opinion of MIA, for the EC to ban imports of the products of the culling operation, especially if to do so meant that the carcasses would simply be abandoned.

However, MIA (1986) considered that it would be very difficult to obtain consensus within the EC on the necessity of culling. Not only is the subject very complicated scientifically, but it has also become highly politicized.

If seal pups were culled, the cull would probably generate the strong suspicion that it was being used as a means of subverting the Community's ban. Extremely convincing arguments would be needed to show that culling pups, rather than adults, was necessary. MIA (1986) concluded that, as far as animal-welfare groups and public opinion are concerned, a large-scale culling operation involving pups and/or their mothers could arouse a similar level of opposition to that aroused by the commercial whitecoat hunt, and that protection of the fishing industry would probably carry little weight with this opposition.

A renewal of the controversy about sealing, which would almost inevitably be provoked by large-scale culling of seal pups, risks damaging any revived market for Inuit products (MIA, 1986).

The EC Ban: A Canadian Perspective

During the mid-1960s, the Canadian High Commission in London and most of Canada's embassies in Europe were besieged with letters protesting the seal hunt. The hunt was becoming a matter of some embarrassment for Canada. Canadian officials wrote letters to newspapers and periodicals that had been carrying critical reports of the hunt. In dealing with the European press, considerable emphasis was placed on the Canadian sealing regulations introduced in 1964 and amended frequently thereafter.

Matters became worse for Canada in 1965, with the screening in Germany of the Artek film "Les Phoques". The official Canadian protest was confined to commenting to the media on the inaccuracies contained in the film. (See Chapter 9.) The letter-writing campaigns continued throughout 1965 and 1966. In 1966, an article appeared in a Bonn newspaper calling for a world-wide ban on Canadian seal products. The fur associations in the Netherlands and Germany were becoming increasingly concerned and made these concerns known to the Canadian embassies.

Canada first responded on a government-to-government basis in January 1967. A question was raised in the Dutch Parliament concerning the inhumaneness of Canada's sealing operations. The Dutch Ministry of Foreign Affairs requested Canada's assistance in responding to the question. In a note to the Dutch government, Canada explained the resource-management objectives of the hunt and the humaneness of the killing method. Canada also tried to correct the false impression left by "Les Phoques" (External Affairs files).

Through diplomatic notes, Canada urged Denmark (on behalf of Greenland) and Norway to adopt the sealing regulations as amended prior to the 1967 hunt. They responded with notes indicating their approval in March 1967.

The protest campaign mounted in Europe by the ecology and animal-rights organizations during the late 1960s and the 1970s was highly effective. It involved an annual barrage of letters sent by the general public to Canadian officials abroad and to politicians in Canada, demonstrations outside Canadian embassies and consulates, and considerable media exposure in Europe of Canadian sealing operations. The European market for seal products weakened considerably in 1977, in the wake of the media exposure. Thereafter the protest groups concentrated their energies on damaging the market for sealskins. (See Chapter 9.)

The Canadian Response to Actions by EC Member States

Public pressure to ban seal-product imports was brought initially to bear on national governments in Europe. It met with some success, notably in Italy, the Netherlands and the United Kingdom. Thereafter, the campaign focused on the European Community.

Italy was the first European country to impose a formal ban on the importation of seal products. On 8 June 1978, by ministerial decree, the importation of the skins of phocid seals was made subject to ministerial authorization. Trade was authorized in skins of adult seals not considered to be threatened under international conventions. Trade in skins under 50 centimetres in length with a hair length of more than 2.5 centimetres was prohibited. (This restriction was supposedly designed to prevent the import of whitecoat and blueback skins, but these skins are usually longer than 50 cm.) The Italian government maintained that the decree was based on conservation grounds, while the policy of not licensing the import of the skins of seal pups was based on grounds of public morality.

Canada responded to the Italian government on 8 September 1978, with an *aide-mémoire* protesting the ban. Among the points raised by Canada was the contention that the hunt was consistent with sound resource-management principles, and that seals were in no way threatened with extinction. Canada argued, too, that the hunting method was humane. It also raised questions with the European Commission regarding the legality of the Italian move in light of the Treaty of Rome. The Commission dissuaded Canada from asking it to pursue the matter in the European Court. It argued that the matter was better left to bilateral discussion between Canada and Italy (External Affairs files).

In the Netherlands, a voluntary ban on the import of sealskins had been in effect since 1970. In May 1980, External Affairs learned that a formal seal import-ban regulation was in the final stages of preparation by the Dutch. In spite of representations by Canada about the humaneness of the hunt and its consistency with resource-management principles, General Administrative Order No. 454 brought the ban into effect on 4 September 1980. The Netherlands justified the ban on conservation grounds, arguing that seals were endangered species.

In a *note verbale* delivered to the Ministry of Foreign Affairs on 19 November 1980, Canada contended that the ban was inconsistent with the Netherlands' obligations under GATT Article XI and Article II. Referring to

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the Convention on International Trade in Endangered Species (CITES), Canada also took exception to the position taken by the Dutch that seals were endangered species. To suggest this, argued Canada, was to undermine the credibility of CITES (External Affairs files).

According to Canadian officials, the reason given by the Dutch for introducing the ban was political necessity (Gardner Pinfold, 1986). The Dutch government faced elections soon and did not want to add the question of the seal hunt to the list of issues. The Ministry of Foreign Affairs also indicated that the government was supporting a move to have seals included in the CITES list of endangered species. In response to this information, Canada offered to make scientists available to discuss the seal-population question and any related issues. This offer was welcomed. Canada pressed for a formal response to its note of protest, but the Dutch did not make a formal response. Although Canada took no further action, the matter did not end there. Greenland pursued an action against the Dutch for violating Article 36 of the Treaty of Rome. The European Commission was obliged to take the matter before the European Court.

The British government was under considerable public pressure in the late 1970s to introduce an outright ban on seal-product imports. It responded to this pressure by introducing the Trade Description Order, 1980, requiring that sealskin goods imported into, or made in, the United Kingdom on or after 1 January 1981, bear a mark of origin. To comply with the Order, the mark had to contain sufficient information to convey to persons acquiring the goods that they were sealskin goods, and in what country or geographical location the seals had been taken. Canada protested this action with an *aide-mémoire* to the British government, but the Order remained in effect.

The Canadian Response to the EC Ban "Movement"

The efforts by the European Parliament to introduce a ban on seal imports into the EC began on 17 April 1980, with a motion for a resolution on community trade in seal products. The seal hunt had been the subject of questions in the European Parliament (EP) since the mid-1970s, but this motion represented the first formal attempt to restrict trade. On 19 May 1980, the EP referred the motion to the Committee on the Environment, Public Health and Consumer Protection. On 30 May, Ms. Maij-Weggen was appointed rapporteur for the Committee. Work on the report was carried out over the next 18 months. The draft version of the "Maij-Weggen Report"

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was considered by the Committee, in 1981, at its meetings of 13 May and 9 November. One of its main conclusions read as follows:

In view of the threat to the species and the barbaric hunting methods employed a community import ban on the skins of both hooded seals and harp seals, as requested in Mr. Johnson's resolution, seems appropriate (EC, 1981).

The Report was adopted unanimously at the November 1981 meeting.

On 13 January 1982, the concern of the Canadian government about the Maij-Weggen Report and the draft resolution was expressed in a diplomatic note to the Commission. Canada advised that any action to ban seal products would be contrary to the EC's GATT obligations. Furthermore, a letter to the Directors General (of the Commission) for Fisheries and Environment requested meetings to explain the misunderstandings contained in the Report. A Canadian Mission officer, together with an official from DFO, attended the January session of the EP and distributed copies of a rebuttal to the Maij-Weggen Report. In addition, the Inuit Taparisat of Canada sent a telegram to the President of the EP, expressing opposition to the Report and requesting an opportunity to put its views before the Parliament (External Affairs files).

As a result of this lobbying, Ms. Maij-Weggen withdrew the Report from the January Parliamentary agenda. The Environment Committee, however, made some minor amendments to the Report and readopted it by a vote of 15 to two. It was agreed to place the Report on the Parliamentary agenda for the March session.

Canada continued to lobby against the proposed action throughout February and early March. In the weeks leading up to the EP's decisive 11 March vote on the resolution Canada intensified its efforts. A letter generally supportive of the hunt was sent to the President of the EP by the Speaker of the Canadian House of Commons. A letter outlining Canada's position on the hunt and expressing concern over how the proposed resolution might affect bilateral relations between Canada and the EC was sent by the Canadian Minister of Fisheries and Oceans to the Chairman of the EP's Environment Committee. The Canadian Ambassador to the EC sent a letter to all EP members, documenting support of the Canadian position on the seal hunt.

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The Governments of Newfoundland and Labrador and the Northwest Territories were also active at this stage. In 1982, the Minister of Fisheries in the Newfoundland government, said that if the Europeans went ahead with the ban, his province would ask Ottawa to cancel the agreement which allows European fishermen to operate in Canadian waters off Newfoundland, noting that in his province seals are considered a species of fish. The Minister of Renewable Resources of the Northwest Territories, himself an Inuit, described the social and economic context of the hunt in Canada's North and sought consideration for excluding NWT sealskins and products from the proposed ban.

Canada's efforts were to no avail. On 11 March 1982, the EP adopted the resolution by a vote of 160 in favour and 10 against, with 20 abstentions, of a total voting membership of 434. The EP instructed the European Commission to propose to the Council of the European Communities a ban on the import into the EC of seal products. The proposal that went forward to the Council in October 1982, called for "a Regulation on rules for a prohibition to import skins of certain sealpups and products derived therefrom into the Community" (EC, 1982b).

The months leading up to the Commission's proposal to the Council were a period of intense diplomatic activity. The Commission wished to have detailed discussions with Canadian experts. The aim of the discussions was to arrive at a common view of the facts. The initial consultations were held on 15-16 April 1982.

In essence, the Canadian position was that the issue of the hunt for seals should be dealt with on a rational objective basis as a resource-management question. It was the Canadian view that the grounds on which the EP resolution was based were that population levels of the seal species affected were endangered, and that the killing method used (clubbing) was inhumane. Canada proposed to the Commission that jointly funded independent groups of experts study these two questions.

The Commission's response was that Canada must recognize the political pressure from Parliament to take action of the sort requested in the resolution. The Commission went on to point out that the issue transcended the question of resource management and was widely regarded in Europe as an area in which moral and humanitarian considerations must be applied. It agreed to refer the question of population levels to the International Council for the Exploration of the Sea (ICES), though without any commitment to await or respect the study's results. The ICES report was expected in November. The Commission was unwilling, on the other hand, to support a

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study on the matter of killing methods. It was emphasized to the Canadian officials that some sort of Commission action was inevitable (External Affairs files).

The Commission asked Canada and Norway to prohibit the hunting of whitecoat (harp) and blueback (hooded) seal pups to meet moral and conservation concerns. More important, perhaps, it asked the five EC member states, that are signatories to the Washington Treaty, to request the CITES secretariat to take the necessary steps to have hooded and harp seals included in the CITES Convention. (See also Chapter 28.) It proposed that harp and hooded seals be placed in Appendix II (this would require the exporter, that is, Canada, to issue export licences). Inclusion in the Convention Appendices might have obviated the need for the EC ban. As it turned out, the attempt to have seals included in the CITES Appendices proved unsuccessful. The motion to include seals was put forward by West Germany at the 1983 CITES meeting in Gabarone, Botswana. After much intense lobbying by all concerned parties, the motion was defeated.

Canada stated its now familiar case that the hunt was consistent with sound resource-management principles, the killing method was humane and the hunt was of economic and social importance. The Canadian government emphasized that any action taken by the EC should be based on scientific, not moral, grounds. The European Commission explained the constraints under which it operated, most notably that it had to make a proposal to the Council of Ministers by the 15 October Parliamentary session if measures were to be implemented before the 1983 hunt. This meant that any proposal going forward to the Council would not have the benefit of the ICES findings (expected in November). While Canada recognized that the Commission was in a difficult position, it recommended that the proposal be based on the ICES report.

When Canada became aware that the Commission might approve a draft regulation at its 6 October meeting, further meetings with the Commission were cancelled, and a lengthy and strongly worded diplomatic note stating Canada's views on the matter was sent to the Commission on 24 September 1982. In a draft version of the summary, the note read as follows:

An interdepartmental assessment last week of EURCOM actions following the March, 1982 EURPARL resolution on trade in seal products led to agreement that the time had come to give the Commission as a whole a comprehensive statement on the Canadian Government

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position on this matter. That position, which needs to be enunciated clearly now that the EURCOM may be on the verge of taking further steps on the issue, is in essence that Canada will continue to base its policy re harvesting of seals on scientific, resource management considerations. We have offered EURCOM every cooperation for examining the subject in this light and are not prepared to proceed on a basis other than this, namely emotional perceptions of some parts of European public opinion that underlie EURCOM attitude and public statements. We also feel strongly about the prospect of any step that would abandon internationally accepted principles that serve as the basis for resource management and international trade and would call for GATT consultations if EURCOM recommended a trade ban or restrictions (External Affairs files).

The note and intensive lobbying by Canadian officials had no apparent effect. On 6 October the Commission approved a draft resolution calling for the import ban on selected seal products. This resolution was sent on to the Council of Ministers for a decision. In his address to the EP, the Commissioner responsible for the Environment outlined the background of the proposed resolution citing the concern over the inhumane killing method and the threat of extinction facing seals. He went on to note Canada's objections, observing that the Commission had agreed to look at the ICES report, but that the report had not become available in time. He dismissed the argument that scientific grounds should be the only basis for making a decision, stating that trade could be halted as a moral imperative under GATT Article XX. Following a request by the Council on 29 October 1982, the proposed resolution was reviewed by the EP and amended to broaden its scope.

The Commission's October resolution was based largely on a report prepared by the Nature Conservancy Council based in the United Kingdom (NCC, 1982). The report was critical of the hunt and said that there was "a risk that the populations would be endangered by a continuation of present rates of exploitation". Canada responded at the time with a critique of the report, and this critique became the subject of an *aide-mémoire* to the Commission. The *aide-mémoire* was also sent directly to member states.

The Canadian Response to Actions of the EC Council

The decision whether or not to introduce a ban rested with the Council of Ministers of the European Commission. The Canadian strategy at this point was guided by the observation that although the Council members were aware of the wishes of Parliament and were, in theory at least, guided by the recommendations of the Commission, they were in no way bound to accept their proposals and had frequently made entirely different decisions in the past. In view of this situation, Canadian initiatives shifted from the Parliament and the Commission to the Council and the member states. The member states targeted for diplomatic activity were: the United Kingdom and France, which had expressed reservations about the ban; Denmark, which had jurisdiction over Greenland, the site of regular seal hunting; and the Federal Republic of Germany, which may have believed that access to Canadian fishing waters was at stake under the Canada/EC Long Term Agreement on Fisheries.

The Long Term Agreement on Fisheries (LTA) was ratified in September 1981, and came into effect at the beginning of 1982. It provides for annual fishing allocations to EC vessels in return for reductions in the EC import tariffs on fixed quantities of cod, herring and redfish in various product forms. The main beneficiary of the quotas is West Germany.

In November 1982, the ICES report (ICES, 1982) was released. Canada claimed that the report shows that the seal hunt was well-regulated according to scientific standards, and that the Canadian quota-management system was effective. On 19 November Canada sent an *aide-mémoire* to the European Commission, pointing out the ICES findings, and in particular, that there was no basis for believing that seals were threatened with extinction. (As the Royal Commission points out in the conclusions to this chapter and in Chapter 9, the Canadian government may have misconstrued the ICES findings about harp-seal population trends.)

Canada's Secretary of State for External Affairs sent a letter to the foreign ministers of all EC member states, expressing Canada's "considerable disappointment and concern" with the Commission's recommendation and asking the respective foreign ministers to give personal attention to the issue. The letter went on to describe the economic and social significance of the hunt and the recognized principles of resource management employed. It reminded the ministers of Canada's willingness to co-operate with the Commission on the questions of population levels and the killing method, but pointed out that the Commission had agreed to co-operate only on the population issue. Canada expressed its regret that, on this latter issue,

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Commission had chosen to make its recommendation before the results of the ICES report were available (Gardner Pinfold, 1986).

Canada also expressed regret that the European Commission had refused to examine the humaneness of the killing method, "realizing perhaps that an objective study would find that the methods employed by the sealers were no less humane than the techniques commonly used in European or North American slaughterhouses." The letter expressed the view that, "As with animal resource management, Canada believes that international trade must be conducted on a rational and justifiable basis and not according to the emotional and politically expedient considerations which seem to underlie the Commission's actions." The letter closed with the hope that "An awareness of Canada's very strong and legitimate concern over this issue, and a dispassionate analysis of the principles involved will lead the Commission to withhold support from the proposed import ban" (External Affairs files).

The Canadian government instructed its representatives, in delivering the letter, to refer to the fact that the hunt in Greenland was exempt from the proposed ban, and that culling seals in Scotland continued to be tolerated. In Canada's view, this raised serious questions about the EC argument of public morality and pointed up the hypocrisy of the proposed ban.

Prior to the Brussels meeting of the Council of Environment Ministers in early December 1982, a Canadian delegation (composed of federal, provincial and NWT representatives) visited European capitals to lobby ministers and officials. Ministers were given a letter from Canada's Minister of Fisheries and Oceans describing the resource-management practices in Canada and pointing out that the killing method is humane. The letter also urged ministers to refer to the ICES report for guidance concerning the seal-population question. The Minister of Fisheries and Oceans suggested that the humaneness of the killing method be reviewed by an international panel.

On 13 December 1982, Canada sent an *aide-mémoire* to the Council, outlining new proposals for co-operation between the EC and Canada. An international sealing convention composed of the EC, Iceland, Norway and Canada was proposed. The convention would be a forum for consultation and co-operation on matters concerning the resource-management aspects of the hunt. It would rely on ICES for scientific advice on seal-population levels. Canada also proposed establishing an international panel to review the question of humane killing methods.

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On the same day, the Canadian Minister of Fisheries and Oceans called in the ambassadors of the Netherlands, Ireland, Belgium, Greece and Italy for a series of half-hour meetings in Ottawa. The Minister outlined the Canadian position and called for a rational solution to the issue. He stated that it was "totally unacceptable from a Canadian point of view to envisage any measures in advance, or in the absence, of a solid scientific basis for taking action." He concluded by pointing out that "there was no doubt about the extent of pressure to which he would be subjected to retaliate against any harmful Community action" (External Affairs files).

The Council issued its resolution on 5 January 1983. The resolution did not call for a formal ban. It acknowledged the scientific uncertainty surrounding the population question. It also recognized that voluntary or statutory restrictions on seal imports were already in place in certain states. In view of these considerations, it called upon:

...the Commission to examine further, in collaboration with the authorities of the countries concerned, the methods, circumstances, and scientific aspects of the killing of pups of harp and hooded seals as well as the possibilities of identification by marking (EC, 1983a).

The Council also called upon the Commission, "to pursue exploratory talks with the countries concerned in order to evaluate the possibilities inherent in the proposals put forward by Canada . . ." (The proposals referred to were those suggesting the formation of an international sealing convention and the establishment of an international panel to review the humaneness of killing methods.) As a matter of urgency, the Commission was asked to report in time for the Council to review these issues by 1 March 1983.

Canada was pleased that a formal ban was not put into place. Furthermore, Canada appears to have interpreted the resolution as an admission that scientific findings should be the basis of Community policy (External Affairs files).

During the latter part of December, the Commission began to act on the Council resolution. It proposed bilateral discussions (EC/Canada and EC/Norway). Canada preferred trilateral meetings; Canada and Norway had co-operated closely on the matter for some time. After some discussion, Canada agreed to bilateral discussions on condition they lead to a trilateral meeting. In its bilateral meeting with Norway, the Commission was report-

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ed by Norway to have stated flatly that the killing of "baby" seals must stop before consideration could be given to the proposals put forward in Canada's *aide-mémoire* of 13 December.

Trilateral meetings were held in Ottawa on 31 January–1 February 1983. Canada regarded the meetings as not being very productive. No decision was reached on the sealing convention, and the Commission was unwilling to participate in the humane killing panel (Gardner Pinfold, 1986).

An *aide-mémoire* reporting the Canadian views of the trilateral meetings was sent to member states' Ministers of Foreign Affairs in mid-February. It was timed to precede the Council of Foreign Ministers meeting scheduled for 21–22 February. It made clear the Canadian position that the European Commission appeared to have made up its mind on the seal issue prior to the Ottawa meetings, and that this conviction is reflected in the Commission's report to Council. Canada maintained that the Commission did not give adequate weight to its proposals. Further, it was Canada's view that regardless of the results of the discussions, the Commission would recommend to the Council that it proceed with the ban unless the 1983 hunt for pups was called off. Canada went on to point out that, in view of the market situation, the catch of pups was unlikely to be at all significant in 1983, and therefore there was no point in proceeding with the ban (External Affairs files).

On 28 March 1983, the Council issued a Directive banning seal imports (EC, 1983b). Subject to a report to the Council by the Commission (due before 1 September 1983), the Directive banning the imports of specified seal products would apply from 1 October 1983 to 1 October 1985. The ban specifically exempted Inuit seal products as long as they did not derive from the pups of harp and hooded seals. The Directive was based on Article 235 of the Treaty of Rome, which deals with conservation and the need for a scientific basis for decisions. The Commission report to which the Directive was made subject was one to be prepared following "investigations into the scientific aspects and consequences of the culling of pups", and discussions with Canada and Norway on "solutions which make restrictions on imports dispensable".

At a meeting between Canada and the Commission, held on 13 April 1983, the Commission expressed the hope that Canada would co-operate in further discussions. Canada responded that any restriction on sealskin imports was incompatible with the GATT, and took the view that the terms of the Directive and the Council's recourse to Article 235 of the Treaty indicated a shift of emphasis toward relying purely on scientific considera-

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tions. On the question of continued discussions with the Commission, Canada reserved its position.

On 30 May 1983, Canada delivered a *note verbale* to the Commission, specifying two conditions for continued involvement in the discussions: that a joint request be made to the Scientific Council of NAFO asking it to take on responsibility for management of seal populations; and that future recommendations and actions of the EC be based solely on objective scientific evidence. In response (by *note verbale* delivered to External Affairs in Ottawa), the Commission agreed that some form of international co-operation on management of seal stocks would be desirable. The Commission could not accept the second condition, arguing that its report must necessarily deal with all aspects of the question (External Affairs files).

There was no further communication between Canada and the Commission before the latter submitted its report to the Council on 23 August 1983. After examining available scientific evidence and meeting with Canada and Norway as requested by the Council, the Commission decided not to make a proposal to modify the Council's Directive of 28 March. It was of the opinion that the Directive should be applied for the envisaged period, and that the situation should be reconsidered by September 1985. The scientific evidence that it relied on in arriving at this conclusion included the ICES (1982) report and a study prepared by NAFO (1983).

In late September 1983, Canada delivered *notes verbales* to the EC and to member states, protesting the adoption of the Council's Directive and requesting that it be revoked. Canada argued that it was unjustified on scientific grounds and contrary to the EC's international trade obligations. Member-state governments were asked not to implement the ban because it imposed a view of public morality on the Canadian people. In spite of the protests, the formal ban was invoked on 1 October 1983.

On 6 October Canada submitted to the EC a point-by-point critique (generally referred to as "the Commentary") of the Commission's report (Canada, DFO, 1985, Appendix XL). Canada's motivation for so doing was that, "the report provided an inaccurate interpretation of the recent decision of the parties to CITES, and a biased interpretation of the recent NAFO Scientific Council's advice." The conclusion to the Commentary captures the essence of Canada's position on the seal issue generally:

The Canadian authorities are disappointed that the Commission's report to the European Council contains

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so many obvious errors and misleading conclusions drawn from objective scientific evidence. It is difficult, of course, to produce an objective and factual report when the issues have been prejudged from the outset, when the conclusion is irrational in terms of science and logic, and when the aim is to satisfy the demands of powerful pressure groups. The Commission may, at some time in the future, wish to proceed on a rational, objective and conservation-oriented basis to develop a reasonable international approach to seal management problems. Canada remains prepared to cooperate with the EEC and Norway on this basis (Canada, DFO, 1985, Appendix XL).

In October 1984, Canada advised the EC and member states in a *note verbale* that a Royal Commission had been established to examine the whole question of seals and the sealing industry in Canada. The *note* included the terms of reference for the Royal Commission and background information on the Chairman and Commissioners.

During the semi-annual consultations between Canada and the European Commission held on 16 November 1984, Canada explained the nature and purpose of the Royal Commission and invited the participation of the EC in its deliberations. The Commission indicated that it welcomed the establishment of the Royal Commission, but regretted that, given the fact that any Commission proposal on the matter would have to be submitted to the Council several months before the end of September 1985, its results could only partly be taken into account. The European Commission recommended that Canada maintain its quiet diplomacy allowing for low-profile initiatives in the Commission and Council. The main conclusion that Canada drew from the meeting was that it was "out of the question to expect the EC to let the ban lapse" (External Affairs files).

In February 1985, the Environment Committee of the EP adopted a motion for a resolution calling on the Commission to submit proposals to the Council to extend the import ban for an indefinite period, and to widen it to include products of harp and hooded seals less than one year old. The report supporting this motion for a resolution was adopted by the EP in March 1985. The Canadian Mission in Brussels made representations to the Commission, urging it to make any extension of the Directive finite and not to broaden it. On 11 June the Commission presented the Environment Council with a proposal for a resolution that the ban be extended indefinitely.

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At their September 1985 meetings, the Council of Environment Ministers was unable to reach a decision and passed the issue on to the Council of Ministers of Foreign Affairs. Through a diplomatic note Canada advised the Council of its intention to bring the matter before the GATT if the ban were extended. The Council of Ministers of Foreign Affairs was also unable to reach a decision and passed the issue on to the Council of Ministers of Fisheries. Canada sent letters to each of the Ministers reminding them that a decision to extend the ban would be inconsistent with sound resource-management policy and practices. Just three days before the deadline for action on the matter, the Council approved a resolution extending the application of the March 1983 Directive for four years.

That the ban was not extended indefinitely was seen by Canada as a partial victory. In response to the extension, Canada served the EC with notice of its intention to seek a remedy under the provisions of the GATT. The matter has been formally placed before the GATT, and initial consultations are expected to take place in 1986 (Gardner Pinfold, 1986).

Observations: A Canadian Perspective

On the basis of their review, Gardner Pinfold (1986) reached the following concluding observations:

The campaign by environmental and animal rights groups to stop the seal hunt was effective. It may have been flawed in terms of the soundness of the arguments put forward regarding the threat the hunt posed to the species and to the inhumaneness of the killing method, but in the minds of the public these issues, though not irrelevant, were arguably of secondary importance. The campaign was effective because it made a powerful appeal to conscience and the emotions. The message was simple: attractive babies were being killed, and killed for no other reason than to provide luxury goods for the rich.

In its early stages, the protest campaign lacked the necessary leverage to be effective. Canada did not accept the arguments that the hunt threatened the species with extinction and that clubbing pups was inhumane. Canada maintained throughout that the hunt was con-

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sistent with scientific principles of resource management and that the killing method was as humane as possible. In and of itself, the public pressure protest groups were able to generate was insufficient to cause Canada to call the hunt to a halt. Only when they focused on the markets for seal products did the protest groups acquire the necessary leverage to stop the hunt. Europe was the main market.

Canada's handling of the seal issue has been the subject of criticism by those with a direct interest in the hunt. Much of the criticism has focused on Canada's inability to prevent the EC from imposing the import ban. Arguments have been put forward that Canada was not aggressive enough in its dealings with the EC, and that the Canadian effort lacked coordination. One can cavil about possible differences of opinion within federal departments or about how the "European offensive" should have been waged. Perhaps, as some have suggested, the outcome would have been different had Canada been more aggressive and taken retaliatory action.

Perhaps. But in the author's opinion, it can be argued those holding these views miss a very important point. The collapse of the market for seal products was achieved mainly through a direct appeal to the European public to stop buying seal products. This strategy was successful. As a purely practical matter, the ban itself can be said to have had little impact since the market had collapsed before it came into effect. Canada recognized this, and advised the EC that the whitecoat hunt was unlikely to be significant in 1983, and that there was therefore no point in proceeding with the ban.

From a market perspective, then, the ban can be characterized as a formality. Its real significance lay in its political context. Arising as it did from public pressure, the ban was a political statement expressing sympathy with the views held by a substantial number of the electorate.

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If this line of reasoning has any merit, it follows that even if Canada's efforts to prevent the introduction of the ban had been successful, a resurrection of the market for seal products was by no means assured. Canada (or the European fur industry) would still have been faced with the task (as it had from the outset of the protest campaign) of dealing with the public's fundamental objections to the hunt. Canada would have had to have convinced the public that their emotional objections to the hunt were unfounded; that they were simply wrong in how they felt about the apparently brutal killing of defenseless babies. In this regard, Canada was confronted with an impossible task.

This is not to suggest that Canada's diplomatic efforts to persuade the EC not to introduce the ban were an academic exercise. Canada saw the ban as a reaction to public pressure and the legitimation of the tactics of powerful pressure groups. Canada took exception to the failure of the EC to base its decision on objective scientific evidence, particularly considering the ban was officially based on Article 235. In Canada's view there was an important principle at stake. This was expressed in the November, 1982 letter from the Secretary of State for External Affairs to the foreign ministers of the EC member states: "Canada believes that international trade must be conducted on a rational and justifiable basis and not according to the emotional and politically expedient considerations which seem to underlie the Commission's actions."

Conclusions and Recommendations of the Royal Commission

The EC Directive of 1983, banning the import of whitecoat and blue-back sealskins and products, followed the collapse of the European market for seal pelts. To some extent the EC Directive could be viewed as but one more nail in the coffin of the commercial sealing industry: it was not the first nail. Despite genuine concerns about the state of some seal stocks, especially the hooded seal stocks, on the part of some EC advisers and European

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parliamentarians, and despite the wording of the EC Directive about "doubts concerning the population status of the harp and hooded seals", the Royal Commission has concluded that the EC ban was fundamentally the product of an energetic campaign by animal-welfare and animal-rights groups.

The anti-sealing campaign and actions by a number of EC member governments had already resulted in the destruction of the European market for seal pelts. The arguments against the hunt that were raised during the campaign were varied and included the perception that seal pups were cruelly killed by the commercial hunters, that they were killed for the "luxury fur" market and that this market provided an inappropriate reason for the slaughter of seals. By some protesters, too, an ethical distinction was made between seals as wild animals that are a heritage of the world, and domestic animals bred in captivity for uses such as providing food and clothing.

While the wording of the EC Directive draws attention to the conservation of the harp and hooded seals, the EC ban was a political response to prolonged and emotionally charged media campaigns that included pictures of young seals being clubbed. Large numbers of the public did not like what they saw, heard and read. The European politicians acted accordingly.

The seals protected by the EC Directive were young harp and hooded seals, defined as "whitecoats" and "bluebacks". These were never significant objects of the traditional hunts of Inuit; hence no mention of Inuit hunts was really necessary in the EC Directive. Primarily for political reasons, however, and to emphasize the "validity" of the Inuit hunting life-style, the Danish representatives (acting for Greenland) had products of the Inuit traditional hunt explicitly excluded from the scope of the Directive.

Although the EC Directive was targeted only on young harp and hooded seals, several of the anti-sealing campaigns condemned the slaughter of any seals for any commercial purposes. The Government of the Netherlands took the most extreme public stance, banning the sale of all sealskins. The European furriers (mostly in West Germany) similarly stopped the purchase of all seal pelts, not for any ethical reasons, but out of concern that anti-sealing sentiments be prevented from spilling over into markets for other furs. In turn, all European markets for seal products were adversely affected.

The response of the Canadian government to the EC and individual bans by member governments ranged, over the period, from expressions of indignation to an emphasis on "scientific facts". Some "facts" may have been

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exaggerated, such as Canada's claim that the ICES (1982) report had concluded that harp and hooded seal populations were increasing. Quite extensive "public education" campaigns, public relations projects and political representations were undertaken, as were diplomatic and low-key interventions. At other times, barely veiled "threats" of reprisals were made (those, for example relating to fish quotas within the Canadian 200-mile limit). Several reports were compiled, followed by the formation of this Royal Commission. The Canadian government has sought to keep the door open for future commercial seal hunts. Newfoundland and the Northwest Territories have sent representatives to Europe and, on a number of occasions, have argued forcefully that the sealers were, in their view, victims of hypocritical sensationalism; that there is no difference, on ethical grounds, between hunting seals and killing domestic animals. The Canadian government, over time, has placed more emphasis on the "scientific" aspects of seals and sealing, especially as they relate to conservation and humane-ness. Its position took the details of the wording of the EC Directive in a serious and literal manner. The Royal Commission has learned that, in the eyes of some EC officials, this position appeared to be taken in "too dogmatic" a manner and was counter-productive.

On the face of things the analysis presented here would suggest that the EC ban had little or no effect on Canada or on Canadian sealers. The market for the products of whitecoats or bluebacks had been virtually closed before the EC Directive took effect in October 1983. This suggestion fails to consider the reasons why the protest movement was so successful in the years 1980-1983, while similar protests in earlier years had much less effect on the markets.

There are many possible reasons, including long-term shifts in the general public attitude to conservation and environmental matters, but one reason is that the protracted discussions in the various organs of the European Community provided useful occasions and targets for the protest movements. Protests are more effective in attracting the attention of the media, and hence of the public, if they can be tied to specific occasions. Letter-writing and similar campaigns are more effective if they are directed to those who have some obligation to react.

The debates in the European Parliament and the meetings of the Council provided excellent occasions for protests which would catch the eyes of the media, even if the protests did not directly affect the debates or the Council decisions. Letter-writing campaigns directed at individual MEPs were particularly likely to be effective because the seal issue was one of the

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first issues, since the direct election of MEPs, on which the Parliament could take effective action more or less independently of the Commission.

Had there been no question of an EC ban, there would still have been protests, and these protests would have had some effect on markets. It seems likely, however, that the volume of protests would have been less, and possibly the impact on markets less catastrophic.

The Royal Commission concludes that the EC Directive was essentially a political response to emotionally based views that, rightly or wrongly, are unlikely to change. Seal pups have great public appeal. European politicians, the Royal Commission has concluded, are not going to "stick out their necks" and oppose the anti-sealing forces, whatever they may privately believe and confide to be their individual sentiments.

The continuation of the "traditional hunt" by Inuit is not in jeopardy *in principle*, but weak markets for surplus seal pelts present a major difficulty for those who depend on some cash returns from the hunt to provide fairly basic necessities of life and to furnish items for hunting other animals.

Whether the Directive is consistent with the GATT is arguable. The Canadian government (in 1985) has, in fact, provided formal notice to the GATT secretariat that Canada does wish to enter into consultations on the EC's Directive and its trade impairment significance. In 1986, when the Canadian government has finalized its case regarding GATT Article 23, such consultations appear likely to proceed. The scientific logic of the EC's Directive is clearly far from substantive; the interpretation of "conservation" is, at best, controversial. Some moral stands are, obviously, laudable, but this context has to be defensible. The very definition of "morality" (GATT Article 20A) is far from clearly spelled out. In the case of seals, it was learned that some governments (including that of the United Kingdom) are cautious about the validity of "morals" as the basis for the ban, both because this is believed to stretch the framework of the Treaty of Rome, and because it could open a floodgate for all kinds of other EC Directives to be constructed under similar umbrellas.

The strength of public feelings in the European Community against the seal pup hunt should have been more promptly acknowledged by the Government of Canada. There would appear to be little to be gained by continuing a lobby against extension of the Directive banning the import of whitecoat and blueback skins, and their products. Indeed, the great majority of Canadians appear to share with Europeans a similar aversion to the

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"whitecoat" hunt, as shown in Chapter 11. European and Canadian officials were talking at cross-purposes, a confusion caused by faults in procedure on both sides of the Atlantic.

In Chapter 12, the Royal Commission makes recommendations to end the commercial hunt of whitecoats and bluebacks. Implementation of these recommendations would meet the concerns expressed in the EC Directive as well as those of most groups which campaigned against the seal hunt. In other chapters of the Report the Royal Commission makes recommendations to minimize the hardship suffered by Canadian sealers and to improve the management of Canadian seal populations.

In addition, the Royal Commission recommends the following:

- The Canadian government should offer to co-operate in the preparation of the report of the European Commission, which was requested by the 1985 Council Directive, and is to be concerned "in particular with, on the one hand, the developments in scientific data on the conservation and the population status of harp and hooded seals and, on the other hand, the development . . . of the market in seal skins derived from the Inuit's traditional hunting . . ."

Finally, as regards Inuit traditional seal hunting, there does not appear to have been any widespread intent in Europe to harm Inuit through the destruction of their markets, although there was clearly a substantial lack of informed understanding of their life-style and dependency on seals. The EC Directive, however, is worded carefully in this respect and, according to discussions with EC officials, for good reason. It is in recognition of this care that the Royal Commission recommends that:

- The Canadian government, recognizing that the EC Directives were explicitly not aimed at Inuit seal products, should assist Inuit organizations in exploring opportunities for marketing their traditional products in the European Community and elsewhere, and encourage co-operation among Inuit of Canada and Greenland, and between Inuit and European authorities.
- The Canadian government should encourage the development of community and co-operative enterprises in Inuit communities for processing and marketing sealskin clothing and other products. It should also encourage establishment of a recognizable trademark to identify products directly derived from traditional Inuit activities and

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promote its widest possible public recognition in Canada and elsewhere. Care should be taken, however, not to encourage any commercial hunt that would endanger the traditional hunting for subsistence needs.

Appendices

Appendix 10.1 Council Directive, 28 March 1983

COUNCIL DIRECTIVE
of 28 March 1983
concerning the importation into Member States of skins
of certain seal pups and products derived therefrom

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof;

Having regard to the proposal from the Commission;

Having regard to the opinion of the European Parliament¹;

Having regard to the opinion of the Economic and Social Committee²;

Whereas the European Parliament adopted a resolution on Community trade in seal products, and in particular in products derived from the pups of harp and hooded seals;

Whereas, in several Member States, voluntary or statutory measures already exist to restrict the importation or marketing of the skins of whitecoat pups of harp seals and of pups of hooded seals (blue-backs); whereas one Member State already requires the marking of all seal products;

Whereas various studies have raised doubts concerning the population status of the harp and hooded seals and especially as to the effect of

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of non-traditional hunting on the conservation and population status of hooded seals;

Whereas the exploitation of seals and of other species, depending upon their capacity to withstand such exploitation and with due respect for the balance of nature, is a natural and legitimate occupation and in certain areas of the world forms an important part of the traditional way of life and economy; whereas hunting as traditionally practised by the Inuit people, leaves seal pups unharmed and it is therefore appropriate to see that the interest of the Inuit people are not affected;

Whereas further investigation into the scientific aspects and consequences of the culling of pups of harp and hooded seals is desirable; whereas, pending the results of such investigation, temporary measures in accordance with the resolution, of the Council and of the representatives of the Governments of the Member States of 5 January 1983³ should be taken or maintained;

Whereas it has been noted that the hunt of seals pups has already been limited to some extent; whereas the Council has requested the Commission to continue to seek, in the context of continued contacts with the countries concerned, solutions which make restrictions of imports dispensable;

Whereas the Council will reconsider the situation on the basis of a report to be presented by the Commission before 1 September 1983,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall take or maintain all necessary measures to ensure that the products listed in the Annex are not commercially imported into their territories.
2. Member States shall forthwith inform the Commission of such measures.

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Article 2

This Directive shall apply from 1 October 1983 to 1 October 1985, unless the Council decides otherwise, by a decision taken by qualified majority on a proposal from the Commission, having regard to a report to be presented to the Council by the Commission before 1 September 1983.

Article 3

This Directive shall only apply to products not resulting from traditional hunting by the Inuit people.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 28 March 1983.

For the Council
The President
J. ERTL

ANNEX

No	CCT heading No	Description
1	ex 43.01 ex 43.02 A	Raw furskins and furskins, tanned or dressed, including furskins assembled in plates, crosses and similar forms: – of whitecoat pups of harp seals – of pups of hooded seals (blue-backs)
2	ex 43.03	Articles of the furskins referred to in 1

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- (1) OJ No. C 334, 20.12. 1982, p. 132.
 (2) OJ No. C 346, 31.12. 1982, p. 1.
 (3) OJ No. C 14, 18.1. 1983, p.1.

Appendix 10.2 Council Directive, 27 September 1985**COUNCIL DIRECTIVE
of 27 September 1985**

amending Council Directive 83/129/EEC concerning the importation into Member States of skins of certain seal pups and products derived therefrom

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community,

Having regard to Directive 83/129/EEC, and in particular Article 2 thereof,

Having regard to the proposal from the Commission,

Whereas Directive 83/129/EEC provides that Member States shall take or maintain all necessary measures to ensure that the products listed in the Annex thereto are not commercially imported into their territories;

Whereas Directive 83/129/EEC expires on 1 October 1985;

Whereas the European Parliament has adopted a resolution requesting a prolongation of Directive 83/129/EEC;

Whereas the negative consequences to be expected from expiry of Directive 83/129/EEC should, in the interest of all parties concerned, be avoided; whereas, although the Inuits' traditional hunting is in itself compatible with a constant increase in the harp and hooded seal populations, doubts still exist on the effects of non-traditional hunting on the conservation of those species;

Whereas in accordance with Article 2 of Directive 83/129/EEC, the Commission sent a report to the Council on 26 August 1983, followed by a supplementary report on 14 June 1985;

Whereas Directive 83/129/EEC should be amended so that it remains applicable after 1 October 1985;

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Whereas it will be necessary to review the situation on the basis of a report that the Commission will submit to the Council by 1 October 1987 at the latest, together with, where necessary, appropriate proposals, it being understood that this report will concern itself in particular with, on the one hand, the developments in scientific data on the conservation and the population status of harp and hooded seals and, on the other hand, the development, which on the basis of information available is negative, of the market in seal skins derived from the Inuits' traditional hunting and of the market in other seal skins which are also excluded from the scope of Directive 83/129/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In Article 2 of Directive 83/129/EEC the date '1 October 1985' is replaced by '1 October 1989'.

Article 2

This Directive is addressed to the Member States.

Done at Luxembourg, 27 September 1985.

For the Council
The President
R. STEICHEN

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