
CONTENTS • INHOUD

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
------------	--	---------------------	------------------------

GENERAL NOTICE

Environmental Affairs and Tourism, Department of

General Notice

1717	Marine Living Resources Act (18/1998): Publication of Policy on the Management of Seals, Seabirds and Shorebirds	3	30534
------	--	---	-------

GENERAL NOTICE

NOTICE 1717 OF 2007

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

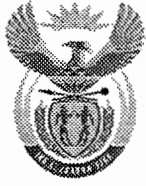
MARINE LIVING RESOURCES ACT, 1998 (Act 18 of 1998) PUBLICATION OF POLICY ON THE MANAGEMENT OF SEALS, SEABIRDS AND SHOREBIRDS

I, Marthinus van Schalkwyk, the Minister of Environmental Affairs and Tourism, hereby publish the Policy on the Management of Seals, Seabirds and Shorebirds, schedule hereto, for general information.

The policy will also be available on the Department's website at www.mcm-deat.gov.za.

MARTHINUS VAN SCHALKWYK

MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM



environment & tourism

Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

**POLICY ON THE MANAGEMENT OF SEALS, SEABIRDS AND
SHOREBIRDS: 2007**

Table of Contents

1.	Definitions	3
2.	Introduction	4
3.	Purpose of the Policy	5
4.	Objectives of the Policy	5
4.1	Management of Conservation of Seals, Seabirds and Shorebirds	5
4.1.1	Incidental Capture by Fisheries	6
4.1.2	Losses Due to Introduced Predators	6
4.1.3	Killing of Seals and Seabirds	7
4.1.4	Exploitation of Eggs	7
4.1.5	Insufficient Food	7
4.1.6	Displacement of Seabirds from Breeding Sites	8
4.1.7	Degradation of Breeding Habitat	8
4.1.8	Disturbance by Humans	8
4.1.9	Destruction of Nests	9
4.1.10	Oil Pollution	9
4.1.11	Other Forms of Pollution	10
4.2	Co-operative Management	10
4.2.1	Co-ordinated Management of South African Seal and Seabird Colonies, including on Islands	10
4.2.2	Regional Management of Seals and Seabirds	11
4.3	Sustainable Non-consumptive Use	11
4.3.1	Ecotourism and Job Creation	11
4.3.2	Exploitation	11
4.4	Captive Populations	12
4.5	Feeding of Wild Seals	12
4.6	Public Involvement	13
4.7	Research and Monitoring	13
4.8	Management of Adverse Interactions	13
4.9	International Agreements	14
4.9.1	International Trade	15
4.10	Funding	15
	Annexure A: Conservation Status and Population Sizes of Seabirds	17
	Annexure B: Seals Requiring Protection	20
	Annexure C: Seabirds Requiring Protection	21
	Annexure D: Shorebirds Requiring Protection	26

1. DEFINITIONS:

“Coastal Zone” – “coastal zone” means the area comprising: coastal public property, the coastal protection zone, coastal access land, coastal protected areas, the seashore, coastal waters, the exclusive economic zone and includes any aspect of the environment on, in, under and above these areas;

“Endangered” – according to the World Conservation Union (IUCN) a taxon is “endangered” when it is considered to be facing a very high risk of extinction in the wild;

“Exclusive Economic Zone (EEZ)” – “exclusive economic zone” means exclusive economic zone as defined in section 7 of the Maritime Zones Act, 1994 (Act No. 15 of 1994);

“Least Concern” - according to the World Conservation Union (IUCN) a taxon is “Least Concern” when it has been evaluated against criteria and does not qualify for Critically Endangered, Endangered, Vulnerable or Near Threatened. Widespread and abundant taxa are included in this category;

“Near-threatened” - according to the World Conservation Union (IUCN) a taxon is “Near-threatened” when it does not qualify for Critically Endangered, Endangered or Vulnerable now, but is close to qualifying for, or is likely to qualify for, a threatened category in the near future without ongoing conservation measures;

“Vulnerable” - according to the World Conservation Union (IUCN) a taxon is “Vulnerable” when it is considered to be facing a high risk of extinction in the wild.

2. INTRODUCTION

This policy on the Management of Seals, Seabirds and Shorebirds is issued by the Minister of Environmental Affairs and Tourism (“the Minister”). The purpose of this policy is to set out the considerations that will apply to the management of Seals, Seabirds and Shorebirds by the Minister

and delegated authority from the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department").

South African seabirds and seals are currently dealt with in terms of the *Sea Birds and Seals Protection Act, 1973* (Act No. 46 of 1973) (SBSPA), as well as indirectly by other legislative instruments such as, for example, provincial ordinances (e.g. *Nature Conservation Ordinance 19 of 1974* (Cape)). More than thirty years have elapsed since the Sea Birds and Seals Protection Act was promulgated, and although it has been amended twice, it has not been properly rationalised and there is a need to address a contemporary approach to seals and seabirds (including shorebirds). It is necessary to have an updated and more comprehensive national policy for seals and seabirds (including shorebirds) in South Africa. It is the Department's intention to revise the legislation pertaining to seals and seabirds and it is intended that such revision would be informed by this policy.

This policy will apply to seals, seabirds and shorebirds that breed within South Africa's 'coastal zone', that occur within its exclusive economic zone (EEZ) or 'coastal zone' on passage between breeding and non-breeding areas and that utilise the EEZ or 'coastal zone' as a non-breeding area. The boundaries of this 'coastal zone' are deemed to extend as far inland and out to sea as necessary for the conservation and sustainable non-consumptive utilisation of seals, seabirds and shorebirds and include estuaries, coastlands, coastline, offshore islands, the Prince Edward Islands, inland waters, coastal waters and the EEZ.

Seabirds (*sensu stricto*) are often taken to be those birds that obtain a portion of their food from the sea (excluding the intertidal zone). Adopting this definition, there are 15 species of seabirds that breed in South Africa, and at least 28 that breed at the Prince Edward Islands. Additionally, 62 other species of seabird visit southern African waters. Of the 15 species of seabird that breed in South Africa, seven are endemic to southern Africa. Nine of the seabird species that breed in South Africa are listed as "Threatened" or "Near-threatened" in terms of criteria of The World Conservation Union (IUCN), while 14 of the species that breed at the Prince Edward Islands are listed as "Threatened" or "Near-threatened" (Annexure A).

3. PURPOSE OF THE POLICY

South Africa has ratified or acceded to several international agreements pertaining to the conservation of seals, seabirds and shorebirds and is thus obliged to conform to such policies. Since many shorebird species are negatively affected by habitat loss and disturbance within South African territory, the country has a vital role to play in the conservation of both breeding and migratory seals, seabirds and shorebirds. This policy serves to outline the framework of principles and approaches which will guide and direct the responsible and orderly management of seals, seabirds and shorebirds for the benefit of present and future generations in South Africa. Simultaneously, it will guide and direct the drafting of revised legislation that will govern and regulate activities associated with the subject species in terms of this policy.

4. OBJECTIVES OF THE POLICY

The objectives of the policy are to facilitate and ensure:

- Management of conservation of seals, seabirds and shorebirds;
- Co-operative management;
- Sustainable, non-consumptive use of seals, seabirds and shorebirds;
- Research and monitoring;
- Management of adverse interactions; and
- Implementation of international obligations.

4.1. MANAGEMENT OF CONSERVATION OF SEALS, SEABIRDS AND SHOREBIRDS

The policy is aimed at management of conservation of the Cape Fur Seal, the single seal sub-species that is endemic to Southern Africa, the Antarctic Fur Seal, the Sub-Antarctic Fur Seal and the Southern Elephant Seal (Annexure B), which are the three seal species that breed on the Prince Edward Islands, as well as the 15 species of seabirds that breed in South Africa, the 28 species of seabirds that breed at the Prince Edward Islands (Annexure A and C), and more than 60 species of seals and seabirds that do not breed on South African territory, but migrate to South African waters. It also aims to provide management guidelines on the conservation of many

species of shorebirds (Annexure D) that breed within South African territory or visit South African waters.

4.1.1. Incidental Capture by Fisheries

Plans of action aimed at reducing the incidental mortality of seals, seabirds and shorebirds caused by fishing operations, such as the United Nations Food and Agriculture Organisation's (FAO) National Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries (NPOA-Seabirds), should be developed. Fishing with gill nets in the vicinity of seabird breeding colonies will be restricted. Serious consideration will be given to permit conditions that prohibit the use or carrying of firearms, ammunition and explosives aboard fishing vessels. The shooting of seals is illegal and, if anyone aboard a vessel is found engaging in such activities whilst at sea, this may result in the withdrawal of the relevant fishing permit.

4.1.2. Losses Due to Introduced Predators

Predators such as feral and domestic cats, domestic dogs and rodents have been introduced to several seabird breeding localities. The impacts of such introduced predators and the risk of further introductions should be minimised and the impact of domestic dogs on oystercatchers on mainland beaches that are important breeding localities needs to be controlled. On mainland beaches control may include enforcement of pet exclusion zones at breeding sites, while on islands controls may include removal of stray cats and dogs from islands and the requirement for vessels travelling to islands to use rat guards on the vessels to mitigate against the passage of rodents to islands.

4.1.3. Killing of Seals, Seabirds and Shorebirds

The killing of seals, seabirds and shorebirds for profit is prohibited. The killing of seals, seabirds and shorebirds and the collection or destruction of their eggs and nests is prohibited, except where this is necessary for conservation management (e.g. seals may be killed when they prey on threatened seabirds), or for scientific, safety (e.g. to prevent bird strikes on aircraft), interactions with marine aquaculture (e.g. seals eating fish in impoundments or commercial fish farms), health

or humane reasons. All killing, except that for humane reasons, should be controlled by permit. All killing should be done humanely. Accurate records should be kept of numbers of seals and seabirds killed and eggs collected or destroyed.

4.1.4. Exploitation of Eggs

Past utilisation of seabirds in South Africa included the exploitation of large numbers of seabird eggs. This policy precludes such exploitation for threatened or near-threatened species (Annexure B), or when disturbance of threatened or near-threatened species will ensue. The collection of live eggs for profit is prohibited.

4.1.5. Insufficient Food

Inadequate supplies of food may cause a reduction in the breeding success of seals and seabirds, or may cause seabirds not to breed or to postpone breeding. Seals and some seabirds often compete with fisheries for food. It is important that fisheries management considerations should take account of adequate availability of food for seals and seabirds, which for some species will necessitate providing for sufficient escapement of food from fisheries. In this regard the prohibition of specified types of fishing in the vicinity of seal and seabird breeding localities, where such fishing may reduce concentrations of fish available to the breeding seals and seabirds, may be considered.

4.1.6. Displacement of Seabirds from Breeding Sites

Seabirds are frequently displaced from breeding sites by larger animals such as seals. This has been accentuated by modification of islands, where seabirds traditionally bred, through removal of accumulated deposits of guano. For example, at some localities African Penguins can no longer burrow into guano to prevent their nests being overrun by seals. Smaller ground-nesting seabirds may be prevented from breeding at islands by feral or domestic predators. The Department recognises the need to facilitate the retention of breeding space for threatened and near-threatened seabirds and shorebirds. Where seals have encroached into bird breeding areas, they

may be displaced from such areas by a programme of deliberate disturbance, or removed by the construction and placement of artificial barriers.

4.1.7. Degradation of Breeding Habitat

Degradation of breeding habitat of seabirds has arisen from activities such as removal of guano, causing birds to breed in depressions that are subject to flooding, the removal of shade, exclusion of birds from certain areas to facilitate collecting of eggs, etc. Habitat loss, particularly in estuaries, is a consequence of industrial and port development, waste discharge, sediment removal, bait collection, the development of recreational infrastructure and the construction of roads, bridges, marinas, etc. Islands should be protected from mineral mining too close to breeding or haul-out areas. The maintenance of suitable breeding habitat, especially for threatened and near-threatened species, is important and developers should restore and/or create habitat to compensate for that lost to development and fund associated research.

4.1.8. Disturbance by Humans

The minimisation and regulation of disturbance to seals, seabirds and shorebirds is necessary and any disturbance, especially of breeding animals, will be subject to the issuing of a permit. Suitable restricted areas will be declared around breeding islands and mainland colonies, but provision will be made for sustainable tourism. Consideration should also be given to the restriction of speeding by recreational vessels close to breeding colonies. Eco-tourism vessels or vehicles will be subject to permit conditions and a code of conduct.

4.1.9. Destruction of Nests

Some species of seabird, e.g. Hartlaub's Gull, have learnt to nest on the roofs of buildings or to build nests on private property, often causing damage to buildings (e.g. by blocking gutters) or irritation to residents (e.g. through noise). The deterrence of such nesting should be carefully managed where possible, through for example, exclusion fencing, and/or provision of alternative safe breeding sites, and where desired, allow for the removal of nests and the captive rearing of

affected eggs and chicks. However, such removal of nests requires written approval by the Department and will not be considered if it is likely adversely to affect the conservation status of the species concerned. Any deterrence or intervention (including the artificial rearing of eggs and chicks) will be at the expense of the land or property owner concerned.

4.1.10. Oil Pollution

The Department recognises the need for management of seals, seabirds and shorebirds that are oiled (or orphaned through their parents being oiled or removed to prevent their becoming oiled), especially African Penguins and Cape Gannets that have proved particularly susceptible to oil spills in the past, but also rare or threatened species such as Bank Cormorants. In this regard contingency plans, networks and/or rehabilitation facilities for the rescue and subsequent rehabilitation of birds that are oiled or orphaned should be developed. In order to prevent the proliferation of rehabilitation facilities, and costs associated with their functioning, specific rehabilitation facilities should be identified to take the lead in the care and rehabilitation of seabirds. Any banding of birds that is undertaken at rehabilitation facilities must be done by banders accredited by the South African Bird Ringing Unit.

The Scientific Committee on Antarctic Research states that rehabilitated, vagrant seals, seabirds and shorebirds may not be released back into their normal breeding sites, because of the risks of disease transmission. The rehabilitation and release (within the South African continental EEZ) of vagrant seals, seabirds and shorebirds will be permitted, provided that they are kept separate from local seals, seabirds and shorebirds until they are certified to be disease-free by a qualified veterinarian.

4.1.11. Other Forms of Pollution

Every effort should be made to minimise threats to seals, seabirds and shorebirds posed by other forms of pollution such as ingestion of plastics and entanglement in discarded material such as plastic or strapping cord used to offload tuna from fishing vessels. The minimisation of the threat of entanglement by strapping cord may include control of the type and design of strapping or cord

used or the manner of disposal of the cord. As a permit condition this provision will be strictly enforced in the relevant fishery.

4.2. CO-OPERATIVE MANAGEMENT

Recognising the migratory nature of many of the seabirds and shorebirds that breed on South African territory, or visit South African waters, and the interchange of seals and seabirds between breeding colonies within South Africa, and between breeding colonies in South Africa, Namibia and Angola or between the Prince Edward Islands and other Sub-Antarctic localities, this policy objective is to provide principles for the co-ordinated management of seal, seabird and shorebird colonies within South Africa and the desirability of regional and international co-operation with regard to the management of seals, seabirds and shorebirds breeding in or visiting southern Africa and the Prince Edward Islands.

4.2.1. Co-ordinated Management of South African Seal and Seabird Colonies, including on Islands

In terms of The Constitution, seals and seabirds are a marine resource (excluded from nature conservation in Schedule 4) and fall within the functional area of national legislative competence. The President's Minute 29 of 5 July 1994 assigned the administration of the *Sea Birds and Seals Protection Act 1973* (Act No. 46 of 1973) to the Minister of Environmental Affairs and Tourism. Hence, the Department is responsible for the determination and development of policy with regard to seals and seabirds. The Minister may delegate the management of certain localities to other spheres of government. However, the Department remains responsible for the management of seals, seabirds and shorebirds at a national level.

4.2.2. Regional Management of Seals and Seabirds

There is movement (both short-term and long-term) of several species between southern African States. Thus conservation will be enhanced by regional agreements, such as the development of a memorandum of understanding between national management and research institutes, or in terms of the Bonn Convention.

4.3. SUSTAINABLE NON-CONSUMPTIVE USE

4.3.1. Ecotourism and Job Creation

Tourism to seal colonies and seabird colonies has exhibited remarkable growth in South Africa in recent years. Recognising the increasing interest of tourism to seal, seabird and shorebird colonies, and the desirability of economic development in South Africa, this policy has as one of its objectives the sustainable, non-consumptive use of these animals for ecotourism, provided that access to colonies and preventing or controlling disturbance to seals and birds is regulated through the provisions of this policy. With regard to seals, seabirds and shorebirds, their sustainable use will primarily be centred on ecotourism that could result in opportunities for job creation. Furthermore, the establishment of seabird guano platforms may be considered for guano exploitation. The development of a guano industry could potentially also result in new jobs.

4.3.2. Exploitation

The collection of guano at breeding colonies where guano forms an integral part of the seabird's life cycle and breeding success is prohibited (e.g. African Penguin, Cape Gannet). However, the commercial exploitation of guano, e.g. through the construction of seabird breeding platforms, may be sanctioned if deemed to have no detrimental influences on the species in question, and provided that an environmental impact assessment is conducted and indicates that such an operation will have no harmful environmental effects.

The capture of seals, seabirds and shorebirds for trade is not encouraged but may be permitted under exceptional circumstances, subject to the overall policy regarding the capture of wild animals for display in captivity. The capture of animals for trade will only be sanctioned under permit and for seals only at mainland colonies, e.g. Kleinsee, where the conditions and timing of such captures will be controlled. Private collections of seabirds and their products (e.g. eggs) exist. These private collections should be registered and have a detailed inventory to prevent illegal additions. Private collections of seabird specimens and eggs may be authorised through permitting, to preclude the sale or trade of existing specimens and to prohibit future collections other than those approved by permit, issued in advance.

4.4. CAPTIVE POPULATIONS

Several populations of captive seals and seabirds exist in South Africa, many of which serve education or humanitarian functions. This policy recognises the importance of captive breeding programmes, including for conservation purposes. In order to manage the proliferation of captive populations, the holding of seals and seabirds in captivity will only be allowed under a permit. Holding institutions will be required to observe prescribed standards for facilities and care. The permitting system will also apply to the transportation of seals, seabirds and shorebirds within South Africa.

4.5. FEEDING OF WILD SEALS

Feeding of wild seals is prohibited, but for purposes of research or rehabilitation, may be undertaken under permit with specific conditions. Feeding of wild seals is generally prohibited as seals may develop a dependency on being fed by humans and this could pose a risk to the general public.

4.6. PUBLIC INVOLVEMENT

The public often contributes substantially to the conservation of seals, seabirds and shorebirds by collecting or reporting oiled, sick or injured individuals, reporting tag and ring numbers found on seals and seabirds and assisting during times of crisis, e.g. the removal from the wild to a rehabilitation centre of a seal or seabird that has been oiled, or a seal that was naturally hauled out or a bird that is naturally moulting. Volunteers rendering assistance must have regard for their own safety as the Department will not be held liable for any losses or damages incurred.

4.7. RESEARCH AND MONITORING

This policy recognises the need for research aimed at monitoring the status of South Africa's seals, seabirds and shorebirds. Research should be undertaken to ensure the sound management and conservation of seal, seabird and shorebird populations, and for the sustainable non-consumptive utilisation of seals, seabirds, shorebirds and their products.

4.8. MANAGEMENT OF ADVERSE INTERACTIONS

This policy recognises the need for the management of interactions between threatened or near-threatened seabirds and other species (including seals and other seabirds) that may influence the conservation status of seabirds adversely. Management interventions may include the disturbance, culling, removal or relocation of predators, based on relevant scientific data that show a demonstrable adverse effect of the predator on the numbers or breeding success of the seabirds. However, the precautionary principle will be adopted and, even in the absence of conclusive data, the decision to disturb, cull, remove or relocate may still be invoked. Such activities will be carefully controlled and monitored and a monitoring body, such as an Animals Ethics Committee, may be set up to oversee activities that include the decision to disturb, cull, remove or relocate.

4.9. INTERNATIONAL AGREEMENTS

South Africa is signatory to a number of international agreements that, in whole or in part, concern the conservation of seals, seabirds and shorebirds. This policy takes into account the requirements of agreements such as:

- Antarctic Treaty;
- African Convention on the Conservation of Nature and Natural Resources (Algiers Convention);
- Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA);
- Agreement on the Conservation of Albatrosses and Petrels (ACAP);
- Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR);
- Convention on Biological Diversity (CBD);
- Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention);
- Convention on the Conservation of Antarctic Seals;
- Convention on the Conservation of Migratory Species of Wild Animals (CMS or Bonn Convention);
- Convention on the Conservation of Southern Bluefin Tuna (CCSBT);
- Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (Abidjan Convention);

- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Convention);
- Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (Nairobi Convention);
- Convention on Wetlands of International importance, especially as Waterfowl Habitat (Ramsar Convention);
- Indian Ocean Tuna Commission (IOTC);
- Interim Agreement on the Establishment of the Benguela Current Commission;
- International Commission for the Conservation of Atlantic Tunas (ICCAT);
- International Convention for the Prevention of Pollution from Ships (MARPOL);
- South East Atlantic Fisheries Organisation (SEAFO);
- Man and the Biosphere Programme (MAB) of the United Nations Educational, Scientific and Cultural Organisation (UNESCO);
- United Nations Food and Agriculture Organisation's (FAO) Code of Conduct for Responsible Fisheries and its International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries (FAO IPOA-Seabirds).

4.9.1. International Trade

In respect of international trade in endangered seals, seabirds and shorebirds, the provisions of the Convention on International Trade in Endangered species of Wild Fauna and Flora (CITES) will apply. Species of seals and seabirds listed on CITES Appendix II include, Cape Fur Seal, Sub-Antarctic Fur Seal, Antarctic Fur Seal, Southern Elephant Seal and African Penguin. Appendix II lists species that are not necessarily threatened with extinction but that may become so unless trade is clearly controlled. International trade in specimens of these species may be authorised through granting a CITES permit. Any sale of seals, seabirds and shorebirds to institutions outside South Africa will take cognisance of the provisions of the abovementioned international agreements, and will preferably be made from captive populations, and will only be sanctioned if there is reasonable evidence that the prospective destination institutions will provide suitable facilities and care. This precludes the passage through South Africa of seals and seabirds caught outside South Africa and its territories, unless such capture is conducted legally, follows the best conservation and humane

practices and there is reasonable evidence that the transit and prospective destination institutions will provide suitable facilities and care.

4.10. FUNDING

Possible sources of income for funding research, monitoring and management of South Africa's seals, seabirds and shorebirds may include:

- Levies on tour operators (for management of breeding colonies);
- Marine Living Resources Fund (for conservation activities linked to fisheries activities)
- Entrance fees to seal, seabird and shorebird viewing facilities;
- Antarctic research programmes;
- Ad hoc contributions from business, industry and NGOs;
- Film making.

ANNEXURE A: CONSERVATION STATUS AND POPULATION SIZES OF SEABIRDS

Seabirds (*sensu stricto*) are often taken to be those birds that obtain a portion of their food from the sea (excluding the intertidal zone). Adopting this definition, there are 15 species of seabird that breed in continental South Africa (including its coastal islands, excluding Australian Gannet *Morus serrator* which hybridises with Cape Gannet) and at least 28 that breed at the Prince Edward Islands (excluding Lesser Sheathbill *Chionis minor*). Only Kelp Gulls *Larus dominicanus* breed in continental South Africa and at the Prince Edward Islands (as two distinct subspecies). Therefore, at least 42 seabirds breed on South African territory. Additionally, at least 62 other species of seabird visit southern African waters (Ryan, P.G. and Rose, B. 1989. Migrant seabirds. In: Oceans of Life off Southern Africa. Payne, A.I.L. and Crawford, R.J.M. (Eds), pp. 274–287. Vlaeberg; Cape Town), so that South Africa supports well over 100 species of seabird *sensu stricto*. South Africa is a range state for 15 of the 30 species of oceanic seabirds that are seriously at risk from being killed by long-line fisheries throughout the world's oceans.

Of the 15 species of seabird that breed in continental South Africa, seven are endemic to southern Africa (including southern Angola). The nominate race of Swift Tern (*Sterna b. bergii*) and the race of Kelp Gull *L. d. vetula* also are endemic to this region. For the conservation of these endemic taxa, southern African states have sole responsibility. About 90% of the global populations of African Penguins *Spheniscus demersus*, Cape Gannets *M. capensis* and Hartlaub's Gulls *L. hartlaubii* breed in South Africa. Substantial proportions of the overall populations of Cape *Phalacrocorax capensis*, Bank *P. neglectus* and Crowned *P. coronatus* cormorants also breed in South Africa (Table 1). Of the 15 seabirds that breed in continental South Africa, nine are listed as Threatened or Near-threatened in terms of criteria of The World Conservation Union (IUCN) (Barnes, K. N. 2000. The Eskom Red Data Book of Birds of South Africa, Lesotho and Swaziland. BirdLife South Africa; Johannesburg).

Table 1: Estimates of the conservation status and the population sizes of seabirds that breed in southern Africa and South Africa. The proportions of the southern African and global populations of each species that breed in South Africa are indicated

Species	Conservation Status	Southern African population (breeding pairs)	South African population (breeding pairs)	Proportion of southern African population in South Africa	Proportion of global population in South Africa ^a
African Penguin ^b	Vulnerable	62 300 ^g	56 900	0.91	0.91
Leach's Storm Petrel ^b	Endangered	25	25	1.00	0.00
Great White Pelican ^c	Near-threatened	7 350	3 650	0.50	0.08
Cape Gannet ^b	Vulnerable	166 200 ^g	148 000	0.89	0.89
Cape Cormorant ^b	Near-threatened	215 500 ^g	94 200	0.44	0.44
Bank Cormorant ^b	Endangered	3 132 ^g	971	0.31	0.31
Crowned Cormorant ^b	Near-threatened	2 922	1 850	0.63	0.63
White-breasted Cormorant ^c	Least Concern	4 100	1 949	0.48	0.03
Kelp Gull ^b	Least Concern	23 000	18 600	0.81	0.02
Hartlaub's Gull ^b	Least Concern	7 325 ^g	6 561	0.90	0.90
Grey-headed Gull ^b	Least Concern	3 255	2 649	0.81	0.26
Caspian Tern ^d	Least Concern	500	435	0.87	0.01

Roseate Tern ^e	Vulnerable	250	250	1.00	0.01
Swift Tern ^f	Least Concern	6 686	6 336	0.95	0.06
Damara Tern ^e	Near-threatened	4 620 ^g	120	0.03	0.03

^aInformation on global populations was obtained from Delany, S. and Scott, D. 2002. Waterbird population estimates, third edition, *Wetlands International Global Series 12*, Wageningen; The Netherlands and from Hockey, P.A.R. *et al.* (Eds). *Roberts' Birds of Southern Africa*, seventh edition (in press).

^bEstimates from Du Toit, M. *et al.* (Eds) 2003. *Conservation Assessment and Management Plan for Southern African Coastal Seabirds*. Cape Town; Avian Demography Unit and IUCN/SSC Conservation Breeding Specialist Group.

^cEstimates include birds breeding inland in southern or South Africa and are from information in Hockey, P.A.R. *et al.* (Eds). *Roberts' Birds of Southern Africa*, seventh edition (in press).

^dFrom Cooper, J. *et al.* Distribution, population size and conservation of the Caspian Tern in southern Africa. *Ostrich* 63: 58-67.

^eFrom information in Delany, S. and Scott, D. 2002. Waterbird population estimates, third edition, *Wetlands International Global Series 12*, Wageningen; The Netherlands

^fFrom information in Hockey, P.A.R. *et al.* (Eds). *Roberts' Birds of Southern Africa*, seventh edition (in press) and Ministry of Fisheries and Marine Resources, Namibia.

^gThe southern African population is also the global population.

Of the seabirds that breed at the Prince Edward Islands, 14 are listed as Threatened or Near-threatened, as also is Lesser Sheathbill (Barnes, K. N. 2000. *The Eskom Red Data Book of Birds of South Africa, Lesotho and Swaziland*. BirdLife South Africa; Johannesburg). For some of the seabirds that breed at Prince Edward Islands, South Africa supports a substantial proportion of the global populations, e.g. Wandering Albatross *Diomedea exulans* (Table 2).

Table 2: Estimates of the conservation status and the population sizes of surface-nesting seabirds at the Prince Edward Islands (South African territory). The proportions of the global populations of each species that breed at the Prince Edward Islands are indicated

Species	Conservation Status ^a	Annual breeding population at Prince Edward Islands (pairs) ^b	Proportion of global population at the Prince Edward Islands ^b
King Penguin	Least Concern	221 000	0.13
Gentoo Penguin	Near-Threatened	1 319	<0.01
Macaroni Penguin	Near-Threatened	372 000	0.04
Eastern Rockhopper Penguin	Near-Threatened	112 000	0.17
Wandering Albatross	Vulnerable	3 719	0.44
Grey-headed Albatross	Vulnerable	9 229	0.10
Indian Yellow-nosed Albatross	Vulnerable	7 500	0.21
Dark-mantled Sooty Albatross	Near-Threatened	1 584	0.10
Light-mantled Sooty Albatross	Near-Threatened	329	0.02
Northern Giant Petrel	Near-Threatened	595	0.05
Southern Giant Petrel	Near-Threatened	2 830	0.09
Crozet Shag	Endangered ^b	394	0.33
Subantarctic Skua	Least Concern	796	0.11
Kelp Gull	Least Concern	54	<0.01
Antarctic Tern	Least Concern	<15	<0.01
Kerguelen Tern	Endangered	ca 60	0.03

^aFrom Barnes, K.N. 2000. *The Eskom Red Data Book of Birds of South Africa, Lesotho and Swaziland*. BirdLife South Africa; Johannesburg.

^bFrom Crawford, R.J.M. and Cooper, J. 2003. Conserving surface-nesting seabirds at the Prince Edward Islands: the roles of research, monitoring and legislation. *Afr. J. mar. Sci.* 25: 415-426.

Sea Birds and Seals Protection Act 1973 (Act No. 46 of 1973) considers not only seabirds, but also shorebirds, including Haematopodidae and Charadriidae, which breed in or visit South Africa, the Lesser Sheathbill (Chionidae), and groups such as ibis and flamingos. However, many species of shorebird fall outside the ambit of current legislation but breed within South African territory or visit South African waters and constitute an ecologically important component of estuaries and the coastline. There is concern that many of these shorebird species are negatively affected by habitat loss and disturbance within South Africa and that, in particular, migrant shorebird species are likely to be adversely affected by global climate change. South Africa has acceded to the African-Eurasian Migratory Waterbird Agreement (AEWA), and therefore has an international responsibility for the conservation of species listed in the Appendix to AEWA. Further, South Africa is a signatory of the Ramsar Convention on Wetlands of International Importance. Several of the registered Ramsar wetlands in South Africa are located in the 'coastal zone' and shorebirds were the motivation for registering these wetlands.

ANNEXURE B: SEALS REQUIRING PROTECTION**Family Otariidae** [select species only]Genus *Arctocephalus*Cape Fur Seal *Arctocephalus pusillus*Sub-Antarctic Fur Seal *Arctocephalus tropicalis*Antarctic Fur Seal *Arctocephalus gazella***Family Phocidae** [select species only]Genus *Lobodon*Crabeater Seal *Lobodon carcinophagus*Genus *Ommatophoca*Ross Seal *Ommatophoca rossii*Genus *Hydrurga*Leopard Seal *Hydrurga leptonyx*Genus *Leptonychotes*Weddell Seal *Leptonychotes weddellii*Genus *Mirounga*Southern Elephant Seal *Mirounga leonina*

ANNEXURE C: SEABIRDS REQUIRING PROTECTION**Family Scolopacidae** [select species only]Genus *Phalaropus* [select species only]Red Phalarope *Phalaropus fulicaria***Family Laridae** [select species only]Genus *Catharacta*Subantarctic Skua *Catharacta antarctica*South Polar Skua *Catharacta maccormicki*Genus *Stercorarius*Pomarine Jaeger *Stercorarius pomarinus*Parasitic Jaeger *Stercorarius parasiticus*Long-tailed Jaeger *Stercorarius longicaudus*Genus *Larus*Kelp Gull *Larus dominicanus*Cape Gull *Larus vetula*Herring Gull *Larus argentatus*Lesser Black-backed Gull *Larus fuscus*Grey-headed Gull *Larus cirrocephalus*Hartlaub's Gull *Larus hartlaubii*Common Black-headed Gull *Larus ridibundus*Slender-billed Gull *Larus genei*Franklin's Gull *Larus pipixcan*Sabine's Gull *Larus sabini*Genus *Rissa*Black-legged Kittiwake *Rissa tridactyla*Genus *Sterna*Gull-billed Tern *Sterna nilotica*Caspian Tern *Sterna caspia*Royal Tern *Sterna maxima*Lesser Crested Tern *Sterna bengalensis*Swift Tern *Sterna bergii*Sandwich Tern *Sterna sandvicensis*Roseate Tern *Sterna dougallii*Black-naped Tern *Sterna sumatrana*Common Tern *Sterna hirundo*Arctic Tern *Sterna paradisaea*Antarctic Tern *Sterna vittata*Kerguelen Tern *Sterna virgata*Little Tern *Sterna albifrons*Damara Tern *Sterna balaenarum*

White-cheeked Tern *Sterna repressa*
Bridled Tern *Sterna anaethetus*
Sooty Tern *Sterna fuscata*

Genus *Chlidonias* [select species only]
Black Tern *Chlidonias niger*

Genus *Anous*
Brown Noddy *Anous stolidus*
Lesser Noddy *Anous tenuirostris*

Family Phaethontidae

Genus *Phaethon*
Red-billed Tropicbird *Phaethon aethereus*
Red-tailed Tropicbird *Phaethon rubricauda*
White-tailed Tropicbird *Phaethon lepturus*

Family Sulidae

Genus *Morus*
Cape Gannet *Morus capensis*
Australian Gannet *Morus serrator*

Genus *Sula*
Red-footed Booby *Sula sula*
Brown Booby *Sula leucogaster*

Family Phalacrocoracidae [select species only]

Genus *Phalacrocorax* [select species only]
Crowned Cormorant *Phalacrocorax coronatus*
White-breasted Cormorant *Phalacrocorax [carbo] lucidus*
Bank Cormorant *Phalacrocorax neglectus*
Cape Cormorant *Phalacrocorax capensis*
Crozet Shag *Phalacrocorax [atriceps] melanogenis*

Family Pelecanidae [select species only]

Genus *Pelecanus* [select species only]
Great White Pelican *Pelecanus onocrotalus*
Pink-backed Pelican *Pelecanus rufescens*

Family Fregatidae

Genus *Fregata*
Greater Frigatebird *Fregata minor*
Lesser Frigatebird *Fregata ariel*

Family Spheniscidae

Genus *Aptenodytes*
King Penguin *Aptenodytes patagonicus*

Emperor Penguin *Aptenodytes forsteri*

Genus *Pygoscelis*

Gentoo Penguin *Pygoscelis papua*

Adelie Penguin *Pygoscelis adeliae*

Chinstrap Penguin *Pygoscelis antarctica*

Genus *Eudyptes*

Macaroni Penguin *Eudyptes chrysolophus*

Rockhopper Penguin *Eudyptes chrysocome*

Genus *Spheniscus*

African Penguin *Spheniscus demersus*

Magellanic Penguin *Spheniscus magellanicus*

Family Procellariidae

Genus *Macronectes*

Southern Giant-Petrel *Macronectes giganteus*

Northern Giant-Petrel *Macronectes halli*

Genus *Fulmarus*

Southern Fulmar *Fulmarus glacialisoides*

Genus *Thalassoica*

Antarctic Petrel *Thalassoica antarctica*

Genus *Daption*

Pintado Petrel *Daption capense*

Genus *Pagodroma*

Snow Petrel *Pagodroma nivea*

Genus *Aphodroma*

Kerguelen Petrel *Aphodroma brevirostris*

Genus *Pterodroma*

Great-winged Petrel *Pterodroma macroptera*

White-headed Petrel *Pterodroma lessonii*

Soft-plumaged Petrel *Pterodroma mollis*

Atlantic Petrel *Pterodroma incerta*

Genus *Halobaena*

Blue Petrel *Halobaena caerulea*

Genus *Pachyptila*

Broad-billed Prion *Pachyptila vittata*

Salvin's Prion *Pachyptila salvini*

Antarctic Prion *Pachyptila desolata*
Slender-billed Prion *Pachyptila belcheri*
Fairy Prion *Pachyptila turtur*

Genus *Bulweria*

Bulwer's Petrel *Bulweria bulwerii*

Genus *Procellaria*

White-chinned Petrel *Procellaria aequinoctialis*
Spectacled Petrel *Procellaria conspicillata*
Grey Petrel *Procellaria cinerea*

Genus *Calonectris*

Cory's Shearwater *Calonectris diomedea*
Streaked Shearwater *Calonectris leucomelas*

Genus *Puffinus*

Wedge-tailed Shearwater *Puffinus pacificus*
Flesh-footed Shearwater *Puffinus carneipes*
Great Shearwater *Puffinus gravis*
Sooty Shearwater *Puffinus griseus*
Manx Shearwater *Puffinus puffinus*
Balearic Shearwater *Puffinus mauretanicus*
Audubon's Shearwater *Puffinus lherminieri*
Little Shearwater *Puffinus assimilis*
Mascarene Shearwater *Puffinus atrodorsalis*

Genus *Diomedea*

Wandering Albatross *Diomedea exulans*
Tristan Albatross *Diomedea dabbenena*
Southern Royal Albatross *Diomedea epomophora*
Northern Royal Albatross *Diomedea sanfordi*

Genus *Phoebastria*

Laysan Albatross *Phoebastria immutabilis*

Genus *Thalassarche*

Black-browed Albatross *Thalassarche melanophris*
Shy Albatross *Thalassarche cauta*
Salvin's Albatross *Thalassarche salvini*
Chatham Albatross *Thalassarche eremita*
Grey-headed Albatross *Thalassarche chrysostoma*
Indian Yellow-nosed Albatross *Thalassarche carteri*
Atlantic Yellow-nosed Albatross *Thalassarche chlororhynchos*
Buller's Albatross *Thalassarche bulleri*

Genus *Phoebetria*

Dark-mantled Sooty Albatross *Phoebastria fusca*
Light-mantled Sooty Albatross *Phoebastria palpebrata*

Genus *Oceanites*

Wilson's Storm-Petrel *Oceanites oceanicus*

Genus *Pelagodroma*

White-faced Storm-Petrel *Pelagodroma marina*

Genus *Garrodia*

Grey-backed Storm-Petrel *Garrodia nereis*

Genus *Fregetta*

Black-bellied Storm-Petrel *Fregetta tropica*

White-bellied Storm-Petrel *Fregetta grallaria*

Genus *Hydrobates*

European Storm-Petrel *Hydrobates pelagicus*

Genus *Oceanodroma*

Leach's Storm-Petrel *Oceanodroma leucorhoa*

Matsudaira's Storm-Petrel *Oceanodroma matsudairae*

Genus *Pelecanoides*

Common Diving-Petrel *Pelecanoides urinatrix*

South Georgian Diving-Petrel *Pelecanoides georgicus*

ANNEXURE D: SHOREBIRDS REQUIRING PROTECTION**Family Dendrocygnidae**Genus *Dendrocygna*Fulvous Duck *Dendrocygna bicolor*White-faced Duck *Dendrocygna viduata*Genus *Thalassornis*White-backed Duck *Thalassornis leuconotus***Family Anatidae [select species only]**Genus *Oxyura*Maccoa Duck *Oxyura maccoa*Genus *Alopochen*Egyptian Goose *Alopochen aegyptiacus*Genus *Tadorna*South African Shelduck *Tadorna cana*Genus *Plectropterus*Spur-winged Goose *Plectropterus gambensis*Genus *Sarkidiornis*Comb Duck *Sarkidiornis melanotos*Genus *Nettapus*African Pygmy-Goose *Nettapus auritus*Genus *Anas* [select species only]Cape Teal *Anas capensis*African Black Duck *Anas sparsa*Yellow-billed Duck *Anas undulata*Cape Shoveler *Anas smithii*Red-billed Teal *Anas erythrorhyncha*Hottentot Teal *Anas hottentota*Genus *Netta*Southern Pochard *Netta erythrophthalma***Family Alcedinidae [select species only]**Genus *Alcedo*Half-collared Kingfisher *Alcedo semitorquata*Malachite Kingfisher *Alcedo cristata***Family Dacelonidae [select species only]**Genus *Halcyon* [select species only]Mangrove Kingfisher *Halcyon senegaloides*

Family CerylidaeGenus *Megaceryle*Giant Kingfisher *Megaceryle maxima*Genus *Ceryle*Pied Kingfisher *Ceryle rudis***Family Strigidae** [select species only]Genus *Scotopelia*Pel's Fishing-Owl *Scotopelia peli*Genus *Asio*Marsh Owl *Asio capensis***Family Gruidae** [select species only]Genus *Balearica*Grey Crowned Crane *Balearica regulorum***Family Heliornithidae**Genus *Podica*African Finfoot *Podica senegalensis***Family Rallidae** [select species only]Genus *Sarothrura* [select species only]Red-chested Flufftail *Sarothrura rufa*Genus *Rallus*African Rail *Rallus caerulescens*Genus *Amauornis*Black Crake *Amauornis flavirostra*Genus *Porzana* [select species only]Baillon's Crake *Porzana pusilla*Genus *Porphyrio* [select species only]African Purple Swamphen *Porphyrio madagascariensis*American Purple Gallinule *Porphyrio martinicus*Genus *Gallinula* [select species only]Common Moorhen *Gallinula chloropus*Genus *Fulica*Red-knobbed Coot *Fulica cristata***Family Scolopacidae** [select species only]Genus *Gallinago* [select species only]African Snipe *Gallinago nigripennis*

Genus *Limosa*

Black-tailed Godwit *Limosa limosa*
Bar-tailed Godwit *Limosa lapponica*
Hudsonian Godwit *Limosa haemastica*

Genus *Numenius*

Common Whimbrel *Numenius phaeopus*
Eurasian Curlew *Numenius arquata*

Genus *Tringa* [select species only]

Common Redshank *Tringa totanus*
Marsh Sandpiper *Tringa stagnatilis*
Common Greenshank *Tringa nebularia*
Greater Yellowlegs *Tringa melanoleuca*
Lesser Yellowlegs *Tringa flavipes*
Wood Sandpiper *Tringa glareola*

Genus *Xenus*

Terek Sandpiper *Xenus cinereus*

Genus *Actitis*

Common Sandpiper *Actitis hypoleucos*

Genus *Arenaria*

Ruddy Turnstone *Arenaria interpres*

Genus *Calidris*

Red Knot *Calidris canutus*
Sanderling *Calidris alba*
Little Stint *Calidris minuta*
Red-necked Stint *Calidris ruficollis*
Temminck's Stint *Calidris temminckii*
Long-toed Stint *Calidris subminuta*
White-rumped Sandpiper *Calidris fuscicollis*
Baird's Sandpiper *Calidris bairdii*
Pectoral Sandpiper *Calidris melanotos*
Dunlin *Calidris alpina*
Curlew Sandpiper *Calidris ferruginea*

Genus *Tryngites*

Buff-breasted Sandpiper *Tryngites subruficollis*

Genus *Limicola*

Broad-billed Sandpiper *Limicola falcinellus*

Genus *Philomachus*

Ruff *Philomachus pugnax*

Genus *Steganopus*

Wilson's Phalarope *Steganopus tricolor*

Genus *Phalaropus* [select species only]

Red-necked Phalarope *Phalaropus lobatus*

Family Rostratulidae

Genus *Rostratula*

Greater Painted-Snipe *Rostratula benghalensis*

Family Jacanidae

Genus *Actophilornis*

African Jacana *Actophilornis africanus*

Genus *Microparra*

Lesser Jacana *Microparra capensis*

Family Chionididae

Genus *Chionis*

Lesser Sheathbill *Chionis minor*

Greater Sheathbill *Chionis alba*

Family Burhinidae

Genus *Burhinus*

Water Thick-knee *Burhinus vermiculatus*

Spotted Thick-knee *Burhinus capensis*

Family Charadriidae [select species only]

Genus *Haematopus*

Eurasian Oystercatcher *Haematopus ostralegus*

African Black Oystercatcher *Haematopus moquini*

Genus *Himantopus*

Black-winged Stilt *Himantopus himantopus*

Genus *Recurvirostra*

Pied Avocet *Recurvirostra avosetta*

Genus *Pluvialis*

Pacific Golden Plover *Pluvialis fulva*

American Golden Plover *Pluvialis dominica*

Grey Plover *Pluvialis squatarola*

Genus *Charadrius*

Common Ringed Plover *Charadrius hiaticula*

Kittlitz's Plover *Charadrius pecuarius*

Three-banded Plover *Charadrius tricollaris*
Chestnut-banded Plover *Charadrius pallidus*
Kentish Plover *Charadrius alexandrinus*
White-fronted Plover *Charadrius marginatus*
Lesser Sand Plover *Charadrius mongolus*
Greater Sand Plover *Charadrius leschenaultii*
Caspian Plover *Charadrius asiaticus*

Genus *Vanellus* [select species only]
Blacksmith Lapwing *Vanellus armatus*
African Wattled Lapwing *Vanellus senegallus*

Family Glareolidae [select species only]

Genus *Dromas*
Crab Plover *Dromas ardeola*

Genus *Glareola* [select species only]
Collared Pratincole *Glareola pratincola*

Family Laridae [select species only]

Genus *Rynchops*
African Skimmer *Rynchops flavirostris*

Genus *Chlidonias* [select species only]
Whiskered Tern *Chlidonias hybridus*
White-winged Tern *Chlidonias leucopterus*

Family Acciptridae [select species only]

Genus *Pandion*
Osprey *Pandion haliaetus*

Genus *Haliaeetus*
African Fish-Eagle *Haliaeetus vocifer*

Genus *Gypohierax*
Palm-nut Vulture *Gypohierax angolensis*

Genus *Circus* [select species only]
African Marsh-Harrier *Circus ranivorus*

Family Podicipedidae

Genus *Tachybaptus*
Little Grebe *Tachybaptus ruficollis*

Genus *Podiceps*
Great Crested Grebe *Podiceps cristatus*
Black-necked Grebe *Podiceps nigricollis*

Family AnhingidaeGenus *Anhinga*African Darter *Anhinga rufa***Family Phalacrocoracidae** [select species only]Genus *Phalacrocorax* [select species only]Reed Cormorant *Phalacrocorax africanus***Family Ardeidae** [select species only]Genus *Egretta* [select species only]Black Heron *Egretta ardesiaca*Little Egret *Egretta garzetta*Little Blue Heron *Egretta caerulea*Yellow-billed Egret *Egretta intermedia*Great Egret *Egretta alba*Genus *Ardea*Grey Heron *Ardea cinerea*Black-headed Heron *Ardea melanocephala*Goliath Heron *Ardea goliath*Purple Heron *Ardea purpurea*Genus *Bubulcus*Cattle Egret *Bubulcus ibis*Genus *Ardeola*Squacco Heron *Ardeola ralloides*Rufous-bellied Heron *Ardeola rufiventris*Genus *Butorides*Green-backed Heron *Butorides striatus*Genus *Nycticorax*Black-crowned Night-Heron *Nycticorax nycticorax*Genus *Gorsachius*White-backed Night-Heron *Gorsachius leuconotus*Genus *Ixobrychus* [select species only]Little Bittern *Ixobrychus minutus*Genus *Botaurus*Eurasian Bittern *Botaurus stellaris***Family Scopidae**Genus *Scopus*Hamerkop *Scopus umbretta*

Family PhoenicopteridaeGenus *Phoenicopus*Greater Flamingo *Phoenicopus ruber*Lesser Flamingo *Phoenicopus minor***Family Threskiornitidae** [select species only]Genus *Plegadis*Glossy Ibis *Plegadis falcinellus*Genus *Threskiornis*African Sacred Ibis *Threskiornis aethiopicus*Genus *Platalea*African Spoonbill *Platalea alba***Family Ciconiidae** [select species only]Genus *Mycteria*Yellow-billed Stork *Mycteria ibis*Genus *Ciconia* [select species only]Black Stork *Ciconia nigra*Woolly-necked Stork *Ciconia episcopus*Genus *Ephippiorhynchus*Saddle-billed Stork *Ephippiorhynchus senegalensis***Family Passeridae** [select species only]Genus *Motacilla* [select species only]African Pied Wagtail *Motacilla aguimp*Cape Wagtail *Motacilla capensis*Genus *Macronyx* [select species only]Rosy-throated Longclaw *Macronyx ameliae*