AN OVERVIEW OF THE NEWFOUNDLAND SEALING INDUSTRY, THE ANIMAL RIGHTS MOVEMENT AND RESOURCE MANAGEMENT ISSUES CURRENTLY FACING THE NEWFOUNDLAND SEAL FISHERY

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Tables

Appendices

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Abstract

The seal harvest has played a major role in the cultural and economic development of Newfoundland for hundreds of years. Despite these benefits, the future of the harvest is conditional on the international communities' support or condemnation. In continuing efforts to do what they think is right for seals, and/or the sealing industry, animal rights groups, sealers, and provincial and federal governments argue their cases based on some mix of moral rights, ethnic survival, economic value or scientific evidence.

This report examines the history and ideology of both pro- and anti-sealing groups in an attempt to comprehend the many issues currently facing the Newfoundland sealing industry. The role of other stakeholders, especially fisheries scientists, is explored to clarify the positions taken by both sides and to identify what is required to allow the Newfoundland seal harvest to continue.

The Newfoundland sealing industry continues to provide incomes for harvesters and processing employees in the season where few, if any, alternative sources of employment are available. Deeply rooted in the heritage and culture of its people, the sealing industry plays a key role in preserving outport Newfoundland. While animal rights groups threaten to remove this integral part of native Newfoundlanders lives, it is important to understand the humane and conservation concerns advanced by these groups. While those opposed to the hunt are physically removed from it, they have the power to influence the international community and markets which determine much of the industry's future. The condemnation and arrest of those who break the regulations appear to be effective in changing the conduct of the harvest. Initiatives to professionalize the fishery through education and training have helped to address these concerns. The Canadian Sealers

Association and the sealers themselves are crucial to ensuring the success of these initiatives. Fisheries science continues to develop management and harvesting policies that address the concerns of all interested parties. Seal population sustainability continues to be based on management objectives and market considerations. This direction is both biologically wise and widely supported in the international community, while locally there are mixed feelings. The request for additional funding from industry and government is critical to maintain and improve fisheries science for seals so that their future sustainability is protected with the use of new measures such as individual quotas, as one means to avoid exceeding catch limits. International cooperation continues in the management of seal populations that cross international boundaries. In addition to this informed management process, the international community must be provided with clear and accurate information. The continuation of educational programs promoted on a national level may assist in improving relationships with those who oppose the hunt. A consensus on the economic value of the sealing industry by animal rights groups and both levels of the Newfoundland and Canadian governments is required if the public is to be accurately informed. At this point the Newfoundland sealing industry appears to have developed to a stage where the harvest can be justified based on its dedication to sound fisheries management and scientific advice.

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1.0 The Newfoundland Seal Fishery

The following sections provide an overall description of the Newfoundland seal fishery. It outlines the seal fisheries' importance to rural or outport Newfoundland as a historical subsistence and commercial fishery, its potential for the continuation of a distinctive way of life for rural Newfoundland, and its economic benefits.

1.1 An Historical Perspective

Seal hunting has figured in northern coastal life for thousands of years. As early as 5000 BC, Maritime Archaic Indians were exploiting the harp seals found all along the Newfoundland and Labrador coast. By 3000 BC, Paleoeskimos were successfully hunting ringed seals in the north during the winter, and the first Europeans to visit British Columbia found Haida, Nootka, and Tsimshian Indians busily harvesting Pacific fur seals as part of a rich marine resource base (Busch 1985). In 1534 French explorer Jacques Cartier noted Labrador Indians taking seals in the Strait of Belle Isle (Anon 1984).

The first prerequisite for a commercial seal harvest in Newfoundland was the establishment of a permanent population with European commercial connections and the necessary technology. The second requirement was the establishment of fixed settlements in certain specific locations throughout the island. In the initial stages men were transported annually to the island in the spring to fish the once abundant cod stocks. While this investment proved to be expensive for English companies attempting to make a profit, it did, however, create settlements when these migratory fishermen opted to live year round and raise their families in Newfoundland. In some cases English companies encouraged their men to stay in order to develop a seal fishery. In the early 1600s, John Guy was appointed by the Bristol Company of London to establish a colony in Newfoundland. While Newfoundland's economic growth was slow at first due to the heavy dependence on cod, it gradually increased. As these fishermen now wintered in

Newfoundland they saw seals carried along the ice flows. Seals killed for subsistence provided a welcome change from traditional salt beef and pork. The skins were used for a variety of local needs including clothing. Commercial harvests soon followed, with the use of nets as the principal method for killing harp and bedlamer seals. In 1723, the first statistical account of seal oil production to be used in lamps in industrial Britain was recorded, but by the late 1800s, however, petroleum products replaced traditional oils and demand for seal oil decreased (Ryan 1994).

Prior to 1940, seal meat and oil had been the main seal products for commercial sale; this changed after 1945 as the international demand for seal pelts increased. When Newfoundland became a province of Canada in 1949, the Canadian government commenced extensive research on the seal population which resulted in closing dates for the harvest in 1962 in order to protect adult females in molting concentrations. In the mid 1960s animal rights groups expressed an interest in the harvest, claiming that killing practices were inhumane and the hunt jeopardized the future sustainability of the seal populations.

The International Fund for Animal Welfare (IFAW) and later Greenpeace and other groups now threatened the future existence of the commercial seal fishery (Anon. 1984). In response to these growing concerns, the International Commission for the Northwest Atlantic Fisheries, who represented most countries fishing in Atlantic waters, began scientific studies of seal populations. Further scientific information came from the Committee on Seals and Sealing, established to provide the Canadian Federal Minister of Fisheries with independent management advice in 1971. A Canadian quota was set in 1971 for 245,000 seals. It was reduced to 150,000 from 1972 to 1975, and further reduced to 127,000 in 1976. The formation of a 200-mile fishery jurisdiction for Canada in 1977 brought more control and at this point, northern native hunters were included in total

allowable catch calculations. The seal harvest now took a turn for the worst in 1983 due to protests by animal rights groups when the European Economic Community approved a directive banning the importation of pelts from whitecoat harps (pups less than 14 days old) and blueback hooded seals (18 months old) (Anon 1984). At this point markets for whitecoat harp seals were nonexistent (Anon 1983).

This essentially marked the end of the large-scale seal harvest in 1983 carried on by 30- to 50- meter vessels hunting mainly young harp seals (whitecoats) in the northern ice flows. Seven to 20- meter boats now exploited all of the available seal quota. In the next 15 years the sealing industry underwent major changes: the focus was on full utilization of the entire seal, and the industry now professionalized under the direction of the Canadian Sealers Association and the Department of Fisheries and Oceans of Canada. Population sustainability and humane killing practices continues to be given high priority (Fagan 1998). The Canadian sealing industry harvested over 280,000 seals in 1998 which is 5000 over the established limit and will maintain this quota of 275,000 seals in 1999 (Andrews 1999). The 1998 Canadian Seal Management plans in Appendix 1.2 give a detailed account of the regulations and quotas governing the 1998 seal harvest.

Seal harvesting has had three distinctive periods. In the 1700s blubber was the main commodity, and was used for food, fuel and other applications; in the mid 1900s the interests shifted to pelts; the modern seal fishery from 1960 onwards continues to be challenged by the animal rights movement and conservation concerns as attempts are made to utilize the entire seal (Shahidi 1998).

The historical commercial fishery built financial empires for only a few merchants but exacted a high price from its thousands of participants. Different histories draw different conclusions about the social, ecological and moral impact of the seal hunt. They do,

however, share the view that the rigors of harp sealing, not only the profit, embedded it in the folk tradition of Atlantic Canada, and especially Newfoundland. Convincing evidence comes from data showing that between 1800 and 1865 approximately 400 boats and 1000 lives were lost during the hunt. The worst year, among many bad ones, for the whitecoat hunt was in 1912 when more than 300 men were either frozen or drowned in one night (Wenzel 1991). Shannon Ryan, in his paper, "Newfoundland Sealing Disasters", quotes George Allan England, that "The seal hunt is without question the greatest hunt in the world, not only in the number of mammals slaughtered but also in point of perils from ice, blizzards, fire, explosion and drowning. A whole catalogue of hardships that only Newfoundlanders can possibly endure" (Ryan 1990). For rural Newfoundlanders, the importance of the hunt's timing, its dangers, potential profitability and folk meaning all carry over to the modern hunt. Even when harp sealing, especially the former spring whitecoat hunt, changed from a fisherman's supplemental activity to its modern industrial commercial form, it continued to make a significant contribution to the economy of rural outports by providing an economic bridge between social assistance and fishing (Wenzel 1991). In the absence of a winter income from fishing, shares from the seal harvest allowed the men to provide their families with provisions. While many men received little of their shares as cash because of their ongoing accounts with supplying merchants, it provided collateral for credit while they were out on the ice (Ryan 1994).

1.2 Sealing as a Distinctive Component of the Newfoundland Way of Life

Allan Herscovici, a Canadian journalist, suggests that Newfoundlanders, were really not known to the rest of the world until the seal protest movement began. Ironically, the first time that the world would hear about the province in recent decades was when anti-sealing protesters portrayed its people as barbaric and uncivilized (Herscovici 1985). Newfoundland people have struggled to defend themselves and the reasons why it is important for them to participate in the seal hunt. Over the years industry and government

have worked to educate people internationally about the hunt. The traditional seal harvest helped people to survive by providing a supplementary income to many Newfoundland families when there was a scarcity or lack of other species to exploit or no other sources of employment. The seal fishery required participation by the entire outport Newfoundland household. Husbands and sons harvested the seals, while wives and other family members prepared their men for the hunt and cared for the household in their absence. While the offshore hunt did not involve the entire household in the processing of seals, the landsmen or inshore hunts involved entire families in procuring and processing seal carcasses (Leonard 1999). In some regions there was an additional opportunity to work in local seal processing factories (Fagan 1998). Table 1.1 lists the current seal processing facilities in Newfoundland.

Table 1.1 Newfoundland Seal Processing Facilities (Fagan 1998)

Processing Facilities	Location
Carino	Dildo, Trinity Bay
SeaFreeze	Catalina, Bonavista Bay
North East Sealers Coop	Fleur De Lys, White Bay
Caboto Seafoods	Baie Verte, White Bay
Dave Hiscock Ltd.	Brigus, Conception Bay
Indian Bay Seafoods	Centreville, Bonavista Bay
Fogo Island Coop	Fogo, Notre Dame Bay
Torngat Fisheries	Torngat, Labrador

The traditional way of life resulting from the seal fishery continues to be under constant threat, and it is important to appreciate the complex dependency upon the seal fishery to understand its persistence. Andre Longford, a past sealer, quoted in an article published

by the Toronto Star said: "For the last 20 years, they've wanted us to stop hunting the white pups, and we did, now they want us to stop everything. How do they expect us to live?" (Worsley 1984). The article described the hardship which Longford and another harvester had endured: "Like other fishermen on the island of Newfoundland, sealer Andre Longford depends on unemployment insurance to get through the winter. He gets $304 per month from the government, but reports he pays $500 per month in rent. Without the $3000 he used to make from the seal hunt his annual income has fallen to $5000." Another fisherman felt that anti-sealing groups were slowly killing their culture and tradition and would not let his young son follow in his footsteps (Worsley 1984). Their adjustment is marginal in today's industrial society. This marginality and their small numbers lead some writers to conclude they are targeted because they are weak and according to Herscovici, protest organizations take aim at hunters and trappers because they are the poorest Canadians, the most isolated and the least able to defend themselves on the international stage (Herscovici 1985).

Today's seal fishery is comprised mainly of inshore fishermen who have been severely impacted by the 1992 cod moratorium. Although they received government assistance through The Atlantic Groundfish Strategy (TAGS), these inshore fishermen have few opportunities to earn an income other than by income assistance. Unable to catch codfish in most areas of the province, and restricted to extremely low catches of lobster, mackerel, herring, etc., many of them depend upon the winter seal hunt to supplement their income. While the crab and shrimp industry currently provides annual incomes of $6000 to $30,000 for crew members (vessel owners earn more) it is insufficient to support all of their families needs (Leonard 1999). Weekly Employment Insurance benefits of $300 to $400 in the winter months are helpful, but the incomes of $500 to $1500 per week for four to six weeks provide a better standard of living. In addition fishermen would rather work than receive unemployment benefits (Bath 1999). At the

conclusion of 1999, the TAGS program will no longer exist. If fishermen cannot exploit a mixture of resources throughout the entire year in anticipation that collectively they will yield a decent income, they have little hope for the future. Sealers are no exception. Dependence on the seal fishery as a means to supplement other incomes cannot be underestimated or over-rated. It is not by popular choice that seals are killed, but out of the necessity to provide an acceptable standard of living (Bath 1998).

1.3 Harvesting Practices

The offshore fleet travels 50-350 kilometers to the edge of the northern ice in early March where the seals may be found on top of the pack ice. The inshore fleet travels only a few kilometers to harvest local seal populations. Shooting is the most common method of harvesting the various species of seals, while clubbing or striking the seal on top of the head is permitted with specifically regulated tools. Historically seals were killed mainly with clubs, but due to growing opposition from animal rights groups, including Greenpeace and the International Fund for Animal Welfare, the majority of Newfoundland seal harvesters have replaced clubs and hakapiks with rifles (Anon 1997). Rifles make it easier to kill the seals upon consideration that quite often sealers have to chase seals in order to club them. However, clubbing still occurs in northern Inuit regions and to a lesser extent in the Gulf of St. Lawrence and remains the most effective means to minimize suffering to the seal. This is especially true when considering that wounded seals are often not retrieved. In addition, harvesters do not have to incur expensive ammunition costs (Bath 1998).

Seal harvesters must follow regulations outlined in the annual harvest management plan. According to these regulations persons can only dispatch marine mammals in a manner designed to do so quickly; a serious attempt must be made to utilize as much of the mammal as possible; they must serve an apprenticeship prior to receiving a commercial

license: and those wishing to receive a personal sealing license must complete a hunters capability test (Seal Management Plan 1997). Appendix 1.1 includes a 1997 information package for holders of seal fishing licenses which further describes regulatory instruments aimed at ensuring that the seal hunt is carried out in a humane and sustainable fashion.

1.4 Structure and Value of the Contemporary Newfoundland Seal Fishery

The commercial harvest is prosecuted using longliners or small boats and to a much lesser extent, on foot or snowmobiles where the ice is solid and seals are close to shore. The largest harvest, which consists of an offshore hunt in northern ice flows, has approximately 70 modern 45- to 65- foot vessels that have essentially replaced traditional vessels exceeding 65 feet as a result of the closure of the whitecoat hunt. These vessels employ seven to eight harvesters each. The smaller sealing fleet uses 22-to 28-foot open boats to hunt seals relatively close to the land and employs an average of two to three harvesters per boat. The seal species that are hunted, include harp, hooded, ring, grey, and bearded seals (Seal Management Plan 1997). In 1999, 275,000 harps will be taken, as well as 10,000 hoods. There are no total allowable catches for other seals. Experimental licenses will be used for the harvest of ringed seals. Finally, a subsistence harvest will also take place for aboriginals with no set quota (Andrews 1999). The harvest of young harps under 10 days old (whitecoats) and young hoods (bluebacks) under 18 months old is prohibited. This is the stage at which neither have begun to molt. The season commences on November 15 and ends on May 15 (Anon 1998). Despite this early opening date the hunt usually begins in early February in order for harvesters to reach high concentrations of seals brought in by the northern ice flows.

As the seal harvest employs over 3000 seal harvesters and 300 processing employees, Tina Fagan, Executive Director of the Canadian Sealers Association, feels that the harvest plays an important role in Newfoundland's economy (Fagan 1998). In 1996 the

provincial Department of Fisheries and Aquaculture estimated the value of the harvest and the processing sector at $11,000,000 and $9,000,000, respectively (Efford 1997). The Canadian Department of Fisheries and Oceans, however, estimates the value to harvesters at $5,000,000, and agrees with the processing value at $9,000,000 (Andrews 1999). Clive Southey, Department of Economics, Guelph University, Ontario, retained by the IFAW, disputes both of these claims, and estimates the value to be zero (Southey 1997). Tables 1.2, 1.3, and 1.4 give three separate economic analyses of the Newfoundland seal fishery provided by the Newfoundland Department of Fisheries and Aquaculture, the Department of Fisheries and Oceans, and the International Fund for Animal Welfare. These differing economic values have been the source of both heated controversy and misunderstanding of the industry and its value.

Table 1.2 Economic Analysis of the Newfoundland Seal Harvest by the Department of Fisheries and Aquaculture for 1996 (Anon 1997)

Estimated Export Value of Seals from the Province of Newfoundland:

Pelts	246,000 x $46 (semi-processed)	$11,316,000
Meat	Human Consumption 400,000 x $0.50/lb	$ 200,000
	Animal Feed/Byproducts:	
	140,000 carcasses x 10lbs x $0.17/lb	$ 238,000
	40,000 carcasses x 40 lbs x $0.17/lb	$ 272,000
Oil	Human Consumption: 500,000 lbs x $5/lb	$ 2,500,000
	Industrial Grade: 2,500,000 lbs x $0.16/lb	$ 400,000
Organs	30,000 x $30	$ 900,000
Flippers	100,000 units x $2	$ 200,000
Value Added, Infrastructure, Spin-offs		$ 5,000,000
	Estimated Total Value	**$21,026,000**
	Less (Total Subsidy)	**$ 925,000**
	Grand Total	***$20,101,000***

Note: These subsidies, which are provided by the government to assist in offsetting the costs of lower valued seal products (including meat), will be terminated in the year 2000.

Table 1.3 Economic Analysis of the Newfoundland Seal Harvest by the Department of Fisheries and Oceans for 1996 (Andrews 1999)

	Harvesting Value	Processing Value
Pelts	$2,900,000	$5,800,000
Meat	$1,700,000	$ 700,000
Organs	$ 470,000	$ 940,000
Oil & Blubber	$ 370,000	$1,500,000
Flippers	$ 190,000	$ 190,000
Total	$5,630,000	$9,130,000

Total Value to Newfoundland Economy $14,760,000

Note: The value to the processing sector for meat is $1,900,000. The $1,200,000 government subsidy for seal meat has been deducted leaving a value of $700,000.

Table 1.4 Economic Analysis of the Newfoundland Seal Harvest by the International Fund for Animal Welfare for 1996 (Southey 1997)

The best estimate of the output of the entire industry in 1996 is $8.96 million. Of this, $2.65 million is needed to cover purchased inputs (ammunition, fuel, insurance, etc.).

Subtracting expenses leaves only $6.31 million of value-added.

Government subsidies for meat transport and processing amount to $1.72 million. A further $1.67 million is spent by government on inspection, rescue, and support of the industry.

Net potential benefits are now only $2.9 million.

Meat subsidies are three to four times larger than the value of the processed meat in the market: we are told that 6.5 million pounds of meat was processed, that is 7.5 times more than in the previous year. Given that costs are many multiples of revenue, the gain of claiming subsidies but dumping or discarding the meat would have been huge.

At least 30,290 penises were collected and processed and account for $0.94 million. The Director General, Resource Management of the Department of Fisheries and Oceans, suggests that the true figure is as high as 50,000 penises. Without penises, value-added by the hunt drops to $1.97 million.

Old harp seals, penises and meat subsidies cover fully 75% of the landed value paid to sealers.

Conclusions of IFAW

In 1996, Canadian taxpayers spent about 3.4 million to subsidize the landing of seal meat for new developing markets, not counting the Canadian Sealers Association and finance to other industry support and inspection services. Value-added by the hunt is a mere 0.06% of the Gross Domestic Product of Newfoundland. The commercial hunt only added the equivalent of 100-120 full-time jobs (0.006% of the 19,000 employed in Newfoundland). In essence, Canadian taxpayers are spending $28,250-$33,900 for every full-time position in the sealing industry. The sealing industry is heavily dependent on meat subsidies and the sale of seal penises which IFAW find especially offensive. These constitute 55% of the revenue of sealers and boat owners after paying for fuel, ammunition, etc. If we eliminate the seal meat subsidies, stop the trade in penises, and account for the true costs of labor and capital, the net value of the seal hunt to Canada as a whole is zero (Southey 1997).

The report makes no attempt to calculate the "hidden" or less tangible costs of the hunt, such as, loss of tourism revenue due to damage to Canada's reputation. In essence, the IFAW's answer to the question "Is the commercial seal hunt worth it?" is no. This Animal Rights Group feels that the seal fishery is far from economically beneficial to its users (Southey 1997).

The Department of Fisheries and Aquaculture, Department of Fisheries and Oceans, and the International Fund for Animal Welfare use different calculations to arrive at the net economic benefit to the Newfoundland economy. The core of the first two differences lies in the definition of landed value. The provincial department uses all revenues extended to the Newfoundland economy in direct and indirect spin-offs including those to trucking, fuel, ammunition, supplies, etc. These costs are not subtracted from total revenues in calculating the net benefit. However, Roland Andrews of the Department of Fisheries

and Oceans feels that these are actual costs and should be subtracted from the total revenue. In other fisheries evaluated by the department, the total landed value is derived by using catch receipts multiplied by sales value (Andrews 1999). The $5,341,000 difference in the sealing industry value estimations between the Newfoundland government and the Department of Fisheries and Oceans is significant for those groups that use economic benefits to support an increased commercial seal harvest. The discrepancy in subsidy totals is also a significant point of contention for both departments. Additional research is required to identify what the actual subsidies were. While both recognize the value to the Newfoundland economy, this major difference in both the landed value and subsidy may be used as a point of argument for those in opposition to the seal harvest.

In the IFAW analysis, Southey claims that the value of the sealing industry has been counted two or three times what it is actually worth. He includes costs that the provincial Department of Fisheries and Aquaculture have included as revenue as opposed to an expense. The federal Department of Fisheries and Oceans do not include these as a value to industry. These include Southey's projections of $2,600,000 for ammunition. Neither the provincial nor federal Departments' of Fisheries have included the costs of inspection, search and rescue, and industry support. Southey estimates it to be $1,670,000. His analysis indicates a direct total subsidy cost of $1,720,000. The sale of organs was $940,000 according to Southey, while the provincial department estimated them at $900,000 and DFO estimated them to be $1,410,000. The report provided by The International Fund for Welfare in Table 1.4 does not provide details concerning the value of the industry. Further investigation into reasons behind differences in estimates were not successful; therefore their estimations cannot be confirmed. Their conclusion that the net value to industry is $2,900,000 and reduces to zero in the absence of a seal penis trade remains open to further analysis and discussion. While the federal and provincial

departments dispute the value, they agree that the sealing industry makes a significant economic contribution to the Newfoundland economy. Upon review of the accountability and legislation governing both the Department of Fisheries and Aquaculture and the Department of Fisheries and Oceans, it is clear that their estimations should provide the highest degree of accuracy. This is true especially for the federal Department of Fisheries and Oceans whose responsibility is to serve all of Canada as opposed to strictly Newfoundland.

2.0 The Animal Rights Movement

The animal rights movement has been a major impediment to revitalizing the sealing industry to historical levels. An appreciation of the ideologies and perspectives of this movement is crucial to understand the motivation driving protest campaigns against the sealing industry. This chapter describes their key arguments, including cruelty to seals, the threat to population sustainability, fisheries interactions, and low economic returns.

2.1 Philosophical Values of the Movement

The social roots of the animal rights movement lie in the changed relationship between humans and their fellow creatures. This change was a result of a urbanization and industrialization in western societies; city dwellers began to consider animals only as pets, and less and less as instruments for labor and production (Nelkin 1992).

Humans, for some time, have projected onto animals the characteristics of humans, therefore strengthening the defense for animal survival. People see animals like humans in being sensitive to pain, having emotional bonds such as love and loyalty, as well as the ability to plan and communicate. People have long endowed animals with human characteristics-- crafty foxes, greedy pigs, lazy cats. Often the traits that belong to animals are personalized to the extent where humans are placed below animals in perceived levels of importance (Nelkin 1992). If animals share so many human characteristics, what are the essential differences? The distinction between humans and animals is the key issue in the growing number of disputes over animal rights, especially in Newfoundland where harvesters sometimes feel that animal rights groups consider seals as more important than humans as a result of their attempts to stop the hunt. Quite often many wonder why the killing of other animals or living creatures does not receive the same attention and opposition. For example, in slaughterhouses, millions of animals are stunned into unconsciousness, then killed by bleeding. Egil Ole Oen of the Norwegian

College of Veterinary Medicine claims, however, that many are not properly stunned prior to bleeding, inflicting much pain on the animal. This issue has not been addressed by animal rights groups (Anon 1998). The differences in perception can only be explained by an examination of beliefs, cultural preferences, personal values and morals (Nelkin 1992). Millions of people living in the United States, the United Kingdom and Western Europe now hold as an article of faith that the preservation of seals in Canadian waters is a moral test of the relationship between humans and other animals on the planet. Since Canada carries out the largest commercial seal harvest in the world, it seems logical that it will receive the largest degree of publicity (Wenzel 1991).

Supporters of animal welfare emphasize the need to avoid inflicting suffering. Their main concerns deal with the manner in which animals are killed and the effects on the population. If they are convinced that the killing can be carried out humanely without inflicting significant suffering, they would probably develop long-term policies which they would expect harvesters to follow. If, however, there is evidence that animals are subjected to excessive pain and suffering, an attempt to gain public support for a closure of a directed harvest will quickly be initiated. The fundamental argument put forward by animal rights groups is that animals have certain rights among which is the right to life without suffering. These groups attempt to look at questions from the non-human viewpoint and to treat the rights of animals as essentially similar to those of humans (Anon 1986).

In comparison to other seal harvests, Canada is both larger in scale and involvement, and therefore exerts more energy in dealing with animal rights groups. In the Northwest Territories, Russia and Greenland there is not a high degree of opposition directed toward native aboriginals hunting for subsistence and for commercial harvests. However,

Greenland hunts over 50,000 harp seals alone, plus an equal number of ringed seals annually with no quota, while Russia has a total allowable catch of less than 70,000 harp seals. In Third World countries, including Namibia, the seal population had been overexploited by foreigners but now has an estimated population growth of 3% annually in their absence. In Uruguay, the hunt was suspended in 1991 due to overexploitation and is currently allowing the rebuilding of stocks at 3%. In the United States there is no commercial seal harvest; this is possibly due to local opposition to the hunt and a Marine Mammal Regulation banning the importation of seal products. Norway, which is currently attempting to rebuild seal markets and develop an increased commercial harvest, is experiencing problems similar to those experienced in Canada (Anon 1997). In order to understand the situation in these regions, further research is required. However, regardless of the level of direct public opposition to the hunt for either subsistence or commercial value, all regions have been deeply impacted by importation bans and media campaigns initiated by animal rights groups throughout the world.

2.2 The Rise of the Protest Movement

Interest in harp seal conservation and the methods used to kill seals was first broached in 1949 by Dr. Harry Lillie, a Scottish surgeon and conservationist, who had long been critical of whaler's techniques. Lillie accompanied the Newfoundland fleet as a medical officer on the MV Codroy; he witnessed events, which in his opinion, were both horrifying and cruel: "Whitecoats were generally killed quickly by a blow on the head, but occasionally I saw men in a hurry just daze them with a kick and cut the little bodies out of the pelts while they lay on their backs still crying." Lillie was equally appalled by the wastage that for so long had been part of the adult seal hunt noting that "Some seals died at once, others, shot through the neck or lungs, writhed in pain until they flopped over the edge into the water to die out of sight. I saw as many as five seals from one single large ice pan disappear, leaving five trails of blood" (Candow 1989).

In St. John's, Newfoundland following the hunt, Lillie met sealing captains and representatives of the owners of vessels. Many of the captains seemed sympathetic but were unaware of any improvements in the methodology used in killing the seals. Lillie subsequently traveled to Ottawa for talks with officials in the federal Department of Fisheries and Oceans, but, there was no positive response to the cruelty issue. Disillusioned by the government's lack of response, Lillie returned to the ice floes in 1955, filmed the hunt, and afterwards distributed copies of his film throughout North America. Simultaneously the British public were becoming aware of the perceived injustices carried out in the seal hunt. In 1955, Lillie wrote a book about the seal fishery titled, *The Path Through Penguin City*, which contained his account of the 1949 seal hunt. Although neither the book nor the film created large public attention, the seal issue had been brought into the open for the first time. As time passed, public interest in the issue grew (Candow 1989).

The cruelty issue exploded onto the international scene in 1964 after the Canadian Broadcasting Corporation's French-language television network aired a film on the seal hunt, "Les Phogue, de la Barquise", as part of its series on hunting and fishing in Quebec. The film contained footage on the Magdalen Islands seal hunt, including one scene where a seal was skinned alive and its carcass left flailing on the ice. The film caused an uproar all over Quebec and also inspired Peter Lust, editor of a German-language weekly magazine, to write an article titled, "Murder Island" which eventually was disseminated throughout Europe. At this point, the Canadian government was facing an international protest. The outcry forced the government to take action. After consultation with representatives of the sealing industry, humane societies, and the Canadian Audubon Society, the Canadian government introduced the Seal Protection Regulations on October 29, 1964 (Candow 1989). Several of these regulations are listed in the following table.

Table 2.1 Seal Protection Regulations (Anon 1977)

Reg 12 (1)	No person shall use a helicopter or other aircraft in sealing except in searching for seals.
Reg 14 (1a)	No person shall engage in sealing by any means in the Gulf area or front area unless he has a sealers license or an assistant sealers license issued by the minister.
Reg 14 (2b)	A sealers license shall not be issued to any person who has had less than two years as a sealer.
Reg 16 (1a)	No person shall take or kill seals in the Gulf area or front by any means other than by (a) a club made of hardwood not less than 24 inches or more than 30 inches in length and that for at least half of its length is not less than 2 inches in diameter. (b) a rifle firing only center fire cartridges, not made with metal cased hard point bullets.
Reg 17	No person shall hook, commence to skin, bleed, smash or make any incision on a seal with a knife or any implement until the seal is dead.
Reg 18	No person shall kill adult harp seals in whelping or breeding patches.
Reg 21(a)	Except with the permission of the Minister, no person shall take or move a live seal from the immediate vicinity from which it is found.

The complete 1964 Seal Protection Regulations are included in appendix 1.3

It was later discovered that the French film had been staged. A Magdalen Islands fisherman gave a sworn statement that he had been paid to skin a live seal. In addition, he had done so on March 3, 1964, before the sealing season officially began. However, the regulations were established and protest groups became involved with anti-sealing

campaigns. Observers from both pro- and anti- sealing groups would now observe the seal hunts for the years to follow, reporting to the International community what they had seen (Candow 1989).

Brian Davies, a dedicated animal rights activist, was one of the most influential anti-sealing protesters who frequently brought the protest to the ice each year. Davies joined the New Brunswick SPCA in 1961 and became interested in the seal hunt on May 20, 1964, when he attended a meeting of government, the sealing industry, and humane society representatives in Moncton. Davies became convinced after the meeting that an over-capitalized industry was intent on killing the last seal pup in order to get a return on its equipment (Candow 1989). Despite clearly positive statements by other observers, Davies and another anti-seal protester, Dr. Elizabeth Simpson, continuously made negative descriptions of the hunter as being barbaric and cruel. Davies occasionally traveled to Europe to gather support for the anti-sealing campaign and attempted to gain support for a ban on seal imports in European countries. The international seal fur trade was significantly reduced due to efforts by Davies and his fellow protesters. Public support for the ban of seal products quickly gained momentum as campaigns were initiated in Europe and North America. The support of medical experts and celebrities further strengthened the campaign. It is noteworthy that in 1968 Davis brought a group of European veterinary pathologists to the ice to examine the seals after they had died. It was later reported that Davies had insisted that the pathologists not comment on whether or not the hunt was cruel but rather state that the seals suffered after the first blow by sealers. The pathologists later confirmed that of the 361 carcasses they examined, 96.7% were deemed to have been unconscious prior to skinning (Candow 1989). While Davies has not denied or accepted responsibility for this action, there is no solid proof that it did occur.

In response to the growing concerns of various interest groups regarding the management of seal populations, in 1966 countries belonging to the International Commission for Northwest Atlantic Fisheries (ICNAF) agreed to manage the stocks on an international basis. Since harp and hood seals migrate between Canada and Greenland, and countries including Norway harvested a portion of the Canadian front and Gulf herd which are part of a single Northwest Atlantic population, an international management regime was required if the stock was to be managed effectively. Beginning in 1971 quotas were applied, first by ICNAF and, after the introduction of the Canadian 200-mile fisheries jurisdiction, by Canada acting on the advice of the Northwest Atlantic Fisheries Organization prior to 1985 and following 1995. The quota was set independently between these time periods. Some of the main management measures implemented for harp and hood seals included opening and closing dates, licensing requirements, prohibition of killing certain types of seals and total allowable catches (Anon 1986).

Brian Davies left the New Brunswick SPCA in 1969 because some members felt that the association was neglecting animal welfare in New Brunswick at the expense of the sealing issue. He was allowed to take with him the assets of the Save the Seals Fund, which he later used to establish the International Fund for Animal Welfare (IFAW). Within four years, IFAW was generating annual revenues in excess of $500,000. In 1971, both IFAW and the European Committee for the Protection of Seals offered to pay sealers not to hunt. Three years later IFAW hired the New York advertising firm of McCann-Erickson to co-ordinate its "Stop the Seal Hunt" campaign. Newspapers, national magazines, billboards and radio were also used to spread the anti-sealing message. Although the campaign cost over $100,000, this was more than covered by the fund's increased revenues, which leapt from $513,334 in 1973 to $805,141 in 1974 (Candow 1989). While these figures are presented by Candow, a literature search did not confirm the accuracy of these revenues; further investigation is necessary.

In 1976, the IFAW shared the anti-sealing campaign with a new group. The Greenpeace Foundation had been formed in British Columbia in 1975 to protest American underground nuclear tests and also had some history with the whaling protest in the Pacific Ocean. Greenpeace became involved with several controversial protests including a trip to St. Anthony, Newfoundland, and a visit to the ice where they threatened to spray seal furs with paint. Despite its participation in local meetings, the exact concerns of Greenpeace remain unclear. It may have been the cruelty issue or the threat of reduction in the seal population (Candow 1989).

In 1977, Canada took management control of all fisheries within 200 miles of its coastline. This also impacted the exploitation of the seal fishery. Canadian seal hunts were now observed more carefully. The entire structure of the seal fishery began to change after 1983 when the seal hunt was no longer carried out in whelping concentrations. IFAW and Greenpeace continued, however, to block both fisheries. Greenpeace director, Paul Watson, received media attention at the beginning of the hunt, March 15,1977, by handcuffing himself to one of the ships. Earlier that day, Watson and two other Greenpeace members had thrown pelts and clubs into the water, and Watson had even lain down on the ice in front of a sealing ship, forcing it to stop. At the same time, IFAW's Brian Davies brought people, especially celebrities including Loretta Swit, to the ice. IFAW and Greenpeace were joined in 1977 by a millionaire Swiss conservationist, Franz Weber, head of the Franz Weber Foundation, who offered to pay the Canadian government $2.5 million to stop the hunt and later offered to build an artificial fur factory in Newfoundland to employ displaced sealers. The offer was rejected and Weber did not become involved in the hunt again (Candow 1989).

According to Herscovici (1985), as the conflict continued into the late 1970s, the protesters suffered credibility problems including staged appearances with former sealers

paid to tell lies regarding skinning seals alive. IFAW had its registered charitable organization status revoked because Revenue Canada saw it as using its money for political purposes, and not directly for charitable reasons. Revenue Canada automatically requested its share of taxes of over $1.2 million. In response, IFAW moved its headquarters to the United States to regain its registered charitable organization status. At this point its membership was reported at 800,000 (Herscovici 1985). The Greenpeace organization also had difficulties. Paul Watson was expelled by the foundation's board of directors for over-running their budget by $25,000. Watson, who then founded the Earthforce Environmental Society, claimed that Greenpeace was only interested in turning a profit in the seal protest because of its high level of support and ability to generate high revenues through donations. At this point the integrity of the seal protest movement was severely questioned by its own members. But this setback was only temporary. Watson's group purchased a vessel, the Sea Shepherd, which was used in 1979 to sail to the ice where he and his crew were arrested for spraying dye on more than 200 whitecoat pups. Watson was fined $8300, sentenced to jail for 15 months, and subsequently placed on three years probation (Candow 1989).

2.3 The International Fund for Animal Welfare's Investigation into the Newfoundland Seal Hunt

In 1995, the Canadian government introduced decreased subsidies for the seal hunt and pledged that the renewed kill would be humane, well-regulated, sustainable and free from waste. IFAW later claimed to witness an entirely different situation from that promised by the Canadian government. In fact, IFAW released information to the media that indicated that the seal hunt had run wildly out of control: they argued that hunters killed over a quarter of a million seals in less than three months. Video evidence obtained by the IFAW suggested that many seals were actually skinned alive. Many others were wounded by gunfire and caught on sharpened steel hooks or clubbed to death

with illegal weapons. Federal inspectors were unable to prevent sealers from killing over three times the legal limit of hooded seals (IFAW 1997).

Currently the responsibility to ensure that quotas are not exceeded lies with the Department of Fisheries and Oceans. Due to the logistics in regulating many different sealing areas, DFO uses total allowable catches and closing dates as a means of managing the harvest. If prior to the official closure of the harvest, sealers exceed the quota, it is not illegal because there is no way of the knowing when to stop hunting other than by closing dates. Sealers do not have individual quotas and therefore harvest as many seals as possible until the closure date is announced. Eventually seal harvesters may have to take some responsibility in ensuring that quotas are not exceeded (Andrews 1999).

In many instances, either residents or tourists witnessed hundreds of dead seals on local Newfoundland beaches, of which many had only the penises removed (IFAW 1997). Most recently, government officials charged 101 sealers, including the president and a member of the 1996 Executive Council of the Canadian Sealers Association, with illegally selling more than 25,000 protected blueback hooded pups (IFAW 1997). These abuses occurred despite 30 years of attempted reforms, including the funds put into sealer training, the expenditure of over $23 million for a Royal Commission on Seals and Sealing, and the annual costs of about 100 federal inspectors, plus aircraft, icebreakers, and rescue ships. In addition, at least $1 million has been paid per year since 1985 in direct and indirect tax payer subsidies to the sealing industry (IFAW 1997). Jacquelyn Lake, project coordinator of the Seal Industry Development Council, later confirmed that charges against sealers for the sale of blueback, hood seals remain before the courts (Lake 1999). The delay in court proceedings are attributed to the large amount of information required to lay charges against so many people and DFO's right to regulate the sale of seals. DFO's challenge to regulate the sale of seals was rejected in the Newfoundland

Supreme Court, but the ruling is being appealed. Under the Department of Fisheries and Oceans' regulations, the selling of whitecoats (young harp seals under 10 days old) and bluebacks (young hood seals ranging up to 18 months) is illegal. Blueback hoods were placed in the same category as harp whitecoats following the 1986 Malouf Commission on Seals and Sealing in Canada which recommended closure of the harvest of both whitecoats and bluebacks (Andrews 1999). Despite this ban there is a high economic incentive to sell bluebacks to illegal black markets (Bath 1999). Commercial harvesters may kill bluebacks for their own personal use, but they cannot offer them for sale. The hunt for whitecoats will probably never be reinstated; however, the hunt for older bluebacks is open to discussion due to the 18-month period in which they are still protected. It may be possible to alter this definition by changing the age for which they are still considered pups. This will allow a harvest while the pelts are still blue and thus receive a significantly higher market price before they change color. Increased observer coverage will assist in eliminating these offenses in the future. Currently observer cost is absorbed by the Department of Fisheries and Oceans (Andrews 1999). Additional funding will be required if this goal is going to be achieved. The sealing industry will also have to financially support this objective due to the high costs associated with observer coverage.

In 1996, IFAW undercover investigators gained access to four sealing vessels and obtained documentary evidence of the seal hunt that would depict the Canadian seal hunt as barbarious and cruel. In just eight days, they claimed to videotape at least 144 violations of Canada's Marine Mammal Regulations and other rules meant to control abuses in the sealing industry, including skinning seals alive, using hooks to catch live seals, shooting seals and leaving them to suffer, clubbing seals with a boat hook, killing seals and abandoning them on the ice, selling contaminated seal meat, and, moving or abusing live seals (IFAW 1997). IFAW presented other videotapes and documents

reporting at least 34 other abuses which, however, are not currently addressed by current Canadian law. Some of these unregulated abuses include killing seals solely for their genitals, dumping unwanted seal parts, stockpiling of dead or dying animals, killing pregnant females, and uncounted kills when seals are wounded, but never recovered (IFAW 1997). IFAW's 1996 investigation concluded this uncensored view of the world's largest slaughter of marine mammals proves again that sealing in Canada is cruel and criminal. Recent scandals and continuing evidence of cruel and criminal activity in the sealing industry reinforce IFAW views that current regulations are inadequate and the enforcement of these regulations is ineffective, if not impossible (IFAW 1997).

Clayton Ruby, a lawyer retained by the IFAW to investigate the Atlantic seal harvest stated "In the 1970's, our country bore the brunt of international criticism for its seal hunt which was rightly condemned as a horrifying display of cruelty. We have not come very far in the last twenty years" (IFAW 1997). In contravention of the Marine Mammal Regulations, seals are killed with methods that inflict severe pain and suffering to the animal and also cause serious risk to the future sustainability of the seal populations. Many of the abuses are violations of the Canadian Criminal Code, s.446, which states that anyone who "intentionally causes unnecessary pain, suffering or cruelty to an animal is guilty of an offense punishable on summary conviction and is subject to penalties of a fine up to $2000 or to imprisonment for six months or both" (IFAW 1997). In summary, the International Fund for Animal Welfare feels that the lack of observers on sealing vessels has left sealers free to commit tens of thousands of offenses on the unprotected ice and holds the opinion that the Department of Fisheries and Oceans is expanding a hunt that it cannot control as evidenced by these infractions (IFAW 1997).

In 1996, Newfoundland sealing groups including the Canadian Sealers Association and harvesters openly admitted that several of its people violated federal seal protection laws

when a group of men were videotaped hitting and abusing a seal in Petty Harbor, Newfoundland. This case affected the sealing industry in a dramatic and hurtful manner. Other sealers publicly condemned these actions and supported punishment for the offenders. The provincial Department of Fisheries and Oceans and the Canadian Sealers Association felt that this conduct was wrong, but point out this did not represent common practice of the Newfoundland seal harvesters or industry (Fagan 1998). The initial reaction to this event resulted in continued protest calls to the Canadian Sealers Association. IFAW aired the tape in the following spring. However, interest eroded after a short time; this avoided any serious harm to seal markets according to the Canadian Sealers Association (Lake 1999).

2.4 Changes Needed to Help Reduce Cruelty to Seals

IFAW feels strongly that most sealers often do not respect even the most basic standards of humane conduct when killing seals It feels that drastic changes are required to carry out a humane seal hunt. IFAW states that Canada's Criminal Code gives seals, like all animals, specific protection from "unnecessary pain, suffering or injury" (IFAW 1997). The current Marine Mammal Regulations must be revised to meet basic standards. IFAW claims that evidence shows that wounded animals are left to suffer as sealers slaughter massive numbers of animals in a short period of time. In order to stop this stockpiling of dead and dying animals, the regulation that all seals must be bled and skinned immediately must be reinstated. As with virtually every other land-based hunt, the killing of pregnant females must be stopped and the shooting of seals in the water banned in order to limit suffering and avoid wounding but never recovering the animals. A mandatory shooting or marksman test should be given to the sealers themselves every two years to ensure quick and effective death to the seals (IFAW 1997).

The practical reality of enforcing several of these proposed regulations is quite dismal. Killing pregnant seals cannot be stopped due to the fact that they are pregnant for most of the year between the ages of 6 to 18 and mate shortly after pupping (Malouf 1986). It is also difficult to distinguish the seals' sex (Bath 1999). Increased surveillance, which will reduce instances of harvesters leaving dead seals behind, must be supported by financial resources for personnel and equipment if it is to be of value. Finally, continued training in marksmanship is a practical objective given that the majority of seals are shot.

2.5 Changes Needed to Protect Seal Populations

IFAW feels strongly that the Department of Fisheries and Oceans has neglected its obligation as protector of the seal resource. Lack of adequate enforcement and control may contribute to many violations in the seal fishery. Despite this criticism, animal activist groups, including the IFAW and Greenpeace, feel that management of the hunt must remain under federal control. According to IFAW, the Department of Fisheries regulations should require notification when sealing vessels are approaching port. Sealing inspectors should routinely carry out dockside inspections to ensure that reporting regulations are being met. Federal sealing inspectors must be present on all sealing vessels with a crew of three or more, with the power to arrest violators. The earlier practice of giving qualified independent animal welfare observers, such as the Canadian Council on Animal Care and the Canadian Federation of Humane Societies, open access to the hunt and seal processing plants must be reinstated (IFAW 1997).

A critical analysis of these recommendations reveals problems in establishing such regulations. The logistical and financial demands of this management approach is both complex and expensive. Due to the large numbers of sealing vessels, the cost will be high. In other Newfoundland fisheries the cost of observers is covered by vessel owners. However, the Department of Fisheries and Oceans currently covers the costs of observers

for the seal fishery (Andrews 1999). If seal harvesting vessel owners are willing to incur additional costs remains to be seen. Danny Bath, a seal harvester in Twillingate, Newfoundland, adamantly opposes paying for observer coverage (Bath 1999); many, if not, most sealers take this position. Finally, if enforcement is going to be effective, the sealing industry must ensure these personnel have adequate training and authority to perform their enforcement duties effectively. It is unlikely that these recommendations will be adopted without the support of at least the Department of Fisheries and Oceans.

IFAW feels that the budget for enforcement of sealing regulations must be increased substantially. Adequate numbers of enforcement officers and support staff must be established. This is in response to the current low enforcement staff further restricted by insufficiently low operating expenditures. Inspectors should be tested for their knowledge of the Marine Mammal Regulations. All levels of government should be more aware of the problems currently present in the seal hunt and resource management issues (IFAW 1997). Population assessments must continue to be open to independent scientific reviews (Anon 1986) and presented regularly at international scientific conferences including the Joint ICES/NAFO Working Group on Harp and Hooded Seals and Workshops on Harp Seal Fisheries Interactions. The United Nation's Environment Program draft protocol for evaluating culling proposals should be used to evaluate any population control proposals (Anon 1986). In exporting seal products, special attention must be given to restricting the exportation of certain parts of the seal, including penises. The international trade in valuable wildlife products has already driven elephants, rhinos, tigers, whales and some bear species to the brink of extinction. Canada should take decisive action to discourage the trade in animal parts by banning the sale of seal penises and testes (IFAW 1997). More aggressive animal rights activists encourage an importation ban on all seal parts including the meat and oil. Animal rights activists, including IFAW, feel that recommendation #41 of the Royal Commission on Seals and

Sealing should be implemented, which calls for "transferring responsibility for seals on the Atlantic and Pacific Oceans to a section of the Department of Fisheries and Oceans separate from those directly concerned with Fisheries. The responsibilities of this section should include the protection of seals, management of any utilization and the interactions with fisheries" (Anon 1986).

2.6 An Alternative View of the Animal Rights Movement

An alternative perspective concerning animal rights groups represents the views of a large portion of those who do not oppose a seal hunt (Herscovici 1985). Herscovici claims that it is not mass starvation or the plight of the underprivileged that upsets society, but the most crucial moral dilemma facing society today is the use of animals in scientific research. He further suggests that "animal rights groups have dedicated themselves to eradicating suffering. Well financed and efficient, these organizations have wreaked a good deal of havoc, while the gullible and sensation-seeking media conform to their ideals" (Herscovici 1985).

The anti-sealing movement, in Herscovici's opinion, has become a big business that manifests many negative features including political infighting, media grandstanding, profiteering and manipulative advertising. The movement on behalf of animals has desseminated considerable misinformation. Such adversarial stances have damaged the credibility of the animal welfare and environmental movements. Herscovici's strongest case concerns the impact of animal rights groups on Canada's native peoples and Newfoundlanders, those who have been hardest hit by the campaign against sealing and trapping. In spite of humane killing practices and a high abundance of seals, Herscovici claims that European bans on seal products is made "politically necessary" for animal rights groups. Herscovici perceives anti-sealing campaigns as symptomatic of the

confused thinking of those who set themselves up as spokespeople for nature, but who are, in fact, profoundly alienated from it (Fox 1985).

An analysis of Herscovici's book, *Second Nature The Animal Rights Controversy*, supports Fox's portrayal of Herscovici's ideas on the animal rights movement. Herscovici points out the danger of one part of society interfering without comprehension of the lifestyles and values of other parts of society. Primarily involved with the study of Aboriginal hunting, he is frustrated by the group's perception that Aboriginal hunting and trapping are no longer important occupations. Discussions with Aboriginal and non-native hunters and trappers, however, indicate the opposite. The idea that Aboriginals will destroy their resources is not supported; this is evidenced by their long history in hunting and trapping without damaging animal populations. While commercial harvesting must be carefully controlled and monitored, there is a level at which man can utilize its natural resources without threatening its future sustainability and survival. Herscovici feels that animal rights groups are more concerned with their own future than those of the animals that they claim to protect (Herscovici 1985).

3.0 Resource Management Issues Facing the Newfoundland Sealing Industry

Resource management is critical to future progression of the Newfoundland sealing industry. Many of the arguments set forth by both pro- and anti-sealing groups will eventually depend on resource management to assist in providing information to support their respective views. This chapter focuses on conservation principles, population dynamics, the effects of predation, and ecosystem management in an attempt to appreciate the fundamental principles that are relevant in managing the seal resource. While science attempts to remain at arms length from their government employers, to a large extent the Newfoundland seal fishery still remains a political issue.

3.1 Resource Management Considerations

Many conflicting views exist as to the principles on which the seal population should be managed. Currently resource management is conducted by the Federal Department of Fisheries and Oceans, while processing concerns are addressed by the Provincial Department of Fisheries and Aquaculture of Newfoundland. However, the provincial government plays an active role in promoting the population control of seals in an attempt to allow cod stocks to recover due to their claims that seals consume high amounts of cod. Some participants in the 1986 Royal Commission on Sealing in Canada view seals primarily in economic terms, as a resource to be managed in order to maintain a high economic return either from sale or direct consumption of seal products. Others believe that seal management should be more concerned with conservation, and that political interference should be kept to a minimum. The choice and balance between these two objectives must be a political decision (Anon 1984). In the face of competing interest groups including animal rights groups and seal harvesters, government finds itself in a difficult position when it comes to a clear stand on several key issues.

3.2 Management and Conservation Principles

Many organizations and special commissions have stressed the importance of conservation principles as part of management policy. The World Conservation Strategy, an international body whose mandate is to review fundamental resource management principles for various species, recognizes that sustainable utilization of species is compatible with conservation. However, utilization must be based on a scientifically justified management plan (Anon 1986). See Appendix 3.1 for an example. The World Conservation Strategy identifies three explicit objectives for resource conservation: to maintain essential ecological processes and life support systems on which human survival and development depend; to preserve genetic diversity; and to ensure the sustainable utilization of species and ecosystems. Likewise when considering seals as a harvestable resource and analyzing management approaches for their conservation, the Royal Commission on Seals and Sealing viewed seals as more than sources of meat, skin and oil (Anon 1984). Practices leading to the overexploitation of species or the unwise use of physical resources receive little sympathy from the international community (Clark 1981). The International Council of Environmental Law fully endorses the principles set forth in the World Conservation Strategy, to ensure that the seal harvest does not endanger the sustained viability of its species and does not impose significant distractions on the ecosystems (ICEL 1985). The World Wildlife Fund recognizes that utilization of seals is compatible with conservation only when the total allowable catch does not endanger the herd, that waste is avoided, and that, if seals are killed, they are killed humanely (Hummel 1984).

In a brief submitted to the Royal Commission on Sealing in Canada in 1986, the Committee on Seals and Sealing (COSS) stated that the killing of seals must be humane, ecologically sound, and economically viable (Anon 1985). Even though COSS no longer exists, these principles have been widely adopted. The Department of Fisheries and

Oceans summarizes their own management objectives in the following brief statement: "seals are considered a natural renewable resource available to be humanely harvested within the limits of sound conservation principals, taking into account its role in the ecosystem, with the objective of gaining the maximum socio-economic benefits for Canadians in general, and those who depend directly upon it" (Anon 1995).

The international community has continued to provide improved science and management policies. Several forums and work group discussions have attempted to achieve these objectives, including a Forum on East Coast Seal Management. The Joint International Commission for Exploration of the Seas and North Atlantic Fisheries Organization Working Group (discussed in section 3.3) and an International Conference and Exhibition for Sealing in the Future. The Forum on Canadian East Coast Seals Management, held in St. John's, Newfoundland in 1995, looked at various means of expanding a commercially based seal harvest. Participants included representatives of the sealing industry, various Department of Fisheries personnel, fisheries scientists, seal processors, native groups, and animal rights groups. Key findings of the forum included the requirement for population sustainability, the establishment of an ecosystem approach, adequate monitoring programs, increases in public awareness and acceptance of the seal harvest and development of processes utilizing the entire seal (Anon 1995). The Sealing in the Future International Conference and Exhibition held in 1997 in St. John's, Newfoundland was arranged by the North Atlantic Marine Mammal Commission (NAMMCO), in cooperation with the Inuit Circumpolar Conference, the Nordic Council of Ministers, the Nordic Atlantic Cooperation and the High North Alliance hosted by the provincial government of Newfoundland. Its participants included the Canadian sealing industry and representatives from other sealing nations including Greenland, Russia, Namibia, Peru, Norway and Uruguay. Participants outlined the history, current status and

future of their sealing industries, gave an overview of problems encountered, and how they attempted to solve them. The conference also involved the provincial and federal fisheries departments and various other stakeholders. The mandate of the conference was to discuss the state of sealing industries in the participating countries. The principal focus was to review conservation management and rational utilization of seals and to explore the potential for enhanced international cooperation on issues such as trade, management and information. The conference resulted in the formulation of a multitude of suggestions as to how the entire international seal harvest should be managed and developed. Conclusions of the various panels included the need to overcome existing trade barriers for seal products, a requirement to promote the seal trade interests on a local level, the need to assist in the development of indigenous peoples seal industries and also to continue sound management and conservation policies for the international sealing industry (Anon 1998).

3.3 Seal Population Dynamics

The Department of Fisheries and Oceans of Canada estimates that in 1998 there were approximately 6,000,000 seals off the east coast of Canada' of which 4,800,000 were harp, 600,000 hooded and the remainder ringed, gray, harbor, and bearded seals (Andrews 1999). The harp and hooded seals are migratory between the Arctic and temperate regions (Malouf 1986). While there has been no harp seal census since 1994, the Department of Fisheries and Oceans (DFO) plans to conduct an aerial survey in 1999. An additional concern for DFO scientists is the migration of harp and hooded seals between Canada and Greenland in this attempt to estimate the entire seal population. Seals in Greenland are part of the same population as hunted by Newfoundland. This is a difficult task given the large geographical area and commercial activity carried out by both nations. Greenland is taking in excess of 80,000 seals which is higher than DFO projections. This resource allocation problem continues to be a problem for resource managers. The survey

population models are based on parameters including pup production, reproductive rates, and catch at age, all used to estimate levels of abundance. Natural mortality is evaluated on historic data or estimation (Anon 1995).

The Joint International Commission for Exploration of the Sea (ICES) and the North Atlantic Fisheries Organization (NAFO) Working Group on Harp and Hooded Seals was held in Copenhagen, Denmark in 1997. These meetings reviewed and discussed available information on catches and relevant scientific information on harp and hooded seals. Some of their findings revealed that in the evaluation of future seal population levels, there is concern for the existing replacement yields for both harp and hood seals. The Canadian commercial seal hunt increased dramatically in 1996 and 1997. In 1996 the catch was 242,362, and 261,043 in 1997 which is approximately four times the average taken over the last ten years. There were no catch figures for Greenland between 1988 and 1992. Recaptures of tagged animals have demonstrated that harp seals from all breeding stocks do contribute to catches in Greenland. Combining the Canadian and Greenland estimated catches suggest that current catches are in the order of 300,000. Based on earlier findings the participants stated that recent catches of harp seals in the Northwest Atlantic are near or at, the established replacement yields (Anon 1997).

Catches of hood seals have been variable in 1996 and 1997. In 1996, a total of 25,754 were taken; this is three times the allowable quota. The majority of these were bluebacks. This is the same year that sealers were charged with killing blueback hood seals in Newfoundland, a practice which is illegal (Anon 1997). In 1997, 7058 hood seals were taken, which is just under the 8000 animal quota. Taking into account Canadian and Greenland catches, the total catch of hoods is high (Anon 1997). In summary, the harp seal populations are being harvested near replacement yields. There are various groups that feel this poses a serious threat to the future sustainability of the harp seal resource in

the absence of adequate enforcement policies. The adherence to scientific advice is crucial if stocks are to be managed effectively.

While DFO is the only department that provides population surveys, their estimates have been questioned by seal harvesters throughout Newfoundland. These include Captain Morrissey Johnson, a renowned former Newfoundland sealing captain, who suggests that seal populations are much higher than the DFO projections and feels that current seal populations are much too high (Johnson 1998). Harvesters opinions on the current seal population are based on the high number of sightings while at sea and the presence of seals in areas where traditionally there were none. Given this exposure, there information could be incorporated into scientific fishery models, but currently this is a difficult task. These differences in population estimates remain a matter of conflict between seal harvesters and the Canadian government as harvesters continue to claim that seals eat high amounts of codfish which traditionally provided the greatest source of fishing income. In addition, the Newfoundland Department of Fisheries and Aquaculture claims that seals consumed in excess of 12,000,000 tons of fish or shellfish in 1997 (Anon 1997). This provincial stance has added to this conflict. However, DFO attributes a portion of the increased seal population sightings to changes in migration patterns.

Seal pregnancy rates have dropped significantly in recent years. Surveys indicated that 90% of the mature females were pregnant in the early 1980s, while a 70% pregnancy rate was recorded in the early 1990s. Despite this decrease, the total number of births remains significantly high with respect to large seal populations in Canadian waters (Anon 1995). If seal population levels were low this would have a negative effect on the future sustainability of the resource. While no population grows forever, this situation may impact stocks in the short term. For this reason, the sealing industry and government must take future seal populations into consideration.

Uncertainties in any of the seal production models of estimates of natural mortality and pup exploitation are accounted for by confidence intervals, but not all possible sources of uncertainties are included; therefore, several fisheries scientists feel that these confidence intervals are underestimates of the total uncertainty. The projected growth of Canadian seal populations in the early 1990s was 5% per year. One of the estimations of the replacement yield, which is the number of seals that can be harvested without changing the total population based on specified assumptions about the age of the future catch, is approximately 287,000 seals (Anon 1995).

3.4 The Effects of Predation on Co-existing Species

There has been much controversy in Newfoundland about the large seal population, its perceived underexploitation by sealers, and its effect on the ecosystem, especially in relation to cod predation. For example, in a speech directed to the Canadian Federation of Municipalities in 1997, the Honorable Minister of Fisheries and Aquaculture for Newfoundland and Labrador, John Efford stated, "the balance in the marine ecosystem may also be a threat to the seals themselves" (Anon 1998). The removal of seals to allow cod stocks to increase has been a controversial topic among industry, government and animal rights groups. While industry and the provincial Department of Fisheries and Aquaculture support an increased hunt in order to reduce the damaging effects of large seal populations on species including cod, turbot and salmon, animal rights groups are adamantly opposed to such action. Roland Andrews of the Department of Fisheries and Oceans has received many reports from fishermen in Newfoundland claiming that seals are showing up in nontraditional areas. This is evidenced by increased catches of seals in gill nets and visual records when these fishermen go to sea (Andrews 1999). This maybe due to changes in prey distribution but Benedict Leonard, an inshore fishermen from Southern Harbor, Newfoundland, points out that " There has always been cod in Placentia Bay even during the moratorium. In the last couple of years the number of seals we see

continues to increase. It must be because they are running out of food in their old feeding grounds because there is not enough food to feed such a high number of seals" (Leonard 1999). While this information is not scientifically supported, it has inspired many fishermen to lobby for increased seal quotas or population control. However, changes in migration and distribution for harp seals is scientifically supported by DFO and little information is available on the relationship between seal population reduction and cod recovery, which is a controversial topic in Newfoundland today. Despite efforts to devise fishery models to determine the actual effects of predation by seals, they are difficult to develop and to date, no definitive models have been successful. Relevant data for other predators of commercial fish species including cod are not available. These include piscivorous whales, Greenland halibut, sculpins, skate and other possible predators. If their effects are to be included, the simplest assumption is that the mortality rates attributed to seals is simply additive (Anon 1997).

While fisheries scientists agree that seals affect mortality in species including cod they cannot be certain that the current level of consumption is affecting the rebuilding of the northern cod stocks. This may be attributed to the lack of sufficient data. While there are others that may effect this issue in the future, including Dr. George Winters retained by the provincial Department of Fisheries and Aquaculture to assess the Newfoundland seal population and determine the effect of the removal of 2,000,000 seals on the population (Winters 1999). Opponents have rejected this opinion on the basis that there is insufficient data available to determine if a cull is a safe alternative and feel there is insufficient scientific evidence to determine what amount of seals should be culled without threatening their future sustainability. The effects of culling 2,000,000 seals on cod recovery certainly requires much more scientific research and discussion. In the absence of valid scientific evidence, the assignment of a specific cull has high risk; it could place the stock in danger and reduce the future yield to harvesters (Anon 1986).

The debate over the magnitude of this predator/prey relationship will likely continue until an adequate scientific review is carried out.

3.5 Single Species and Ecosystem Management

Current management policy has been extensively considered in relation to the number of seals that may exist in the presence of an annual harvest. In a fishery that concentrates on harvesting a single species, reasonably direct and simple relationships can be predicted between the amount of fishing, the abundance of stock, and the sustainable yield. While this approach focuses directly on the future of the single seal species it does not consider the interactions of seals with other species at a specific population level (Anon 1986). While the single species management is currently being replaced by the new ecosystem approach which considers the interaction of all species, there is valuable information in the former approach. How it should be used involves much debate. In reality, the dynamic nature of ecosystems make them difficult to understand, however, there is support for continued research initiatives. Seals do not live in isolation; managing this species using an ecosystem approach takes into account the seal's interactions with other species in its ecosystem. An ecosystem consists of all the constituent elements that affect it, including the seals themselves, other marine mammals, the species or prey upon which the seals feed upon, and finally the effect of harvesting on all species in the ecosystem (Anon 1986).

The optimal management approach for managing all fishery species surrounding the Newfoundland coastline remains the subject of intense debate. The views of the sealing industry, the provincial government, the Canadian Sealers Association, Department of Fisheries and Oceans and anti-sealing groups are considerably different. Newfoundland seal harvesters and the Department of Fisheries and Aquaculture feel that the seal population should be controlled because of perceived intense predation on cod stocks.

While both groups admit that overfishing was the main cause of the cod stocks decline and caused a moratorium on commercial fishing of northern cod in 1992, the Department of Fisheries and Aquaculture currently feels that the seal population is hindering the recovery of the stocks in the absence of any significant commercial fishery. Pro-sealing groups argue that high seal population densities will occur in the absence of adequate seal harvesting quotas. While they are unable to provide scientific evidence to support their theory, at this time the Newfoundland Department of Fisheries and Aquaculture feels that due to these high populations, seals will suffer a higher incidence of disease, reduced breeding success, and starvation due to lack of food. Over-population has other negative biological effects including distress to individual animals. Some density-dependent changes, such as delay in the age of maturity, may eventually cause the seal population to decrease. These pro- sealing groups feel that eventually a cull will be necessary in order to keep seal populations under control (Anon 1997).

The Canadian Sealers Association is not in favor of seal cull. Tina Fagan, the Executive Director, explains that a cull can only be supported by markets that are willing to purchase all seals that will be killed. In the absence of an adequate demand for seal products, revenues will decrease significantly due to price reductions as a result of an over-supply. In addition, animal rights groups would increase pressure on existing seal markets to stop importing seal products (Fagan 1998). The Department of Fisheries and Oceans does not recommend a cull at this point due to uncertainties in the determination of the effects of a cull on the long-term sustainability of the seal stocks (Andrews 1999). Anti-sealing groups, including IFAW, feel that the biological stability of future seal populations will be jeopardized if seal harvesting continues to increase. They do, however, agree with current seal population estimates by DFO (IFAW 1997).

In the assessment of interactions between species including cod, seals, crab, shrimp, etc. an ecosystem management approach considers the effects each species has on the short- and long-term survival of the other species. Ecosystems are constantly changing and the effects of controlling one species in an attempt to allow another species to increase in population size are difficult to predict. Given that the Newfoundland fishery is worth more now than it was prior to the 1992 cod moratorium, Tina Fagan points out that crab and shrimp have been available in increasing abundance due to the absence of their main predator, cod. A seal cull would possibly reduce these lucrative shellfish stocks as a result of eventual increased predation by cod (Fagan 1998). This however, is not the opinion of many Newfoundland fishermen (Bath 1999). Further research would be helpful to compare the economic value and level of employment of the entire Newfoundland fishery prior to and following the 1992 cod moratorium.

A review of section 3.5 is intriguing when one considers that man is attempting to control the balance of nature as a result of an attempt to identify what species should and should not exist based on their economic value. Given the lack of solid scientific information for the interactions between these species, it appears to involve considerable uncertainty.

3.6 Political and Scientific Issues Surrounding the Commercial Seal Harvest

Scientific information has been often misrepresented, misused and abused in public discussions of controversial wildlife issues, of which Canada's seal hunt is perhaps a classic example (Lavigne et al. 1985). Lavigne, in his investigation into the controversy surrounding the Canadian sealing industry in the Royal Commission on Seals and the Sealing in Canada, gives a clear representation of the tension-filled debate surrounding the seal industry. He notes on Wednesday, February 29, 1984, the Globe and Mail carried a front page story entitled, "Smash skulls of seals firmly, hunters are told." The last line

of the article read; "Seal hunters will have to smash the skulls of baby seals thoroughly to make sure they are not skinned alive, the Federal Cabinet has ruled" (Lavigne 1985). Ironically, the rules were made to minimize suffering to the animal and were useful. These headlines give a perception of cruelty when one imagines a "baby seal" being killed in this manner. It actually advocates or encourages a quick death to the seal, and thus minimizes pain and suffering. The majority of these seals were killed by either clubs or hakipiks which many qualified observers consider humane. Despite its effectiveness, clubbing presents a brutal image and has been a major factor in the arguments about the Canadian seal hunt (Anon 1986). A contradiction of the newspaper article soon followed. On the same day, the Globe and Mail carried another article which quoted Kirk Smith, Executive Director of the Canadian Sealers Association and the Hon. Pierre De Bane, the Federal Minister of Fisheries, to the effect that no whitecoat seal pups were killed in 1983 and none would be taken in 1984 (Lavigne 1985). It was not until 1987 that the killing of whitecoats was prohibited. There were actually 50,058 harp seals less than 1 year old taken in 1983 and 23,840 in 1984 (Anon 1997). Such inconsistencies occur frequently in the media today.

The current provincial Minister of Fisheries states that present sealing regulations and professionalization schemes minimize inhumane sealing practices and that the seal populations are too high and therefore, hinder the growth of cod stocks (Anon 1997). At the same time, IFAW claims that the seal hunt is being executed in a cruel manner causing severe suffering to seals and jeopardizing their future existence (IFAW 1997). The extent to which concern about the perceived impacts of seals on commercial fisheries or the extent to which the government of Canada will create the impression that seals are devastating the commercial fisheries has been and continues to be a major political issue for both pro- and anti- sealing groups. The Newfoundland sealing industry continues to lobby the federal Minister of Fisheries and Oceans to increase annual quotas when seal

markets are strong, while anti-sealing groups pressure the department to either stop or reduce the annual Atlantic seal harvest. In the absence of sufficient scientific data, the Canadian government is unable to clearly identify the effect of seal populations on the predation and stock recovery of commercial species. Humane killing and the responsible harvest of seals remains perhaps the greatest challenge facing the Canadian government.

Since the mid-to late-1970s, pro-sealing interest groups, including the government of Canada, the government of Newfoundland and Labrador, members of parliament, the Canadian departments of Fisheries and Oceans, External Affairs, the Canadian Sealers Association, Fisheries Council of Canada, and interested individuals, have attempted to counteract what they see as an emotional and misinformed anti-sealing campaign. Despite such efforts, Canada's credibility abroad has suffered as a result of this campaign to promote the seal hunt (Lavigne 1985). Today the seal hunt controversy involves a polarized debate between those opposed to the hunt including the IFAW, those in favour of a sustained hunt, and those who see sealing as a way to decrease seal populations. It is a complex and emotional issue which is continually clouded by distortions of fact, which include the future sustainability of seal populations, the humanness of the harvest, the behavior of sealers, and the value of the Newfoundland seal fishery. This distortion is evidenced in section 1.2, which considers the economic value of the harvest. Much of the confusion might disappear, however, if all sides in the debate endeavored to present the facts accurately and to focus the debate on the real issue. The crucial question today is whether continuation of the annual seal hunt is in Canada's best interests, either at home or abroad. Ultimately this question will be resolved by a political decision based partly on economic and social considerations; it is a decision heavily influenced by public opinion (Lavigne 1982).

The Canadian government's policy on sealing is consistent with its policies on the management of other fishery resources. Seals are considered a natural resource available to be harvested in a humane fashion. The harvesting of this resource is permitted only within the limits of sound conservation principles, taking into account their role in the ecosystem. The government's objective is to gain the maximum socio-economic benefits for Canadians in general and for those who depend directly on the resource in particular (Anon 1997). Seals have formed an important part of the harvested resources of the sea, and helped form the basis to the year-round settlement of many rural communities. While the seals are valued as a commercial commodity, important to the economic growth and survival of a region, it is difficult to make the death of any living creature visually or aesthetically appealing. Given that an animal is to be killed, the prime objective of responsible humane organizations and government regulatory bodies which control the industry is to ensure that the method of killing is humane and effective. A humane death, whether for the seal or other creatures used by society, is defined as one which brings a rapid, efficient death to the animal with the absence or absolute minimum of physical pain or psychological stress (Anon 1997).

4.0 Conclusion

The seal industry has been and remains an important part of Newfoundland's culture and economy. Despite tragedies, including the loss of men who gave their lives to the fishery and the reduction of the hunt due to animal rights protests, it has survived and even has been revitalized. Advocates and defenders of the seal harvest argue that sealing is an intrinsic part of Newfoundland's way of life and heritage. It is necessary to its economy and social and cultural continuity. The seal fishery carved out a distinctive identity that exists today in rural Newfoundland outports. Despite modern advances in technology, the seal fishery continues to be labor intensive. However, there is no shortage of men willing to engage in the annual harvest. Native peoples continue to participate in the subsistence seal harvest and develop commercial harvests in areas including Labrador, Greenland, and the Northwest Territories (Nunavut). As these native regions continue to become part of the industrialized world, the requirement to exploit their natural resources for economic gain increases. Governments attempt to reduce their subsidization of these areas by encouraging economic development and growth. The animal rights movement has historically been sympathetic to their subsistence seal harvests, however, commercial development may be subject to criticism and protest. The continuation of a once strong industry is now in the hands of non-participants, who to a large extent adamantly oppose it.

At the same time that we speak of the danger of losing a traditional way of life, it is important to understand the present source of this threat to the seal fishery. Animal rights activists have played a leading role in the preservation of some animal populations and their humane treatment. One might question their motives, beliefs, and values, but they have been effective. Animal rights groups are powered by international support including funding, market bans, and media attention. It is not Brian Davies or Paul Watson, for example, who are the cause of seal protests, but the interests of those who

fund the movement to stop the seal hunt. Newfoundland pro-sealing groups focus much attention on these anti-sealing representatives through media releases instead of directing more effort to address the international concerns about the hunt (Fagan 1998). The past history of human destruction of various species provides a compelling reason to understand what motivates protest movements supporters. While native Newfoundlanders feel that the seal fishery is justifiable given that the resource is sustainable, and economically important, this is not necessarily the message heard by those outside Newfoundland. Ironically, the Department of Fisheries and Aquaculture, the Department of Fisheries and Oceans, and the International Fund for Animal Welfare differ in their estimation of the economic value of the Newfoundland seal harvest. This will serve as a continuing point of contention until all sides adopt common measures of economic value. The Newfoundland sealing industry through the Canadian Sealers Association continues to train all harvesters so that the killing of all seals is effective and regulations are strictly adhered to. Efforts to professionalize seal harvesters continue on a regular basis (Fagan 1998).

While miscommunication and false information may explain some of the misunderstandings that has plagued the relationship between anti- and pro-sealing movements, they are not totally to blame. Newfoundland sealers have broken regulations which are inexcusable to both Newfoundland people and the international community. Although only a few harvesters have broken sealing regulations, they have provided enough ammunition to anti-sealing groups to block opportunities for the sealing industry to expand its market base. Most media attention highlights infrequent infractions rather than providing accurate overall pictures. The majority of professional seal harvesters are dedicated to earning a decent living from the fishery and are willing to abide by its rules and regulations.

In recent years the seal industry has undergone many changes including steps toward resource sustainability, humane killing practices, and the full utilization of seal components. These changes have been influenced by the International Fund for Animal Welfare, Greenpeace and other animal rights groups. Resource sustainability has been at the forefront due to claims by anti-sealing groups that the seal population will decline if seal quotas are increased. In addition, they do not feel that seals are being harvested in a humane manner, but claim that the animals endure excessive pain and suffering. The sealing industry claims that it has attempted to handle these concerns in a professional and appropriate manner. Resource management now includes decisions that provide annual total allowable catches to ensure the long-term sustainability of the seal resource. However, the Greenland seal harvest, which kills in excess of 60,000 seals per year without a set quota, causes problems for Canadian management especially since they harvest seals from the same population as Atlantic Canada. If the seal harvest is to be sustainable, cooperation from both countries is essential to manage the seal stocks as one main population, and in the process, initiate a joint effort in marketing their seal products. This management policy is designed to balance recruitment and mortality. The annual replacement yield allows the seal population to remain the same in proportion to the number of seals killed each year. Many members of the Newfoundland fishery claim that the seal population is too high and the effects of predation by seals result in low cod stock recovery. They also believe that the average of 290,000 animals taken each year is insufficient to control the seal population. It is also important to take into consideration other large seal hunts including Greenland and the Northwest Territories in any attempt to realize the impact of increasing total allowable catches for seals in Canada. Despite this, animal rights groups insist that the seal population will decline if increased harvesting continues. In addition to these conflicting views, fisheries science does not have current access to adequate financial support to provide the data to more accurately assess seal

populations and their interactions which would enable them to clarify issues on both sides of the argument.

5.0 Recommendations

The Newfoundland sealing industry must continue to professionalize. This will require educational programs on humane killing practices, resource conservation issues, and information on the ideas and opinions of those who oppose the seal harvest. In conjunction with this, the industry's ongoing international campaign will have to continue to distribute information regarding the seal hunt, clarifying misconceptions and addressing the concerns of the international community. These concerns include the cruelty issue, seal population sustainability, and the impact of a closure of the harvest on the Newfoundland people. This effort will assist in opening past seal product markets and access new ones. At this point full utilization of the seal is required in order to establish the industry as being efficient.

Animal rights groups must work more closely with those who actively participate in the seal fishery. In attempts to decrease pain and suffering to the animal, anti-sealing groups must be willing to allow current professionalization programs provided by the Canadian Sealers Association to have an opportunity to work effectively. Progress realized in these initiatives must be brought to the attention of the international community by both pro- and anti-sealing groups. This will allow the development of a new relationship between both parties and at the same time regain the confidence and support of the international community. In order for future progress to be realized, it is critical to communicate with those who depend on the seal resource.

Fisheries science must be intensified in the seal fishery. Increased funding is necessary to support higher numbers of fisheries scientists dedicated to the study and analyses of seal resource conservation including population sustainability, effects of harvesting on seal stocks, and impacts of high seal populations on co-existing species. Current focus on ecosystem management where all species are considered in their relationship to one

another should be continued. Government and industry must be willing to fund these initiatives. Individual seal quotas for harvesters should be implemented in order to avoid quota over runs.

The Newfoundland sealing industry, animal rights groups, and fisheries science must be willing to cooperate, share information, and develop the sealing industry in both a sustainable and humane manner. The success of this cooperation will to a large extent determine the future of the sealing industry.

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Appendix 1.1 Information Package for Holders of Seal Fishing Licenses

Fisheries and Oceans / Pêches et Océans

INFORMATION PACKAGE FOR HOLDERS OF SEAL FISHING LICENCES

SEAL FISHERY REGULATORY INSTRUMENTS OF DFO

Policies, Acts, Regulations, Orders and other Federal Statutes are some of the instruments used by the Department of Fisheries and Oceans in carrying out its wide mandate of fisheries management and research in Coastal and Inland waters.

The seal fishery is controlled through the Marine Mammal Regulations and the Fishery General Regulations which are made under the authority of the Fisheries Act. The Fisheries Act, which has been in existence since 1867, deals principally with the protection of the fisheries in Canada and Canadian Fisheries waters. It covers such subjects as powers of the responsible Minister; duties and powers of Fishery Officers and Guardians; authority to make regulations; licencing of fishermen and vessels; jurisdiction of courts as well as judicial consideration such as forfeitures, fines, appeals and statute of limitations.

It should be noted that under Section 78, which is the penalty section in the Fisheries Act for general fishing fines, there is provision for a maximum fine of $100,000 on summary conviction and $500,000 on indictment. Options for second and subsequent offences include fines and/or imprisonment of up to one year on summary conviction and up to two years on indictment. In addition to any fine or jail term that may be imposed by the court where a person is convicted of an offence under the Act, Section 72 also provides for the forfeiture of anything seized or the proceeds from disposition of anything seized under the Act by means of or in relation to which the offence was committed.

With respect to obstruction of a Fishery Officer, the standard maximum penalties of $100,000 on summary conviction and $500,000 on indictment apply.

The following are the applicable sections from the Marine Mammal Regulations which are used by the Department of Fisheries and Oceans to govern the seal fishery.

REGULATIONS GOVERNING THE SEAL FISHERY (MARINE MAMMAL REGULATIONS)

Definitions:

"Blueback" - means a hooded seal that has not moulted its blue coat.

"Fish" - includes:
(a) parts of fish,
(b) shellfish, crustaceans, marine mammals and any parts of shellfish, crustaceans or marine mammals, and
(c) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine mammals.

"Fishing" - means fishing for, catching or attempting to catch fish by any method.

"Sealing Area"- means a sealing area as illustrated and enumerated in the attached Schedule III.

"Whitecoat" - means a harp seal that has not begun to moult its white coat.

Regulations:

General

- No person shall fish for marine mammals except under the authority of a licence.
- No person shall disturb a marine mammal except when fishing for marine mammals under the authority of these Regulations (Marine Mammal Regulations).
- No person shall attempt to kill a marine mammal except in a manner that is designed to kill it quickly.
- No person shall fish for a marine mammal without having on hand the equipment that is necessary to retrieve it.
- No person who kills or wounds a marine mammal shall
  - fail to make a reasonable effort to retrieve it without delay, or
  - abandon or discard it.
- No person, other than the holder of a licence to fish for marine mammals for experimental, scientific, educational or public display purposes issued under the Fishery (General) Regulations, shall
  - move a live marine mammal from the immediate vicinity in which it is found, or
  - tag or mark, or attempt to tag or mark, a live marine mammal in any manner.

Seals

- No person shall sell, trade or barter a whitecoat or blueback.
- No person shall fish for seals in any of Sealing Areas 5 to 33 except with

- - a round club made of hardwood that measures not less than 60 cm (23.6") and not more than 1 m (3.28 ft.) in length and that for at least half of its length, beginning at one end, measures not less than 5 cm (1.96") and not more than 7.6 cm (3.0") in diameter;

- - an instrument known as a hakapik, consisting of a metal ferrule that weighs at least 340 g (12 ounces) with a slightly bent spike not more than 14 cm (5.5") in

length on one side of the ferrule and a blunt projection not more than 1.3 cm (.5") in length on the opposite side of the ferrule and that is attached to a wooden handle that measures not less than 105 cm (41.3") and not more than 153 cm (60.2") in length and not less than 3 cm (1.18") and not more than 5.1 cm (2.0") in diameter.

- a rifle and bullets that are not full metal-jacketed that produce a muzzle velocity of not less than 1800 feet per second and a muzzle energy of not less than 1100 foot pounds, or

- a shotgun of not less than 20 gauge and rifled slugs.

- Every person who strikes a seal with a club or hakapik shall strike the seal on the forehead until its skull has been crushed.

- No person shall commence to skin or bleed a seal until it is dead. A seal is dead when it has a glassy-eyed, staring appearance and exhibits no blinking reflex when its eye is touched while it is in a relaxed condition.

- No person shall fish for adult harp or hooded seals in whelping or breeding patches.

- No person shall, except under the authority of a seal fishery observation licence issued by the Minister, approach within one-half nautical mile of a person who is on the ice fishing for seals.

- No person shall fish for seals during the close time set out.

- No person shall fish for seals in any of Sealing Areas 5 to 33 earlier than one-half hour before sunrise or later than one-half hour after sunset on any day.

• See attached Schedule IV.

•• See attached Schedule III.

••• The attached Schedule I (Gun List) can be used as a guide.

LICENCING REQUIREMENTS

Under Section 5 of the Marine Mammal Regulations, it states that no person shall fish for marine mammals except under the authority of a licence issued under these Regulations. As well, every holder of a licence must produce it for examination by a Fishery Officer when requested to do so.

For the purpose of the Seal Licencing Policy for Eastern Canada, "hunting for" has the same meaning as "fishing for" as used in the Marine Mammal Regulations and "sealing" means the hunting (fishing) for, killing and skinning of seals, the handling and transporting of raw seal pelts, meat, carcasses from the place where they are killed to the land and the transporting of persons engaged in sealing to and from the killing area and involves searching for seals from helicopters and other aircraft.

While the fees for sealing licences are set out under Section 4 of the Marine Mammal Regulations, the licencing conditions that can be applied are covered under Section 22 of the Fishery General Regulations which reads as follows:

> For the proper management and control of fisheries and the conservation and protection of fish, the Minister may specify in a licence any condition that is not inconsistent with these Regulations or any of the Regulations listed in Subsection 3(4) and in particular, but not restricting, the generality of the foregoing, may specify conditions respecting any of the following matters:
>
> (a) the species of fish and quantities thereof that are permitted to be taken;
>
> (b) the age, sex, stage of development or size of fish that are permitted to be taken or transported, and
>
> (c) the waters in which fishing is permitted to be carried out, etc.

Conditions, such as these, have been laid out in your Sealing Licence as shown in the attached Schedule II. As can be seen, the type and number of seals permitted to be taken has been regulated, as well as the waters in which fishing (hunting) for seals is permitted. Other conditions also apply and licences should be checked closely to ensure that you are fully familiar with them so that there are no surprises.

The regulations explicitly state that no one can go sealing without a licence and such licences are subject to the specified conditions. Therefore, anyone found to be in the situation of sealing or seal hunting while being a member of a hunting party or on board a sealing vessel without a licence or not complying with a licence condition, is in violation of the law and will be subject to enforcement action.

INSTRUCTIONS FOR THE HUMANE KILLING OF SEALS

Introduction

The Canadian government's policy on seals and sealing is consistent with its policies on the management of other fishery resources. Seals are considered a natural resource available to be humanely harvested like many other species. The harvesting of this resource is permitted only within the limits of sound conservation principles, taking into account their role in the ecosystem. The government's objective is to gain the maximum socio-economic benefits for Canadians in general and those who depend directly on the resource in particular.

Sealing on Canada's Atlantic coast began before the arrival of the first European explorers. Jacques Cartier found Labrador Indians taking seals in the Strait of Belle Isle in 1534. By the end of the 16th century, Basque, Norman anad Breton fishermen made annual expeditions to the Magdalen Islands in the Gulf of St. Lawrence, where seals formed an important part of their catches.

Since that time, wherever seals have ocurred on the rugged coasts of Newfoundland and in the Gulf of St. Lawrence, they have formed an important part of the harvested resources of the sea, fundamental to the year-round settlement of some areas.

Concern about the conditions under which animal, avian and aquatic life is treated and harvested for such basic needs of man as food, clothing, recreation and, in some instances, his livelihood, is far from being a late 20th century phenomenon. It has existed for years and the first international treaty dealing with sealing, in fact, dates back to 1911.

Harvesting of seals off the coast of Newfoundland and Labrador is no exception. Although only one of several areas in the North Atlantic where sealing is carried on, its proximity to the North American mainland has made it a relatively easy area to patrol and supervise.

The death of any living creature cannot be made visually or aesthetically appealing. This fact has been exploited by groups with a vested interest in creating controversy and antipathy about the seal hunt.

Given that an animal is to be killed, the prime objective of responsible humane organizations and government regulatory bodies which control the operation, is to ensure that the method of killing is humane and effective. A humane death, whether for the seal or the other domestic and wild animals which our society uses, is defined as one which brings a rapid, efficient death to the animal with the absence or absolute minimum of physical pain or psychological distress.

Sealing, as a legitimate industry, should be conducted in a professional manner as in other fisheries. That is why the humane killing of seals is a priority consideration of the Government of Canada and strict regulations have been established to ensure that seals are harvested with a minimum of suffering.

Appendix 1.2 1998 Seal Management Plan

ATLANTIC SEAL HARVEST

1998 MANAGEMENT PLAN

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MANAGEMENT PLAN

1998 ATLANTIC SEAL HARVEST

I. BACKGROUND

The present Atlantic coast commercial seal harvest took shape in the late 1980s after the collapse of the large vessel hunt for whitecoat pelts and the report of the Royal Commission on Seals and Sealing. The sealing policy announced by the Minister of Fisheries and Oceans at the end of the 1987 included prohibitions on:

- the use of vessels over 65 feet long;
- the commercial harvest of whitecoats (harp seals that have not begun to moult, which occurs at about 10 to 14 days of age); and
- the commercial harvest of bluebacks (hooded seals that have not begun to moult, which occurs at about 14 months of age)

The commercial harvest is now typically carried out by fishers using longliners or small boats and, where the ice is solid and seals are close to shore, on foot or using snowmobiles.

The commercial seal harvest provides important additional income and food to residents of small coastal communities where there have been fisheries closures and employment opportunities are limited.

Commencing in 1995, a policy change allowed residents adjacent to sealing areas throughout Newfoundland and Quebec to harvest up to six seals for their own use. The Aboriginal peoples and non-Aboriginal coastal residents who reside north of 53° latitude can continue to harvest seals for subsistence purposes without a licence.

II. OVERVIEW OF THE ATLANTIC SEAL HARVEST

Species Harvested

In Atlantic Canada, harp and hooded seals are harvested commercially. A number of grey seals are also taken for commercial purposes under special licences issued for that purpose. This practice was extended to ringed seals in Labrador in 1997 and will continue in 1998. Apart from the commercial harvest, some harp, hooded, grey, ringed, harbour and bearded seals are taken in subsistence harvests in Labrador and the Canadian Arctic. Further details on recent landings are set out in Annex 3.

Participants

Over the last five to ten years, there have been about 9,000 licensed commercial sealers. In 1997, there were 9,285 commercial sealing licences issued. The majority (7,702) were issued to residents of coastal communities in Newfoundland. Residents of the Magdalen Islands (931), the Quebec North Shore (569) and Cape Breton (83) accounted for the remainder. Almost all commercial sealers engage in fishing for other species or have economic ties to the fishing industry. Groundfish fishery closures have increased the relative importance of sealing as a source of livelihood.

As noted earlier, residents of Labrador north of 53 ° North latitude may harvest seals for subsistence purposes.

Since 1995, personal use sealing licences have been issued to residents adjacent to sealing areas in Newfoundland and Labrador (south of 53 ° North latitude), the Quebec North Shore, Gaspé and the Magdalen Islands. These are areas hard-hit by the groundfish fishery closures. This licence allows the holder to take up to six seals for personal consumption. There were 1,292 personal use licences issued in 1997.

Location of the Harvest

Although the movement of ice floes and ice conditions often determines the degree of effort in any given area, the vast majority of the seal harvest occurs on the "Front" off the north and east coasts of Newfoundland. In 1997, over 75 % of the commercial harvest and all of the personal use harvest took place in this area. As a result of poor ice conditions, only 12 % of the commercial harvest occurred in the Gulf of St. Lawrence off the west coast of Newfoundland. The harvest off the Magdalen Islands accounted for about 9 % of the commercial harvest and small numbers of seals were harvested along the Quebec North Shore, off the coast and in the Lake Melville area of Labrador and off Cape Breton.

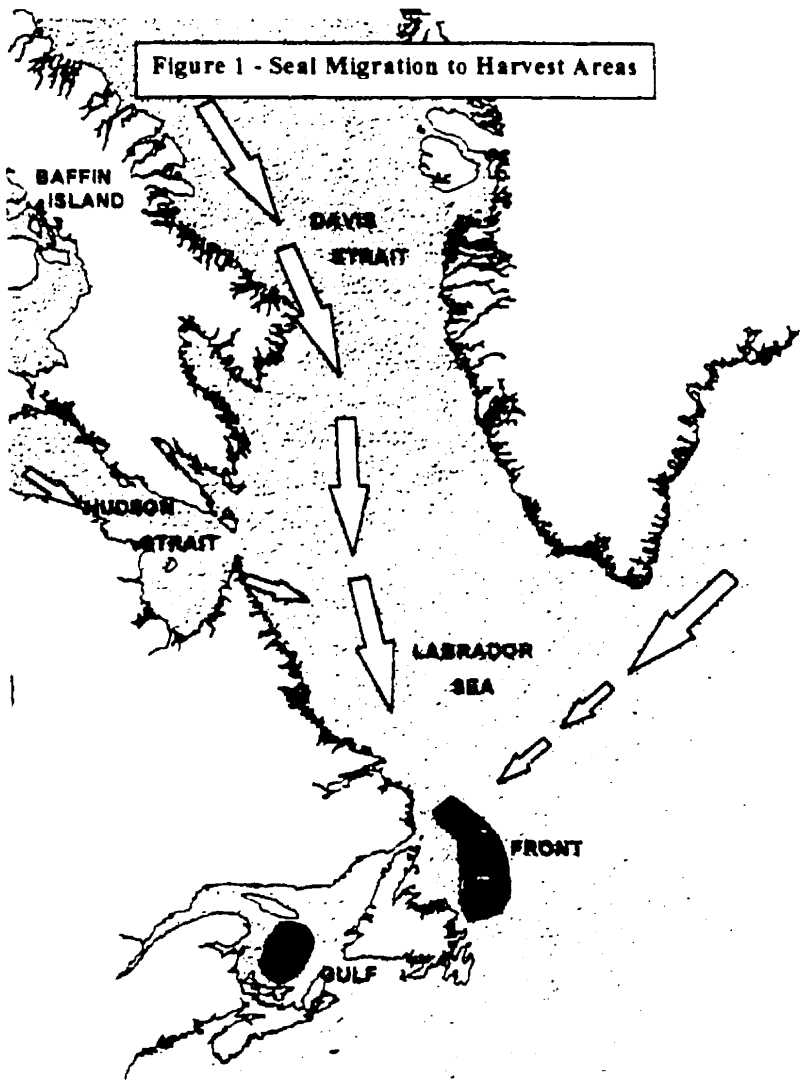


Figure 1 - Seal Migration to Harvest Areas

Timeframe of the Harvest

The season for the largely commercial harvest of harp and hooded seals is from November 15 to May 15 as established in the Marine Mammal Regulations, although this season can be altered by variation order to deal with circumstances that may arise.

Although the commercial sealing season starts on November 15, sealing has not traditionally started on the Newfoundland Front until late February in most years. Depending on ice conditions and the presence of harvestable seals, sealing begins in earnest about the second week in March off the Magdalen Islands and about the second week in April off Newfoundland. The timing of harvest activities in the Gulf of St. Lawrence depends largely on the movement of ice floes on which seals are located. The peak commercial harvest in this area is in March, although sealing does occur along the Quebec North Shore in January and February. Traditionally, commercial sealers also harvest a few hundred grey seals in an area off the Magdalen Islands during January and February. In 1997, only 72 grey seals were taken.

In 1997, ice conditions were good off northeast Newfoundland, but were extremely poor off the northwest coast and in the Gulf of St. Lawrence. Sealers on the Magdalen Islands had early success, however, as seals came within three miles of shore. In fact, they had to delay their harvesting by about a week to ensure that seals were developed sufficiently to allow harvesting.

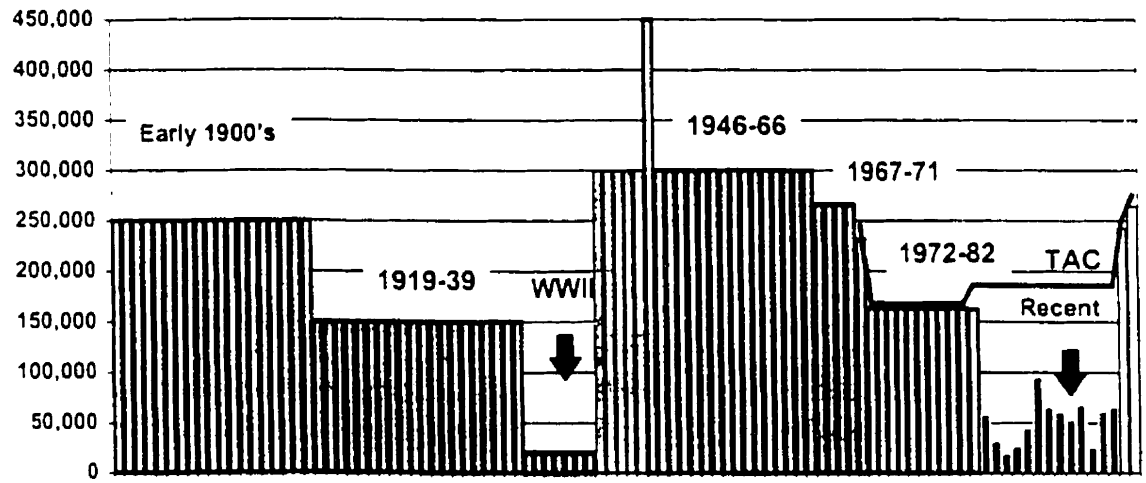
A season from April 25 to November 30 is also established in the Regulations for the subsistence harvest of ringed seals in Labrador and a March 1 to December 31 season exists for the harvest of grey seals, although the grey seal harvest is usually constrained by conditions set out in the relatively few licences given for this activity. In 1997, the personal use sealing season was established as a condition of licence to coincide with commercial harvesting activity.

Landings

Harp Seals

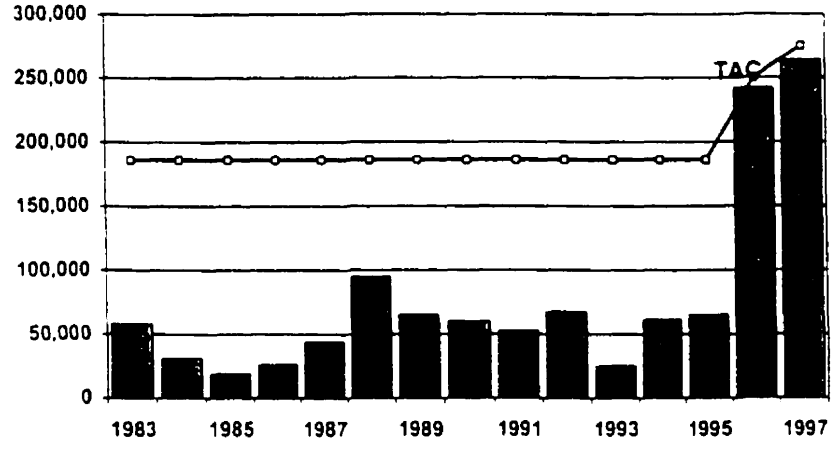
The nature of the present Atlantic coast commercial harp seal harvest took shape in the late 1980s after the collapse of the historic European markets for whitecoat and blueback pelts. As noted in the graph below, the harvest levels for harp seals prior to this collapse were much higher, except during World War II.

Figure 2 - Historical Harp Seal Harvest



Following the market collapse, the harp seal harvest did not approach the Total Allowable C (TAC) of 186,000, which was in effect from 1982 to 1995. In this period (see figure 3), the harvest ranged from a low of about 20,000 in 1985 to a high of about 94,000 in 1988. Marke constraints (and ice conditions) were the biggest reason for these relatively low harvest levels. In 1996, following new scientific advice, the TAC was increased to 250,000 and it was raised again to 275,000 in 1997 to meet a growing market demand within the replacement yield of 287,000. The replacement yield is the number of seals that can be taken in a given year while allowing a herd to maintain its population.

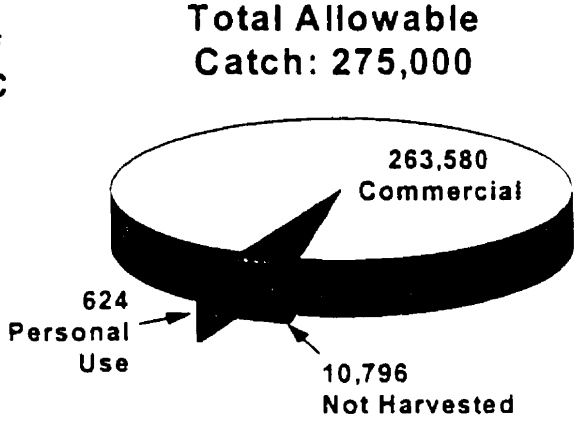
Figure 3 - Recent Harp Seal Harvest



As a result of improved market demand in 1997, 264,204 harp seals were landed, including 624 taken under the authority of personal use licences. While the harvests in 1996 (242,262) and 1997 were far above the average harvest in recent years (i.e., about 51,000 per year in the period from 1983-95), advice from the Joint International Council for the Exploration of the Sea/ Northwest Atlantic Fisheries Organization (ICES/NAFO) Working Group on Harp and Hooded Seals (September 1997) noted that recent Canadian and Greenland catches of harp seals are near or at the replacement yield level for the Northwest Atlantic stock.

Figure 4 - Harp Seals 1997 Season: Harvest

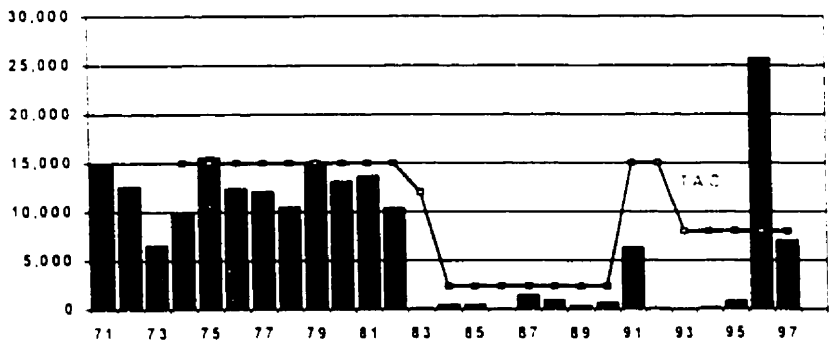
- Total harp seal harvest of 264,204 from 275,000 TAC
- Commercial harvest of 263,580 harp seals
- Personal use harvest of 624 harp seals
- 9,285 commercial & 1,292 personal use licences



Hooded Seals

Hooded seals normally comprise only a minor part of the commercial and personal use harvests. The TAC for hooded seals in recent years has been 8,000, which is well below the replacement yield, estimated at between 24,000 and 34,000, depending on the age of the animals that would be harvested. In 1997, good conditions off northeast Newfoundland enabled sealers to take 7,058 hooded seals. There was no repeat of the situation in 1996, where a large number of young hooded (blueback) seals (22,800) were harvested and over 100 charges were laid.

Figure 5 - Hooded Seal Harvest (1971-97)



Grey Seals

Only small numbers of grey seals are harvested each year and a TAC has not been established, although there is a fairly reliable population estimate (see Stock Status). Sealing is limited to a small traditional commercial harvest in an area off the Magdalen Islands and to commercial harvests of small numbers of grey seals in other Atlantic areas, except Sable Island (where no commercial harvesting is permitted). In 1997, there were only 72 grey seals harvested, all in the Magdalen Islands. There were 132 grey seals landed the previous year. The last time any significant numbers of grey seals were taken was prior to 1984, under a bounty program (1976-83) and a culling program (1967-83). The first program resulted in an average take of about 720 seals per year and the latter removed about 1,000 animals per year from the grey seal population.

Ringed Seals

In 1997, 1,639 ringed seals were taken in the subsistence harvest in Atlantic Canada. Most of these were taken in the Lake Melville area of Labrador. This is more than the 1996 harvest of 670. Ringed seals are also taken for subsistence purposes in Arctic Canada.

Other Seals

Small numbers of harbour and bearded seals are taken each year in the subsistence harvest in northern Atlantic areas. In 1997, there were 127 bearded seals landed, but no harbour seals were taken. This compares to 1996, when there were 58 harbour and 45 bearded seals landed.

Total Landings

More detailed information on seal landings in recent years is found in Annex 3.

III. MARKET OUTLOOK

Seal Pelts (fur and leather)

The markets for pelts were good in 1996, better in 1997, and will likely be good again in 1998. Pelt prices for harp seals were in the order of $25 per unit by the end of 1997, up substantially from 1996 when prime harp seal pelts fetched about $20 per unit. The 1998 market for pelts will likely absorb the full TAC of 275,000 seals at good prices, although the unit price will be determined by competition among processors. Most pelts must still be processed into final products outside of Canada with some loss of value-added, which the domestic industry may wish to further explore. In some cases, the market returns for pelts could also be improved with better handling and processing.

Seal Meat

About three million pounds of seal meat was produced in 1997. In 1996, the largest percentage of meat production was processed into silage. In 1997, approximately one million pounds of meat were made into protein powder, and industry is exploring the potential of its use as a nutritional supplement for humans as well as animals. This could do much to increase the value of seal meat, as its use as animal feed has commanded relatively low prices of about $0.15 per pound. The industry continued to market cuts of meat in Asia for human consumption, however, extensive product and market development is still needed.

Seal Oil

There has always been a market for seal oil in Europe as marine or industrial oil; but these products have relatively low prices. The market potential in the food additive and pharmaceutical possibilities of seal oil continues to develop. The oil is high in Omega 3, which may be useful in the treatment of cholesterol problems and arthritis. In 1997, companies started to make headway after extensive research and development initiatives, and seal oil was being marketed in capsule form for human consumption and pharmaceutical/cosmetic purposes. It will be at least another year or two before the full potential of this use can be realized.

Seal Flippers

There has always been a local market for a number of seal flippers, but prices were very low last year, perhaps because of the large harvest of seals. Markets may have to be found in Asia, if flipper prices are to go up substantially.

Seal Organs

A market does exist for a limited number of various seal organs, but prices have dropped from about $70 -$100 in earlier years to about $25 per unit in 1997. As a result of declining prices, seal organs accounted for less than five per cent of the total landed and processed values of the 1997 harvest. Low market prices for organs are likely to continue in 1998, and some processors may only take units on consignment as a result.

Value of the Harvest

Based on figures from Newfoundland Region where the bulk of the harvest is landed and processed, the total landed value of the 1997 seal harvest is estimated to be about $7.5 million. The processed value of seal products from the 1997 harvest is the order of $12 million. This does not include economic spin-offs, such as trucking and supplies, which have substantial additional value for coastal communities in Atlantic Canada and Quebec.

Over and above the economic aspects of the harvest, seals are an important nutritional, social and cultural resource to Inuit and other Aboriginal peoples as well as other residents of Atlantic Canada, Quebec and the Far North.

Consultative Processes

To discuss the future of the seal harvest, the Department of Fisheries and Oceans (DFO) convened two seal fora in 1995 after the release of an updated harp seal population estimate. Some 90 groups representing sealers, fishermen, processors, municipalities and provinces and a number of animal rights and conservation groups attended the fora. The vast majority supported a sustainable harvest based on scientifically valid conservation principles and discussed various management strategies to increase the 1996 and future years' harvest, including methods of harvest, market development and public education on sealing and other related issues.

Meetings were held with representatives of the Labrador Inuit Association, the Labrador Mètis Association and the Innu Nation to ascertain their interests and to encourage a greater involvement. In 1997, there were only 716 harp seals taken from the 10,000 harp seals that were originally allocated to Labrador sealers. Aboriginal interests in sealing in Quebec are largely with those groups that are party to the James Bay Agreement or tied to claims negotiations respecting Makivik offshore interests. Food fisheries for seals can be readily undertaken and groups are encouraged to explore the commercial opportunities for seals taken in their areas.

A Seal Industry Advisory Council represents a large number of industry participants in the Province of Newfoundland and Labrador and it was consulted and provided advice on management measures for the 1998 season. The Conseil québécois de l'industrie loup-marin represented Quebec sealing interests in the past, but temporarily ceased operations during the consultative period. Therefore, the views of the various sealing associations in Quebec were sought separately.

The views of some interest groups, such as the World Wildlife Fund, were sought on major elements of the plan. Other groups, including the International Fund for Animal Welfare, have made their views known through correspondence and in meetings.

Provincial officials were consulted on the management measures at the regional level. Provincial views were also recieved as a result of exchanges at the ministerial level.

All of the above views were considered in the development of the plan. In 1998, further consultations will be undertaken with a wider array of interests to review the regulations respecting sealing. The industry will also be consulted on issues pertaining to seal licensing policies and allocations.

Management Approach

Following the collapse of the markets for seal products in the early 1980s and based on the report of the Royal Commission on Seals and Sealing in Canada (Malouf Report), DFO has managed the seal harvest on a long-term, sustainable basis, with a view to facilitating the renewal of an industry badly damaged by trade barriers and animal rights activities.

Since 1987, there has been a ban on commercial harvest of whitecoats (harp seals) and bluebacks (hooded seals) and the use of large vessels (over 65' in length). The commercial harvest has been carried out largely from inshore boats owned and operated by coastal residents.

With a plentiful and sustainable seal resource harvested well below its TAC for many years, DFO has concentrated on improving and enforcing harvesting practices and regulatory and licensing requirements. This has had the effect of increasing the proficiency of sealers in the quick and certain dispatch of seals as well as in the proper handling of the harvest.

DFO and other federal and provincial government agencies have also provided considerable core funding to sealing associations and for market and product development. Since 1986, well over 3 million dollars has been provided to renew the industry through the Atlantic Fisheries Adjustment Program (AFAP) and DFO Grants and Contributions.

For 1995 and 1996, the policy of encouraging the fullest possible utilization of each harvested seal was assisted by a contribution program that provided a $0.20 per pound meat subsidy. This provided an incentive to land and process the meat pending the development of increased markets for meat products. Funding under this program was also made available for innovative projects for product and market development. This program was extended to the Northwest Territories as well as Atlantic coast sealing areas. Assistance to a maximum level of $750,000 was provided in 1997 for core funding, a meat subsidy program and product development. The level of assistance will be capped at $500,000 in 1998, of which no more than $440,000 can be for meat. The assistance program will terminate at the end of 1999, with a maximum level of funding of $250,000.

IV. STOCK STATUS

Prospects for 1998

Harp Seals

The total harp seal population was estimated at 4.8 million in 1994. The replacement yield is approximately 287,000 harp seals, which is the total that can be taken without reducing the total population.

A harp seal population survey will be undertaken in 1998 to update the population estimate.

Hooded Seals

Hooded seals are considerably less abundant than harp seals. The 1990 hooded seal population estimate was 400,000. The 1997 TAC for hooded seals (10,000 seals) is considerably below the sustainable yield which is estimated at 24,000 to 34,000 animals, depending on the age composition of any harvest.

A hooded seal population survey is planned for 1999 to update the population estimate.

Grey Seals

The 1993 grey seal population estimate was 144,000 (82,000 from the Sable Island rookery; 62,000 from the Gulf of St. Lawrence). Since the 1960s, the Sable Island grey seal population has been increasing at a rate of 13% per year. Grey seals in the Gulf are estimated to be increasing at a rate of 8% per year.

Ringed Seals

In 1996, the Scientific Committee of the North Atlantic Marine Mammal Commission produced a crude population estimate of 1.3 million ringed seals for Baffin Bay, Davis Strait, eastern Hudson Strait, the Labrador Sea and Lancaster, Jones and Smith sounds. The Committee concluded that an overall catch of roughly 100,000 ringed seals by Canada and Greenland would be sustainable.

Other Seals

There are no reliable population estimates for harbour and bearded seals.

Environment and Habitat

The seal harvest does not impose any environmental or habitat concerns.

Species Interactions

Harp Seals

It was estimated that the harp seal population ate about 7 million tonnes of prey in 1994. This included about 88,000t of Atlantic cod from the waters of Newfoundland and 54,000t from the Gulf of St. Lawrence. Although mostly young Atlantic cod (0 to 2 years of age) were consumed, substantial numbers of older cod were also eaten. Similarly, the study included an estimate that harp seals consumed over one million tonnes of capelin and 1.2 million tonnes of Arctic cod from both of these areas. This raises concerns about the impact of harp seals on the rebuilding of depleted groundfish stocks, but more research is needed to quantify these effects.

Hooded Seals

A total of 14 fish and 8 invertebrate prey groups have been identified in the stomachs of hooded seals sampled in nearshore areas off Newfoundland. Greenland halibut (turbot) was the most important of the prey species. Other important species include redfish, Arctic cod, Atlantic herring and squid. In offshore areas, hooded seals consume a similar array of prey species, although the proportions of redfish and Arctic cod are lower and the proportion of Atlantic cod is higher.

Grey Seals

Estimates of cod consumption by grey seals were released in 1994. These confirmed that this species eats substantial amounts of cod off Nova Scotia and the Gulf of St. Lawrence (about 17,000t of 4VsW cod, 18,000t of Gulf cod (2 stocks) and perhaps 5,000t of cod from other stocks in 1993).

Other Seals

There are no estimates of prey consumption or species interaction for ringed, harbour or bearded seals.

Research

Scientific studies are currently underway to obtain the information necessary to more clearly understand the seal-fisheries interactions, including diet studies and seal distribution studies.

Seal sampling programs for diet studies and other research are continuing.

V. MANAGEMENT OBJECTIVES

Conservation/Sustainability/Harvesting Practices

Long-Term Sustainable Use

The Plan provides a management framework to support the long-term sustainable commercial and subsistence harvest of seals on the Atlantic coast. This harvest provides sealers, Aboriginal peoples and northern residents of Atlantic Canada with an opportunity to use self-reliant, juvenile and adult seals to provide economic benefits and food for their families and communities.

A Market-Driven Commercial Harvest within Conservation Parameters

The commercial seal harvest takes place in response to market demands, subject to conservation parameters to ensure the sustainability of seal stocks. The federal government provides limited assistance, where possible, for market development.

Full Utilization of Each Animal Harvested

The federal government will continue to pursue the fullest possible utilization of each harvested seal. To that end, it provides assistance, where possible, to encourage sealers to land even those elements of the seal for which the market demand is weak. A meat subsidy of $0.20 per pound was in place for that purpose until the end of the 1996 harvest. In 1996, the total subsidy cost was over $1.4 million. For 1997, the meat subsidy was reduced to $0.12 per pound except in Newfoundland and Labrador, where the subsidy reductions were included in a negotiated arrangement that was based on the age-class (size) of the animal (i.e., $2.25 for a smaller, younger seal and $3.46 for an older seal). The total meat subsidy program was capped at $650,000 for 1997. The meat subsidy is capped at $440,000 in 1998, and the prices paid per pound or seal cannot exceed those paid in 1997. The meat subsidy will be no more than $250,000 in 1999, after which it will be terminated.

Humane Harvesting Practices

Section 8 of the *Marine Mammal Regulations* stipulates that persons can only dispatch marine mammals in a manner designed to do so quickly. Under these *Regulations*, seals may be killed only by the use of high-powered rifles, shotguns firing slugs, clubs and hakapiks. Further requirements pertaining to the size, weight, muzzle velocity and gauge of weapon are specified in subsection 28(1) of the *Regulations*.

Regulatory requirements are augmented by licensing policy, which requires commercial sealers to work under experienced sealers for two years in order to get their professional licence. They are also encouraged to take a training course on proper harvesting techniques and product preparation and handling. Personal use sealers must have a hunter's capability certificate or big game licence and attend mandatory training sessions before a licence can be issued.

International Considerations

Trade and Trade Barriers

The international market outlook has not been overly promising in the past fifteen years. Asian markets appear to be the key to an expanded and healthy international market situation. They may be particularly important for the sale of seal oil and meat. A long-term sustainable supply of seals may be required in any large scale venture and the allowable catches in this Plan make this supply possible.

The federal government and the sealing industry must deal with trade barriers to re-open former markets for seal products and open up new ones. To that end, the federal government is seeking the best means to encourage the United States to remove the prohibition on the import of seal products under their *Marine Mammal Protection Act*. This prohibition has been in place since 1972. The federal government will also seek to ease or clarify import requirements to get products into Asian markets and to at least maintain existing exports into European markets.

Meetings were held with industry interests in 1997 and they were asked to analyse their costs from this market barrier and the economic potential that the U.S. market could have for their industry. An analysis of this information will be a first step in determining the best course to make progress on trade issues.

Animal Rights Campaigns

The federal government will continue to provide factual and up-to-date information on the seal harvest to diplomatic posts and to foreign and domestic media, businesses, government representatives and citizens.

The sealing industry has a central responsibility for communicating its interests. Groups, such as the Canadian Sealers Association, have played an important role in explaining the facts of the seal harvest to the media and other interests. This role is expected to increase as the industry is becoming more profitable.

Domestic Considerations

Equitable Allocation

DFO ensures that sealers are allocated a minimum share of the TAC of harp seals based on their traditional commercial reliance on seals and recognizing the importance of this industry to residents of coastal communities adjacent to the major sealing areas. The land-based, small vessel harvest undertaken by these sealers has been the cornerstone of the industry for the last decade.

DFO will maintain the present sealing opportunities for Aboriginal peoples, residents of the far north and residents adjacent to traditional sealing areas. DFO will also be supportive of Aboriginal efforts to harvest seals commercially. There will continue to be a relatively large allocation for Labrador in the event that Abiginal groups choose to become more involved in commercial sealing.

Good Sealing Practices

To ensure that seals are handled and processed to provide high quality products as well as dispatched quickly and certainly, licensing policy requires a form of apprenticeship before commercial sealers can get their professional licence. As well, personal use sealing licences will not be issued to any persons who did not have a licence in 1997 or a valid hunter's capability certificate or big game licence and has not attended a mandatory training session.

DFO continues to work closely with the sealing industry to help develop and provide information sessions and methods of harvesting, handling and processing to attain and maintain high standards for Canadian seal products. To this end, DFO has been supportive of the establishment of industry councils in the provinces of Newfoundland and Labrador and Quebec.

VI. CURRENT MANAGEMENT ISSUES

Regulatory Review

The department had planned to conduct a review of the existing *Marine Mammal Regulations* in 1997, to update and improve the regulations respecting seals and to bring them in line with amendments that may be made to the *Fisheries Act*. This has been delayed until 1998 and will be expanded to include all aspect of the *Regulations*. Consultations on aspects of the *Regulations* dealing with sealing will start after the 1998 sealing season ends in May.

Personal Use Harvest

There have been requests to open the harvest up to non-residents and to relax the requirements, but the personal use harvest is intended only as a means to provide sustenance to residents adjacent to the traditional sealing areas.

Market/Product Development

There have been requests for government assistance for market and product development. New markets and new products are necessary if Canada is to make the best, sustainable use of the plentiful seal resource. The federal government will continue to work with industry to prevent and remove trade barriers respecting seal products.

Calls for a Cull of Seal Populations

There are concerns about the impacts of harp and grey seals on the depleted stocks of groundfish. Many persons have called for a cull, i.e., the killing of seals for the express purpose of reducing the populations. However, a cull is not being considered at this time. In addition, more work is needed to determine the nature and extent of the impact of seal predation.

Use of Large Vessels (over 19.8m (65 ft) in length)

There has been some interest in the possible use of large vessels, as platforms to assist the existing small vessel harvest. While current government policy does not permit sealing from a large vessel, there is no policy against the use of a large vessel to collect, transport and process seals harvested by small vessels and as a possible safe haven during bad weather conditions. Industry proposals for large vessels may be given serious consideration, on a case-by-case basis, if additional sealing activity is required to meet market demands or if environmental conditions require assistance of this nature.

Harvest of Older Bluebacks

There is some industry interest in re-opening the commercial harvest of older bluebacks. Hooded seals remain as bluebacks for about 14 months after birth as opposed to harp seals, which lose their white coats after about two and a half weeks. The pelt of a blueback is highly valued. One suggestion is to have the definition of blueback changed to allow harvesting after the blueback seals are weaned and become self-reliant animals, as is the case with harp seals. This issue will be dealt with as part of regulatory review and there will be full public consultations.

VII. MANAGEMENT MEASURES FOR 1998

Total Allowable Catches (TACs)

Harp Seals

The TAC for harp seals remains at 275,000 in 1998.

Hooded Seals

The TAC for hooded seals will increase to 10,000 from 8,000 in 1998.

Other Seals

As in 1997, sealers will still be able to take a few hundred grey seals in the traditional harvest off the Magdalen Islands and in small-scale harvests in areas other than Sable Island. A limited commercial harvest of ringed seals (2,000) will be authorized again in 1998, through the issuance of sealing licences to Labrador residents for that purpose. The subsistence harvest of small numbers of harp, hooded, grey, ringed, bearded and harbour seals will continue.

Harvest Location and Timing

Residents of northern Labrador and the Arctic (north of 53° N latitude) (Sealing Areas 1 to 4 - see map in Annex 4) can harvest seals of any species at any time of the year for subsistence purposes, except as specified for ringed seals below. Aboriginal persons can also harvest seals throughout the year for social and ceremonial purposes.

Harp Seals

The commercial harvest will continue in traditional sealing areas on the Front (Sealing Areas 5 to 8) and in the Gulf (Sealing Areas 9 to 16 to 20, 22, 26 and 27). The season is from November 15, 1996 to May 15, 1997. Regional Directors General may alter the seasons (close times) by publicly issuing variation orders.

The personal use harvest will be off Newfoundland, Labrador south of 53° N latitude and off Quebec's North Shore, the Gaspé Peninsula and the Magdalen Islands. The seasons will be the same as the commercial seasons and will be established by the period of validity on licences until seasons can be included in Regulations.

Hooded Seals

The commercial season will remain from November 15, 1996, to May 15, 1997 in Sealing Areas 4 to 7 and 12. Regional Directors General may alter the seasons (close times) by publicly issuing variation orders. Sealing areas 8 to 11 and 13 to 33 are areas where hooded seals have not been harvested and they will remain closed. Personal use licences may allow hooded seals to be taken in areas where the commercial season is open. As noted above, the personal use season will be established by period of validity until seasons are included in the Regulations.

Grey Seals

As in 1996, the timing of the grey seal harvest will be controlled by condition of licence. The small commercial harvest near the Magdalen Islands will probably occur in January and February and other grey seal harvests will be approved on a case-by-case basis.

Ringed and Other Seals

The season from April 25 to November 30 will continue for the subsistence harvest of ringed seals in Labrador. The numbers of bearded and harbour seals taken for subsistence purposes are small and no season is necessary. An experimental commercial harvest of ringed seals may take place in Labrador in 1998 and the season will be established as a condition of licence or permit.

Allocations

Harp Seals

The overall total allowable catch (TAC) of harp seals is sub-divided into commercial sealing allocations applicable to different areas (see Appendix 3 and attached maps), a personal use allocation for all areas, a subsistence allocation for northern communities and an unallocated reserve.

The established commercial allocations total 230,000 harp seals. In some areas, they are further allocated on the basis of the length overall (LOA) of the vessels used. There is an unallocated reserve of 41,000 seals, which can be used to meet harvest and market demands and an allocation of 2,000 seals each for the personal use and northern subsistence harvest.
Notwithstanding the allocations for 1998, there will be consultations with industry stakeholders from all regions this year to discuss the allocations amongst areas and sectors and the process for re-allocations and transfers from the unallocated reserve.

Hooded Seals

The TAC of 10,000 hooded seals is not allocated among the various harvesters and applies to commercial and subsistence sealers in the aggregate.

Other Seals

There are no TACs or allocations of other species of seals. Conditions of licence are used to limit the harvest of grey seals. Licences will be used to control the new commercial harvest of ringed seals. There are no allocations for the other species (ringed, harbour and bearded), which are taken in the subsistence harvest.

Other Plan Elements

As well as the TACs, seasons and allocations noted above, the 1998 Plan includes the elements noted below. Many of these are put into effect by the *Marine Mammal Regulations* and/or the Seal Licensing Policy for Eastern Canada. Temporary closures in sealing areas may also be used to implement some measures.

Major Elements

Whitecoats (harp seals) and bluebacks (hooded seals) may not be harvested commercially or under the authority of a personal use licence.

Persons may not harvest adult seals in breeding or whelping patches.

Landsmen with or without small vessels (19.8m (65 ft) and less in length) will do the harvesting, although vessels beyond that length may be considered for use to collect, transport and prepare harvested seals from small vessels and as safe havens for sealers in bad weather.

DFO will continue to encourage the maximum utilization of each seal harvested commercially through a meat subsidy program, which is being phased-out and will terminate after the 1999 season.

DFO will continue to enforce regulatory requirements for the firearms, ammunition, clubs and hakapiks used in sealing to ensure the right tools are used properly for the quick and certain dispatch of animals.

Specific Licensing Elements

Licences are not required by residents of Labrador north of 53 ° N latitude who are harvesting seals in Sealing Areas 1 to 4 for food purposes. They are also not required by Aboriginal people who are harvesting for food, social or ceremonial purposes and who are not the beneficiaries of a claims agreement.

Professional commercial sealing licences may only be issued to full-time or bonafide fishers registered with DFO who:

a) held a professional sealing licence the previous year; or

b) have participated in the seal harvest during the previous two years as the holder of an assistant sealing licence.

Assistant sealing licences may only be issued to registered fishers who are in possession of written confirmation, from a professional sealer, to the effect that the assistant sealer will be harvesting seals under the supervision of this professional sealer during the sealing season.

Personal use sealing licences, allowing the harvest of up to six seals a year for personal consumption, may only be issued to residents who:

a) live adjacent to established sealing areas throughout Newfoundland, in Labrador south of 53 ° N latitude, on Quebec's North Shore, the Gaspé Peninsula and the Magdalen Islands; and

b) held a personal use sealing licence in the previous year; or

c) hold a valid provincial hunting licence for big game or a hunter's capability certificate to demonstrate their proficiency with firearms* and have attended a mandatory information session on regulations, safety and the proper handling of harvested seals.

*Applicants from the Magdalen Islands need not meet the requirements for firearms proficiency if they are using a club in accordance with the traditional harvesting practices in that area.

Special sealing licences may be issued for small-scale projects to harvest seals in 1998.

Harvesting activity using firearms near communities or areas of fishing activity may be controlled by condition of licence to ensure public safety.

VIII. CONSERVATION & PROTECTION ISSUES AND STRATEGIES FOR 1998

The major emphases of DFO's Conservation & Protection strategies will be on monitoring catches and ensuring humane harvesting practices.

Organization

Operational coordination of the harvest will be conducted by the following Coordinators:

Gulf Coordinator	Roger Simon Iles-de-la-Madeleine (418) 986-2095	
Front Coordinator	Peter Kettle Newfoundland (709) 772-4494	
Maritimes Region	Scotia-Fundy Fisheries Jerry Conway Halifax (902) 426-9609	Gulf Fisheries Gérard Blanchard Moncton (506) 851-2621

Mandate

Their mandate is to co-ordinate enforcement operations in the Front Area , Gulf Area and Maritimes Region.

Objectives

DFO will seek the effective application of legislation, policies, and directives related to:

- quotas;
- licensing;
- the harvest/sale of whitecoats and bluebacks;
- harvesting methods (humane harvesting and instruments);
- observation permits; and
- communications.

Quotas/Quota Monitoring

Sealers will be required to maintain logbooks and hail (report orally) seal harvests daily for vessels greater than 35 feet in overall length. These reports and harvest estimates made by Fishery Officers will be compiled, by species, zone and vessel class, into weekly quota reports. For vessels 35 feet in overall length or less and land-based sealers, fishery officers will provide harvest estimates based on community reports, plant statistics, weekly reports and or checks of landings. In Newfoundland, weekly reports will be compiled based on species, area and vessel class.

Enforcement/Regulations

The enforcement objectives for 1998 will be to seek overall compliance with regulations as well as ensure the maintenance of effective quota monitoring. Priority will be given to enforcing regulations pertaining to the proper harvesting techniques, the accurate reporting of harvest and quota compliance, monitoring by-catches of seals in other fisheries, ensuring that white coats and bluebacks are not harvested for commercial purposes and promoting the policy objective of full utilization.

Priority	Regulation	Strategy
Monitor harvest and enforce regulations.	Sections 8, 28(2) and 29 (1) of the Marine Mammal Regulations	• aerial surveillance • on-site inspections • harvesting checks • observer coverage
Accurate reporting of harvest and quota compliance	Section 22 of the Fishery (General) Regulations	• in-port inspections • observer coverage • on-site inspections
Monitor by-catches of seals	Section 5 of the Marine Mammal Regulations and Section 33 of Fishery (General) Regulations	• in-port inspections • observer coverage • on-site inspections
Ensure that no white coats or bluebacks are harvested for commercial purposes	Section 27 of the Marine Mammal Regulations	• aerial surveillance • on-site inspections • purchase slips • observer coverage
Encourage fullest possible utilization of seal(s)	Policy to close harvest if partial utilization excessive.	• on-site inspections

Enforcement Strategy

The enforcement program will be based on the utilization of air surface platforms, as well as the deployment of Fishery Officers and observers.

Air Surveillance

Commencing in mid-February, fixed wing aerial patrols will be conducted to determine location of seals and sealing vessels. The frequency of patrols will be increased during the season, if necessary. Helicopter patrols will be conducted in both the Gulf and Front areas. An additional helicopter may be added for that purpose in the Gulf area.

At-Sea Surveillance

Commencing in late February, one patrol vessel, with 4-6 Fishery Officers, will be dedicated to at-sea surveillance in the Newfoundland Region. Fishery Officers will conduct at-sea boardings to ensure compliance with the Marine Mammal Regulations, with particular emphasis on harvesting methods. Fishery Officers may also be deployed directly on sealing vessels and randomly moved to various vessels throughout the fleet.

In the Iles de la Madeleine area, a Canadian Coast Guard icebreaker could be called upon for assistance if required to transport Fishery Officers.

Observers

Commencing in late February, 100 observer days will be deployed to the seal harvest in the Newfoundland Region.

Other Patrol/Surveillance Activity

Fishery Officers will conduct coastal patrols, dockside checks and quota monitoring.

Royal Canadian Mounted Police/Other Assistance

The RCMP will be available, upon request, should situations arise where assistance is required in both the Front and Gulf areas. DFO will participate in joint patrols with the RCMP and the Quebec Surêté to ensure an orderly harvest. This could be important as there may be more anti-sealing groups at the harvest this year and confrontations could result.

Monitoring of Enforcement Operational Plan

Weekly conference calls will be conducted to monitor the implementation and effectiveness of the operational plan. If required, in-season adjustments will be made to the plan.

ANNEX 1

MANAGEMENT PLAN EVALUATION CRITERIA

Sustainable harvest within the TAC

Adherence to regulations

Fullest possible utilization - product sales

Number of participants throughout season

Economic benefits vs. management costs

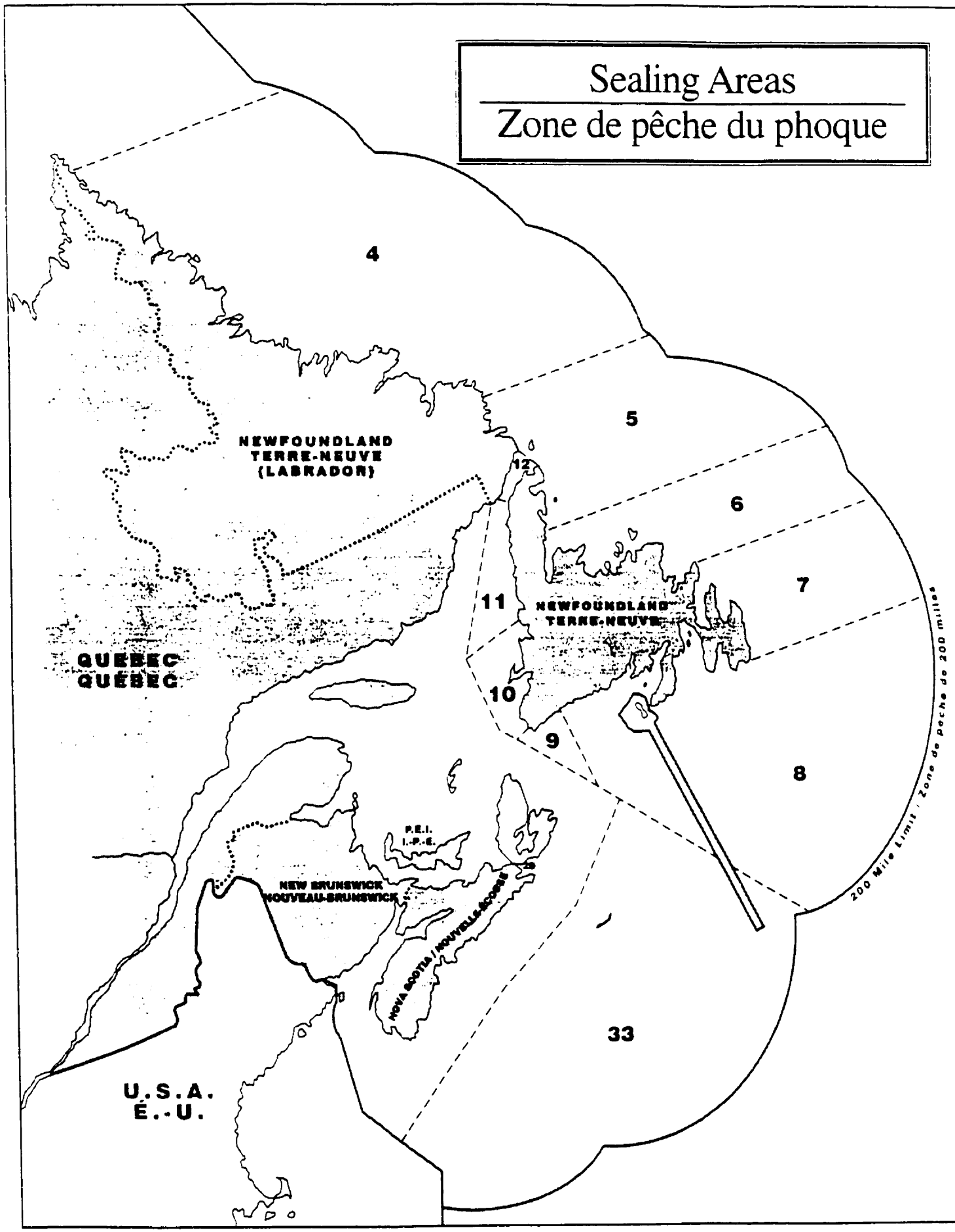
Consultations with harvesters/processors

ANNEX 4

1998 HARP SEAL QUOTAS

GENERAL AREA/CATEGORY OF SEALING	QUOTA (#)	SEALING AREA(S)
NORTHERN AREAS/SUBSISTENCE SEALING	2,000	4
ALL AREAS/PERSONAL USE SEALING	2,000	5 to 20
FRONT AREA/COMMERCIAL		
Labrador - all vessels (competitive)	10,000	4
Front - vessels less than 35'	35,000	5 to 8
Front - vessels 35' and greater	120,000	5 to 8
TOTAL - FRONT AREA/COMMERCIAL	**165,000**	**4 TO 8**
Gulf - vessels less than 35' - May 1 to May 15	5,000	9 to 27
Gulf - all vessels (competitive)	60,000	9 to 27
TOTAL - ALL GULF AREAS/COMMERCIAL	**65,000**	**9 TO 27**
UNALLOCATED RESERVE	**41,000**	**N/A**
TOTAL - CANADIAN TOTAL ALLOWABLE CATCH	**275,000**	**ALL**

NOTE: For the purpose of the allocations set out in this Table, sealers that obtain access to the seals without the use of a vessel shall be considered as sealers on vessels less than 35'.


Sealing Areas
Zone de pêche du phoque
4
5
6
7
8
9
10
11
12
33
NEWFOUNDLAND
TERRE-NEUVE
(LABRADOR)
QUEBEC
QUÉBEC
NEWFOUNDLAND
TERRE-NEUVE
P.E.I.
I.-P.-É.
NEW BRUNSWICK
NOUVEAU-BRUNSWICK
NOVA SCOTIA / NOUVELLE-ÉCOSSE
U.S.A.
É.-U.
200 Mile Limit / Zone de pêche de 200 milles

Appendix 1.3 Seal Protection Regulations

Fisheries and Environment Canada | Pêches et Environnement Canada

APPENDIX "C"

SEAL PROTECTION REGULATIONS

made under the

FISHERIES ACT

Regulations established by

P.C. 1966-904

RÈGLEMENT DE PROTECTION DES PHOQUES

en vertu de la

LOI SUR LES PÊCHERIES

Règlement établi par

C.P. 1966-904

as amended by/modifié par

P.C./C.P. 1967-87
P.C./C.P. 1968-377
P.C./C.P. 1969-303
P.C./C.P. 1970-449
P.C./C.P. 1971-546
P.C./C.P. 1971-1614
P.C./C.P. 1971-2718
P.C./C.P. 1972-472
P.C./C.P. 1972-1231
P.C./C.P. 1973-578
P.C./C.P. 1974-754
P.C./C.P. 1976-484
P.C./C.P. 1977-391

Published under the authority of the Minister/Publication autorisée par le Ministre

REGULATIONS RESPECTING THE PROTECTION OF SEALS

Short Title

1. These Regulations may be cited as the *Seal Protection Regulations*

Interpretation

2. (1) In these Regulations,

(*a*) "defined area" means the Canadian waters and territories north of 60° North Latitude and includes the whole of Ungava Bay, Hudson Bay and James Bay;

(*b*) "Front Area" means all Canadian waters and territories and waters of the Atlantic Ocean bounded on the north by Latitude 60° north and on the south by a straight line drawn due east from Cape Race, Newfoundland and on the west by the coast of Newfoundland and including all the waters of the Strait of Belle Isle southwest to a straight line drawn from the lighthouse at Amour Point to the lighthouse on Flowers Island in Flowers Cove, Newfoundland; and

RÈGLEMENT RELATIF À LA PROTECTION DES PHOQUES

Titre abrégé

1. Le présent règlement peut être cité sous le titre: *Règlement de protection des phoques.*

Interprétation

2. (1) Dans le présent règlement, l'expression

a) «région définie» signifie les eaux et les territoires du Canada situés au nord du 60e degré de latitude nord, et comprend la totalité de la baie d'Ungava, de la baie d'Hudson et de la baie James;

b) région du Front désigne la totalité des eaux et territoires du Canada et les eaux de l'océan Atlantique qui sont bornées, au nord, par le 60e parallèle de latitude nord, au sud, par une droite tirée droit vers l'est à partir du cap Race (Terre-Neuve) et, à l'ouest, par la côte de Terre-Neuve, y compris toutes les eaux du détroit de Belle-Isle au sud-ouest d'une droite tirée à partir du phare situé à la pointe Amour jusqu'au phare situé sur l'île aux Fleurs, dans l'anse aux Fleurs, à Terre-Neuve; et

(*c*) "Gulf Area" means all the waters of the St. Lawrence River, Chaleur Bay, Northumberland Strait, and the Gulf of St. Lawrence bounded on the north by a straight line drawn from the lighthouse at Amour Point, to the lighthouse on Flowers Island in Flowers Cove, Newfoundland, and all the waters of Cabot Strait and of the Atlantic Ocean seaward thereof and seaward of the east coast of Nova Scotia and bounded on the north by a straight line drawn due east from Cape Race, Newfoundland;

(*d*) "Minister" means the Minister of the Environment;

(*e*) "non-resident Canadian" means a Canadian citizen who is not a resident;

(*f*) "person of mixed blood" means a person having no less than one quarter Indian or Eskimo blood;

(*g*) "resident" means, in respect of a licence, a person who has resided continuously in the defined area or on the coasts of Ungava Bay, Hudson Bay or James Bay for a period of not less than twelve months immediately preceding the date of application for that licence.

(*g.1*) "Regional Director General" means the Regional Director General of Fisheries Management for the Quebec, Maritimes or Newfoundland Region of the Fisheries and Marine Service of the Department of the Environment;

(*h*) "sealing" means the hunting for, killing and skinning of seals, the handling and transporting of raw seal pelts from the place where they are killed to the land and the transporting of persons engaged in sealing to and from the killing area, and includes searching for seals from helicopters and other aircraft;

(*i*) "whitecoat" means a young harp seal that has not begun to moult; and

c) région du Golfe désigne toutes les eaux du fleuve Saint-Laurent, de la baie des Chaleurs, du détroit de Northumberland et du golfe Saint-Laurent, bornées au nord par une droite tirée à partir du phare situé à la pointe Amour jusqu'au phare situé sur l'Île aux Fleurs, dans l'anse aux Fleurs, à Terre-Neuve, et toutes les eaux du détroit de Cabot et de l'océan Atlantique, du côté du large et au large de la côte est de la Nouvelle-Écosse et bornées au nord par une droite tirée vers l'est à partir du cap Race (Terre-Neuve).

d) «Ministre» désigne le ministre de l'Environnement;

e) «canadien non domicilié» désigne un citoyen canadien qui n'est pas domicilié;

f) «personne de sang mêlé» désigne une personne possédant au moins un quart de sang indien ou esquimau; et

g) "domicilié" désigne, pour les fins d'un permis, une personne qui a habité, d'une manière continue, la région définie ou la côte de la baie d'Ungava, de la baie d'Hudson ou de la baie James durant les douze mois qui ont précédé immédiatement la date de sa demande de permis.

g.1) "directeur général régional" désigne le directeur général régional de la Gestion des pêches pour la région du Québec, des Maritimes ou de Terre-Neuve du Service des pêches et de la mer du ministère de l'Environnement;

h) «chasse de phoque» désigne l'action de chasser, de tuer et d'écorcher des phoques, de manutentionner et de transporter les peaux de phoque crues de l'endroit où les animaux ont été tués à la terre et de transporter les personnes qui font la chasse du phoque de la terre au lieu de chasse et du lieu de chasse à la terre, et comprend la recherche des phoques au moyen d'hélicoptères et autres aéronefs;

(*j*) "registered net tonnage", in the case of a vessel registered under the *Canada Shipping Act*, means the registered net tonnage shown on the vessel's Certificate of British Registry.

i) «blanchon» désigne un jeune phoque du Groenland qui n'a pas commencé à nager;

j) «jauge nette au registre» désigne, dans le cas d'un navire immatriculé en vertu de la *Loi sur la marine marchande du Canada*, la jauge nette au registre indiquée sur le certificat d'immatriculation britannique du navire.

(k) "hakapik" means an implement made of iron having a slightly bent spike of not more than five and one-half inches in length on one side of a ferrule and a blunt projection not more than one-half inch in length on the opposite side of the ferrule, the whole to weigh not less than three-quarters of a pound and having a head securely attached to a wooden handle not less than forty-two inches or more than sixty inches in length and with a diameter of not less than one and one-quarter inches or more than two inches.

k) "hakapik" désigne un instrument de fer muni, d'un côté de l'embout, d'une pointe légèrement courbée d'au plus cinq pouces et demi de longueur et, de l'autre côté, d'une projection mornée d'au plus un demi-pouce de longueur, l'ensemble devant peser au moins trois-quart de livre; l'embout doit être solidement fixé à une hampe de bois mesurant au moins quarante-deux pouces et au plus soixante pouces de longueur, et au moins un pouce et un quart et au plus deux pouces de diamètre.

(l) "sealing group" means a hunting party consisting of not less than four or more than ten persons, one of whom has been designated by the group as group leader and who will be responsible for the sealing operations of that group.

l) "groupe de chasseurs de phoques" désigne un groupe de chasseurs comprenant au moins quatre personnes et au plus dix, dont l'un d'eux a été nommé par les autres à titre de chef de groupe et qui sera responsable des activités de chasse au phoque dudit groupe.

(2) For the purposes of these Regulations, a seal having a common name set out in Column I of an item of Schedule B is a seal of the species set out in Column II of that item.

3. Revoked. P.C. 1971-546, March 23, 1971.

Protection of Seals

4. Subject to these Regulations, no person shall take or kill seals in the defined area.

5. A resident may kill seals for food for himself, his family or his dogs.

6. A person authorized by the Minister may kill seals in the defined area for scientific purposes.

7. (1) Subject to subsections (2) and (4) a person may take or kill seals for sport in the defined area under a sport sealing licence issued by the Minister.

(2) A person shall not take or kill seals for sport in the defined area except where he

(a) employs a guide who is an Indian, an Eskimo or a person of mixed blood; and

(b) uses a boat belonging to his guide.

(2a) Notwithstanding subsection (2), a resident who holds a sport sealing licence may hunt or kill seals in the defined area without a guide and using any boat if he is accompanied by another resident who,

(a) holds a sport sealing licence, and

(b) complies with that subsection.

(3) A person who kills seals for sport shall not retain more than twenty-five pounds of meat from the seals killed and

(2) Aux fins du présent règlement, un phoque dont le nom vulgaire figure à la colonne I en regard d'un article de l'Annexe B est un phoque de l'espèce nommée à la colonne II en regard dudit article.

3. Révoqué. C.P. 1971-546, 23 mars 1971.

Protection des phoques

4. Sous réserve du présent règlement, il est interdit de prendre ou de tuer des phoques dans la région définie.

5. Il est permis à un domicilié de tuer des phoques pour sa propre alimentation, celle de sa famille ou de ses chiens.

6. Il est permis à une personne autorisée par le Ministre de tuer des phoques aux fins scientifiques dans la région définie.

7. (1) Sous réserve des paragraphes (2), (3) et (4), il est permis de prendre ou de tuer des phoques pour le sport dans la région définie à la faveur d'un permis de chasse sportive du phoque délivré par le Ministre.

(2) Il est interdit de prendre ou de tuer des phoques pour le sport dans la région définie à moins

a) d'employer un guide qui est un Indien, un Esquimau ou une personne de sang mêlé; et

b) de se servir d'un bateau appartenant au guide.

(2a) Nonobstant le paragraphe (2), un domicilié titulaire d'un permis de chasse sportive du phoque peut chasser ou tuer des phoques dans la région définie sans guide et en se servant d'un bateau quelconque, s'il est accompagné d'un autre domicilié qui

a) est titulaire d'un permis de chasse sportive du phoque, et

b) satisfait aux exigences dudit paragraphe.

(3) Il est interdit à toute personne qui tue des phoques pour le sport de garder plus de vingt-cinq livres de viande provenant

shall give all meat in excess of that amount to his guide.

(4) No person hunting seals for sport shall take or kill

(a) a bearded seal at any time; or

(b) more than two seals in any year.

8. No person shall sell or otherwise dispose of seal meat in the defined area to any person other than a traveller or a resident who requires the seal meat for food for himself or his dogs.

9. (1) No person shall take or kill seals in the Gulf Area or Front Area from or by means of a vessel that has an overall length of more than thirty feet except under authority of a vessel sealing licence issued by the Minister.

(2) A vessel sealing licence is subject to such terms and conditions as the Minister may prescribe.

(3) Except with the permission of the Minister, no vessel sealing licence shall be issued in respect of any vessel that is more than sixty-five feet in overall length unless such a licence was issued in respect of that vessel in 1970 or 1971.

10. No person shall take or kill hood seals at any time in the Gulf Area.

11. (1) No person shall take or kill seals of a species set out in column I of an item of Schedule C in an area set out in column II of that item by means of a vessel or operation described in column III of that item during

(a) the open season after notice is given by a Regional Director General that the quota set out in column IV of that item has been or is about to be reached; or

(b) the closed season set out in column V of that item.

(2) A Regional Director General may, by notice, vary any closed time or seal quota set out in these Regulations.

des phoques tués et toute la viande en excédent de cette quantité doit être donnée au guide employé.

(4) Il est interdit à quiconque chasse le phoque pour le sport de prendre ou de tuer

a) un phoque barbu (ouabisoui) en tout temps; ou

b) plus de deux phoques au cours d'une année quelconque.

8. Il est interdit de vendre ou de livrer autrement de la viande de phoque dans la région définie à toute personne autre qu'un voyageur ou un domicilié qui a besoin de la viande de phoque pour lui-même ou ses chiens.

9. (1) Il est interdit de prendre ou de tuer des phoques dans la région du Golfe ou dans la région du Front à partir ou au moyen d'un navire dont la longueur hors tout est supérieure à trente pieds sauf à la faveur d'un permis de navire de chasse du phoque délivré par le Ministre.

(2) Le permis de navire de chasse du phoque est assujetti aux termes et aux conditions que le Ministre peut prescrire.

(3) Sauf permission du Ministre, aucun permis de bateau de chasse du phoque ne peut être délivré pour un bateau de plus de soixante-cinq pieds de longueur hors tout, à moins qu'un tel permis n'ait été délivré pour ce navire en 1970 ou en 1971.

10. Il est interdit en tout temps de prendre ou de tuer des phoques à capuchon (ouastik) dans la région du Golfe.

11.(1) Il est interdit de capturer ou de tuer des phoques d'une espèce visée à un article de l'annexe C, dans la colonne I, dans une région visée au même article, dans la colonne II, au moyen de bateaux ou d'activités décrits dans la colonne III,

a) pendant la saison d'ouverture après avis du directeur général régional à l'effet que le contingent fixé dans la colonne IV a été atteint, ou est sur le point de l'être; ou

b) pendant la période de fermeture visée dans la colonne V.

(2) Un directeur général régional peut, par avis, modifier toute période de fermeture ou tout contingent de chasse du phoque visés dans ce règlement.

(3) A notice referred to in subsection (1) or (2) shall be broadcast by maritime radio or published in a daily newspaper in the province or provinces adjacent to the area to which the notice applies.

(4) Except with a permit in writing from the Minister, no person shall take or kill harp seals in the Gulf area from or by means of a vessel that is more than sixty-five feet in overall length.

(5) No person who is the operator or master of a vessel over sixty-five feet in overall length that is engaged in sealing shall take or have in his possession skins taken from seals that are one year of age or older in excess of

(a) five per cent of the total catch by that vessel of harp seals; or

(b) ten per cent of the total catch by that vessel of female hooded seals.

(3) L'avis visé aux paragraphes (1) ou (2) est diffusé par radio maritimes ou publié dans un quotidien de la province ou des provinces adjacentes à la région concernée.

(4) Sauf permission écrite du Ministre, il est interdit de capturer ou de tuer des phoques du Groënland dans la région du Golfe à partir ou au moyen d'un bateau de plus de soixante-cinq pieds de longueur hors tout.

(5) Il est interdit à l'exploitant ou au capitaine d'un bateau de plus de soixante-cinq pieds de longueur hors tout qui pratique la chasse au phoque, de capturer ou d'avoir en sa possession des peaux provenant de phoques âgés d'un an ou plus, en quantité supérieure à

a) cinq pour cent de la prise totale de phoques du Groënland du bateau; ou

b) dix pour cent de la prise totale de phoques à capuchon femelles du bateau.

12. (1) No person shall use a helicopter or other aircraft in sealing except in searching for seals.

(2) No person shall use a helicopter or other aircraft in searching for seals unless he has an aircraft sealing licence issued by the Minister.

(3) An aircraft sealing licence may be issued only in respect of an aircraft registered in Canada under Part II of the *Air Regulations* made pursuant to the Aeronautics Act.

(4) An aircraft sealing licence is subject to such terms and conditions as the Minister may prescribe.

(5) Except with the permission of the Minister, no person shall

(a) land a helicopter or other aircraft less than one-half of a nautical mile from any seal that is on the ice in the Gulf Area or Front Area; or

(b) operate a helicopter or other aircraft over any seal on the ice at an altitude of less than two thousand feet, except for commercial flights operating on scheduled flight plans.

12. (1) Il est interdit d'utiliser un hélicoptère ou un autre aéronef pour la chasse du phoque, sauf pour aller à la recherche des phoques.

(2) Il est interdit d'utiliser un hélicoptère ou un autre aéronef pour aller à la recherche des phoques à moins d'avoir un permis de chasse du phoque à partir d'un aéronef, délivré par le Ministre.

(3) Un permis de chasse du phoque à partir d'un aéronef ne peut être délivré qu'à l'égard d'un aéronef immatriculé au Canada aux termes de la Partie II du *Règlement de l'Air* établi en vertu de la Loi sur l'aéronautique.

(4) Un permis de chasse du phoque à partir d'un aéronef est assujetti aux modalités et conditions que le Ministre peut prescrire.

(5) Sauf avec la permission du Ministre, il est interdit

a) d'atterrir en hélicoptère ou autre aéronef à moins d'un demi-mille marin d'un phoque qui se trouve sur la glace dans la région du qui se trouve sur la glace dans la région du Golfe ou dans la région du Front; ou

b) de survoler en hélicoptère ou dans un autre aéronef, à une altitude de moins de deux mille pieds, un phoque qui se trouve sur la glace, sauf s'il s'agit d'un vol commercial suivant un plan de vol établi.

13. No person who is a resident of a province adjacent to the Gulf area or the Front Area who is operating from the shore or from a vessel having an overall length of sixty-five feet or less shall take or kill seals except in waters along the shore of that part of the province in which he resides.

14. (1) No person shall engage in sealing by any means in the Gulf Area or Front Area unless he

(a) has a sealer's licence or an assistant sealer's licence issued by the Minister;

(b) is wearing over or attached to his outer clothing so it is visible at all times the means of identification issued with the licence, and

(c) complies with any further direction respecting the wearing of the means of identification that may be given by a fishery officer who is present at the seal hunt.

(2) A sealer's licence shall not be issued to any person who

(a) is under eighteen years of age;

(b) has less than two years experience as a sealer; and

(c) is not a sealing group leader.

(3) An assistant sealer's licence shall not be issued to any person who is under fifteen years of age.

(4) An applicant for an assistant sealer's licence shall state the name of the licensed sealer with whom he will be sealing and such name shall be entered on his licence.

(5) No person who has an assistant sealer's licence shall

(a) engage in sealing except under the supervision of the licensed sealer; or

(b) kill seals at any time except under the direct supervision of a licensed sealer.

15. No person shall take or kill seals at any time or in any area by means of long lines.

13. Il est interdit à un résident d'une province adjacente à la région du Golfe ou à la région du Front, qui chasse à partir de la côte ou d'un bateau d'au plus soixante-cinq pieds de longueur hors tout, de capturer ou de tuer des phoques, ailleurs que dans les eaux du littoral de la province où il réside.

14. (1) Il est interdit à toute personne de pratiquer la chasse au phoque par tout moyen dans la région du Golfe ou dans la région du Front sauf si cette personne

a) est titulaire d'un permis de chasseur de phoques ou d'aide-chasseur de phoques délivré par le Ministre;

b) porte sur ses vêtements extérieurs ou fixée auxdits vêtements de manière qu'elle soit visible en tout temps, la pièce d'identité délivrée avec le permis; et

c) se conforme à toute nouvelle indication qui pourrait lui être donnée par l'un des agents des pêches, présent à la chasse au phoque, sur la manière de porter cette pièces d'identité.

(2) Un permis de chasse au phoque ne doit pas être délivré à quiconque

a) est âgé de moins de dix-huit ans;

b) a moins de deux ans d'expérience comme chasseur de phoque; et

c) n'est pas le chef d'un groupe de chasseurs de phoques.

(3) Un permis d'aide-chasseur de phoques ne doit pas être délivré à quiconque est âgé de moins de quinze ans.

(4) Le requérant d'un permis d'aide-chasseur de phoques doit indiquer le nom du détenteur de permis de chasseur de phoques avec qui il chassera et ce nom doit être inscrit sur son permis.

(5) Il est interdit à un titulaire d'un permis d'aide-chasseur de phoques de

a) chasser le phoque, sauf sous la surveillance du détenteur d'un permis de chasseur de phoques; ou

b) tuer des phoques, en tout temps, sauf sous la surveillance directe d'un détenteur de permis de chasseur de phoques.

15. Il est interdit de prendre ou de tuer des phoques en tout temps ou dans toute région au moyen de palangres.

16. (1) No person shall take or kill seals in the Gulf Area or Front Area by any means other than by

(a) a club made of hardwood not less than 24 inches or more than 30 inches in length and that for at least half of its length is not less than 2 inches in diameter;

(b) a rifle firing only centre fire cartridges, not made with metal cased hard point bullets, with

(i) a muzzle velocity of not less than 1800 feet per second, and

(ii) a muzzle energy of not less than 1100 foot pounds; or

(c) a shotgun not less than 20 gauge firing rifled or "Poly-Kor" slug shotshells.

16. (1) Il est interdit de prendre ou de tuer des phoques dans la région du Golfe ou dans la région du Front par tout moyen, sauf

a) avec un gourdin de bois dur ne mesurant pas moins de 24 pouces ni plus de 30 pouces de longueur et qui, sur au moins la moitié de sa longueur, ne mesure pas moins de 2 pouces de diamètre;

b) avec un fusil (à canon rayé) ne tirant que des cartouches à percussion centrale, dont les balles ne sont pas des balles blindées à bout dur, ayant

(i) une vitesse initiale ou vitesse à la bouche d'au moins 1,800 pieds à la seconde, et

(ii) une énergie à la bouche d'au moins 1,100 pieds livres; ou

c) avec un fusil à plomb, au moins de calibre 20, tirant des cartouches à balles rayées du type «Poly-Kor».

(2) No person shall strike a live seal with any implement other than a club referred to in paragraph (a) of subsection (1), or on any part of its body except its forehead.

(2) Il est interdit de frapper un phoque vivant avec tout instrument autre que le gourdin mentionné à l'alinéa a) du paragraphe (1), ou sur toute partie de son corps sauf le front.

(3) Notwithstanding subsection (1) and subject to subsection (4), seals may be taken or killed by means of nets,

(a) in the Gulf Area; and

(b) in that part of the Front Area lying along the coast of Labrador and along that part of the coast of Newfoundland north and west of Cape Freels.

(3) Nonobstant le paragraphe (1) et sous réserve du paragraphe (4), il est permis de prendre ou de tuer des phoques au moyen de filets,

a) dans la région du Golfe; et

b) dans la partie de la région du Front qui se trouve le long de la côte du Labrador et au nord et à l'ouest du cap Freels, le long de la côte de Terre-Neuve.

(4) No person shall take or kill seals pursuant to subsection (3) except in waters along the shore of that part of the province in which he resides.

(4) Il est interdit à quiconque de prendre ou de tuer des phoques en vertu du paragraphe (3) ailleurs que dans les eaux qui baignent la côte de la partie de la province où il est domicilié.

(5) Notwithstanding subsection (1), a hakapik may be used, in the Front Area only, for killing seals in the manner described in subsection (2).

(5) Nonobstant le paragraphe (1), un hakapik peut être employé pour tuer des phoques de la manière décrite au paragraphe (2), dans la région du Front seulement.

(6) Notwithstanding subsection (2), in the Front Area, hooded seals that are shot shall be struck with a hakapik in the manner described in that subsection before any attempt is made to skin, slash or remove the seal from the place where it was shot.

(6) Par dérogation au paragraphe (2), dans la région du Front, il est interdit d'écorcher, d'entailler ou de déplacer un phoque à capuchon abattu au fusil avant qu'il n'ait été frappé au moyen d'un hakapik de la façon décrite au paragraphe (2).

17. No person shall hook, commence to skin, bleed, slash or make any incision on a seal with a knife or any implement until the seal is dead.

17. Il est interdit de crocher, de commencer à écorcher, de saigner, d'entailler ou de couper un phoque avec un couteau ou un autre instrument avant que le phoque ne soit mort.

18. No person shall kill adult harp seals in whelping or breeding patches.

18. Il est interdit de tuer des phoques du Groenland adultes groupés pour la mise bas ou la reproduction.

19. (1) Every person who kills seals shall remove all seal skins from the ice to his base of operations within 24 hours from the day the seals are killed except that the Minister may, in any circumstances he considers to be unusual, extend the time for removal of any skins.

19. (1) Toute personne qui tue des phoques doit enlever toutes les peaux de phoques de la glace et les transporter à sa base d'opérations moins de 24 heures à compter du jour où les phoques sont tués, sauf que le Ministre peut, dans toute circonstance qu'il juge exceptionnelle, prolonger le temps accordé pour enlever les peaux.

(2) No person shall kill seals unless he or the persons engaged with him in the sealing operation as members of the crew of a ship, aircraft or other sealing operation have complied with subsection (1) and are actively engaged in removing from the ice to the base of operations the skins of seals killed the previous day.

(2) Il est interdit à toute personne de tuer des phoques à moins que cette personne ou les autres personnes qui s'occupent avec elle des opérations de chasse du phoque, comme membres de l'équipage d'un navire, d'un aéronef ou de toute autre équipe de chasse du phoque, ne se soient conformées aux exigences du paragraphe (1) et qu'elles ne s'occupent activement d'enlever de la glace pour les transporter à la base d'opérations les peaux de phoques tués le jour précédent.

20. (1) No person shall hunt or kill any seal in the waters of Murray Harbour or its tributaries, inside a straight line drawn from the range light on Old Store Point, Latitude 46° 01' 17" N, Longitude 60° 28' 44" W to the southernmost tip of Sable Point, Latitude 46° 01' 14" N, Longitude 62° 29' 07" W from the 1st day of June to the 30th day of September, both dates inclusive.

20. (1) Il est interdit à quiconque de chasser ou de tuer le phoque dans les eaux de Murray Harbour ou de ses tributaires, à l'intérieur d'une droite tirée à partir du feu de pointe d'Old Store Point, situé par 46° 01' 17" de latitude nord et 60° 28' 44" de longitude ouest, jusqu'à l'extrémité sud de Cap du Sable situé par 46° 01' 14" de latitude nord et 62° 29' 07" de longitude ouest, du 1er juin au 30 septembre, ces deux jours compris.

(2) Subject to subsection (1), grey seals and harbour seals may be killed at any time without a licence in those areas within which the destruction of such seals will be rewarded by a bounty from the Minister.

(2) Sous réserve du paragraphe (1), il est permis de tuer le phoque gris et le phoque commun en tout temps et sans permis dans la région où la destruction de ces phoques fait l'objet d'une prime de la part du Ministre.

(3) Notwithstanding subsection (2), no person shall kill any grey seal during the period beginning on January 1st and ending on the last day of February in any year, except with the permission of the Minister.

21. Except with the permission of the Minister, no person shall

(a) take or move a live seal from the immediate vicinity in which it is found; or

(b) tag or mark, or attempt to tag or mark a live seal in any manner.

22. The Minister may, upon application and payment of the fees set out in Schedule A, issue a licence or permit described in that Schedule in such form and upon such terms and conditions as the Minister may prescribe.

23. The Master of a vessel engaged in sealing operations shall ensure that every person engaged in sealing from the vessel complies with sections 14 and 16.

24. No person shall hunt for or kill a seal during any day

(a) in the Gulf Area, during any period before 0600 hours or after 1800 hours, Atlantic Standard Time; or

(b) in the Front Area,

(i) during the period from March 12 to March 31 inclusive before 05:30 hours or after 18:30 hours, Newfoundland Standard Time,

(ii) during the period from April 1 to April 24 inclusive, before 0530 hours or after 2030 hours, Newfoundland Standard Time.

25. No person shall engage in sealing, unless he has on his person or on board the vessel, helicopter or other aircraft used in the sealing operation, the appropriate licences required by sections 9, 12 and 14

(3) Nonobstant le paragraphe (2), il est interdit de tuer un phoque gris entre le 1er janvier et le dernier jour de février de chaque année, sauf avec la permission du Ministre.

21. Sauf avec la permission du Ministre, il est interdit

a) de prendre un phoque vivant ou de le déplacer du voisinage immédiat où il est trouvé; ou

b) d'étiqueter ou de marquer, ou de tenter d'étiqueter ou de marquer de quelque façon que ce soit, un phoque vivant.

22. Le Ministre peut, sur demande et sur versement des droits indiqués à l'Annexe A, délivrer les permis ou les autorisations décrits à ladite Annexe, dans la forme et aux termes et conditions qu'il peut prescrire.

23. Le patron d'un navire occupé aux opérations de chasse du phoque doit s'assurer que toutes les personnes qui chassent le phoque à partir du navire se conforment aux dispositions des articles 14 et 16

24. Il est interdit de chasser ou de tuer un phoque, au cours de n'importe quel jour,

a) dans la région du Golfe, avant 6 heures ou après 18 heures, heure normale de l'Atlantique; ou

b) dans la région du Front,

(i) du 12 au 31 mars inclusivement, avant 05 heures et demie ou après 18 heures et demie, heure normale de Terre-Neuve,

(ii) du 1er au 24 avril inclusivement, avant 5 heures et demie ou après 20 heures et demie, heure normale de Terre-Neuve.

25. Il est interdit à toute personne de faire la chasse du phoque, à moins que cette personne ne porte sur elle ou n'ait à bord du navire, de l'hélicoptère ou autre aéronef utilisé pour les opérations de chasse du phoque, les permis applicables, exigés aux articles 9, 12 et 14.