

SEAL HUNT

Canada forges on against EU seal ban

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Canada is pushing ahead with a legal battle against the European Union over the seal hunt even as both sides enter the final stretch of free-trade negotiations.

Ottawa is asking the World Trade Organization (WTO) to appoint a panel that will hear Canada's challenge of the EU's ban on seal products. Canada argues its hunt is humane and sustainable and that the 2009 ban violates the EU's international trade pledges.

Canada first announced its WTO challenge more than three years ago, but the case hadn't gone anywhere and was assumed by some to have been abandoned.

The move, which was announced Monday, comes as Canada and the EU are working on a Comprehensive Economic and Trade Agreement (CETA) that the Conservative government promises to conclude by the end of 2012.

Adam Taylor, a spokesperson for Trade Minister Ed Fast, insisted the WTO complaint and the free-trade talks are two separate issues. But many in the European Parliament strongly disagree.

Last year more than 100 members of the 753-member European Parliament signed an open letter vowing to oppose CETA unless Canada abandons its WTO case.

The letter called Canada's WTO challenge "an attack on both European and Canadian values and European democratic processes." In 2009, the European Parliament voted in favour of regulations that ban the sale of commercial seal products. That same body must also vote to approve any trade deal that is negotiated with Canada.

The EU delegation in Ottawa issued a muted response Monday, saying Canada's WTO request "follows the normal course of this legal process."

"On our part, we continue to defend our position and remain confident that the measure in question is non-discriminatory and in conformity with the WTO. The final say, of course, rests with the WTO panel," read the statement, which was provided by an EU spokesperson.

One Canadian trade lawyer, Simon Potter at McCarthy Tétrault, previously estimated the WTO challenge would cost Ottawa \$10-million. That's far more than the current annual value of the seal

hunt. According to the Department of Fisheries and Oceans, the total value of Canadian seal products has declined from \$34.3-million in 2006 to \$1.3-million in 2010.

Former Canadian trade negotiator Peter Clark, who currently advises parties connected to the CETA negotiations, said he doesn't think Canada's WTO case will delay the free-trade talks, but the strong anti-sealing sentiment in the EU Parliament can't be ignored.

"There's never a good time to start a dispute," he said. "The European Parliament is very heavily green and these people care personally about all these practices, and it's not unusual for people with that mindset to try to block dealing with the people they don't like. Is that the majority of the European Parliament? I don't think so."

Mr. Clark also said Canada "could well win" its WTO case.

Rebecca Aldworth, executive director of Humane Society International/Canada, argues the economics of the declining industry do not support the expense of a WTO challenge.

"It's a colossal waste of taxpayers' dollars," said Ms. Aldworth, who warns the timing of Canada's WTO announcement puts at risk a trade deal that could open up new markets for Atlantic fisheries.

"On the one hand, [Prime Minister] Stephen Harper is saying that he's standing up for coastal communities by promoting this WTO challenge," she said. "On the other hand, he's risking a trade deal that would put money in the pockets of the very people he's claiming to care about."

Editor's note: An earlier version of this story online and in Tuesday's newspaper omitted what branch of Humane Society International that Rebecca Aldworth works in. This version has been corrected.