



**HOUSE OF COMMONS
CANADA**

**ENSURING A SUSTAINABLE AND HUMANE
SEAL HARVEST**

**Report of the Standing Committee on
Fisheries and Oceans**

**Gerald Keddy, MP
Chair**

APRIL 2007

39th PARLIAMENT, 1st SESSION

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THE STANDING COMMITTEE ON FISHERIES AND OCEANS

has the honour to present its

FOURTH REPORT

Pursuant to its mandate under Standing Order 108(2), and the motion adopted by the Committee on Thursday, June 8, 2006, the Committee has studied the subject of the Canadian seal harvest and has agreed to report the following:

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ENSURING A SUSTAINABLE AND HUMANE SEAL HARVEST

Introduction

For over 30 years, Canada's commercial seal harvest in the Northwest Atlantic has attracted international attention and criticism from animal rights and welfare activists. The campaign against the commercial seal harvest, led by several international nongovernmental organizations (NGOs) and celebrities, resulted in a ban by the European Union — then the European Communities — on the importation of pelts from very young harp and hooded seals in the early 1980s, and the collapse of international sealskin markets. Despite far-reaching changes to Canadian harvesting regulations and practices in that period, markets failed to recover and the Canadian harvest declined significantly. This began to change in the mid-1990s as a result of increasing demand in international markets and a rapidly growing harp seal population that reached 5.2 million in 1995. With resulting increases in Canadian quotas and catches came renewed international attention to the seal harvest and a stepped-up NGO campaign to end the commercial harvest, which has led to proposed or announced legislative or regulatory actions aimed at banning the import of seal products in several countries, particularly in Europe. Most worrisome for Canadians involved in the industry has been the possibility of a complete ban on the importation and use of seal products by the 27-member European Union, which was proposed in September 2006 by the European Parliament.

In this context and in light of the social, economic and cultural importance of the seal harvest for many coastal communities on Canada's Atlantic coast and in the North, the House of Commons Standing Committee of Fisheries and Oceans (the Committee) decided in late spring 2006 to study, once more, the Canadian seal harvest. The Committee focused its attention on four aspects of the seal harvest: its sustainability, its humaneness, its economic, social and cultural importance, and its role in achieving and maintaining an ecological balance within the marine ecosystem. In the course of this study, the Committee received a technical briefing from officials of Fisheries and Oceans Canada (DFO) and from the Department of Foreign Affairs and International Trade (DFAIT), met with the new Ambassador for Fisheries Conservation, met with sealers and coastal communities involved in the harvest, as well as with Members of the European Parliament visiting Canada and heard from representatives of the key international NGOs campaigning to end the commercial seal harvest and from veterinary experts of the Independent Veterinarian Working Group on the Canadian Seal Hunt. The Committee also welcomed in Ottawa, representatives of two Inuit organizations, the Inuit Tapiriit Kanatami and Nunavut Tuungavik Incorporated. The Committee watched a preview of the documentary *Phoques : le film*, and heard from its director. Finally, members of the Committee travelled to the Canadian Coast Guard icebreaker, the Amundsen, to observe the seal harvest and DFO's enforcement activities in the Northern Gulf of St. Lawrence.

The harp seal is the most abundant pinniped in the Northwest Atlantic.¹ Harp seals are harvested commercially and for subsistence purposes in Canada, Greenland, Norway and Russia. The Canadian harvest of Northwest Atlantic harp seals is the largest marine mammal harvest in the world. Ninety per cent of the Canadian harp seal harvest occurs on the ice floes on “the Front” (in the waters east of Newfoundland) where rifles are used as the primary harvesting method. In “the Gulf” (Gulf of St. Lawrence), seals are killed using hakapiks.

With the collapse of markets for sealskins in 1983, Canadian harvests of harp seals, from 1983 to 1995, were much lower than the total allowable catches. This period coincided with a steady increase in the size of the harp seal population in the Northwest Atlantic, from about 1.9 million in 1970 to almost 5.2 million in 1995. According to a 2005 estimate, the harp seal population stands at 5.82 million.² At the same time, concerns grew over the impact of increasing numbers of harp, hooded and grey seals on recovering groundfish stocks in the Atlantic region. In recent years, each time the Committee travelled to the East coast, it heard those concerns clearly. Each time, the Committee reported and made specific recommendations, notably in the *Seal Report* (1999), *Atlantic Fisheries Issues* (2003), and *Northern Cod: A Failure of Canadian Fisheries Management* (2005).

Past Committee Report

In June 1999, the Committee issued the *Seal Report*, in which it examined evidence of the impact of growing numbers of harp and hooded seals on groundfish stocks in the Atlantic region, and considered the economic and social implications of the seal harvest, including market development opportunities. A major recommendation of that report was that the federal government should convene an expert panel to evaluate the current state of scientific knowledge related to seals and to provide advice on a long-term strategy for the management of seal populations. The recommendations of the Committee’s report are provided in Appendix A.³

An Eminent Panel on Seal Management was appointed by the Minister of Fisheries and Oceans and issued a report in the fall of 2001. The panel had been asked to “provide advice on the best strategies for management of seal populations in Atlantic

¹ Six species of seals — the harp, hooded, grey, ringed, bearded and harbour — are found off the Atlantic coast of Canada, although ringed and bearded seals are typically Arctic species. Of the six species, harp and hooded seals account for almost all the seals hunted commercially. A number of grey seals are also taken for commercial uses under licences issued for that purpose (Source: DFO).

² M.O. Hammill and G. Stenson, *Abundance of Northwest Atlantic harp seals (1960-2005)*, DFO, Canadian Science Advisory Secretariat, Research Document — 90, 2005, available at http://www.dfo-mpo.gc.ca/csas/Csas/Publications/ResDocs-DocRech/2005/2005_090_e.htm.

³ Past reports of the Committee can be found on the Committee’s website at www.parl.gc.ca/fopo.

Canada, including a balanced and objective view of scientific information on seal populations and predator-prey relationships, and how this information could contribute to development of management strategies.” The panel issued a number of recommendations on research and management of seal populations including:

- Funding for seal science in general should be increased and made less dependent on short-term, application-driven sources.
- DFO should accelerate research on all aspects of high mortalities of groundfish stocks.
- Management of seals in Atlantic Canada should have explicit objectives. DFO should commission a study to develop a generic set of control rules and reference points that could be applied to any of the management scenarios described above.
- Canada and Greenland should cooperate in the conduct of scientific research and in the management of seal species that are common to both jurisdictions.
- The potential benefits of seal exclusion zones should be investigated in a trial involving experienced seal collectors, with appropriate levels of replication.

The Committee found that progress was achieved in many areas targeted by the Eminent Panel on Seal Management’s recommendations. As for the recommendations formulated by the House of Commons Standing Committee of Fisheries and Oceans in its 1999 *Seal Report*, this Committee stands firmly behind the intent of all of them. Even though some of the recommendations are less appropriate now, many others remain relevant.

The Anti-Seal Harvest Campaign in Europe

As a result of the anti-seal harvest campaigns of international and local animal rights organizations, export markets for seal skins in Europe are threatened, and Canada’s image continues to be tarnished. Despite significant contradictory evidence, the following key arguments and assertions have been used in many of the anti-seal harvest campaigns to gain public and political support:

- The commercial harp seal harvest is not sustainable at current harvesting levels. Its purpose is to reduce the size of the population in order to facilitate the recovery of cod stocks.

- The commercial seal harvest is of little economic value and significance to individual sealers and coastal communities. Therefore, an end to the commercial seal harvest would not have serious economic and social consequences.
- The commercial harp seal harvest in the Gulf of St. Lawrence (the Gulf) and off the northeast coast of Newfoundland and Labrador (the Front) is entirely different from the “traditional” Inuit or Aboriginal seal harvest. The latter does not have a significant commercial dimension such as the sale of pelts on international markets. Therefore, any international action taken against the commercial seal harvest would not affect Aboriginal communities.
- The harvest is inherently cruel because of the killing methods used and the age of the seals killed.
- The harp seal harvest cannot be regulated and managed effectively to ensure its sustainability and the humane killing of seals, because it takes place in remote areas and because of the conditions in which it takes place.

These assertions have been made repeatedly in European parliamentary fora, in the course of public protests and in the media, despite the fact that they clearly contradict available scientific evidence, the views of independent scientists as well as Canadian policy and enforcement practices. Reports by the Independent Veterinarians’ Working Group on the Canadian Harp Seal Hunt and others, information on the Aboriginal seal harvest in Canada and the seal harvest in Greenland and elsewhere, the Canadian government’s population studies and Seal Management Plan which are available and easily accessible on the Internet, have been either misquoted or ignored. Unfortunately, many of the motions, declarations and resolutions put forward by European parliamentarians reflect an uncritical acceptance of the claims made by NGOs.

In Europe, the campaign by international and local non-governmental organizations (NGOs) — in particular the International Fund for Animal Welfare (IFAW) and the Humane Society of the United States (HSUS) — to end the commercial seal harvest in Canada, has yielded proposed or announced legislative or regulatory actions against the import of seal products in several countries, including Belgium, Austria, the Netherlands, the United Kingdom, Croatia, Italy, and Germany. For example, British MPs introduced a motion demanding that the government prohibit the importation of seal products. In Germany, the lower House of Parliament (Bundestag) unanimously passed an all-party motion calling upon the German government to push at the EU level for a EU-wide ban on import and use of all seal products, and to immediately take action to

prevent the import and use of seal products in Germany until a EU ban comes into effect.⁴ In January 2007, the lower house of the Belgian Parliament unanimously passed draft legislation that would implement a national ban on the import of all seal products. It would appear that Belgian officials are expecting a challenge at the World Trade Organization. In addition to these national initiatives, a resolution and a declaration have also been discussed and adopted at the Council of Europe and the European Parliament.

Recommendation of the Parliamentary Assembly of the Council of Europe

From 2004 to 2006, one of the most important ongoing efforts in Europe to end the seal harvest focused on the Parliamentary Assembly of the Council of Europe (PACE), a parliamentary organization composed of the members of 46 national European parliaments. In April 2004, a motion for recommendation on “Seal Hunting” was referred to the PACE Committee on the Environment, Agriculture and Local and Regional Affairs. The PACE environment committee then appointed a rapporteur to draft a report on the matter. The first drafts of the report were, in the views of the Canadian observer delegation to PACE, “lacking balance and reflected a strong and unfounded bias against seal hunting in general and the Canadian hunt in particular.” The drafts contained a large number of factual errors, and often only partial information was provided to support the arguments of the rapporteur. The Canadian delegation made several representations to the rapporteur and the committee, and in June 2006, the PACE environment committee considered a preliminary draft recommendation on seal harvesting which was in many respects balanced and reflected many Canadian points of view. This draft recommendation was then referred to the PACE Standing Committee, one of the top bodies of the organization, and in November 2006 an amended recommendation was adopted, even though its Committee on the Environment, Agriculture and Local and Regional Affairs had rejected the amendments. Among other things, the adopted recommendation called for a ban on “all cruel hunting methods” including hakapiks and guns, and it “asked the Committee of Ministers and the Parliaments of the member states [of the Council of Europe] to promote initiatives aimed at prohibiting the import and marketing of seal-derived products.”⁵ The Council of Europe’s Committee of Ministers met at the end of November 2006 and decided to bring the recommendation to the attention of their governments, as well as agreed to communicate it to the Standing Committee of the Bern Convention for information and possible comments by April 1 2007.

Our Committee is disappointed by the decision of the PACE Standing Committee to adopt the amended recommendation. The Canadian observer delegation to PACE had serious concerns about the amendments which did not reflect the evidence heard by the

⁴ Department of Foreign Affairs and International Trade, *Canada’s Seal Hunt and Reactions in Europe*, Briefing Note, November 2006.

⁵ Parliamentary Assembly of the Council of Europe, *Recommendation 1776 (2006) — Seal hunting*, available at <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta06/EREC1776.htm>.

committee or the available scientific literature. It is equally clear that the adopted recommendation reflects a misunderstanding of the socioeconomic realities of the lives of our Aboriginal peoples. While Aboriginal Canadians account for a relatively small proportion of the seals killed annually, the harvest is a vital source of cash income for Aboriginal hunters. Much of this income is derived from the sale of pelts in international markets. Therefore, the ban on the import and marketing of seal-derived products would have a profound impact on Aboriginal Canadians.

The European Parliament's Written Declaration on Banning Seal Products in the European Union

In May 2006, a group of Members of the European Parliament (MEP) submitted a written declaration calling for a ban on "the import, export and sale of all harp and hooded seal products" in the European Union (EU). By mid-September, 425 of the EP's 732 Members had signed the declaration. Having thus been signed by the majority of MEPs, the declaration became part of the European Parliament's official record and was forwarded to the EU Council and Commission. While neither the Commission nor the Council is required to act on the declaration, it does have significant moral influence, allowing anti-seal harvest campaigners to point to European lawmakers' opposition to the Canadian harp seal harvest.

The Committee recently sent a letter to the European Commissioners for the Environment, and for Fisheries and Maritime Affairs, in which it expressed its grave concern about this declaration and about the proposal for an EU ban on the importation of seal products. In the letter, the Committee argued that, contrary to the declaration which appears to be based directly on the position advocated by a few international NGOs that have been the driving force behind the campaign to end the seal harvest, the Canadian seal harvest is a sustainable and humane activity of great economic, social and cultural importance for coastal communities on Canada's East Coast and in the North.

The European Parliament's declaration further requested that the European Commission "immediately draft a regulation to ban the import, export and sale of all harp and hooded seal products."⁶ Such a ban would likely violate international trade rules. A DFAIT official told the Committee that:

Canada has made its view known that the proposed import bans on Canadian seal products are inconsistent with the Belgian, Dutch, and European Community's obligations under the World Trade Organization agreement. In commercial terms, imported seal products would compete with the "like" non-seal products that are produced domestically. These trade bans would modify the conditions of competition in the domestic market, since non-seal products could be sold while seal products could not. This would violate the national treatment obligations under the Agreement on

⁶ European Parliament, *Written declaration on banning seal products in the European Union*, available at [http://www.europarl.europa.eu/decladoc/document/2006/P6_DCL\(2006\)0038/P6_DCL\(2006\)0038_EN.doc](http://www.europarl.europa.eu/decladoc/document/2006/P6_DCL(2006)0038/P6_DCL(2006)0038_EN.doc).

Technical Barriers to Trade and under the GATT. In our view, these trade bans would also be more trade-restrictive than necessary to fulfill the legitimate policy objectives. On this basis, the measure is inconsistent with the Agreement on Technical Barriers to Trade. The trade bans are inconsistent with the national treatment obligations under the GATT. The general exceptions found in article XX of the GATT would not justify the bans.⁷

The department also notes:

The proposed import restrictions in certain European countries could provoke a cascading effect and contribute toward a critical mass of anti seal hunt initiatives. The overall impact would be detrimental to the Canadian sealing industry, which brings important economic benefits to many isolated coastal communities.⁸

The Committee concurs that trade restrictions against Canadian seal products would violate European trade obligations under the World Trade Organization agreement. Furthermore, the European Commission, which would have to introduce the legislative change requested in the declaration, indicated in May that it sees no need for any additional legislation for conservation:

The Commission has put adequate measures in place by adopting Council Directive 83/129/EEC(1) (amended by Council Directive 89/370/EEC of 8 June 1989(2)) concerning the importation into Member States of skins of certain seal pups and products derived therefrom [...]

Those Member States with the intention of introducing stricter measures for trade with third countries in seal products need to inform the European Commission. These measures need to be proportionate and non-discriminatory and accordingly, must be notified to the Commission for scrutiny in this regard.

The Commission remains of the view that, at present, there is no scientific basis linked to the conservation of the species for extending the scope of application of Council Directive 83/129/EEC — which applies only to products of white coat pups of harp seals and of pups of hooded seals (blue backs) — to other seal products. Seals are currently not endangered and are not regulated by the *Convention on International Trade in Endangered Species* (CITES). For instance, the seal population in the Northwest Atlantic has grown significantly since the early seventies (from just under 2 million to around 5.8 million in the case of harp seals).⁹

The European Commission reiterated its position on the sustainability of the Canadian seal harvest in its January 2007 response to the European Parliament Written Declaration. With respect to the question of humane killing methods, the Commission stated that it would “examine all available information and take necessary measures to ascertain the use of humane hunting standards”, including possible legislative proposals.

⁷ Norbert Kalisch, Committee Evidence, June 15, 2006.

⁸ Department of Foreign Affairs and International Trade, 2006

⁹ Department of Foreign Affairs and International Trade, 2006.

The Committee notes the European Commission's position and suggests that a Canada-Europe parliamentary working group be struck to study the humaneness of the seal harvest. Our Committee has examined all available evidence on the issue, and places a high level of confidence in the professional assessment of the Independent Veterinarians' Working Group on the Canadian Seal Hunt. The Committee expects that the Canada-Europe parliamentary working group would make use of the expertise of the IVWG. In addition, Canada, as a NAFO member state, would request scientific advice of the ICES/NAFO Working Group on Harp and Hooded Seals (WGHARP) on the same matter.

The Committee would urge DFAIT as well as DFO to play a more proactive role in the support of the seal harvest in Europe by, among other things, better informing the European public and engaging in public diplomacy. The Committee believes, in view of the testimony received from Inuit representatives, that Canadian delegations abroad could present the seal harvest more effectively if they included Inuit hunters. Moreover, the government could help fund and organize initiatives such as a travelling exhibition on the Canadian seal harvest in Europe. In the Magdalen Islands, the Committee visited the Seal Interpretive Centre, which currently has a travelling exhibition. Members of the Committee were extremely impressed by the Centre, which opened to the public in 1994. Using interactive activities, videos, and various artefacts, the Centre presents balanced information on the seal, its biology, its environment, and the harvest.

Sustainability of the Seal Harvest

The harp seal population has grown significantly from under 2 million in the early 1970s to over 5.82 million in 2005. In other words, since the establishment of the first harp seal quota by the Canadian government in 1971, the population has almost tripled. As recognized by the European Commission, the seal population is not endangered and is therefore not regulated by the *Convention on International Trade in Endangered Species* (CITES). While it is true, as the Committee was told, that the latest population estimate published by DFO carried a relatively high level of uncertainty with a 95% confidence interval of 4.1 to 7.6 million animals,^{10,11} these figures show nevertheless a healthy and abundant population that has grown substantially in the last 30 years. DFO has no estimates of the population of the ringed seal, which is mostly targeted in the Inuit seal harvest. However, Inuit representatives told the Committee that there are more than

¹⁰ A probability that 19 times out of 20 the correct value of the population would fall between these limits.

¹¹ David Lavigne, Committee Evidence, December 12, 2006.

2 million ringed seals in Nunavut. In 1996, the Scientific Committee of the North Atlantic Marine Mammal Commission (NAMMCO) “derived a rough estimate of the abundance of ringed seals in Area 1 of approximately 1.3 million seals, based on extending existing estimates to areas of similar habitat.”¹²

After the European ban, harvest off the East coast had declined to less than 20,000 in 1985, and consistently remained below 70,000 until 1995. The Committee believes that the limited harvest of harp seals between 1983 and 1995 contributed to the increase in the size of the population. This rapid growth of the harp seal population has allowed significant increases in quotas set by DFO and, as a result, in the annual harvest of harp seals. Annual catches have been above 200,000 for every year since 1996, with the exception of 2000. In 2005, reported catches for “the Gulf” and “the Front” were at 324,000, and total catches for the Northwest Atlantic (including Greenland) were at almost 395,000.

The Committee believes however that the increases in current annual harvests have led to a stabilization of the harp seal population, not a reduction. With quotas based on sound conservation principles, the Canadian seal harvest is sustainable. DFO adopted an Objective Based Fisheries Management (OBFM) approach to the management of the harp seal for the *2003-2005 Seal Management Plan* as recommended by the Eminent Panel on Seal Management in 2001.¹³ The OBFM approach uses reference points and control rules to establish management measures for a fishery. The approach is designed in such a way that there is an 80% probability that the harp seal population does not fall below 70% of the largest observed population (also known as the N70 level). More importantly, DFO’s current approach dictates that conservation management measures, including significant reductions in the TAC, be implemented to bring back and maintain the seal population above 4.1 million animals (70% of 5.82 million), in the event that the population fall below that threshold. DFO will continue to use this approach for the management of the harp seal population for the years 2006 to 2010. One expert witness told the Committee that “the Canadian harp seal population is arguably among the best-managed populations of wild animals in the world.”¹⁴ Moreover, the Atlantic Seal Forum, held November 2005, to which more than 200 organizations from industry, government, aboriginal, conservation and animal rights groups were invited to provide their input on the proposed management regime, endorsed the OBFM approach.¹⁵

¹² NAMMCO, *Status of Marine Mammals in the North Atlantic: the Ringed Seal*, Tromsø, Norway, p. 3, <http://www.nammco.no/webcronize/images/Nammco/653.pdf>. NAMMCO, “Report of the Scientific Committee”, In NAMMCO, *Annual Report 1996*, Tromsø, Norway, 1997, pp.97-178. The geographical Area 1 is defined as Baffin Bay, Davis Strait, eastern Hudson Strait, Labrador Sea, Lancaster, Jones and Smith sounds.

¹³ Ian McLaren, Solange Brault, John Harwood, and David Vardy, *Report of the Eminent Panel on Seal Management*, 2001, available at http://www.dfo-mpo.gc.ca/seal-phoque/reports-rapports/expert/repsm-rqegp_e.htm.

¹⁴ Alice Crook, Committee Evidence, October 5, 2006.

¹⁵ Department of Fisheries and Oceans, *Technical Briefing on the Canadian Seal Hunt*, March 15, 2006, available at http://www.dfo-mpo.gc.ca/media/infocus/2006/seals/2006seal_briefing_e.htm.

For 2006, the Canadian harp seal total allowable catch (TAC) was set at 325,000 animals for the commercial sector with an additional 10,000 for Aboriginal harvest, personal use, and the Arctic harvest. It appears that the reported catches have exceeded the TAC by some 19,000 animals or 6%.¹⁶ Since, under the current management plan, TACs are established multi-annually and based on scientific surveys, the Committee is not overly concerned by the excess harvest in 2006. The last harvesting season was the first of DFO's new multi-annual plan, and the Committee understands that the TAC for subsequent years of the plan will be adjusted to take into account excesses or shortfalls in the harvest.

The Committee is however very concerned by the fact that in some harvesting areas, the area quota was exceeded by large numbers. For example, the quota for the sealers of the Quebec North Shore in the Gulf was set at 7,387 animals. During their short harvesting season (April 7-10, 2006), the sealers harvested 25,806 animals, 3.5 times what they should have. In St. Anthony, the Committee heard from Mr. Jean-Richard Joncas, President of Multi Species Fishermen, Old Fort-Blanc Sablon:

We had a problem with the overrun of quotas last year. I know in my area, if the cell phone doesn't work I don't have a cell phone, so I have to get a cell phone from Newfoundland. But I can't call the 800 number in Quebec because they don't accept the 709 area. So I can't register my seal. I call the coast guard, but the coast guard can't call Fisheries and Oceans to give them my number, so there were overruns maybe in my quota last year. Who is to blame? Maybe the fishermen, maybe the system. I live in Quebec. I have a minority English-speaking area and the answering machine is only in French. So when I have 20 questions to answer...the questions are too long. What is your boat number? How many crew members? What date did you want? This message should be read every day, so if you read a message every day, do I have to report which date? That is one question you could take off. Last year we had a weekend hunt, so who keeps track of what happens on weekends, the answering machine?¹⁷

The Committee calls on the department to sort out these technical problems to ensure that the seal harvest can be managed more effectively.

DFO's latest population estimate¹⁸ states that the current sustainable yield¹⁹ for the Northwest Atlantic harp seal population is 250,000 animals. The calculation of this sustainable yield (SY) takes into account the Greenland and Canadian Arctic harvest, bycatch and accounts for animals struck and lost and periodic mortality from unfavourable environmental conditions. The factor includes an estimation of the effects of the modification of the ice cover during whelping, and its likely impact on the seal population.

¹⁶ For 2006, total catches were at 354,344 animals, 97.6% of which were beaters (stage of development of a young seal at around 25 days of age).

¹⁷ Jean-Richard Joncas, Committee Evidence, November 6, 2006.

¹⁸ Hammill and Stenson (2005).

¹⁹ Catch that can be removed over an indefinite period without causing the stock to be depleted. Government of Western Australia, Department of Fisheries, *Glossary of fishing, fisheries, aquatic and marine terms*, accessed on February 19, 2007 at <http://www.fish.wa.gov.au/glossary/GlossaryPage09.php?00>.

In 2006, the harp seal harvest was above the sustainable yield calculated by DFO scientists. Harvest simulation projections, run by the same DFO scientists, indicated that the probability that the harp seal population would reach the OBFM N70 population level before the end of the 5-year management plan (below 4.1 million before 2010) was greater than 20% when the annual harvest was greater than 300,000. DFO scientists explained that “as annual harvest rates increase, the year by which the likelihood of reaching the N70 threshold is 20% is reduced, and the rate of decline in SY increases.”²⁰

Finally, the Committee has advocated in past reports the full use of the animal. The Committee learned during this study that utilization of seals other than the pelt and the blubber is still underutilized. Although new markets are developing, particularly for seal oil rich in omega-3 fatty acids, the Committee continues to support the federal government stepping up its efforts to promote more complete use of harvested seals.

Ecological Balance

The dramatic growth of seal populations on Canada’s East Coast, and in particular the Northwest Atlantic harp seal stock, has raised concerns about the part seals may be playing in the failure of groundfish stocks to recover despite moratoria and other fishing restrictions since the early 1990s. In its 2005 report, *Northern Cod: A Failure of Canadian Fisheries Management*, the Committee concluded that the size of the seal herd had to play a role in the lack of recovery of many northern cod stocks; this Committee still abides by this conclusion. The Committee wrote then that “given the current size of the harp seal herd and assuming that a single harp seal consumes 1 tonne per year, even if one accepts that cod represents only 1% of the seal’s diet, this would still amount to 60,000 tonnes of cod per year, representing a significant proportion of the current cod biomass.”²¹

These concerns have led to calls from fishermen to increase quotas for the seal harvest in order to bring the seal population into what many witnesses believe would be a more appropriate ecological balance. The Committee heard however from biologists that, given the complexity and the dynamic nature of marine food webs, it would be extremely difficult to predict how an increased harvest of harp seals would affect the cod population.

Economic and Cultural Importance of the Seal Harvest

Opponents have attempted to trivialize the effect that a ban on the importation and marketing of seal-derived products would have on the economy of coastal communities and Aboriginal peoples in both Eastern and Northern Canada by using the small economic value of the seal harvest. For example, it is often argued that, on average, sealers receive

²⁰ Hammill and Stenson, 2005.

²¹ House of Commons Standing Committee on Fisheries and Oceans, *Northern Cod: A Failure of Canadian Fisheries Management*, Ottawa, November 2005, p. 29.

less than 5% of their income from sealing, which provides only a few days' work each year. In reality, thousands of sealers and their families in Newfoundland and Labrador, Québec and Canada's North depend on the commercial seal harvest for a significant portion of their income. In the Province of Newfoundland and Labrador alone, over 5,000 individuals derive significant income from sealing, which can represent well over 30% of a sealer's total annual income. Some sealers make over \$20,000 per year from seal harvesting. DFO stated that sealers in that province account for approximately 1% of the total provincial population, and 2% of the labour force.²²

In recent years, demand for sealskins has increased significantly, and the total economic value of the seal harvest has risen correspondingly. According to DFO, the landed value of harp seal pelts from the 2006 season totalled \$29.2 million, compared to \$17.5 million in 2005.²³ Sealers told the Committee that in 2006, they often received more than \$100 per pelt. By comparison, the average price per pelt received by sealers in 2005 was approximately \$52, which was itself an 18% increase over the 2004 average value.²⁴ In 2006, Canada exported sealskins for a total of \$16.4 million. Exports to Norway, Finland, Germany and China accounted respectively for 61%, 18%, 13% and 6% of the total. In 2005, Greenland was the second largest importer after Norway with 30% of the total value; Greenland did not import sealskins from Canada in 2006. In addition, Canada exported \$1.5 million of marine mammal oil²⁵ in 2006.

The Inuit Seal Harvest and the Impact of a New Ban

The Committee met with Inuit representatives to discuss their seal harvest and the impact of a possible ban on the exportation of sealskins and seal products to Europe. For the Inuit, seals and sealing are part of a larger holistic view of their way of life. Inuit highly value and respect marine mammals such as the harp and the ringed seals. The witnesses explained that "marine mammals form an important part of Inuit nutrition and diet that comes from generations of living off the land and sea. Despite changes in today's world, the importance of marine mammals to Inuit remains as true as it ever was as a food source, a cultural source, a knowledge source, a spiritual and inspirational source, and a livelihood source."²⁶ The Inuit told the Committee that whether it is in "terms of culture, tradition, knowledge, history, values, ethics, or modern practice, [they] have not and do not hunt their food and resource supply to depletion or to a level that would be

²² Department of Fisheries and Oceans, *Socio-economic impact of the Atlantic Coast seal hunt*, March 2006, available at http://www.dfo-mpo.gc.ca/seal-phoque/reports-rapports/facts-faits/facts-faitsSE_e.htm.

²³ Paul Boudreau, Brief, November 8, 2006.

²⁴ Department of Fisheries and Oceans, *Socio-economic impact of the Atlantic Coast seal hunt*, March 2006.

²⁵ The Committee assumed that marine mammal oil was mostly obtained from seal blubber.

²⁶ Robin Anawak, Committee Evidence, February 1, 2007.

considered irreversible to the species population.”²⁷ In fact, Nunavut Tunngavik Incorporated and the Government of Nunavut have established the following key principles for a policy being developed for the sealing industry in Nunavut:

- The harvest must be sustainable. The resource must be protected from over-harvesting and managed with a view of maintaining the place of seals with the eco-system that also includes good management on seals and seal hunting;
- The whole animal must be used. All of the seal has a specific use and all of it should be utilized;
- The harvest must be humane. All kills must be done cleanly and quickly; and,
- The safety of the hunter must be taken into account.²⁸

Mr. Robin Anawak of Inuit Tapiriit Kanatami stated that trade restrictions on seal products were arbitrary. He said: “the actions taken by the anti-sealing lobby to try to get bans established on seal imports in Europe is to end seal hunting altogether and is not intended to better manage or improve the sustainable practices of hunters.” Mr. Anawak reminded the Committee that the World Conservation Union (IUCN), an organization of which many European states are members, passed two relevant resolutions. In 2000, a resolution urged “all national governments, without prejudice to their obligations under international law, to put their sustainable use principles into action in order to improve the viability of indigenous and local communities, which depend on the harvesting of renewable resources, by eliminating tariff and non-tariff barriers which discourage the sustainable use of natural products derived from non-endangered species.”²⁹ In 2004, a second, more specific resolution urged “IUCN members to put their sustainable use principles into action by not introducing new legislation that bans the importation and commercialization of seal products stemming from abundant seal populations, provided that obligations and requirements under other international conventions such as the *Convention on International Trade of Endangered Species*, CITES, are met.”³⁰

The European Parliament’s declaration on the seal harvest states that the proposed ban “should not have an impact on traditional Inuit seal hunting which, however, only accounts for 3% of the current hunt.” A considerable number of sealskins from the

²⁷ Ibid.

²⁸ Raymond Ningeocheak, Committee Evidence, 1 February 2007.

²⁹ IUCN, World Conservation Congress, Amman, Jordan, 2000, Resolution 2.92, available at <http://www.iucn.org/amman/content/resolutions/rec92.pdf>.

³⁰ IUCN, Third World Conservation Congress, Bangkok, Thailand, 2004, Resolution 3.092, available at http://www.iucn.org/congress/2004/members/Individual_Res_Rec_Eng/wcc3_rec_092.pdf.

Northern harvest are sold in international markets. In 2006, over 6,000 sealskins were exported from Nunavut providing a total income of \$530,000 to Inuit hunters in Nunavut alone.³¹ Before the 1983 European ban, approximately 50,000 sealskins had been exported in 1975 alone.³² Moreover, the Inuit pointed out that there is no language included in the European Parliament's declaration or proposed legislation that could guarantee that the ban will not have an impact on them. Although the 1983 European Community's ban on the importation of whitecoats and bluebacks included an exemption for the Aboriginal harvest, the ban nevertheless devastated the seal industry in Nunavut. Mr. Raymond Ningeocheak recalled that "Inuit experienced [then] a significant loss in income and could not finance their harvesting activities. This gave rise to a number of social problems that we still live with today."³³ This fact was recognized in the PACE report.

Humane Killing Methods

Both Canadians and Europeans are concerned about allegations of animal cruelty linked to the seal harvest. The Committee believes that, in response, Canadian authorities have significantly stepped up regulatory and enforcement efforts to ensure that the seal harvest is sustainable and conducted as humanely as possible. The seal harvest is regulated under the *Marine Mammal Regulations* (MMR) made pursuant to the *Fisheries Act* to manage and control fishing for marine mammals and related activities in Canada or in Canadian fisheries waters. The Government of Canada has on several occasions over the past 20 years acted to strengthen regulations. For example, the harvesting of harp seal pups (whitecoats) and hooded seal pups (bluebacks) has been prohibited since 1987, as has the trade, sale or barter of the fur of these pups. The MMR have been amended several more times, most recently in 2003, to ensure the continued humane harvesting of seals. The Committee understands that DFO is currently working towards further refinements of the regulations in this regard.

Opponents of the seal harvest frequently point to a contested study conducted by a team of international veterinarians who concluded that 42% of the slaughtered seals they examined may have been skinned while still conscious. This statement most likely refers to the *Veterinary Report on the Canadian Commercial Seal Hunt* (March 2001), a report commissioned by the IFAW. The rapporteur for this project was, at the time, the Emergency Relief Veterinarian for the IFAW based in Brussels.³⁴ The findings reported by the IFAW sponsored group of veterinarians were based only on the "visual examination and palpation" of 76 seal carcasses during the 2001 harp seal harvest in Canada. The findings of this report, which was not peer reviewed or published in a scientific journal, have been challenged by other experts, including members of the Independent Veterinarians'

³¹ Raymond Ningeocheak, Committee Evidence, February 1, 2007.

³² Gabriel Nirlungayuq, Committee Evidence, February 1, 2007.

³³ Raymond Ningeocheak, Committee Evidence, February 1, 2007.

³⁴ International Fund for Animal Welfare, *Veterinary Report - Canadian Commercial Seal Hunt, Prince Edward Island, March 2001*, available at http://www.ifaw.org/ifaw/dfiles/file_95.pdf, p. 2.

Working Group on the Canadian Harp Seal Hunt, as well as a group of Canadian veterinarians who, in a peer-reviewed scientific study published in 2002, came to the conclusion that “the large majority of seals taken during this hunt (at best, 98% in work reported here) are killed in an acceptably humane manner.”³⁵

In October 2006, the Committee met with two representatives of the Independent Veterinarians’ Working Group on the Canadian Harp Seal Hunt. Dr. Alice Crook, one of the two expert witnesses, expressed concerns that the veterinarians involved in the 2001 IFAW sponsored study did not have the relevant expertise or use appropriate methods to determine the condition of the animals. She noted:

[T]his group of five veterinarians who came together only very briefly and were on the ice for two days. They produced the report as a result of those two days, plus the viewing of videotapes — many of which were the same ones we viewed. Another difference is that no one in their group was a veterinary pathologist. When they examined skulls, they didn’t have the facilities to take them back to a lab, take them apart, and look for brain injuries.³⁶

Dr. Alice Crook and Dr. Charles Caraguel also addressed the issue of the swimming reflex, which to an uninformed observer, may be construed as a voluntary movement of a conscious animal. The swimming reflex is in fact an involuntary movement characterized by vigorous lateral movements of the hind end of the animal. This movement would be “equivalent to the paddling movements of livestock that would be seen in an abattoir when the animal’s been hit with a stun gun.”³⁷ Expert witnesses told the Committee that they had shown after a careful examination of animals examined on site that the swimming reflex was a medullar reflex and not a cerebral reflex, and was therefore independent of brain integrity. For marine animals, the swimming reflex can last longer than for terrestrial animals. The duration of the swimming reflex is on average nine seconds, ranging from 2 to 35 seconds. The IFAW sponsored report had “assumed that all movement seen could be due to conscious voluntary muscle activity” because of the difficulty “to differentiate between involuntary reflex movement and conscious voluntary movement without assessing higher centre activity.”³⁸

More importantly, the two expert witnesses testified that the methods used to kill seals — the hakapik and the rifle — which are regulated by the federal government and which have been studied extensively by independent experts, satisfy both the

³⁵ P.-Y. Daoust, A. Crook, T. K. Bollinger, K. G. Campbell, J. Wong, “Animal welfare and the harp seal hunt in Atlantic Canada,” *Canadian Veterinary Journal*, September 2002, p. 687.

³⁶ Alice Crook, Committee Evidence, October 5, 2006.

³⁷ Ibid.

³⁸ International Fund for Animal Welfare, 2001.

requirements of the Canadian and American Veterinarian Associations for humane killing and euthanasia and compare favourably to methods employed to harvest other species of wild animals as well as those used to slaughter domestic livestock.

The Independent Veterinarians' Working Group on the Canadian Harp Seal Hunt was formed in May 2005 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 IFAW to observe the harvest in 2001 as well as two of the authors of the article "Animal welfare and the harp seal hunt in Atlantic Canada" (*Canadian Veterinary Journal*, 2002), which is regularly cited by DFO. The working group's report, *Improving Humane Practice in the Canadian Harp Seal Hunt*, which was endorsed by the PACE, discusses issues related to the harvest and makes eleven recommendations to the harvesters, industry and regulators.³⁹ The report includes the following important observations:

- In order to achieve the objective of reducing or eliminating animal suffering, this report presents what Working Group members think is the best humane practice, regardless of location and other factors. Members recognize that the seal hunt takes place under very difficult and challenging conditions. Therefore, the Group has acknowledged and discussed some of the specific challenges presented by weather, sea and ice conditions, and other factors, and made recommendations that reflect those circumstances. No observation or suggestion to mitigate the impacts of adverse conditions should be interpreted as an acceptance of anything but the highest standards of humane practice.
- The Canadian harp seal hunt has the potential to be a humane hunt — one that should be judged with reference to accepted practices for euthanasia, and in comparison with killing done in abattoirs.
- Perception of the seal hunt seems to be based largely on emotion, and on visual images that are often difficult even for experienced observers to interpret with certainty. While a hakapik strike on the skull of a seal appears brutal, it is humane if it achieves rapid, irreversible loss of consciousness leading to death.
- Campaigns and rhetoric that play to emotion at the expense of understanding and communication of factual information will neither increase the use of humane methods nor reduce animal suffering. Some may seek an end to the seal hunt. The objective of the Working Group is

³⁹ Independent Veterinarians' Working Group on the Canadian Harp Seal Hunt, *Improving Human Practice in the Canadian Harp Seal Hunt*, August 2005, 26 pages.

to reduce or eliminate seal suffering through improved industry and regulatory practice underpinned by research. It is not the Group's intent to enter into the discussion about whether or not there should be a hunt.

In March 2006, the Minister of Fisheries and Oceans, the Honourable Loyola Hearn, announced that DFO was "looking at long-term changes in order to further improve on humane hunting practices and overall management of the hunt."⁴⁰ In particular, the department is working towards implementing the recommendations made by the Independent Veterinarians' Working Group, where necessary through amendments to the *Marine Mammal Regulations*. Specifically, the recommendations⁴¹ that will be implemented are:

- 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.

The Committee urges DFO to make amendments to the MMR as soon as possible by adding, if needed, all the necessary resources to do so. The Committee understands that it would be difficult to have the amended regulations in place for the 2007 harvesting season, but expects that this would be done in time for the 2008 season.

Both the hakapik and the rifle are targeted by the recommendation adopted by the Parliamentary Assembly of the Council of Europe in November 2006. Originally, only the hakapik was identified as a method of killing to be banned, without a doubt because of the perception of cruelty. In fact, the hakapik is not only probably the most humane method of

⁴⁰ Department of Fisheries and Oceans, *Hearn Announces Multi-Year Seal Management Plan*, March 15, 2006, available at http://www.dfo-mpo.gc.ca/media/newsrel/2006/hq-ac05_e.htm.

⁴¹ Recommendations 1 to 4 from the report of the Independent Veterinarians' Working Group on the Canadian Harp Seal Hunt (2005).

killing seals on the ice floes as it achieves rapid, irreversible loss of consciousness leading to death, but it is also, as the Committee heard, essential to the harvesters for their safety.

The hakapik is a wonderful thing to have on the ice if you fall on the ice or if your buddy goes out loose on a pan or something. What better thing would there be to hook him with, to haul him in, or something like that than a hakapik or a gaff? If they get away with banning the hakapik, the gaff is going to go as well. [...] What about if a fellow falls overboard, or if you get down on the ice? I wouldn't be on the ice without a gaff, and I'm a sealer. I've done a fair bit of it. I was sealing when I was throwing away the pelt and bringing in the meat. I was at it back that far.⁴²

In view of the scientific facts and out of a concern for the harvester's safety, the Committee urges the federal government to stand firm and oppose calls, domestic or foreign, to prohibit the use of the hakapik by regulations.

The Independent Veterinarians' Working Group on the Canadian Harp Seal Hunt formulated the additional following recommendation:

- Competition and haste in the hunt should be reduced. This could have a positive impact on: humane practice, worker safety, monitoring and enforcement. The competitiveness of the hunt may be lessened through quota setting or other management tools or industry code of practice.⁴³

The Committee supports this recommendation wholeheartedly. Indeed, the seal harvest is typically done over a very short time. For example last year, the harvest last 3 to 11 days on the Front, and only 2 to 4 days in the Gulf. This situation has certainly contributed to some obvious infractions that have occurred during the 2006 season, infractions depicted in a video presented to the Committee on December 12, 2006. In this video, the Committee witnessed a harvester striking seals with a hakapik and moving on to other animals without confirming irreversible loss of consciousness and bleeding the animal. This is clearly an infraction of the MMR which the Committee expects DFO will investigate thoroughly. The Committee encourages DFO to follow through on its March 2006 commitment to increase monitoring and enforcement efforts on the sealing grounds,⁴⁴ to reduce the likelihood of this type of infraction.

⁴² Wilf Aylward, Committee Evidence, November 6, 2006.

⁴³ Independent Veterinarians' Working Group on the Canadian Harp Seal Hunt, 2005.

⁴⁴ Department of Fisheries and Oceans, *Technical Briefing on the Canadian Seal Hunt*, 15 March 2006.

The Observation of the Seal Harvest

Seal Fishery Observation Licences have been required since 1977. DFO states that “these licences are designed to ensure an orderly seal harvest and arose as a result of disruptive confrontations between sealers and protesters,” and that “conditions on the licences and the grounds for issuing them have been modified to reflect legal advice and still ensure that sealers can concentrate on killing seals in a humane manner.”⁴⁵ In 2006, DFO issued 73 seal fishery observation licences, up from 60 in 2005 and 42 in 2004. These numbers show increasing interest in observing the harvest. Committee members travelled to observe the seal harvest in April 2007 and witnessed a well-managed fishery, probably the most actively monitored professional harvesting activity in the country. Members appreciated the professionalism of the staff enforcing regulations, including members of the Canadian Coast Guard, the RCMP, the *Sûreté du Québec*, and DFO Fisheries Officers. More importantly, Committee members observed an on-site examination of carcasses of harvested seals by a qualified licensed wildlife veterinarian who confirmed the humane killing of the examined animals.

Observation of the seal harvest was discussed at the Annual Forum on Seal Harvest Management held in St. John’s, Newfoundland and Labrador in November 2005. The Committee agrees with the participants at the forum who expressed broad support for a more effective management of observers. In particular, the issues of a safe distance between seal harvesters and observers, number of observers, and observer training were discussed. Several harvesters have since told the Committee that their work has become more difficult and dangerous because of the risk of confrontation with the observers, which is compounded by the harsh environment. DFO has established that the buffer zone between observers and the seal harvest is 10 metres or more. This means an observer must stay at least 10 metres away from where harvesting is taking place, but not necessarily away from the seals. In the Committee’s view, the buffer zone should be increased to maximize everyone’s safety and to ensure order in the harvest. This could be done without sacrificing the quality of the observation. An observer equipped with modern binoculars would have little difficulty observing harvesting activities at a distance of 100 metres.⁴⁶ An exception could be made for licensed qualified veterinarians. The Committee also strongly believes that for observers to be safe in areas where rifles are used, the buffer zone should be at least 400 metres.⁴⁷

⁴⁵ Fisheries and Oceans Canada, *2005 Seal Forum Proceedings*, accessed on 10 April 2007 at http://www.dfo-mpo.gc.ca/seal-phoque/reports-rapports/2005-forum/2005-forum_e.htm.

⁴⁶ For example, high optical quality 8x42 binoculars with a 7 degrees angular field of view would have a linear field of view of 12 metres at a distance of 100 metres.

⁴⁷ This is somewhat analogous to hunting practices across the country. For example, the *Nova Scotia Hunting Regulations* specifies that no person shall at any time hunt, take or kill, or attempt to hunt, take or kill wildlife or discharge a weapon within 804 metres of a school; discharge a firearm loaded with a rifle cartridge, single ball, or slug within 402 metres of a dwelling, playground, golf course, athletic field, woods operation, place of business, or public building other than a school. In Ontario, townships and municipalities have by-laws restricting the discharge

The Committee believes that in order to minimize the risk of disturbing the seals, a minimum distance between the observers and the animals should also be implemented. A 1990 study of the impact of tourism on the behaviour of female harp seals and their pups during whelping found that “virtually all aspects of the behaviour of mothers and pups were significantly affected by the presence of tourists. Female attendance was significantly reduced and those females that remained with their pups when tourists were present spent significantly more time alert and less time nursing their pups.”⁴⁸ Although the impact has been described as short-lived, it is particularly worrisome given the harp seal’s short and intense nursing period (12 days).

The Committee notes that observing the seal harvest has mostly served to acquire images that have been used to campaign against the seal harvest. The Committee heard that these images are often manipulated and misused. This would be contrary to the Canadian Association of Journalists *Ethics Guidelines* which states that “photojournalists [...] will not alter images so that they mislead the public” and that journalists “will explain in the photo caption if a photograph has been staged.” In addition, the Committee was told that photographs and video footages are often taken without the authorization of the individuals depicted despite a condition of the Seal Fishery Observer Licence that states that “as a matter of courtesy, it is recommended that photographs of fishers, identifiable as to a person, not be made without the express consent of the fisher involved.”⁴⁹ The Committee contends that this is not a “matter of courtesy”, but rather a legal matter as demonstrated by the 1998 Supreme Court of Canada decision in *Aubry v. Édition Vice-Versa Inc.* (better known as the Duclos case)⁵⁰, which found that the right to privacy (in this case the right to one’s image infringed upon by the publication in an art magazine of a photograph of a teenager taken in a public place) prevailed over freedom of expression. Observers taking photographs or video footage on the harvesting grounds should respect these ethical guidelines. Consequently, the Committee believes that DFO should strengthen the language of this condition of the observer’s licence.

Since its inception, the practice of observing the seal harvest, although guaranteed by the *Charter of Rights*, has put demands on DFO’s human, material and financial resources. The Committee believes that the real cost of allowing the observation of the seal harvest should be reflected in the observation licence fees.

of firearms. In Ottawa, a by-law (By-law no. 2002-344) prohibits the discharge of a firearm within 450 meters of any place of worship, public hall or school property.

⁴⁸ K. M. Kovacs and S. Innes, “The impact of tourism on harp seals (*Phoca groenlandica*) in the Gulf of St. Lawrence, Canada”, *Applied Animal Behaviour Science*, Volume 26, Issues 1-2, March 1990, Pages 15-26.

⁴⁹ Seal Fishery Observation Licences issued to members of the Committee on April 3, 2007.

⁵⁰ *Aubry v. Éditions Vice-Versa inc.*, [1998] 1 S.C.R. 591.

Other Management and Enforcement Issues

The Committee heard complaints that the Annual Forum on Seal Harvest Management, now held annually, took place at locations and times inconvenient for many harvesters. Recent fora were held in St. John's, Newfoundland and Labrador in November 2005 and in Halifax, Nova Scotia in January 2007. Several sectors active in the seal harvest were apparently not represented, and therefore their points of view were not fully considered. The Committee believes that, in the future, consultation sessions should be held where the fishermen and harvesters are located, and at times of the year that are convenient to them.

In 2006, DFO established a TAC of 2,000 animals for personal use. According to the Department, since 1995 residents adjacent to sealing areas throughout Newfoundland and Labrador and Quebec (sealing areas 5 to 20) can harvest up to six seals for personal use. There were 1,761 personal use seal licences issued in 2002. The Committee believes that this practice should continue as long as harvesters continue to be trained and hold the proper licence. Currently however, personal use harvesters are not allowed to sell the seal pelt as a by-product of their activity; the Committee believes this situation should be re-examined.

Increase in the Grey Seal Population and the Harvest

On May 30, 2006, the Committee heard from the Grey Seal Research and Development Society about concerns over the increasing grey seal population and DFO's approval of a commercial harvest of 10,000 grey seals over two years along the Atlantic Coast of Nova Scotia. Dr. Mike Hammill, a research scientist working for DFO, told the Committee that "back in the 1970s there were probably 20,000 grey seals in all of Atlantic Canada. Today the population has increased to [between] 250,000 [and] 260,000 and the largest concentration is found around Sable Island on the Scotian Shelf. Probably about two-thirds of the population is on the Scotian Shelf and one-third in the Gulf of St. Lawrence."⁵¹

The grey seal is one of the six species of seals found off the Atlantic coast of Canada. It is much larger than the harp seal. For the Northwest Atlantic grey seal population, the male measures up to 2.3 m and weighs 300-350 kg, and the female measures up to 2.0 m and weighs 150-200 kg. Pups weigh 11-20 kg at birth and are weaned at about three weeks of age. Grey seals feed on a wide variety of fish, crustaceans and cephalopods. But more importantly, when compared to the harp seal, grey seals are present and feed in the Gulf and on the Scotian Shelf year round.

⁵¹ Mike Hammill, Committee Evidence, November 9, 2006.

The Committee found that there was local support for a grey seal harvest during its trip to southwest Nova Scotia. There is also support for increasing the TAC for this species, currently set at approximately 10,000 animals. The TAC is divided between harvesters in the Gulf of St. Lawrence (2,100 animals) and on the Scotian Shelf (8,300 animals). Interestingly, the 2006 harvest was much smaller than the TAC with close to 1,800 animals harvested.⁵² The Committee also heard that there is a potential market (450 tonnes) for grey seal meat.⁵³ According to DFO, the grey seal population, like the harp seal, is managed using the OBFM approach. Under this approach however, grey seals are currently considered as “data poor,”⁵⁴ which has implications on the department’s eventual decision whether or not to increase the TAC for this species.

Sable Island and parts of the Gulf of St. Lawrence are excluded from the current harvest. However, the Committee learned from Dr. Hammill that, although there are potential legal problems and other issues, from a biological point of view, a well-managed harvest “should be fine”⁵⁵ on Sable Island.

Conclusions and Recommendations

For over 30 years, Canada’s commercial seal harvest in the Northwest Atlantic has been the target of campaigns to end the harvest of these marine mammals. In the 1970’s and the 1980’s these campaigns resulted in the collapse of the international sealskin market. When Canada resumed the harvest with increasing quotas and catches in the mid-1990s, the anti-seal harvest campaigners stepped up their efforts to end the commercial harvest, and Canadian sealers and First Nations are now facing the very real possibility of a complete ban on the importation and use of seal products in Europe. Campaigns of recent years have been characterized by misinformation and appeals to emotions through the use of inflammatory images and language.

During its study, the Committee focused its attention on four aspects of the seal harvest: sustainability, humaneness, economic, social and cultural importance, and its role in achieving and maintaining an ecological balance within the marine ecosystem.

1. Sustainability of the seal harvest: It is the Committee’s opinion that the Canadian seal harvest is a sustainable activity. It agrees with the European Commission position that: “The seal populations in question are currently not endangered and are therefore not regulated by the *Convention on International Trade in Endangered Species (CITES)*.” In addition, experts told the Committee that the Northwest Atlantic population of harp seal was probably one of the best managed wildlife

⁵² Ibid.

⁵³ Peter Stoddard, Committee Evidence, November 9, 2006.

⁵⁴ Mike Hammill, Committee Evidence, November 9, 2006.

⁵⁵ Ibid.

species in the world. The Committee is confident that DFO will take the necessary actions to ensure that current problems identified with monitoring catches will be resolved.

2. Humaneness of the seal harvest: Upon reviewing the evidence presented by expert independent veterinarians, the Committee believes that the Canadian harp seal harvest is humane. The methods used to kill seals — the hakapik and the rifle — satisfy standards for humane killing and euthanasia and compare favourably to methods used in slaughterhouses across the country. However, in light of concerns about the way the harvest is carried out in some areas, the Committee urges the government to amend the *Marine Mammal Regulations* to implement the Independent Veterinarians' Working Group's recommendations.
3. Economic, social and cultural importance of the seal harvest: The seal harvest is an important part of the economic, cultural and social fabric of Canada's East coast and the North where thousands rely on this activity as an important source of income. This activity is particularly important to Inuit communities in the North who have for generations depended on the seal for their survival and economic well-being. The threat of a ban on the importation of products from the seal harvest is a real concern to these people, and the Canadian government has to do a better job at defending their interests on the international scene.
4. Importance of the seal harvest to the ecological balance within the marine ecosystem: The Committee believes that the seal harvest has a crucial role in achieving and maintaining an ecological balance with other marine species (including those valued by humans). Seals alone did not cause the collapse of the fish stocks; however, the current size of the harp seal and the grey seal herds is a significant impediment to their recovery. The Committee does not call for a cull, but it fears that a collapse of markets for seals products would lead to a reduction in the commercial seal harvest that could, in turn, have dire long-term consequences for the ecological balance in the Northwest Atlantic Ocean.

Thus, guided by the overarching principles of sustainability and conservation of marine resources, all political parties represented on the House of Commons Standing Committee on Fisheries and Oceans remain united in their support for the commercial seal harvest. Therefore, the Committee recommends the following:

RECOMMENDATION 1

In response to the observation made by the European Commission with respect to the use of humane hunting standards in the Canadian seal harvest, the Committee recommends that the Minister of Fisheries and Oceans and the Minister of Foreign Affairs invite their European

counterparts to participate in the establishment of a joint Canada-Europe interparliamentary working group to examine the Canadian seal harvest in the context of broader wildlife welfare and management issues.

Furthermore, the Committee recommends that the Government of Canada, as a NAFO member state, request that the ICES/NAFO Working Group on Harp and Hooded Seals review the findings of the various expert working groups on the Canadian seal harvest, and provide scientific advice on the humaneness of the harvest.

RECOMMENDATION 2

The Committee recommends that Inuit and other seal harvesters be invited to participate in Canadian delegations whose mandate is to discuss the matter of the Canadian seal harvest abroad.

RECOMMENDATION 3

The Committee recommends that the Department of Foreign Affairs and International Trade play a more proactive role in promoting the value of the seal harvest in Europe, particularly in the areas of public diplomacy, information and public awareness. The Committee further calls on the Government of Canada to reinstate adequate funding to public diplomacy programs to foster the ability of our missions in Europe to promote the value of the seal harvest.

RECOMMENDATION 4

The Committee recommends that the federal government provide financial and logistical support to exhibitions on the Canadian seal harvest travelling in Europe and the United States. The Committee further recommends that the federal government support financially the operations of the Seal Interpretative Centre in the Magdalen Islands, and examine the feasibility of establishing a similar centre in Newfoundland and Labrador.

RECOMMENDATION 5

The Committee recommends that the Department of Fisheries and Oceans ensure that the seal harvest is managed and monitored more effectively, in particular by resolving technical problems that have allowed the harvests in some areas to exceed the Total Allowable Catch in 2006. The Department should allocate more financial and human resources to achieve this goal.

RECOMMENDATION 6

The Committee recommends that the federal government promote a greater utilization of harvested seals, particularly marketing the meat and rendering the carcasses.

RECOMMENDATION 7

The Committee recommends that the Department of Fisheries and Oceans bring amendments to the *Marine Mammal Regulations* in time for the 2008 season, to implement the Independent Veterinarians' Working Group's recommendations. The Committee further recommends that the Department of Fisheries and Oceans investigate with added diligence infractions of the *Marine Mammal Regulations*.

RECOMMENDATION 8

The Committee recommends that the federal government continue to support the work of the Independent Veterinarians' Working Group, while ensuring that its independence from the department or NGOs is preserved.

RECOMMENDATION 9

The Committee recommends that the Department of Fisheries and Oceans continue to allow the use of the hakapik in the seal harvest under conditions set forth by the *Marine Mammal Regulations*.

RECOMMENDATION 10

The Committee recommends that the Department of Fisheries and Oceans explore management and regulatory mechanisms to accommodate the short window of time that is available for the seal harvest.

RECOMMENDATION 11

The Committee recommends that the Department of Fisheries and Oceans amend the *Marine Mammal Regulations* to specify the distance to be maintained between Seal Fisheries Observation Licence holders and the seal harvesting. The Committee recommends that the buffer zone be set at 100 metres. The Committee further recommends that where a rifle is used to take seals, the buffer zone be increased to 400 metres.

RECOMMENDATION 12

The Committee recommends that the Department of Fisheries and Oceans amend the *Marine Mammal Regulations* to include a new wildlife observation licence to observe seals during the whelping period prior to the harvest opening. The new licence would specify that the observer not be permitted to disturb the seal and its pup by touching or approaching the animals closer than 10 metres.

RECOMMENDATION 13

The Committee recommends that the Seal Fisheries Observation Licence state clearly the condition that the observer obtain the express and informed consent of seal harvesters for any photographic material taken during the course of performing their activity.

Furthermore, the Committee recommends that all observers be clearly identified on the sealing grounds.

RECOMMENDATION 14

The Committee recommends that the Department of Fisheries and Oceans re-examine the fees charged for Seal Fisheries Observation Licences to reflect the human, material and financial resources which are drawn upon for its monitoring.

RECOMMENDATION 15

The Committee recommends that the Department of Fisheries and Oceans ensure that the annual forum to discuss the seal harvest are held at a time and locations that are convenient for sealers and fishermen.

RECOMMENDATION 16

The Committee recommends that the Department of Fisheries and Oceans continue to set a total allowable catch of seals for personal consumption. Hunters should be trained, hold the proper licence, and be able to sell the pelts of the animals they have harvested.

RECOMMENDATION 17

The Committee recommends that, as a matter of priority, the Department of Fisheries and Oceans fund research to fill the gaps in

our knowledge of the grey seal, to ensure that this species is properly managed.

RECOMMENDATION 18

The Committee recommends that the grey seal harvest be allowed to take place on Sable Island and the Gulf of St. Lawrence.

APPENDIX A

RECOMMENDATIONS OF THE *SEAL REPORT* (JUNE 1999)

RECOMMENDATION 1

The Committee recommends the formation of a panel of eminent persons, similar to the Independent Review Panel on Northern Cod (the "Harris Report"). The purpose of the panel would be to evaluate the current state of scientific knowledge and to provide advice on a long — term strategy for the management of seal populations.

The panel must develop a five — year strategic reduction and utilization plan and report on items, including but not necessarily limited to the following:

- scientific methodologies for estimating seal populations;
- scientific methodologies for estimating the total magnitude of the hunt including unreported losses and best estimates of the long—term impact of the hunt on seal populations;
- the current state of knowledge about the diet of seals and the impact of seal consumption on cod and other commercial fish stocks and to provide advice on directions for improving the state of scientific knowledge in this regard; and
- the optimum size of the harp seal population in terms of its interaction with the ecosystem in general and with commercial fish stocks in particular and guidance with respect to management of the harp seal herd in order that such a population size can be achieved.

RECOMMENDATION 2

The Committee recommends that the Department of Fisheries and Oceans conduct both experimental harvests and experimental seal exclusion zones. These should include the 2J3KL (Northern cod) fishery, the 4TVn (southern Gulf of St.

Lawrence cod) fishery, and the 4RS3Pn (northern Gulf cod) fishery and others as deemed necessary for the purpose of preventing the expansion of seals into the fishery, designated bay, or area. This measure is designed to protect spawning and juvenile cod concentrations and prevent seals from inflicting high mortality.

RECOMMENDATION 3

The Department of Fisheries and Oceans must define all seal populations in northern and eastern Canadian waters, specifically ringed and hooded seals, so that the Department can give responsible support to Canada's vital sealing industry, while protecting seal populations and the integrity of the ecosystems in which they live.

RECOMMENDATION 4

Further, the accumulated knowledge and observations of those who have traditionally lived along Canada's northern and eastern sea coast and who rely upon its wildlife for survival should complement and strengthen modern science. Accordingly, the Department's research efforts and recommendations must include both traditional and community knowledge.

RECOMMENDATION 5

The Committee recommends that the Department of Fisheries and Oceans, in an effort to increase its presence within the fishing communities, ensure that its scientists go into the field and make first—hand observations of anomalous behaviour by seals or fish, when such behaviour is brought to their attention.

RECOMMENDATION 6

The Committee recommends that Canada, through the Department of Fisheries and Oceans and the Department of Foreign Affairs and International Trade, must immediately commit itself to the goal of removing the trade barriers within the MMPA whereby Canadian seal products are prevented from entering the United States. Canada must make strong submissions in the Committee hearing process about to be held

in the U.S. Congress. In addition, Canada must seriously consider seeking a review under GATT of the prohibition on the importation of Canadian seal products into the United States.

The Committee also recommends that the Government of Canada undertake an immediate examination of the U.S. MMPA to ensure that it complies with the provisions of both the WTO and NAFTA with respect to Canadian seal products. If the investigation concludes that the MMPA does violate either or both of the trade agreements, the Committee recommends that immediate trade action be commenced. If the MMPA is found not to contravene either the WTO or the NAFTA, the federal government should immediately commence discussions with the United States to determine the best means by which Canadian seal products may gain access to the U.S. market place.

RECOMMENDATION 7

The Committee recommends that the Department of Fisheries and Oceans must undertake a process of legislative reform resulting in appropriate revisions to bring statutes and regulations relating to sealing into conformity with modern land claims agreements, Aboriginal treaties and the rights of Aboriginal peoples under section 35 of the *Constitution Act, 1982*. The Department must carry out such a process in full collaboration with affected land claims bodies and Aboriginal peoples.

The Department should also revise the *Marine Mammal Regulations* to ensure that these do not provide excuses for frivolous and nuisance trade barriers.

RECOMMENDATION 8

The Committee recommends that the Department of Fisheries and Oceans work actively with the provincial and territorial governments to produce and distribute educational material that raise public awareness of the practices and benefits of Canada's sealing industry. The Department must play a leading role in ensuring that educational and promotional materials are distributed not only domestically, but also in the United States and Europe.

RECOMMENDATION 9

The Committee recommends that the federal government, through the Department of Fisheries and Oceans, Industry Canada, and the Department of Foreign Affairs and International Trade, demonstrate, through raising public awareness, that sealing is a viable and sustainable commercial activity in Canada.

The Committee also recommends that the federal government, through Industry Canada, provide direct financial assistance, in an amount to be determined in consultation with industry stakeholders, to assist in the further development of marketable goods by the industry.

RECOMMENDATION 10

The Committee recommends that a committee comprising representatives from industry, the federal, provincial and territorial governments, and of non—governmental organizations, be established to plan a strategy to develop the sealing industry to its maximum potential.

RECOMMENDATION 11

Recognizing that sealing is a legal and legitimate industry, the Committee recommends that the Government of Canada take action to support and promote it as it would any other industry, specifically through initiatives such as a comprehensive analysis of the potential markets for seal products in the United States, Europe and Asia, the duties of Canadian trade promotion officers on foreign postings, and Team Canada trade tours.

The Committee also recommends that the Government of Canada commit, through Industry Canada, funding for the promotion of seal products, both domestically and internationally.

RECOMMENDATION 12

The Committee recommends that the Department of Fisheries and Oceans, in cooperation with the sealing industry, provincial governments, and the Government of Nunavut, undertake to establish a long—term strategy for the management of the seal populations. The strategy should be informed by the recommendations of the panel established to evaluate the status of scientific knowledge with respect to the harp seal population.

RECOMMENDATION 13

The Committee recommends that the Department of Fisheries and Oceans undertake a study and report on the practices of other countries with respect to managing seal populations.

RECOMMENDATION 14

The Committee recommends that the Department of Fisheries and Oceans make it as convenient as possible for observers of the hunt, whether foreign parliamentarians or representatives of legitimate organizations (such as IFAW), to conduct their activities in an open manner without interfering with the progress of the seal hunt.

RECOMMENDATION 15

Given the sensitivity of the seal hunt, the Committee recommends that DFO increase its monitoring of the hunt and that it make its own video records. The unedited video would be reviewed by DFO officials to ensure that the hunt is being conducted according to the provisions of the *Fisheries Act* and any other appropriate statutes.

APPENDIX B LIST OF WITNESSES

Organizations and Individuals	Date	Meeting
Department of Fisheries and Oceans	2006/06/15	9
David Bevan, Assistant Deputy Minister, Fisheries and Aquaculture Management		
	2006/06/15	9
Ken Jones, Senior Fisheries Management Officer		
Department of Foreign Affairs	2006/06/15	9
Norbert Kalisch, Director General, European Union, North and West Bureau		
	2006/06/15	9
Robert Clark, Director, European Union Division		
Independent Veterinarians' Working Group	2006/10/05	13
Alice Crook, Coordinator, Sir James Dunn Animal Welfare Centre, Atlantic Veterinary College, University of Prince Edward Island and member of the Animal Welfare Committee of the Canadian Veterinary Medical Association		
	2006/10/05	13
Charles Caraguel, Department of Health Management and Centre for Aquatic Health Sciences, Atlantic Veterinary College, University of Prince Edward Island		
As Individual	2006/11/06	20
Wilf Aylward, Independent Sealer		
As Individual	2006/11/06	20
Rene Genge, Professional Sealer		
Carino Company Limited	2006/11/06	20
John C. Kearley, General Manager		
Multi Species Fishermen Old Fort-Blanc Sablon	2006/11/06	20
Jean-Richard Joncas, President		
As Individual	2006/11/07	22
Lewis Troake, Fisherman, Summerford		

Organizations and Individuals	Date	Meeting
As Individual John Gillett, Fisherman, Twillingate	2006/11/07	22
As Individual Hedley Butler, Town Councillor and Fisherman, Bonavista	2006/11/07	22
As Individual Larry Peddle, Fisherman, Cottlesville	2006/11/07	22
As Individual Doyle Brown, Fisherman, Summerford	2006/11/07	22
Sealing Committee of the Fur Institute of Canada Jim Winter, Co-ordinator	2006/11/07	22
As Individual Joël Arseneau, Mayor, Magdalen Islands	2006/11/08	24
Association des pêcheurs de loup-marin des Îles-de-la-Madeleine Jean-Claude Lapierre, President	2006/11/08	24
Association des pêcheurs propriétaires des Îles-de-la-Madeleine Jérémie Cyr, Member	2006/11/08	24
Léonard Poirier, Member	2006/11/08	24
Association québécoise de l'industrie de la pêche Paul Boudreau, Representative, Vice-President, <i>produit du loup-marin de TAMASU</i>	2006/11/08	24
Department of Fisheries and Oceans Roger Simon, Director, Magdalen Islands Section	2006/11/08	24
Regroupement des pêcheurs professionnels des Îles-de-la-Madeleine Marcel Cormier, Administrator	2006/11/08	24
D.B. Kenney Fisheries Ltd. Glenn A. Wadman, Operations Manager	2006/11/09	26

Department of Fisheries and Oceans	2006/11/09	26
Mike Hammill, Research Scientist, Maurice Lamontagne Institute		
Fishermen & Scientists Research Society	2006/11/09	26
John Levy, President		
Grey Seal Conservation Society	2006/11/09	26
Debbie MacKenzie, Chair		
Sea Star Seafoods Ltd.	2006/11/09	26
Peter Stoddard, Procurement and Resource Manager		
Shelburne County Competitive Fishermen's Association	2006/11/09	26
Victor Wolfe, Chairman		
European Union - Delegation of the European Commission in Canada	2006/11/23	29
Dorian Ford Prince, Head of Delegation and Ambassador Designate		
Parliament of Europe	2006/11/23	29
Seán Ó Neachtain, (UEN - Ireland)		
	2006/11/23	29
Gary Titley, (PES - United Kingdom)		
	2006/11/23	29
Ian Hudghton, (Greens/EFA - United Kingdom)		
	2006/11/23	29
Agnes Schierhuber, (EPP - Austria)		
	2006/11/23	29
Duarte Freitas, (EPP - Portugal)		
	2006/11/23	29
Den Dover, (EPP - United Kingdom)		
	2006/11/23	29
Iles Braghetto, (EPP - Italy)		
	2006/11/23	29
Toomas Savi, (ALDE - Estonia)		
	2006/11/23	29
Lasse Lehtinen, (PES - Finland)		
Humane Society of the United States	2006/12/12	33
Rebecca Aldworth, Director, Canadian Wildlife Issues		

International Fund for Animal Welfare	2006/12/12	33
David Lavigne, Science Advisor		
Inuit Tapiriit Kanatami	2007/02/01	35
Robin Anawak, Researcher, Department of Environment		
	2007/02/01	35
Rosemary Cooper, Political Coordinator		
Nunavut Tunngavik Incorporated	2007/02/01	35
Raymond Ningeocheak, Second Vice-President		
	2007/02/01	35
Gabriel Nirlungayuq, Director, Wildlife Department		
As Individual	2007/02/06	36
Robin Higham, Senior Fellow, Centre on Governance, University of Ottawa		
As Individual	2007/03/01	43
Raoul Jomphe, Producer, Production Phares-Est		

APPENDIX C LIST OF BRIEFS

Organizations and Individuals

Association des chasseurs de loup-marin des Îles-de-la-Madeleine

Association des pêcheurs propriétaires des Îles-de-la-Madeleine

Carino Company Limited

Department of Fisheries and Oceans

Department of Foreign Affairs

Grey Seal Conservation Society

Independent Veterinarians' Working Group on the Canadian Seal Hunt

International Fund for Animal Welfare

University of Calgary

Cover photo courtesy of the Department of Fisheries and Oceans

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* ([Meetings Nos. 7, 8, 9, 13, 20, 22, 24, 26, 29, 33, 35, 36, 37, 38, 39, 41, 42, 43, 46, 47, 48 and 49](#)) is tabled.

Respectfully submitted,

Gerald Keddy, MP
Chair

