



**A Joint Submission
to the
Eminent Panel on Seal Management
from
Environment Voters
and the
Animal Protection Institute**

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Environment Voters and the Animal Protection Institute

Environment Voters (EV) is a Canadian, non-profit organization that specializes in electoral politics. EV works to increase the political relevance of environmental protection policies by campaigning during elections to make sure a government's environmental record has a demonstrable influence — measured in votes won or lost — on the outcome of its electoral contests.

EV campaigns at the electoral district level. EV supports candidates of the governing party in their most challenging electoral districts if, during the government's mandate, measurable progress was made implementing strong environmental protection policies. Conversely, if the governing party has had a poor environmental record, EV campaigns to defeat its candidates.

Because EV concentrates on the political environment — where issues about the natural environment are ultimately decided — it references science only on an “as needed” basis. EV lacks the competence to assist the Eminent Panel on Seal Management (“Panel”) in addressing the scientific matters raised in its *Terms of Reference* (“Terms”) and the *Questionnaire on Seal Management in Atlantic Canada* (“Questionnaire”). In this submission EV hopes to assist the Panel by describing its niche in the current sealing issue political environment.

The Animal Protection Institute (API) works, on behalf of its 80,000 members across North America, to protect both wild and domestic animals from excessive cruelty and destruction. The organization's headquarters are in Sacramento, California, with regional offices in various parts of the United States, and an International Wildlife Director located in Markham, Ontario. The API publishes various types of educational material and works cooperatively with other organizations, as an advocacy group on behalf of animals.

EV and API have an acute interest in the harp seal hunt as it is a particularly egregious example of the worst fisheries management practices in Canada. It is currently conducted under a management regime that,

- tolerates intense animal cruelty,
- sets the Total Allowable Catch at levels that risk depleting harp and hooded seal populations,
- disregards and abuses the law,
- ignores modern conservation principals, particularly the “precautionary principal,”
- strategically avoids applying the “best” science available, and
- is entirely politically driven without responsible regard for environmental or humane consequences.

“Political” Science

Despite the impression intentionally created by the establishment of the Panel and its Terms, science plays only a peripheral and minor role in deciding seal management policies in Canada. Moreover, the “science” of the seal hunt is used primarily by the Department of Fisheries and Oceans (DFO) to sanitize the sealing industry, not to improve the management regime.

Unwittingly and unwillingly, perhaps, the Panel and its members have become actors and *de facto* partisans in the on-going, decades-long political process that decides sealing policies in Canada.

It is a fact, stated with neither overt nor implied criticism of the Panel members, that there is nothing — or at best very little — that the Panel can add to the DFO's store of knowledge on the management of seal populations. Or, indeed, if there are gaps in the DFO's knowledge, convening a panel of four “eminent” persons from three countries would certainly not be the most efficient nor effective means of acquiring that knowledge. It would be surprising, indeed, if at least some members of the Panel did not also hold this opinion.

Despite recent cutbacks, the DFO remains one of the most sophisticated, well-financed, and well-staffed fisheries management institutions in the world. The DFO has access to all of the most current and best scientific information that pertains to their areas of jurisdiction, including the management of seal populations. This information is available internally from the DFO scientific staff, outside researchers funded by the DFO, independent research conducted by the scientific community at large, the current body of literature, and the fisheries departments of other nations, to all of which the DFO has ready and easy access. In some areas, such as the political, economic, legal, and cultural aspects of the Canadian seal hunt, the DFO has more information than any other entity. Furthermore, many of the organizations that have or will be making submissions to the Panel will have previously made all of this same information available to the DFO either directly or through other channels.

One wonders, for example, why, under the Terms, a panel of eminent persons is necessary to provide the DFO — a government department that has been managing seal populations and conducting primary research for over fifty years — with “a brief description of the life history and ecological characteristics of the major Atlantic seal species.”

As the Minister of Fisheries and Oceans (“Minister”) and the DFO have no practical need for the Panel to “provide advice on the best strategies for management of seal populations in Atlantic Canada,” it follows that the Panel has been established to fulfill some other purpose, and that purpose, history tells us, is political. The Eminent Panel on Seal Management is just the latest in a line of such government created advisory committees and commissions that stretches back to the early 70s starting with the Committee on Seals and Sealing.

Ostensibly established to inform public policy and advise the government, none have had any appreciable influence on policy. Driven by the political, particularly the electoral, considerations of the day, the seal hunt policies of the government have always been decided

independent of its advisory committees. The advice of the various panels and committees has served the government's purposes, however, and that has been to provide them with camouflage for the political rationale deciding its policies in the form of a scientific veneer, providing a plausible claim that the government's policies were a result of the best scientific and humane slaughter advice available.

In all cases in the past, where an advisory committee's or commission's recommendations were consistent with or could be used to further current seal hunt policy, they were adopted. When they were at odds, they were ignored.

“One of the ways in which administration officials often mislead the public about the basis for their decisions is by releasing primarily (or exclusively) the information and analyses which supports the administration position.”

Source: Joel Primack & Frank Von Hippel, *Advice and Dissent: Scientists in the Political Arena*, New American Library, New York, 1974, p. 49.

The use of science and scientific committees in this manner is not new nor unique to the Canadian seal hunt and the DFO, and forms a robust area of study in the field of political science:

“Although scientific and technological variables are important aspects of decision processes, one is forced to conclude that scientific and technological controversies are, on balance, viewed by decision makers as peripheral to the formal decision process in comparison with competing political, economic, legal and other elements.”

Source: G. Bruce Doern, *The Peripheral Nature of Scientific and Technological Controversy in Federal Policy Formation, Background Study 46*, Science Council of Canada, Ottawa, 1981, p.88.

As if to emphasize the conclusions in G. Bruce Doern's July 1981 Science Council of Canada paper referenced above, just four months prior to its release an IUCN scientific workshop had been held at the Scripps Institution of Oceanography, La Jolla, California. The purpose of the workshop was to bring together eminent scientists — one of whom is a member of the current Panel (Dr. John Harwood) — to discuss marine mammal fisheries interactions: a mandate remarkably similar to the Panel's Terms of Reference. Attended by DFO scientists, some of the people who contributed to the 1981 workshop have submitted or will be submitting papers to the Panel. The final report and subsequent publication of the 1981 workshop did not detectably alter or influence the Canadian government's seal management policies. Unless there has been some fundamental change in current Canadian seal hunt policy, the Panel's efforts will share the same ignoble fate, as far as the DFO is concerned, as that of the 1981 IUCN workshop.

As an aside, the state of scientific understanding of how marine mammals, commercial fisheries, and the ecosystem interact has progressed very little since 1981. The publication that emanated from the IUCN workshop is available, if not from the publisher, from some of the participants, including the DFO.

There is nothing to suggest that the establishment of the Eminent Panel on Seal Management is a deviation from the historical and political norm. The conclusion can be drawn then that the Minister and the DFO established the Panel to serve some broader political purpose or purposes and are not particularly interested in what the Panel or its submitters might have to offer about the management of seal populations. What follows is discussion and speculation of what those purposes might be.

Political Purposes of the Eminent Panel on Seal Management

It can be inferred from the membership of the Panel, the *Terms of Reference*, and the *Questionnaire on Seal Management in Atlantic Canada* that the Panel's political purposes are generally related to a potential or anticipated future cull of harp seals.

However, what specifically the government is hoping to achieve with the Panel is subject to speculation as such bodies can serve multiple purposes. From Filyk and Côté:

“Political Objectives

- Serve to test public reaction to policies
- Provide a forum for expression of public opinion
- Force controversial issues into an objective arena
- Placate opposition by involving potential expert critics in the decision process
- Provide publicity and support for programs
- Be used for persuasion
- Provide a symbolic response to problems
- Give a false or misleading impression of addressing problems; known as 'window dressing'
- Delay action
- Serve as patronage instruments”

Source: Gregory Filyk & Ray Côté, *Pressures From Inside: Advisory Groups and the Environmental Policy Community*, in *Canadian Environmental Policy: Ecosystems, Politics, and Process*, ed. Robert Boardman, Oxford University Press, Toronto, 1992, p. 62.

It is apparent that the Panel, given its composition and Terms, might serve to a greater or lesser degree all of these political purposes.

According to the Terms, the motivation for establishing the Panel stemmed from recommendations from two politically and economically dominated bodies, the Fisheries Resource Conservation Council and the Standing Committee on Fisheries and Oceans, which made “suggestions that seal populations should be reduced to foster recovery of fish populations.” The Questionnaire echoes these suggestions.

The Panel is, according to the Terms, charged with considering the “recommendations of the Standing Committee on Fisheries and Oceans, of the Fisheries Resource Conservation Council, of provinces, stakeholders and individuals.” Organizations working on behalf of the welfare of the seals and the protection of the marine environment, which represent the majority view of Canadians, are captured, presumably, under the catch-all “stakeholders.” It is evident that organizations which have suggested that “seal populations should be reduced” should be more important to the Panel's consultative process, in the opinion of the framers of the Terms, than those who have raised doubts and objections about culling harp seals to “foster recovery of fish populations.” Those opinions are diminished in importance because the Canadian environmental and animal welfare communities and conservation scientists currently lack equivalent political and electoral relevance as the participants in the sealing industry.

The Panel itself is composed of some individuals who might reasonably be assumed to be unduly sympathetic to a massive harp seal cull as a management tool. Dr. Solange Brault is associated with the government side of the recent massive cull of snow geese: a decision marked by deep, even bitter, divisions in scientific opinion and legal actions. Mr. David Vardy has been an active proponent of sealing and is associated with a Newfoundland government minister who has called for a massive cull of harp seals.

While the Panel has *de facto* representation from the sealing industry and for current sealing policies in Vardy, there is no representation from the conservation, environmental protection, or animal welfare communities which represent important aspects of any responsible, modern natural resource management regime, particularly one that applies to an animal like the harp seal.

It is worth emphasizing that the inclusions and omissions in the Panel's composition — like all such bodies — are a function of carefully calculated decisions by the Minister and/or the DFO bureaucracy. The Panel members are specifically selected or approved with the hope that their individual biases, strengths and weaknesses — as perceived by those who finalized the selection — will move the Panel's final report in a direction that will best serve the DFO's political purposes.

Nothing in the Terms or Questionnaire suggests that their authors either appreciate or would wish to see discussed the fact that harp seals and other predators might have — even likely have — some positive effect on commercial fish populations, in particular, or the marine environment in general.

At one extreme, the purpose of the Panel might be to begin the process of laying down a future scientific rationale, however tenuous, for authorizing a massive cull of harp seals in order to respond to the current local east coast political pressure for such an action. Considering the government's current seal hunt policies, as determined by actual practice as

opposed to what is stated in the government's public literature, this is the most plausible rationale for the existence of the Panel.

At the other extreme, the Panel may be little more than a token response established to give the impression to the important political actors which drive seal hunt policy — represented in the industry and political representatives on the Fisheries Resource Conservation Council and the Members of Parliament on the Standing Committee on Fisheries and Oceans — that the Minister and the DFO are responding to their demands. In the past, the Royal Commission on Seals and Sealing admirably served a similar purpose.

At the very least, the Panel allows the Minister and the DFO to simply maintain, in the short-term, the *status quo* — comfortably postponing any decisions at all — while they ostensibly wait for the advice of the Panel before developing “a strategic harvesting plan for seal populations over a 5-year period.” The *status quo* is the policies that were established by the Hon. Brian Tobin. Tobin, calculatingly, used the seal hunt to enhance his bid to become Premier of Newfoundland. In doing so he implemented policies which, while resonating strongly and positively in the constituents he was trying to win over politically, were environmentally malicious and are likely causing a decline in the harp seal population. Despite the naming of two new Ministers since Tobin's tenure, the Hon. David Anderson and the Hon. Herb Dhaliwall, these policies have not appreciably changed.

Discussion & Conclusions

The seal hunt policies of the Canadian government, like all its fisheries policies, are determined primarily by political considerations. Science plays a peripheral role at best, usually to serve short-term propaganda and political ends. Even when the Canadian government has sound, independent or internal, scientific analyses cautioning against its policies, it has demonstrated that it is willing to risk the collapse of a stock or population if the short-term political exigencies and benefits warrant it. As has been seen with the Atlantic cod, these political influences are so strong that risking diminishing a stock beyond recovery is acceptable. This reality is no doubt fully appreciated by Vardy who has spent much of his career in the public policy arena.

This is not due to some aberration or perversity in the men and women who populate the DFO's bureaucracies or the federal government. Quite the contrary, it is an unfortunate, but inevitable artifact of our political and electoral system. There is a discord between responsible management of natural, living resources and electoral politics that is not only pervasive, but often prevents employing timely and responsible resource management regimes.

The DFO established the Panel to facilitate a particular policy, one evidently associated with a cull of harp seals, obfuscating it as a scientific inquiry. The DFO will use and manipulate whatever aspects of the Panel's recommendations advance their policy and disregard the rest. The efforts of the Panel are being conducted within this political environment and management philosophy. Any benefits to seal management (assuming the term suggests a humane, well-regulated, sustainable seal hunt) will be incidental. Indeed,

there is very little — likely nothing — that the Panel can add to the Department of Fisheries and Oceans' current scientific knowledge in the area of seal management.

The Panel has no control over the political environment in which it functions, but is subject to it. The Panel will have no influence over how its recommendations are used and/or abused, yet the members' names and reputations will be associated with the eventual inevitable misuses by the DFO to maximize the propaganda value of the Panel. Although it might not be fully appreciated by some members of the Panel and soundly rejected by others, upon acceptance of the Canadian government's invitation to serve on the Panel each became a political actor, a *de facto* partisan, in the seal hunt issue working on behalf of the Canadian government and the sealing industry. To repeat, environmental issues, like the seal hunt, are decided by politics not science. Consequently, it is not possible, by definition, for one side alone to establish a credible *independent* advisory body — nor for its members to be viewed as *independent*, no matter how eminent or independent they, in fact, might be individually or in a less polarized context.

The Eminent Panel on Seal Management is political theatre. It well serves many self interests and so it will, of course, play its parts until the curtain falls and the critics write their reviews. The members of the Panel themselves will benefit most from their roles in this political performance: directly through their compensations and in the addition to their CVs which will be looked upon quite favorably by their current employers and by potential government and industry employers in the future. Backstage, the Government of Canada, the Minister of Fisheries and Oceans and the Department of Fisheries and Oceans and all the associated political characters will benefit too as the Panel serves, to some degree, their political ends. And what we know from the shows of the past is that all of this activity and expense will benefit neither the seals nor the marine environment. Of that we can be sure.