

RESOLUTION 3.13

DOLPHIN INTERACTION PROGRAMMES

The Meeting of the Parties to the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area:

On the recommendation of the Scientific Committee,

Noting the ongoing proliferation of dolphinarium and activities that involve direct human contact with dolphins such as swim-with-dolphins (SWD) and dolphin-assisted therapy (DAT¹) programmes,

Concerned:

- that many of these programmes involve the capture of cetaceans from the wild and their placement in captive facilities,
- by the continued trade in cetaceans, some of which are known to be originating from the Agreement Area,
- that these activities are likely to expand in facilities holding cetaceans in sea pens and tanks and that in this case they would present a significant risk of injury and disease transmission to both interacting parties (dolphins and humans),
- by the growing body of literature that discloses the risks associated with human interactions with marine mammals (and specifically, whales and dolphins), in the wild,
- that short- and long-term behavioural changes in cetaceans, in response to vessel or swimmer presence, and displacement from primary resting areas have been reported in numerous studies,

Aware:

- that Swim with Dolphin programmes (SWD) and Dolphin Assisted Therapy programmes (DAT) are businesses which are growing in number all over the world, including in the Agreement area,
- of the possible introduction of non-native species/subspecies/populations and the risk of disease transmission and genetic pollution resulting from the keeping of whales and bottlenose dolphins from outside the region in sea pens from which they might escape,
- that there are risks associated with direct contact between humans and marine mammals, especially cetaceans, that relate to the harassment of wild animals and present risks to the safety of swimmers,
- of the obligations towards cetacean conservation of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention), the Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention), the Barcelona Convention Protocol relating to Specially Protected Areas and Biological diversity in the Mediterranean and the EU Habitat Directive,

Recalling:

- that Article II of the ACCOBAMS Agreement requires Parties to “prohibit and take all necessary measures to eliminate, where this is not already done, any deliberate taking of Cetaceans”,
- that Article II. 4 of the ACCOBAMS Agreement requests the application of the precautionary principle in implementing such measures,
- that the CMS Art I.1.(i) definition of “taking” – as used in ACCOBAMS – includes harassment,

Further recalling:

- that CITES Article XV 2.b) provides that, in order to determine the appropriate level of protection for marine species in international trade, CITES shall consult inter-governmental Bodies having a function in relation to those species especially with a view to obtaining scientific data, these bodies may be able to provide and to ensuring co-ordination with any conservation measures enforced by such bodies and,

¹ DAT usually refers to activities involving dolphins. However, for the purpose of the present resolution, it refers to activities involving all cetaceans.

- the IUCN Cetacean Specialist Group action plan stressing that : "Removal of live cetaceans from the wild, for captive display and/or research, is equivalent to incidental or deliberate killing, as the animals brought into captivity (or killed during capture operations) are no longer available to help maintain their populations. When unmanaged and undertaken without a rigorous program of research and monitoring, live-capture can become a serious threat to local cetacean populations",

Recalling also:

- Resolution 2.8 on the "Framework guidelines on the granting of exceptions for the purpose of non-lethal in situ research aimed at maintaining a favourable conservation status for cetaceans",
- Resolution 1.12 on the "Conservation of the Black Sea *Tursiops truncatus*: Bottlenose dolphin",
- Resolution 2.17 on "The release of cetaceans into the wild",
- Recommendation SC4.11 of the Scientific Committee on "Captive facilities",

Recognizing that:

- the capture and long-term captivity of cetaceans from the ACCOBAMS area are therefore contrary to the spirit of the Agreement,
 - there exists no scientific evidence that DAT is any more effective than any other animal assisted therapy and it has not been demonstrated effectively to have any long-term benefit,
 - activities that promote or enable direct interactions between humans and marine mammals dramatically increase the potential for harassment,
1. *Requests* Parties to prohibit any cetacean interaction programme that involves closely approaching, interacting with, or attempting to interact with wild cetaceans, with the exception of authorized research activities granted according to Resolution 2.8 and cetacean-watching activities carried out in accordance with the Guidelines for commercial cetacean-watching activities in the Black Sea, the Mediterranean Sea and contiguous Atlantic area, adopted within the framework of ACCOBAMS. This includes attempting to swim with, touch, feed or otherwise elicit a reaction from the animals;
 2. *Urges* Parties:
 - Not to allow imports of dolphins that have been captured from the wild, and to screen very carefully all information submitted for the importation of captive-bred dolphins;
 - To provide the Secretariat with information on dolphin-assisted therapy and other interaction programmes or activities existing or planned in the areas under their jurisdiction;
 3. *Charges* the Secretariat to:
 - collect information on the activities undertaken in the Agreement area involving deliberate and direct human contact with cetaceans, compile a report on the issue and submit it to the Scientific Committee and to the next MOP;
 - request the Scientific Committee to assess the evidence available and come up with a clinical opinion on the issues, including a judgement as to whether DAT is necessary or whether it can be easily substituted with therapies involving terrestrial domestic animals and submit this, with their recommendations, to the next MOP;
 4. *Charges* the Scientific Committee to monitor the issue, and where necessary, make recommendations to the next Meeting of the Parties.