

CITA Watersports Sector – Captive Dolphin Position Paper

Executive Summary: January 30th, 2006



The following paper serves to document the CITA watersports members' findings of the potential negative impacts of a captive dolphin facility in Cayman, as well as a perspective on where the current Dolphinarium applications are at. We the CITA watersports members are unanimously opposed to any captive dolphin facilities in Cayman. Our reasons in summary are:

- Dolphin attractions are being closed down on a regular basis in other nations
- Dolphins in captivity are against our country's goal to create and sustain a destination of 'all things Caymanian'
- Dolphin excrement are a real threat to our marine environment, one that could cause irreparable damage to our reefs for decades
- Captive Dolphin 'parks' will create negative international PR and have the potential for causing eco-minded, adventure and nature tourists to avoid Cayman
- Captive dolphin facilities are created by capturing dolphins, and the ethics of the Industry that does this must be understood by Cayman to truly understand the overall perspective of why negative PR will result from this type of facility
- We do not need to be a copy-cat country, we have too much to offer, and while we support the growth of new tourist attractions, this is not one that the benefits will out-weigh the negatives, the benefits will accrue to a few individuals only, while others will suffer

Businesses trying to create captive dolphin facilities are moving forward because it is legal to do so here. When the Water Authority grants a discharge permit, it is because they have no reason not to. Do we really know the impact of this on our #1 natural resource in the North Sound for breeding, for fishing, for tourism? (The Water Authority states that the study on Dolphin Cove took water movements and currents in the North Sound into account). If the Department of Agriculture grants an import permit for dolphins, it is because they have no reason not to, even with conditions placed on the imports. If planning grants permission for someone to build something, it is because they have no reason not to. The process of going through the individual government departments to gain permission is in fact moving forward, and the reasons are because we have no laws to say no, not necessarily because the permits being issued are good things to do.

While it is a proven fact that raw discharge will cause coral reef death, we have no ability to say that it will cause this if done in Cayman - we do speculate that it could, and hence we cannot afford to take the chance. Can you?

Our stance is not IF a 'proper' facility can be built, IF hurricane conditions and animal welfare could be in the best of class, IF one can have happy, well-cared for dolphins in captivity, IF raw discharge into the ocean and North Sound can have minimal/no impact, IF health certificates and current laws are complied with, but rather that a Dolphinarium is much too great of a risk for the Cayman Islands to undertake. It could cause harm that cannot be undone. And, if these facilities are allowed to open, and the end result is in fact harm to tourism and the environment, then we will be faced with dealing with our own left-overs, that the developers of these attractions are trying to bring here as someone's else's left- overs.

If the dolphins coming here are from other captivity 'parks', then why are these other countries trying to get rid of them? We have to think about this seriously.

IF we did loose some of our reefs in areas and IF impacts to Stingray City were caused or IF animal activists and conscientious eco-minded travelers were to stay away ... that would be

the end result of a bad plan due to inadequate environmental laws being in place in Cayman, and a crying shame for generations to come.

The ONLY solution possible is to request **Government to ban the capture, import, export and keeping in captivity of cetaceans (dolphins, whales, etc.)**, as other Governments around the world have done in recent times (please see details following). Please join us in requesting Government to make a law now that will ban this type of facility. The new National Conservation Law (draft) will prohibit this type of captivity. If for no other reason, is it in our country's nature to support inhumane treatment and capture of animals? Or are we a caring nation that does the right thing? We need to act now, to abate these permits before it is too late. Unless this is done, all the 'little' permit's and approvals will be given, and in the end Dolphinarium or multiple Dolphinarium will just exist. Then we will be stuck with them and the negative press that goes along with it.

If Cayman stands up against this proposal and says NO, we will be placed in high esteem worldwide and be leaders once again, not followers. We do not need to repeat mistakes that others have made, and we do need to make a stand. We will in future years regret any decision to allow captive dolphins here, and pay a price with the savvy nature tourism visitors, an increasing percentage of our visitors. Do we believe in sustainable tourism or not? The most recent countries to join the list of banning Dolphin facilities are Antigua and the Netherlands Antilles, both of whom compete with us in the tourism industry and are heavily promoting nature tourism and Mexico just this January has banned the capture, import or export of dolphins.

We know that things can look good on the surface, but we have to look behind the curtain to see what's really going on. There are serious questions in the Dolphin Industry, and the negative media exposure that these issues receive is huge. Let's not have Cayman on this list – we are already being talked about and how we are considering Dolphin attractions here. The web and the media are powerful tools, information is easy to get these days. Let's be the good guys, and if nothing else, err on the side of caution.

The time to act is now, do not allow any facilities to be opened and then 'grandfathered' in. Stop this before it is too late, or we will pay the price for decades to come.

We urge the Government of the Cayman Islands to put laws in place to prohibit captive dolphin facilities in Cayman before it is too late.

Please take the few minutes to read and review the following information that we have compiled, and join us in soliciting government support to stop captive dolphin facilities in Cayman for the ongoing benefit of our country, our children and the future of tourism and the environment here.

CITA Watersports Members – Position Paper on Captive Dolphin Facility

This position paper is being presented by the CITA Watersports Committee in response to members request to present findings of research supporting our plea to stop any Captive Dolphin facility development in the Cayman Islands. In 2001, CITA polled our general membership about the possibility of such a development and a majority of our Watersports members voted against such a development for several reasons. Other members voted for it but even more did not vote because they did not have enough information to make a definitive decision. In 2004, the watersports members of CITA voted again, this time unanimously against a captive dolphin facility.

The Board of CITA asked the Watersports Committee to develop a position paper and present research and reasons why a captive dolphin facility should not be allowed to open in the Cayman Islands. This position paper is being presented to members along with the potential developers to have a chance to respond to the paper. CITA will then conduct a second member vote on the controversial topic.

Background:

To the best of our research, there are currently 3 groups that have expressed interest in creating Dolphin Theme Parks, Dolphin Encounters or Swim with the Dolphin Programs in Cayman. All three of these are currently proposed to be in the West Bay district of Grand Cayman.

- *The Living Seas / Mr. Noel Bodden*
- *Dolphin Cove, Morgan's Harbour area, Tropical Real Estate, Kent Eldemire*¹
- *Dolphin Discovery (Cayman), Gene Thompson & Dale Chrighton*²

One permit for the importation of 8 bottle-nosed dolphins has been granted by the Department of Agriculture to Dolphin Discovery (Cayman) in Jan 2004.

A second permit for the importation of 12 bottle-nosed dolphins has been recently granted by DOA to Dolphin Cove.

In both instances conditions apply including additional documentation relating to housing, health, lab reports, CITES³ documentation, transportation requirements, etc. before the terms of the import permits are met. (*See Appendix I for a copy of the permit.*)

The planned site for the Dolphin Discovery (Cayman) Dolphinarium is on the Oceanside at the Cayman Turtle Farm/Boatswain's Beach location. This site is leased to Dolphin Discovery by the Cayman Islands Government (Cayman Turtle Farm). The Cayman Turtle Farm abandoned this site in it's redevelopment following hurricane Michelle, as this area (including turtles) has been destroyed repeatedly from heavy

***October 2005 – Hurricane Wilma
Turtle Farm/Dolphin Discovery
proposed site***



¹ Water Authority & DOA reference

² Caymanian Compass – November 22, 2005 <http://www.caycompass.com/cgi-bin/CFPnews.cgi?ID=1009095>

³ CITES – Convention on the International Trade in Endangered Species



Hurricane
Michelle,
2001

**November 2001 – Hurricane Michelle
Turtle Farm/Dolphin Discovery**

seas during both Nor'Westers and hurricanes such as Mitch, Michelle, Ivan and recently Wilma.

Department of the Environment - Mrs. Gina Ebanks-Petrie, Director

The DoE, who is responsible for protecting the environment from all potential damaging impacts, are concerned about the potential impact of waste from the dolphin facilities on marine resources. Included are nutrients from faeces and urine as well as decomposition of excess food which can potentially cause coastal waters to become nutrient enriched and promote the growth of macro algae which can, among other impacts, overgrow live coral and/or sea grasses.

Cayman Islands Water Authority - Mr. Hendrik-Jan van Genderen, Water Resources Engineer. The Water Authority (WA) is currently working with the DoE to try to ensure that DoE's concerns are covered for the issuance of any discharge permits for the two active Dolphinarium applications. Applicants are being required to carry out an Anti-degradation ("AD") study. AD Studies are scientific studies that measure the current and future effects of waste on an environment and make recommendations for reducing these impacts to a level that the environment in which the discharge takes place does not degrade.

The Water Authority (WA) is a Statutory Authority that is tasked in protecting ground water, including the disposal of "trade effluent" back into Cayman waters, and the regulation and/or treatment of this discharge. The WA has no comment on any animal welfare or the ethics of captive dolphins. Under the Water Authority Law, a discharge permit is required to discharge trade effluent into the marine environment. According to Mr. van Genderen, the past Turtle Farm did not have a discharge permit. Due to the rebuilding/new development of the Turtle Farm/Boatswain Beach after Hurricane Michelle in 2001 the Planning process provided an opportunity to require a discharge permit. The WA works closely with DoE once a marine component is introduced, as the expertise in the Marine Environment is within the DoE, while the WA has the engineering knowledge on how to measure and treat waste. The results of the anti-degradation studies will provide the WA with the required data to determine what appropriate discharge permit(s) should be issued, including any conditions to the permit that may be required.

In the case of the application from the Cayman Turtle Farm/Dolphin Discovery, the Cayman Turtle Farm's feed water and discharge system would be used by Dolphin Discovery, hence the entire discharge, be it from turtles, sharks, fish, dolphins, or other living species, is being regarded as a single, whole entity under one application.

Nov 29, 2005: Current Status:

The Turtle Farm AD study has not been submitted to the Water Authority for review yet. ⁴

⁴ (Per Mr. Van Genderen, Cayman Water Authority, Dec/2005)

Dolphin Cove (Kent Eldemire) has completed and submitted their AD study, and **have been issued a discharge permit by the WA.**⁵ It would appear that discharge will be going into the North Sound, an area that is already stressed with over development as seen by the CITA watersports members and supported further by the new provisions being considered including the North Sound Management Policy (draft), National Conservation Law (draft) and the Marine Conservation Board (published statements). The proposed site is within 3 miles of Stingray City (our #1 tourist attraction) At this time (Jan 2006), ground work is being done at this proposed location with heavy equipment on-site.

Proposed Dolphin site – Morgan’s Harbour area, West Bay



Department Of Agriculture (DOA) – Dr. Alfred Benjamin

The Department of Agriculture (DOA) have the legal authority and responsibility to issue the importation permits for animals. DOA may also place conditions on Dolphinarium (or other animal encounter) applicants. The DOA's responsibility is to make provisions within any permit that does not jeopardize the health of the animals or humans. Specifically, one area of law that governs the DOA's responsibility is summarized following:

"Part IX- Protection of Animals and Wild Life - Clause 70. Whoever-

- (a) beats, ill-treats, over-rides, over-drives, overloads, tortures, infuriates or terrifies an animal or causes or procures, or being the owner, permits an animal to be so used;
- (b) by wantonly or unreasonably doing or omitting to do any act, or causing or procuring the commission or omission of any act, causes any unnecessary suffering or, being the owner, permits any unnecessary suffering to be so caused to any animal;
- (c) works, or causes to be worked, any domestic animal in such a condition as to be unfit for work, whether from emaciation, or from any gall, sore or otherwise, and whether or not that condition is caused by disease or deficient feeding;
- (e) subjects, causes or procures, or, being the owner permits, to be subjected, any animal to any operation which is performed without due care and humanity; or

is guilty of an offence to cruelty and liable on summary conviction to a fine of four thousand dollars and to imprisonment for one year."⁶

Part II (Import and Export of Animals), Section 3 – 14 are of interest to the process of applying for a permit. A few excerpts from this Law are quoted following:

⁵ (Per Mr. Van Genderen, Cayman Water Authority, Dec/2005)

"4. Save as specifically permitted by this Law, no animal of any description may be imported into the Islands from any country in Asia, Africa or Central and South America.

10. On the receipt of an application for a license to import any animal, carcass or biological product the C.A.V.O. may reject the application and notify the applicant accordingly or, on payment by the applicant of the prescribed fee, issue a license in the prescribed form subject to such conditions, including quarantine conditions, as he may consider desirable.

11. The Governor may make regulations prohibiting, restricting and generally regulating the import or export of animals, carcasses and biological products generally and of specific animals, prescribing forms of licenses and fees payable on the issue of such licenses."

The Animals Law (1996) has been revised to the Animals Law 2003. Part VI states that all facilities must be approved as licensed operations for the public display of animals. DOA can issue an annual operating license to applicants meeting all requirements and having standard operating procedures in place. Part VI, 32. states "The Governor may make regulations prescribing the form of licenses required under this part". These detailed regulations have not been made at this time, in terms of the form/conditions/enforcement of any granted operating licenses that will govern these establishments. Hence, regulations are being pre-empted by DOA to establish common sense guidelines, in a best effort to abide by existing laws. ⁶

In CITA watersports opinion, this is another reason to not proceed with any captive dolphin marine parks until all laws and regulations are in effect and understood.

Department of Planning:

Planning permissions are required for all developments.

The Department of Planning reviewed a development plan in early 2004 for a Marine Aquarium for the 9A 126 parcel, Tropical Real Estate/Kent Eldemire development. Building Control has no plans on record for a building permit at this time. ⁷

⁶ Dr. Alfred Benjamin, Department of Agriculture, Jan 2006 & Animals Law (2003) Cayman Islands

⁷ Per Planning Department, Jan 2006

CITA Watersports Committee Research & Position:

The Watersports members of CITA issued a letter objecting to then Leader of Government Business, Minister McKeeva Bush in 2002; however it appears that these developments are continuing as various permits are being issued. The CITA has not received any response to our letter to Minister Bush.

The main topics of the controversial subject of Dolphins in captivity include the following:

- Impacts on Tourism
- Cayman's compliance with International Treaties (CITES, SPAW, Cayman National Environmental Policy (Draft), National Tourism Management Policy, Animals Law (2003), Cayman Islands Marine Conservation Board) / Trade Embargos
- Animal Welfare and humanitarian responsibilities
- Human safety issues while swimming with dolphins in captivity
- Environmental concerns for the reefs and water
- The multi-million Dolphin 'Industry' and it's practices in capture

This paper serves to address our concerns over Captive Dolphin attractions with respect to its impacts on Tourism, as this is our business. Notwithstanding this, all of the other topics noted above merit substantial attention by appropriate Governmental and NGO parties and the public. It is difficult to keep this to the tourism issues alone, as all of the factors noted above are incorporated into the overall perspective of our visitors.

Cayman Islands National Tourism Management Policy (NTMP), which is our vision for sustainable tourism in the Cayman Islands states: "*Objective #3 - Present a distinctive Caymanian experience*". This goal speaks to art, culture, history, environment and music. CITA is a strong supporter of the implementation of the NTMP. In our opinion, Dolphinarium are not a uniquely Caymanian experience, and not indigenous to our area. At present, more Dolphinarium are opening every year in the Caribbean to cater to cruise ship tourists. However more and more are being shut down for a variety of reasons including government bans on them. There are reasons for Government banning these facilities.⁸

In June 2004, the Leader of Government Business publicly stated in the Legislative Assembly that the National Conservation Law (NCL) would be brought to the Legislative Assembly in September 2004 but Hurricane Ivan put the legislative process on hold.

At the recent Annual Tourism Conference on Nov 9th, 2005 hosted by the Department of Tourism, Minister Charles Clifford confirmed that the NCL was being reviewed and would be brought before the Cabinet.

In 1997, the Cayman Islands Government requested the UK extend the SPAW Protocol⁹ (Cartegena Convention) (also contained within the draft National Conservation Law) to the Cayman Islands, and the UK has been waiting for us to adopt it ever since.

⁸ See references at end of document

⁹ SPAW Protocol - The Protocol Concerning **S**pecially **P**rotected **A**reas and **W**ildlife (the SPAW Protocol) has been internationally recognized as the most comprehensive treaty of its kind. Adopted in Kingston, Jamaica by the member governments of the Caribbean Environment Programme on 18 January 1990, the SPAW Protocol preceded other international environmental agreements in utilizing an ecosystem approach to conservation. The Protocol acts as a vehicle to assist with regional implementation of the broader and more demanding global Convention on Biological Diversity (CBD). The objective of the Protocol is to protect rare and fragile ecosystems and habitats, thereby protecting the endangered and threatened species residing therein. The Caribbean Regional Coordinating Unit pursues this objective by assisting with the establishment and proper management of protected areas, by promoting sustainable management (and use) of species to prevent their endangerment and by providing assistance to the governments of the region in conserving their coastal ecosystems.

On September 21, 2001 as part of the objectives of the Partnership for Progress and Prosperity for the Overseas Territories, the Cayman Islands signed the Environmental Charter with Her Majesty's Government (HMG). The Cayman Islands Government has given an undertaking to HMG to pass a set of laws to give effect to the Environmental Charter.

The passage of these laws will allow the Cayman Islands to participate in the Specially Protected Areas and Wildlife (SPA) international convention. Once enacted this law will keep specified animals, including all dolphins and whales, out of the hands of commercial traders for their exploitation, as is occurring by captive dolphin entertainment facility operators and their suppliers.

The SPAW Protocol specifically states: Article 11 "obliges parties to fully protect (i.e. to prohibit the taking, possession, killing or trading) specimens or species listed on Annex II" (dolphins are listed on Annex II).

The CITES convention deals with trade, and as dolphins are not indigenous to Cayman, they would have to be imported. CITES aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival. Visit this website to see all 160+ countries participating. Cayman is not on the list, which given our standing worldwide in the leadership of environmental issues, is disconcerting.¹⁰

With the acceptance of the SPAW Protocol and the NCL, Captive Dolphin Facilities in Cayman would be prohibited, as the facilities being proposed are purely for 'entertainment' purposes. There is nothing new that we can learn from keeping captive dolphins in Cayman, there is no new scientific data that can be uncovered here.

The CITA watersports members are in strong opposition to captive dolphin facilities. If one just looks at the countries that are shutting down these types of facilities, the bottom line on them is that they were forced to do this due to public outcry, boycotts and demonstrations. Are we in Cayman to experience this same negative press that places like Mexico, Japan, Cuba and the Solomon Islands have experienced?

Divers represent approximately 30% of our stay over visitors with almost 80% of our visitors snorkeling. By and large, these are 'environmentally' oriented and aware travelers. Some tourists for sure will choose not to visit here if this type of facility is allowed, just read the controversial comments to the editors over the past year in our local papers.

No captive dolphin trips - <http://www.wspa.org.uk/index.php?page=296>

Virginia Marine Science Museum - Most people don't want to see dolphins trapped in bathtubs! Consumer boycotts forced all of England's marine mammal exhibits to close. Israel has prohibited the importation of dolphins for use in marine parks. Canada no longer allows beluga whales to be captured and exported. In Brazil, it's illegal to use marine mammals for entertainment. Ditto, South Carolina. It's time for the rest of the United States to let dolphins be free! <http://www.peta.org/feat/grrr900/ent.html>

Animals are not here to amuse us, so do not support this trend by visiting circuses, festivals and carnivals where performing animals are used.
www.responsibletravel.com/TripSearch/Ecotourism/ActivityCategory100020.htm

The first steps to compassionate travel are increasing your awareness of the animal mistreatment you may encounter and avoiding spending money in ways that will fuel more abuse. Don't get caught forking out money for those who profit from animal suffering. Compassionate Traveler shows 25 links to sites that do not support captivity of animals.
http://www.compassionatetraveler.org/srch_results_links3.php4

¹⁰ www.cites.org/eng/disc/parties/alphabet.shtml

No Captive Dolphin trips, only natural encounters with wildlife
http://www.wildlifeworldwide.com/page?tag=about_us

Do you think Flipper would rather live in a tank than swim the open seas with his pod mates? Heck, no! Wild is the only way to go. <http://www.wildfordolphins.com/facts2.html>

The public has the power to make a difference in Lolita's life. By educating our children properly we can empower them to make their own educated decisions. And by standing together, boycotting the companies that exploit marine life, and demanding the retirement of aging performers we can make a difference in all their lives. Lolita's family is waiting for her in Puget Sound (Canada) and we are determined to see that she comes home. Join the good fight: the fight for respect, honor, admiration, and justice. Before it's too late.
<http://www.slavetoentertainment.com/help-lolita.htm>

Boycott events that cause suffering, such as animal circuses, animal shows or aquaria.
<http://www.wspa-international.org/site/index.php?page=296>

After catching more than 100 dolphins himself, Mr. O'Barry said he had a change of heart when the most important of the five who played Flipper died in his arms in 1970. Since then, he has worked to free dolphins all over the world. "I'm doing it because I helped create this mess," said Mr. O'Barry.
<http://www.whaleprotection.org/articles/solomonislands/030825a.htm>

I can fully understand your anger at those who threaten to boycott Anguilla. I know that you have suffered several major hurricanes in the last few years, and the last thing you need is a boycott. (Richard O'Barry, Feb. 2001) <http://www.dolphinproject.org/?pageid=21310>

Following is a list of countries that are being boycotted for environmental and humanitarian reasons in the marine world. <http://www.cdn.info/alert/eco/w000705c.html>

As the Cayman Islands makes bold and hard-earned moves to create and stimulate eco-tourism, nature tourism, green globe certifications for many properties (potentially the Sister Islands in total) and sustainable tourism programs including the protection of the environment, the introduction of any captive dolphin facilities in the Cayman Islands will undermine these efforts substantially and directly contradict these efforts.

Cayman's visitor is generally a well-educated, above average household income visitor. They are internet savvy, follow the news, care about the environment and support companies, products and destinations that care too. We cannot afford to be tarnished with a captive dolphin facility.

Why would the Water Authority allow faeces to be discharged into the marine environment? If humans must have treatment plants in place for our waste product, why don't captive animals too? We cannot allow raw sewage to be directly discharged into our ocean and the North Sound. The answer is because there is no law that says they cannot, hence they are operating within their charter.

Why would the DOA issue permits for the importation of dolphins? The answer is because there is no law that says they cannot, hence they are operating within their charter.

At the recent Tourism Conference (2005), Ms. Pilar Bush, Director of Tourism outlined a new potential market – the Baby Boomers who are now Adventure Tourists. According to DOT research, these people are a marketers dream as they are environmentally aware, looking for **authentic** nature-based adventure, have a propensity to spend (because the kids are gone), very active and have the ability to travel year round. They are also quickly aware of inconsistencies. Dolphin attractions in Cayman would not match the profile of the Adventure Traveler and potentially, make them avoid visiting our islands.

Finally, going back to being “uniquely Caymanian”, and what it represents. If we are to preserve our culture we must make hard decisions at times that say NO to things that are not good for our destination. Cayman has always been a leader in the Caribbean. We had the forethought to have marine parks and replenishment zones, mooring balls to protect our reefs and aggressive and innovative marketing programs to attract visitors here. We are respected world-wide for our efforts to-date and ranked as a top diving destination worldwide. We are also a leader, not a follower. We do not need to be a ‘copy-cat’ destination as we have so much to offer visitors already.

Will a dolphin attraction make money? Perhaps so, just like a Casino here would most likely make money. But the question is, is it right? Is it in keeping with our goals? Is it going to help some and hinder others?

As dolphin facilities close in other countries, the last thing Cayman needs is to bring these animals here and take someone else’s leftovers as they try to solve the problems of what they are going to do now with these animals that they no longer want. Following is a short overview of the world’s view in recent times.

- The **United Nations** says additional protection measures are needed for dolphins and small whales. Nov 23, 2005¹¹
- **The SPAW Protocol:** (excerpt) Being Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, done at Cartagena de Indias, Colombia on 24 March 1983 ... *Conscious of the grave threat posed by ill-conceived development options to the integrity of the marine and coastal environment of the Wider Caribbean Region, Recognizing that protection and maintenance of the environment of the Wider Caribbean Region are essential to sustainable development within the region, Conscious of the overwhelming ecological, economic, aesthetic, scientific, cultural, nutritional and recreational value of rare or fragile ecosystems and native flora and fauna to the Wider Caribbean Region, Recognizing that the Wider Caribbean Region constitutes an interconnected group of ecosystems in which an environmental threat in one part represents a potential threat in other parts, Stressing the importance of establishing regional co-operation to protect and, as appropriate, to restore and improve the state of ecosystems, as well as threatened and endangered species and their habitats in the Wider Caribbean Region by, among other means, the establishment of protected areas in the marine areas and their associated ecosystems, Recognizing that the establishment and management of such protected areas, and the protection of threatened and endangered species will enhance the cultural heritage and values of the countries and territories in the Wider Caribbean Region, and bring increased economic and ecological benefits to them....* ¹²
- **Antigua/Barbuda** - The Dolphin Discovery facility in Antigua was shut down in December 2004 and their application to reestablish the facility in mid 2005 was refused by the Antiguan Government¹³. (*Run by Dolphin Discovery*) Dolphin Discovery was forced off the island of ANTIGUA and BARBUDA amid unrest and near rioting in December 2004 due to major environmental problems caused by the location of the facility. The facility opened with major public protest and outcry in December 2001. The main opposition to the captive dolphin facility was the Antigua Barbuda Independent Tourism Promotion Corp. (*Martha Watkins Gilkes, president WOMEN DIVERS HALL OF FAME, Public Relations Officer of the Antigua Based Tourism Company ABITPC*)
- **Bermuda** – July 2005 the Minister of the Environment in Bermuda has refused the application for a dolphin display permit to Lynn and Martin Hassell of Dolphin Oasis ¹⁴

¹¹ BBC Site - <http://news.bbc.co.uk/2/hi/science/nature/4464784.stm>

¹² <http://www.cep.unep.org/>

¹³ Antigua Government says No - http://www.wspa-usa.org/pages/1278_antigua_government_votes_no_to_proposed_captive_dolphi_facility.cfm

¹⁴ http://www.wspa-usa.org/pages/651_victory_for_dolphins_in_bermuda.cfm

- **USA** - Aug. 28, 2004 CUBA | TRADE EMBARGO Doctor fined \$70,000 for buying Cuban dolphins. An American physician is facing a \$70,000 fine after buying dolphins from Cuba for exhibition in aquatic parks in the Caribbean. (*Miami Herald*)¹⁵ **1992:** The State of South Carolina becomes the first in the nation to prohibit the capture and display of cetaceans.¹⁶
- **Oklahoma** - 9 August 2001. It is with extreme pleasure that I announce that the Oklahoma City Zoological Park has terminated their lease with Marine Animal Productions of Gulfport, Mississippi, effective immediately. Although the Zoo will honor their contract with MAP until its expiration on 17 November 2001, the show has ceased and the dolphins will return to Gulfport as expeditiously as possible.¹⁷
- **New York Aquarium** - Recent research on Dolphins captive at the New York Aquarium confirms what most empathetic people already know, that dolphins have a high degree of intelligence. The research, carried out by Diana Reiss of Columbia University and Lori Marino of Emory University, showed that dolphins can recognize themselves in mirrors placed in their tanks. This ability has previously only been observed in great apes and humans and is particularly remarkable in an animal in which sight is not the primary sense.¹⁸
- **Busch Gardens, FL** replaces dolphin act with 3-D film exhibit TAMPA -- It's out with the old and in with the new at Busch Gardens. The theme park is replacing its 22-year-old Dolphins of the Deep act with a 750-seat theater for an adventure film exhibit, officials said Tuesday. August 15, 2002
- **MAUI** – Maui, Hawaii's 2nd largest island has become a dolphin friendly zone after a recent decision to ban all captive displays of cetacean (whales, dolphins and porpoises). The County Council of the Polynesian island voted unanimously in November last year to introduce the ban citing animal welfare as one of the main reasons.¹⁹
- **Portugal** - An application to import ten wild-captured bottlenose dolphins from Guinea-Bissau (West Africa) into Portugal for public display at the Lisbon Zoo has been refused by the Portuguese authorities to CITES (Convention on the International Trade in Endangered Species of Wild Fauna and Flora).²⁰
- **Costa Rica** - CNN - USA TODAY Costa Rica says no to dips with the dolphins **August 05 2005 at 09:29AM** Costa Rican officials are prohibiting people from swimming with dolphins or whales, shutting down a growing tourism industry that has been criticized. The new regulations were published and became law on July 28, 2005²¹ Sapa-AP. **Costa Rica, 2002:** President Abel Pacheco signs into law a bill to ban any wild animal acts, such as circuses and marine shows, from the country.²²
- **Panama, 2003:** The Panamanian Congress's Environmental Commission unanimously approves a measure to prohibit wild animal displays and the capture of dolphins.²³
- **Peru** - The hunting and killing of dolphins, as well as the sale of dolphin meat and its consumption was prohibited by Peruvian law in 1995 as a result of dramatic increase of dolphin hunting during the 80s and early 90s in Peru that mounted in an estimated 15,000 to 20,000 dolphins being killed each year. The law and a strong awareness campaign of Peruvian NGOs resulted in the complete stop of sales of dolphin meat in supermarkets and restaurants.²⁴
- **Japan** - June 21, 2005 Japan has failed in its bid to resume commercial whaling during a vote at the International Whaling Commission in South Korea. July 19, 2005. Australia's national broadcaster said it had proof Japan bought the votes of some Caribbean nations for a return to commercial whaling -- a claim Tokyo has

¹⁵ Miami Herald article - <http://dolphinproject.org/?pageid=33687>

¹⁶ http://www.wspa-usa.org/pages/319_dolphins_and_the_law_a_worldwide_timeline_.cfm

¹⁷ <http://www.dolphinawareness.org/victories/victories.html>

¹⁸ <http://www.bornfree.org.uk/dolphin/dolphnews006.htm>

¹⁹ <http://www.bornfree.org.uk/dolphin/dolphnews032.htm>

²⁰ <http://www.captiveanimals.org/aquarium/portugal.htm>

²¹ <http://www.caycompass.com/cgi-bin/CFPnews.cgi?ID=1009551>

²² http://www.wspa-usa.org/pages/319_dolphins_and_the_law_a_worldwide_timeline_.cfm

²³ http://www.wspa-usa.org/pages/319_dolphins_and_the_law_a_worldwide_timeline_.cfm

²⁴ <http://www.eurocbc.org/page712.html>

consistently denied. The fisheries chief of the Solomon Islands in the South Pacific says Japan poured money into the country in exchange for its support over whaling and cheap access to tuna. Similar charges are made by former officials from the tiny Caribbean nations of Dominica and Grenada. Former *environment minister of Dominica, Atherton Martin*, who resigned in 2000 after Japan allegedly bought his government's vote with aid. He said Japan told the government there would be no more aid without its vote. "That is more than extortion," Martin said. "I don't think the international legal community has yet come up with a term to describe this blatant purchasing of small country governments by Japan. "That has to go down in legal history as being the high end of public sector extortion." ²⁵

- **Netherlands/Antilles (St. Martin, Aruba, Curacao, Bonaire)** no more dolphin facilities, although they have grandfathered the ones existing as new facilities are in violation of the SPAW protocol. ²⁶
- **Nicaragua Feb 03, Nicaragua Protects Dolphins** – The Nicaraguan Minister of Environment confirmed that his government has formalized measures to expand the protection of bottlenose dolphins and ban the use of these animals for commercial purposes. ²⁷
- **United Kingdom** – the last dolphin facility was closed in 1993. In 1990, the US issued a voluntary moratorium against dolphin captures, allowing cash-strapped Cuba to grasp a lucrative niche in a global marketplace. Britain set such stringent licensing requirements for dolphin facilities that none now exist in the UK, but this policy does not extend to Anguilla. ²⁸ The U.K. enacts the strictest standards in the world for captive marine mammal welfare. ²⁹
- **Mexico** banned any further imports of Dolphins due to huge outrage at the Solomon Islands pending export. July 2004. The future of the seven dolphins vegetating in a marine enclosure in Mexico looks bleak. International protests by numerous organizations, including GRD (see also Delphinpost issues 1/01 and 2/01), condemning the appalling keeping conditions, led the Mexican government to close the facility, which was also going to offer swim-with-the-dolphin programs, in early March. The animals were confiscated. However, rather than being released to the wild, as generally assumed, they seem to be getting prepared for sale to dolphinarium. This was confirmed by one of our members who spent some days in La Paz in March. He and his wife observed two trainers teaching the dolphins tricks several times a day and not letting anyone get near the animals. Asked what this was for they were told that the dolphins "were trained for tourists." Eight dolphins were captured in Mexican waters in December 2000, a female of about eight years died in captivity only a short time later. ³⁰ Jan 2006: In January of 2006, the General Congress of the United States of Mexico decreed: An extra article 55 and a third paragraph to article 60 to be added to the Wildlife Law:

Article 55: *Importation, exportation, and re-exportation of specimens of any marine mammal or primate species are prohibited, including their parts and derivatives, with the exception of those destined for scientific research previously authorized by the Secretariat.*

Article 60: *No specimens of primates of any species will be approved for removal, whether for subsistence or for commerce. The only authorized capture will be for restoration, re-population, and reintroduction of these species into their natural habitat.* ³¹

- **Radisson Seven Seas Cruise July 15, 2005** - Advocating for responsible ecological practices - and taking a stand against the wanton capture and use of marine

²⁵ <http://www.caribbeanetnews.com/2005/07/19/whaling.shtml>

²⁶ www.mina.vomil.an/News/news.html

²⁷ http://www.wspa-usa.org/pages/319_dolphins_and_the_law_a_worldwide_timeline_.cfm

²⁸ <http://observer.guardian.co.uk/cuba/story/0,10805,656198,00.html>

²⁹ http://www.wspa-usa.org/pages/319_dolphins_and_the_law_a_worldwide_timeline_.cfm

³⁰ <http://www.delphinschutz.org/english/grd-success.htm>

³¹ MEXICO General Law of Wild Life

mammals for the amusement of travelers - Radisson Seven Seas Cruises® announced it will no longer offer dolphin encounter programs in any of its ports of call.³²

- **Australia** – Australia wants the Solomon Islands to stand by a ban on live dolphin exports following reports that 40 animals are to be exported to the Bahamas. The World Society for the Protection of Animals (WSPA) said an airlift of some dolphins did not go ahead on Tuesday, probably because of adverse publicity. The privately owned Solomon Islands Marine Mammal Education Centre (SIMMEC) captured the dolphins in 2002 and has been trying to sell them overseas despite a Solomon's government ban imposed in January, the society said.³³ Australia, 1994: The territory of Queensland bans the capture of dolphins.³⁴
- **Fiji** - Fijian officials stated "We appreciate your concerns about the captivity of animals and reassure you that no approvals have been given to any such proposals...Now that you have brought up this issue we will make sure that stringent measures are undertaken to curb such issues in future."
- **New Zealand** - In January 2003, New Zealand's Minister of Fisheries wisely banned commercial and recreational set netting in Manukau Harbor. WELLINGTON - New Zealand yesterday imposed a partial fishing ban along nearly 550 km (330 miles) of its North Island coast to save one of the world's smallest and most endangered dolphins. Sept 2001³⁵
- **Chile, 1999:** The Fisheries Authority forbids the capture of dolphins from Chilean seas.³⁶
- **Solomon Islands** - 'the reported imminent shipment of dolphins from the Solomon Islands to the Bahamas will not take place. The Solomon Islands Government gazetted into law the total ban on dolphins from the Solomon Islands.' Nov 18/2005³⁷
- **Belgium** - 10/05/2004. Less than a week after having visited the Bruges Dolphinarium, Yvan Mayeur, the President of the Commission of Health & Environment of the Belgian Parliament and his colleague Thierry Giet, team leader depute of the French Talking Socialist Political Party, deposited last Monday a law proposition. Their text asks the Government to ban any new establishment of Dolphinarium on the Belgian territory.³⁸
- **Hungary, 1992:** Hungary closes its only Dolphinarium and prohibits any future dolphin imports. Five bottlenose dolphins were illegally imported in July 1992. One died within the first week. In October of the same year Hungary returned the remaining dolphins to the Ukraine, closed its dolphinarium and prohibited further imports.³⁹
- **Saint Lucia** - We, the undersigned, want the Eastern Caribbean islands to be Dolphinarium-free. There is no need to keep dolphins in captivity. We have many species of dolphin in our waters year-round, providing our visitors and residents with opportunities to see them exhibiting normal behaviors, in their natural habitat. Dolphinarium are banned in some countries. In others, they are being phased out or replaced by other attractions. Let's be the leaders in the region and just say "NO" to captive cetaceans in the Eastern Caribbean.⁴⁰
- **Argentina** – 1995 – 1999, Argentina suspended authorization of imports of dolphins from the Commonwealth of Independent States. Nov 1999, a shipment of 5 dolphins

³² <http://www.rssc.com/about/news.jsp>

³³ <http://news.ninemsn.com.au/article.aspx?id=71966>

³⁴ http://www.wspa-usa.org/pages/319_dolphins_and_the_law_a_worldwide_timeline_.cfm

³⁵ <http://www.planetark.com/avantgo/dailynewsstory.cfm?newsid=12042>

³⁶ http://www.wspa-usa.org/pages/319_dolphins_and_the_law_a_worldwide_timeline_.cfm

³⁷ www.solomonstarnews.com/drupal-4.4.1/?q=node/view/5948

www.thecouriermail.news.com.au/common/story_page/0,5936,17242946%255E954,00.html

³⁸ <http://www.dauphinlibre.be/brugeseng.htm#A>

³⁹ http://www.wspa-usa.org/pages/319_dolphins_and_the_law_a_worldwide_timeline_.cfm

⁴⁰ <http://www.stluciaanimals.org/alerts.php>

from the Russian Federation arrived, with 2 dead. Argentina decided to suspend once again any authorization to import dolphins. This suspension remains in effect. ⁴¹

- **Bangkok, Thailand** 6th November 2004 – The government has stepped up measures to stop local villagers from hunting dolphins for meat, according to a senior marine official. ⁴²
- **Senegal, Spain** - Senegalese police arrested two Spaniards for capturing protected dolphins, three of which subsequently died said Commander Mor Samb, conservation officer of the Saloum delta national park. ⁴³
- **Bahamas** - In 1995 the Bahamas instituted into law a total ban on the capture, export or import of dolphins from Bahamian waters. 1995 After successfully blocking further dolphin captures and facilities in the country with a public awareness campaign, we secured Government policy that no dolphins would be captured, exported or imported in and from The Bahamas. We contributed to legislation to regulate the present dolphin facilities, as well as the Marine Mammal Protection Act. ⁴⁴
- **Chili** - In January 2005, the Chilean Government signed new legislation, prohibiting the capture, import and holding in captivity of any cetacean species. ⁴⁵
- **Turkey** - Four dolphins imported from Ukraine to Turkey in May 1995 were returned to Ukraine in August of the same year when the Turkish Authorities closed the dolphinarium.
- **India** - In India, three bottlenose dolphins imported in 1998 all died within 3 months of arrival. This tragedy led the Indian Authorities to close its one and only dolphinarium and deny further imports.
- **Israel** - Israel imports of Black Sea bottlenose dolphins led the Environment Minister to lobby against further imports. No import permit has been granted since the mid-1990s.
- **Caribbean** - Bridgetown, 18 July 2005. 35 experts from around the Wider Caribbean will be meeting this week in Barbados to formulate an action plan to protect the marine mammals of the region. Among the experts are representatives of the twelve countries which are Parties to the Protocol Concerning Specially Protected Areas and Wildlife (SPA), a treaty administered by the United Nations Environment Programme (UNEP), based in Kingston, Jamaica. There are at least 34 species of marine mammals in the region: whales, dolphins, seals and also the West Indian Manatee. These animals, which have all been dwindling in numbers over recent decades, are of significant value to the Caribbean. They also form a global resource. **Barbados** is one of the parties to the Protocol, which became international law in 2000. The other parties are **Colombia, Cuba, Dominican Republic, France, Netherlands, Panama, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago, the USA and Venezuela.** ⁴⁶
- **Cayman** – June 23, 2005 Mr. Clifford said "although an area of the Turtle Farm has already been leased to Dolphin Discovery (Cayman) Ltd for a swim-with-dolphin facility to be constructed there, the Government has not made any decision on whether to permit such a facility to go ahead. We're looking at it very closely". On November 23, 2005 the Caymanian Compass reported that Mr. Gene Thompson and Mr. Dale Chrighton, developers / Cayman Islands Franchisees of the Mexican company Dolphin Discovery proposed captive dolphin tourist entertainment facility at the Cayman Islands Government owned Cayman Turtle Farm "...are very optimistic about moving forward with the project...", with what is appearing to be the full approval and support from the Cayman Islands Government. ⁴⁷ **Dec. 2005 - The people have spoken via a Caymanian Compass readers' poll and the overall**

⁴¹ <http://www.cites.org/eng/notifs/2001/029.shtml>

⁴² http://www.eurocbc.org/thai_govt_steps_up_dolphin_protection_06nov2004_page1718.html

⁴³ <http://www.cetaceadefence.org/index.php?option=news&task=viewarticle&sid=30>

⁴⁴ http://reearth.org/?page_id=2

⁴⁵ leviathan@interactiva.cl

⁴⁶ cepnews_rcu@yahoo.com

⁴⁷ www.caycompass.com/cgi-bin/CFPnews.cgi?ID=1009095

opinion is that no captive dolphin facility should be opened in the Cayman Islands. ⁴⁸ More than 92 per cent of nearly 4,000 respondents to the most recent *Caymanian Compass* on–line poll said they do not think the Cayman Islands should have a captive dolphin facility as a tourist attraction.

Read more at www.sun-sentinel.com/sfl-marinestorygallery.0.5138440.storygallery.

Make your voice heard, say NO to Captive Dolphins in the Cayman Islands and keep Dolphins free. We are a caring nation. We are law abiding. We value family life and respect our neighbors. We cannot in good conscience allow any captive dolphin facilities to be opened here in Cayman. If you are unsure, are you willing to take the risk?

If Cayman stands up against this proposal and says NO, we will be placed in high esteem worldwide and be leaders once again, not followers. We do not need to repeat mistakes that others have made, and we do need to make a stand. We will in future years regret any decision to allow captive dolphins here, and pay a price with the savvy nature tourism visitors, an increasing percentage of our visitors. Do we believe in sustainable tourism or not? The most recent countries to join the list of banning Dolphin facilities are Antigua and the Netherlands Antilles, both of whom compete with us in the tourism industry and are heavily promoting nature tourism.

We know that things can look good on the surface, but we have to look behind the curtain to see what's really going on. There are serious questions in the Dolphin Industry, and the negative media exposure that these issues receive is huge. Let's not have Cayman on this list – we are already being talked about and how we are considering Dolphin attractions here. The web and the media are powerful tools, information is easy to get these days. Let's be the good guys, and if nothing else, err on the side of caution.

The time to act is now, do not allow any facilities to be opened and then 'grandfathered' in. Stop this before it is too late, or we will pay the price for decades to come.

We urge the Government of the Cayman Islands to put laws in place to prohibit captive dolphin facilities in Cayman before it is too late.

Respectfully submitted by the Cayman Islands Tourism Association, Watersports Members.