

**The seal hunt: Cultures, economies and legal regimes.** Nikolas Sellheim. 2018. Leiden/Boston: Nijhoff, hardback, xiv + 361p, ISBN: 978-90-04-32498-5, €195.00.

Marine mammals occupy an intriguing position in international law. The UN Convention on the Law of the Sea 1982 – the “Constitution of the Oceans” that establishes the rights and obligations upon states concerning their conduct upon the global seas – renders marine mammals exempt from the requirements of optimal utilisation, allocating them a privileged status in comparison to other marine living resources. Instead, the exploitation of marine mammals may be regulated far more strictly than that of other marine species, should a state (or an international organisation comprised of states) wish to do so. Moreover, the Convention prescribes the somewhat more ambiguous requirement for states to cooperate “with a view to the conservation of marine mammals and in the case of cetaceans shall in particular work through the appropriate international organisations for their conservation, management and study”. This position has raised a series of regulatory complications, where the previous five decades has seen public opinion shift markedly from a primarily industrial view of marine mammals, to the now prevailing mindset that many such animals constitute a totemic set of species that ought to be strictly protected. The political, organisational and juridical battles over continued whaling activities have been well documented and, given the specific focus of the 1982 Convention, legal writers have largely prioritised cetaceans in their treatises. The road less travelled – although no less contentious than whaling – is the legal position in relation to seals, which has been something of a poor relation in the scholarship to date. Seal hunting raises similar – if chronically understudied – problems, especially in the Arctic where the preservationist ideals of constituents far removed from the High North have clashed with the hunting activities of the region’s (primarily indigenous) inhabitants. *The Seal Hunt* is thus a very timely publication, set against a backdrop of protracted litigation before the Court of Justice of the European Union (EU) and the dispute resolution procedures of the World Trade Organization, and one that sheds important new light on the national and international issues raised by the exploitation of seal resources.

*The Seal Hunt* comprises six chapters, including a concise introduction and conclusion, with the culture and economics, legal regimes and judicial treatment of seals addressed respectively in substantial individual segments of the book. Chapter 1 provides a brief introduction to the biological and distributional traits of the protagonists themselves, alongside an explanation of the objective legal approach taken by the work. In this respect, Sellheim emphasises that while laws ought to constitute a neutral set of regulatory standards, they are nonetheless forged in the crucible of political and public opinion for which the end product necessarily incorporates the key prejudices and assumptions of the lawmakers in question. In the context of seals, Sellheim demonstrates that this has included a set of values weighted primarily in favour of preservation to address an issue that ought to be more appropriately considered through the lens of sustainable use.

Chapter 2 addresses the cultures and economies of sealing. As Sellheim demonstrates, this is far from being solely a Polar issue as seals are – or have been – exploited in a number of different geographical locations, from Southern Africa to the Baltic region, even if much of the regulatory focus remains entrenched within the Arctic. This enjoyable and comprehensive chapter demonstrates that the history of seal hunting is inextricably linked with the history of human settlement in many regions and provides a highly accessible overview of the cultural attachment to seals in a wide array of locations around the world. Sellheim also illustrates the impacts that the constriction of this industry has had on particular populations, as well as the intriguing customs and norms that have both permeated and regulated the hunt over the course of a number of centuries. The chapter also advances a series of observations that are often overlooked (or disregarded) by modern lawmakers, especially the damaging assumption that indigenous and commercial hunting are mutually exclusive concepts, a fundamental misconception that would have disastrous consequences for the EU’s regulatory regime. The chapter also usefully highlights that seal hunting presents multifaceted dilemmas, not least in balancing the vociferously expressed interests of small-scale fishers, while the current regulatory climate renders the emergence of a multilateral regime for seals a highly implausible prospect.

Chapter 3 provides an extensive survey of the past and present regimes governing stocks of seals. Given the general paucity of legal attention devoted to marine mammals other than cetaceans, this is a welcome and much-needed overview of this framework. Such provisions are myriad and voluminous, hence Sellheim avoids becoming overly mired in detail by providing a relatively light, but knowledgeable, touch to these individual systems. Following an outline of the main international wildlife treaties and their treatment of seals, the chapter provides a concise and accessible – yet highly informed – outline of the domestic legislation and policies advanced by a number of disparate countries. This varies from the extensive US measures to the Russian provisions which, perhaps surprisingly, are as sparse as its northern tundra. Interestingly, Sellheim also observes that the animal welfare considerations that are so central to the political treatment of seal hunting are often marginalised in national legislation. A running theme, however, remains the acute fragmentation of national and international laws addressing seals and their habitats, with a lack of joined-up approaches to broader environmental and fisheries laws. Similarly, the resulting legislation is often framework-based and assumptive of the subsequent development of meaningful management plans – a process that Sellheim suggests has been implemented and enforced on a less-than-assiduous basis.

Chapters 4 and 5 move to consider arguably the most significant *cause-celebre* in which seals have become embroiled in recent years, namely the saga of the EU's mishandled legislation to prohibit the importation of commercially derived seal products into the common market. While initially well-meaning and seeking to protect the activities of native communities, the EU fundamentally failed to understand the symbiotic relationship between indigenous and commercial activities in parts of the Arctic. This meant that Canadian Inuit exporters – who were reliant upon the logistical support of commercial operators – were unable to bring their products to market and were disadvantaged in comparison to the Greenlandic industry. The subsequent litigation and application of the machinery of the World Trade Organization exposed a lack of understanding of Arctic communities by the EU as well as an

inherent bias towards animal welfare concerns that were not borne out towards practices in other industries. This has troubling implications, argues Sellheim, in that seals have been elevated to a totemic species that have been ascribed a *de facto* right to life by virtue of a series of imperfect legal instruments. This has led the EU into dangerous territory by essentially regulating such species on the basis of public morality, rather than on the more sterile grounds of numerical abundance and ecosystem management that form the bedrock of the EU's regular approach towards hunting and nature conservation.

This leaves seal hunting at something of an existential crossroads, not least within the Arctic, but also beyond the polar regions. In a globalised world, market access is key to any purported commodity, yet purveyors of seal products have increasingly encountered import restrictions on their goods driven by a visceral, emotive response to the perceived barbarity of the hunt. As Sellheim skilfully argues throughout the book, while sustainable management has underpinned the regulation of seal hunting for centuries, the latter part of the 20th century has seen this ethos eroded by blanket bans and political grandstanding. Although the resulting legislation has sought to maintain exemptions for indigenous products, such provisions have generally proved to be insufficiently surgical in their design and application, with these communities often becoming collateral damage in the ongoing conflict over the wider philosophies of marine mammal regulation. In this respect, the current trajectory of seal management demonstrates disquieting parallels with that of great whales. If this is ultimately a bleak conclusion, it is nevertheless one derived from a vibrant, compelling, thoughtful and highly knowledgeable account of the historical and modern regulation of seals and their hunters. *The Seal Hunt* greatly rewards careful reading and sheds new and valuable light on this neglected area of marine mammal management, exposing the inherent frailties of the legislation and posing important and uncomfortable questions of the current regulatory mindset. (Richard Caddell, School of Law and Politics, Cardiff University ([caddellr@cardiff.ac.uk](mailto:caddellr@cardiff.ac.uk)))

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