



Doc. 11008

07 July 2006

Seal hunting

Report¹

Committee on the Environment, Agriculture and Local and Regional Affairs

Rapporteur: Mr Pasquale NESSA, Italy, Group of the European People's Party

Summary

The Assembly is aware that the international controversy surrounding seal hunting is first and foremost a debate bringing different and sometimes conflicting values, objectives and attitudes into play, and that it is a matter about which public opinion is particularly sensitive.

It invites member and observer states practicing seal hunting to ensure that the populations of seals and other marine mammals are afforded effective protection and their numbers maintained and to pursue such a conservation policy as part of an overall approach geared to the sustainable management of the natural heritage and the protection of wildlife. It also invites them to ban all cruel hunting methods which do not guarantee the instantaneous death, without suffering, of the animals.

1. 2006 - November Standing Committee (San Marino, SM)



Contents	Page
A. Draft recommendation	3
B. Explanatory memorandum by Mr Pasquale Nessa, Rapporteur	5
1. Introduction	5
2. Position of the Parliamentary Assembly of the Council of Europe	5
3. Legislation and practice in Council of Europe member states	6
3.1. Greenland (Denmark)	7
3.2. Norway	7
3.3. Russian Federation	8
4. Legislation and practice in Council of Europe observer states	8
4.1. Canada	8
4.2. United States	12
5. Trade in seal products and importing countries	12
6. Conclusions	13

A. Draft recommendation

1. The Parliamentary Assembly refers to its Recommendation 825 (1978) on the protection of wildlife and on seal hunting, Resolution 1012 (1993) on marine mammals and Recommendation 1689 (2004) on hunting and Europe's environmental balance.
2. The harp seal – the largest resource for the sealing industry – is primarily hunted for commercial reasons, making it one of the last examples worldwide of commercial hunting of marine mammals.
3. Where hunting does not constitute a means of subsistence, its aim is to sell seal products on international markets. The countries exporting these products are Canada (the main exporter), Norway, Russia and Greenland. Europe is the main importer of raw products and exporter of manufactured goods.
4. The Assembly refers to European Directive (EEC/83/129) introducing a ban on the importation and sale of whitecoat and hooded seal pups in the European Union. It also refers to Article 30 of the Treaty establishing the European Community which explicitly provides for the possibility of prohibiting or restricting imports, on grounds, amongst others, of protecting the health and life of animals.
5. The Assembly notes the fact that several member states, such as Austria, Belgium, Croatia, Italy, Luxembourg, the Netherlands, Switzerland and the United Kingdom have adopted national measures to ban the import and trade of products deriving from seal hunting or have begun the procedure to ban imports of sealskins.
6. Furthermore, the United States has since 1972 adopted a ban on the catching, killing and importing of all marine mammals and on all products derived from them (Marine Mammal Protection Act). In 2006 Mexico also banned the import and export of all marine mammals and derived products.
7. The Assembly is aware that the international controversy surrounding seal hunting is first and foremost a political debate, bringing different and sometimes conflicting values, objectives and attitudes into play, and that it is a matter about which public opinion is particularly sensitive.
8. The Assembly notes that the Canadian government appears to be well aware of the current challenges and problems over seal hunting and is stepping up its efforts to address the issue through legislation and close monitoring of the enforcement of its regulations.
9. It notes that the management objectives for seal hunting announced by the Canadian government are to ensure species conservation, long-term sustainable exploitation, humane hunting methods and the maximum possible use of the seals killed.
10. The Assembly refers to the recommendations contained in the report by the Independent Veterinarians' Working Group on the Canadian Harp Seal Hunt and invites the member and observer states involved in seal hunting to take these into account.
11. Consequently, the Assembly recommends that the Committee of Ministers:
 - 11.1. invite member and observer states practising seal hunting to:
 - 11.2.
 - 11.2.1. ensure that the populations of seals and other marine mammals are afforded effective protection and their numbers maintained and pursue such a conservation policy as part of an overall approach geared to the sustainable management of the natural heritage and the protection of wildlife;
 - 11.2.2. ban all cruel hunting methods which do not guarantee the instantaneous death, without suffering, of the animals, prohibiting the stunning of animals with instruments such as hakapiks and bludgeons;
 - 11.2.3. require seal hunters to take appropriate training and grant hunting licences only to persons having passed relevant tests verified by the authorities;
 - 11.2.4. submit their multi-annual seal hunting management plans, and their implementation details, to be verified by the Northwest Atlantic Fisheries Organisation (NAFO) and the International Council for the Exploration of the Sea (ICES);
 - 11.2.5. improve the monitoring and supervision of hunting and enforcement of regulations;
 - 11.2.6. encourage the establishment of professional seal hunters' associations supporting and promoting humane practices, with an emphasis being placed on the professional nature of such hunting;

- 11.2.7. support researchers and scientific institutions in their research and observation activities on seals and their position in the ecosystem;
- 11.2.8. encourage dialogue and collaboration between observers, scientists, hunters and the monitoring and supervision authorities;
- 11.3. call on member and observer states to inform consumers and encourage information campaigns by non-governmental organisations on seal-derived products, their origin and the hunting methods used, in order to enable them to make a fully-informed choice taking account of the ethical aspects of respect for animal life;
- 11.4. invite in particular the Russian Federation and Canada, as well as all member states that have not already done so, to sign and ratify the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention, CETS No.104) and call on all Parties to this convention to ensure that its provisions are transposed into national legislation and enforced;
- 11.5. instruct the Working Group on the drafting of a European Hunting and Biodiversity Charter of the Bern Convention to include seals and other marine mammals, and in particular game tourism, in its work.

B. Explanatory memorandum by Mr Pasquale Nessa, Rapporteur

1. Introduction

1. The harp seal (*Pagophilus groenlandicus*) is a marine mammal whose habitat lies between the North Atlantic and Arctic Oceans. Its life expectancy is 30 to 35 years. The pup has a characteristic white coat, which it keeps until about the twelfth day after birth.
2. Seal hunting is one of the few remaining examples of the commercial hunting of a marine mammal population in the world. This report is mainly concerned with harp seals, which are hunted commercially mostly in Canada (74%) but also in Russia (11%), Greenland (13%) and Norway (2%). The aim of this activity is to sell seal products on international markets.
3. The population of harp seals in the north-west Atlantic – the largest resource for the sealing industry – is estimated at some 5.8 million. The introduction of hunting quotas in the 1970s did result in a recovery in the harp seal population. However, over the past decade, quotas have reached record levels (975,000 animals in Canada alone for the period from 2003 to 2005).
4. The international controversy surrounding seal hunting is first and foremost a political debate, bringing different and sometimes conflicting values, objectives and attitudes into play.
5. The rapporteur is aware that the Canadian government has made significant changes to how seal hunting is managed and to the regulations governing the hunt, and since 1987 has prohibited the hunting of harp seal pups (whitecoats) and hooded seal pups (bluebacks) along with the trade, sale or barter of the fur of these pups. The *Marine Mammals Regulations* have been amended several times, most recently in 2003, to ensure that seals are killed humanely. And enforcement and monitoring measures have been regularly strengthened.
6. Nonetheless, as rapporteur, I consider that hunting harp seals is cruel. I would point out that documentary evidence supplied by international non-governmental organisations contradicts the Canadian government's claims to enforce humane hunting practices. This activity is not ecologically sustainable and is "market-based", to use the terms of the Canadian government's Atlantic Seal Hunt Management Plan². A declared objective of the seal hunt is to curb the seal population. However, there is no scientific justification for this hunt, and the current management plan disregards the precautionary principle. According to the Canadian authorities, quotas are designed to ensure that the harp seal population does not fall below 70% of the maximum observed population.
7. I believe that supporting this hunt as a profit-making economic activity resulting in a market-driven harvest is incompatible with preservation of the seal population in the context of safeguarding the natural heritage and natural resources.
8. In addition, given the remoteness of the areas where seals are hunted, it is difficult to monitor compliance with the law, in particular verification that an animal is clinically dead before being cut up. It is in practice difficult to check that the humane killing practices recommended by the government itself are systematically followed. Nevertheless, sealing tends to take place within fairly small, well defined areas. With the mandatory use of satellite transmitters aboard vessels, sealing vessels can be monitored and their locations identified daily. However, only if inspectors accompanied each expedition would it be possible to monitor such hunting activities properly.

2. Position of the Parliamentary Assembly of the Council of Europe

9. On 24 January 1978, the Parliamentary Assembly of the Council of Europe adopted Recommendation 825 on the protection of wildlife and on seal hunting. The Assembly was concerned about the risk of certain species of seals becoming extinct as a result of the deterioration of their natural environment and of large-scale hunting, in excess of demand. It was also worried about the cruel hunting methods used and recommended, among other measures, imposing a two-year ban on the hunting of harp seals.

2. Atlantic Seal Hunt, 2003-2005 Management Plan, Department of Fisheries and Oceans, Canada.

10. This recommendation is important in its political significance, especially with regard to the fact that the quotas set in the present Canadian management plan for harp seals are close to the numbers killed in the 1950s and 1960s, the period that marked the beginning of the at least 50% decline observed in this species' population. Moreover, hunting methods continue to pose problems, despite this recommendation and other representations to the governments concerned.

11. At a more general level, in its Resolution 1012 (1993) on marine mammals the Parliamentary Assembly called on the governments of Council of Europe member states, other governments concerned and the European Community to develop and/or improve global and regional legal regimes for the protection and sustainable management of all species of marine mammals (large whales and smaller cetaceans, walruses and seals). Countries which licensed the hunting of marine mammals were already asked to make sure that hunting methods met standards of humane killing or were brought into line with those standards as far as possible. Attainment of that objective was to be facilitated through research and development. The resolution also called on those countries to ensure that adequate control mechanisms were provided for in protection and exploitation agreements to prevent misbehaviour and violations.

12. In 2004 the Committee on the Environment, Agriculture and Local and Regional Affairs was asked to prepare a report on seal hunting³. In that connection, the committee organised an expert hearing on the subject on 5 October 2004. At its meeting on 5 October 2005 the committee held an exchange of views on the preliminary draft of this report⁴. The present revised draft report is the outcome of that discussion and incorporates the additional information provided, including by the Canadian delegation.

i. European Union legislation

13. Until the 1980s demand on the international markets was mainly for goods made with the fur of 'whitecoat' and 'blueback' seals. It was to counter the trade in those products that the European Parliament voted to suspend importation of "whitecoat" and "blueback" sealskins in 1982.

14. In November 1983 the European Union adopted a total ban on trading in young seal products, which was extended for a further two years the following year, and then indefinitely. The European Parliament had an extremely influential role in the preparation and subsequent development of these regulations.

15. Following these European initiatives, in 1987 Canada passed a law prohibiting the taking of whitecoats and blueback seals. However, these two measures protected harp and hooded seals only within a specified age band, and therefore not the total population, unlike the provisions of US law (see below). Canada also adopted a number of regulations to promote humane hunting methods.

16. The EU Directive (EEC/83/129) prompted the Canadian government to pass similar legislation, banning the importation and sale of whitecoat and blueback sealskins and protecting harp and hooded seal pups, while they were under 12 days and one year old respectively. Unfortunately, this ban has failed to stop the current trade in harp and blueback sealskins in Europe. At present, seals of just a few days old are hunted and their skins can be sold legally in the EU.

17. Norway also came in for strong criticism from the European Union. On 18 January 1998 the European Parliament, "appalled by Norway's resumption of the slaughter of seals and by the recent granting of new catch quotas by Canada and other countries", invited the European Commission "to condemn the seal hunt and ... ensure that products derived from slaughtered seals cannot be traded on the European market", to quote the European Parliament resolution on the resumption of seal hunting by Norway, published in the Official Journal of 5 February 1996.

18. However, it would seem that the ban on importing products derived from the hunting of baby seals into the European Union is being contravened and that seal furs originating from Russia are entering the European market via Norway.

19. In February 2006, Italy temporarily suspended the import of sealskins and products.

3. Legislation and practice in Council of Europe member states

20. Although it is true that 74% of seal hunting takes place in Canada, hunting for harp seals is also permissible under the laws of Greenland, Norway and Russia.

3. Motion for a recommendation tabled by Mr Azzolini and others, Doc. 10156; reference 2962 by the Bureau of the Assembly of 30 April 2004.

4. AS/ENA (2005) 31.

3.1. Greenland (Denmark)

21. The Atlantic seal hunt in Greenland is primarily a subsistence activity. These activities are still the only – or most important – source of income for the country's 2,500 inhabitants⁵. It must nonetheless be noted that Canada's and Greenland's harp and hooded seal catches are taken from the same herd. The two countries' governments hold regular discussions on their hunters' catches and have decided to pool the information they collect so as to strengthen conservation measures⁶.

22. The rapporteur cannot but encourage such consultation, but points out that the United Nations Convention on the Law of the Sea (UNCLOS) requires states whose nationals exploit identical marine resources in the same area, marine mammals in the case under consideration here, to implement a joint management scheme with a view to effective conservation of those resources. Canada and Greenland have never drawn up such a scheme and have applied their own separate hunting quotas to the same population of animals.

23. Although animal welfare organisations' campaigns against seal hunting have largely helped to bring about a significant decrease in the exportation of sealskins and other seal products, all sealskins exported from Greenland go to Denmark.

24. In January 2006 the main Danish television channel, DR, broadcast video footage of commercial seal hunting in Canada⁷. In the wake of this broadcast, the Greenland government announced its decision to end sealskin imports from Canada and ordered its public company not to trade in sealskins originating from Canadian seal hunting. However, on 19 May 2006, the Greenland Home Rule Government decided to cancel the recommendation of 6 January 2006 made to Great Greenland A/S regarding a provisional stop on purchases of Canadian seal skin.

3.2. Norway

25. In Norway seal hunting takes place in the Barents Sea, in the Russian-administered economic zone, and off Greenland. Norwegian quotas are determined on the basis of the scientific recommendations of the International Council for the Exploration of the Sea (ICES), the Northwest Atlantic Fisheries Organization (NAFO) and the Institute of Marine Research. Norway's legislation on seal hunting determines the hunting season, quotas and permitted forms of killing and makes training compulsory for hunters. Hunters are solely permitted to use rifles and what is known as the "hakapik" (a type of gaff). The same applies in Canada. In Norway, as in Canada, the law forbids hunters from taking suckling pups.

26. In 2004, Norway's overall quota was 30,600 adult seals, 10,000 in the East Ice and 20,600 in the West Ice. Russia is responsible for managing the harp seal stock in the East Ice, while the stocks in the West Ice, which live partly in international waters, come under the fisheries jurisdiction of several countries.

27. Sealers are required to take a course and a shooting test every year before the sealing season. Each sealing vessel carries an inspector on board. The inspectors have veterinary qualifications or the equivalent, and report directly to the fisheries authorities.

28. The Norwegian government contends that seal hunting is necessary to safeguard fish catches, since it prevents proliferation of the seal population. If there was no hunt, certain species of seal might move to Norway's coasts in search of food. The national scientific community has nonetheless shown that there is no sound scientific foundation for these arguments.

29. Norway formerly allocated large subsidies to seal hunting, in the form of finance for boats and payment of a fixed sum for each seal killed. Over the period from 1985 to 1994 Norway invested two million dollars per year in sealing industry subsidies. At present the state subsidises the seal hunting infrastructure. The aim of subsidising the hunt is to regulate seal numbers and keep traditional seal-hunting skills alive. At the same time, efforts are being made to develop markets for new products derived from seal hunting, so that the activity can be viable without state subsidies. It can be noted that the government is nonetheless steadily cutting back the subsidies granted, in the hope of seeing the trade die out. It must be said, however, that the market for seal products is currently expanding, particularly in Asia (see below).

5. Source: Tourism Board of Greenland's Home Rule Government

6. Atlantic Seal Hunt, 2003-2005 Management Plan, Department of Fisheries and Oceans, Canada

7. Report by the Humane Society of the United States (HSUS) dated 24 August 2005, http://www.hsus.org/video_clips/bearing_witness_canadas_2005_seal_hunt.html.

30. Official documents issued by the Ministry of Fisheries in 2004 state that seal hunting would not be economically worthwhile if it was not state subsidised. Norway intends to extend its hunting activity into Russian territory so as to take advantage of the marked decline in seal hunting in Russia following the Russian government's withdrawal of subsidies for an activity it regards as economically unviable. The Norwegian government also reportedly intends to develop a sealskin processing industry in Russian territory, which it will subsidise.

31. In 2005 the quotas⁸ were set at 15,000 harp seals and 5,600 hooded seals for the West Ice (Norwegian territory) and 10,000 harp seals for the East Ice (where the hunt takes place in Russian territory).

32. In January 2005 the Norwegian government also gave the green light for foreign tourists holding a hunting licence valid in their country of origin to hunt grey seals and common seals. Hunting must take place in the presence of authorised Norwegian seal hunters, and all participants must hold a hunting licence. Ordinary tourists may not take part, since permits are granted only to qualified hunters who have passed the big-game test in their home country. This type of hunting is carried out with a rifle and in Norway is open to anyone over 16 years of age, after obtaining a hunting licence. For these species, the quotas provide for the killing of 949 common seals and 1,186 grey seals. The State Secretary of the Ministry of Hunting and Fisheries offers a bounty of NOK 500 (€ 60) for each animal killed.

33. Shooting of seals with a rifle is a practice that very often inflicts severe suffering on the animals. Instant killing is in fact difficult, and wounded seals dive underwater to escape the projectiles and are only later recovered by boat.

34. Scientific research is being conducted to determine whether the size of seal (and whale) populations has an impact on fish stocks, but for the time being the theory has not been validated.

3.3. Russian Federation

35. Russia has been on the brink of prohibiting harp seal hunting several times. A bill to that effect was passed by the Russian Duma but later vetoed by the President. Russian law permits the killing and marketing of whitecoat seals irrespective of their age. The skins are principally exported to east European countries.

36. In 2005 the quotas were set at 45,100 harp seals (equivalent to the killing of 112,750 whitecoats), 35,200 ringed seals, 16,700 ribbon seals, 11,700 bearded seals and 9,140 Caspian seals. The rapporteur regrets that neither journalists nor investigators are authorised to observe the hunt.

37. In early May 2001 Vladimir Potelyov, director of the marine mammals laboratory of the Polar Institute of Fish and Oceanography in Archangelsk, issued a warning that about two-thirds of the approximately 350,000 harp seals born in the Barents Sea that year were at risk of starving to death following the large-scale migration of the capelins and crustaceans on which they feed, caused by a change in White Sea currents, as had already occurred in the past, most recently in 1966. However, during an aerial survey performed by an international committee of biologists no seal pups were observed in the zone indicated by Mr Potelyov. According to the Polar Institute's critics, the laboratory director's aim was to exaggerate the number of seal pups in order to justify their mass slaughter.

4. Legislation and practice in Council of Europe observer states

4.1. Canada

4.1.1. Brief historical background

38. North-West Atlantic harp seals are migratory animals. They spend the summer in Northern Canada and Western Greenland and the winter in the Gulf of St Lawrence. They are hunted in Southern Canada, the Arctic and Greenland. The largest numbers of seals were hunted in the 1830s, 1840s and 1880s. The seal harvest then gradually declined before increasing again in the 1950s. A new decline followed in the 1980s, with a further resumption in 2000. These trends mirror historical events. It was in the early 1970s that quotas were introduced, and 1980 was the year in which the European Union banned seal hunting.

8. Under Norwegian law a harp seal is considered adult after one year and a baby (non-suckling pup) after twelve days of life. The legislation specifies that the quota is to be calculated as follows: two non-suckling pups equal one adult (close to one year old), while a seal and a half equals one young hooded seal (bluecoat).

39. The earliest information relating to sealing in present-day Canadian territory dates back to the 16th century, to the period of the major waves of colonisation. However, it was in 1723 that seal hunting acquired more significance as seal oil began to be used as a lamp fuel, chiefly in the United Kingdom. This was the first mass marketing of a product derived from seals.

40. Between 1808 and 1862 sealing attained a huge scale. These years are indeed referred to as the “Golden Age of Sealing”. A decisive factor in the later expansion of Canadian seal hunting was the 1949 union of the territory subsequently designated as Newfoundland and Labrador with Canada. In the 1950s the first scientific studies were made concerning the possible repercussions of hunting on the conservation of the species. In 1971 those studies prompted the finding by a scientific commission that the harp seal population had decreased by 55%. These years of scientific research also saw the beginning of the first protests against seal hunting. One of the earliest protest demonstrations was led by Brian Davis, founder of the SPCA (Society for the Prevention of Cruelty to Animals) and marked the beginning of campaigns to raise awareness and rally public opinion against the hunting of seal pups. The protests later gained an international dimension and attracted support from international organisations such as the IFAW (International Fund for Animal Welfare) and Greenpeace. In 1977 film celebrities including French actress Brigitte Bardot and American Yvette Mimieux entered the battleground of opposition to the hunting of seal pups.

41. Following the scientific studies referred to above, the first quotas were introduced in 1971 to limit the number of animals killed. The decline in the harvest over subsequent years allowed a recovery in the harp seal population. Nonetheless, over the past decade the situation has again been reversed, and the seal quotas have now reached record levels – 975,000 animals for the 2003-2005 period.

4.1.2. Current situation

42. It should first and foremost be said that one of the reasons advanced by the Canadian government for its protective attitude towards seal hunting is that this hunt constitutes a means of subsistence for the country's aboriginal peoples. Aboriginal hunting is in fact an altogether different activity from commercial hunting. Its sole aim is subsistence, and every part of the animal killed is therefore used. Nonetheless, a considerable number of seal skins are sold on international markets. For example, in 2002 the government of Nunavut “purchased nearly 10,000 ringed sealskins from hunters in all three Nunavut regions. ... These skins generated more than \$500,000 in sales at the December auction. The maintained market for ringed sealskins is attributed mainly to a sustained market interest in Europe. Two buyers from Denmark purchased more than 90 per cent of the skins”⁹.

43. A ban on seal hunting would nonetheless have an impact on aboriginal communities which capture other seal species. As was seen in the early 1980s, when the European Community introduced a ban on the importation of whitecoats and bluebacks, the market for ringed seals, of vital importance for the Inuit population, also began to diminish. “In Labrador alone, the lost sealing revenue reduced total Inuit income by one third”¹⁰.

44. It is precisely out of consideration for these customs and traditions that aboriginal hunting is granted exemptions under existing legislation, including the above-mentioned EU legislation on whitecoats and bluebacks. It should also be pointed out that Canada's aboriginal populations mainly hunt grey seals, not harp or hooded seals. In 2004 aboriginal hunters killed about 1.5% of the quota prescribed by the Canadian government, and the remaining 98.5% was hunted by non-aboriginal Canadians, most of them residents of Newfoundland. The 2006-2010 plan makes provision for an additional allowance of 10,000 harp seals for new aboriginal initiatives, for personal use and for hunting in the Arctic. When this is compared with the Total Allowable Catch (TAC) of harp seals, set at 325,000 for 2006, it is clear that this represents but a small proportion of overall hunting.

45. The Canadian seal hunt takes place in and around the whelping areas where the pups are born each spring off Canada's Atlantic Coast, in the North-West Atlantic, off the coasts of Newfoundland and Labrador and in the Gulf of St Lawrence¹¹.

9. Government of Nunavut, “Backgrounder,” <http://www.gov.nu.ca/Nunavut/English/news/2003/feb/feb12b.shtml>. Also see “High sealskin prices boon to Nunavut economy,” Canadian Press, 25 December 2004:

(http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/1104009859081_32?hub=Canada)

10. DFO, “Socio-economic impact of the Atlantic Coast seal hunt,” March 2006,

(http://www.dfo-mpo.gc.ca/seal-phoque/reports-rapports/facts-faits/facts-faitsSE_e.htm)

11. Nonetheless, it is prohibited to take adult seals in the whelping patches and to kill whitecoats and bluebacks anywhere.

46. Six seal species are to be found off the Atlantic Coast of Canada: harp, hooded, grey, ringed, bearded and harbour seals. Almost all hunting is targeted at harp seals.

47. In 2004, 350,000 harp seals were counted on terra firma, over 90% of which were pups born that year. Today, seals are being hunted on the same scale as led to the decline in the population between 1950 and 1970 before the introduction of the quotas.

48. In 2004, 15,468 hunting licences were issued (8,778 professional licences, 4,999 assistants' licences and 1,691 licences for personal use). By way of comparison, in 1995 only 9,118 professional licences and 1,265 personal use licences were issued. To obtain a professional licence, a commercial sealer must serve a two-year apprenticeship with a professional hunter. This requirement ensures appropriate training of sealers and proper transfer of the necessary skills. No quotas are imposed for ringed, harbour and bearded sales, but licensing is used to control commercial hunting of these species¹².

49. Today, Canada's management of commercial seal hunting is, in the government's words, market-driven and economically viable (2003 management plan). The seal hunt is managed taking account of socio-economic factors and so as to maintain seal numbers at 70% of the maximum observed population. Should the population fall below the 70% reference point (corresponding to an estimated 3.85 million seals), a new management approach would be adopted to bring it back above the threshold. Should the population fall to 50% (2.75 million animals), major conservation measures would be implemented. If a combination of circumstances resulted in a decrease below the 30% mark (1.65 million individuals), a total ban on seal hunting would be introduced¹³.

50. Seal hunting long received economic support from the Canadian government which, for example, invested nearly 20 million Canadian dollars in seal hunting subsidies between 1995 and 2001. Following the entry into force of the EU regulations prohibiting imports of products derived from whitecoat and blueback seals, the sealing industry recorded substantial market losses. In the mid 1990s, the Canadian government launched a plan to boost seal products and supported the industry. The rapporteur believes that, if the seal industry operated under free market conditions, it would have trouble in remaining sufficiently competitive. At present the Canadian government considers that seal hunting is an economically viable activity and no longer subsidises it.

51. To enable the Department of Fisheries and Oceans to devise a new multi-annual management strategy for 2006 and subsequent years, an Atlantic Seal Forum took place in St. John's, Newfoundland, on 7 and 8 November 2005. This forum was attended by representatives of the industry, governments, the scientific community, aboriginal groups, conservation organisations and animal rights organisations.

52. In response to the conclusions of the Atlantic Seal Forum and to concerns raised internationally about the seal hunt, the new Minister of Fisheries and Oceans, Loyola Hearn, announced in March 2006 that the Department of Fisheries and Oceans was "looking at long-term changes in order to further improve on humane hunting practices and overall management of the hunt"¹⁴. The Department is working towards implementing the recommendations made by the Independent Veterinarians' Working Group on the Canadian Harp Seal Hunt in its report *Improving Humane Practice in the Canadian Harp Seal Hunt*, where necessary through amendments to the *Marine Mammals Regulations*.

53. This working group was formed in May 2005 following an initiative by the World Wildlife Fund - Netherlands in order "to contribute to the promotion of animal welfare and to minimise or eliminate animal suffering within the context of the hunt". Its nine members originating from Canada, the United States, the Netherlands, France and the United Kingdom include a specialist who sat on the international veterinary panel commissioned by the International Fund for Animal Welfare to observe the hunt in 2001. The working group's report sets out a number of specific and general recommendations on improving regulation and supervision of the seal hunt with the aim of making it cruelty-free. It discusses a range of factors and issues related to the hunt and makes eleven recommendations to the sealers, industry and regulators.

54. The following are the general recommendations of the report:

- Reducing the competitive nature of the hunt can result in improved animal welfare, better compliance and enforcement, and a safer work environment.

12. There is no hunting of ringed, bearded and harbour seals in the commercial seal hunt in more southern waters. These seals can be taken in more northern waters by Aboriginal people or for subsistence purposes.

13. Atlantic Seal Hunt, 2003-2005 Management Plan, Department of Fisheries and Oceans, Canada.

14. "Hearn Announces Multi-Year Seal Management Plan," News Release NR-HQ-06-05E, Department of Fisheries and Oceans, 15 March 2006, (http://www.dfo-mpo.gc.ca/media/newsrel/2006/hq-ac05_e.htm).

- The Canadian Department of Fisheries and Oceans (DFO) should take steps to improve supervision, monitoring and enforcement, including the training of officers.
- Sealers would benefit from strong professional associations that support and promote humane practices.
- Research and observation should be undertaken on a regular and systematic basis.
- It is important for observers to work in collaboration with sealers.

55. At present, the 2006-2010 Seal Management Plan is currently being prepared, but the government has already undertaken to implement the following recommendations¹⁵.

- The three steps in the humane killing process – stunning, checking that the skull is crushed (to ensure irreversible loss of consciousness or death), and bleeding – should be carried out in sequence as rapidly as possible.
- Confirmation of irreversible loss of consciousness or death should be done by checking by palpation that the skull is crushed, rather than checking the absence of corneal (blink) reflex.
- A seal should not be shot in the water or in any circumstance when it is possible the carcass cannot be recovered.
- Bleeding to achieve or ensure death, following stunning, is an important element in the three-step humane killing process. The *Marine Mammal Regulations* should be amended to replace the requirement for death to occur before bleeding, with a requirement for unconsciousness before bleeding.

56. Moreover, the Department has undertaken to “increase [this year] its monitoring and enforcement efforts on the sealing grounds” so as to provide “a high ratio of enforcement capability per active sealing vessel – approximately double the capability of other fisheries in the area”¹⁶.

57. For fishermen, the seal hunt represents a provisional income closely associated with the hunting season, which for practical purposes lasts only a few weeks per year. A fisherman’s average income for a whole hunting season amounts to about 1,500 Canadian dollars, before expenses. This income accordingly supplements the regular annual income these persons derive from employment in the fishing industry or other local industries.

58. In terms of revenue, sealing throughout Canadian territory contributes a mere 0.0009% of the country’s GDP. Moreover, the sealing industry accounts for just 0.064% (official figure for 2003) of the economy of the Newfoundland and Labrador region, where this industry is most extensive.

59. In 2004 commercial seal hunting in the Atlantic region of Canada generated over 16.5 million dollars of direct income from the sale of products. This represented an increase compared with the estimated 13 million dollars for 2003, but was well below the estimate of 21 million dollars for 2002.

4.1.3. Legislation

60. Canadian law (the “Marine Mammal Regulations” of 1993, amended in 2003) prohibits the killing of whitecoat seals. Canadian legislation protects seals up to their 12th day of life¹⁷, as does the above-mentioned EU Directive, although indirectly. The purpose of hunting is to market sealskins which, from the 12th day, show the first grey tinges. Canadian regulations are designed to permit killing when the seal’s coat is still almost pure white and therefore in demand on the European and Asian markets. US Senate Resolution No. 229 of 2003 points out that 97% of the seals killed in 2003 were pups between 12 days and 12 weeks old.

15. The seal hunting season for 2006 opened in March, and a TAC of 325,000 harp seals has been decided for 2006, with an additional allowance of 10,000 harp seals for new aboriginal initiatives; a TAC of 10,000 hooded seals on the Front will be maintained for the 2006 season. The Department has set the 2006 TAC of grey seals at 2,100 in the Gulf of St. Lawrence and at 8,300 on the Scotian Shelf, off Nova Scotia. No TAC or allowance has been set for ringed, harbour or bearded seals.

16. DFO, Technical Briefing on the Canadian Seal Hunt 15 March, (http://www.dfo-mpo.gc.ca/media/infocus/2006/seals/2006seal_briefing_e.htm)

17. These animals are suckled by their mothers until about the 12th day after whelping, then left alone on the ice and do not feed for some days because they consume their reserves of body fat. At this stage, although the pups are able to swim, they would appear to prefer staying on the ice. By then, the “whitecoat” seal pup has not yet had any solid food. After suckling, the pup’s fur begins to change colour, turning from pure white (“whitecoat”) to grey (“greycoat”), then silvery (“beater”). The animals reach sexual and reproductive maturity at about four years old.

61. Each hunter is required to hold a hunting licence, the cost of which is only five Canadian dollars for a full year, whereas a permit to observe the hunt costs 25 Canadian dollars per year. Licences and permits must be renewed annually. In 2004 there were 15,468 hunting licences issued, but the number of actively participating hunters is only some 4,000 per year, based on Canadian official estimates.

4.2. United States

62. The “Marine Mammal Protection Act”, in force since 1972, is aimed at protecting all marine mammals, including seals. It places a moratorium on the catching, killing and importing of all marine mammals and all products derived from them. It also prohibits the importing of all such products into the territory of the United States.

63. Specifically, the Marine Mammal Protection Act prohibits:

- The possession of any marine mammal or product thereof, if the animal was captured in breach of the Act;
- Transporting, purchasing, selling, exporting or offering to buy any marine mammal or product thereof by any natural or legal person;
- The taking of any marine mammal by a boat or any means of maritime transport subject to US jurisdiction, whether inside or outside US territorial waters;
- The taking of any marine mammal in waters or territory under US jurisdiction by any boat or other means of maritime transport, except as otherwise provided by an international treaty;
- Infringement of the Marine Mammal Protection Act is punishable by a fine of up to 10,000 US dollars for each provision infringed, and in certain cases a prison sentence of up to a year may be imposed.

5. Trade in seal products and importing countries

64. Seal products include skins and furs, oil and fat, and meat. Harp seals over twelve days old can be killed, and their pelts and derived products may be marketed, also within the European Union.

65. Sealskins are imported into European Union countries as unfinished goods directly from Canada and Russia, and as tanned goods from Norway and Denmark.¹⁸ Norway is home to one of the world’s principal sealskin tanning enterprises. Canada is the chief exporter of raw sealskins to the European Union, followed by Russia. However, some of the sealskins exported by Canada and Greenland are imported by Denmark, which in turn re-exports them to EU member states, in particular Italy.

66. Among seal by-products mention should be made of oil and fat. These products are used as ingredients in the production of cosmetics and soap and in sardine canning. They are also a source of “Omega 3” dietary supplements, commonly found on the market but usually as an element extracted from various kinds of fish. The market for oil and fat is extremely small in terms of volume and sales figures. Canada is the biggest exporter to the European Union, where Italy is the principal importer.

67. The countries exporting seal products are Canada (the chief exporter), Norway, Russia and Greenland. Europe is the main importer of the raw products and an exporter of manufactured goods. In 2004 the main importers of furs were Greenland, Germany, China, Poland, Denmark, Hong Kong, Greece, France, the Russian Federation and South Korea (by decreasing order of quantities imported).

68. The principal market for seal by-products is the countries of Europe, followed by Asia. There is no market for these products in North America, as their sale is strictly prohibited in the United States, and there is virtually no demand for them in Canada. It can also be noted that there is a limited local seal hunting activity in certain EU member states, but since it is not a commercial hunt it does not come within the scope of this report.

69. In recent years the selling price of a seal pelt has increased, leading to corresponding growth in the income derived from trade in this product. A growing interest has also been shown in seal products such as oil, meat, bones and fat for use in certain medicines.

18. It is estimated that Denmark's exports of tanned sealskins to other EU countries were worth some € 1.5 million in 2002 and 2003 (source: Eurostat).

70. There is virtually no market for seal meat as a product in itself despite the support policies pursued by the governments of Canada and Norway through subsidies. The main reason is the unusual taste of the meat. For years the Canadian government used seal meat as feed in fur farms (mink and fox) but its use was later prohibited. The hunters in fact usually leave the seal carcasses on the ice and only harvest the skins.

71. Despite the ban, according to Eurostat data, in the period between 2002 and 2004 tanned furs produced from whitecoat and blueback (trading in which is prohibited according to European legislation) were imported into the EU 15 countries from Denmark, Canada and Norway. Fur goods and accessories containing whitecoat and blueback were also imported into the EU 15 countries, principally from Russia, Denmark and, to a lesser extent, Canada and Greenland.

72. Italy ranks second after Denmark among European countries involved in the trade in seal products. The seal products legally marketed in Italy are raw skins, tanned non-assembled skins, tanned assembled skins, pieces of clothing and accessories and oil and fat, but excluding "whitecoats" - at least as a lawful activity. Italy imports the bulk of its skins from Canada and Denmark, and processes them to re-export them worldwide as finished manufactured products¹⁹. Virtually all the seal oil exported by Canada to the European Union is purchased by Italy. Seal oil exports from Italy to other countries are of negligible value, in the region of € 170,000 for the whole of 2003.

73. Conversely, imports of sealskins and seal products have decreased drastically in the Netherlands. According to data supplied by the Netherlands government, total income from trade in seal products is less than € 140,000. Over the last five years the Netherlands has recorded the importation of only 58 sealskins, 38 of which came from Canada and the remaining 20 from Brazil.

6. Conclusions

74. Canada's three-year plan for 2003-2005 envisaged the killing of slightly under a million seals (950,000 over the three years, 350,000 having been killed in 2004 alone). The present three-year quota is the highest ever fixed. 95% of the seals hunted in Canada are less than one month old. This also raises ethical considerations with regard to an animal whose life expectancy is approximately 30-35 years.

75. Despite the restrictive measures introduced in the 1970s and 1980s to counter the extinction of seal species (threatened by excessive hunting pressure), the present three-year quota allows the killing of a number of seals similar to the figure for the 1950s and 1960s, which were the very years that saw a marked decline in the population and led to the introduction of a quota system by the Canadian government.

76. The current three-year plan moreover failed to take into consideration certain factors that influence seal population trends, such as alteration of the ecosystem, pollution and climate change. A large number of seals are also killed each year as a result of accidental catching during fishing operations and shooting without recovery of the animal's carcass, classified as 'struck and lost'. Added together, all these factors lead to an increase in the final number of animals killed each year. The total number of harp seals killed in Canada and Greenland between 1996 and 2002 is estimated at just under three and a half million. So, although the population of these seals is now estimated at some five million, the size of the overall kill is all the same very large.

77. This increase in the quota could cause a severe reduction in the population of these animals for the following reasons:

- the harp seal is a migratory animal which is hunted in Canada and Greenland without the two countries ever having defined a common management scheme, in breach of the provisions of the United Nations Convention on the Law of the Sea (UNCLOS);
- the quota does not include the extremely high number of animals killed during the hunt and classified as 'struck and lost';
- nor does the quota include the large number of animals killed accidentally in the course of human activities at sea (chiefly because of collisions and accidental catching by fishermen);

19. In 2002, the export value of articles and accessories containing harp seal skins was estimated at almost € 4 million (Eurostat figures). In 2003, the value was estimated at some € 4.3 million (Eurostat figures).

- the quota does not take account of other adverse elements like climate change, which has a negative influence on these populations. For the reasons given above, the overall number of harp seal deaths caused by human beings is thought to be far in excess of the Total Allowable Catch stipulated in the Management Plan;
- the Canadian Government claims to enforce “acceptably humane” hunting methods, whereas many films and news reports together with eyewitness accounts by credible individuals (including members of the European Parliament and of national parliaments, journalists, NGO representatives and representatives of European veterinary federations) show that seal hunting is carried out using extremely cruel methods that inflict severe, needless suffering on these marine mammals;
- the conditions for strict enforcement of the legislation in force are not satisfied and there is insufficient supervision in the hunt areas, which are often difficult to access²⁰.

78. Furthermore, although Canadian regulations officially limit the hunting of seal pups, the enforcement of those regulations today raises substantial questions. Statistical data (cf Eurostat statistics, paragraph 65) point to the existence of a trade in baby seal fur, and it is not easy for customs personnel to distinguish between true whitecoat pelts and those beginning to be tinged with grey. Into the bargain, investigations conducted on the sealing grounds have revealed breaches of the regulations by hunters in several cases. The rapporteur finds it hard to comprehend that governments subsidise this activity, when the remoteness of the seal hunting grounds makes it difficult to verify that the law is being observed, particularly as regards checking that the animal is clinically dead before being cut up.

79. Some claim that the principal argument for raising the annual hunting quotas is that this would allegedly help to increase the number of cod caught in the North Atlantic. Others maintain that that seals feed predominantly on fish that prey on cod, whose preservation is thereby furthered. However, the Canadian government has stated in official documents its view that the cod crisis in the Western Atlantic was brought about by over-fishing.

80. The horror of the slaughter is now notorious worldwide and various opinion polls show that 79% of United States citizens and 80% of people interviewed in France, Germany, the United Kingdom and the Netherlands are against seal hunting²¹.

81. Many European countries also have laws that should protect seals as marine mammals and migratory animals. The UN Convention on the Law of the Sea of 1982 likewise contains general provisions on the subject. However, in spite of that, Europe remains the world's principal seal product importer, the main manufacturer of seal products and one of the biggest exporters of goods made from seal fur.

82. Conversely, in the United States the Marine Mammal Protection Act of 1972 prohibits the import, export, sale, hunting and possession of all types of products derived from marine mammals, and the marketing of seal products is hence prohibited in United States territory.

83. The rapporteur concedes that the scientific arguments put forward are interesting, but notes that there are still some unanswered questions and contradictory pieces of evidence. He defends the cause of these animals and cannot accept their gratuitous suffering. The current legislation is obviously being flouted, and this is where he considers the Canadian government's responsibilities lie.

84. Nevertheless, the Canadian government appears to be well aware of the current challenges and problems over seal hunting and is planning to address the issue through amendments to and enforcement of its regulations.

85. The rapporteur welcomes the fact that the recommendations made in the report by the Independent Veterinarians' Working Group on the Canadian Harp Seal Hunt have been endorsed by the St. John's Forum, and that the Canadian Department of Fisheries and Oceans is working towards “implementing these recommendations for 2007 through further consultation with the Independent Veterinarians' Working Group and the industry. This will require amendments to the Marine Mammal Regulations”²².

20. The Canadian delegation disagrees with these arguments and states: “To summarise: Canadian quotas are set after accounting for the Greenland catch; the Canadian government takes into account the number of struck and lost when estimating abundance and the impact of quotas; the bycatch is included when estimating the impact of the quota; the influence of climate change is taken into account when estimating the impact of catches and for future projections; veterinary studies indicate that the seal hunt is comparable to commercial slaughter houses.” (Cf Response (revised) to the revised draft memorandum, presented by the Parliamentary Delegation of Canada (observer), AS/ENA (2006) 25).

21. Survey conducted in November 2003 by the MORI Social Research Institute. 2,003 individuals were interviewed in the UK, France, Germany and the Netherlands

86. The rapporteur also welcomes the March 2006 announcement made by Mr Loyola Hearn, the new Minister of Fisheries and Oceans that his Department was “also looking at long-term changes in order to further improve on humane hunting practices and overall management of the hunt”²³. The Department is to step up monitoring and enforcement efforts on the sealing grounds. This will provide a high ratio of enforcement capability per active sealing vessel – approximately double the capability of other fisheries in the area²⁴.

87. The rapporteur wishes to thank the Canadian observers to the Parliamentary Assembly for the transparent way in which the exchange of views has taken place and for their active co-operation in the work of the Committee which has led to the drafting of this report.

22. DFO, “Technical Briefing on the Canadian Seal Hunt”, 15 March 2006.

23. “Hearn Announces Multi-Year Seal Management Plan,” News Release NR-HQ-06-05E, Department of Fisheries and Oceans, 15 March 2006, (http://www.dfo-mpo.gc.ca/media/newsrel/2006/hq-ac05_e.htm).

24. DFO, “Technical briefing on the Canadian Seal Hunt”, 15 March 2006.