

Submission of comments on draft Norwegian Animal Welfare Act

18th February 2008

Introduction

The World Society for the Protection of Animals and the Whale and Dolphin Conservation Society make the following submission with reference to the provisions for marine mammals in the new draft Animal Welfare Act¹. We would like to start by stating that in our professional opinion the challenges associated with ensuring a humane death for whales killed at sea are extensive and largely insurmountable. It is our view that whaling is entirely inconsistent with the welfare standards and criteria set out in the current Act and the new draft Act, whereby the objective is to ensure the least possible pain and distress to animals at the time of killing. On these grounds we believe the Norwegian Government should cease whaling activities on the basis that they cannot be conducted in an adequately humane fashion.

However, with this caveat stated, we would like to take the opportunity to highlight two areas within the draft Act which we consider present major inconsistencies between the welfare provisions for marine mammals and the welfare provisions for other species killed for commercial purposes. We believe that these issues should - and feasibly could - be addressed by further revisions to the draft Act, and we provide recommendations to this end.

1. Absence of specific welfare criteria for marine mammals hunted commercially for their meat or fur

Whales and seals hunted in Norwegian waters appear to fall through a loophole in the draft Act. Since whales and seals are not '*owned or in any way kept by people*' they are excluded from the benefit of the provisions in Chapter II §12 '*Killing of Animals*'. Whaling and sealing – both commercial activities producing meat/fur for human consumption/use and thus comparable in principle to livestock slaughter – are only provided for under Chapter IV §29 '*Hunting, catching and fishing*'. In contrast to the more detailed provisions to protect the welfare of animals kept or owned by people, there is a conspicuous absence of specific requirements tailored to protect the welfare of hunted whales and seals within the draft Act. § 29 of the draft Act offers only the ambiguous statement that hunting activities should be carried out so that '*the animal's welfare is taken into account*'².

¹ Henceforth 'the draft Act'.

² Draft Act regarding animal welfare:

http://www.regjeringen.no/Upload/LMD/Vedlegg/Regelverk/Animal_Welfare_Law_20121974.pdf

Under the present draft marine mammals, despite being subject to large-scale commercially motivated slaughter operations, are not afforded the specificity of protection provided for animals 'owned or in any way kept by people' (§12), which requires that these animals should be: *'stunned before or at the same time as killing the animal. The stunning method shall not subject the animal to significant discomfort and shall ensure loss of consciousness and pain relief which last until death occurs. When the animal is stunned, it shall be killed immediately'*. We urge the Norwegian Government to consider its responsibility to provide more detailed welfare provisions not only for animals owned or kept by people, but also those animals exploited commercially for economic gain.

Recommendations: Addition of a sub-section to Chapter IV §29, stipulating criteria to specify and detail stringent welfare provisions and regulations for marine mammals subject to commercial exploitation.³

2. Inspection and oversight

There is no detail on the intended veterinary oversight of slaughterhouses in the draft Act. However, Section 24c of the existing Animal Welfare Act notes the requirement for veterinary inspectors to be present in slaughter houses:

'The supervising veterinarian shall inspect animals brought to the slaughterhouse, and if necessary notify the animal welfare committee. The supervising veterinarian shall supervise the handling of slaughter animals and may issue any instructions necessary to ensure that this Act or regulations issued in its pursuance are complied with within the area of the slaughterhouse.'

The animal welfare committee has the right to inspect but cannot give directives concerning conditions within the area of the slaughterhouse.

*The Ministry may make regulations which lay down conditions for the establishment and operation of slaughterhouses, including requirements for approval and conditions for the withdrawal of approval.*⁴

In addition, the Directorate of Fisheries requires that all sealing vessels have an inspector on board⁵ who is tasked with ensuring adherence to the welfare provisions provided for by the Directorate of Fisheries.⁶ Moreover, according to the Regulation on seal hunting in the West Ice and East Ice 2007⁷, all vessels participating in the hunt shall keep a logbook on the hunt that shall be submitted to the Directorate of Fisheries as soon as possible after the hunt is ended.

In contrast to veterinary oversight and inspection for animals in abattoirs, and the inspection and reporting on seal hunts, neither the existing nor the new draft Act stipulate any third party oversight for the welfare of

³ Such an addition should also cover terrestrial wild animals targeted in commercial hunts if and when these occur in Norway.

⁴ <http://www.animallaw.info/nonus/statutes/stnoapa1995.htm> (accessed 08.02.08) An unofficial translation of the Welfare of Animals Act No. 73 of 20 December 1974 Ref. Previous Acts No. 7 of 21 June 1929 and No. 13 of 7 June 1935. Section 24C.

⁵ Norwegian regulation J-53-2007, §14

⁶ Norwegian regulation 2003-02-11-151

⁷ Norwegian regulation J-53-2007 §13

hunted whales. Until 2003, the Ministry of Fisheries and Marine Resources decreed that national inspectors must be present onboard all whaling vessels, recording welfare data including 'Time to Death', 'Instantaneous Death Rate' and the use of secondary killing methods.

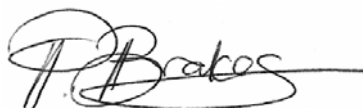
However, instead of human inspectors Norwegian whaling vessels now carry a 'Blue Box', an electronic recording device which records information on the time between the firing of the harpoon and the time at which the whale is hauled aboard the vessel. This is not an accurate indicator of the actual 'Time to Death' for the whale. Moreover, this information is provided retrospectively. The 'Blue Box' does not record details on where the whale was struck, details of the injuries incurred, or observations on the behavioural indicators of consciousness during the hunt. National inspectors are permitted to conduct random spot checks on vessels, however, in contrast to the provisions for slaughterhouses there is now no continuous independent third party monitoring of welfare during whaling.

Although Norway has conducted extensive research into the welfare of hunted whales in the past, WSPA and WDCS believe that this does not negate the need for continuous assessment of the welfare of hunted whales, nor does it negate the requirement for independent oversight of these hunts. The relevance of continued collection, analysis and submission of these data to the International Whaling Commission (IWC) is clear: these data are a mechanism by which both the Commission and Parties to the Convention can identify areas where improvement might be necessary and provide a means for independent oversight of the welfare of hunted whales, reducing the probability of declining welfare standards over time.

Without current, accurate data on variables such as 'Time to Death', 'Instantaneous Death Rates' and the incidence of whales being 'Struck and Lost', it is not possible for the Norwegian Government to be assured of compliance with even the minimum welfare criteria stipulated for wild animals hunted in Norway.⁸ Random inspections cannot adequately ensure that standards are adhered to as general practice. We further note that the lack of transparency in these matters causes increased speculation that poor practice can be hidden from both national and international scrutiny.

Recommendation: Inclusion in Chapter IV §29 of the draft Act a provision to ensure the mandatory and continuous presence of inspectors on board vessels engaged in the hunting of all marine mammals and the reporting of comprehensive welfare data (see attached appendix) from whale hunts to the Directorate of Fisheries and the International Whaling Commission.

Yours faithfully



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⁸ Draft Act regarding animal welfare. Chapter IV § 29. "Hunting, catching and fishing shall be carried out in such a way that the animal's welfare is taken into account."

http://www.regjeringen.no/Upload/LMD/Vedlegg/Regelverk/Animal_Welfare_Law_20121974.pdf

Appendix – Recommended data collection from all Norwegian whaling vessels

The following data to be recorded independently by inspectors for each whale, targeted, pursued or struck:

Date and time

Latitude and longitude of hunt

Indication of whether the whale is a juvenile

Weather conditions:

- cloud cover
- sea state
- swell size and direction
- wind direction
- wind strength
- visibility

Pursuit time - time of pursuit from first sighting to firing of the first harpoon

Accurate time recording from the firing of the first harpoon to any of the following events:

- a) time at which whale is declared dead due to cessation of movement;
- b) time at which whale starts moving after apparent cessation of movement as recorded in a) (noting whether it is possible to determine if these movements were coordinated or agonal e.g. coordinated swimming movements)
- c) time at which either another harpoon or a rifle is fired as a secondary killing method, noting number of times rifle is fired and number of bullets to strike the whale;
- d) time at which whale is hauled alongside, to either be checked for movement or for the rifle to be administered;
- e) time at which the whale is confirmed dead.

Location of harpoon strike(s) (e.g. behind or in front of pectoral fins, thorax, abdomen, tail stock, head) – transcribed onto a schematic diagram

Location of bullet wounds.

Behavioural responses during hunting: breach/dive/tail slap/swimming away/no response/ swimming towards vessel/ swimming away from vessel/ spy hop etc.

Activity of vessel during the hunt: approximate speed and any change in direction

Where appropriate note group size and where possible composition (note juveniles)

Note any instances where a whale is targeted and pursued by more than one hunting vessel

Number of whales pursued - identify the number of whales targeted but not struck (as opposed to sighted but not actively pursued).

'Struck and Lost' whales should be recorded. Detail on the conditions under which they were 'Struck and Lost' and details of any attempts to recover these whales.