

THE EUROPEAN COMMUNITIES' LEGISLATION  
AND ITS CONSEQUENCES FOR  
ARCTIC SEALING

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## ABSTRACT

The thesis aims to assess the European Community's ban on the import of the products of harp and hooded seal pups, which has been in force since 1983, in relation to its consequences for Arctic sealing.

It investigates the motivations and analyses the decision-making process which led the European Community to adopt and prorogate the ban, until its recent (June 1989) unlimited extension.

It then examines and evaluates the consequences of the ban for the environment, for the trade in seal products, and for commercial sealing in Canada, Norway and Greenland. Particular attention is given to the cultural and economic effects of the ban on the Inuit populations of Canada and Greenland.

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## CONTENTS

Abstract	i
Acknowledgements	ii
Contents	iii
 Introduction	 1
 Chapter 1     Seals and sealing in the study area, before 1983	 3
1.1 Main species hunted	3
1.2 Commercial hunting of harp and hooded seals	7
1.3 Sealing at Jan Mayen	8
1.4 Sealing in the White Sea	8
1.5 Sealing at the Front and the Gulf	9
 Chapter 2     The anti-sealing movement in Canada and in Europe	 13
2.1 The anti-sealing protest in Canada	13
2.2 The anti-sealing campaign in the European Community	15
 Chapter 3     How the European Community's ban came about	 17
3.1 The legislative process in the European Community	17
3.2 The intervention by the European Parliament	19
3.3 The Commission's proposal for a ban	21
3.4 The Council decision on the ban	23

Chapter 4	The ban : implementation and extensions	27
4.1	From the adoption of the ban to its application	27
4.2	Measures for the implementation of the ban in the Member States	30
4.3	Prorogation of the ban to 1989	31
4.4	Indefinite extension of the ban	33
Chapter 5	The ecological issue in relation to the ban	35
5.1	The ecological justification of the ban	35
5.2	Conservation status of harp and hooded seals after 1983	39
5.3	Other environmental issues in relation to the ban	41
Chapter 6	Decline of commercial seal hunting in relation to the Community ban	44
6.1	Decline of the sealskin market from 1983	44
6.2	Commercial sealing in Canada since 1983	45
6.3	Commercial sealing in Norway since 1983	49
6.4	The role of the Community in the decline of the market	52
Chapter 7	Inuit sealing in relation to the Community ban	55
7.1	General characteristics of Inuit sealing	55
7.2	Consequences of the decline of the sealskin market on Inuit sealing in Canada	56
7.3	Consequences of the decline of the sealskin market on sealing in Greenland	59
7.4	Inuit and anti-sealing attitudes	62
7.5	Inuit and the Community	64

Chapter 8	Conclusions	66
8.1	Du côté de chez la Communauté	66
8.2	Du côté de chez les autres	68
8.3	Future prospects	70
References		72
Appendix 1	- Tables	77
Appendix 2	- Documents	86

## INTRODUCTION

This thesis arises from my combined interest in polar regions, especially their environment and human populations, and in the policy-making processes of the European Community.

The unlikely interaction between an international organization for economic integration, comprising some of the countries most representative of western wealth and civilization, and an activity - sealing - which retains traditional pre-industrial features and takes place in marginal regions of the world, presented an unusual and interesting subject.

The European Community's ban on imports of the skins of harp and hooded seal pups was adopted in 1983, following a public campaign against sealing and amid heated discussion. At the time of writing (June 1989), the ban has been extended indefinitely, almost without further debate and without attracting widespread public attention.

The thesis touches only briefly on the rights and wrongs of seal-pup hunting, which have been examined in detail by several authors (e.g. Coish 1979; Davies 1970; Henke 1985; Herscovici 1987; Lust 1967; Wright 1984).

It concentrates rather on the Community's ban and some of its consequences for Arctic sealing.

Chapter 1 summarizes the history and importance of the commercial hunt, in particular by Canada and Norway, for harp and hooded seals, while Chapter 2 provides a more detailed account of the development of the anti-sealing campaign. Chapters 3 and 4 analyse the motivations for the ban and reconstruct the internal political process which led the Community to adopt and confirm it. Chapter 5 discusses the environmental questions related to the ban, with particular emphasis on the conservation status of the harp

and hooded seal populations. Chapter 6 explores the history of large-scale commercial sealing since the ban and evaluates the extent to which the Community's action influenced it. Chapter 7 concentrates on sealing by Canadian and Greenland Inuit before and after the ban, and on the ban's perceived and actual consequences. The concluding chapter, 8, attempts to offer a balanced judgement of Community's action, seen in the light of both its intended and its unforeseen consequences, and speculates on the value of the ban's history as a model for future action.

The Community's decision-making process has been examined on the basis of original documents and in the light of my personal experience at the Secretariat of the Council of Ministers of the Community.

The study of the consequences of the ban, especially in the context of Canada, draws heavily on the wealth of material collected by the Royal Commission on Seals and the Sealing Industry in Canada, which in 1986 issued an extensive report. Whenever possible, however, the original documents on which the report was based, rather than the report itself, have been used.

Throughout the thesis, relatively more detailed attention has been given to developments since 1985, which have not previously been the subject of a comprehensive study.

## CHAPTER 1

### SEALS AND SEALING IN THE STUDY AREA, BEFORE 1983

#### 1.1 Main species hunted

Sealers have exploited, for many centuries, the breeding habits of three species of seals. Harp and hooded seals have for over 300 years been the main prey of commercial sealers; ringed seals have for much longer been hunted by aboriginals for subsistence, and from the 1960's for smaller-scale trading.

Harp seals (*Pagophilus groenlandicus* or *Phoca groenlandica*) live in the open sea, off the coasts of Asia and Europe : from Severnaya Zemlya across the Arctic and the North Atlantic, throughout Svalbard and Jan Mayen to Greenland, around Greenland (except the far north), around Baffin and Southampton Islands, off Labrador and Newfoundland and in the Gulf of St Lawrence (see Fig. 1). Harp seals migrate following the limits of the pack-ice. After a summer spent feeding in the northern part of their range, they move south and, in the early spring, congregate to breed in specific locations on the ice, known as whelping patches. After undergoing their moult, they migrate northwards again (King 1983).

Harp seals are normally divided into three distinct populations, according to their breeding site. The largest population breeds from late February to mid-March on the ice off the coast of Newfoundland and Labrador (the so-called "Front" herd) and in the Gulf of St Lawrence, near the Magdalen Islands (the "Gulf" herd). A second population breeds from mid-February to early March on the pack-ice in the White Sea (the "East Ice"). The third, and smallest, population breeds from mid-March to April between Jan Mayen and Svalbard (the "West Ice").



Pups are born with a white lanugo, which they retain for about two weeks; during this time they are therefore called "whitecoats". The lactation period lasts for about 12 days, during which the pup increases in weight from 10 to 34 kg on average. After weaning, pups are abandoned by their mothers. They start moulting (the "ragged jacket" stage); after approximately one week, they develop a silver-grey coat with black spots, becoming "beaters". At 13-14 months, they moult again and grow a similar coat ("bedlammer" stage). Sexual maturity is reached at approximately 4 years of age for both sexes (Lavigne and Kovacs 1988).

Hooded seals (*Cystophora cristata*) occur mainly from Bear Island and Svalbard to Jan Mayen, Iceland, Greenland, Denmark Strait and the east coast of Baffin Island and Labrador (see Fig. 2) (King 1983). They are associated with harp seals for part of the breeding season, after which they congregate to moult in the Denmark Strait. Little is known about their movements for the rest of the year. In general, however, they tend to stay farther from the coast than harp seals and to feed in deeper waters.

Three separate populations of hooded seals are recognized, depending on the breeding sites. These are located in the Front and Gulf areas and near Jan Mayen, where they are associated with harp seals; a third population breeds in the Davis Strait between Greenland and Baffin Island. Breeding takes place at the same time at all locations, in the second half of March.

Pups are born with a blue-silver-grey coat, which has earned them the appellation "bluebacks", and which they retain until the first moult, at approximately 14 months. They nurse for 4 days only, increasing from 20 to 40 kg in weight. Sexual maturity is reached at approximately 3 years for the females and 5 years for the males (Lavigne and Kovacs 1988).

Ringed seals (*Phoca hispida*) are the most abundant and widespread species in the Arctic, to be found off all circumpolar Arctic coasts (see Fig. 3). They are adapted to life on landfast sea-ice and are present the whole year-round (Smith 1987). In winter, adults stay under the ice in bays and fjords, keeping breathing holes open, while the younger seals stay at the edge of fast ice. Pups are born in early April, in individual lairs. In summer, seals tend to lie on the ice (King 1983).

The rest of this chapter deals with commercial hunting of harp and hooded seals, whereas Inuit seal hunting is treated separately in chapter 6.

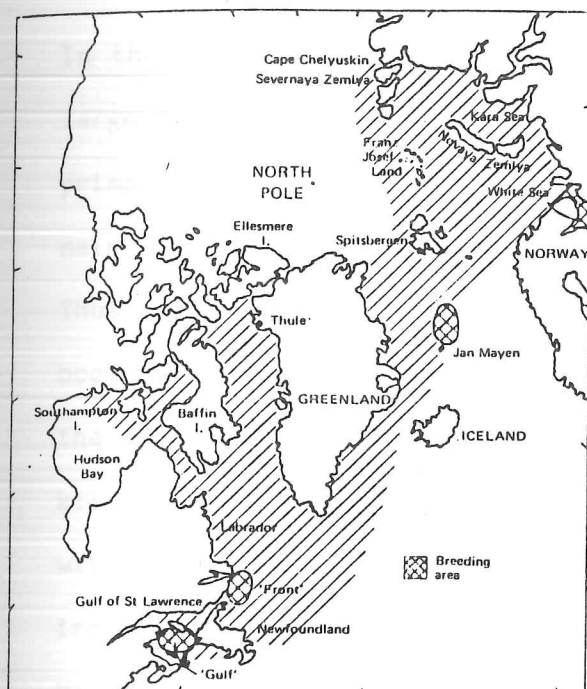


Fig. 1 Distribution and breeding areas of harp seals.



Fig. 2 Distribution and breeding areas of hooded seals.



Fig. 3 Distribution of ringed seals.

From: King 1983.

## 1.2 Commercial hunting of harp and hooded seals

In the 18th century, Europeans began to exploit the recurrent presence of large numbers of seals on the pack-ice. Until the 1930's, seals were hunted primarily for oil, which was used as fuel and a lubricant. Pelts, used mainly to produce leather, were a by-product.

Thus harp seals were hunted more heavily than more dispersed and remote hooded seals and both young and adult seals were taken. Fat whitecoats were the most convenient target (Sergeant 1976): they can hardly move and can be killed easily with simple instruments : wooden clubs, gaffs (wooden handles with a sharp metal point and a hook) or hakapiks (wooden handles with an iron head comprising a curved spike and a blunt projection) were used. Moreover, harp seal females normally abandon the pups when threatened - unlike hooded seal mothers, who tend to be protective of their pups (Lavigne and Kovacs 1988).

Starting from the 1940's, Norwegians developed innovative methods for the tanning of seal pelts. The fur industry became by far the most important consumer of seals, and the quality of the pelts became as important as their quantity. Seal pups, especially the prized bluebacks, became actively sought after. (Sergeant 1976).

The historical evolution of commercial harp and hoods sealing in various locations until 1982, the year before the European Community ban, is outlined briefly below.

### 1.3 Sealing at Jan Mayen

Seals at Jan Mayen were first hunted by European whalers in the 18th century. By the end of the 19th century, Norway had monopolized the hunt. The Soviet Union joined it in 1958, and Soviet hunters have been present in the area since then, except in some years.

Catches of harp seals averaged 50,000 per year between 1860 and 1885, and 25,000 in the subsequent period, to 1900. They declined to an average of 15,000 per year in the early 19th century, and rose again to 35,000 per year in the late 1930s. Catches of hooded seals before World War II are not well documented : the Norwegian catch seems to have averaged 30,000 per year in the last decade of the 19th century and less than 15,000 in 1905-10. From an average of over 56,000 a year immediately after World War II, catches declined again to an average of 32,000 in 1965-70.

Since 1959, the hunt has been regulated by the Norwegian-Soviet Sealing Commission, succeeded in 1984 by the Norwegian-Soviet Fisheries Commission. Breeding females were first protected in the 1960s. Quotas were recommended from 1971 (ICES 1987; Harwood 1988).

Tables 1 and 2 in Appendix 1 show quotas and catches at Jan Mayen from 1971 to 1982, for harp and hooded seals respectively .

### 1.4 Sealing in the White Sea

Harp seals are taken in the White Sea by the Soviet Union and Norway. The greatest catches were made at the beginning of this century, when up to 350,000 seals might be taken in one year. Catches declined to 50,000 by 1925; in 1946 Norway was excluded from the hunt. Quotas were established by the Soviets in the 1950s, and Norway was allowed to take a quota of seals,

mainly beaters and older harps, as they migrated out of the White Sea. Quotas and catches from 1975 to 1982 can be found in Table 3 in Appendix 1. The Soviets have devised an original method of pup harvesting: each year about 24,000 ragged jackets are transported to state farms and killed by injection, once they have completed the moult (Harwood 1988).

### 1.5 Sealing at the Front and the Gulf

By far the most important and the best documented commercial hunt took place in the Front and Gulf areas, starting from Newfoundland : the "greatest hunt in the world", as George Allan England called it in 1924 (England 1924 p. vii).

Besides providing important subsistence items, adult harp seals were exploited commercially in Newfoundland for the production of oil as early as the 17th century, through the establishment of land-based net fisheries. By the late 18th century, exports of seal oil played a significant role in the economy of the region. Indeed, sealing influenced the settlement pattern, which expanded northwards to allow better exploitation of the new resource.

To take advantage of the large off-shore concentrations of seals in the breeding season, sailing schooners were sent to the ice from Newfoundland, from the beginning of the 18th century.

The hunt was especially attractive since it was an activity which necessitated little capital investment, at a season - the beginning of the spring - when ice made fishing impossible.

Exploitation of seals increased rapidly. During the first half of the 19th century, seal oil represented in value up to one third or more of the total exports from Newfoundland, second only to cod. Sealing also generated significant employment in the shipbuilding and seal-processing industries

(Sinclair et al. 1986). Almost 400 boats and 13,000 men might take part in the yearly hunt. In the period 1818-1862 more than 18,3 million seals were landed, an average of over 400,000 per year, with peaks of nearly 700,000. Most were whitecoats, plus a number of older harp seals and some hooded seals. Catches declined in the 1860's, to be boosted again by the advent of the more manoeuvrable steam-powered vessels. In the 1870s, average landings rose again to 400,000. From the 1880s, the catches declined; by the end of the century, seal oil represented only 10% of Newfoundland exports (Royal Commission 1986). Steel-hulled steamers were introduced, but the mean annual catch fell to 266,000 in the years preceding World War I. After the war, fewer than ten vessels went sealing every year, together catching an average of 168,000 seals in the 1930s.

After World War II, and as a result of the mentioned innovations in sealskin tanning mentioned above, Norwegian interests took control of the hunt. Although local sealers continued to be hired, Norwegians set the prices and controlled the processing and marketing of seal products. The catches averaged 312,000 per year in the 1950s, and 248,000 in the 1960s, a high proportion of which were whitecoats (Lavigne and Kovacs 1988).

In addition to the hunt with large vessels, a parallel hunt was, and continues to be, carried out by "landsmen" : shore-based hunters who hunt on foot or in small boats. Especially after World War II, an increasing number of "longliners", small fishing vessels not equipped for forcing their way through the ice, took part in the hunt . The yield of the hunt by landsmen and longliners was extremely variable - it ranged from 10,000 to 47,500 seals for landsmen and from 3,000 to 15,000 for longliners between 1971 and 1982. The catch depended essentially on the conditions of the ice each season. Whitecoats generally represented only a small part of the take (less than 10%), although the percentage could rise to over 50% in certain years (Sinclair et al. 1986).



In the 1960s, scientists began to express concern about the status of seal herds, especially about the level of adult-seal killing.

As a result, the International Commission for the Northwest Atlantic Fisheries (ICNAF), entrusted in 1965 with the management of seal stocks, introduced quotas for harp seals in 1971, and for hooded seals in 1974 (Lavigne and Kovacs 1988). Quotas and catches for harp and hooded seals, from 1971 and 1974 respectively to 1982 are shown in Tables 4 and 5 in Appendix 1.

Largely in the wake of pressure from the anti-sealing lobby (see section 2.1), Canada in 1971 set up a Special Advisory Committee on Seals and Sealing, which in 1972 recommended a moratorium on seal hunting. This led only to a reduction of the quotas (Lavigne and Kovacs 1988).

Regulations on the methods of killing and specifications for the instruments used, were introduced in the 1960s, together with licence requirements both for sealers and for sealing vessels. The proportion of breeding females which could be taken was also reduced (Royal Commission 1986).

In 1977 Canada declared a 200-mile economic zone, encompassing its traditional sealing grounds. Denmark did the same, acquiring exclusive jurisdiction over the Greenland hunt. Norway retained an interest in management of the hunt through its bilateral agreement with Canada of 1971. In recognition of the new situation, ICNAF became NAFO (Northwest Atlantic Fisheries Organization), an organization designed to promote multinational cooperation, but with purely consultative functions (Lavigne and Kovacs 1988).

Throughout this period, sealing had continued to be a significant source of revenue in the Atlantic region of Canada - in particular in Newfoundland. Although its importance had declined in absolute terms, it



continued to represent a sought-after resource in the marginal economy of the sealing communities.

Moreover - several authors pointed out -its cultural importance transcended economic considerations.

Over the years, the hunt took a heavy toll in lives and in ships lost. Major disasters happened, for example in 1914, when 253 sealers died on the ice. Working conditions of sealers were difficult, sometimes appalling. But in spite of this, or perhaps because of it, sealing was a rite of passage for the young, an annually renewed proof of manliness for the adults, a tool for social integration and a component of cultural identity. Sealing was an integral part of the tradition and the lore of Newfoundland (Lamson 1979; Busch 1982; Wright 1984; Sinclair et al. 1986.).

George Allan England, who wrote the most famous description of the hunt, in 1924 dedicated his book *Vikings of the Ice* to "the strongest, hardest and bravest men I have ever known, the sealers of Newfoundland" (England 1924). Reprinted in 1969, with a new title, *The greatest hunt in the world*, the book acquired a new emphasis - displaced from the men to the killing - and a new introduction which was a philosophical reflection on violence (England 1969). This was highly symbolic of the situation created by the anti-sealing protest (Henke 1985).

## CHAPTER 2

### THE ANTI-SEALING MOVEMENT IN CANADA AND IN EUROPE

#### 2.1 The anti-sealing protest in Canada

The protest against seal hunting started in Canada in the 1960s. Already in the early 1950s, worries had been expressed about both the conservation status of seals and the way killing, of pups especially, was carried out on whelping patches (Coish 1979). These two themes were in fact to remain inextricably linked as the two cornerstones of the sealing controversy.

The campaign relied heavily on the media. In 1964, Artek Films Ltd., a Canadian company, made a television film on the Newfoundland hunt, showing baby seals being clubbed and skinned alive and adult seals being tormented. The movie was released by Radio Canada in Quebec, causing great public outcry. Peter Lust, a journalist for a German newspaper in Canada, wrote a series of articles on the horror of the hunt, which were reprinted in Germany, where the movie was also shown (Royal Commission 1986). Soon, the story had been printed by more than a hundred publications in Europe (Coish 1979). Lust eventually wrote a book, *The last seal pup in the world*, in which he argued that only a total ban on commercial killing could save the seals from extinction (Lust 1976).

The leading figure in the protest, however, was, from 1965, Brian Davies, founder, in 1969, of the International Fund for Animal Welfare (IFAW). IFAW launched a campaign based essentially on the issue of cruelty. It relied heavily on visual images, of cuddly white fluffy whitecoats, on the one hand, and of the bloody killing of helpless creatures on the other (Henke 1985). In his book *Savage luxury* (1970), Davies provided theoretical

foundation for his approach, arguing that saving the seals was symbolic for saving wildlife; he also recommended tourism as an economically viable substitute for the hunt. But, much as one can sympathize with the issue on humane grounds, it is difficult to take seriously Davies's exaggeratedly anthropomorphic representation of seals. Davies took advantage of every advertising opportunity, staging each year a special attraction, for example the presence on the ice in 1977 of Brigitte Bardot, famous film star (Coish 1979).

In 1976, Greenpeace joined the campaign. Characteristically, Greenpeace staged spectacular demonstrations, such as trying to stop sealing ships from leaving port or dyeing whitecoats green to render their pelts valueless. Unlike IFAW, Greenpeace professed to maintain a scientific approach to the sealing issue, based on the question of conservation. It also realized that the campaign could affect poor, working-class people, by depriving them of a source of income, and made efforts to present the protest as a fight against large-scale, capital-controlled sealing (Hunter 1979). It was difficult, however, to resist exploiting the emotional appeal of an issue which, in the words of a Greenpeace leader, "*brought out the worst form of anthropomorphism and yet at the same time the highest form of compassion*" (Hunter 1979, p.249), and even Greenpeace gave in to the temptation of anthropomorphism, as in the campaign for the adoption of a baby-seal (Coish 1979; Henke 1985; Royal Commission 1986).

Many other organizations, some environmental but mostly inspired by animal welfare, participated in the campaign, which began to exert a formidable pressure on the Canadian government.

Mobilization was particularly strong in the United States. Seals were included in the species covered by the Marine Mammals Protection Act of

1972, which banned the import of marine-mammals products. In 1977 the US House of Representatives and Senate passed a motion condemning the Canadian seal hunt (Coish 1979; Henke 1985). Europe was the next obvious target.

## 2.2 The anti-sealing campaign in the European Community

In 1977, when the campaign in Canada appeared to be slowing, Brian Davies announced at The Hague that he would concentrate on damaging the market for sealskins in Europe (Herscovici 1987).

In the late 1970s, the world demand for sealskins was about 425,000 skins per year, including 130,000 whitecoats and 20,000 bluebacks. Canada supplied roughly half of the total, Norway some 40,000 skins, and Greenland about 80,000, although Greenland's contribution had declined to 50,000 by 1982. Some 80% of the total went to the European Community, and 5% to other West European countries. In the Community, the main consumer was Denmark, with about 100,000 skins, followed by Germany with 90,000 and France and Italy with 50,000 skins each per year (Market & Industry Analysts 1987).

The anti-sealing campaign, which - as shown above - had found an echo in Europe from its outset, regained strength. Demonstrations took place every year, to coincide with the Newfoundland spring hunt, in various European countries, notably the United Kingdom, Germany, the Netherlands and Belgium (Coish 1979; Herscovici 1987).

Under public pressure, some Community countries adopted legislation on the import of seal products. In 1978, Italy submitted to ministerial authorization the import of sealskins from species considered to be under threat according to international conventions, and banned trade in skins under a certain size. In 1980, the Netherlands enforced an official ban on the import of all sealskins, replacing a voluntary ban dating from 1970. In

France, a voluntary ban was introduced by the fur industry during the 1970s, and the United Kingdom imposed a mark of origin on all sealskin products from 1981 (Royal Commission 1986; EC 1982b).

These responses encouraged IFAW to concentrate the campaign on the European Parliament. It purchased advertisements in the most important European newspapers, inviting readers to write to their European Member of Parliament asking for a ban on the import of seal-pup skins. It urged its own members in Canada and the United States to write to key European parliamentarians. It presented a petition with 3 million signatures to the President of the European Parliament, and conducted extensive lobbying. To maintain public awareness, a campaign for the boycott of Canadian fish products was launched in 1982. Overall, IFAW spent over £ 1.5 million on its European campaign (Royal Commission 1986).

The European Parliament responded to the effort.

## CHAPTER 3

### HOW THE EUROPEAN COMMUNITIES BAN CAME ABOUT

#### 3.1 The legislative process in the European Community

Since 1979, Members of the European Parliament (MEPs) have been elected directly in all the Member States of the European Community. The number of MEPs for each country is proportional to that country's population; the Members of Parliament are divided by political affiliation rather than by nationality. Between 1981 and 1986 - when Spain and Portugal entered the Community - there were 434 parliamentarians, representing the population of ten countries (Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxemburg, the Netherlands and the United Kingdom). The role of the European Parliament is not comparable with that of a national parliament. A brief description of the legislative process in the European Community is given in the following paragraphs, bearing in mind that the situation changed to some extent - although not fundamentally - in 1987, when the Treaty establishing the European Community was amended by the European Single Act.

In the European Community system, the power to initiate legislation rests exclusively with the Commission, a collegiate organ acting in the interests of the Community, which submits proposals for legislation to the Council of Ministers. The Council, which consists of Ministers from Member State governments representing national interests, decides on the proposals by unanimity or by qualified majority, according to the provisions of the Treaty.

In this process, the European Parliament has a purely advisory role. As a rule, it must be consulted before the Council takes a decision, and the

Commission may modify its proposals to take account of the Parliament's opinion. However, neither the Commission nor the Council has any obligation to follow the Parliament's advice.

Before a decision is taken, an opinion must also be sought, in many cases, from the Economic and Social Committee, a body representing employers, trade unions, and other interests. This opinion is equally not binding (EC 1986).

In theory, the Commission and the Parliament should be united in defending the interests of the Community as such vis-à-vis those of the national governments. In practice, the Council - representing national governments - exerts a determinant influence in the decision-making process, and the Commission tends to acquiesce in its wishes.

In fact, the Council is empowered to modify the Commission's proposals by unanimous agreement. By a long-standing political agreement (the so-called "Luxemburg compromise"), the Council decides unanimously on all important matters, even where only a qualified majority is required. This means that compromise is constant, and that the role which can be played by the Commission is reduced to a minimum. In this situation, the Commission has found it convenient to seek informally a certain degree of approval from the Council even before presenting a proposal, and to accept the Council's compromises, disregarding, if necessary, the wishes of Parliament. The fact that the Parliament is excluded from negotiations, even as an observer, has helped in creating this situation.

The Parliament has reacted by multiplying its requests for information and consultation, by taking increasingly extreme positions, and by broadening the scope of its pronouncements. Paradoxically, this only serves to reinforce its impotence and frustration.



As a consequence, lobbying is rarely directed at the Parliament, but rather at the Commission or the Council (Chiti-Batelli 1981).

In the sealing issue, however, the Parliament's role was uncharacteristically important. The Parliament was spurred into action by more than 5 million letters (Herscovici 1987) and maintained firmly the initiative.

### 3.2 The intervention by the European Parliament

In 1980, a motion for a resolution was tabled in the Parliament. The motion requested the prohibition of imports into the European Community of products derived from seals not humanely killed or derived from endangered seal species, the total ban of imports into the Community and of intra-Community trade in products from whitecoats and bluebacks, and the opening of negotiations for an international ban. The motion referred soberly to the large number of seals killed, the high proportion of pups amongst them, and the methods used for killing (see Document 1 in Appendix 2).

The Parliament referred the matter to its Committee on the Environment, Public Health and Consumer Protection. A report was produced (EC 1982b) and examined in plenary session. The result was a resolution, adopted on 11 March 1982 with a majority of 160 votes in favour, 10 against and 20 abstentions (see Document 2 in Appendix 2). The text reflects a variety of concerns, sometimes only tenuously related to the main issue.

The "public outrage" aroused by the annual "slaughter", "carried out in a manner which is degrading to both humans and animals" is the point of departure, followed by a rather ambiguous reference to the necessity of maintaining an ecological balance. The admission of scientific uncertainty



about the decline in seal stocks is followed by the assertion that "all species are definitely endangered to a certain extent"; the risk of extinction of the Mediterranean monk seal is juxtaposed to the recognition that traditional hunting by aboriginal Arctic populations - Greenlanders in particular, who never hunt seal pups - is not responsible for the situation, and to the threat posed to marine wildlife by pollution. The resolution ends by requesting a series of measures related to the different issues - in particular a ban on imports into the Community and arrangements on intra-Community trade in the products of young harp and hooded seals and in the products of other endangered seal species; the introduction of a system of product-marking, the presentation of proposals to extend to all seals the coverage of the Washington Convention (Convention on International Trade in Endangered Species of Wild Flora and Fauna - CITES), the invitation to exert pressure on the Canadian authorities to ensure more humane methods of killing, the safeguard of the interests of indigenous populations, but also the protection of monk seals and of the marine environment in general.

Having repeatedly requested that the Commission comply with its demands, the Parliament on 16 September 1982 adopted a second resolution (see Document 3 in Appendix 2) - *Resolution on the Commission's failure to implement Parliament's resolution of 11 March 1982 (baby-seals)*. The focus was now clearly on the moral issue. Although the text contains references to conservation, the transformation of "young" seals into "babies" as a catchword, in the title itself, is strongly indicative of the change in focus.

Elected directly for the first time, Parliament had found a rare opportunity to test its powers, in the full spotlight of public opinion, with some hope of success. Popular support was assured in the Community - only the very small Greenland electorate had good reasons for objecting to a ban, the fur industry appearing quite ready to adapt to different requirements of the market (see section 2.2). Moreover, the Parliament was encouraged by the exhortations of "true" Parliaments, such as the UK House of Commons and the US Senate and Congress (see Document 3 in Appendix 2, point G). The tenacity of the Parliament in pursuing its cause is therefore understandable; Commission and Council, in this particular instance, had little choice but to follow.

### 3.3 The Commission's proposal for a ban

On 6 October 1982, the Commission submitted to the Council a proposal for a regulation - an act directly applicable in the Member States - prohibiting the import of skins of whitecoats and bluebacks and of products derived therefrom into the Community (see Document 4 in Appendix 2). The proposal recalled the measures on seal-product imports taken by some Member States (see section 2.2) and the "increasing public demand" for such measures; it concluded that, to avoid the risk of distorting competition within the Community, it was appropriate to introduce a Community-wide ban on such imports. The question of conservation was dropped completely, and only moral objections were represented in the explanatory memorandum (EC 1982c).

In the memorandum for internal use which accompanied the proposal (reproduced in Canada DFO 1985, Appendix XXXV), the Commission was more forthcoming. It explained that it had requested the Canadian and Norwegian governments to prohibit the seal-pup hunt, receiving a negative answer.

Although it had agreed with these countries to request from the International Council for the Exploration of the Sea (ICES) an additional opinion on the conservation status of harp and hooded seals, it considered that this did not hinder its freedom of action. It concluded that, pending a possible decision to include seals in the species protected under the CITES Convention, the proposed regulation appeared to be the only way to prevent the 1983 hunt, at the same time helping to improve the conservation situation. The Commission noted further that the proposal did not include an exemption for the products of aboriginal hunting, since the Canadians were unwilling to provide such products with certificates of origin; that indigenous hunting, mainly of adult seals, should not have been greatly affected in any case. Greenland blueback hunting would not have been affected, since the regulation did not concern intra-Community trade. However, the Commission did warn that an internal trade ban would have serious implication for Greenland.

The main concern of the proposal was clearly to satisfy the public demand for action against the killing of seal pups, with minimum disturbance of internal interests. The Economic and Social Committee in its opinion noted that the proposal only dealt with moral objections and suggested that the conservation problem be examined more closely (EC 1982d).

The emphasis on the moral issue was the most serious obstacle to agreement in the Council. The proposal was based on article 113 of the Treaty establishing the European Communities, which regulates the Community's external commercial policy. The Community has exclusive competence for ordinary commercial policy measures; however, if these measures are taken for reasons of public morality, order or security, the competence lies with the Member States. Several Member States feared that, if they accepted the

proposed legal basis, they would be recognizing the Community's competence to satisfy moral requests made by public opinion (Fornasier 1983).

#### 3.4 The Council decision on the ban

The Council of Ministers of the Environment ultimately dealt with the proposal on 3/4 December 1982. In the absence of agreement, it resorted to a resolution - an act with purely political value - to signal to public opinion its sensitivity to the issue whilst avoiding a clear commitment to a course of action (see Document 5 in Appendix 2). The resolution recalls, without sharing them, the ethical considerations which prompted the Parliament's request, notes that there is no obligation to adopt measures, and invites the Commission to examine further the issue, including the conservation aspects, on the importance of which it appears to imply doubts. It also invites the Commission to pursue exploratory talks with the parties concerned, especially Canada, and to report back not later than 1 March 1983 (Fornasier 1983).

In fact, the Council was playing for time. Strong pressure was exerted by Canada and Norway, which threatened action under the GATT rules. Internally, France and the United Kingdom had reservations about the proposal - especially the United Kingdom, owing to its traditional links with Canada; Denmark, apart from jeopardizing its relationship with Norway, feared that the ban would have a negative effect on Greenland's economy (Royal Commission 1986).

Strong pressures of opposite sign, however, were at work internally. A powerful ally was found in the Germans, who took over the presidency of the Community in January 1983. In fact, the 1st March deadline fixed by the resolution was not only convenient in respect of the annual spring seal

hunt. 1st March was the date of the German elections, for which the Green Party was conducting an aggressive campaign and which brought the Greens to the Bundestag for the first time. Anti-sealing lobbies, public opinion, Parliament and presidency all worked towards the same goal (Fornasier 1983). Such was the political pressure that even the Council of Foreign Affairs Ministers, on 21/22 February, felt compelled to emphasize the political importance attached to public concern about the hunting of baby seals (Council of the EC. General Secretariat. Press release 5106/83 Presse 28).

In February 1983, the Commission forwarded a communication (EC 1983a), which noted the uncertainty of scientific data available on the status of seal populations, but stressed above all that it was not the methods and circumstances of the hunt which were at the root of the issue, but the existence of the hunt itself. Consequently, neither the institution of an international sealing convention, as proposed by Canada, nor any other proposal with the intention of ensuring a stricter regulation of the hunt was appropriate or sufficient to meet the demands of the European public. Therefore, the Commission stood by its proposal for a ban.

The Council resumed the debate in a meeting devoted solely to this issue, on 28 February 1983, and reached agreement.

The act adopted (see Document 6 in Appendix 2) differed substantially from the Commission's proposal. Its legal basis was Article 235, an article used when no other relevant legal basis can be found in the Treaty. This implied that commercial policy was not involved; it also had the advantage of avoiding the issue of Community competence, by leaving a certain ambiguity about the official motivation of the ban. The lack of any

reference to the moral issue and the inclusion of a clause expressing preoccupation with the conservation status of seals may be taken as a signal of the will to place the ban firmly within the framework of conservation. Traditionally, Article 235 has been used for all acts of environmental policy for which the Treaty had no special provisions at the time. The form of the act, a directive - whereby Member States decide what legislative instruments to apply to enforce the prescribed goal - is also the one normally used in relation to the environment.

The directive instructed Member States to ensure that whitecoat and blueback products were not commercially imported into their territories. It may be noted here that the European Parliament, in its opinion, had requested that the ban apply to all harp seals less than one year old, and not only to whitecoats (EC 1982e). This request was not acted upon.

The products from hunting by Inuit were excluded from the ban, thereby safeguarding Danish/Greenlander interests. A contradiction may be detected, incidentally, between this exclusion and the assertion, in the fourth "whereas" clause, that traditional Inuit hunting does not affect seal pups. The most peculiar characteristic of the directive, however, was the ambiguity surrounding its implementation. The directive was to apply from 1 October 1983 for two years, unless the Council were to decide otherwise in a decision taken by a qualified majority on the basis of a new report to be presented by the Commission after further study. The Commission was invited, in particular, to seek solutions which would render the ban unnecessary. In this form, it was totally unclear when the obligation for Member States to take measures enforcing the ban would arise (Fornasier 1983).

As Fornasier concluded, this was either a bad example of the Community's legislative technique or an ingenious, but necessarily incoherent, device to defuse the issue, fashioned by a Council searching for a compromise at any price - or, more probably, a combination of the two. It was certainly a case of a purely political objective being pursued by legal means in order to increase pressure on seafaring countries and, at the same time, defuse internal pressure.



## CHAPTER 4

### THE BAN : IMPLEMENTATION AND EXTENSIONS

#### 4.1 From the adoption of the ban to its application

There was intensive diplomatic activity after the adoption of the Directive on 28 February 1983. Especially vulnerable to its possible effects, Canada made strenuous efforts to prevent its final implementation as from 1st October.

Canada noted that the Directive appeared to be based on the requirements of conservation; as a consequence, it undertook to take, if necessary, new measures on the population management, conservation and killing of seals, on condition that scientific considerations be paramount also in the Commission's approach to the issue. Moreover, Canada renewed its earlier offers to cooperate in the international management of seal stocks, by the creation of a Convention between Canada, Norway and the European Community, with the mandate of establishing regulatory measures (Canada DFO 1985, Appendices XXXVII and XXXVIII).

Norway, although also insisting that sealing had to be viewed in a purely scientific perspective, seems then to have been more resigned, or, possibly, more realistic than Canada : it did not even take part in the 1983 hunt off Newfoundland (EC 1983a).

In fact, although the ban was not yet in force, the immense publicity given to the issue and the anticipation of the ban had ensured that the demand for sealskins had fallen drastically before the opening of the 1983 hunt. That spring, no whitecoats or bluebacks were taken either by Canada or by Norway and the commercial catches of both countries declined considerably (see Tables 1, 2, 4, 5 in Appendix 1 and chapter 6).



Canada succeeded however in fending off recognition of seals as an ecologically threatened species by the wider international community. Following Canada's intensive lobbying, the third CITES Conference - 85 countries were then member of CITES - which took place in Botswana in April 1983 rejected a proposal backed by several Community countries to include all earless seals among the species protected by the CITES Convention. The inclusion of hooded seals was motivated by considerations of conservation, while all the other species of earless seals, including harp seals, would have been subject to trade regulations owing to the difficulty of distinguishing their products from those of hooded seals. (Canada DFO 1985, Appendices L and LIII; Royal Commission 1986).

However, the CITES decision only offered the Commission a new argument to advocate the need for action to protect seals. In the communication submitted to the Council in August 1983, which had been requested before the ban came into force, the Commission stated that available scientific evidence continued to point to the necessity of cautious management of harp seals, while in the case of hooded seals there was a clear need for a significant reduction in catches and quotas, or even a cessation of the hunt. It added that the reduction in pup harvesting which followed the adoption of the Directive had undoubtedly had a positive effect on the seal population, but that research should continue, especially in view of the need to examine the interaction between seals and fish stocks. The idea of an international sealing convention was rejected as superfluous, given the existence of other organizations with similar aims, such as NAFO and ICES. The Commission argued that neither Canada nor Norway had taken any action to reduce quotas or to meet objections to the killing of new-born seals, and the reduction in catches was due exclusively to the decline in demand prompted by the expectation of a trade ban. If the ban was not

implemented,, the possibility of a return to the previous situation could not, according to the Commission, be ruled out. Moreover, the existence of a ban, together with the generally sympathetic attitude to Inuit hunting, would, it was hoped, counteract to some extent the negative consequence of the reduced demand for sealskin products, which had also affected the products of Inuit hunting. In conclusion, the Commission had decided not to propose any modification to the February Directive (EC 1983b), and the ban officially came into force on 1 October 1983, for a period of two years (Official Journal of the European Communities No. L 282 of 14.10.1983, p.63).

In October, Canada forwarded to the Commission a commentary on the above communication, accusing the Commission of misrepresenting the issue and of giving a biased and inaccurate interpretation of the scientific data available. It noted in particular that the Greenland seal hunt was still not regulated, while Canada, despite its strict management of seal populations, was suffering all the ill-effects of the ban. It complained that all Canadian initiatives had been scorned and concluded bitterly that the Commissions's conclusions were "irrational in terms of science and logic", having been produced solely "to satisfy the demand of powerful pressure groups" (Canada DFO 1985, Appendix XL, p.9).

#### 4.2 Measures for the implementation of the ban in the Member States.

Within the Community, the first measure taken in the wake of the Directive was the introduction, from 1 January 1984, of separate identification numbers in the Common Customs Tariff for the products listed in the Directive: the headings were 4301.22 for complete raw furskins and 4302.22 for tanned and dressed furskins of whitecoats and bluebacks. This would allow monitoring of trade (Market & Industry Analysts 1987).

As a directive leaves to Member States the choice of means by which to achieve the prescribed aim, a variety of measures were adopted at national level.

The Netherlands reinforced their ban (see section 2.2), prohibiting the export as well as the import of sealskins of any species. Italy added a clause to the legislation already in force (see section 2.2), vetoing the release of import permits for sealskins of the species covered by the Directive.

Denmark and Ireland prohibited imports of the sealskins and seal products listed in the Directive; Belgium and Luxemburg submitted the import of listed seal products to authorisation, to be granted only to products of certified Inuit origin, and Greece required the products to be subject to the issue of an import licence.

Less rigorously, France and Germany relied on voluntary undertakings by the fur industry not to import whitecoat or blueback skins, to be controlled in Germany by a special Committee. The United Kingdom concluded an agreement with the fur industry for a one-year voluntary ban and issued a regulation ensuring the integral application of the Directive for two years (EC 1985).

As might be expected, the different measures varied in scope from one state to another. In some, the restrictions concerned all species of seals, in others only whitecoats and bluebacks. They varied too in intensity and duration of application. This may reflect the different degree of interest and concern for the issue in the Member States. It may also be noted that the Directive failed to create a uniform approach to the trade in seal products - an essential element in a common market and the main avowed preoccupation of the original Commission proposal.

#### 4.3 Prorogation of the ban to 1989

In 1984, Canada informed the European Commission and the Member States that a Royal Commission had been established, with the very broad mandate to investigate and make recommendations on "*all aspects of seals and sealing in Canada, including the social, cultural, ethical, scientific, economic, resource management, and international implications*" (Royal Commission 1986, Vol. 1, p.1).

Canada requested that, when deciding on a possible extension of the Directive, the Community should take into account the conclusions of the Royal Commission. The Royal Commission, however, had not reported by 1 October 1985, the expiry date of the ban. A full report was published only in December 1986 (Royal Commission 1986).

Reconsideration and renewal of the ban was a low-key reenactment of the play of 1982-83.

The 1984 election had given birth to a new European Parliament, on the whole more environmentally orientated than its predecessor. It included, for example, a new grouping, Arc-en-ciel, with mainly ecological concerns. On 15 March 1985 the Parliament adopted a new resolution, recalling once

more the "deep sense of outrage" still aroused by "the senseless annual slaughter of seals", reaffirmed the validity of the reasons for the previous Parliament's resolutions, and called for an indefinite ban on the import of products from all seals less than one year old (see Document 7 in Appendix 2).

The Commission granted the Parliament's request by proposing an indefinite extension of the ban, subject to re-examination if the need arose (see Document 8 in Appendix 2). The reasons given in the proposal were the necessity of avoiding unspecified negative consequences of an abrogation of the Directive, and doubts about the effects of non-traditional hunting on the conservation of the species.

In its explanatory memorandum, the Commission noted that available scientific data did not yet allow a clear assessment of the ecological status of the total populations of harp and hooded seals, of their interaction with fisheries, and of their role as parasite hosts (see section 5.3). It reaffirmed that the ban had not become superfluous despite the sharp decline of the market. On the one hand, legislation adopted in most Member States was not subject to a time-limit; on the other hand, the public had rejected sealskin products on the basis of an emotional reaction; were emotions stirred again this could result in a final blow to the sealskin market, including that of traditional Inuit products. A prorogation of the ban, on the contrary, might encourage a revival of the market for sealskins not covered by it (EC 1985).

The Council discussed the proposal. Denmark, in support of Norway, argued for a limited extension of the ban, possibly for one year (Royal Commission 1986). A compromise solution - a four-year prorogation until 1 October 1989 (see Document 9 in Appendix 2) - was finally agreed unanimously. A new

paragraph was added by the Council to the Commission's proposal, providing for a revision of the situation on the basis of a report by the Commission. This implicitly expressed some recognition of and concern about the unforeseen consequences of the ban, which had now come to light, affecting in particular the Inuit populations (see chapters 6 and 7). The Commission was instructed to report on developments in scientific information on the conservation status of harp and hooded seals and on the evolution, which appeared negative on the basis of available information, of the market for sealskins excluded from the Directive.

#### 4.4 Indefinite extension of the ban

The report issued by the Commission in April 1988, based on the latest available studies (see sections 5.2 and 6.4), reaffirmed the necessity of the ban and was intended to dispel fears about its consequences.

On conservation, the Commission concluded that the general situation did not differ much from that of 1985, despite positive indications on the status of harp and hooded seal populations in the Northwest Atlantic. It noted in particular that, while Canada had taken effective conservation measures, by officially banning the seal-pup hunt, Norway seemed set to increase catches, threatening a possible recovery of the stocks.

Concerning the state of the market, the Commission noted that it had been clearly established that the ban had not had a negative effect on the market for sealskins not covered by it, while a recent improvement in demand for such seal skin might have been helped by the halt in anti-sealing propaganda that followed the introduction of the ban; it was therefore inappropriate to revoke the ban (EC 1988).

Thereafter, everything proceeded according to the, by then, well-rehearsed scenario, although emotional participation appeared to have subsided to even lower levels than in 1985.

In October 1988, the European Parliament adopted a written declaration, signed by 324 members, calling once again for the indefinite renewal of the ban (EC 1989b).

Following initiative by IFAW, the Commission received a number of postcards pleading for a permanent ban.

Greenpeace campaigned in favour of an indefinite ban, as part of a wider campaign against all commercial sealing, in particular against sealing by Norway for the avowed purpose of protecting fish stocks (Greenpeace undated; Greenpeace International 1988 and 1989; see also section 6.3).

The Commission, in the proposal to extend the ban indefinitely submitted March 1989 (see Document 10 in Appendix 2) echoed the arguments noted above, although the actual text was rather less explicit than the explanatory memorandum : swift approval was needed in order to avoid negative publicity which might damage the market for Inuit products; seals were at risk from Norwegian hunting and fishing activities - the latter both deprived them of food and drowned them by entanglement in the nets; the extension of the ban was necessary to support the recent Canadian decision to stop seal-pup hunting (EC 1989b).

These arguments are analysed in subsequent chapters, as part of the examination of the consequences of the ban.

Clearly, they were fully accepted by the Council of Ministers of the Environment : the Commission's proposal was adopted, unchanged - which indicates a virtual absence of discussion - on 8 June 1989 ( EC 1989c)..



## CHAPTER 5

### THE ECOLOGICAL ISSUE IN RELATION TO THE BAN

#### 5.1 The ecological justification of the ban.

As shown above (see section 2.5), the Community relied on conservation as the ostensible motivation for the ban. Both Canada and Norway, as a consequence, were induced to base their opposition to the ban on the conservation issue, which they upheld as the strongest argument in their defense (Norway 1982; Royal Commission 1986). This debate was fuelled by the incomplete and ambiguous scientific information available on the species. Thus, both parties were able to use aspects of conservation to support their diametrically opposed positions.

In its documents, the Commission made constant reference to a report of the United Kingdom Nature Conservancy Council, dated May 1982 (reproduced in Canada DFO 1985, Appendix XXXI). The report estimated the population of harp seals to have been 10 million before extensive hunting began. It noted that no entirely reliable methods existed for assessing the current size of the harp seal population, but stated that by the late 1960s each of the three main stocks had been substantially reduced by over-exploitation, although the introduction of management measures since then had allowed some recovery; in particular, the drastic decline in the Northwest Atlantic stock between the 1950s and the early 1970s had been arrested. However, it was still uncertain whether the current population of 1-2 million was increasing or decreasing, though changes in either direction were anyway small. In fact, given changes which were known to have occurred in food supply, it was difficult to predict whether a full recovery could ever take place, even if hunting ceased completely. The situation of the Jan Mayen



and White Sea stocks was even less clear.

Hooded seals, after a substantial but undetermined decline in numbers declined more slowly after conservation measures came into force, although the actual rate of decline could not be evaluated reliably.

The report concluded that information available was insufficient to ascertain whether either species was capable of withstanding the current rate of exploitation. It recommended that action be taken to reduce the exploitation of both species, in particular imposing a ban on trade in hooded seal products .

The International Council for the Exploration of the Sea, in a report on the status of harp and hooded seal populations in the Northwest Atlantic, dated October 1982, agreed essentially with the findings of the Nature Conservancy Council, although the tone was on the whole less pessimistic. In ICES' view, estimates of the harp seal population in the Northwest Atlantic and Greenland pointed to an increase from 1,2-1,6 million in the late 1960s to 1,5-2 million in 1977-80, and numbers of pups and of animals more than one year old were likely to be greater than in the previous decade. However, since there might have been biases in the methods of estimation, the possibility of no increase or of a slight decline was not negligible.

For hooded seals, estimates of population size and trends were unreliable, because they were based on insufficient data (ICES 1983).

The European Commission, in its communications (EC 1983a and 1983b), stressed especially that both reports had raised the possibility of a decline in harp seal herds. It may be noted that the European Parliament, which was not under pressure to find ecological justifications, may have reflected more accurately the scientific evidence available when concluding

that harp seals did not seem to be threatened as a species, whereas hooded seals clearly needed protection (EC 1982b).

On the other hand, the same reports prompted Canada and Norway to emphasize that their management of harp seals had been rational, since both reports admitted the likelihood of an increase in the seal population. In particular, Canada may have been right in stressing the contradiction between the avowed lack of knowledge and the assertiveness of the conclusions of the Nature Conservancy Council report (EC 1983b; Canada DFO 1985, Appendices XXXII and XL).

A later report, prepared in 1985 by the United Kingdom Natural Environment Research Council and based mainly on the studies discussed above, gave tentative numbers of around 2 million harp seals in the Northwest Atlantic, 200,000 off Jan Mayen, and 800,000 in the White Sea. It stressed that the status of the population was still uncertain because it was difficult to estimate stock size accurately, but the imposition of quotas in 1971 had at least reduced the previously rapid decline in stocks. The report concluded that a species which numbered 2-3 million animals could not be considered in danger of extinction; however, catches should not be allowed to increase to a level that ultimately threatened the species.

Concerning hooded seals, the report noted that estimation of stock sizes was even more difficult than for harp seals, due mainly to the remoteness of their whelping patches. Estimates varied between 300,000 and 500,000 for the Northwest Atlantic, and about 200,000 for the Jan Mayen stock. Although surveys seemed to imply a recovery of populations since 1975, the data available were somewhat inconsistent and did not allow firm conclusions to be reached. The species should therefore be regarded as potentially highly vulnerable to exploitation. (NERC 1985).

Interestingly, after a thorough analysis of the status of Atlantic and Arctic stocks, based on partly different sources, the Canadian Royal Commission reached essentially the same conclusions. The Commission noted that, after a serious decline in the 1960s, the imposition of quotas for harp seals had probably led to a slight increase in the population, although a slight decrease could not be ruled out. The situation was altogether more serious for hooded seals. For both species, retaining the quotas and policies of the early 1980s could have led to the depletion or extinction of the stocks (Royal Commission 1986).

All the available evidence therefore suggests that strict protection of hooded seals and more cautious management of the exploitation of harp seals were justified on conservation grounds. It is questionable, however, whether imposing a limitation on pup harvesting was the most efficient way to protect the stocks.

Scientists had consistently expressed concern about the taking of adults - especially sexually mature females - as the main cause of stock depletion (Lavigne and Kovacs 1988). The World Wildlife Fund, which in 1982 took a stand on the seal hunt, had stated that in order not to threaten seal populations the proportion of animals taken over one year old should not exceed 20% of the total (Wright 1984, Appendix II).

However, it must be abundantly clear that conservation was only the officially avowed purpose of the ban; its main purpose was the cessation of the seal-pup hunt (see chapter 3).

## 5.2 Conservation status of harp and hooded seals after 1983.

From 1983, when the ban was adopted, catches by Norway and Canada declined sharply, whereas Greenland and Soviet catches remained at previous levels or even increased slightly. In spite of an increase in 1987-88 in Canadian, and especially in Norwegian catches, overall total catches remained well below the pre-ban totals. In particular, the number of whitecoats and bluebacks taken was reduced dramatically (see Tables 1 - 7 in Appendix 1; see also Chapter 6).

The consequences of reduced catches for the status of the harp and hooded seal populations were variously assessed, as they had been before the ban. The Canadian Royal Commission (1986) judged that, for a continuing average annual catch of harp seals in the Northwest Atlantic of 20,000-30,000 (the figures for 1984-86), and on the basis of an estimated population of 2 million, a net annual population increase of 5% could be expected. Since the present population was thought to be well below its initial abundance, harp seal stocks might thus double in 15 years. Making allowance for possible changes in food availability or for other factors, the increase might be greater or smaller, but nevertheless considerable.

The Royal Commission was more prudent in the case of hooded seals. Starting from an estimate of 300,000 for the total West Atlantic population, it concluded that, as catches were low, the population was almost certainly increasing; however, the rate of increase could not be determined reliably because of the long-term fluctuations that were known to affect hooded seal populations..

A recent report on the evolution of data on harp and hooded seal populations (Harwood 1988), prepared for the European Commission, was on the whole less optimistic. Harwood noted that there was still no conclusive evidence allowing us to determine whether the Northwest Atlantic stock of harp seals had increased; different studies had arrived at different conclusions. Data for the West Ice seemed to be even less reliable - Norwegian scientists had consistently expressed the belief that stocks were increasing, whereas the Soviets were apparently far more cautious. Accordingly, a recently observed decline in productivity in the Jan Mayen stock was interpreted by Norwegians as indicating that the population was limited by insufficient food supply, by Soviets as a sign of over-exploitation. The White Sea stock, according to the available data, appeared to be stable or possibly decreasing.

Harwood (1988) agreed with the Canadian Royal Commission that there was no clear basis for determining sustainable yields, especially for the Jan Mayen population. The fact that a significant proportion of the total stock is not accessible to commercial sealing, due to the remoteness of the breeding areas and to the scattered location of the animals themselves, might indicate that the species was less vulnerable to exploitation than has previously been believed.

Lavigne and Kovacs (1988) also concluded that, although an increase in the harp and hooded seal population was likely, it did not seem to be possible to arrive at a reliable assessment of the stock size.

### 5.3 Other environmental issues in relation to the ban

Opponents of the ban expressed concern about the side-effects on the environment of a possible increase in the seal population, especially in relation to the fishing industry.

Fishermen had long been complaining of the competition of seals for fish stocks. Harp seals, in particular, were blamed for the depletion of stocks of capelin (on which cod also feeds), and of shrimp (Royal Commission 1986). The conflict of interests arising therefrom has become, according to one author, "something of a cause célèbre" (Beverton 1985, p.4).

The Royal Commission (1986) recognized that the impact of harp seals on fisheries, though probably significant in terms of the total value of the commercial fish catch, was not critical. Harp seals are opportunistic feeders; moreover, much of the food they consume may be taken in areas where there is little commercial fishing (NERC 1985). The Commission concluded that, especially in view of the complexity of the food chain (still not well understood), it was difficult to evaluate whether, and to what extent, the impact would increase with an increase in seal numbers. Lavigne and Kovacs (1988) argued that, in the present state of knowledge, it was equally probable that commercial fisheries threaten harp seals by reducing the availability of prey.

The impact of hooded seals on fisheries, on the other hand, was deemed negligible even if the population were to increase, since hooded seals generally feed on deep water demersal species (such as redfish) which are found outside commercial fishing grounds (Royal Commission 1986).

Concern about the interference of increased numbers of seals with fisheries was fuelled by an invasion of harp seals which took place off northern

Norway in 1987 and 1988. The invasion coincided with gill-net fishing. Seals were drowned in great numbers, and much fishing gear was damaged: compensation was paid in respect of about 60,000 seals in 1987 and 22,000 in 1988. Recurring invasions were taken as proof of a large increase in the seal stock; fears were expressed of a reduction in the availability of fish for harvesting (Norway 1988 and 1989). However, as Harwood (1988) pointed out, at that stage the ban could hardly be responsible for any significant change in seal numbers, since it was still too early for pups not taken in 1983 to be breeding. Moreover, the same phenomenon had been observed in previous years (see Table 1 in Appendix 1). It appears more likely that the invasion was caused by unusual weather conditions or by the changes known to have occurred in the distribution and abundance of capelin, the preferred prey of harp seals (Harwood 1988). The European Commission also referred to the danger posed to seal populations by excessive mortality in nets (EC 1989b).

Another often-quoted source of concern is that an increase in the seal population could lead to increased transmission of parasites - especially codworm - to commercial fish. A strong correlation has been observed between high seal density - of grey seals in particular - and high infection rates in fish (Royal Commission 1986).

The reservoir of codworm in harp seals, however, should not be significant, since harps tend to stay in colder waters, where parasites develop far more slowly. Hooded seals are even less likely to introduce large-scale contamination, since their populations are relatively small (NERC 1985).

Worries have also been expressed recently about the possible role of harp seals in the seal epidemic, similar to canine distemper, which killed over 16,000 European seals in 1988. The virus responsible for the epidemic had



already been found in Greenland harp and ringed seals in 1985. There is a possibility that the virus - endemic, but relatively harmless, in harp seals - was transmitted to the European seal population during the 1988 invasion - when adult harp seals reached the coasts of southern England and the Netherlands (Harwood 1989; New Scientist 1989). As stated above, however, there is no proof that the seal invasion was a consequence of the ban.

In conclusion, it appears difficult to determine with any certainty the ecological consequences of the ban, at least until more data are available. One positive consequence has been noted (Lavigne and Kovacs 1988) : harp and hooded seals are now amongst the best-studied seal species. It is apparent, however, that further prolonged and accurate monitoring of their status is necessary.

In the meantime, supporters and opponents of sealing are bound to continue to use scientific, supposedly "neutral", arguments, to support their predetermined conclusions.



## CHAPTER 6

### DECLINE OF COMMERCIAL SEAL HUNTING IN RELATION TO THE COMMUNITY BAN

#### 6.1 Decline of the sealskin market from 1983

The sealskin market effectively started to collapse in 1983. The fall in demand led to a fall in prices and in commercial catches already that year, although the ban only came into force on the 1st October. The decline continued in subsequent years.

The total worldwide availability of sealskins fell from about 420,000 in 1982 to about 213,000 in 1983, decreased again sharply to 131,000 in 1984, and continued to decline until 1986 (see Table 8 in Appendix 1).

In 1986, the average prices for sealskin had generally dropped to between one half and one third of the 1982 level (see Table 9 in Appendix 1). As a result of the low price level, auctions were discontinued.

The drop in supply and in demand - the two being assumed to be in equilibrium - affected all types of sealskins. Exports of South African/Namibian fur seal skins declined from several tens of thousands to virtually none. Ecological reasons and animal-right protest, with the concomitant fall in demand and therefore in prices, induced the United States to discontinue their commercial fur seal hunt in the Pribilof Islands in 1985. The self-contained Soviet market was the only one not to be affected : catches in the White Sea maintained previous levels (Harwood 1988). The countries most severely hit were Canada and Norway - also because their production to a large extent consisted of whitecoat and blueback skins, for which the main market was abruptly closed.

Whereas whitecoats and bluebacks had accounted for about 35% of the total number of sealskins available in the period 1979-82, in the four following years they were only a minimal part of that total.

Since 1983, whitecoats have disappeared completely from the western market, following the cessation of the Canadian and Norwegian hunt.

No bluebacks were offered on the market by Canada or Norway in 1983, and only a limited quantity in 1984 and 1985. In 1986, 1987 and 1988, a few thousand were taken by Norwegians in the Jan Mayen area (see section 6.3 below). Bluebacks continued to be taken in Greenland and in the Canadian Arctic, but reliable data on numbers are not available.

The European Community remained the biggest importer of sealskins, buying about 70,000 skins out of a total of 110,000 in the mid 1980s, which represented a reduction to about 20% of the pre-ban level. The remaining important consumers are Denmark, which continues to produce coats with pelts imported principally from Greenland, and Germany, which maintains a footwear industry based on imports from Greenland and to some extent from Canada (Market & Industry Analysts 1977).

A modest increase in the world supply - of about 30,000 skins - was registered in 1987, following increased Canadian and Norwegian catches (Market & Industry Analysts 1987).

## 6.2 Commercial sealing in Canada since 1983

Commercial sealing in Canada declined rapidly from 1983. The decline of the average price of sealskins by half - from \$C24 in 1982 to \$C13 in 1983 - led to a corresponding reduction in catches. Catches declined further in 1984 and remained at low levels until 1987, when an upturn trend was

noticed (see tables 4 and 5 in Appendix 1).

Five or six large vessels with a total of about 200 sealers on board participated in the hunt in the years up to 1982, but only one vessel in 1983 and none in the following years. The large-vessel hunt was aimed principally at whitecoats and bluebacks, which represented about two thirds of the total catch.

In 1982, 124 longliners operated, with a total crew of some 630 catching about 40,000 seals. In 1983, 85 licensed vessels landed about 20,000 seals, but in 1984 there were a mere 41 vessels, which took only 4,000 seals (Royal Commission 1986).

Assessing the participation of landmen in the hunt is more difficult, since this has always been extremely variable. In fact, contrary to the general trend, the number of participant landmen - 6,500 in 1982 - seems to have increased in 1983-84.

The explanation may lie in the different nature of the hunt as practised by landmen, which not always has commercial reasons; some landmen hunt to provide themselves with seal meat or for sport-recreational purposes. The high level of unemployment in the region may also have played a role in their continued participation in the hunt (Sinclair et al. 1986).

The different categories of sealers were affected to a different degree by the decline in the market. Before the decline, landmen income from sealing was only C\$250-500 on average, while large-vessel hunters earned C\$1000-2500 per year. Longliner seal-hunters had an average annual income from sealing of C\$1000-2500 (Royal Commission 1986).

In general, sealing provided a source of income at a time when others were not available, as part of a cyclical economy combining the exploitation of different resources at different times of the year. Moreover, sealers were

concentrated in the most marginal regions of Canada - in Newfoundland, North Quebec and Nova Scotia - in peripheral communities, where the opportunities for employment are very scarce. Therefore, the local impact of the loss of revenue from sealing was greater than may appear from its absolute value (Sinclair et al. 1986). The impact on the related industries of seal- pelt processing and meat canning, which employed however in total less than 100 workers, has also to be considered. The two deblubbering plants closed in 1983 (Royal Commission 1986).

The socio-cultural effects of the decline in hunting activities have also been emphasized. Sealing is an important part of the cultural heritage of the regions concerned, especially Newfoundland, and an important integrating activity socially (see section 1.5). The ban was strongly resented by the whole community, as an attempt to deprive it of its cultural identity and heritage (Wright 1984; Sinclair et al. 1986).

On the other hand, sealing accounted for only 1% of the gross product of Newfoundland, and for even less in the other sealing regions. In 1982, the last "good" year, the net benefit from sealing was calculated to be C\$2,5 million, against a total of C\$329 billion from the production of goods and services in Canada. To the economic loss may be added the deterioration of the Canadian image, in the wake of the publicity given to the sealing controversy (Royal Commission 1986).

In its conclusions, the Royal Commission recognized that the commercial seal-pup hunt was condemned as abhorrent both abroad and in Canada, and that no economic or technical arguments could counteract that view; it recommended therefore that such hunt be prohibited and that effort be made to render the seal hunt in general as humane as possible. It also

recognized that sealers had been the victims of an unusual set of circumstances, over which they had little control, and that they deserved practical support and financial compensation.

The Commission was, however, rather sceptical about the possibility of reviving the sealing industry. Prior to the ban, Canada generated 50% of the world sealskin trade, but depended almost totally on foreign-owned processing companies and on foreign markets. Following the ban, the limited remaining European market was saturated by skins from Greenland and Norway, more competitive because they were heavily subsidized and able to take advantage of well-established commercial links. The United States market had been closed since 1972; the eastern Asian market, although still unexplored, did not appear overly promising. The only outlet would therefore be the Canadian market (Royal Commission 1986).

Two deblubbing plants started to operate again, in 1986 and 1987 respectively, in an attempt to create an indigenous processing industry. In 1987 the government also tried to revive the large-vessel hunt for the take of adult seals; this may account for the increase in Canadian catches since 1987 (Market & Industry Analysts 1987).

From 1988, however, the large-vessel offshore hunt has been prohibited, as well as any commercial hunting of whitecoats or bluebacks. Stricter regulations have been adopted; in particular, netting is being gradually phased out, except in Northern Canada (EC 1988 and 1989b; Council of Europe 1988). It may also be noted that quotas for hooded seals have been reduced drastically since 1984 (see table 5 in Appendix 1). Recently, seal tourism has been growing (Canada 1988).

Canada now appears to have complied with all the Community's requests. Indeed, ironically, the proposal for a prorogation sine die of the ban was

justified by the need to support, and keep in step with, the new developments in Canada (EC 1989b).

### 6.3 Commercial sealing in Norway since 1983

The Norwegian seal hunt is exclusively a large-vessel activity. Sealing vessels and sealers, as in the case of Canada, traditionally come from specific regions - the Tromsø and Alesund areas. Unlike their Canadian counterparts, however, these regions offer other good employment opportunities, although sealing may be a fairly important source of income in very localized areas. The number of sealers decreased by nearly 1,000 between the early 1960s and the early 1980s, but the loss was easily absorbed (Royal Commission 1986).

As in Canada, sealing in Norway was affected by the decline in the sealskin market. In 1982, 155 men in 8 vessels took part in the hunt, taking 70,000 seals in total from all three hunting grounds. In 1983, the hunt off Newfoundland was discontinued, and 72 sealers in 6 vessels took about 21,500 seals off Jan Mayen and in the White Sea. In 1984, when no commercial hunt took place off Jan Mayen either, the catch dropped to 11,000. It remained around 20,000 in 1985 and 1986, with 5-6 vessels hunting principally in the White Sea (Norway 1986). Catches there have remained fairly constant (Harwood 1988), probably because they did not comprise whitecoats (see section 1.4).

The whitecoat hunt had been discontinued at Jan Mayen, where quotas were reduced substantially both for harp and for hooded seals. Since 1987, however, quotas and catches have increased dramatically, reaching pre-1983 levels (see Tables 1 and 2 in Appendix 1). In particular, the catch of

bluebacks reached several thousand animals, despite prices still severely depressed (Market & Industry Analysts 1987).

As the market declined, sealing, which was already subsidized before the ban, became heavily so. From 1983, compensation was paid to the vessels not taking part in the hunt; payments were given to those that hunted: for every day spent in a sealing area, for each seal caught, and for seal tagging. Whereas in 1982 the subsidies amounted to 15% of the value of the catch, in 1986 they represented about 250% of that value (Norway 1986; Market & Industry Analysts 1987)

The Norwegian government shows a clear will to keep an economically unviable industry alive, for several possible reasons.

Some are economic: Norway has the world's largest and most developed sealskin industry, capable of performing all the processing operations. The government may be concerned that the death of the industry will result in an irretrievable loss of skills, were sealing to be revitalised on a large scale in the future. The capacity to harvest seals on an economically sound basis could also be important, if seal culling became necessary following repeated invasions of seals.

There may also be political reasons - the opportunity to maintain a Norwegian presence in strategically sensitive areas to counteract and monitor the Soviet presence and sealing activity (Market & Industry Analysts 1987).

There are also internal policy reasons. Fisheries in general have traditionally enjoyed in Norway a political importance disproportionate to their economic weight. In particular, the preservation of the interests of fishing communities, especially in the northern Norway, has always been an essential element in the programmes of all political parties (Hodne 1983).



The decision to increase seal catches in recent years was prompted in part by the desire to allay the fears of fishermen - the seal invasion, rightly or wrongly, was deemed responsible for reduced fish catches and for the transmission of codworm (Market & Industry Analysts 1987; Harwood 1988).

The anti-sealing movements, however, and with them the public, had not forgotten and were not ready to forgive. In 1989, a replay of the start of the Canadian anti-sealing campaign in the 1960s took place. In February 1989 (on 9 February in the United Kingdom, on Channel 4), a television film, sponsored by Greenpeace among others, was broadcast in several European countries, and showed the brutal slaughter of seal pups and mothers. It was - literally - a déjà-vu; some of the images allegedly illustrating the recent Norwegian hunt had been taken straight out of the 1960s Canadian film (Finnmark Dagblad, April 3, 1989). The film accused Norway of violating hunting regulations, and of blaming seals for the depletion of fish stocks rather than its own irresponsible policy of overfishing. This latter accusation was also the mainstay of the renewed Greenpeace anti-sealing campaign (Greenpeace undated).

The expected public outcry followed. Even the King of Sweden appealed publicly to the Norwegian Prime Minister to stop seal-pup hunting (Times, February 21, 1989). The fear of tarnishing Norway's image as an environmentally aware country, and possibly the fear of retaliation against the Norwegian fishing industry (Financial Times, February 20, 1989), induced Norway to implement a ban on whitecoat and blueback hunting for 1989. An independent international commission was set up to review the seal hunt, with particular reference to killing methods and controls. Norway also announced a five-year research programme on seals (Norway 1989).



#### 6.4 The role of the Community ban in the decline of the market

The attack on Norwegian sealing was timed to coincide with the campaign to renew the Community ban, which was due to expire in October 1989. The film itself made this connection clear. It was yet another example of the continuous interplay of action by anti-sealing movements with Community action.

The report on the development of the sealskin market which had been prepared for the European Commission (Market & Industry Analysts 1987) stated that both opponents and supporters of sealing unanimously agreed that the decline in the market was due to the anti-sealing campaign, although there was some evidence that demand would have declined anyway due to changing fashion and economic factors. Rather illogically, the report continued by saying that circles connected with sealing and the sealskin trade specifically blamed the ban for the decline, since it had given official approval to the anti-sealing lobby and induced the public to reject indiscriminately any type of sealskin. On the other hand, the recent modest upturn in the demand for sealskin footwear in Europe may have been helped by the cessation of anti-sealing propaganda which followed the introduction of the ban.

These conclusions require some comment.

Table 9 in Appendix 1 shows that the prices of sealskins imported into the Community, as well as the prices of Greenland skins, sold mainly in Community countries, had been declining since 1980. This may be taken to indicate that the anti-sealing campaign had already undermined the market. In addition, the collapse proper started in 1983, whereas the ban only came into force in October that year, and this may well be attributed to the indiscriminate response of consumers to intensive campaigning against

the seal pups hunt.

On the other hand, the ban certainly increased the negative publicity surrounding the hunt. Moreover, a further decline in the market - comparable to that registered in 1983 - occurred in 1984, and may reasonably be considered a direct consequence of the ban, whereas the subsequent decline was much more modest (see Table 8 in Appendix 1).

Furthermore, the comment in the above-mentioned report that seal furs are heavier than other furs, less suitable for current fashion requirements, and therefore would have become outmoded anyway, is probably accurate - it was confirmed by the findings of the Royal Commission (1986). However, the assertion in the report that in recent years the demand for sealskins for footwear has become relatively greater than the demand of sealskins for fur-coats, possibly because footwear is seen as less "luxurious" than furs, although it is relatively more expensive, seems rather to indicate that the demand for furs declined in fact permanently as a consequence of the social stigma attached to sealskins, whereas footwear is less "visible".

On the evidence, the Commission's repeated claim that the ban "as such" had no negative effect on the market of sealskins not covered by it (EC 1988 and 1989b), appears at the very least to be questionable.

The interpretation given by the Canadian Royal Commission can perhaps be supported as the fairest and best balanced. The Royal Commission (1986) recognized, in its final evaluation, that the ban had in fact been a mere formality, given the state of the market. A more effective ban had already been imposed by a direct appeal to the consumer in the form of a concerted and well-orchestrated anti-sealing campaign. The general shift in public attitude towards environmental awareness and the particularly attractive appearance of seal-pups, a perfect subject for media coverage, had

contributed powerfully to the success of the campaign.

However, the Community had provided a highly visible focus for the debate.

In conclusion, action by the Community had been *"one more nail in the coffin of the commercial sealing industry: it was not the first nail"* (ibidem, Vol.2, p.137).

## CHAPTER 7

### INUIT SEALING IN RELATION TO THE COMMUNITY BAN

#### 7.1 General characteristics of Inuit sealing

Aboriginal peoples, both in Greenland and in the north and western American Arctic, have been dependent on marine mammals for their subsistence for thousands of years. Until quite recently, the distribution and abundance of marine mammals determined Inuit settlement patterns. With the depletion of whale stocks in the 19th century, Inuit had to rely increasingly on seals. As the most reliable source of food, ringed seals became the basis of the Inuit subsistence economy. Besides providing meat for humans and dogs, they were used for clothing, footwear, and to make hunting tools. They were especially important during the winter, when other marine mammals are less easily available, and travelling is limited by cold and darkness, and in the spring and autumn, when ice conditions make travelling hazardous (Royal Commission 1986).

Harp and hooded seals had a less important role in the Inuit economy. Being migratory species, they tend to be found close to Inuit settlements only from May-June to September, when other wildlife is also available. Moreover, they tend to be far off-shore, and are reached less easily than ringed seals. In fact, Canadian Inuit began to hunt harp seals only between the two World Wars, when they acquired access to motor boats and rifles (Wenzel 1978).

At first, seals were hunted with harpoons. Currently, seals are taken principally by shooting - although this leads to considerable losses by sinking, especially in the summer - and by netting (Bonner 1982).

In the 1960s, with the diffusion of new tanning methods, the demand and market value of sealskins increased rapidly, and ringed seals replaced the Arctic fox as the main - in some cases the only - source of cash income for Inuit populations (Foote 1967). Skin prices fluctuated considerably in subsequent years, clearly reflecting the impact of the anti-sealing campaign, but recovered fairly rapidly (Wenzel 1985a). The drop in prices since 1982 is the largest and most persistent since 1960. Its effects were, however, different in Canada and in Greenland.

#### 7.2 Consequences of the decline of the sealskin market on Inuit sealing in Canada

From the 1950s, Canadian Inuit were relocated by the government from camps and smaller settlements to larger permanent settlements. Fast means of transportation - snowmobiles and motorboats - became necessary to allow hunters to reach hunting grounds without too prolonged an absence from home; as a consequence, there was a greatly increased need for cash income to buy this costly equipment. The only possible sources of cash were either wage labour - generally scarce and unreliable - or the harvesting of commercially valuable resources. The increased demand for sealskins in the 1960s allowed hunters to earn enough cash to purchase and maintain the necessary hunting equipment. As well as remaining the most important food item, seals became the most important saleable commodity (Wenzel 1985a, Royal Commission 1986).

Sales of skins, principally to the Hudson Bay Company, increased rapidly in step with skin price increases (Royal Commission 1986; Smith 1987). The Company's statistics are a reliable source of information on catch trends, although they include only a part of the total catch - a significant proportion of the skins are for domestic use.

Between 1961 and 1981, an average of approximately 36,000 sealskins, with a total value of C\$456,000, was sold each year in the Northwest Territories, and 2,200 skins, with a value of C\$62,000, were sold in northern Quebec. The total number of seals harvested is not known exactly : the best available estimates indicate an average total annual harvest, in the late 1970s, of about 60,000 seals in Northern Quebec and the Northwest Territories (Canada DFO 1985), and 8000-9000 in Northern Labrador. Labrador's catch differed from that of other regions in that harp seals were the main species taken, during their annual migrations (Labrador Inuit Association 1985). Of the total Canadian Arctic catch, harp seals account for less than 10%, whereas ringed seals represent about 85% of the total (Canada DFO 1985; Smith, 1987).

The number of hunters dependent completely or partly on sealing for their livelihood was estimated to be one half the adult work force of the 20,000 Inuit of Labrador, northern Quebec and Northwest Territories (Royal Commission 1986).

The Hudson Bay Company's sale records register the sharp decline both in prices and in sales of sealskins in the Northwest Territories from 1983, reflecting the decline in the market (see table 10 in Appendix 1). Similarly, in Labrador, the catch went down from 8-9,000 seals before 1983 to 4,100 in 1983 and 3,000 in 1984, the price of pelts having declined from a maximum of C\$60 to C\$4-6 (Labrador Inuit Association 1985).

The decline in the hunters' income was correspondingly very steep. The sealing revenue of Inuit hunters in Labrador declined by one third (Labrador Inuit Association 1985). In the Northwest Territories, it declined by 84% between 1981/82 and 1983/84, while the number of commercial hunters decreased by 56 % (Cournoyea 1985). Given the low prices, seal

harvesting and skin preparation were no longer worth the investment in time and equipment (Wenzel 1985b). Indeed, revenue hunting was shown to produce, in 1984, a net cash loss (Smith and Wright 1989).

Despite compensatory payments of C\$5-6 per skin sold, instituted by local and central government (Royal Commission 1986), welfare payments had to be increased to supplement the hunters' income, by up to 300% or even more in some communities (Cournoyea 1985; Pagnirtung 1985).

The existing mixed economy - based on a combination of wage employment, transfer payments, sales of local resources and the value of the subsistence use of those resources - was severely disrupted. Since cash income from the sale of sealskins became insufficient to finance the maintenance or the renewal of hunting equipment, subsistence hunting itself was also severely restricted (Wenzel 1985a; Williamson 1986).

A first, fundamental consequence has been the reduced production of subsistence food, which is leading to a change towards less healthy dietary habits. Seal meat - rich in iron and vitamins - is being replaced by less nutritious southern food - lower in protein and rich in fat and carbohydrates - but available in exchange for cash from welfare payments (Borre 1986). Seal meat cannot be replaced nutritionally, or economically. Even at present prices, subsistence hunting would be profitable, when the substitution value for seal meat is compared with prices paid in shops (Smith and Wright 1989).

Cultural consequences have also been serious. Sealing, and hunting in general, is considered by Inuit to be a spiritually rewarding activity, whereas wage labour is seen as alienating (Wenzel 1985a). Wage labour, moreover, being of an uncertain and not locally controllable nature, is perceived as increasing the community's dependence from external factors,



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whereas the harvesting of renewable resources appears to be more secure (Labrador Inuit Association 1985).

Specifically, the transmission of hunting skills, encompassing a whole set of related areas of knowledge, is endangered by reduced hunting activity (Smith and Wright 1989). On a more general level, the social and cultural values associated with seal hunting may disappear, causing a loss of identity which may eventually destroy the indigenous social fabric (Wenzel undated; Williamson 1986). In particular, the socio-economic organization associated with seal hunting - the extended family, with its emphasis on the value of sharing - is in danger of fading away (Worl 1986). It has already been noted that while seal meat continues to be shared among the Community, bought food is not (Borre 1986).

The Royal Commission (1986) recommended setting up an assistance package which, in the short term, would permit subsistence hunting, but not encourage it, given the risk of over-exploiting natural resources. It also suggested establishing a wholly indigenous seal industry, to capitalize on public sympathy for Inuit traditional activities (Market & Industry Analysts 1987). Efforts in this direction seem, however, to have been limited and not very productive so far (Malcolm Farrow, pers. comm).

### 7.3 Consequences of the decline of the sealskin market on sealing in Greenland

Subsistence seal hunting, for centuries an essential part of Greenland's economy, decreased dramatically in the 1920s and 1930s, as a result of climatic change, and prompted a general reorientation of the country's economy towards fishing. In the northern and eastern districts, however, sealing and hunting remain the main economic activity. Up to one third of

the population of about 9000 living in these districts depends on sealing and hunting for their livelihood.

Ringed seals - normally immature - make up the bulk (approximately 70%) of the total average annual catch of about 90,000 seals,

Harp seals come second in importance - catches however have been steadily increasing in recent years, from about 10,000 in 1977 to about 20,000 in 1983 (see Table 6 in Appendix 1). Since harp seals do not breed in Greenland's coastal waters, no whitecoat pups are taken, but a large proportion of the catch is composed of animals less than one year old, mainly from the Newfoundland breeding stock.

Hooded seals, principally from the Newfoundland and Davis Strait stocks, account for a small percentage (5%) of the total; here again, the catch, which includes a number of bluebacks, increased from around 2000 in the 1960s to about 6000 from the mid 1970s onwards (see Table 7 in Appendix 1) (Kapel and Petersen 1982; Market & Industry Analysts 1987; Harwood 1988).

The general level of catches in Greenland has so far been fairly constant. This may be because Greenland's hunt appears to be traditionally subsistence-based. Animals are taken for skin, meat and oil, and over one third of the skins does not enter the trade. Subsistence needs and the availability of seals - depending inter alia on hunting technology - seem to be the main governing factors of Greenland's sealing.

In this connection, reduced Newfoundland catches since 1983 might well lead to an increase in Greenland catches; a long-term relationship appears to have been identified between the catches at breeding and moulting areas and Greenland catches (Kapel 1985).

Probably more relevant is the fact that Greenland's economy has traditionally been a sheltered one. Until 1985, the Kongelige Grønlandske

Handel (KGH) purchased sealskins at guaranteed prices, a bonus on actual profits at auctions being distributed subsequently. Thus, sales by hunters were not overly influenced by price fluctuations. Average prices per pelt sold at KGH auctions declined rapidly from 1982, so much so that auctions were discontinued in 1985. However, since KGH continued to buy sealskins at guaranteed prices, the commercial availability of sealskins remained at previous levels (see Table 11 in Appendix 1). Since 1985, purchasing has been done by KTU, a new agency established under the Home Rule administration. KTU has been paying an average price of Dkr 200 per skin, well above the market price, although a range of guaranteed prices has been introduced in order to promote skin quality. The Home Rule authorities also established a tannery in an attempt to promote indigenous processing, but this enterprise seems to be viewed with scepticism by the fur industry (Market & Industry Analysts 1987).

Despite economic buffering, there are signs that the decline in the market is having an impact also on Greenland's hunters. It seems that the hunters are showing less interest in preparing the sealskins for sale, given the low returns (Kapel 1985). Although cash payments by the government have ensured a steady source of income from sealing, they have remained unchanged in recent years, which implies a loss in real terms. In addition, no extra bonuses have been paid from auction profits. The reduced cash income might ultimately lead to a decline in seal hunting, at least in full-time hunting (Market & Industry Analysts 1987).

#### 7.4 Inuit and anti-sealing attitudes

Both in Canada and in Greenland, the anti-sealing campaign and the Community ban have been perceived by Inuit as yet another attack on their culture and way of life, showing once again the lack of understanding of southern populations (Brody 1987; Mark Nuttall, pers. comm.).

The European Community and the Canadian Royal Commission both stressed, on a number of occasions, the public sympathy for traditional Inuit hunting, especially since it does not generally involve the killing of pups. They expressed the hope that this might prevent or attenuate the negative consequences of the ban for Inuit populations.

Analysis of public attitudes to Inuit sealing (Wenzel 1985a) shows, however, little evidence that this hope is being fulfilled.

Wenzel starts by emphasizing the ambiguity of the clause repeatedly used in official Community acts (see Documents 5 and 6 in Appendix 2) to justify the exclusion of Inuit products from the Community ban. Indigenous sealing is described as *"a natural and legitimate occupation"* which *"forms an important part of the traditional way of life and economy"* of Inuit populations. Inuit hunting, according to this formulation, is acceptable because it is natural and traditional; by implication, other sorts of hunting are less legitimate. The line between indigenous and commercial hunting - Wenzel shows - is very fine, and moral absolution of Inuit hunting by no means certain.

In fact, anti-sealing movements accuse Inuit of complicity - Inuit were involved at first involuntarily in commercial killing, but then agreed openly and voluntarily to continue their involvement with industrial interests, for money. Moreover, Inuit have abandoned the traditional values

and methods, in particular by agreeing to use the destructive European technology. They therefore have no right to be treated differently from commercial non-indigenous sealers. Another approach, leading to the same outcome, is that a special treatment of Inuit is an expression of racism.

There is a distinct risk that Inuit seal-hunting, and hunting in general, will become completely indefensible in the eyes of public opinion. Native spokesmen, in their submissions to the Canadian Royal Commission (Pangnirtung 1985; Curley 1985; Cournoyea 1985), pointed out that it is impossible at this stage to distinguish between traditional subsistence and commercial hunting, the latter being a way of continuing the former.

They also stressed that they hunt in an ecologically sound manner, and expressed bitterness at being opposed by the people who should be their natural allies - ecologists.

More specifically, Labrador Inuit complained that the threat of anti-sealing action induced the Canadian government to adopt uniform sealing regulations for the whole of Canada, intended mainly to protect the interests of Newfoundland and foreign commercial operators, and the Canadian image abroad, without taking into account the realities of Inuit hunting (Labrador Inuit Association 1985).

This complex of grievances led in 1984 to a conference of the leaders of the 27 indigenous nations of Canada, Alaska and Greenland, and the creation of Indigenous Survival Internationale (ISI). The mandate was to "take all reasonable affirmative action towards protecting indigenous harvesting rights and maintaining the international market in native products".

The association has accused anti-hunting initiatives of neocolonialism, the destruction of Inuit culture and violation of the Inuit right to self-determination (Indigenous Survival Internationale 1985).

## 7.5 Inuit and the European Community

It is clear that the European Community ban only exacerbated a wide and deep conflict between northern aboriginal interests and attitudes and southern ones. The aboriginals' resentment appears to have been directed towards the animal-rights and conservation movements, rather than towards the Community, which was admittedly a less visible target.

With reference to Community action, it may be more relevant to note that the exclusion of Inuit products from the ban, an exclusion designed to safeguard indigenous interests, did not achieve its aim.

The Community was clearly aware, from the beginning, of the disruptive potential of anti-sealing action for aboriginal populations, although its concern was mainly for Greenlanders, then full members of the Community.

As early as 1982, while analysing the consequences for Greenland's economy of membership in the European Community, the European Parliament had noted that the campaign against seal hunting could jeopardize the livelihood of Greenland's hunters. It had recognized that avoiding negative consequences would be difficult, and warned that, if Greenland seceded from the Community, its hunters were sure to be the first victims of any anti-sealing action (EC 1982a).

The Commission had repeated the warning when submitting its first proposal for a ban (see section 3.3).

When the negative consequences of the collapse of the market became apparent also in respect of Inuit seal products, the Community repeatedly argued that the Inuit would ultimately benefit from the ban (EC 1983a, 1983b, 1985, 1988, 1989b). The European public, the argument went, would

buy seal products again when assured that those products reaching the market were not made of the skins of seal pups. The modest upturn in demand in the last few years (see section 6.1) was immediately invoked as a reason for making the ban permanent with the minimum discussion, in order not to jeopardize the incipient recovery of the sealskin market in Europe (see section 4.4).

This recovery, however, benefits mainly Greenland, which in practice has monopolized the European market. No thought seems to have been spared for Canadian Inuit. But, once again, they have hardly ever been given serious consideration. It may perhaps be wondered whether active government intervention, as in Greenland, could not have offset to a greater extent the negative consequences of the decline in the market. It may also be argued that the Community's action simply accelerated a process which would have occurred anyway, and which encompasses the whole of the Inuit traditional lifestyle. But it is difficult not to be moved by the passionate testimonies of Canadian native spokesmen.



## CHAPTER 8

### CONCLUSIONS

#### 8.1 Du côté de chez la Communauté

The communication transmitted by the European Commission to the Council immediately before the Council adopted the ban (EC 1983a) is curiously haphazard, but probably also the most honest reflection of the Community's thinking on the sealing issue.

The Commission summarized the combination of elements which motivated public revulsion to the pup-seal hunt : the hunt was "*the slaughter of (1) defenseless, newborn, (2) wild animals (3) on a massive scale (4) under not sufficiently controllable circumstances, (5) with clubs and hakapiks, that can be misused, (6) bleeding and pelting on the ice (7) in many cases in the presence of the mother (8) for trivial, luxury purposes*" (ibidem, p.1).

It then set out the terms of the fundamental moral question : the moral status of sealing depended on its economic and sociological benefits to man, compared with the cost to seals. It did not, however, attempt an evaluation on this basis.

Such factual elements as the communication provided were simply related to the basic fact of public protest. The Commission noted that subsistence sealing did not attract such widespread opposition as commercial sealing, which was the source of luxury items. It admitted that, although effective monitoring was difficult, the prescribed killing practices were at least as humane as the methods used in slaughter-houses; but it refused to be part of an international panel of experts on killing methods, as proposed by Canada, because this would have implied acceptance of the hunt as such. It admitted that data on the conservation status of seals were not



conclusive, but stated that any initiative intended to preserve or to improve the management of seal populations, short of a cessation of the hunt, would have been pointless, since it would not placate public opinion (EC 1983a).

There was obviously a clear awareness that any cost-benefit analysis of sealing based on a consideration of economic, social and ecological factors would not only have been difficult, but also futile. A decisive element - the heavy cost, in terms of popularity and credibility for the European institutions, of not taking action when public opinion requested it so vociferously - had tilted the balance from the beginning, but this could not be stated or taken into account openly.

The emphasis on conservation as the main reason for the ban, although essentially a device to obtain political agreement in the Council (see section 3.4), was an honourable way out of the moral dilemma, resting on the allegedly neutral authority of scientific knowledge. Concern was at least legitimate at the time the ban was decided, and later analysis confirmed that concern was justified on the whole (see Chapter 5).

Moreover, internal Community interests were not affected to a great extent. Although the Community was the main market for sealskins, the fur industry, as its early acceptance of voluntary bans shows (see section 2.2), was already alert to a changing demand and ready to adapt.

The interests of Greenland hunters, on the other hand, appeared to be officially safeguarded by the exclusion from the ban of products from Inuit hunting (see section 3.4).

The Community was aware that its relations with Canada and Norway were bound to be strained for a while. It was also probably aware, however, of the importance for both countries of avoiding strong international

condemnation, and of the fact that sealing was a localized, seasonal activity, with no more than marginal economic importance in the economies of Canada and Norway (see sections 6.2 and 6.3).

The adoption of the ban may be seen as a ruthless exercise in realpolitik, allowing the Community to achieve maximum popularity at minimum cost.

Conversely, it may be seen as an exercise in democracy : after all, the Community seemed genuinely to be interpreting the feelings and wishes of the majority of its citizens. However, the essentially non-democratic character of the Community's decision-making machinery meant that it was able to be ambiguous about the motivation for the ban, extensive public discussion did not take place, and the consequences were probably not adequately assessed.

#### 8.2 Du côté de chez les autres

The ban aimed at limiting the market for pup seal-skins, in order to achieve the reduction and possibly the abolition of the commercial seal-pup hunt; the official reason was stated to be conservation.

The seal-pup hunt has been permanently abolished in Canada, and will probably be in Norway, where a ban is in force for 1989. If limiting the mortality of seal-pups was not the most efficient way to improve the status of the population, the reduction in catches appears to have had positive effects at least on the Northwest Atlantic seal stock. Recent studies have shown, moreover, that threats to the species were well founded, at least in part, and that the issue of conservation is a complex one, to be approached with the utmost caution (see Chapter 5). Action by the Community, in this light, may thus be deemed positive or at least defensible.

From 1983, the sealskin market was collapsing. The collapse affected all kinds of sealskins, not only those covered by the ban. Whether such a severe decline as the one recorded (see section 6.1) would have occurred in the absence of the ban, and simply as a result of the anti-sealing campaign, is debatable. If the campaign spurred the Commission to action, the Community provided the campaign with a focus and with official sanction (see Chapter 3 and section 6.4).

The general economic consequences of the decline in commercial sealing, although they may have been severe locally, proved on the whole to be manageable for the relatively rich economies of both Canada and Norway.

The Canadian Royal Commission (1986) absolved the Community in substance, recognizing in particular that it was impossible to resist public emotion. Canada seems to be adjusting to the reduced importance of sealing (see section 6.2).

Norway has put up a stronger resistance, probably more for political than for economic reasons. However, recent events show that Norway's determination to maintain an active seal hunt may have put her in a position that will soon become untenable (see section 6.3).

It may therefore be argued that the European Community, in adopting the ban, merely aided and hastened a process already under way, one which would have led anyway to a decline in the market.

The plight of the Inuit is the one element which mars the picture. Greenland hunters, thanks to active governmental intervention, were spared the brunt of the collapse of the market; the collapse was, however, a heavy blow to Canadian Inuit, who were very dependent economically on hunting.

In general, moreover, northern aboriginal peoples, struggling to maintain

their identity in the face of strong and pervasive southern influence, were bound to resent bitterly any intrusion which affected their way of life (see Chapter 7).

These consequences were clearly unintended, although in part anticipated. But, equally clearly, they were never given proper consideration. On the whole, the decision-makers were glad to take refuge in their ecological consciousness.

Significantly, the Community appears to have tried consistently to shirk its responsibility for the destruction of the Canadian Inuit sealskin market, by ignoring, diminishing or denying such destruction, only taking into account the situation of Greenland (see Chapters 3, 4, 7).

### 8.3 Future prospects

A new issue, which has striking similarities with the baby-seal issue, looms on the horizon. Herscovici (1987) had noted that the anti-sealing campaign - appealing to strong emotions, yet not threatening very important economic interests - was a convenient trial run for extreme animal-rights movements, and predicted that trapping would be the next target.

A campaign against fur animal trapping is being waged in several European countries, particularly Britain (Sander 1988), and follows closely the pattern of the sealing campaign. In 1988, the European Parliament adopted a resolution on leghold traps, widely used in Canada, the United States and the Soviet Union, inviting the Commission inter alia to introduce special labelling for products from animals caught by such traps (EC 1989a).

The response of the public to such action by the Community, which will reinforce the animal-rights campaign, is likely to result in the collapse of the fur market.

The moral issue appears to be more straightforward than it was in the case of sealing. On the one side, undoubtedly prolonged suffering may be inflicted on animals caught in traps (Thomas Smith, pers. comm.); on the other side, the economic consequences would hit, directly and most forcefully, northern aboriginal hunters and trappers, more numerous than sealers and just as dependent, economically and culturally, on their traditional activities (Brody 1987). No white seal butchers or international capital here - it has been noted (Sander 1988) - to confuse the issue..

An encouraging feature of the Parliament's resolution, in this context, is the repeated concern shown for aboriginal interests. Cooperation with the indigenous organizations is recommended in order to avoid negative consequences of possible Community action (EC 1989a).

This may be the fruit of the lesson learned from the baby-seal experience. It may also be the result of more intense external pressures - the economic interests involved are far greater than in the case of sealing ...

But this is another story.

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Table 1 Allocation and catches for harp seals at Jan Mayen to the nearest 100, 1971-1988.  
Sources: ICES, 1987; Harwood, 1988; ICES CM 1988 and Joint Norwegian Soviet Fishery Commission 1988 (by courtesy of Greenpeace, EEC Unit).

YEAR	ALLOCATION	CATCH		NORWEGIAN CATCH	
		PUPS*	TOTAL	PUPS*	TOTAL
1971	15,000	11,100	11,100	11,100	11,100
1972	15,000	15,100	15,200	15,100	15,200
1973	15,000	11,900	11,900	11,900	11,900
1974	15,000	14,600	14,700	14,600	14,700
1975	15,900	4,000	5,100	3,700	4,800
1976	16,500	7,300	12,600	7,000	12,300
1977	17,000	15,300	17,100	13,300	14,800
1978	17,000	16,400	16,500	14,400	14,500
1979	18,500	14,400	15,300	11,900	12,800
1980	25,000	5,300	13,500	2,300	10,000
1981	25,000	12,600	15,500	8,900	11,800
1982	25,000	8,600	11,900	6,600	9,700
1983	18,500	5,000	7,600	700	3,300
1984	11,500	200	2,000	200	2,000
1985	11,000	0	600	0	600
1986	12,000	4,500	4,800	0	0
1987	25,000	8,000	14,700	8,000	11,500
1988		10,100	15,700	3,000	8,200

(plus 1,400 skins  
lost in sunk vessel)

\* Pups: less than one year old - does not necessarily mean whitecoats, although whitecoats represented a great proportion of the catch, at least before 1983.

N.B. No Soviet sealing in 1971-74 and in 1984.

-77-

Table 2 Allocation and catches for hooded seals at Jan Mayen, to the nearest 100, 1971-1988.  
Sources: ICES, 1987; Harwood, 1988; ICES C.N. 1988 and Joint Norwegian-Soviet Fishery Commission (by courtesy of Greenpeace, EEC Unit)

YEAR	ALLOCATION	CATCH		NORWEGIAN CATCH	
		PUPS*	TOTAL	PUPS*	TOTAL
1971	30,000	19,600	30,200	19,600	30,200
1972	30,000	16,100	20,200	16,100	20,200
1973	30,000	22,500	26,400	22,500	26,400
1974	30,000	16,600	26,400	16,600	26,400
1975	31,800	18,900	27,200	18,300	26,000
1976	39,500	4,800	7,300	4,600	6,900
1977	46,000	14,200	18,800	11,600	15,400
1978	42,500	16,400	19,000	13,900	16,000
1979	35,120	18,200	23,500	16,100	20,300
1980	20,000	9,400	11,200	8,400	9,800
1981	20,000	10,700	12,100	10,600	11,700
1982	20,000	12,600	15,800	11,100	13,500
1983	20,000	400	600	-	100
1984	11,800	100	600	100	600
1985	11,300	1,900	2,200	300	300
1986	9,300	3,800	4,800	2,700	2,900
1987	20,000	9,100	11,100	6,200	7,800
1988		6,000	7,700	3,800	4,200

(plus 1500 skins,  
1,000 pups, lost in  
sunk vessel)

\* Pups: less than one year old (bluebacks)  
N.B. No Soviet sealing in 1971-74 and in 1984

Table 3 Allocations and catches of harp seals in the White Sea, to the nearest 100, 1975-1988.  
Sources: Harwood, 1988; ICES, 1988 and Joint Norwegian-Soviet Fishery Commission, 1988,  
(by Courtesy of Greenpeace, EEC Unit).

YEAR	ALLOCATION		CATCH	
	USSR	NORWAY	NORWAY	TOTAL
1975	30,000	14,000	11,000	40,500
1976	30,000	14,000	13,100	42,700
1977	35,000	14,000	6,200	41,700
1978	34,000	16,000	4,800	36,300
1979	34,000	16,000	15,600	51,700 <sup>a</sup>
1980	34,000	16,000	18,500	55,000 <sup>b</sup>
1981	45,000	17,500	17,500	63,100 <sup>c</sup>
1982	60,000	17,500	17,500	76,000
1983	64,000	18,000	18,100	83,100
1984	65,000	18,000	8,900	74,000
1985	61,000	19,000	19,000	80,000
1986	61,000	19,000	19,000	80,100
1987	61,000	19,000	19,000	64,800 <sup>d</sup>
1988			16,600	71,000 <sup>e</sup>

a Includes 2,000 hides from seals caught in fishing nets in Norwegian waters, and 1,100 from seals caught in nets along the Murman coast. The total number of seals caught in this way was estimated to be 7-11,000.

b Includes hides of 3,000 seals drowned in nets in Varanger.

c Does not include 2,000 seals drowned in nets in eastern Finnmark and 250-300 seals killed by a Norwegian sealer, but lost because they drifted inside Soviet territorial waters.

d Includes 1,420 animals taken for scientific purposes by USSR. Does not include 60,000 animals drowned in fishing nets in southern Norway.

e Does not include 21,637 seals drowned in fishing nets in northern Norway.

Table 4 Quotas and catches for harp seals off Newfoundland and in the Gulf, to the nearest 100, 1971-1988. Sources: NERC 1985; Levigne and Kovacs 1988; Harwood 1988.

YEAR	QUOTA	WHITECOATS	TOTAL
1971	245,000		231,000
1972	150,000		129,900
1973	150,000		123,800
1974	150,000		147,600
1975	150,000		174,400
1976	127,000		165,000
1977	160,000		155,100
1978	170,000		161,700
1979	170,000	120,000	160,500
1980	170,000	103,000	172,000
1981	168,200	153,000	200,200
1982	175,000	114,000	166,700
1983	175,000	-	57,900
1984	175,000	-	30,900
1985	175,000	-	18,200
1986	175,000	-	26,000
1987	175,000	-	42,600
1988	175,000	-	79,100

N.B. Quotas included an allocation of 30,000 for the landmen hunt until 1976. Since 1977, a separate allocation varying between 10,000 and 13,000 is fixed each year.

Table 5 Allocations and total catches of hooded seals off Newfoundland 1974-1988, to the nearest 100.  
Sources: Harwood, 1988.

YEAR	ALLOCATION	CATCH	
		PUPS*	TOTAL
1974	15,000	6,100	10,000
1975	15,000	7,600	15,600
1976	15,000	6,500	12,400
1977	15,000	9,000	12,100
1978	15,000	8,000	10,500
1979	15,000	11,300	15,100
1980	15,000	11,200	13,100
1981	15,000	10,700	13,700
1982	15,000	7,800	10,400
1983	12,000	-	100
1984	2,340	200	400
1985	2,340	400	800
1986	2,340	0	0
1987	2,340	-	1,700
1988	2,340	-	1,100(provisional)

\* Pups: less than one-year old (bluebacks).

Table 6 Catches of harp seals in Greenland to the nearest 100, 1971-1984. Source: Kapel 1985.

Year	Catches
1971	5,600
1972	6,000
1973	9,300
1974	7,200
1975	6,100
1976	8,100
1977	10,000
1978	11,000
1979	13,000
1980	12,600
1981	14,100
1982	17,600
1983	19,200
1984	18,600 (provisional)

Table 7 Catches of hooded seals in Greenland, exclusive of scientific catches, to the nearest 100, 1971-1985. Source: Harwood, 1988.

Year	Catches
1971	2,400
1972	4,200
1973	3,300
1974	4,000
1975	4,800
1976	5,000
1977	6,000
1978	6,400
1979	5,900
1980	6,400
1981	6,200
1982	6,400
1983	5,500
1984	4,700
1985	6,900



Table 8

## Worldwide Availability of Sealskins, 1979-1987

	1979	1980	1981	1982	1983	1984	1985	1986	1987
Total	409,302	412,322	445,080	418,657	212,812	131,375	111,919	103,603*	134,507*
of which from:									
Greenland (a)	82,543	63,373	55,593	54,945	47,820	52,492	50,526	50,000*	50,000*
Canada									
- Atlantic	179,028	192,415	213,848	182,336	56,925	33,337	21,476	25,714	42,269
- Arctic (b)	29,352	30,860	42,120	24,512	14,837	7,684	5,419	4,000*	4,000*
Norway (c)	46,494	34,826	40,986	40,611	21,493	11,436	19,902	21,929	38,238

(a) Commercial sales to KGH/KTU

(b) Commercial sales to Hudson's Bay

(c) Excluding Norwegian catch in Canada prior to 1983

\* Estimate

Sources: Royal Greenland Trade Department; Fisheries and Oceans Canada; Hudson's Bay Company; Directorate of Fisheries Norway; Eurostat.

From: Market & Industry Analysts 1987, Table 1, p. 11.

Table 9

## Sealskin Price Trends: Average Price Per Skin, 1979-1986

	1979	1980	1981	1982	1983	1984	1985	1986
First hand value of Norwegian catch (raw skins excluding blubber) Nkr.	150.9	145.4	143.5	155.8	74.0	75.1	38.8	60.1
Purchases by Hudson's Bay in Canadian Arctic (raw skins cleaned and dried) C\$	14.16	19.05	21.13	19.42	14.86	9.95	10.05	n.a.
Extra EC imports into the EC (raw skins) ECU	-	27.8	23.1	21.1	17.1	11.4	5.8	6.0
KGH Auctions (raw ring seal skins) Dkr	131	159	114	88	56	36	-	-
Canadian Atlantic coast purchases by processors (raw skins with blubber) C\$	22.2	29.6	25.4	25.4	12.4	11.5	n.a.	n.a.

Sources: MIA calculations based on Fisheries Directorate Norway; Hudson's Bay Company; Eurostat;  
Royal Greenland Trade Department; Fisheries and Oceans Canada.

From: Market & Industry Analysts 1987, Table 2, p. 12.

Table 10

Commercial sales of sealskins to the Hudson Bay Company and average price per skin paid by the Company in the Northwest Territories, 1980-1987.

	1980	1981	1982	1983	1984	1985	1986	1987
No of skins	30,860	42,120	24,512	14,837	7,684	5,419	4,000*	4,000*
Price C\$	19,05	21,13	19,42	14,86	9,95	10,05	n.a.	n.a.

Source: Market and Industry Analysts 1987.

Table 11

Commercial sales of sealskins to KGH and KTU and average price per skin paid at KGH auctions 1980-1987.

	1980	1981	1982	1983	1984	1985	1986	1987
No of skins	63,373	55,593	54,945	47,820	52,492	50,526	50,000*	50,000*
Price Dkr	159	114	88	56	36	-	-	-

Source: Market and Industry Analysts 1987.

\* Estimate

## MOTION FOR A RESOLUTION (Doc. 1-106/80)

tabled by Mr JOHNSON, Mr SIMPSON, Mrs WEBER, Mr PRICE, Mr PRAG,  
Mr NEWTON DUNN, Miss ROBERTS, Miss HOOPER, Miss FORSTER, Mr SPICER,  
Mr MARSHALL and Mr COLLINS

pursuant to Rule 25 of the Rules of Procedure on Community trade in  
seal products and in particular in products deriving from the  
'whitecoat' pups of harp and hooded seals (*pagophilus groenlandicus*  
and *cystophora cristata*)

The European Parliament,

- having regard to the Treaty establishing the European Economic Community and in particular to Articles 100 and following relating to the trade and commerce of the Community,
- having regard also to the decisions of the Council establishing the Community programmes of environment and consumer protection,
- considering that large numbers of harp and hooded seals (*pagophilus groenlandicus* and *cystophora cristata*) which inhabit the drifting pack ice of the North Atlantic, from Baffin Bay in the west to the White Sea in the east, are harvested each year,
- considering that all harp and hooded seal products in international trade come from Canada, Norway or Greenland,
- considering that for 1977 the figures are as follows:

Skins taken by	<u>Canada</u>	<u>Norway</u>	<u>Greenland</u>	<u>Total</u>
Harp seals	118,706	56,682	2,804	178,192
Hooded seals	6,063	21,438	3,066	30,567
				<u>208,759</u>

- considering the methods used (e.g. clubbing) in the harvesting of these seals and the fact that substantial numbers of whitecoats (i.e. a harp seal, less than 10 days old which has still not lost the soft white fur it was born with) and bluebacks (i.e. a newborn hooded seal with blue 'fast' fur) are involved,
- considering that the Member States of the Community are major consumers of seal products, such as coats, shoes and bags, mocassins, belts, wallets and novelty items e.g. key cases, purses, seal dolls and cigar cases,

- considering that the trade in seal products is carried out by companies based within the Community and in particular in the U.K., Denmark, France and Germany,

calls upon the Commission

1. To propose measures designed to regulate international trade in seal products and to prohibit entry into the Community of:
  - (a) any products coming from seals which have not been humanely killed
  - (b) any products coming from seal species whose stocks are recognized as being imperilled;
2. To propose a total ban on all imports into the Community of products from 'whitecoat' or 'blueback' seals; and on all intra-Community trade in such products;
3. To negotiate with other countries involved in the trade in such products, in particular with Norway and Canada, with a view to achieving international action along the lines suggested in this resolution.

## RESOLUTION

Document 2

on Community trade in seal products and in particular in products deriving from the whitecoat pups of harp and hooded seals (*Pagophilus groenlandicus* and *Cystophora cristata*)

*The European Parliament,*

- having regard to the motion for a resolution tabled by Mr Johnson and others on Community trade in seal products and in particular products deriving from the whitecoat pups of harp and hooded seals (Doc. 1-106/80);
  - having regard to Petitions Nos 8/80 and 13/81 on the protection of seals (PE 64.079 and PE 73.613);
  - whereas the annual slaughter of newborn seals, in particular young hooded and harp seals, never fails to arouse deep public outrage;
  - having regard to the reports prepared for the Commission on Seals by the International Council for the Exploration of the Sea and by the Nature Conservancy Council;
  - whereas experts have established on several occasions that this slaughter is carried out in a manner which is degrading to both humans and animals;
  - recognizing the necessity of maintaining an ecological balance;
  - whereas there is admittedly uncertainty in scientific circles about the extent of the decline of all seal stocks, which is why conservative figures are given in the explanatory statement, but whereas it can be stated that all species are definitely endangered to a certain extent, whether this concerns the species as a whole or one or more individual colonies,
  - whereas certain species of seal, in particular the monk seal, are now at the point of extinction,
  - whereas these adverse effects are caused not by the traditional hunting practices of the indigenous population in the Arctic regions but chiefly by commercial sealing by a number of industrialized countries,
  - whereas the Greenlanders have never hunted newborn seals, but only beaters or adult animals,
  - whereas in addition to sealing, pollution of the marine environment plays an important role in endangering seals and many other sea creatures,
  - whereas in the processed state seal skins and seal products give little or no indication as to the species of seal from which they were derived, with the result that a selective trade ban is extremely difficult to administer,
  - whereas, in view of the above, supervision of the trade in skins and products derived from all species of seal is desirable, while in some cases a trade ban is called for,
  - having regard to the second report of the Committee on the Environment, Public Health and Consumer Protection (Doc. 1-984/81);
1. Requests the Commission, following the example of the United States, the Netherlands and Italy and taking into account the action of retail traders in France, to introduce, by means of a regulation, a ban on Community imports of all skins and products derived from young hooded and harp seals and on these and other products coming from seals whose stocks are depleted, threatened or endangered;

2. In this context, requests the Commission to press the Canadian authorities urgently to intensify research and to implement measures for ensuring more humane and acceptable ways of carrying out the annual cull of seals;
3. Requests the Commission to propose legislation to ensure that all seal products imported into the Community are clearly marked as made of or derived from seal skin, indicating the type of seal and where the seal was killed;
4. Requests the Commission to introduce, by means of this Regulation, arrangements governing intra-Community trade in the skins and products derived from young hooded and harp seals which safeguard existing stocks;
5. Requests the Commission to take initiatives at the next conference of the contracting parties to bring about the inclusion of all earless seals (Phocidae) in Annex II of the Washington Convention, pursuant to Article II (2) (b) of that Convention, in so far as they do not appear in Annex I, thus making it possible to supervise to a certain extent the trade in the products of earless seals (Phocidae);
6. Requests the Commission to bring forward proposals in due time to include all species of seal in Annex C of the Council Regulation (currently before the Council for approval implementing the Washington Convention in the EEC so as to ensure the surveillance of imports and exports;
7. Requests the Commission to devise special measures for the monk seal, which inhabits the Mediterranean, for example by promoting the establishment of special reserves to prevent the extinction of this species, the numbers of which at present stand at only about 650;
8. Calls on the governments of Algeria and Morocco to give legal protection to the Mediterranean monk seal and the governments of Greece, Turkey, Italy and Yugoslavia to implement existing legislation giving protection to the Mediterranean monk seal;
9. Requests the Commission, forthwith, particularly in the light of the serious danger of the extinction of the remaining Greek monk seals, as a result of the recent threat by Greek fishermen to shoot a number of these animals, to:
  - (a) consult with the Greek government in order to prevent the unnecessary killing of Greek monk seals,
  - (b) ensure that reserves are established as soon as possible in Greece, Italy and France, and thereby to protect the species and guarantee the management of these reserves,
  - (c) provide financial aid for conservation measures, including possible compensation for fishermen who suffer losses caused by monk seals,
  - (d) investigate whether the setting up of a seal 'nursery' offers scope for the conservation of the species, and, if so, to enable such a nursery to be set up;
10. Requests the Commission to ensure that all the protective measures on endangered species of seal take into account the interests of indigenous populations, in particular in the Arctic regions, by permitting, where necessary, the limited and controlled hunting of or trade in endangered species;
11. Requests the Commission to continue and extend its activities to protect the marine environment in accordance with Parliament's resolution of 20 November 1981 on the state of the Community environment <sup>(1)</sup>;
12. Instructs its President to forward this resolution and the report of its committee to the Council and Commission.

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<sup>(1)</sup> OJ No C 327, 14. 12. 1981, p. 83; Alber report (Doc. 1-276/81).

## RESOLUTION

on the Commission's failure to implement Parliament's resolution of 11 March 1982 (baby seals)

*The European Parliament,*

- A. recalling its resolution of 11 March 1982 (1), adopted by a majority of 160 votes to 10, which requested the Commission, following the example of the United States, the Netherlands and Italy and taking into account the action of retail traders in France, to introduce, by means of a regulation, a ban on Community imports of all skins and products derived from young hooded and harp seals and on these and other products coming from seals whose stocks are depleted, threatened or endangered,
  - B. recalling that the resolution of 11 March 1982 also requested the Commission to bring forward proposals to include all species of seal in Annex C of the Council Regulation implementing the Washington Convention on International Trade in Endangered Species (CITES),
  - C. recalling that the Commission informed the Parliament on 19 April 1982 that it had asked the Nature Conservancy Council in the United Kingdom to examine the latest available scientific data relating to the status of the hooded and harp seal,
  - D. noting that the European Environment Bureau at an Extraordinary Assembly held in Luxembourg on 28 April 1982 called upon the Commission to come forward rapidly with the proposals requested by the Parliament,
  - E. noting that the Nature Conservancy Council, after consulting a group of international experts, advised the Commission in May 1982, 'to take all action within its competence to reduce the level of exploitation of the hooded and harp seal species and to ensure the future security of these populations' and in particular recommended a ban on trade,
  - F. noting that a Gallup poll carried out in May 1982 showed that over 60 % of Canadians are opposed to the seal hunt,
  - G. noting that over 300 members of the House of Commons in the United Kingdom have signed Early Day Motions calling for action in response to the European Parliament's resolution and that similar concern has been expressed in the legislatures of other Member States and in the United States where no less than 51 Senators and 105 Congressmen have sent telegrams to the President of the Commission and the President of the Council urging 'secure, swift and complete implementation of all points of Parliament's resolution' as a necessary complement to measures already taken in the United States,
  - H. noting further that the question of the follow-up to the Parliament's resolution of 11 March was on the agenda of the Environment Council held on 24 June 1982 in Luxembourg and that the Council agreed to support Community action for the protection of seals,
  - I. noting finally the inadequate response given by the Commission on 6 July 1982 to Oral Question No H 77/82 which asked the Commission to indicate the precise timetable for the presentation of the draft Regulation to the Parliament and Council, bearing in mind the need for the Council to be able to adopt this Regulation in time for it to be put into effect before next year's 'seal hunt'
1. Deplores the continued failure of the Commission to propose the draft Regulations requested by Parliament;
  2. Requests the Commission to send the necessary proposals for Regulations to the Parliament and the Council before the next part-session and to report to Parliament at succeeding part-sessions on progress made towards their adoption;
  3. Reminds both the Commission and Council that the action outlined in Parliament's resolution also relates to seal stocks off the shores of the Community and believes it would be hypocritical if action were taken in relation to third countries while ignoring the Community's own responsibility;
  4. Instructs its President to forward this resolution to the Commission and the Council.

(1) OJ No C 87, 5. 4. 1982, p. 87; May-Weggen report Doc. I-984/81.



**Proposal for a Council Regulation on rules for a prohibition to import skins of certain sealpups and products derived therefrom into the Community**

*(Submitted by the Commission to the Council on 20 October 1982)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas several Member States have taken or are, in view of the increasing public demand for such a measure, considering steps towards a prohibition of imports of or trade in skins of sealpups and products derived therefrom;

Whereas measures in restriction of international trade must be taken at Community level;

Whereas it is appropriate therefore to prohibit import into the Community of the skins of whitecoat pups of harp seals and of pups of hooded seals as well as of certain products derived therefrom;

Whereas to make the application of this measure effective, a common list of the products concerned must be drawn up;

Whereas it is necessary to provide for exemption from the import prohibition in specific cases,

HAS ADOPTED THIS REGULATION:

*Article 1*

Import into the Community of the products listed in the Annex is hereby prohibited.

*Article 2*

Article 1 shall not apply

- (a) where products are brought into the Community and placed under either a customs transit procedure or a temporary storage procedure;
- (b) where the products listed under number 2 in the Annex accompany travellers or are contained in their personal luggage or where they form part of the personal effects of individuals settling in the Community, provided that the quantity, kind, quality or any other circumstances prove that the products are not being imported for commercial purposes.

*Article 3*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*. It shall apply with effect from 1 March 1983.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

ANNEX

No	CCT heading No	Description
1	ex 43.01 ex 43.02	Raw furskins and furskins, tanned or dressed, including furskins assembled in plates, crosses, tanned or dressed of whitecoat pups of harp seals and of pups of hooded seals (bluebacks)
2	ex 43.03	Articles of the furskins referred to in 1

## COUNCIL

## RESOLUTION

of the Council and of the representatives of the Governments of the Member States of the European Communities, meeting within the Council, of 5 January 1983 with regard to seal pups

THE COUNCIL OF THE EUROPEAN COMMUNITIES AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COMMUNITIES, MEETING WITHIN THE COUNCIL,

Considering the European Parliament resolution on Community trade in seal products, and in particular in products derived from the pups of harp and hooded seals; whereas this resolution reflected concern over the way harp and hooded seal pups are killed in certain third countries;

Whereas in certain areas of the world the exploitation of seals and of other species, depending upon their capacity to withstand such exploitation and with due respect for the balance of nature, is a natural and legitimate occupation and forms an important part of the traditional way of life and economy;

Whereas in certain Member States voluntary or statutory measures already exist to restrict the importation or marketing of the skins of whitecoat pups of harp seals and of pups of hooded seals (blue-backs); whereas one Member State already requires the marking of all seal products; whereas such measures must comply with the relevant provisions of the Treaty establishing the European Economic Community;

Whereas there is scientific uncertainty over the population size of the hooded seal and the capacity of that species to withstand exploitation at current levels,

## CALL UPON

the Commission, in collaboration with the authorities of the countries concerned, to examine further the methods, circumstances, scientific aspects (threat of extinction of species and environmental balance), possibilities of identification by marking, and consequences of the killing of pups of harp and hooded seals, taking into consideration, among other

things, the conclusions reached by the International Council for the Exploration of the Sea (ICES);

the Commission to pursue exploratory talks with the countries concerned in order to evaluate the possibilities inherent in the proposals put forward by Canada;

the Commission to report back as a matter of urgency so that the Council may review these issues by 1 March 1983;

the Commission to consider the possibility of proposing, in the light of the results of such examinations, and an evaluation of the national measures taken in accordance with point 11, the additional action to be taken at Community level on the basis of the relevant provisions of the Treaty;

## THE COUNCIL UNDERTAKES

to examine the Commission's communications and proposals on the subject, notably the proposal for a Regulation on an import ban already submitted, and to adopt not later than 1 March 1983, as part of its review, all appropriate measures on the basis of all the necessary background information, while fulfilling the Community's obligations, in particular, in the field of international trade;

## THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES UNDERTAKE

to pursue, where they are Parties of the Washington Convention on International Trade in Endangered Species of Wild Flora and Fauna, whatever initiatives might be necessary for the conservation of the harp and hooded seal species;

pending any decision about action at Community level, to take all measures necessary and possible within the limits of their national competence to prevent the importation into their territory of the products listed in the Annex to this resolution.

## ANNEX

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

## COUNCIL DIRECTIVE

of 28 March 1983

concerning the importation into Member States of skins of certain seal pups and products derived therefrom

(83/129/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

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

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

Whereas various studies have raised doubts concerning the population status of the harp and hooded seals and especially as to the effect of non-traditional hunting on the conservation and population status of hooded seals;

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

Whereas further investigation into the scientific aspects and consequences of the culling of pups of harp and hooded seals is desirable; whereas, pending the results of such investigation, temporary measures in accordance with the resolution of the Council and

of the representatives of the Governments of the Member States of 5 January 1983 <sup>(3)</sup> should be taken or maintained;

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

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

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

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

2. Member States shall forthwith inform the Commission of such measures.

*Article 2*

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

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 28 March 1983.

*For the Council*

*The President*

J. ERTL

<sup>(1)</sup> OJ No C 334, 20. 12. 1982, p. 132.

<sup>(2)</sup> OJ No C 346, 31. 12. 1982, p. 1.

<sup>(3)</sup> OJ No C 14, 18. 1. 1983, p. 1.

# ANNEX

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

## RESOLUTION

on Community trade in seal products and in particular products deriving from the white-coat pups of harp and hooded seals (*Pagophilus groenlandicus* and *Cystophora cristata*)

*The European Parliament,*

- having regard to the motion for a resolution by Mrs Castle and others on Community trade in seal products and in particular products deriving from the white-coat pups of harp and hooded seals (*Pagophilus groenlandicus* and *Cystophora cristata*) (Doc. 2-432/84) and the motion for a resolution by Lord Bethell and others on the continuation of the EEC Directive concerning the importation into Member States of skins of certain seal pups and products derived therefrom (Doc. 2-591/84),
  - having regard to its resolution of 11 March 1982 on Community trade in seal products and in particular products deriving from the white-coat pups of harp and hooded seals (*Pagophilus groenlandicus* and *Cystophora cristata*) (1),
  - having regard to the same resolution in which it called for a Community ban on imports of products derived from harp and hooded seals (1),
  - having regard to its resolutions of 16 September and 19 November 1982 on the same subject (2),
  - having regard to its resolution of 18 November 1982 on the Commission's failure to implement Parliament's resolution of 11 March 1982 (baby seals) (3),
  - having regard to Council Directive 83/129/EEC concerning the importation into Member States of skins of certain seal pups and products derived therefrom (4),
  - having regard to its resolution of 17 February 1984 on the protection of the monk seal (5),
  - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. 2-1785/84),
- A. welcoming the Council Decision of 28 March 1983 concerning a Community import ban on products derived from young harp and hooded seals, which entered into force on 1 October 1983 and was to be valid for two years unless the Council, acting on a proposal from the Commission, should decide otherwise by a qualified majority,
- B. noting with concern that the abovementioned ban expires on 1 October 1985,
- C. noting that the senseless annual slaughter of seals still arouses a deep sense of outrage,
- D. whereas it will continue to be necessary to protect harp and hooded seals in the future for the same fundamental reasons already advanced by Parliament in previous resolution on this subject,
- E. noting with the utmost concern the increasingly hopeless situation with regard to the continued survival of the monk seal in the Mediterranean Sea,
- F. aware of the need for swift and effective action if there is still to be any chance of saving this species from extinction,

(1) OJ No C 87, 5. 4. 1982, p. 87.

(2) OJ No C 267, 11. 10. 1982, p. 47 and OJ No C 334, 20. 12. 1982, p. 135.

(3) OJ No C 334, 20. 12. 1982, p. 87.

(4) OJ No L 91, 9. 4. 1983, p. 30.

(5) OJ No C 77, 19. 3. 1984, p. 112.

- G. noting with appreciation the measures taken by the Commission since the adoption by the European Parliament of its resolution of February 1984 concerning the monk seal,
- H. shocked to note that, in response to pressure from the Danish and Federal German governments, the Council has, by Regulation (EEC) No 1872/84 of 28 June 1984 on Community measures relating to the environment, ruled out future financial participation by the Community in important measures to prevent the extinction of animal species other than birds, in other words including the monk seal, a fact which is deeply to be regretted,
- 
1. Calls on the Commission to submit proposals as rapidly as possible to the Council extending for an indefinite period the present EEC Directive banning imports of skins of certain sea' pups and products derived therefrom;
  2. Calls on the Commission, in accordance with the request contained in its resolutions of 11 March, 16 September and 19 November 1982, to ensure that the EEC Directive banning the import of these products is applied in unambiguous fashion to all seals less than one year old;
  3. Calls on the Commission to continue to do its utmost to promote measures to save the monk seal;
  4. Calls on the Commission to include in the new preliminary draft budget a new item entitled 'Protection of endangered animal species of Community interest';
  5. Calls on the Member States bordering the Mediterranean Sea to do everything in their power, as quickly as possible, to help save the monk seal in the Mediterranean Sea;
  6. Calls on the governments of France and Greece to make available as rapidly as possible the financial and technical resources for the establishment of reception and breeding stations in their countries;
  7. Calls on the governments of France and Greece to ensure that all the necessary administrative procedures relating to the establishment of such stations can be completed as swiftly as possible;
  8. Calls on the Greek Government to implement effective protection of the area around the Northern Sporades as swiftly as possible;
  9. Instructs its President to forward this resolution to the Commission, the Council and the governments of the Member States.
-

(Proposal for a) COUNCIL DIRECTIVE  
amending Council Directive 83/129/EEC concerning the  
importation into Member States of skins of certain  
seal pups and products derived therefrom

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal from the Commission,

Whereas Council Directive 83/129/EEC (1) provides that Member States shall take or maintain all necessary measures to ensure that the products listed in its Annex are not commercially imported into their territories;

Whereas that Directive expires on 1 October 1985;

Whereas the European Parliament adopted a Resolution demanding a prolongation of the Directive;

Whereas the negative consequences to be expected from an abrogation of the Directive should, in the interest of all parties concerned, be avoided; whereas the doubts concerning the effects of non traditional hunting on the population status of the harp and hooded seals still exist;

Whereas it is therefore appropriate to amend Council Directive 83/129/EEC such that it remains applicable after 1 October 1985,

Whereas, however, it could be appropriate to re-examine this Directive on the basis of a Commission report if new elements arise,

HAS ADOPTED THIS DIRECTIVE :

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(1) O.J. N° L 91 of 9.4.1983, p. 30



Article 1

Article 2 of Directive 83/129/EEC is hereby replaced by the following :

"Article 2

This Directive shall apply from 1 October 1983".

Article 2

This Directive is addressed to the Member States.

Done at Brussels

For the Council,



**COUNCIL DIRECTIVE**  
of 27 September 1985  
amending Council Directive 83/129/EEC concerning the importation into  
Member States of skins of certain seal pups and products derived therefrom  
(85/444/EEC)

THE COUNCIL OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Directive 83/129/EEC<sup>(1)</sup>, and in  
particular Article 2 thereof,

Having regard to the proposal from the Commission,

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

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

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

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

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

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

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

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

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

*Article 2*

This Directive is addressed to the Member States.

Done at Luxembourg, 27 September 1985.

*For the Council*

*The President*

R. STEICHEN

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<sup>(1)</sup> OJ No L 91, 9. 4. 1983, p. 30.

Proposal for a  
COUNCIL DIRECTIVE  
amending

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

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 83/129/EEC of 28 March 1983 concerning the importation into Member States of skins of certain seal pups and products derived therefrom<sup>1</sup>, as amended by Directive 85/444/EEC<sup>2</sup>, and in particular Article 2 thereof,

Having regard to the proposal from the Commission,

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

Whereas Directive 83/129/EEC expires on 1 October 1989;

Whereas the European Parliament has adopted a written Declaration calling for an indefinite extension of Directive 83/129/EEC;

Whereas the negative consequences to be expected from expiry of Directive 83/129/EEC should, in the interest of all parties concerned, be avoided;

Whereas an extension of Directive 83/129/EEC is a useful complementary measure to the measure of the Canadian government to end all commercial hunting of whitecoats and bluebacks;

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<sup>1</sup> OJ L 91, 9.04.1983, p. 30

<sup>2</sup> OJ L 259, 1.10.1985, p. 70

Whereas there are increasing doubts with regard to the effect, on non-traditional hunting on the conservation of harp seals in the East Atlantic, the Barents Sea and the White Sea, where they are in addition to the hunt also affected by the depletion of prey fish species and entanglements in nets along the Norwegian coast;

Whereas the Commission submitted a report to the Council on 26 August 1983, followed by a supplementary report on 14 June 1985;

Whereas the Commission submitted a further report to the Council on 24 March 1988;

Whereas Directive 83/129/EEC should be amended so that it remains applicable sine die,

HAS ADOPTED THIS DIRECTIVE :

#### Article 1

Article 2 of Directive 83/129/EEC is hereby replaced by the following :

#### "Article 2

This Directive shall apply from 1 October 1983."

#### Article 2

This Directive is addressed to the Member States.

Done at Brussels

For the Council