

Aquatic Animal Welfare Factsheet

Background

Aquatic animals are defined as any animal who primarily lives in a body of water - including oceans, seas, rivers, lakes, and ponds. Aquatic animals include amphibians, crustaceans, finfish, marine mammals, mollusks, cephalopods, reptiles, echinoderms, cnidarian, porifera, birds, and aquatic insects.

There are thousands of aquatic animal species, far more than terrestrial animals though people know very little about them, and grant them few legal protections. They are mostly seen as useful resources, while the interactions between people and aquatic animals are more extensive than is understood.

Even though billions of aquatic animals are subject to injury, abuse, and death every year, there is hardly any legislation that protects them or regulates the interactions between people and aquatic animals.

Why Do Aquatic Animals Matter?

Protecting, conserving, and refraining from consuming aquatic animals is in the best interest for aquatic animals, people (human animals), and the environment. Aquatic animals feel pain and possess complex cognitive functions. They suffer when they are used and abused. They feel loss when separated from families or communities. They transmit their culture to their young and protect one another and even work cooperatively across species. They possess long-term memory and can create cognitive maps. When their natural abilities or behaviors are constrained, they suffer. They have intrinsic value that is often overlooked when viewing them as a resource for use and exploitation. The UK Animal Welfare (Sentience) Bill is legislation proposed by the Government of the United Kingdom, that among other things will recognize animal sentience and will include fishes, cephalopod molluscs, and decapod crustaceans in recognition of their sentience and ability to feel pain.

Each species of aquatic animal also holds an important place in their ecosystems. As species' populations drastically decline, their ecosystems suffer and become unhealthy causing widespread harm. For instance, as predator species decline, smaller prey fish populations grow and cause problematic decreases in coral life and overproduction of some algae habitats. Algae overgrowth creates dead zones which eliminate oxygen killing plants and animals who would otherwise live there.

Aquatic Animal Exploitation

People often do not think about the extensive interactions they have with aquatic animals in their daily lives. However, the connections are vast:

- Keeping aquatic animals as companions;
- Consuming as food for humans or for other animals;
- Engaging in recreational fishing;
- Using aquatic animals as a source of entertainment either by patronizing zoos or aquariums or viewing aquatic animals on television and film;
- Receiving aquatic animal assisted therapy treatments;
- Wearing jewelry or clothes made out of aquatic animals;
- Having home décor made from aquatic animals;
- Industrial uses, such as fish oil;
- Obtaining medical care that contains parts of aquatic animals including vaccines, medications, and medical devices; and
- Subjecting aquatic animals to research experiments.

Aquatic Animals as Companions

Keeping aquatic animals as companions is just one of the many ways people harm and abuse aquatic animals. Millions of households buy aquatic animals from pet stores to serve as companions. However, aquatic animals sold in pet stores are subjected to a series of stressful events, from capture to transport, which cause a majority to die even before their arrival at a store.

Most saltwater aquatic animals sold in pet stores are taken from the wild using harmful methods such as chemicals or explosives to stun them. Sodium cyanide is one chemical used, which can cause high rates of death amongst the target animals as well as harms to the environment by bleaching and killing corals and killing non-target aquatic animals who are exposed to the toxins. Sodium cyanide is banned in many countries, yet 80 percent of exotic fish are still captured using this method. Weak enforcement and corruption causes this problem to persist.

Another method to catch aquatic animals is the use of dynamite. Dynamite stuns aquatic animals making them easier to capture, but it also decimates the entire local food system from the plankton to adult aquatic animals. Those animals that do survive capture endure days or even weeks of transport, which causes an 80 percent mortality rate before the animals reach stores.

Freshwater aquatic animals sold in pet stores also face high mortality rates. Freshwater aquatic animals are normally bred and raised in captivity rather than taken from the wild. These tanks are overstocked causing increased stress and transfer of disease.

Both freshwater and saltwater aquatic animals who survive transport are then placed in small plastic bags, bowls, or tanks which fail to provide the necessary amount of oxygen

needed to survive and many die in pet stores. The lack of public knowledge regarding aquatic animal care leads to the premature death of many of the aquatic animals who are sold. The notion that aquatic animals are easy, low maintenance, companion animals is far from correct and causes aquatic animals to unnecessarily suffer.

Key Considerations

Each year, humans cause harm to billions of aquatic animals and legislation generally fails to provide protections for them. Laws that do protect aquatic animals tend to either carve out large exceptions relating to aquatic animal care or allowing uses, or lack effective enforcement mechanisms.

1. Reducing Harm

The United Kingdom protects all vertebrate animals under the Animal Welfare Act (2006) and allows for the extension of protection to invertebrates. Although the UK is progressive compared to other countries' aquatic animal protections, this legislation still provides many exemptions that allow use and harm to aquatic animals. Under the Act, aquatic animals can be subject to suffering if it is deemed necessary, which includes any suffering caused during the "normal course of fishing."

Legislation protecting the welfare of animals should create higher standards for aquatic animal care along with stricter definitions of what is considered illegal suffering. Humane methods of slaughter for aquatic animals should be mandated. Germany's Animal Welfare Act requires the anesthetizing of aquatic animals before slaughter but the Act allows the killing of aquatic animals without anesthetic when fishing.

2. Criminal Protections

Animal cruelty laws tend to limit the definition of protected animals and generally exclude aquatic animals. For example, although North Carolina's animal cruelty statute protects animals from abuse and neglect, the statute defines animal as any "living vertebrate in the classes Amphibia, Reptilia, Aves, and Mammalia." This definition caused a North Carolina court to rule that fish are excluded from protection. However, some courts have been open to the idea in including aquatic animals in anti-cruelty legislation. Italy's highest court ruled that lobsters could not be placed on ice before they are killed because it caused lobsters unjustifiable suffering.

Animal cruelty legislation should specifically include vertebrate and invertebrate aquatic animals under the definition of animal. Additionally, drafters should specifically state that the purpose of animal cruelty legislation is to protect an animal from pain and suffering rather than protecting a person's property right to an animal.

3. Environmental Protections

Some laws that focus on the environmental impacts of harming aquatic animals can also be used to protect the animals themselves. Legislation that protects habitats, regulates the number of aquatic animals taken from waters, and dictates the methods used for fishing is vital to ensuring the survival of aquatic animals.

The U.S. passed Lacey Act, has the purpose of regulating and outlawing the import, export, transport, sale, or purchase of illegally caught fish or wildlife and can be used to discourage illegal takes of aquatic animals. It provides for fines and criminal penalties, but also needs stronger enforcement.

Legislation can focus on protecting categories of aquatic animals. For example, the Marine Mammal Protection Act prohibits harassing, hunting, capturing, collecting, or killing marine mammals in United States waters. However, marine mammals can still be taken for scientific, educational, and public display purposes. Thus, marine mammals such as whales and dolphins can continue to be caught and shown publicly at marine parks, zoos, and aquaria. Canada also has legislation that prohibits disturbing marine mammals, but provides an exemption for indigenous people engaging in seal or whale hunting practices. However, Canada passed the Ending the Captivity of Whales and Dolphins Act, which bans the ownership of cetaceans for entertainment purposes.

On an international level, the World Trade Organization upheld the EU's right to ban the sale of commercial seal product based on public moral reasons. This ruling is one of the first instances of animal welfare being considered in an international agreement.

4. Enforcement Issues

Even when countries do pass legislation that protects aquatic animals, enforcement of this legislation rarely occurs. The EU General Farming Directive seemed like it was taking a step towards progress when it included welfare standards for aquatic animals. However, since the Directive's passing, no subsequent Directives or Regulations have been issued to explain the specific standards of aquatic animal welfare. Another enforcement issue related to this Directive is the need for Member State Implementation. However, no welfare standards for aquatic animal welfare have been adopted by any Member State.

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