World Society for the Protection of Animals

Report on Captive Dolphins in Mexico and Dominican Republic

Research done and written by Dr. Yolanda Alaniz Pasini
for the World Society for the Protection of Animals (WSPA)

WSPA

Authoress:
Yolanda Alaniz Pasini

Editors:
Marcela Vargas and Soledad Prado

Design and layout:
InterGraphicDESIGNS

INDEX

Foreword.....4

CHAPTER 1:
DOLPHINARIA IN MEXICO 7

- Exhibition and Display.....7
- Swim With the Dolphins Programs (SWTD).....9
- Dolphin Assisted Therapy (DAT).....10
- Dolphin Facilities.....10
- Captures in Mexico and other countries.....13
- Dolphin Imports.....14
- Captive Born.....16
- Mortality in Captivity.....17
- Travel shows.....18
- Facilities and Hurricanes.....19

CHAPTER 2:
DOLPHINARIA IN DOMINICAN REPUBLIC 21

- Dolphin Facilities.....21
- Manatee Park.....22
- Dolphin Island.....24
- Ocean World.....25

CHAPTER 3:
LEGISLATIVE ANALYSIS 29

I. International Instruments

- Convention on Biological Diversity (CBD).....29
- United Nations Convention on the Law of the SEA (UNCLOS).....30
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).....30
- Code of Conduct for Responsible Fisheries (FAO).....32

II. Regional Agreements

- Convention for the Protection and Development of the Marine Environment for the Wider Caribbean Region37 and the Protocol Concerning Specially Protected Areas and Wildlife (SPAW Protocol).....33
- Central America Free Trade Agreement (CAFTA).....37
- North America Free Trade Agreement (NAFTA).....38

III. National Laws

- Mexico.....38
- Dominican Republic.....41

CHAPTER 4:
CONCLUSIONS AND RECOMMENDATIONS 45

- General activities and features of facilities.....45
- Imports.....46
- Domestic Laws.....48
- References.....49

Annex I, II, III & IV.....50

Foreword

Western culture is inherently far different from Eastern or West Indian native beliefs.

While in most of modern occidental cultures it is a common place the use of animals just as tools for any purpose, even those more eccentrics or vain ones, in some ancient philosophies to hurt an animal is considered violence beyond justification. No end justifies a violent mean against any sentient being. This cosmovision is called *“Ahimsa”*, and it is the virtue of practicing the no-violence, which begins with the inner decision of not killing or hurt a sentient being by thought, word or any action. If A-hims is not to harm, Himsa is the act of harming, be violent or kill.

This book describes the inherent Himsa of dolphinaris, both, in Mexico and Dominican Republic, but representative of all captivity. The research made in both countries is a fieldwork in every one of the facilities and the acute observation and contact with dolphins (and sea lions). Facilities are designed and built for humans not for dolphins and all the activities in which dolphins participate turn around and are focused on human entertainment. Human being is the focus of the thoughts and plans of companies. The cost in suffering, pain, boring, illness, stereotyped behaviour, stress, loneliness and death, just vanishes beneath the surface when tourists turn back the facilities with a picture as a “souvenir”. Dolphins are left in their real world of silence and abandon.

If we turn our thoughts to the Mayan world and philosophy we will find the inner knowledge.
Maybe the only and legitimate source of true knowledge.

There was, and still is a sacred ritual to recognize the inherent value of the other, an intrinsic value which is equal of mine. But it is not an everyday act. With this ritual one person looks at the other, and from the very inside of his being says the Mayan words “*in lak ech*”, which means, “I am your other you”. When said it is implicit that if I harm you I will harm myself. Then the other answers “*alaken*” which means “and I am your other self”.

Only when we recognize this intrinsic value of the sentient beings, we will be able to find the beauty, freedom, and warmness of those dolphins who now are enclosed.
For all of them only the words *“in lak ech”.*

Acknowledgements

As any work and research there are people not mentioned in it that remains behind the author’s work.

So behind my work and convictions there has always been the first spark of “awareness”.
Dr. Jane Goodall and her works, was the first little but strong spark. Again, thank you for being here.

Dr. Toni Frohoff, and Dr. Naomi Rose have always been like a part of “the team”. Listening questions and fortunately corresponding with more questions still to be answered. Bill Rossiter always beside, always available, and always having a fresh and comforting words. We share more than what distance and time let us share, for which I am really thankful.

My colleges Laura Rojas, Mercedes Anzures and Cecilia Vega have enriched all this work trough the years. Their points of view accurate, philosophical, and strong are in many ways between the lines.

Idelisa Boneli as the wonderful human being, she is an important part in the study of facilities in Dominican Republic. Not only her hospitality, but also her wonderful work about marine mammals makes her a model of what science and ethics can do together.

Special thanks must be said to Marcela Vargas, who coordinated this research, writing, and final editing of this work. Not always under the best conditions she managed to make it possible.
My recognition.

Finally the World Society for the Protection of Animals (WSPA) landed this important effort to understand that red spots are in Latin America referring to captivity of marine mammals.
This means an unprecedented work that must be recognized.

INTRODUCTION

This report describes the conditions of captive facilities for dolphins in Mexico and Dominican Republic.

Mexico began captive activities in 1970 with the display of two dolphins outside a new store to attract the attention of clients. Ever since, the captive industry has grown exponentially.

There is a growing trend of commercial activity in different parts of the world. The corporations with business enterprises based in Mexico, represent one of the most flourishing and productive industries with an important and productive national and regional market.

The commercial and empirical capture of dolphins and sea lions for public display started in the seventies. Almost simultaneously, commercial trade with other countries began, mostly, but not exclusively, with the Caribbean Islands. Since then, this commercial enterprise has grown without any kind of regulation, to the point that it concerns scientists and environmental groups.

The exploitation of dolphins (and sea lions) began with entertainment shows, and today it continues displaying animals doing circus acts, in which they simulate dancing or singing, acrobatic turns and jumps, or pretend to “communicate” with trainers by answering questions and instructions using head movements that simulate saying yes or no.

The first exhibits consisted of small concrete tanks with benches for the public such as in the Roman Forum. Later on, “Swim-with-Dolphins” programs were initiated, which resulted in a much more lucrative enterprise, especially with tourism coming from abroad. For this, bigger spaces were required so sea pens were built in high tourist-traffic areas.

More recently, some dolphinariums have started to implement new programs called “Dolphin Assisted Therapy” (DAT), where presumably dolphins’ healing powers are invoked to help specific ailments that are hard to cure with common therapies. In lesser proportions, dolphins are used in travel shows and taken mostly to regional fairs. This enterprise requires that cetaceans be constantly transported by road from town to town. Usually, the same travel circus also carries sea lions for display, and even wild birds like macaws. It also came to light that the same travel circuses display and transport some species of sharks in portable fish tanks.

This is how the exploitation of dolphins was diversified to increase profits.

Activities in Dominican Republic began in 1995, and it is like an extension of the Mexican process. We found the same type of concrete tanks, sea pens, and the same kind and evolution of activities, with the only exception of DAT, which still wasn’t practiced on the island.

Although this report focuses on the management of captive dolphins in just two countries, we believe it is representative of the captive industry for most of Latin America. Many of the problems, uses, abuses, lack of legislation, administrative indifference and political negligence encountered in the management of dolphinaria and related activities, surely could also be a reality in other countries.

Though sea lions and other species are frequently found in captivity, we focused on dolphins due to their exclusive behavior when living in the wild marine environment, for which their captivity represents the most aberrant findings.

The methodology used was a first approach by reviewing literature and conversations with experts in both countries. Official data was always obtained under the laws of information and transparency of both countries.

Field work was done in January 2009 in Mexico and in February/March 2009 in Dominican Republic, visiting facilities from early in the morning to late afternoon, and having the opportunity to see the evolution of activities, flow and behavior of visitors, as well as the behavior of dolphins through out the day. This involved periods of interaction and “resting time”, an invaluable interval to observe dolphins and compare their behavior to when there is human interaction.

A full legislative research was done, including international and regional treaties. The local and national legislations regarding marine mammals and focusing on dolphins for Mexico and Dominican Republic were analyzed as well. All legal instruments are here reported.

As a central study, there is a legislative analysis of the real legal management and the findings concerning some clear law violations, including loopholes in the International treaties signed and ratified by the mentioned countries which are used by administrations and enterprises to continue the trade and exploitation of dolphins.

Finally, some recommendations to strengthen local laws are provided, in order to improve the quality of life of captive dolphins and avoid illegal captures and trade. Countries such as Cuba and Solomon Islands are inevitable to mention due to the huge captures for exports carried out in both islands.

CHAPTER 1:
DOLPHINARIA IN MEXICO

Mexico has become one of the most important places of dolphin trade for commercial purposes. Since the seventies the captive industry started to grow without control, flourishing in the nineties based mostly on SWTD programs. No law or regulation was established to try to control this activity until 2002.

During more than 30 years companies seeking profit under legal exploitation of marine mammals (both dolphins and sea lions), could openly build facilities, capture, train, import or export animals with little or no regulation and permits.

Besides there was no surveillance on the number of dolphins captured for each permit. For example, capture permits had a legal period of one year to capture the dolphins described on it. But without surveillance and regulations one permit could be used more than once to capture other dolphins. Therefore there is no way to trace how many dolphins were really captured during this 30 year period of flourishing activity. High mortalities as well as primitive and brutal methods of capture and transport have been documented by researchers, but still the real magnitude of the damage to individual dolphins and the impact on wild populations remains unknown[1].

Exhibition and Display

Display of captive dolphins started in the early seventies with 2 dolphins exhibited outside a supermarket to attract the attention of clients. Then the first three facilities started to display dolphins in Mexico City. Concrete small tanks were the first type of construction and circus shows were the first activities to exploit animals.

Ever since, the captive industry grew exponentially having. Now holding at least 260 dolphins officially registered in 21 facilities and 2 travel shows, belonging to one company only. The features of each facility according to Couquiad[2], and modified by Alaniz & Rojas, include the so called natural or artificial environment, see Table 1[3].

1 Acasuso Signoret Francisco (1981). *Reporte de los Hallazgos Patológicos en diez delfines (Tursiops truncatus).* Tesis para obtener el Título de Médico Veterinario Zootecnista, Fac. de Veterinaria, UNAM, México.
2 Couquiad, Laurence (2005). *A survey of environments of cetacean in human care*. Aquatic Mammals 31 (3).
3 Alaniz Yolanda, Laura Rojas (2007). DELFINARIOS. México: AGT Editor-Comarino (p.72-74).

Table 1

Classification of facilities in Mexico according to the type of installation, natural or artificial environment, environmental enrichment, geometric shape of the enclosures and sterile environment.

Type of facility	Facility and location	Minimal environmental enrichment	Geometric shape of enclosures	Sterile environment
Artificial with Seat Rows	1. Atlantis, DF	No	Yes	Yes
	2. Aragón, DF	No	Yes	Yes
	3. Six Flags, DF	No	Yes	Yes
	4. La Feria, DF	No	Yes	Yes
	5. CICI, Acapulco	No	Yes	Yes
	6. Mundo Marino, Guadalajara	No	Yes	Yes
	7. Sea Life Park Nuevo Vallarta	No	Yes	Yes
	8. Centro de Interacción Marina, Sonora	No	Yes	Yes
Artificial with no seat rows	1. Dolphin Adventures I, Vallarta	No	Yes	Yes
	2. Interactive Aquarium, Cancún	No	Yes	Yes
	3. Aleta Bay, Q.Roo	No	Yes	Yes
	4. Puerto Aventuras, Q.Roo	No	Yes	Yes
	5. Ixtapa Zihuatanejo, Gro.	No	Yes	Yes
	6. Cabo Dolphins, BCS	No	Yes	Yes
Natural sea pen	1. La Paz, BCS[4]	Yes	Yes	No
	2. Atlántida, Nizuc, Q. Roo	Yes	Yes	No
	3. Atlantida, Cozumel	Yes	Yes	No
	4. Villa Pirata, I.Mujeres	Yes	Yes	No
	5. Chankaanab, Cozumel	Yes	Yes	No
	6. Mahahual, Q. Roo[5]	Yes	Yes	No
Semi natural Interior sea pen	1. Xcaret	No	Yes	No
	2. Xel Ha	No	Yes	No
	3. D. Adventures II, Vallarta	No	Yes	No

Source: Alaniz & Rojas. DELFINARIOS. AGT. Comarino.

4 Though this facility is no longer operating, it is included because the sea pen still remains as a witness of hurricane "Marty" in 2003, which cost the life of 5 dolphins since 7 were left in the sea pen during the hurricane. Authorities transported the remaining 2 dolphins to Nuevo Vallarta.
5 Mahahual facility was destroyed by a hurricane in 2007, and is no longer operating.

Aragon Facility in Mexico City.

Picture session with dolphins after the show Aragon facility, Mexico City.

The first way to exploit dolphins was a regular circus show in small concrete tanks, activity that lasted for more than 20 years.

In general terms, they are very precarious facilities, in which two or three dolphins with two marine sea lions, and sometimes clowns that lead the show, generally display a standard spectacle that consists of circus acts, based on conditioning. Dolphins perform the show from one to three times a day, depending on the attending public. The show consists of jumps, turns, swim with hoops, or use of sunglasses. Though this is the first activity it is the least profitable. Prices go from $3 to $8.5 USD per person.

Dolphin show in Mexico City (Atlantis).

After the show people can take a picture with the dolphins for an extra fee. Dolphins jump on the concrete platform as many times as requested by trainers and stay still (as much as they can) for the picture. Usually dolphins make three or four daily shows during weekends and holidays. From Monday through Friday, school students are taken to the dolphin shows at special rates.

Swim With The Dolphins Programs (SWTD)

During the nineties the Swim with the Dolphins Programs emerged and has become the most productive and the most practiced activity in all facilities.

Usually it is done with two or three dolphins by session and up to 15-20 people. Regularly facilities sell three types of interaction with dolphins and depending on the type and time that the public remains with the dolphins is the cost to pay. In these sessions people enter the confinement on platforms specially designed for it, or by going into shallow parts of the pools, where tourists generally receive an explanation of the anatomical characteristics of the animal, such as the fins or spiracle.

After receiving instructions from trainers, dolphins show their body parts during the show and then, the so-called Swim with the Dolphins takes place. It consists of a series of behaviors where dolphins touch people, jump over them, and do other things like the "foot-push".

The "foot-push" consists of a dolphin pushing a tourist's feet with speed by using the snout, and then it lets go of the tourist when instructed by the trainer. These activities can include a video and photo of the person with the dolphin, for which a kiss of the dolphin in the face of the tourist is simulated. Prices for this activity vary depending on the site where the facility is. The most expensive activities take place in touristy zones, such as Cancun or Puerto Vallarta, where tourists pay from $100 to $180 USD per person, depending on of the kind of activity: interactive, SWTD, or trainer-for-one day. Prices are lower in cities like Mexico.

SWTD program in Dolphin Adventures, Nuevo Vallarta.

Nose lesions of a dolphin in Nuevo Vallarta.

Dolphin Assisted Therapy (DAT)

This activity began in Mexico in the early 90's with the company CONVIMAR. It is carried out in concrete tanks and dolphins are also exploited with performing shows as a complementary activity. Sessions are commonly every day for two weeks and last about 15 minutes. The industry claims this contact with dolphins can heal or at least improve the condition of sick people, especially those with autism, down syndrome, bulimia, anorexia, depression, and anxiety, attention deficit, hyperactivity, and sleeping disorders. The average cost of a therapy of this type is of $120 to $150 USD per session.

In spite of the propagation of this activity, there is no conclusive data on the effectiveness of these therapies. A detailed methodological study of the protocols of these programs demonstrates that they violate several important methodological criteria, which puts in question their scientific legitimacy[6].

Dolphin Facilities

In Mexico there are currently 21 operating facilities that hold dolphins for display. There is also a company devoted to traveling shows, all over the country[7].

In this report we studied aspects such as the number of dolphins held in captivity, their origin either by capture, import, or born captive, but also their quality of life and the handling of animals by display companies. Important discoveries are noted in the mortality description.

The two main companies, Dolphin Discovery and Via Delphi, together hold 143 captive dolphins, which represent 57% of the total. Dolphin Discovery on its own holds 83 dolphins in 4 facilities, representing 32% of all captive dolphins in Mexico[8].

Dolphinaris (former Park Nizuc/ Wet n' Wild) displays 38 dolphins in two facilities at Cancun and Cozumel, representing 15% of the total.

In Nuevo Vallarta we found 21 dolphins in two facilities very close to one another, belonging to Dolphin Adventures. This company represents 8% of the total. (See Table 2).

Table 2

Companies and facilities that currently hold dolphins in Mexico, with total percentages 2008.

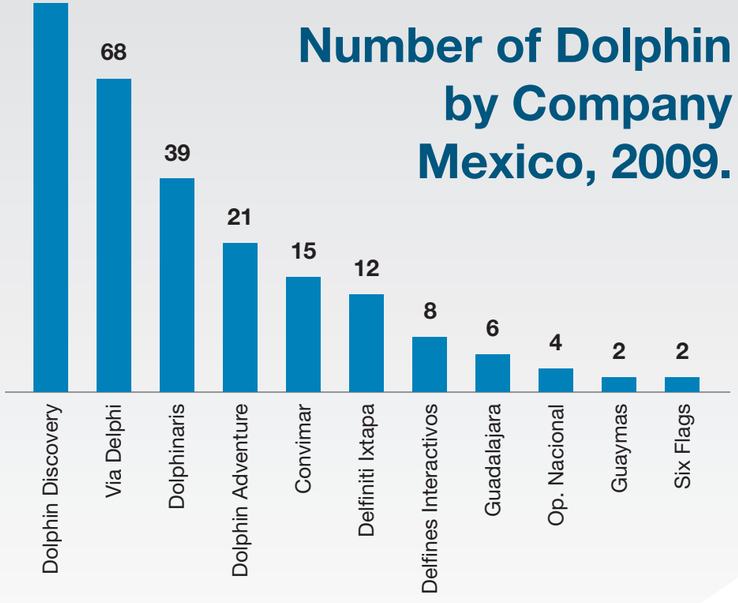
Companies and Facilities	No. of Dolphins	Percentage %
Dolphin Discovery	83	
DD. Aventuras Discovery	6	
DD. Cozumel	22	32
DDI. Mujeres	23	
DD. Pto Aventuras	32	
Via Delphi	68	
Los Cabos	12	
Xcaret	36	26
Via Delphi Dream	6	
Xel-Ha	14	
Dolphinaris	39	
D. Cozumel	16	15
D. Cancun	23	
Dolphin Adventures	21	8
Convimar	15	
Atlantis	3	
Aragon	2	6
Ferias III	3	
Convimar	7	
Delfiniti Ixtapa	12	4
Delfines Interactivos	8	3
Centro Guadalajara	6	2
Operadora Nal de Parques Recreativos	4	
Centro Guaymas	2	1
Six Flags	2	1
Total	260	100

Source: SISI. Folio 137608. January, 2009.

6 Marino, Lori and Lilienfield, S. (1998). *Dolphin Assisted Therapy: flawed data, flawed conclusions.* Anthrozoos, 11 (4), 194-2000.
7 Alaniz Yolanda, Rojas Laura (2007). *DELFINARIOS*. Mexico: AGT Editor.
8 SISI. SEMARNAT. Folio 137608. January, 2009.

In Graphic 1 we can notice the importance of the big companies compared with small ones. Big companies like Dolphin Discovery, Via Delphi, Dolphinaris and Dolphin Adventure, all located in coastal touristy zones hold together 211 of the total registered captive dolphins, with 81% of the business profit.

Graphic 1
Number of dolphins by company, Mexico 2009.



Source: Table 1.

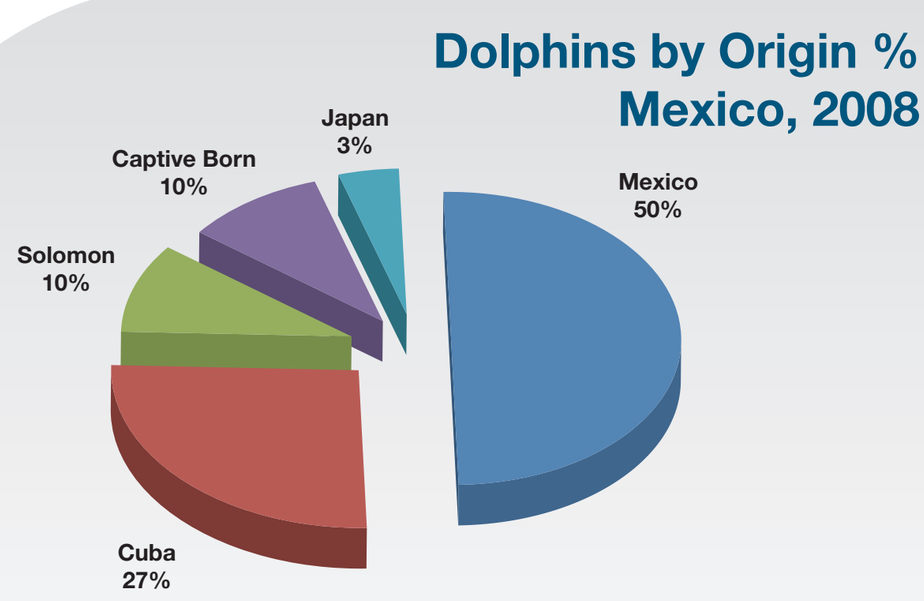
Captures in Mexico and Other Countries

According to the country of origin 161 dolphins were captured in Mexican waters or born in captivity; 73 of living dolphins were captured in Cuba; 19 dolphins survive from an import of 28 dolphins from the Solomon Islands in 2003, and 7 dolphins were imported from Japan (see graphic 2).

Nevertheless many of the dolphins registered as captured in Mexico, are born in captivity, or reported as so. Born captive dolphins are less than 10% of the reported total, even if the mother comes from elsewhere, such as the Solomon Islands, as we will see later.

In the same way 7% of Solomon living dolphins do not represent the real number of dolphins that were imported in Mexico. This shows the high mortality of the species, since 43% have died since the import in July 2003 (see graphic 2).

Graphic 2
Live dolphins by origin reported in Mexico, 2008.



Source: SISI. Folio 137608. January 2009.

Dolphin Imports

Although we have found imports as far back as the seventies, there are not reliable registries of this type of trade. The available ones are not clear in the data that they provide. Nevertheless, it can be said that the immense majority of dolphin imports come from Cuba.

In graphic 3 it is possible to appreciate the details of the imports made from 1995 to January 2006, when commercial imports and exports of marine mammals was prohibited.

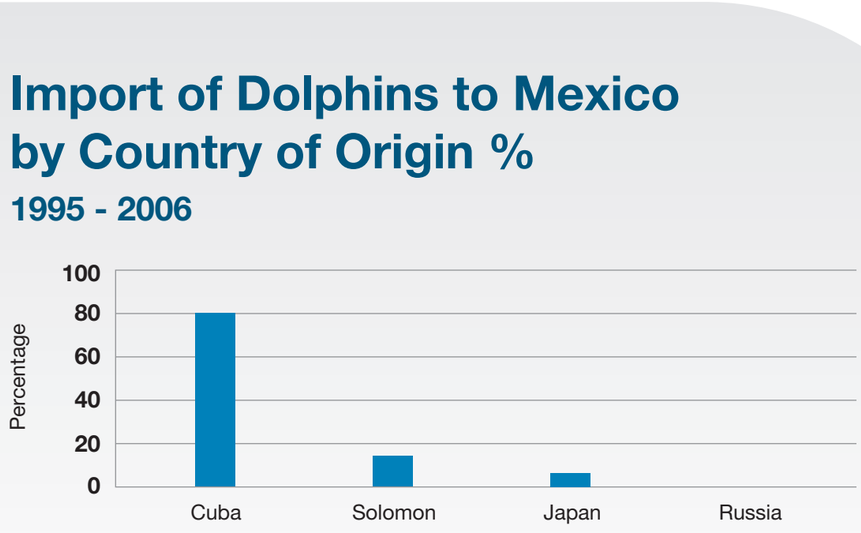
For this period 79% of the imports came from Cuba, totalling 147 dolphins; followed by the Solomon Islands with 28 cetaceans in only one shipment, representing 14% of the total and making it the single most numerous import in the history of the dolphinaria.

In third place are the dolphin imports from Japan with 11 animals in 2 shipments, which finally represents 6% of the total. 2 belugas imported from Russia in 1996, represents 1% of the total.

It has been a common practice to capture dolphins from the wild in Mexican or Cuban waters to train them in Mexico and reexport them to other countries, mostly to Caribbean islands.

In graphic 3 there is the percentaje of dolphin imports by country of capture.

Graphic 3
Dolphin imports by country of origin 1995-2006[9].



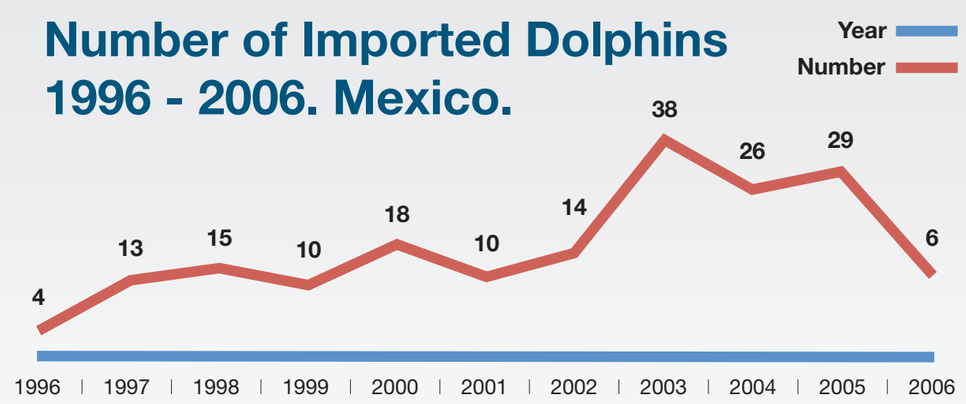
Source: Environmental Office Mexico.

9 Official answers under Transparency Law numbers: 1600010703, 1600297205, 00016000298005, and 0001600016206. Semarnat to COMARINO. (Alaniz & Rojas, Op cit).

With the new ban on imports, exports and re-exports of marine mammals, published in January 2006, imports stopped. The new law only permits import for scientific purposes. So far no facility has submitted a permit to import live animals for these purposes, but rather is lobbying the Mexican Congress to ban the laws, both the one that prohibits captures and the bill prohibiting imports. The real struggle takes place at the Senate where important companies have been arguing that these laws are affecting the business negatively.

We can clearly see that after captures were banned in 2002, imports started to grow, exposing the fact that no matter how successful captive breeding is, the captive industry still depends on live captures[10] (see graphic 3). This fact has to be correlated with the mortality causes analyzed later on this paper, which demonstrates that a huge percentage of deaths are due to inadequate management and correlated diseases followed by stress, especially chronic stress[11].

Graphic 4
Number of dolphins imported in Mexico 1996-2006.



Source: Data taken and adapted from Alaniz and Rojas. DELFINARIOS. Mexico: AGT Editor.

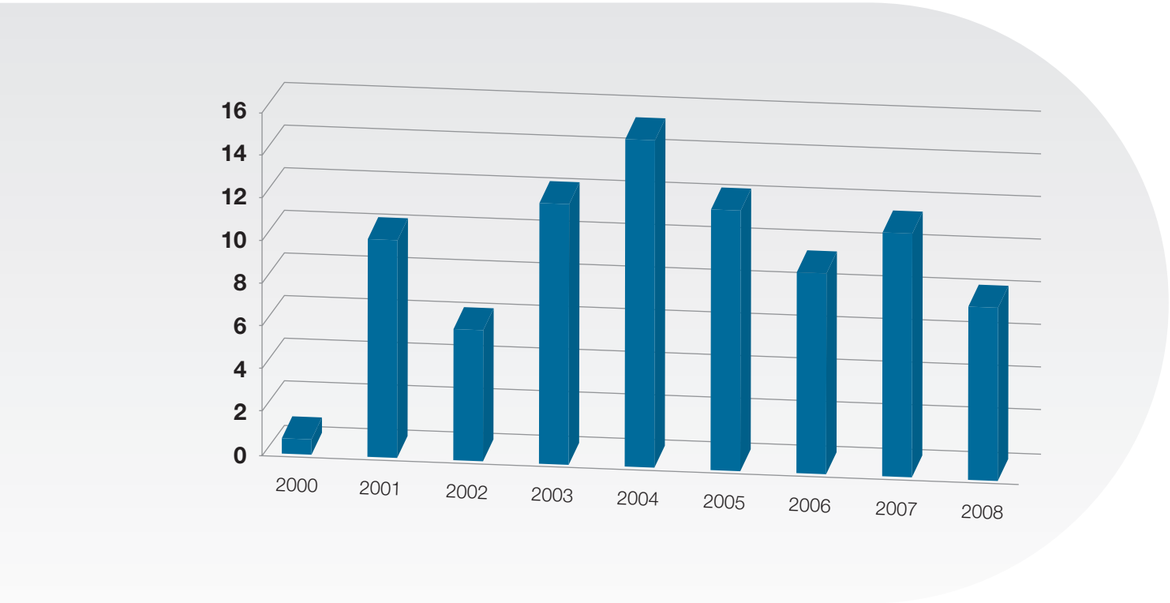
10 Alaniz & Rojas. DELFINARIOS. Op cit.
11 Rose, Naomi, Farinato (2009). The Case Against Marine Mammals in Captivity. Fourth Edition.

Captive Born

Due to the conditions of captivity, captive breeding had been impossible in Mexico, and there was no interest in it because captures and imports were a common practice, without legal problems or any kind of surveillance, so dolphins were easily replaceable. Before 2000 only two captive born dolphins were sucesfully bred. After captures were banned in 2002, and imports in 2006, available data shows that the captive industry had to make an effort to improve the conditions of facilities, both tanks and sea pens, to improve the quality of life in all ways possible with the objective of having succesful breeding.

Graphic 5 shows the number of dolphins reported as born in captivity since 2000 up to October 2008. Breeding is more succesful in larger and better conditions provided by some facilities such as Dolphin Discovery, Via Delphi, or Xcaret in Quintana Roo State; which have taken special measures to improve captive breeding. Generally females chosen for breeding are not exploited with SWTD programs, or any commercial human interaction.

Graphic 5
Number of captive born dolphins in Mexico 2000-2008.



Source: Alaniz Yolanda, Rojas Laura. *DELFINARIOS*. AGT Editor, 2007 Mexico.

Mortality in Captivity

Of the total registered deaths during the last 8 years, we can find clear or discernible causes of death. The first place is occupied by pneumonias, with 20 deaths (8% of the total). The second cause is septicemia and endotoxic shock with 14.6% of the deaths. Both causes represent death by infectious sufferings, respiratory or digestive collapse; altogether representing 35% of the deaths. Similarly we find deaths due to miopaty and stress at 14.6%.

The third cause of death is traumatism and suffocation. Accidents like asphyxia, skull fractures, or politraumatism occupy the 12.5% of the deaths, making them the third cause of officially registered deaths.

Cardiac and hepatic disease represents 12.6% of all deaths, without specifying the basic illness behind the failure.

In fifth place are causes such as intestinal or gastric obstruction by strange bodies, or gastric perforation. According to the data obtained in the research these diseases are preventable under suitable and humane handling. These types of deaths are higher on traveling shows.

Neurogenic shock is the sixth cause summing 12.4% of deaths. In absence of a more accurate diagnosis of the base disease that brings animals to a neurogenic shock, we think of an intense pain such as a gastric ulcer, intestinal perforation, peritonitis, or a traumatism; to mention those that we know are frequent in captive dolphins.

Finally, only 4.2% of deaths could be related to age and senility.

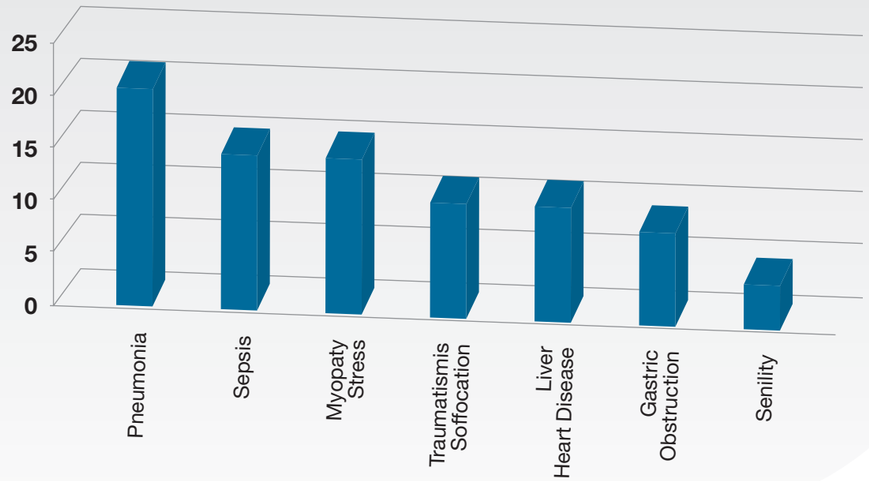
The analysis of the causes of death shows that most deaths are related to stress, infection, and irresponsible or bad handling. The stress of captivity causes inmunosupresion that can lead to the development of this type of suffering and the fatal evolution[12] [13].

On the other hand, the study of mortality inevitably shows suffering caused or aggravated by stress, such as gastric ulcers and gastritis.

We found stress underlies in practically 50% of dolphin deaths in captivity. Preventable deaths like the obstruction of digestive routes by strange bodies, traumatism, and accidents such as asphyxia, represent almost one fifth of total deaths. Finally, death by hipovolemic shock does not clarify if causes were loss of liquids and electrolytes in the digestive tract or hemorrhage, but it does indicate irresponsible handling[14].

12 Rose and Farinato (2009). The case Against Marine Mammals in Captivity. HSUS-WSPA Third Edition.
13 Frohoff, T.G. (2000). Behavioral Indicators of stress in odontocetes during interactions with humans: A preliminary review and discussion. International Whaling Commission Scientific Committee. SC/52/WW2. 22.
14 Alaniz Yolanda, Rojas Laura (2007). *DELFINARIOS*. Mexico: AGT. COMARINO (p.57-66).

Graphic 6
Causes of death of captive dolphins in Mexico 1997-2005.



Sources: www.sisi.gob.mx. Folios 00016000259305, 000160297905, 0001600019707, 0001600019206, 0001600019606, 001600054706, 0001600043006. Taken from: Alaniz Yolanda, Rojas Laura (2007). DELFINARIOS. Mexico: AGT Editor.

Travel Shows

Traveling shows are still permitted though only one or two companies use dolphins. It has been demonstrated that transport is the most stressful and dangerous time for the health and life of dolphins.

Dolphin deaths are frequent in traveling shows. Registers show dolphins can die as soon as two weeks or as late as six months after it begins to be moved around for traveling shows[15].

Causes of registered deaths go from instant death due to a crash of a terrestrial vehicle, such as the one reported in Cali, Colombia where 2 dolphins were being transported; to gastric ulcer and heart failure, water in lungs (drowning), stomach obstruction (there was a case of 1.8 kilograms of tree leaves and plastic bags), pneumonia, peritonitis and endocarditis[16].

15 Alaniz & Rojas (2007). *DELFINARIOS*. (p.71-76).
16 Alaniz & Rojas, Op cit (p.82).

Destruction of sea pen in Cozumel after Hurricane "Wilma".

Facilities and Hurricanes

Besides the mentioned problems that occur in dolphinariums, there is an emerging issue related to building facilities in hurricane paths, which causes severe destruction to dolphin facilities. The increment in frequency, intensity and duration of the hurricane season has damaged many oceanariums and dolphinariums.

Such is the case of hurricane "Marty" hitting La Paz, Baja California Sur in 2003; "Emily" affecting the coasts of Quintana Roo in July 2005; "Katrina", in August 2005, totally destroyed the Gulfport oceanarium causing the loss of several dolphins and sea lions that were later rescued; "Wilma" pounded the coasts of Quintana Roo for three days and destroyed three of the five dolphinariums built under its direct path in October 2006.

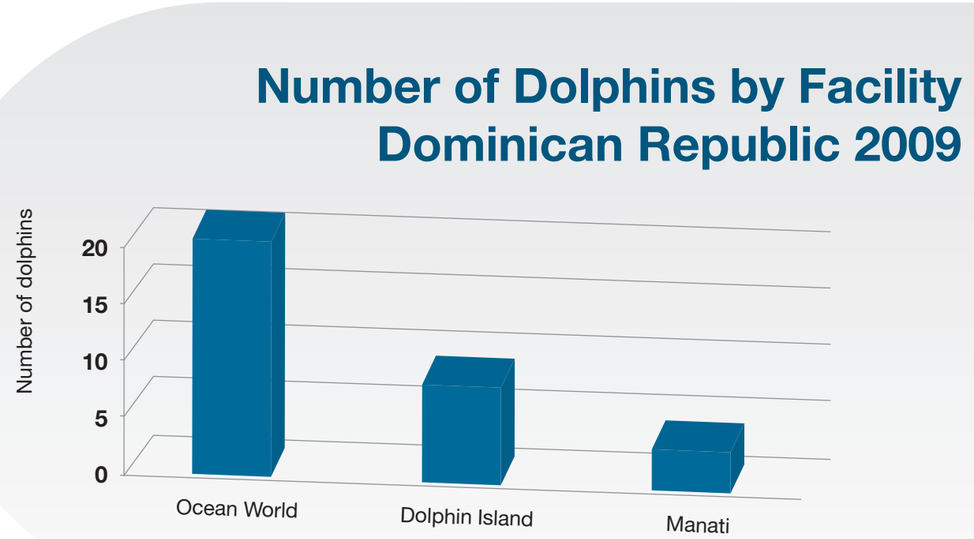
A common element in the cases described above is that these facilities were not able to shelter all animals under their care from the hurricane, leaving them in exposed pens without any protection whatsoever. This has caused the loss and death of many animals, many of which have not been properly reported to the authorities.

CHAPTER 2:
DOLPHINARIA IN DOMINICAN REPUBLIC

Dolphin Facilities

In Dominican Republic two companies own three dolphin facilities. Officially there are 24 dolphins in all three of them, distributed as follows: 2 dolphins in Manatee Park Bavaro, 6 in Dolphin Island, and 16 animals in Ocean World[17].

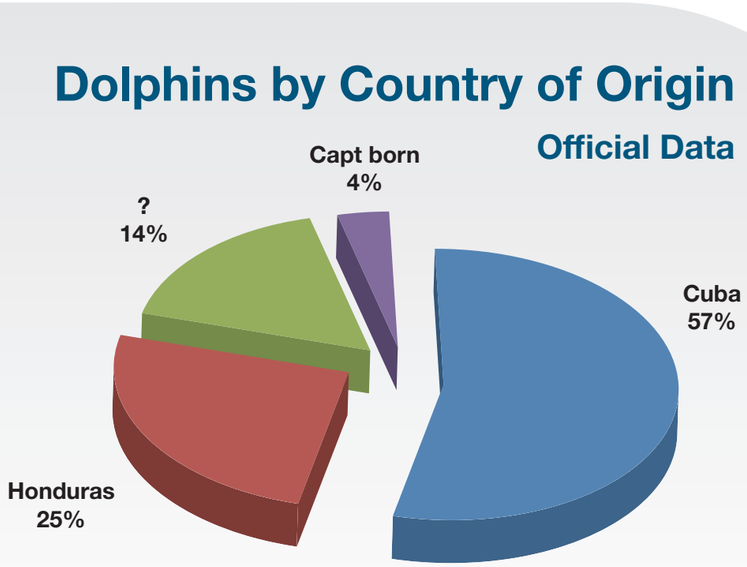
Graphic 7



According to official data all dolphins were imported, except for one captive born (see graphic 8).

17 Dirección de Biodiversidad y Vida Silvestre. Informe sobre delfines. Secretaria de Estado de Medio Ambiente y Recursos Naturales. (Data obtained trough the Office of Access of information and the Law of Transparency on March 19, 2009).

Graphic 8
Dolphins by Country of Origin in Dominican Republic 2009.



Source: Dirección de Biodiversidad y Vida Silvestre en República Dominicana. March 2009.

Nevertheless, the data on the facilities' websites, as well as the dolphins we found during our fieldwork differ from the ones officially reported.

They are:
"Parques Tropicales S.A" *owner of:*

A. Manatee Park

Located in Bavaro, Punta Cana, northeast of the country, considered an important touristy zone, this facility currently holds 5 dolphins in 3 concrete tanks. The main pool is rectangular with a platform for the show and the SWTD programs. There are seat rows on 2 sides of the stage with a roof to protect the public from the sun. The other pools are smaller and square. The show capacity is of 500 visitors.

It began activities in 1995, after a permit to capture ten dolphins from Dominican waters. Manatee Park captured two dolphins in March 1996 around the coast of Puerto Plata, in the Atlantic Ocean. The National Aquarium and the marine guards participated in the capture.

But since July 1996 by decree No 233-96, Art 22, captures were prohibited and as a result the permit was invalidated, the fate of the 2 dolphins remains unknown[18].

18 FUNDEMAR (Febrero 2008). *Informe Los Delfines En Cautiverio En República Dominicana.* Borrador.

Dolphin "dancing" at Manatee Park.

"Cain" staying pointing towards the corner for hours, February 2006.

Dolphin "Cain" staring at gate in Manatee Park 2009.

On November 1996 Manatee Park applied to import four dolphins captured in Cuban waters to be used for display and the Swim with the Dolphins Programs.

In 2002 Manatee Park captured seven to eight dolphins from the National East Park[19]. By 2006, three dolphins were remaining and by 2009, only two dolphins remain.

During the standard show dolphins perform circus acts, as seen in other facilities. But we did find a new act called "dancing", where two dolphins swim together chest to chest as shown in the picture.

During our visit[20] to the thematic park we found two dolphins: a 17 year old male named "Cain", and a 19 year old female named "Lissette", both imported form Cuba.

During "resting" time, when dolphins are alone without interaction, "Cain" showed stereotyped behavior; he would swim only to one corner of the concrete tank and stay with its nose pointing towards it, immovable for a long time. Then it would go to the bottom of the tank, or look through a metal fence, finally going back to the corner.

While the male dolphin did not interact with the female dolphin, "Lissette" would swim in circles clockwise. No interaction between them was observed.

The two dolphins participate in the SWTD programs interacting with up to 15 people and only one trainer supervising. Adults and children participate together.

19 FUNDEMAR (2008). Op cit.
20 All 3 facilities were visited during fieldwork done from February 28 to March 2nd, 2009.

SWTD session at Manatee Park 2009.

*SWDT at Manatee Park in 2006.
Photo courtesy of FUNDEMAR.*

B. Dolphin Island

Located in Bavaro, Punta Cana, in the Higuey Province northeast of the island. This facility is located inside the Barcelo Hotel complex, and both Barcelo and Parques Tropicales are owned by Spanish people[21]. It started activities in 2005, with four dolphins transported from Manatee Park.

According to official data reported to Dominican officers, Dolphin Island currently holds 4 dolphins[22], while we found 5 animals in two sea pens in a marine platform near the beach. All dolphins are reported as captured in Cuban waters. They are 3 males named “Javier”, “Toni”, and “Juancho”; and 2 females called “Sasha” and “Mary”.

To get to the facility tourists must take a company boat with full capacity for 20 people. The visitors are transported to the sea pen, both the ones who will swim with the dolphins and those accompanying that observe and take pictures.

The square sea pen (80 x 80 meters) is divided in 2 big pens holding 2 and 3 dolphins respectively. There are also 3 or 4 small pens with 3 sea lions, 3 mantas, and 5 sharks. All enclosures are square.

The 20 people on boat are in the SWTD program or taking pictures. The average per boat is 2-3 people do not go into the water, so the other 17-18 go to into the sea pen with the dolphins.

Another boat arrives 15-20 minutes later with 20 people who jump into the other sea pen.

Simultaneously, there are 17 people with 2 dolphins and 19 in the on the other pen with 3 dolphins.

We observed regular SWTD activities, noting that men interact more aggressive than women do (see picture showing a man putting his hand on dolphin’s back).

SWTD at Dolphin Island, February 2009.

21 FUNDEMAR (2008).Informe *Los Delfines En Cautiverio En República Dominicana.* Borrador.
22 Dirección de Biodiversidad y Vida Silvestre. Informe sobre delfines. Secretaria de Estado de Medio Ambiente y Recursos Naturales. (Data obtained trough the Office of Access of information and the Law of Transparency on March 19, 2009).

SWTD session at Dolphin Island, note the dominant attitude of the man over the dolphin.

Ocean World Company. Picture courtesy of FUNDEMAR.

In order to get as many swimmers as possible, there was a third boat with another 20 people arriving, while some of the swimmers where still snorkeling with sharks or jumping out of the water.

So for some minutes there where more than 60 people both on the platform or inside the pens, all screaming or calling the dolphins, while sea lions looked curiously outside their enclosure with no one interacting with them.

Sea lions looking at the public in Dolphin Island.

Having 18-20 people in just one sea pen with 2 or 3 dolphins means a real invasion of their pen. Dolphins are forced to swim near the people having everyone touching them and after the swim dolphins “kiss” some of the tourists for a picture.

More recently this facility started the activity of “snorkeling with dolphins” because of the success among tourists of “snorkeling with sharks”. It takes place after the controlled interaction with dolphins. Tourists can snorkel by themselves while trainers receive a new group of tourists.

C. Ocean World Company

They opened a facility in 2004 at Cofresí, Puerto Plata, on the north coast of the island, inside the marina and Casino complex.

According to official data, Ocean World reports 16 dolphins, 8 are male, 6 female, and 2 are not specified. Originally 8 dolphins were imported from Cuba, 7 from Honduras, and one is captive born.

This data differs from what’s on their website in which the Company reports that 61% of the dolphins are captive born, against only the 6% of official data.

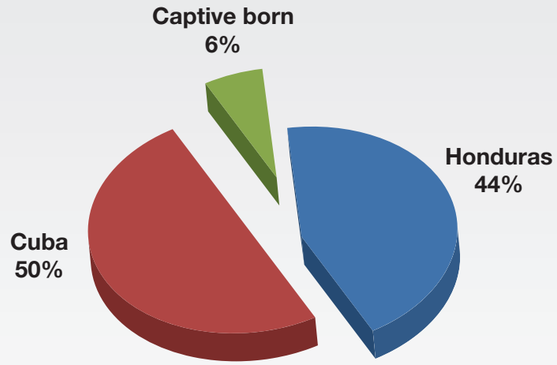
From the inventory available on its website, Ocean World currently holds seven dolphins that were captured from the wild, including two males now dead (“Fatman Jake” and “Mc Gyver”); eleven dolphins born in captivity, and one dolphin born from a captive born mother (second generation)[23].

Ocean World as a whole currently has 17 dolphins: 10 females and 7 males.

23 FUNDEMAR (2008). *Los Delfines En Cautiverio En Republica Dominicana.* Informe borrador.

Graphic 9
Ocean World dolphins by country of origin 2008.

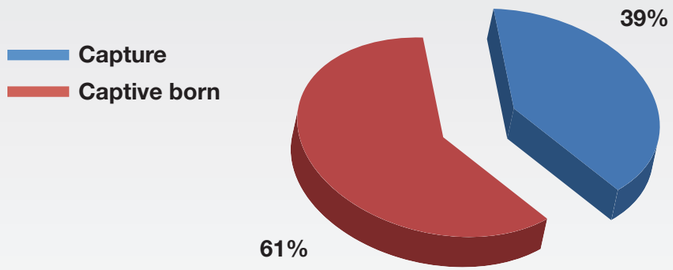
Ocean World Dolphins by Origin



Source: Ocean World.

Graphic 10
Origin of Dolphins by capture or captive born.

Origin of Dolphins. Ocean World 2008.



Source: Ocean World Website 2009.

Ocean World is a facility inside a Marina with a Casino as main amusement. The Park also shows two tigers, sharks, exotic birds and sea lions which perform standard shows.

It has multiple pens, all squared and of different sizes, where we found twelve dolphins.

The activities with dolphins are simultaneous. All visitors who pay for any activity go into a room where they receive a speech with a toy dolphin to show dolphin anatomy and receive instructions for the SWTD and interactive sessions. After this, people are taken to the different sea pens.

The costs of activities are:[24]

Dolphin Encounter: Adult $115 - Child $80

Dolphin Swim: Adult $165 - Child $120

Dolphin Discover Dive: Adults only $195

Trainer for a day: $250

We noted regular SWTD programs:

Foto session: one dolphin is forced to get out of the water for the picture.

SWTD: 16 to 20 people with 2 dolphins.

Dolphin Encounter & Show: it is a very special activity which deserves more detail, since we found it is the cheapest and at the same time the most invasive.
It is a shallow water program claimed as:

"Shallow water encounter children 4-12 years need to be accompanied by a paying adult (18 years or over). Maximum 2 kids per adult. Infants 0-3 years free, but need to be accompanied by a paying adult (18 years or over). One infant per adult. Pregnant women not allowed".[25]

In one small and shadowed enclosure 20 people sit on the edge of the square pool where one female dolphin named "Chiquita" is called to get inside the interaction pen.

This interaction consists of one animal with 20 people, all of them touching its belly, so it swims several times all over the enclosure to be touched. Then "Chiquita" stands in front of each tourist to "shake hands". Each person holds its two flippers with their hands. After this, "Chiquita" is fed by visitors who desire to do so. Finally, it says good bye by "hugging" each participant. See pictures below.

In about 30 minutes one single dolphin is forced to be touched (its belly) and to hug or kiss 20 people, one at a time, for at least 3 rounds.

According to this, 18 to 20 people touch "Chiquita", some 60 times during a session period in a very small pool.

We found this activity to be the cheapest; so many people pay for it, making it the most invasive activity in Ocean World.

We found that there are also 2 dolphins trained to jump on a platform and stay still while visitors are near them for a picture.

All of these activities take place at the same time, and once they finish, the next group of visitors go into the facility and sea pens.

Characteristics of enclosures: all sea pens are square, with geometric forms, but no toys or other things to do.

24 www.oceanworldadventurepark.com
25 www.oceanworldadventurepark.eventbrite.com

"Chiquita" swimming on its back to show its belly to visitors and to be touched by all of them.

"Chiquita" passing by each visitor, who holds its flippers.

"Chiquita" holding each visitor, who holds her in return.

Dolphin "Dexter" jumping on the platform so tourists can take pictures at Ocean World 2009.

CHAPTER 3: LEGISLATIVE ANALYSIS

I. INTERNATIONAL INSTRUMENTS

1. Convention of Biodiversity (CBD)[26]

The Convention of Biodiversity is perhaps the most important international instrument for the conservation of the biodiversity. This Agreement was subscribed during the Conference of the United Nations on Environment and Development at Rio de Janeiro, in June of 1992.

The objectives of this Convention are: the conservation of biological diversity, the sustainable use of its components and the right and equitable participation in the benefits that are derived from genetic resources. This agreement recognizes the intrinsic value of biodiversity, its ecological and genetic value, in addition to the socioeconomic values, recreational and aesthetic values, and its conservation interest for all humanity as an important part of development. It emphasizes that conservation of biological diversity is of common interest to all humanity, and that nations are responsible for the conservation of their biological diversity and for the sustainable use of their biological resources. It recognizes, in general terms, that there is a notable and worrisome diminution of biological diversity due to human activities, and that prevention is necessary, but it is also necessary to attack the causes of reduction or loss of biological diversity.

Mexico signed on to the CBD in June 1992,[27] while Dominican Republic joined in 1996.

One of the most important objectives of this Convention is recognizing the over exploitation of resources and the possibility of "In-situ Conservation" which is defined as: the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

In this way in-situ conditions means: conditions where genetic resources exist within ecosystems and natural habitats, and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

For the case of dolphinaria and conservation of dolphins, CBD makes strong recommendations for in-situ conservation[28], which are compulsory for the Parties, inter alia:

(a) *Establish a system of protected areas, or areas where special measures need to be taken to conserve biological diversity;*

(b) *Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, ensuring their conservation and sustainable use;*

(c) *Promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings;*

(d) *Prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species;*

(e) *Develop or maintain necessary legislation and/or other regulatory provisions for the protection of threatened species and populations;*

(f) *Cooperate in providing financial and other support for in-situ conservation outlined in subparagraphs (a) to (l) above, particularly to developing countries.*

26 See the full text on www.biodiv.org
27 Mexico signed June 13, 1992, the Senate ratified Dec 29, 1982, and it came into force Nov 16, 1994. DOF. June, 1983.
28 CBD. Article 8 In Situ Conservation. Op cit.

2. United Nations Law of the Sea (UNCLOS)[29]

The Law of the Sea Convention defines the rights and responsibilities of nations in their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources. The Convention was concluded in 1982 replacing four 1958 treaties. UNCLOS came into force in 1994. To date 157 countries, included Mexico and Dominican Republic, and the European Community have joined in the Convention. However, it is now regarded as a codification of the customary international law on the issue.

Navigational rights, territorial sea limits, economic jurisdiction, legal status of resources on the seabed beyond the limits of national jurisdiction, passage of ships through narrow straits, conservation and management of living marine resources, protection of the marine environment, a marine research regime, and a binding procedure for settlement of disputes between States; are among the most important features of the treaty. In short, the Convention is an unprecedented attempt by the international community to regulate all aspects of the resources of the sea and uses of the ocean, and thus bring a stable order to mankind's very source of life.

Ratification of, or accession to, the Convention expresses the consent of a State to be bound by its provisions.

It becomes very important to mention that UNCLOS recognizes the special status of marine mammals, since Article 65 makes explicit the right of Parties to protect marine mammals as strictly as desired:

Nothing in this Part ***restricts the right of a coastal State*** *or the competence of an international organization, as appropriate,* ***to prohibit, limit or regulate the exploitation of marine mammals more strictly*** *than provided for in this Part. States shall cooperate with a view to the conservation of marine mammals, and in the case of cetaceans, shall work in particular through the appropriate international organizations for their conservation, management and study.*

Also that the same right to protect marine mammals is established in Article 95:

Article 65 also applies to the conservation and management of marine mammals in the high seas.

3. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)[30]

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international agreement between governments, therefore making it a compulsory agreement. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival. It is one of the most important tools for the protections of wildlife, and emerged as a response to the overexploitation of animals and plants, putting many of them in threat due to international trade.

CITES is an international agreement to which States (countries) adhere voluntarily. States that have agreed to be bound by the Convention ('joined' CITES) are known as Parties. CITES is legally binding on the Parties – in other words they have to implement the Convention. The convention was signed in Washington DC in 1973, and came into force in 1985. Mexico signed in March 1991[31], and Dominican Republic in 1982[32]. On table 3 are the dates of accession and of entering into force of the countries involved in this research.

Basically CITES implies the commitment of not allowing the trade of species under Appendix I, II and III, unless certain conditions are strictly accomplished.

29 See the full text on www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm
30 Text available on www.cites.org
31 DOF. March 6 1992.
32 Resolution No 550-82. June 17 1982.

Most species of dolphins used in dolphinaria are included in Appendix II, which means:

> ***(a)*** *All species, although not necessarily threatened with extinction now, may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival;*

Due to the trade we have found of several species of dolphins, especially *Tursiops truncatus*, which is at present time the most generally used, Article IV of CITES has special importance to understand the rights of countries to restrain or totally prohibit dolphin commerce.

Article IV

Regulation of Trade in Specimens of Species Included in Appendix II.

1. All trade in specimens of species included in Appendix II shall be in accordance with the provisions of this Article.

2. The export of any specimen of a species included in Appendix II shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

   (a) *A Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;*

   (b) *A Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and*

   (c) *A Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.*

3. A Scientific Authority in each Party shall monitor both the export permits granted by that State for specimens of species included in Appendix II and the actual exports of such specimens. Whenever a Scientific Authority determines that the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I, the Scientific Authority shall advise the appropriate Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species.

4. The import of any specimen of a species included in Appendix II shall require the prior presentation of either an export permit or a re-export certificate.

5. The re-export of any specimen of a species included in Appendix II shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:

   (a) *A Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention; and*

   (b) *A Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.*

6. The introduction from the sea of any specimen of a species included in Appendix II shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:

   (a) *A Scientific Authority of the State of introduction advises that the introduction will*

Table 3

Countries that are part of CITES, and dates it came into force[33].

Country	Date of Accession	Date of entry into force
Cuba	17/04/1986	19/07/1990
Dominican Republic	17/12/1986	17/03/1987
Honduras	15/03/1985	13/06/1985
Mexico	02/07/1991	30/09/1991
Japan	06/08/1980 (Ac)	04/11/1980

Note: (Ac) Acceptance.

not be detrimental to the survival of the species involved; and

(b) *A Management Authority of the State of introduction is satisfied that any living specimen will be so handled as to minimize the risk of injury, damage to health or cruel treatment.*

7. Certificates referred to in paragraph 6 of this Article may be granted on the advice of a Scientific Authority, in consultation with other national scientific authorities or, when appropriate, international scientific authorities, in respect of periods not exceeding one year for total numbers of specimens to be introduced in such periods.

It is very important to mention that all countries involved in dolphin trade in this report are members of CITES, with the exception of the Solomon Islands.

When the government of a State decides that it will be bound by the provisions of CITES, it can 'join' the Convention by making a formal declaration to this effect in writing to the Depositary Government, which is the Government of Switzerland. Once a document containing this declaration has been received by the Depositary, through the diplomatic channel, the Convention enters into force for the State concerned 90 days later, according to Article XXII.

A State for which the Convention has entered into force is called a Party to CITES[34].

The list of countries (mentioned in this report) and dates of signature, and when the convention came into force are as follows:

4. Code of Conduct of Responsible Fisheries (FAO)[35]

This Code of international scope, though it is not compulsory, has the basic elements to face over fishing all over the world.

Its first predecessor was the Nineteenth Session in March 1991 of the Committee on Fisheries (COFI). As a result of this conference in Rome, the Committee called for the development of new concepts, which would lead to responsible, sustained fisheries. The result of this request was a meeting in Cancun, Mexico in 1991 with the Declaration of Cancun as a first step for the Code of Conduct.

The code, establishes, in a non-mandatory manner, principles and standards for the conservation, management and development of all fisheries. The FAO Conference adopted the Code on October 31st, 1995.

33 www.cites.org/eng/disc/parties/index.shtml
34 www.cites.org/eng/disc/parties/alphabet.shtml
35 See the text at: www.fao.org/DOCREP/005/v9878e/v9878e00.htm

This Code is voluntary. However, certain parts of it are based on relevant rules of international law. The Code provides principles and standards applicable to the conservation, management and development of all fisheries. It also covers the capture, processing and trade of fish and fishery products, fishing operations, aquaculture, fisheries research and the integration of fisheries into coastal area management.

The objectives of the Code are, inter alia, to establishes principles, in accordance with the relevant rules of international law for responsible fishing and fisheries activities, taking into account all their relevant biological, technological, economic, social, environmental and commercial aspects; establish principles and criteria for the elaboration and implementation of national policies for responsible conservation of fisheries resources and fisheries management and development; serve as an instrument of reference to help States establish or improve the legal and institutional framework required for the exercise of responsible fisheries and in the formulation and implementation of appropriate measures.

As general principles of the code, we find: States and users of living aquatic resources should conserve aquatic ecosystems. The right to fish carries with it the obligation to do so in a responsible manner so as to ensure effective conservation and management of the living aquatic resources.

One of the most important principles of the Code of Conduct is the one that refers to the Precautionary Approach, in Article 7.5:

7.5.1 States should apply the precautionary approach widely to conservation, management and exploitation of living aquatic resources in order to protect them and preserve the aquatic environment. The absence of adequate scientific information should not be used as a reason for postponing or failing to take conservation and management measures.

7.5.2 In implementing the precautionary approach, States should take into account uncertainties relating to the size and productivity of the stocks, reference points, stock condition in relation to such reference points, levels and distribution of fish mortality and the impact of fishing activities, including discards, on non-target and associated or dependent species, as well as environmental and socio-economic conditions.[36]

II. REGIONAL AGREEMENTS

1. Convention for the Protection and Development of the Marine Environment for the Wider Caribbean Region[37] and the Protocol Concerning Specially Protected Areas and Wildlife (SPAW Protocol)[38]

The Convention is the only region-wide environmental treaty that protects critical marine and coastal ecosystems, while promoting regional co-operation and sustainable development.

The Cartagena Convention is a comprehensive umbrella agreement for the protection and development of the marine environment. This regional environmental convention provides the legal framework for cooperative regional and national actions in the Wider Caribbean Region (WCR).

The Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region was adopted in Cartagena, Colombia on March 24, 1983 and entered into force on October 11, 1986, for the legal implementation of the Action Plan for the Caribbean Environment Programme.

Mexico signed this Convention in 1983, and ratified in April 1985[39]; while Dominican Republic adopted and ratified in November 1986[40].

36 To see the whole Text of the Code: ftp://ftp.fao.org/docrep/fao/005/v9878e/v9878e00.pdf
37 See www.cep.unep.org/welcome/cartagena-convention
38 See text on www.cep.unep.org/pubs/legislation/spaw.html
39 DOF. April 11 1985.
40 Resolution No 359-98. August 19, 1998.

Therefore the main obligations of the Parties are:

1. The Contracting Parties shall endeavor to conclude bilateral or multilateral agreements including regional or sub regional agreements, for the protection of the marine environment of the Convention area. Such agreements shall be consistent with this Convention and in accordance with international law. Copies of such agreements shall be communicated to the Organization and, through the Organization, to all signatories and Contracting Parties to this Convention.

2. This Convention and its protocols shall be construed in accordance with international law relating to their subject matter. Nothing in this Convention or its protocols shall be deemed to affect obligations assumed by the Contracting Parties under previously contracted agreements.

The Convention is supplemented by three Protocols: Oil Spills Protocol (1983); Specially Protected Areas and Wild life Protocol (1990-2000); Land Based Sources of Marine Pollution Protocol (1999).

1.1 Specially Protected Areas and Wildlife Protocol (SPAW Protocol)

Adopted in Kingston, Jamaica by the member governments of the Caribbean Environment Programme on January 18, 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 SPAW Protocol became international law in June 2000, when it was ratified by the ninth Contracting Party. Though Mexico signed the Protocol in 1998, it has not been ratified yet. Dominican Republic signed and ratified in 1998[41]. It is important to mention for the purpose of this report, that Cuba, who is the main exporter of dolphins, both to Mexico and Dominican Republic, signed on January 18, 1990, and ratified on August 4th, 1998. On the other hand, Honduras, which exports dolphins to Dominican Republic has not signed the SPAW Protocol.

Table 4

Countries that are part of SPAW Protocol, and dates of ratification[42].

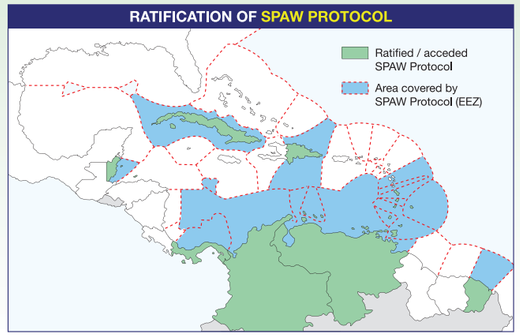
Country	Date of Signing	Date of Ratification
Dominican Republic	15/03/1985	13/06/1985
Mexico	1998	-
Cuba	January 1990	August 1998
Honduras	-	-

Note: (Ac) Acceptance.

41 Ratified trough Resolution No. 359-98., August 18 1998.
42 www.cites.org/eng/disc/parties/alphabet.shtml

Map 1

Map of countries that have ratified the SPAW Protocol.



Source[43].

The countries that have signed on are: Antigua and Barbuda, Colombia, Cuba, France, Guatemala, Jamaica, Mexico, Netherlands, Saint Lucia, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, and Venezuela.

The Protocol works through detailed provisions to address the establishment of protected areas and buffer zones for wildlife conservation; national and regional co-operative measures for the protection of animal and plants species; and environmental assessments, research, education, public awareness, community participation, capacity building and regional cooperation.

One of the objectives of the Protocol is to protect endangered species. All marine mammals are considered in Annex II of the SPAW Protocol list which means endangered animals.

Article 10 of the Protocol provides the main measures to protect wild flora and fauna, especially those listed as dolphins. Due to its importance we reproduce those articles related to the protection of dolphins, both in wild life and in captivity.

1. *Each Party shall identify endangered or threatened species of flora and fauna within areas over which it exercises sovereignty, or sovereign rights or jurisdiction, and accord protected status to such species. Each Party shall regulate and prohibit according to its laws and regulations, where appropriate, activities having adverse effects on such species or their habitats and ecosystems, and carry out species recovery, management, planning and other measures to affect the survival of such species. Each Party, in keeping with its legal system, shall also take appropriate actions to prevent species from becoming endangered or threatened.*

43 www.cep.unep.org/cartagena-convention/ratification-spaw.png/view

2. *With respect to protected species of flora and their parts and products, each Party, in conformity with its laws and regulations, shall regulate, and where appropriate, prohibit all forms of destruction and disturbance, including picking, collecting, cutting, uprooting or possession of, or commercial trade in, such species.*

3. *With respect to protected species of fauna, each Party, in conformity with its laws and regulations, shall regulate, and where appropriate, prohibit:*

a. *The taking, possession or killing (including, to the extent possible, the incidental taking, possession or killing) or commercial trade in such species or their parts or products; and*

b. *To the extent possible, the disturbance of wild fauna, particularly during the period of breeding, incubation, aestivation or migration, as well as other periods of biological stress.*

Of special interest is Article 25 of the Protocol, since it has be misunderstood as to express the dominance of CITES over the SPAW Protocol.

Article 25

Relationship to other conventions dealing with the special protection of wildlife.

Nothing in this Protocol shall be interpreted in a way that may affect the rights and obligations of Parties under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Convention on the Conservation of Migratory Species of Wild Animals (CMS).

During the Ninth Intergovernmental Meeting on the Action Plan for the Caribbean Environment Programme and Sixth Meeting of the Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region that took place in Kingston, Jamaica in February 2000, a special work of legal Assessment of "Compatibility" between these two issues was presented by experts to clean all doubts, establishing the total compatibility between them[44].

The most important issues in the Legal Assessment are:

- Whether or not could Article 25 of the SPAW Protocol be interpreted as a clause foreseeing the expressed primacy of the global treaty CITES, or could it be considered as a declaration of compatibility (according to Article 30, paragraph 2, of the Vienna Convention). In fact, the meaning of Article 25 is that it "reflects the general understanding among the negotiators that they believed that the provisions of SPAW could be interpreted and implemented consistently with CITES". This hypothesis is supported by the fact that Article 30 of the Vienna Convention on the Law of Treaties is devoted exclusively to successive treaties relating to the same subject matter. The SPAW Protocol and the CITES Convention are not two treaties on the same subject. Therefore Article 30 cannot be used to justify a presumed primacy of CITES.

- Whether or not Article XIV of CITES allows a contracting Party to adopt stricter domestic measures. Since this Article refers to the rights of Parties, would a contracting Party to SPAW be expected to develop the stricter domestic legislation required implementing its provisions.

  No. A Party to SPAW or to CITES has the duty to implement the provisions of the agreement to which it is a Party. In both cases the Party would have the possibility to adopt stricter national legislation. This means that if a State Party to CITES and SPAW does not adopt the measures foreseen in SPAW -which are in fact stricter than the ones of CITES- this would constitute a violation of the SPAW Protocol but not a violation of article XIV of CITES. The reason is that the two agreements are different and therefore create distinct legal obligations. All the authors agree with this point of view.

- Small cetaceans are listed on Appendix II of CITES (trade is regulated), but on Annex II of SPAW (trade or possession is prohibited). Article 25 of SPAW has been interpreted by some recent signatory Parties to SPAW to mean that they have an automatic exemption to trade small cetaceans if they choose to, because it is their right under CITES. Is it the case that Article 25 of SPAW provides specific exemptions under the Protocol?

  Article 25 of the SPAW Protocol does not provide for any exemption to CITES obligations because it is a different agreement. The provisions of CITES cannot generate exemptions under the SPAW Protocol -and neither vice versa-, since they are two different legal instruments and therefore create different rights and obligations upon their respective Parties. If a given State is a Party to both agreements it has to comply with its obligations under both legal regimes. The distinct obligations under one of the agreements must be performed regardless of the Party's rights and obligations under the other agreement.

- By performing the obligations under a treaty exactly as they are therein stated, as well as by limiting its behavior and actions in a more stringent way than that allowed by the treaty, a State is complying with its obligations under that treaty. States have in fact the freedom to limit their behavior to a stricter way than that required by an international treaty. Article XIV of CITES explicitly provides for the right of Parties to adopt "stricter domestic measures regarding the conditions for trade, taking, possession or transport of specimens included in Appendices I, II or III, or the complete prohibition thereof". If CITES obligations are less strict than those under the SPAW Protocol, in order to comply with both agreements, a Party to them has to follow the stricter obligations and adopt stricter domestic measures. A Party to both agreements has accepted to be bound by the obligations foreseen in the agreements, but by becoming a Party to the stricter treaty it has implicitly agreed to renounce to actions that would be permissible under the less strict treaty.

- The three papers coincide in affirming that Article 25 of the SPAW Protocol can certainly not be interpreted in this way. Again, it must be underlined that CITES and SPAW are two different agreements and must therefore be independently implemented. What is envisaged in one of these international treaties cannot be used as an exemption in order not to comply with what is provided in the other. The general principle stated in Article 26 of the Vienna Convention is applicable to this case. This principle is Pacta sunt servanda which, as explained in the mentioned article, means that "every treaty in force is binding upon the Parties to it and must be performed by them in good faith". Article 25 of SPAW cannot be interpreted, in good faith, as an exemption clause.

Therefore:

Article 25 of SPAW cannot be interpreted, in good faith, as an exemption clause.

2. Central America Free Trade Agreement (CAFTA)[45]

Signed by Dominican Republic in 2005, CAFTA entered in force in March 2007. It is a free trade agreement treaty under international law, compulsory for its Parties. Mexico is not Part of this Treaty, since it is part of North American Free Trade Agreement (NAFTA). So, it is only compulsory for Dominican Republic, for the effects of this report.

The goal of the agreement is the creation of an area of free trade, similar to the one established by NAFTA -which encompasses US, Mexico and Canada- in Central America.

As all general agreements, in the preamble, Parties recognize their obligation to:

IMPLEMENT this Agreement in a manner consistent with environmental protection and conservation, promote sustainable development, and strengthen their cooperation on environmental matters; **PROTECT**

44 UNEP (DEC)/CAR IG.17/INF.5 Legal Assessment on "Compatibility" issues between the Protocol Concerning Specially Protected Areas and Wildlife (SPAW) to the Cartagena Convention and the Convention on International Trade in Endangered Species (CITES).

45 Resolution 357-/05. September 8, 2005.

and preserve the environment and enhance the means for doing so, including through the conservation of natural resources in their respective territories;

Article 17.2: Enforcement of Environmental Laws

1. (a) A Party shall not fail to effectively enforce its environmental laws, through a sustained or recurring course of action or inaction, in a manner affecting trade between the Parties, after the date of entry into force of this Agreement.

(b) The Parties recognize that each Party retains the right to exercise discretion with respect to investigative, prosecutorial, regulatory, and compliance matters and to make decisions regarding the allocation of resources to enforcement with respect to other environmental matters determined to have higher priorities.

Accordingly, the Parties understand that a Party is in compliance with subparagraph (a) where a course of action or inaction reflects a reasonable exercise of such discretion, or results from a bona fide decision regarding the allocation of resources.

2. The Parties recognize that it is inappropriate to encourage trade or investment weakening or reducing the protections afforded in domestic environmental laws.

Accordingly, each Party shall strive to ensure that it does not waive or otherwise derogate from, or offer to waive or otherwise derogate from, such laws in a manner that weakens or reduces the protections afforded in those laws as an encouragement for trade with another Party, or as an encouragement for the establishment, acquisition, expansion, or retention of an investment in its territory.

3. North American Free Trade Agreement (NAFTA)[46]

Signed on December 8th, 1993, the NAFTA Treaty is one of the most powerful trade treaties of the world. It is compulsory for the three countries. It has an environmental supplement, which is the North American Agreement of Environmental Cooperation.

In Article 3 of this Agreement[47] we find the obligations for levels of protection:

Recognizing the right of each Party to establish its own levels of domestic environmental protection and environmental development policies and priorities, and to adopt or modify accordingly its environmental laws and regulations, each Party shall ensure that its laws and regulations provide for high levels of environmental protection and shall strive to continue to improve those laws and regulations.

III. NATIONAL LAWS

1. Mexico

Mexican laws recognize under the Constitution that natural resources are property of the Nation and their conservation is of common interest[48]. Under the same Constitution the Congress, Chambers of Deputies and Senators have the faculty to legislate on environmental issues[49]. Derived from the Constitution is the General Law of Environment, which is the highest regulation from which every other law derives:

46 See full text at www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/nafta-alena/texte/index.aspx
47 See full text at www.cec.org/pubs_info_resources/law_treat_agree/naaec/naaec03.cfm?varlan=English
48 Constitución Política de los Estados Unidos Mexicanos. Art. 25 and 27.
49 Costitución Política de los Estados Unidos Mexicanos. Art. 73, Fraccion XXIX-G

A. General law of ecological equilibrium and the protection of environment

First Published in 1998[50] has been reformed many times, ever since the first reform in 1996[51]. Among other objectives and principles, it mentions the preservation of biodiversity, and natural habitats of species in Mexican territory, including Mexican seas.

One of the most important criteria is the preservation of endemic and endangered species and the respectful treatment to animal species[52].

B. Wildlife law

Published in July 2000, it is based on the chapter of Biodiversity from the General Law of Environment, and attracts under its protection specially endangered species, both plants and animals.

Derived from this Law is the Norm 059 List of Species at Risk[53]. In this Norm all species of dolphins are under the category of “under special protection” meaning “Those that could become threatened by factors that affect in a negative way their viability, reason why the need to be recovered and conserved, or the conservation of assonated species is determined”[54].

Before the publication of this Law, capture of dolphins was permitted under the Law of Fisheries and was considered as a fishery.

The permits were named “Pesca de Fomento” (furtherance fishing) defined as the fishery that has the purpose of study, research, experimentation, repopulation o conservation of resources, as well as the collect of live species for scientific collections, or those for ornament, display, aquaria and zoos.

This Law classifies all facilities as UMAs (**U**nidades de **M**anejo y **A**provechamiento) or Management and Use Units, which incorporates both conservation and an exploitation figure, without any distinction. Zoos, aquaria, circuses, as well as hunting fields are included in the ”UMA” legal figure.

The Wildlife Law prohibits expressly the cruelty against wild fauna during its exploitation: *“any act of cruelty against wild fauna is strictly prohibited in the terms of this law and the derived norms”. Referring to animals for exhibition, such as dolphin display, it is established that “the exhibition of live specimens of wild fauna will have to take place in a way that avoids or diminishes stress, suffering and pain”*[55].

Nevertheless, the lack of definitions of such terms as “cruelty” or “diminish suffering”, make them terms that can be manipulated depending on who defines them, so the good application of the law is impossible. The captive industry has taken advantage of this, as well as the fact that officials apply laws discretionally.

On the other hand there are good pieces of law, especially on marine mammals and the capture and import for captivity. Captures of marine mammals were prohibited in 2002[56]:

“No specimen of any marine mammal, no matter what specie, could be subject of extractive taking for commercial or subsistence purposes, with the exception of the capture intended for both scientific research and the superior education of credited institutions”[57].

In the same way imports, exports and re-exports of marine mammals were prohibited in a bill adopted in 2006, after a scandal due to the massive import of 28 dolphins from the Solomon Islands in June 2003.

NORMA Oficial Mexicana NOM-059-ECOL-2001, Protección ambiental-Especies nativas de México de flora y fauna silvestres. Categorías de riesgo y especificaciones para su inclusión, exclusión o cambio. Lista de especies en riesgo.
50 DOF. January 28, 1998.
51 DOF. December 13, 1996.
52 Ley General de Equilibrio Ecológico y la Protección al Ambiente. Art. 79, fracción I-VIII.
53 Diario Oficial de la Federación. March 6, 2002.
54 Article 57, fraction C. Ley General de Vida Silvestre.
55 Ley General de Vida Silvestre. Chapter VI; Articles 29-34.
56 Art. 60 Bis. Wildlife Law
57 Diario Oficial de la Federación. January 10, 2002. Decreto por el que se adicionan diversas disposiciones de la Ley General de Vida Silvestre.

"The import, export and re-export of specimens of any specie of marine mammal or primate, as well as its parts and derivatives, is prohibited with the exception of those destined for scientific research, with previous authorization from the Secretary"[58].

C. Criminal code

The Criminal Code clearly establishes any act of damage, capture, traffic or kill of any specie of marine mammal as a crime:

"A penalty of nine years of prison and the equivalent of three hundred to three thousand days of salary, will be ordered to whom illicitly: captures, damages, or deprives of life any specimen of marine mammal or sea turtle, or in any way collects, stores their products or by-products"[59].

It considers the act of introducing exotic species in natural protected areas as an environmental crime.

D. Regulation norm for marine mammals in captivity[60]

Nom 135 was published in 2004, due to public pressure to regulate facilities. It establishes norms for capture, scientific use, transportation, exhibition, handling and the keeping of marine mammals in captivity. The purpose is to avoid mistreatment, provide suitable conditions that safeguard the animals' physical, social and behavioral integrity, as well as foments the conservation and protection of the referred species.

The activity regulated is the Swim with the Dolphins Programs. Yet this activity is still badly regulated, since it permits up to ten people with a single dolphin per session, no matter how long that session is; and only one supervisor for 32 or 40 people. Dolphins can work up to 4 hours per day.

This norm eliminates the regulations on protection areas such as sanctuaries and buffer zones, since these are no longer required! Leaving dolphins totally exposed to human interaction, and with little or no supervision from a trainer.

Buffer and sanctuary zones were first considered by SEMARNAT in 2001[61]. Their first Norm had established three areas limiting interaction for the protection of the animals: the interactive area; the buffer zone (an intermediate area where the public cannot enter), and the sanctuary zone, the biggest area of all, where no interaction, harassment, or training is allowed. In the sanctuary dolphins could swim freely, even during the sessions. Sick animals were also prohibited in SWTD programs.

All of these regulations were eliminated the new norm, now the captive industry had a norm that suited them, not animals. Every company participated in the elaboration of the new norm.

Another aberration in the new Norm is related to traveling shows. These had been forbidden, but with the Norm of 2001 the restriction was abolished. Even though it is well known that the highest suffering and mortality rates are due to this activity. Many animals die due to terrestrial transportation or the bad conditions of the small concrete tanks used for the shows.

This new regulation is really a deregulation, decrementing the health, life and quality of life of captive animals. All of these conditions lead dolphins not only to a premature death, but also a stressful and precarious life as showed in the causes of death declared officially by facilities.

Most of the deaths are clearly correlated with capture, transport, irresponsible handling, and enclosure conditions. All of these factors are at the basis of a continuous, chronic stress dolphins finally yield to.

58 Diario Oficial de la Federación. January 26, 2006. Decreto por el que se reforman y adicionan diversas disposiciones de la Ley General de Vida Silvestre; Art. 55 Bis
59 Código Penal Federal. Art. 420.
60 Diario Oficial de la Federación. August 27, 2004.
Norma Oficial Mexicana. NOM-EM-135-SEMARNAT-2004. Para la regulación de la captura para investigación, transporte, exhibición, manejo y manutención de mamíferos marinos en cautiverio.
61 Diario Oficial de la Federación. June 8, 2001.

2. Dominican Republic

A. General law of the environment and natural resources[62]

The General Law of the environment was published in the year 2000. It recognizes natural resources as **common property of the State; and actions such as the conservation and protection of natural resources are of national interest** (Articles 3 and 4). According to International instruments the Dominican Law adopts the Precautionary Principle, which *"must prevail over any other criteria in public administration. The lack of absolute scientific certainty will not be able to justify the inaction to adopt preventive and effective measures in all activities that impact environment"* (Art. 8).

There is a special disposition in Article 140 that recognizes the status of endangered species is to be respected by all other nations, in consideration to their fishing, capture, harassment, etc.

ART. 140 - *Species of flora and fauna declared endangered or threatened by Dominican Republic or any other State, are forbidden for hunting, fishing, capture, harassment, mistreatment, death, traffic, import, export, trade, manufacture or elaboration of crafts, as well as for exhibition and illegal possession; according the international treaties signed by the Dominican State.*

B. National decrete for the application of the cites convention[63]

This is a national rule to be able to implement the CITES Convention at a local level. It was approved very recently and, in general terms, accomplishes all the requirements of the Convention. We present here a reproduction of the most important pieces and articles referring to dolphin imports. Imports are allowed in Dominican Republic even though captures have been banned, as stated above.

Later we will look into the regulations for marine mammals in confinement.

Art. 18 - *The Administrative Authority can authorize permits or certificates for the import, export, re-export or introduction from the sea of specimens of the species listed in Appendix I, II and III if the following conditions are met:*

(a) *The Scientific Authority has considered that the export will not go in detriment of the involved species.*

(b) *The Administrative Authority will give the permission or certificate if there is certainty that the involved specimen has not been obtained in disobedience of the effective legislation of the States Part of the Convention;*

(c) *The import of a specimen pertaining to one of the species listed in Appendix II or III, will be authorized solely if the Administrative Authority has evidence on the previous expedition of an export permit, a certificate of re-export, or a certificate of origin from the Administrative Authority of the exporting State, in accordance with what is requested in the CITES Convention.*

(d) *The specimens of a specie of animal listed in Appendix I or II that have been reproduced in captivity can not be commercialized unless registered by the Administrative Authority, and each new animal has been individually and permanently marked in a way that their alteration or modification by a unauthorized person is difficult or impossible. The conditions for the registry are determined by the Administrative Authority.*

C. Presidential decree of a sancturay for humbback whales in Banco de la Plata[64]

This is a very important decree since it not only protects Humpback whales, but all marine mammal species; prohibiting their kill, capture, or damage, as

62 Ley General de Medio Ambiente y Recursos Naturales. Ley 64-00. Santo Domingo, Dominican Republic, August 18, 2000.
63 Decreto Nacional de Aplicación de la Convención CITES No 1288-04. October 1st, 2004.
64 Decreto No 319-86. October 4, 1986.

well as the impact on their habitats with explosives, fisheries, or pollution:

Art. 3 - *Within the area of the Sanctuary the following are prohibited: slaughter, capture or injury of any marine mammal, the use of explosives or electrical polluting depots.*

Art. 4 - *The dredged perforation and any form of alteration of the bottom of the sea, or construction of any structure to aid navigation is prohibited without the corresponding permission of the Governing Commission.*

D. Presidential decree of the Sanctuary for Marine Mammals in Dominican Republic (SMM)[65]

It enlarged the Sanctuary for Marine Mammals to Banco de La Navidad and part of Samana Litoral, with the objective of protecting all species of marine mammals from harm in more than 25,000 km^2 in the Atlantic[66].

E. Crimes against the environment

Art. 175 - of the Environmental Law defines as a crime the act of hurting any marine mammal, since they are a protected species:

Ordinal 3 “Who hunts, illegally captures or causes the death of species declared in extinction, protected or endangered”.

Ordinal 4 “Who uses explosives, poison, traps or other instruments or arts that damages or causes suffering to aquatic species of terrestrial fauna or others that are endemic, native, resident or migratory ones”[67].

F. Law of fishery and acuaculture[68]

Art. No. 46 of this law protects all marine resources from illegal exploitation and use. According to the Environmental Law, any specie declared under protection by the Country or any International Treaty signed by Dominican Republic is considered as so:

“The exploitation of those protected marine resources is prohibited, whether protected by Dominican Law or International treaties signed by Dominican Republic. Marine mammals as well as marine and river turtles are included in this part”.

G. Rules on handling, management and exhibition of marine mammal species in Dominican Republic[69]

The main objective of these rules is to get an effective control of facilities and a better efficiency in handling, management and the exhibition of marine mammals in confinement. It regulates only 3 species of dolphins: *Tursiops trucatus, Delphinus delphis* and *Stenella sp*.

The most important content of this regulation is the establishment of measures for many aspects of facilities that hold dolphins, such as confinement sizes, quality of water and salinity concentrations; feeding, quality of nutrients according to age, weight and physical conditions of the animals. It also requires a clinical check up every moth, and a full check up every six months by a veterinarian. It orders a removal of organic wastes at least once a day; and establishes the obligation of notifying any death or dolphin escape to authorities[70]. The rules allow 6 activities with dolphins: swim with the dolphins, exhibition and entertainment, environmental education, research, conservation, and breeding[71].

But the only regulated activity is the so called exhibition, and even so, is mistaken, because it really refers to interaction with humans and not performance, as seen bellow:

Chapter VII Exhibition

Article 22 - *The time of interaction of each specimen with the public will not exceed three (3) hours per day. The specimens that participate in these sessions will have a period of twelve (12) continuous hours without interaction with the public.*

Paragraph - *Previous to each session of interaction, the public will receive instructions for their behavior and security.*

This confusing mistake leaves behind all other activities with only performance and environmental education supposedly remaining. Yet, the text shows that the main activity and interest of facilities is the profit obtained through SWTD programs.

It should also be mentioned that it is very ambiguous to just give the public instructions for their safety and correct behavior. It means nothing if these rules are not provided with detailed descriptions and definitions of what is right and what is wrong. There are too many risks in a wrong behavior, and essential issues such as the number of people allowed in each interaction should be dealt with. I think that supervision is also an important element to avoid accidents during the interaction.

A national inventory of marine mammals in confinement is established, but not available to the public yet, at least on the website of the Ministry of Environment[72].

Transport is well regulated by Annex I and II and reinforces the requirements of CITES for international transportation. Nevertheless it is full of ambiguous terms such as adequate size of containers or appropriate ventilation. Without specification these terms are again susceptible to subjective interpretation.

According to the Environmental Law these rules prohibit the captures of marine mammals in national waters. In this case there are no exceptions, which are a very good measure, considering that the captive industry tends to capture under the excuse of scientific purposes.

Art. 24 *establishes that the capture of Marine Mammals in national waters of Dominican Republic is prohibited, in accordance with Law 64-00*.

It also forbids physical abuse as a method of training, but without defining the term *physical abuse* this prohibition is not operative for inspection or legal actions.

Two clear prohibitions are that no calve under a year of age or females during the last three months of gestation period can be used in interaction activities. Another prohibition is that of drug use on dolphins to ease human interaction[73].

Dolphin imports are permitted under CITES conditions and according to the national decree for the application of CITES. Article 27 intends to be stricter regarding the measures to import, prohibiting the importation of dolphins that might have used a technique implying cruelty, or harassment.

Art. 27 *establishes that the import of marine mammals is prohibited when the animals have been captured using methods that imply cruelty, mistreatment, harassment or suffering[74].*

65 Decreto No. 233-96 del 3 de julio,1996 Artículo 22.
66 Boneli Idelisa.El Santuario de mamíferos marinos de la Republica Dominicana. Garantia de Conservacion para las Ballenas Jorobadas. UNEP(DEC)/CAR WG.27/REF.10. Bridgetown, Barbados, July 18, 2005.
67 Ley 64-00. Art. 175.
68 Ley Sectorial de Pesca y Acuicultura No. 307 del 200.
69 Resolution No. 01/2008 que aprueba el Reglamento sobre la tenecia, manejo y exhibición de especies de mamíferos marinos en la Republica Dominicana. January 22nd, 2008.
70 Reglamento sobre la tenecia, manejo y exhibición de especies de mamíferos marinos en la Republica Dominicana. Arts 12-18. Salinity must be between 18-36 ppm. Temperature of water. January 22nd 2008.
71 Op cit, art 19.

72 The only official data is the one provided by environmental authorities during our visit to the country. We asked for this information under the Law of Information and Transparency. Information was sent via email on March 17, 2007.
73 Op cit. Art. 26 and 28.
74 Alaniz Yolanda, Rojas Laura. DELFINARIOS. AGT Editor, Mexico 2007 (p.47-52).

CHAPTER 4:
CONCLUSIONS AND RECOMMENDATIONS

General activities and features of facilities

Mexico started activities in the early seventies, while Dominican Republic began in 1995. Mexico currently has 260 dolphins in 21 facilities while Dominican Republic exhibits 19 dolphins in 3 facilities. 80% of dolphins in Mexico belong to just 4 companies, while in Dominican Republic the strongest company seems to be Ocean World with 66% of the total captive dolphins.

A common feature is that the oldest facilities are concrete tanks, while the newest ones are built in marine enclosures.

Activities in both countries are very similar. There are standard shows, but SWTD programs remain as the top and most profitable activity.

The facilities tend to be built in or near touristy areas and constitute one of the most popular amenities for the public, who normally have no knowledge of the conditions and the quality of life of the animals behind the stage.

Both Mexico and Dominican Republic have the same type of facilities, with the only exception of Dolphin Island, which is located a little farther from the coast and therefore has better currents.

Regarding the quality of enclosures, all facilities described have geometrical shapes, with square sea pens and pools as the predominant shape. This kind of enclosure is demonstrated to cause boredom and stress. Marine enclosures are supposed to be better than concrete tanks, since natural water and currents are available and natural sounds can be heard by dolphins[75].

In none of the 24 facilities studied were there toys, challenges, and refuge or sanctuary areas to prevent dolphins from becoming bored or even aggressive to one another during “free time”, except for the training received between interacting sessions.

During the day it is possible to find three different phases for dolphins: a phase of implosion and invasion in which lots of people and trainers arrive and jump into the water to interact. This is accompanied with physical invasion and forced interaction, screams, whistles, music (sometimes), and food. The second phase is an abandon phase in which dolphins are left alone without sanctuary pens or pools to hide from the public or the noise, having nothing to do.

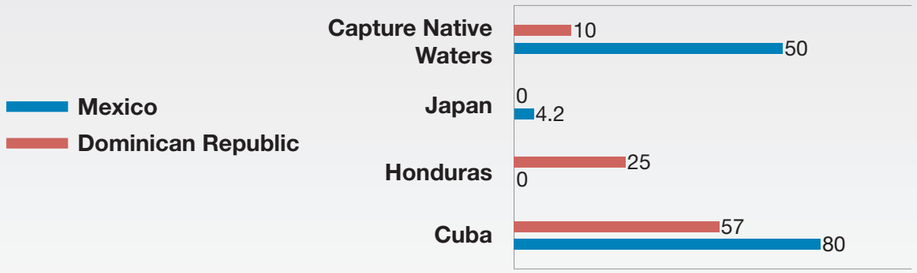
The last phase is of total abandonment without music, noise or any person until the next day when the facility opens.

One important difference is that the Dolphin Assisted Therapy has not been established in Dominican Republic yet. This must be reinforced by law to avoid DAT from spreading in Dominican Republic.

Nevertheless there is no law now to establish such a prohibition. In these conditions it is only a matter of time to see DAT in Dominican Republic. Big efforts must be made to prevent the development of this activity in the country.

75 Couquiad, Laurence, 2005. A survey of environments of cetacean in human care. Aquatic Mammals (2005) 31 (3).

Graphic 10
Percentage of dolphins imported for Mexico and Dominican Republic, per country of origin 2009 (as reported)[76].



Sources: Dirección de Biodiversidad y Vida Silvestre. Informe sobre delfines. Secretaria de Estado de Medio Ambiente y Recursos Naturales. Data obtained trough the Office of Access of information and the Law of Transparency. March 19, 2009
Official answers under the Transparency Law; numbers: 1600010703, 1600297205, 00016000298005, and 0001600016206. Semarnat to COMARINO. (Alaniz & Rojas, Op cit)

Imports

Both Mexico and Dominican Republic began activities with captures in national waters, but both supplied requirements with imports mostly from Cuba. This fact means Cuba has been capturing dolphins massively since the early 90's, with an unknown impact on wild populations to supply the captive industry in both countries

All in all, Cuba is the main dolphin provider for both countries. It is very important to mention that Cuba signed and ratified the CITES Convention in 1990, and the SPAW Protocol in 1998.

As we have noted, CITES requires exports of specimens from Annex II, such as dolphins, to have a Non Detrimental Finding by the scientific authority of the country (Article IV, 2, a). It is very unlikely that this NDF has been strictly done for all the dolphins exported from Cuba. Even more worrying is the fact that Cuba is clearly violating the SPAW Protocol since it forbids the trade of listed animals, such as dolphins.

This does not exclude the other countries from buying and trading dolphins illegally. That is the case of Dominican Republic, who is signatory of both CITES and the SPAW Protocol. Article 25 of the Protocol cannot be used to express the primacy of CITES over the Protocol. It has been set clearly that it cannot be seen as a clause of exception. Even more, national law of Dominican Republic expresses in its General Law of Environment, that *"according to International Treaties signed by Dominican State it is forbidden to hunt, fish, capture, harass, mistreat, kill, traffic, import, export, trade, manufacture or elaborate crafts, as well as exhibit and illegally possess endangered species"*[77].

Therefore, captures taken from Mexico and Cuba, among others have raised the attention of scientists:[78]

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 natural populations.

Live-capture activities involving bottlenose dolphins (both Tursiops truncatus and T. aduncus), Irrawaddy dolphins, and Indo-Pacific hump-backed dolphins have taken place in various countries during recent years (e.g., Cuba, Bahamas, Mexico, Guinea-Bissau, Cambodia, and Myanmar), without adequate assessment of wild populations and with little or no public disclosure of the numbers taken.

As a general principle, dolphins should not be captured or removed from a wild population unless that specific population has been assessed and it has been determined that a certain amount of culling can be allowed without reducing the population's long-term viability or compromising its role in the ecosystem. Such an assessment, including delineation of stock boundaries, abundance, reproductive potential, mortality, and status (trend) cannot be achieved quickly or inexpensively, and the results should be reviewed by an independent group of scientists before any captures are made. Responsible operators (at both the capturing end and the receiving end) must show a willingness to invest substantial resources in assuring that proposed removals are ecologically sustainable.

Regarding imports from Honduras to Dominican Republic, it is also likely that captures and trade from Honduras is taking place without the NDF from scientific authorities. The administrative authorities of Dominican Republic are obliged to give an import permit only when it is granted that the species involved are not impacted and a NDF is required, according to the National Decree for the application of the CITES Convention[79].

In the same way, Mexico could be violating Article XIV of CITES by giving permits to import dolphins from Cuba without an NDF. Not only the Constitution makes International Treaties compulsory, but also the General Wildlife Law expressly obliges to follow the CITES Convention in any international trade of specimens of species under Appendix I,II, and III[80].

Though the Solomon Islands were not members of CITES at the time of capture and trade to Mexico, Mexico was and should have prevented the massive import of 28 dolphins that clearly were taken from the wild making an important impact on populations.

The same goes for imports from Japan in which animals are captured during "drive fisheries", in which whole populations are exterminated in brutal ways. Mexico should have been more cautious with the dolphin imports carried out during a period of at least ten years before the import ban. A detailed research on permits and NDF would reveal all imports were illegal.

On the other hand Mexico should ratify the SPAW Protocol and fulfill international compromises.

76 Dirección de Biodiversidad y Vida Silvestre. Informe sobre delfines. Secretaria de Estado de Medio Ambiente y Recursos Naturales. Data obtained trough the Office of access to information and the Law of Transparency. March 19, 2009.
Official answers under Transparency Law numbers: 1600010703, 1600297205, 00016000298005, and 0001600016206. Semarnat to COMARINO. (Alaniz & Rojas, Op cit).

77 Ley General de Medio Ambiente y Recursos Naturales. Ley 64-00, Article 140. Dominican Republic, August 18, 2000.
78 Reeves, R.R. Smith. B.D., E.A. and Norbartolo di Sciara, G. (2003).Dolphins, Whales and Porpoises, 2002-2010. Conservation Action for the World Cetaceans. IUCN/SSC Cetacean Specialist Group, IUCN, Switzerland and UK (p.139).
79 Decreto Nacional de Aplicacion de la Convecion CITES No 1288-04. October 1st, 2004.
80 Ley General de Vida Silvestre. Art. 55. 2000.

Domestic Laws

Mexico has banned captures and imports recently, but there is not a good control of the husbandry of captive dolphins. The regulation[81] for captive handling was weakened when the industry started participating massively. Many important measures were deleted such as sanctuary and buffer zones, or the strict regulation of person per dolphin in interactive SWTD.

Dolphin Assisted Therapy (DAT) is occurring in a clearly illegal way with no one to stop it. Health authorities have declared it is not considered a health therapy, whilst environmental offices give the DAT permits. This contradiction should be resolved by a decree from the Health Ministry to prohibit Dolphins Assisted Therapy, due to the myths involved and the risks of damage and zoonosis for participants. The Environmental Ministry should stop invading competencies by avoiding getting involved in health issues.

The regulation on captive dolphins should be revised and important issues such as the prohibition of traveling shows with marine mammals must be recognized again by General Wild Life Law.

Areas of refuge, sanctuaries, and buffer zones should be implemented both in Mexico and Dominican Republic.

The regulation of SWTD programs must be reinforced with a serious review of how many people can be with dolphins per session, and how many sessions can a dolphin work.

Measures to avoid boring and stereotypical behaviors should be implemented in all facilities, such as environmental enrichment, change of the square and geometric shapes for pens, soil, toys, and challenges similar to those in the wild. There should at least be one enclosure big enough so dolphins can swim long and fast.

All of these programs are regular now in zoos, and yet lacking in dolphinaria. Companies make much more profit than zoos, so this kind of programs should be compulsory by law, both in Mexico and Dominican Republic.

In the same way and according to the knowledge emerging from science, concrete tanks are the worst facilities for dolphins. These facilities should be closed and sea pens should be larger and have effective contingency measures.

Both in Mexico and Dominican Republic, loss and death of dolphins due to hurricanes and bad handling has been registered. Environmental authorities should establish legal contingency measures for caretakers to undertake as a matter of responsibility for the animals.

81 Diario Oficial de la Federación, August 27, 2004. Norma Oficial Mexicana. NOM-EM-135-SEMARNAT-2004. Para la regulación de la captura para investigación, transporte, exhibición, manejo y manutención de mamíferos marinos en cautiverio.

References

Acasuso Signoret, Francisco (1981). Reporte de los Hallazgos Patológicos en diez delfines (Tursiops truncatus). Tesis para obtener el Título de Medico Veterinario Zootecnista. Fac. de Veterinaria. UNAM, Mexico.

Alaniz Yolanda, Rojas Laura (2007). DELFINARIOS. Mexico: AGT Editor-Comarino.

Codigo Penal Federal. Art. 420

Constitución Política de los Estados Unidos Mexicanos.

Couquiad, Laurence (2005). A survey of environments of cetacean in human care. Aquatic Mammals.

Decreto Nacional de Aplicación de la Convencion CITES No 1288-04. October 1st, 2004.

Diario Oficial de la Federación (DOF).

Diario Oficial de la Federación, August 27, 2004.

Dirección de Biodiversidad y Vida Silvestre. Informe sobre delfines. Secretaria de Estado de Medio Ambiente y Recursos Naturales. Data obtained trough the Office of Access of information and the Law of Transparency (March 19, 2009).

Frohoff, T.G. (2000). Behavioral Indicators of stress in odontocetes during interactions with humans - A preliminary review and discussion. International Whaling Commission Scientific Committee SC/52/WW2.

FUNDEMAR (2008). Los Delfines En Cautiverio En República Dominicana. Informe borrador.

Ley General de Eqiilibrio Ecologico y la Proteccion al Ambiente.

Ley General de Medio Ambiente y Recursos Naturales. Ley 64-00. Santo Domingo, Dominican Republic. August 18, 2000

Ley General de Vida Silvestre.

Marino, Lori and Lilienfield, S. (1998). Dolphin Assisted Therapy: flawed data, flawed conclusions.
Anthrozoos, 11 (4), 194-2000.

NORMA Oficial Mexicana NOM-059-ECOL-2001, Protección ambiental-Especies nativas de México de flora y fauna silvestres-Categorías de riesgo y especificaciones para su inclusión, exclusión o cambio-Lista de especies en riesgo.

Norma Oficial Mexicana. NOM-EM-135-SEMARNAT-2004. Para la regulación de la captura para investigación, transporte, exhibición, manejo y manutención de mamíferos marinos en cautiverio.

Reeves, R.R. Smith. B.D., E.A. and Norbartolo di Sciara, G. (2003). Dolphins, Whales and Porpoises, 2002-2010. Conservation Action for the World Cetaceans. IUCN/SSC Cetacean Specialist Group, IUCN, Switzerland and UK (p.139).
Reglamento sobre la tenecia, manejo y exhibicion de especies de mamiferos marinos en la Republica Dominicana. January 22nd, 2008.

Rose, Naomi, Farinato (2009). The Case Against Marine Mammals in Captivity.

SISI. SEMARNAT. Folio 137608. January 2009.

UNEP (DEC)/CAR IG.17/INF.5 Legal Assessment of “Compatibility” issues between the Protocol Concerning Specially Protected Areas and Wildlife (SPAW) to the Cartagena Convention and the Convention on International Trade in Endangered Species (CITES).

Internet References

<http://www.oceanworldadventurepark.com/>

< www.biodiv.org>

<http://www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm>

<www.cites.org >

<ftp://ftp.fao.org/docrep/fao/005/v9878e/v9878e00.pdf>

<http://www.cep.unep.org/welcome/cartagena-convention>

<http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/nafta-alena/texte/index.aspx>

<http://www.cec.org/pubs_info_resources/law_treat_agree/naaec/naaec03.cfm?varlan=English>

Annex I

Inventory of captive dolphins
Mexico, updated October 2008.

Number	Facility	Species	Sex	Origin	Name
1	**Aragon, DF**	*Tursiops truncatus*	M	Mexico	Holbox
2					Duncan
3	**Atlantis, DF**	*Tursiops truncates*	F	Mexico	Beta
4					Cometa
5					Tamy
6	**Aventuras Discovery**	*Tursiops truncatus*	M	Cuba	Tritón
7					Poseidón
8					Apolo
9					Simbad
10			F		Azteca
11					Aurora
12	**Cabo Dolphin**	*Tursiops truncatus*	M	Mexico	Risho
13				Japan	Monet
14			F		Ende
15					Merian
16			M		Renoir
17					Tolouse
18					Dali
19			F		Frida
20				Mexico	Jenny
21			M		Baxal
22					Richi
23			F		Isis
24	**Centro de Interacción Marina San Carlos / Guaymas**	*Tursiops truncatus gillii*	F	Mexico	Chirris
25		*Tursiops truncatus*			Ketsi
26					L. Flyca
27			M		Nicolas
28			F		Olin
29			M		Mauricio
30					Hijo de Osiris
31			F		Osiris
32	**CONVIMAR**	*Tursiops truncatus*	F	Mexico	Mich
33					Ximena
34					Juna
35					Atzin
36					Hera
37					Kanti
38					Zayrus
39	**Convivencia en Xel-Há**	*Tursiops truncatus*	M	Cuba	Itzman
40				Mexico	Kanab
41					Dzul
42			F		Sas
43			M		Ko’
44					Pa’al
45				Cuba	Pocholo
46					Pantaleon
47					Kinish
48				Mexico	Wa’ay
49					Boox
50					Nuk’ta
51				Cuba	Olofi
52					Owen
53	**Delfines Interactivos**	*Tursiops truncatus*	F	Cuba	Xena
54					Odette
55				Mexico	Pulha
56				Cuba	Awilix
57			M		Pach / Pax
58			F	Mexico	Lol-ha
59					Kimba
60			M		Balam
61	**Delfiniti, Ixtapa Zihuatanejo**	Tursiops truncatus	M	Mexico	Sin dato
62			F	Cuba	Nena
63			M		Chico
64			F		Habana
65			M		Viento
66				Mexico	Chocho
67					Chame
68			F		Kaly
69					Brisa
70					Lluvia
71			M		Sin dato
72			F		Sin dato
73			M		Due

74	**Dolphin Adventures 2, Nuevo Vallarta**	*Tursiops truncatus gillii*	F	Mexico	Tinda
75					Nuna
76					Aclina
77					Yagalla
78					Karina
79					Yashui
80					Shani
81					Nuba
82			M		Gandalf
83			F		Lluvia
84			M		Alii
85					Tlatoani
86		*Tursiops truncatus*			Nemo
87		*Tursiops truncatus gillii*	F		Kaitza
88					Mila
89					Ukalaii
90		*Tursiops truncatus*			Dali
91		*Tursiops truncatus gillii*	M		Nachito
92			F		Aqua
93		*Tursiops truncatus*			Tonali
94	**Dolphin Discovery, COZUMEL**	*Tursiops truncatus*	F	Cuba	Amaya
95					Athenea
96					Shadia
97					Regina
98					Eva
99			M		Titán
100				Mexico	Itzamna / Kawak
101				Cuba	Pegasso
102				Mexico	Ak'ab / Chaac
103			F	Cuba	Scarlett
104				Mexico	Ixchel / Nusca'a
105			M	Cuba	Marte
106			F	Mexico	Hija de Amaya
107					Marina
108			M		S / d
109			F		Vale
110			M		Tatich
111					Louis
112					Romulo
113				Cuba	Estefan
114					Zeus
115			¿?	Mexico	Hijo / Regina
116			F		Musa
117				Cuba	Malinche
118			M		Calypso
119					Picasso
120			F		Fátima
121					Raquel
122					Odisea
123					Venus
124			M	Mexico	Lewis
125				Cuba	Neptuno
126					Júpiter
127					Shelley
128			F	Mexico	Frida
129					Audrey
130			M		Sin dato
131					Jogo
132					Davinci
133			F	Cuba	Foxie
134					Ninfa
135					Ariel
136					Belle
137					Dori
138					Nala
139	**Dolphin Discovery, Puerto Aventuras**	*Tursiops truncatus*	F	Mexico	Madona
140				Cuba	Olympia
141					Daniela
142					Lissy
143			M		Simba
144				Mexico	Remo
145					Capi

146			F		Maggie
147				Cuba	Hera
148					Estrella
149					Lulú
150					Hellen
151			M		Icaro
152			F	Mexico	Izamal
153			M		Kich
154			F	Cuba	Gioconda
155			M		Atlas
156			F		Alexia
157					Xtabay
158					América
159					Diana
160					Cielo
161					Nenis
162				Mexico	Krista
163					Sin dato
164					Sin dato
165					Sin dato
166			M		Ángel
167				Cuba	Hércules
168				Mexico	Luke
169					Sin dato
170			¿?		Hijo / Madona
171	**Dolphinaris Cancun**	*Tursiops aduncus*	M	Australia	Tsunami
172					Azul
173				Mexico(nac.)	Pablo
174				Australia	Tulagi
175			F		Solei
176			M		Alex
177					Eco
178			F		Honiara
179			M		Kili-Kili
180				Mexico	Solomon
181			F		Cozumel
182					Asia
183				Australia	Oceania
184			M		Squalo
185					Plata
186					Mercurio
187			F		España
188			M		Sidney
189			F		Fiji
190			M		Mincho
191				Mexico	Flex
192					Diego
193				Australia	Satu
194		*Tursiops truncatus*			Athena
195					Nike
196					Simo
197		*Tursiops truncates*			Aphrodite
198	**Dolphinaris COZUMEL**	*Tursiops truncatus*	F	Mexico	Atlantis
199					Nautica
200					Electra
201					Marina
202					Olympia
203					Atlas
204					Troya
205			¿?		Esparta
206			M	Cuba	Ajitzi
207		*Tursiops truncatus gillii*	F	México	Ashin
208			M		Amizcle
209		*Tursiops truncatus*			Lynco
210	**Ferias III**	*Tursiops truncatus*	M	Mexico	Vairon
211			F		Coca
212			M		Zeus
213	**Operadora Nacional de Parques Recreativos**	*Tursiops truncatus*	M	Mexico	Vayú
214					Chuy
215					Yum-Ka
216			F		Mayte

217	Parque XCARET	*Tursiops truncatus*	F	Mexico	Kelem
218			M	Cuba	Polifemo / Hunab ku
219			F		Ch'en
220		*Tursiops truncates*			Quiché
221			F	Mexico	Xtabay
222			M		Kisin
223					Kaák
224			F	Cuba	Baili
225					Nicte-Há
226					Cab
227				Mexico	Palú
228					Maya
229					Kin
230					Fanny
231					Melissa
232					Tapish
233					Ik
234					Abril
235			M		Huinic
236			F		Xunáh
237			M		Alux
238			F		Chiquilá
239					Ixchel
240					Kinam
241					Ka'an
242			M		Wayak
243			F		Ixnuk
244			M		Ich
245			F		Tos'ha
246					Halkab
247					Kux
248					Ikal
249					Xi'ik
250			M	Cuba	Paco / Halach
251			F	Mexico	Kanek
252					Kóokay
253	Reino Marino	*Tursiops truncatus gillii*	F	Mexico	Hannah
254			M		Tango
255	Via Delphi Dream	*Tursiops truncatus*	F	Mexico	Polé
256					Xel-Ha
257			M		Síij
258			F		Xcaret
259					Kichpam
260					Sáasil

Source: www.sisi.gob.mx. Folio 137608. October, 2008.

Annex II

Imports of Dolphins by country and year of export,
specie, and number of dolphins imported, Mexico 1995-2006.

Year	Country	Species	Number
1995	Cuba	*Tursiops truncatus*	2
		Stenella attenuata	6
1996		*Tursiops truncatus*	4
1997			13
1998			13
	Russia	*Delphinapterus leucas*	2
1999	Cuba	*Tursiops truncatus*	10
2000			14
	Japan	*Tursiops trucatus gillii*	4
2001	Cuba	*Tursiops truncatus*	10
2002			14
2003			10
	I. Solomon	*Tursiops aduncus*	28
2004	Cuba	*Tursiops truncatus*	26
2005			22
	Japan	*Tursiops truncatus gillii*	7
2006	Cuba	*Tursiops truncatus*	4
Total			**187**

Source: Alaniz Yolanda, Rojas, Laura. DELFINARIOS. AGT Editor, 2007. México.
Sources: Official answers from request of information; numbers 1600010703, 4 of July of l 2003, Folios 0001600297205, 25th january , 2006; 00016000298005, 26th january , 2006, and 0001600016206.

Annex III

Inventory of Dolphins in Dominican Republic 2009 (Official Data).

Number	Facility	Species	Sex	Origin	Name
1	**Dolphin Islands**	*Tursiops truncatus*	M	Cuba	Javier
2					Toni
3			F		Sasha
4					Mary
5			M		Juancho
6			F		Vicky
7				Dominican Republic	Martha
8	**Manatí Park Bavaro**	*Tursiops truncatus*	M	Cuba	Cain
9			F		Liset
10			¿?	Dominican Republic	¿?
11	**Ocean World Cofresí**	*Tursiops truncatus*	M	Honduras	Bucito
12					Chico
13			F		Chiquita
14			M		Dexter
15			F		Narisa
16					Serena
17				Cuba	Boomer
18			M		Ciceron
19			F		Snowy
20			M		Niagara
21			F		Sharky
22				¿?	Lily
23					Sony
24					Sondy
25			M		Sinka
26			F		Simbo

Annex IV

Inventory of Dolphins at Ocean World 2008.

Name	Species	Sex	Origin
Princess Mother of Abaco, Salvador, and Shawn	*Tursiops truncates*	Female Born in 1967	Capture Imported from Sea Floor aquarium Nassau
Auntie V Mother of Miss Merlin		Female Born 1976	Capture Abaco, Nassau
Stormy		Male Born in 1976	Captured in Abaco, 1993
Chipy Mother of Andy, Nina and Gussy may		Female Born in 1976	Captured in Abaco, 1989
Miss Merlin		Female October 23, 1998	Captive born
Abaco		Female August 21, 2000	
Shawn		Male Sep 26, 1996	
Andy		Male November 2, 1994	
Nina Mother of Cacique		Female March 1992	
Dot Mother of Socca, Goombay and Laguna		Female	Captured in Abaco, 1989
Socca		Female October 8, 1999	Captive born
Goombay		Male January 10, 2003	
Salvador		Male May 8, 2004	
Gussie Mae		Female February 9, 2006	
Cacique		Male September 18, 2006	
Laguna		Female October 17, 2006	

Source: www.dolphinencounters.com/family-dolphintree.php

World Society for the Protection of Animals (WSPA)
Regional Office for Mexico, Central America and the Caribbean
T. +(506) 2562-1200
F. +(506) 2562-1225
P.O. Box 516-3000, Heredia, Costa Rica
www.wspa-latinoamerica.org | info@wspala.org

WSPA