

## Summary of swim-with-whales tourism around the globe

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Swim-with-whale tourism is a growing industry across the globe<sup>1</sup>; however, with growth in industry there is a growing concern for the welfare of the animals involved<sup>2</sup>. Beyond the welfare of the animals, there is cause for concern surrounding the variation in regulations and guidelines that are currently in place. Today, at least ten countries across the world permit swimming with migratory whales in their natural habitat, and different state or federal governing bodies manage how those activities are conducted (Table 1). Furthermore, some of these places have either a set of voluntary guidelines in place, created by local non-government organizations, and some have federal regulations developed by various governing arms of that home country. Enforcement, in all cases, is also lacking.

Of note is that the operations where serious injuries have occurred, the majority of reported injuries to humans involved a mother with a calf (*e.g.* Ningaloo and Tonga have seen serious injuries to swimmers). In many areas swimming with a calf is ostensibly prohibited but the way a calf is defined is open to interpretation and therefore inconsistently applied. We recommend against swimming with dependent (nursing) calves of any age, for the safety of participants, as their movement and behavior is more erratic than adults and the mothers may perceive the swimmers as a threat to her calf.

In areas where there is a strong current or otherwise hazardous ocean conditions, the engine of the vessel should be left on and idling in neutral, so that the wind/current is not pushing the boat onto a sandbank, shoreline, or toward the swimmers or whale(s). A mermaid line can potentially be used as a safety measure under these conditions and has the added advantage of keeping the swimmers grouped closely together and preventing them from approaching whales. Mermaid lines carry the risk of entangling the whale, so it is recommended to use floating line and be prepared to cut the line away from the boat if necessary.

As noted in previous IWC scientific committee meetings, the effects of tourism on the well-being of the focal whales will vary depending on the target population and the location that the activity occurs in<sup>1,2</sup>. Swimming with whales should not be authorized by any government without first undergoing a trial period accompanied by a research program to guide the most appropriate local regulations. The commercial swim-with-whale industry should be managed and guidelines refined until the point where there are

no detectable behavioural impacts on whale behavior. Furthermore, this activity should be ceased if, at any point, population-level effects are detected from the cumulative impact of repeated disturbance.

References:

1. IWC (2004). Report of the Workshop on the Science for Sustainable Whalewatching. Breakwater Lodge, Cape Town South Africa, 6-9 March 2004.
2. IWC (2000). Report of the Sub-Committee on Whalewatching, Annex M: 52nd Meeting of the International Whaling Commission, Adelaide, June-July 2000.

**Table 1.** Summary of global swim-with whale operations. This information is based off of published research, published guidelines, web searches and/or personal communication with operators in these regions. Source material available upon request.

Region/ Country	Type of swim-with activity	Target mysticete species & habitat type	No. of permitted operators	Approach type	Swim with calves allowed (Y/N)	Number of swimmers allowed	Safety measures being used/regulations	Known concerns/risk
Western Australia  <b>Since 2018;</b> 3 year pilot 2015-2017	Free swimming	Humpback  Breeding & migrating	11 (3 in Coral Bay, 8 in Exmouth)	Spotter plane locates whales; swimmers dropped in whales path and then retrieved	Y	7 (5 + crew spotter and photographer)	No scuba; do not swim with mothers with calves (<½ body length of mom).	Direct contact with whales – serious* injuries to swimmers *injuries requiring hospitalization have occurred
East Australia	Mermaid lines or	Humpback; minke	9 (8 in Hervey Bay, 1 in	Not within 100 m;	N	10	No swim when calves present;	Mermaid line poses risk of

<p>(Queensland)</p> <p><b>Since 2013</b> (Mooloolaba)</p> <p><b>Since 2013</b> (Hervey Bay)</p> <p>3 year pilot in Hervey Bay 2014-2016</p> <p><b>Since 1996</b> for minkes in GBR</p>	submerged platform	Breeding & migrating	Mooloolaba) *open to anyone who requests it	Boats shift into neutral upon locating suitable whales and deploy mermaid line			shark spotter required on board; no approach within 100 m; no free swimming	<p>catching on whale – entanglement risk to whale and safety risk for swimmers</p> <p>Direct contact with whales - injuries to swimmers</p>
<p>East Australia (New South Wales)</p> <p><b>Since 2018</b> Jervis Bay, Coffs Harbour, Byron Bay</p>	Free swimming	Humpback	Unknown  Migrating		In-path, line-abreast.			
<p>Columbia</p> <p><b>Since 2015</b></p>	Free diving	Humpback  Breeding & migrating	Unable to find	Not within 30 meters	Not specified	Not specified	No scuba; do not approach mothers with calves (calves 4-8m long)	Direct contact with whales - injuries to swimmers
Tahiti	Free swimming	Humpback	Unable to find	Not within 30 meters	Y (not neonates)	12	No scuba/snorkel; no swim with	Direct contact with whales - injuries to

Since 2002 (permitted whalewatching)		Breeding & migrating					whales moving >3 knots; no swim if whales in lagoon or passes; no swim if whales within 100m of reef or displaying surface activity; no swim with neonate calves	swimmers
Mozambique	Free diving	Humpback; southern right whale  Breeding	12 (2008)	Unable to get information	Unable to get information	Unable to get information	Unable to get information	Unable to get information
Norway	Free diving	Humpback  Feeding	11 (2017)	Unable to get information	N/A	N/A	Prohibited activity, therefore is currently unmanaged with no regulations or oversight.	Prohibited activity, therefore is currently unmanaged with no regulations or oversight.
Reunion Island	Free swimming	Humpback  Breeding	>30 (2020)	Slide in quietly from side of boat	Not specified	10	Stay passive; stay in a group; no touch (stay 15 meters away); 3 boats max; 15 minutes max in water	Direct contact with whales – serious* injuries to swimmers *injuries requiring hospitalization

								have occurred Buoy poses risk of catching on whale – entanglement risk to whale and safety risk for swimmers
Sri Lanka	Free diving	Blue whales; sperm whales  Resident/non-migratory Annual aggregations of sperm whales (March-April)	17 whalewatching vessels (2012)	Small, fast boats; swimmers put in path of the whale	Not Specified	4	Being developed currently; operators expected to provide data	Direct contact with whales - injuries to swimmers
Tonga  <b>Since 1994</b>	Free diving	Humpback  Breeding	41 (2020) *each operator can have 2 tour vessels operating under a permit	Boats line up and wait near suitable whales; swimmers dropped near whales and then retrieved	Y (and frequently targeted)	5 (4 + one guide)	No swimmer shall approach closer than 5 meters; no leap-frogging; no vessel shall approach closer than 10 meters when dropping off/picking up swimmers	Direct contact with whales – serious* injuries to swimmers *injuries requiring hospitalization have occurred
Niue	Free diving	Humpback  Breeding	3	Not within 20-50 meters	Y (not when calf is 0-2 weeks)	7 (6 + one guide)	No scuba; no free dive toward whale; no touch;	Direct contact with whales - injuries to

					old)		no flash photography; 30 minutes max when 2 boats, 1 hour when one boat; no swimming with neonates	swimmers
Dominican Republic (Silver Bank)  <b>Since 1991</b>	Free swimming	Humpback Breeding	3	Enter quietly & float (“soft-in-water encounter”)	Y	12 per boat + 1 guide per group	No scuba; no swim	Direct contact with whales - injuries to swimmers (*one operator only)
Argentina (Rio Negro Province)  <b>Since 2006</b>	Unsure, possibly SCUBA (referred to as “dives”)	Southern right whales Breeding	Unable to find	Unable to get information	N	10 per boat; 5 in water	Operator must be permitted; passengers must have prior training and safety debriefing; no night dives; 20 minutes max.	Direct contact with whales - injuries to swimmers Increased risk of SCUBA accidents caused by distracted diver or contact with whale, e.g. lose track of depth/ dive time, lose control of buoyancy, regulator knocked

								away.
Mexico (Socorro Island; Baja California Sur)	Free diving; SCUBA	Humpback  Breeding	0 (2021)	Not established	N/A	N/A	Prohibited activity, therefore is currently unmanaged with no regulations or oversight.	Prohibited activity, therefore is currently unmanaged with no regulations or oversight.

Definitions:

Mermaid line – having to hold a mermaid line while remaining on the surface wearing a mask and snorkel

Free swimming – having to remain on the surface wearing a mask and snorkel

Free diving – diving under the water on a breath hold

SCUBA – diving under the water wearing scuba diving equipment

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