



Dear Secretary of State,

9 October 2023

Reference: Inclusion of whale and dolphin captivity within the Animals (Low-Welfare Activities Abroad) Act's activity regulations

We, the 24 animal protection organisations listed below, welcome the passing of the Animals (Low-Welfare Activities Abroad) Act and thank your government for supporting this important legislation. We now call on you to fulfil its objectives by prohibiting the domestic sale and promotion of wildlife experiences abroad that would be unacceptable here in the UK. This requires the inclusion of all forms of whale and dolphin (cetacean) captivity and entertainment within forthcoming activity regulations. The welfare needs of cetaceans can never be met in captivity and public opinion has shifted decisively to consider the practice cruel.

Dolphinaria and UK law

The test for assessing whether an activity is a 'low-welfare' animal activity, is whether keeping the animal in the conditions, or subjecting them to the treatment, would constitute an offence under the Animal Welfare Act 2006 and the Welfare of Animals Act (Northern Ireland) 2011. These Animal Welfare Acts (AWA) apply to captive cetaceans and it is therefore an offence to cause unnecessary suffering to these animals (under section 4) or fail to meet their welfare needs (section 9). The welfare needs that are required to be met under law are:

- (a) The need for a suitable environment,
- (b) The need for a suitable diet,
- (c) The need to be able to exhibit normal behaviour patterns,
- (d) The need the animal has to be housed with, or apart from, other animals, and
- (e) The need to be protected from pain, suffering, injury and disease.

Science shows that the above needs cannot be met for cetaceans in captivity. Dolphinariums have not existed in the UK for 30 years following the introduction of *Annex G of the Secretary of State's Standards of Modern Zoo Practice (MZP)* in 1990, which, along with changes to public acceptability, caused the remaining operators to shut down. This guidance contains standards incompatible with dolphinariums and dolphin entertainment as practiced abroad today.

In the more than 30 years since its introduction, advances in animal welfare science have removed any doubt over whether the welfare needs of whales and dolphins can be met in captive conditions. It is therefore clear that the keeping of cetaceans in captivity, and the associated use of captive animals for entertainment purposes, would fail to meet the standards in Annex G of the MZP, and would constitute an offence under section 9 of the AWA. Therefore, the new activity regulations must reflect contemporary science and understanding of good animal welfare practice by defining cetacean captivity as a low-welfare activity.

Captive cetacean welfare

Cetaceans are highly intelligent and sentient animals with complex mental, physical, and social needs which cannot be met in captivity. They form close social bonds in pods of varying size, ranging from a handful of individuals to more than 30^{1,2,3}. Free-ranging dolphins can travel up to 150 miles in a day⁴, dive down to depths of 500 to 1000 metres and swim at speeds of up to 30mph. In captivity, they are forced to live in barren tanks up to 200,000 times smaller than their natural home range, in unnatural groupings, deprived of positive stimulation from their natural ocean home and social environment. Conflicts and injuries commonly occur among captive dolphins.

The sourcing of captive whales and dolphins involves immense suffering. Unnatural and forced captive breeding can involve early impregnation and calf-separation, often leading to high levels of infant mortality⁵. Brutal hunts involve selectively killing or keeping animals depending on the way they look. Both routes for obtaining cetaceans for captive use separate natural family groups and inflict unimaginable trauma. As a result of trauma and lack of mental and physical stimulation, stereotypic and self-harming behaviours, severe aggression, and other behavioural problems frequently arise in captive cetaceans⁶.

Whale and dolphin entertainment

There are currently more than 3,600 cetaceans suffering in captivity for entertainment throughout the world, conditioned to perform unnatural tricks or made to participate in distressing interactions with tourists⁷. 98% of cetacean entertainment venues worldwide offer performances, swim-with

¹ Hartman KL, Visser F, Hendriks AJ. Social structure of Risso's dolphins (*Grampus griseus*) at the Azores: a stratified community based on highly associated social units. *Can J Zool.* 2008;86(4):294–306.

² Hawkins ER, Gartside DF. Social and behavioural characteristics of Indo-Pacific bottlenose dolphins (*Tursiops aduncus*) in northern New South Wales, Australia. *Aust Mammal.* 2008;30(2):71–82.

³ Sanino GP, Waerebeek KV, Bressemer M-FV, Pastene LA. A preliminary note on population structure in eastern South Pacific common bottlenose dolphins, *Tursiops truncatus*. 2005:7.

⁴ Matthews, C.J.D. et al. (2011) Satellite tracking of a killer whale (*Orcinus orca*) in the eastern Canadian Arctic documents ice avoidance and rapid, long-distance movement into the North Atlantic. *Polar Biol.* 34: 1091-1096

⁵ Rose, N.A., Soller, A.S., and Parsons, E.C.M. (2023). *The Case Against Marine Mammals in Captivity*, 6th edition (Washington, DC: Animal Welfare Institute and World Animal Protection), 186 pp.

⁶ *Behind the Smile: The multi-billion dollar dolphin entertainment industry* (2019) World Animal Protection

⁷ *Ibid*

⁸ *Whale and Dolphin Conservation* (2023) *Whales and dolphins: a survey of nationally representative adults, carried out by OnePoll, 2nd to 7th February.*

experiences, and/or selfie photo opportunities. These cruel practices typically involve rough handling such as trainers or visitors riding or being towed by dolphins, performances involving unnatural circus tricks such as beaching, where the animals are trained to propel themselves out of the water onto a stage and spin on their sides, and tourist interactions where visitors can touch, kiss or hug dolphins.

Whale and dolphin entertainment raises serious welfare concerns. As well as potential injuries, animals used in performances are trained to demonstrate conditioned behaviours, many entirely unnatural. The repetitive nature of conditioned behaviours differs fundamentally from the spontaneous expression of behaviours in nature, where the animals choose what they do and when.

Recent surveys have shown that 75% of the UK public believes that it's cruel to keep whales and dolphins in captivity for human entertainment⁸. Increasingly, travel companies and regulators are introducing policies to end their involvement in this cruel industry. Throughout the passage of the Animals (Low-Welfare Activities Abroad) Act, members from across both Houses and all parties have raised the plight of dolphins trapped in the tourism industry 21 times and made it clear that cetacean captivity must be included within the Regulations. We urge you to abide by parliament's will and ensure that visits to these cruel venues can no longer be sold or promoted in England and Northern Ireland.

Yours sincerely,

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