Standing Senate Committee on Fisheries and Oceans

Re: Bill S-203 Ending the Captivity of Whales and Dolphins Act

An Act to amend the Criminal Code and other Acts (ending the captivity of whales and dolphins)

Honourable Senators,

Thank you for the time and respectful dialogue you have offered in consideration of the amendment to Bill S – 203.

I appreciate this opportunity to offer my thoughts and experiences.

My field of expertise is animal behaviour; especially, cetaceans. For 10 years I worked closely with killer whales at an aquarium in Victoria, B.C. For nine of those years I was the head trainer and oversaw the operations of the Victoria Marine Animal Rescue Centre. During that time, I was a regular guest speaker to animal behaviour classes at the University of Victoria and to psychology classes at Camosun College. Currently, I am an advisor to the Whale Sanctuary Project. As well, I am the project manager for an urban deer ecology and immune-contraception research project in Oak Bay, B.C.

I once defended the holding whales and dolphins in captivity, citing the value of research, education and the importance of the public being able to form a connection to the animal through their personal encounter. Over the span of years; through my daily interactions with cetaceans, along with research and discussions with experts in the field of animal behaviour, I gained an understanding of the depth and breadth of their intelligence and emotional capabilities.

The realization of the intricacies of their intelligence and behaviour was one that took time for me to accept and integrate because it placed my actions in conflict with my understanding and empathy. I had learned that whales and dolphins are complex communicators, highly social, cognitive thinkers with long term memory and express a wide range of emotions. They display compassion and altruistic behaviour, are self-aware and have distinct and unique… personalities

After his questioning of Dr. Lori Marino, Senator Plett, with an unbecoming nuance of ridicule, tweeted:

“Animal activist and scientist, Lori Marino, has just informed the cttee that whales & dolphins are persons.” and: “So, Dr. Marino states that whales & dolphins are "persons", however says hunting of belugas in the Arctic is okay.”
Aside from the fact that Dr. Marino actually deferred the question of subsistence hunting as not being for her to judge and an aside from the issue of captivity, I hope to confer to the honourable Senators, a broader understanding of what constitutes “personhood”, excised from the constraints of anthropocentricity.

It is generally recognized that the criteria for a “person” are as follows: (1) is alive, (2) is aware, (3) feels positive and negative sensations, (4) has emotions, (5) has a sense of self, (6) controls its own behaviour, (7) recognises other “persons” and treats them appropriately, and (8) has a variety of sophisticated cognitive abilities.

There are no small number of published works that attach all eight of these attributes to dolphins and whales. It is only our narrow, ego-centric thinking and speciesism which prevents us from attributing them with personhood.

We admit to whales and dolphins as having intelligence, cognition, self-awareness and “personality”, but we are unwilling to respect them as having a right to self-determination.

Whales and dolphins have been in captivity for over fifty years and have been observed by millions upon millions of people. If the claims that this “up close and personal” encounter motivates humans to develop a connection and respect for these animals, why is it that the ocean environments in which they live are in such desperate condition? Where are the millions of voices crying out to save the St. Lawrence Belugas? And, what of the Southern Resident Killer Whales who are starving for chinook salmon, harassed by boaters; their bodies saturated with toxins. We admire and revere the killer whales but won’t give up our right to fish for chinook salmon, go whale watching or stop pouring toxins down the drain.

A likely reason for this disconnect is the subtle and subliminal lesson that our children learn from visiting whales, dolphins and other animals in captivity; that humans have the right to do whatever they choose with the animals. We can use them for entertainment, we can use them for experimentation and we can hold them in captivity under the guise of education. In essence, children are learning that animals have no right to self-determination and that we alone determine if and how they exist.

Whales and dolphins are not willing ambassadors for their species; they are conscripts. Much like the slaves brought to the Americas in the 1500’s who were considered to be less intelligent and a sub-species with rights of self-determination equal to livestock. Their appearance, communications and social behaviour were markedly different from “white” people and therefore… inferior in status.

You may think of the comparison between the slavery of blacks, and the current circumstance of whales and dolphins in captivity, as being incomparable. Are we not willing to extend the respect, freedom and right to self-determination to another species, simply because they look, live and communicate differently from our own species.
Cetaceans are intelligent, social, cognitive, communicative and self-determining in their natural environment. They exhibit enjoyment, affection, loyalty and compassion. These are traits that humans hold in high regard.

The debate around the ethics of holding animals in captivity has been more pronounced in regard to whales and dolphins, likely because they are not a terrestrial animal and in captivity, live in a highly artificial environment that cannot possibly replicate conditions in the wild. Physical exercise in captivity is incomparable to their life in the wild where they travel widely and experience the exertion of hunting and capturing food. In captivity, their social behaviour is altered, in-breeding may occur, natural communications are affected due to environmental constraints.

Successive generations of animals born into captivity will be further weakened by a limited gene pool, an aseptic environment, a diet supplemented with vitamins and medications to maintain their health, and a stagnant, unchallenging lifestyle. The physiological and behavioural constraints of captivity have stripped them of the challenges of life that strengthened them as a species and ensured their survival and ability to thrive. Future animals that are born into captivity will become mere charlatans of their wild counterparts.

For the most part, research being done with captive animals has been ineffectual to the conservation of wild cetaceans and more often is a rationalization for, or purely beneficial to, their continued captivity. E.g. Vancouver Aquariums: “Vocal Development of a Beluga Calf”. This research was done on an animal that lives in a concrete echo chamber with adults whose natural vocalizations have been altered by environmental constraints and a social structure that is extremely limited in diversity and complexity.

Throughout the developed world, efforts to discontinue the practice of keeping whales and dolphins in captivity continue to grow. Ten countries in the world have either banned the keeping of dolphins or whales in captivity, or have imposed standards of care that exceed the viability of establishing a facility in the country; such as the United Kingdom. Currently, the only expanding markets are in Russia and China. However, even within those countries there is an increasing voice of dissent against holding whales and dolphins captive.

Can Marineland survive and continue as a major employer in the region, without its cetacean displays? If SeaWorld; a company that for decades has based its marketing on killer whales, can change its business model, phase out its killer whale program and slowly evolve into a different attraction; the only reason Marineland could not, would be intransigence and a lack of imagination.

In contrast to Marineland, the Vancouver Aquarium is a well accredited and widely respected organization. Their Marine Mammal Rescue Centre is an invaluable asset and its education programs are world class. However, John Nightingale has stated publicly that the Vancouver Aquarium will survive without its Beluga displays.
As it stands, the Vancouver Parks Board is responding to public opinion and there is every likelihood that a conditional ban on holding whales and dolphins captive may come into effect within the year. It’s time that the Vancouver Aquarium put aside its intransigence. They should put the welfare of the animals as a priority and allow the belugas that were loaned to SeaWorld and the Georgia Aquarium, to stay where they are and not subject the whales to the highly stressful and life-threatening experience of being relocated.

In summation: Throughout the world there has been a paradigm shift in public attitude about animal welfare. In Canada, consumers have supported the phasing out of constrictive battery cages for hens and the use of gestation crates for pigs. Intolerance of animal abuse has never been more pronounced. Industrial livestock production is under intense scrutiny and in the U.S., animal abuse is a felony offence in an expanding number of states.

That you are spending so much time in discussion of Bill S-203, is a clear indication that animal welfare is a very topical issue.

What we are witnessing is a new epoch in human understanding and an evolving increase of empathy as science continues to offer new insights into animal behaviour.

Public opinion is not going to reverse itself and the demands for better treatment of animals will only grow louder.

Will Canada lead… or follow.

I welcome your questions or comments.

Steve Huxter

Victoria, British Columbia
stevehuxter@shaw.ca