



Telephone : (061) 2073224
Fax : (061) 220550
Email : ivanwyk@ombudsman.org.na

Office of the Ombudsman
Cnr of Feld and Lossen Streets
Private Bag 13211
WINDHOEK

Dear Mr. Edwards

Thank you for the legal opinion and summary of points contained in the legal opinion. We accepted the opinion as the basis of your client's complaint.

In order to determine the best way to investigate a complaint, we always seek the other side of the story. In this regard, I have requested a meeting with the Honourable Minister of Fisheries and Marine Resources, which took place on 29 June 2011. He set out the position of his Ministry, which clearly contradicts your client's version. For example, they hold the position that the Cape Fur Seal Species is listed in the Appendix of CITES, but not as an endangered species (my emphasis). The Ministry also requested the Attorney – General to provide them with an opinion on your legal opinion.

My preliminary investigation suggests that I am or will be faced with two mutually destructive versions. I have requested all the documents and data relevant to the investigation as well as a copy of their legal opinion when available from the Ministry. When I have all the requested information, I will then decide on the nature and extend of the further investigation, if necessary. I will use Sir Brian Elwood's (Former Chief Ombudsman of New Zealand) simple and basic strategy for an effective Ombudsman investigation: "let the facts speak for themselves". This requires that an Ombudsman:

- identifies the problem,
- listens to the affected parties,
- ascertains the facts,
- recommends a resolution as justified by those facts and in a language that is not likely to offend, but enables all the parties to move on.

I wish to inform you that I cannot approach the High Court to obtain an urgent interdict preventing the Ministry from commencing the harvest, simply because I do not have all the facts; I am faced with two mutually destructive versions and my job is not to act as an advocate for an aggrieved party. It is the role of the Ombudsman to act as mediator in a dispute, to actively pursue basic

fundamental truth and fairness, without any subservience or fear to act against any party, if necessary. I will now independently ascertain the facts.

I further wish to advise that the Minister is prepared to meet with your client and all other stakeholders (without conditions) to discuss the subject matter. If your client is prepared to participate in the discussions, he is at liberty to propose dates on which the meeting can take place.

I further wish to advise that our office is inundated with enquiries, and I will therefore send this reply to all of them and to the Ministry.

Your client will be informed of the progress of our investigation and the outcome thereof.

I look forward to hearing from your client in regard to the proposed meeting.

Yours sincerely



JOHN R WALTERS
OMBUDSMAN