

## REPORT

# ON THE COMPLAINTS BY CIVIL SOCIETY ORGANISATIONS, NON GOVERNMENTAL ORGANIZATIONS, INDIVIDUALS AND OTHER GROUPS ON THE ILLEGALITIES PERTAINING TO THE ANNUAL SEAL HARVEST IN NAMIBIA – A CONTINUATION

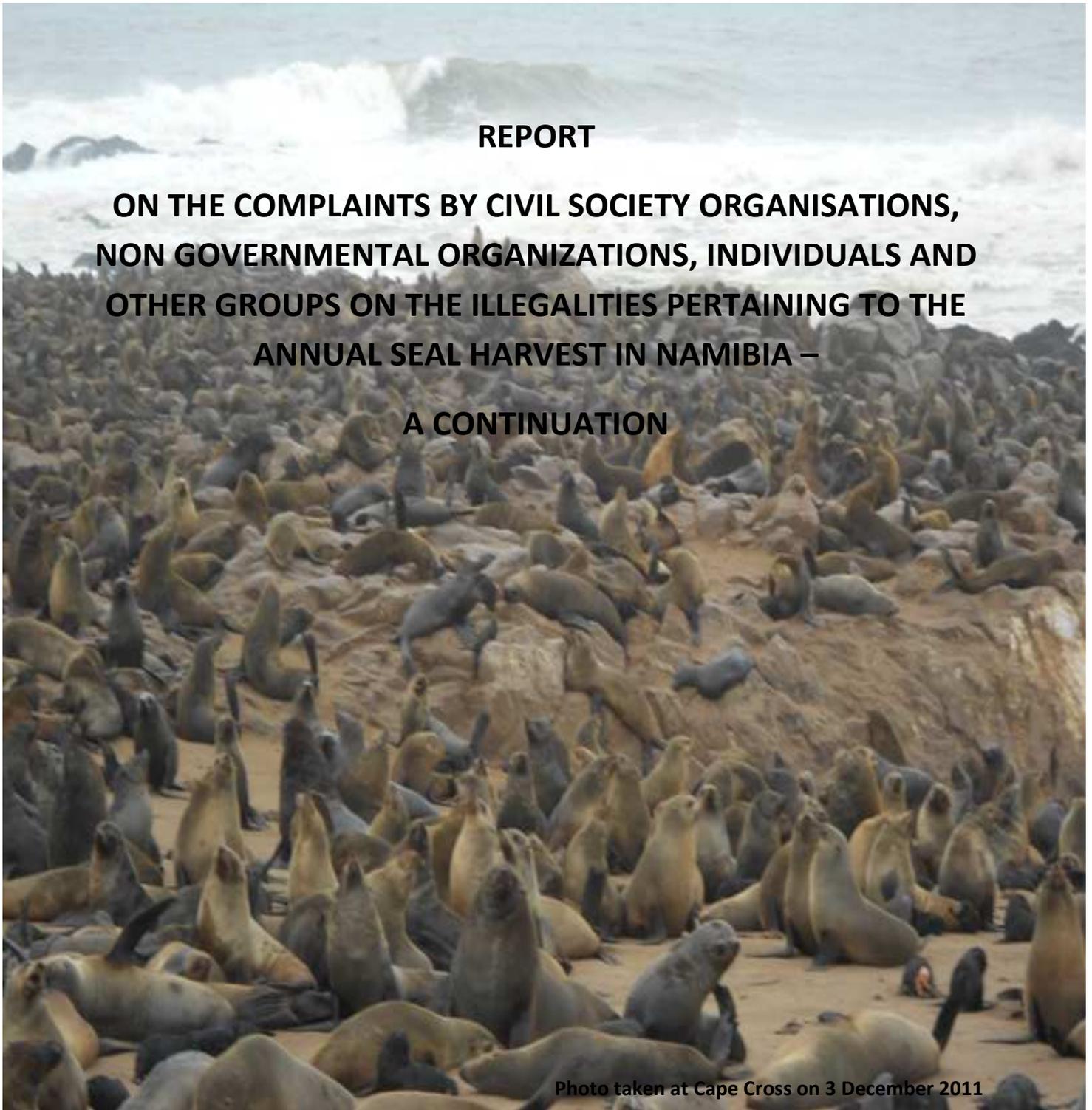
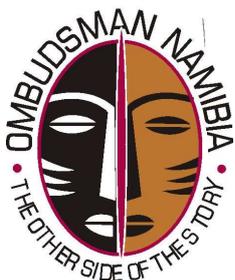


Photo taken at Cape Cross on 3 December 2011



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OMBUDSMAN

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# **Over-exploitation or Sustainable Utilization? The Seal Harvest violates the principles of sustainable utilization contained in the Constitution and the Marine Resources Act**

## **1. Introduction**

- 1.1 In my Report dated 22 June 2012, I did not make a finding on the question whether Namibia over-exploits its seal population, or whether it is a matter of sustainable utilization. In other words: Does Namibia have the number of seals to allow a Total Allowable Catch (TAC) of 80 000 pups and 6 000 adult males; that is, whether the TAC for seals is rationally linked to population numbers. At that stage the results of the Benguela Current Commission (BCC) survey were not available. It is now available.
- 1.2 For the sake of clarity, I wish to refer shortly to the position of the IFAW, Seal Alert – SA (as set out in the Dawson Edwards Opinion) and that of the Ministry.
- The IFAW alleged that " .... *Despite claims to the contrary we can find no scientific evidence that the Cape fur seal population is growing rapidly .... There is no available evidence that would suggest the current levels of exploitation in Namibia are biologically sustainable*"<sup>i</sup>
  - It is alleged in the Dawson Edwards Opinion that "*..... islands which historically were home to thousands of seals are now extinct, which in turn further raises the concern that if sealing activity is allowed to continue in line with the MRA, the seal colony may collapse in the same manner which defies all principles of sustainability .....*"<sup>ii</sup>
  - Mr Iilende on behalf of the Ministry claimed that the "*seal population stands at around 700 000 individuals, the seal population in Namibia is in a healthy, growing state and is in no way threatened with extinction.*"<sup>iii</sup>
  - The DLA Cliffe Dekker Hofmeyr Opinion concluded that "*..... in order to attempt to persuade the Namibian authorities of the unsustainable utilization of seals, contrary to the Constitution and the MRA and possibly in contravention of CITES, current scientific evidence is required to be produced which indicates that the current TAC for seals is not rationally linked to population numbers and will result in population numbers being reduced to a level from which they may not recover.*"<sup>iv</sup> (my emphasis)
- 1.3 In the meantime, I have received a report from the Ministry of Fisheries and Marine Resources, which I will now discuss, express my view and conclude with findings.

## **2. The state of the seal, *Aretocephalus pusillus pusillus*, population in Namibia**

The Cape fur seals occupy 26 colonies along the Namibian coastline; from northern to southern Namibia, they are: Cape Frio, Mowe Bay, Torra Bay, Toscanini, Cape Cross, Pelican Point, Sandwich harbour, Conception Bay, Hollamsbird Island, Sylvia Hill, Mercury Island, Dolphin Head, Klein Ichaboe, Staple Rock, Marshall Reef, Boat Bay Rock, Dumfudgeon Rock, Wolf Bay, Atlas Bay, Long Islands, Possession Island, Albatross Rock, Van Reenen Bay, Black Rock, Sinclair Island and Lions Head.

An aerial census was conducted during December 2011 under the auspices of the Benguela Current Commission (BCC) by experts of Angola, Namibia and South Africa. The seal stock assessment of Namibia was done by experts of South Africa and Namibia. The report concluded the following:<sup>v</sup>

- Stock assessment results indicate that the seal population has in general been increasing since 1972 and current estimate of 1.2 million animals is thought to be approximately what it was before exploitation started.
- The highest increase has been observed in females that currently total an estimated number of about 600 000 animals, as compared to males that are about 350 000.
- Seal pup production has been steadily increasing and reached a high level of 220 200 in December 1993, which has been used as the management target reference point.
- In 1994/1995 environmental anomalies led to a mass mortality of seals of all age and sex classes due to starvation, consequently the population was reduced by almost a third of its size.
- The population has gradually recovered since then and in 2011 the highest pup count of 254 554 was made which exceeds the 1993 reference point level by 13%.
- The combined pup count of the three harvested colonies amounted to 121 080 individuals, which is lower than the 1993 estimate by 26.3%, mostly because of a drastic decline at the southern colonies.
- Whilst the number of pups at Cape Cross has increased by 11% (i.e. from  $\pm 65\ 000$  to  $\pm 72\ 000$ ) a 50% decline at Atlas/Wolf Bay has been observed (i.e. from  $\pm 100\ 000$  to  $\pm 50\ 000$ ).
- Cape Frio (north) has been showing a steady increase in pup count every year. In 1993 pups at Cape Frio were estimated to only 477 individuals and has now increased to 43 408 individuals.

- The Long Islands (south) pup count has drastically declined relative to the 1993 reference point. (i.e. from  $\pm 20\ 000$  to  $\pm 12\ 000$ )

### Seal Harvesting

- An allocation of 80 000 pups and 6 000 bulls was made for the 2012 harvest season.
- Overall, the industry has been under harvesting the pup TAC, though the stock assessment model results indicate that the resource can sustain the given TAC.
- The number of pups and bulls harvested per colony since 2007:

Year	PUPS			BULLS		
	Atlas/Wolf Bay	Cape Cross	Total	Atlas/Wolf Bay	Cape Cross	Total
2007	16 584	12 587	29 171	1 877	3 615	5 492
2008	22 462	19 361	41 823	2 335	1 519	3 854
2009	12 380	23 014	35 394	2 396	3 356	5 752
2010	18 824	24 354	43 178	2 313	1 099	3 412
2011	21 199	23 599	44 798	*411	* 644	*1 085

\*preliminary figures

I am of the view that –

- the results of the BCC aerial survey and the stock assessment by South African and Namibian experts contradict the claims and allegations referred to above;
- the BCC aerial survey and stock assessment results provide sufficient scientific evidence, firstly, that the Cape fur seal population in Namibia is growing steadily, and secondly, that the current level of exploitation in Namibia is biologically sustainable;
- the results of the BCC aerial survey and stock assessment by South African and Namibian experts provide sufficient scientific evidence that the TAC has been, and is currently rationally linked to the number of seals and that it did not result in unsustainable harvesting.

## **FINDINGS**

Having considered all the submissions and information I have received previously, together with the latest information provided by the Ministry of Fisheries and Marine Resources, I find that:

- there is currently an estimated 1.2 million seals in Namibia and in Namibian waters, comprising -
  - 600 000 female seals
  - 350 000 male seals
  - 254 554 pup seals
- the seal harvest in Namibia is sustainable, thus not contrary to the Constitution and the Marine Resource Act and not in contravention of CITES
- the TAC has been, and is currently rationally linked to the seal population numbers.

## **CONCLUSION**

I believe I have now complied with my statutory and constitutional duty by providing the concerned groups, individuals and the Namibian population with the outstanding information and findings. It concludes my investigation into the complaints and the file on the matter is now closed. However, the Ministry of Fisheries and Marine Resources' compliance with my recommendations will be monitored.

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<sup>i</sup> **Fink, S** (2011) Notes for a presentation to the Office of the Ombudsman, Namibia, Windhoek; 1-10

<sup>ii</sup> **Dawson Edwards Opinion**; p 4-6

<sup>iii</sup> **Iilende, T** (2011); Presentation to the stakeholders meeting concerning seal harvesting in Namibia

<sup>iv</sup> **DLA Cliffe Dekker Hofmeyr**, (2011): Review of opinion on the legalities of the annual seal harvest at the Cape Cross Seal Reserve in Namibia p 7

<sup>v</sup> **Ministry of Fisheries and Marine Resources** (Directorate of Resource Management) (2012) The State of the Seal, *Arctocephalus pusillus pusillus*, population in Namibia