

Walters gives seal cull a green light



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THE annual harvest of Cape Fur seals in Namibia is lawful, says the Ombudsman Advocate John Walters.

Following repeated appeals by seal activists urging people to rise against Namibia's seal cull on the grounds that it violates animal rights, Walters launched his investigation into the legality of the yearly seal hunt last year.

"The legal framework which the Namibian government put in place for the sustainable utilisation of living natural resources is well-anchored and its accession to a number of international instruments demonstrates its commitment to the management of its marine resources," Walters said in his 28 page report.

Walters argues that the Minister of Fisheries and Marine Resources (MFMR) did not exceed his jurisdiction and his powers in respect of the management and use of seals, including those at Cape Cross, Wolf and Atlas Bay.

To the consternation of animal rights activists the Ombudsman found that seals are wild animals and therefore do not fall within the ambit of the definition of animals as per the Animal Protection Act (APA). The sealers, and by extension the authorities who permit the cruel treatment of pups, can thus not be in breach of the provision of the APA as the APA does not confer rights on seals, but does protect them from cruelty.

"Gruesome as it may sound, the stunning and sticking method used for killing pups is the most practical and the only one applicable to the harvest in Namibia," said the report. Walters said the exploitation of Cape Fur seals along the southern African coast represents one of the oldest commercial fisheries in the region and dates back more than the three centuries, having started in 1884 when it was the monopoly of the Deutsche Kolonial-Gesellschaft.

"From the facts placed before me, I do not have adequate and sufficient grounds in law and fact to recommend to the Namibian government to stop the annual seal harvest. However, I do believe that the following recommendations may address the concerns related to seal harvesting in Namibia, Walters wrote.

Inter alia, he recommends that Regulation 20 of the Marine Resources should be amended to include the requirement that after being killed by shooting, adult seals should be bled out and rights holders should ensure that each harvest complies with the methods of effective hitting or shooting, monitoring, bleeding out and implementation.

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"Sealers should be trained and competent in the procedures they use, including killing methods, monitoring death, unconsciousness and rapid bleeding," Walters recommended.

He said the Minister of Fisheries and Marine Resources should also consider independent monitoring of harvests (without commercial or NGO links), to provide certain critical information on seal culling and stunning from an animal welfare perspective.

Starting on 1 July 2012 85 000 Cape Fur seal pups are destined to be culled on the coast Namibia. A further quota of 6 000 adult bull seals will be set and the genitals of these bulls exported to the East, where they are used to make sex stimulants popular on the Asian market.

Recently, seal activists, such as Seal Alert SA, International Fund for Animal Welfare, Seals of Nam and the Society for the Prevention of Cruelty to Animals, said Namibia's annual seal harvest conflicts with the country's laws and its obligations under international law, by violating the principle of sustainable utilisation contained in the Constitution and the Marine Resource Act.

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