

## Declaration of the Rights for Whales

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One of the most significant areas in which scientific discoveries are revealing unethical treatment of nonhumans is the study of cetaceans. Modern marine science has shown that whales and dolphins have sophisticated cognitive and affective abilities, possess self-awareness, manage complex social relationships and can even use tools. The ethical implication of such findings is that cetaceans should be regarded as nonhuman persons, not as economic resources. Accordingly, in May of 2010, a select group of scholars and scientists met at the Helsinki Collegium for Advanced Studies at the University of Helsinki to consider the question of whether the scientific findings about cetaceans were sufficient for the attribution of basic moral and legal rights. The experts included: Chris Butler-Stroud, Paola Cavalieri, Sudhir Chopra, Nicholas Entrup, Matti Häyry, Lori Marino, Thomas White and Hal Whitehead. The findings of the conference resulted in the following “Declaration of Rights for Cetaceans: Whales and Dolphins”:

1. Every individual cetacean has the right to life.
2. No cetacean should be held in captivity or servitude; be subject to cruel treatment; or be removed from their natural environment.
3. All cetaceans have the right to freedom of movement and residence within their natural environment.
4. No cetacean is the property of any State, corporation, human group or individual.
5. Cetaceans have the right to the protection of their natural environment.
6. Cetaceans have the right not to be subject to the disruption of their cultures.
7. The rights, freedoms and norms set forth in this Declaration should be protected under international and domestic law.
8. Cetaceans are entitled to an international order in which these rights, freedoms and norms can be fully realized.
9. No State, corporation, human group or individual should engage in any activity that undermines these rights, freedoms and norms.
10. Nothing in this Declaration shall prevent a State from enacting stricter provisions for the protection of cetacean rights.

From philosophical and ethical perspectives, the most significant feature of the Declaration is the claim that cetaceans have moral standing as individuals. This means that the death or injury of a cetacean is the moral equivalent of the death or injury of a human. This immediately suggests that

most human dealings with cetaceans are ethically indefensible: the captivity of cetaceans in oceanaria and other entertainment facilities; the deliberate killing of cetaceans, whether for economic or cultural reasons; and the deaths of approximately 300,000 cetaceans as the result of bycatch. From a legal perspective, Sudhir Chopra argues that the main issues are the scope and validity of various provisions of the original treaty that established the International Whaling Commission and the legal arguments advanced by the small group states that want to end the moratorium on commercial whaling. The range of questionable behaviors towards cetaceans mean that it will take a variety of solutions to ensure global protection of cetaceans: cases before the International Court of Justice; negotiation of a new global treaty regarding the treatment of cetaceans; political and economic pressure against states who continue to harm cetaceans; political pressure by citizens against elected officials who refuse to act to protect cetaceans; legislation that outlaws harming whales and dolphins or keeping cetaceans captive; a greater commitment by the corporations involved to operate in a more ethical fashion; and the like.

For speaker biographies and presentation abstracts, see:  
[www.cetaceanconservation.com.au/cetaceanrights](http://www.cetaceanconservation.com.au/cetaceanrights).

## BIBLIOGRAPHY

Paola Cavalieri, *The Animal Question: Why Nonhuman Animals Deserve Human Rights* (Oxford: Oxford University Press, 2004).

Anthony D'Amato and Sudhir K. Chopra, "Whales: Their Emerging Right to Life," *American Journal of International Law*, 85 (1991) 21-62.

Lori Marino, Scott O. Lilienfeld, Randy Malamud, Nathan Nobis and Ron Broglio, "Do Zoos and Aquariums Promote Attitude Change in Visitors? A Critical Evaluation of the American Zoo and Aquarium Study," *Society and Animals*, 18 (2010) 126-138.

Diana Reiss and Lori Marino, "Mirror Self-recognition in the Bottlenose Dolphin: A Case of Cognitive Convergence," *Proceedings of the National Academy of Science*, 98 (10) (May 8, 2001): 5937-5942.

Thomas I. White, *In Defense of Dolphins: The New Moral Frontier* (Oxford: Blackwell, 2007).

Hal Whitehead, Luke Rendell, Richard W. Osborne and Bernd Würsig, "Culture and Conservation of Non-humans with Reference to Whales and Dolphins: Review and New Directions," *Biological Conservation*, 120 (2004) 427-437.