

Making it up as they go along: Marius and the zoo industry's inconsistent approach to self-regulation

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On the 9th February, a healthy young giraffe named Marius was killed by staff at Copenhagen Zoo¹. His death sparked international outrage and a backlash against both the Danish zoo, and the wider zoo industry, that has rarely been seen before.

Attempts to justify the killing of Marius were made by the zoo's Director and a number of senior spokespeople from within the European zoo industry, including the head of the European Association of Zoos and Aquaria (EAZA) and the head of the European endangered species programme for giraffes. All pointed to the importance of conservation breeding programmes for the survival of endangered species and insisted that Marius' genes were, unfortunately for Marius, "well represented" in captive giraffe populations in Europe². This, they said, meant that allowing him to sire offspring would have risked inbreeding which would, in turn, threaten the health and welfare of the animals.

Contraceptive measures for giraffes were, it was claimed, not feasible due to the risk of death under sedation during the relevant procedures³; although the argument for killing an animal as a means to avoid the potential for death under anaesthesia is somewhat lacking in logic. Even so, if it were possible to prevent Marius from breeding, he was still taking up room which could be used for a "genetically more valuable giraffe"⁴, said the zoo Director.

In spite of the suggestion that Marius should not be allowed to take up space in a zoo at all, other zoos did come forward to offer him a home as part of a non-breeding herd. These offers were rejected with one of the reasons given being that, to rehome Marius to a non-EAZA collection would risk him or his offspring being sent on to circuses or other private collections where welfare could not be guaranteed⁵.

Combining the arguments of risk of inbreeding, the need to keep space available for the most genetically desirable animals and the risk to Marius' welfare if he were moved anywhere other than an EAZA zoo led to only one possible outcome, said the zoo industry: Marius must die. And die he did. He was shot in the head with a bolt gun on the 9th February, dissected in front of the zoo's visitors and his corpse fed to the lions.

Following his death, debate over the issue raged; fuelled by an announcement just two days later that another giraffe, coincidentally also called Marius and also housed in a Danish zoo, was likely to

¹ Eriksen, L. and Kennedy, M. 2014. *Marius the giraffe killed at Copenhagen zoo despite worldwide protests*. [online] Available at: <http://www.theguardian.com/world/2014/feb/09/marius-giraffe-killed-copenhagen-zoo-protests> [Accessed: 24 Feb 2014].

² Johnson, I. 2014. *Copenhagen Zoo kills surplus young giraffe Marius despite online petition*. [online] Available at: <http://www.independent.co.uk/news/world/europe/copenhagen-zoo-kills-surplus-young-giraffe-marius-despite-online-petition-9117317.html> [Accessed: 24 Feb 2014].

³ BBC News. 2014. *Why did Copenhagen Zoo kill its giraffe?* [online] Available at: <http://www.bbc.co.uk/news/science-environment-26118748> [Accessed: 24 Feb 2014].

⁴ See note 3

⁵ See note 3

suffer the same fate as his namesake⁶. Press reports confirmed that Jyllands Zoo were planning to breed giraffes and so Marius 2, as he became known, needed to make way for a breeding female. In the case of Jyllands, EAZA stepped in by releasing a press statement⁷ confirming the zoo was not an approved participant in an EAZA-led breeding programme. The zoo was quick to respond and issued a statement to confirm that Marius 2 was currently safe, as no female was arriving “any time soon”⁸. Whether this will change in the future remains unclear.

Later that week and it was revealed that around 1,735 large mammals are killed in EAZA member zoos each year⁹ and Longleat Safari Park in the UK was put under the spotlight as it was reported that a family of lions had been killed there in January of this year¹⁰.

The overriding message from the zoo industry was that the situation of killing animals who, like Marius, are deemed surplus to requirements was sad, but sometimes unavoidable. Regular mention was made of EAZA policies and rules. The suggestion was that these rules must be adhered to in the interests of both conservation and animal welfare. However, consideration of events that have transpired within EAZA member zoos in recent years have shown that these rules are not applied consistently across EAZA’s network of 300+ zoological collections.

For example, in 2010, four white lion cubs were sent from EAZA member, West Midland Safari Park, to a well-known circus trainer. The lions were then sent on to a Japanese circus¹¹. Despite explicit statements issued in the last few weeks that EAZA rules would not have allowed Marius the giraffe to be moved to another zoo for the very purpose of ensuring that he was not passed to a circus, the transaction between West Midland Safari Park and the circus trainer was not taken up by EAZA, nor was any action taken against the safari park by UK zoo industry body, BIAZA. This is in spite of BIAZA having a similarly strict transaction policy¹² which forbids zoos from sending animals to circuses or other collections where their welfare may be further compromised.

When another BIAZA member, Noah’s Ark Zoo Farm, was found to be breeding tigers and camels for a circus proprietor in 2009¹³, they were expelled from the organisation’s membership for bringing it into disrepute. Noah’s Ark has never been a member of EAZA and yet two weeks after the death of Marius, Noah’s Ark released a press statement which confirmed an African elephant from Knowsley

⁶ BBC News (1). 2014. *Second Danish zoo may kill giraffe*. [online] Available at: <http://www.bbc.co.uk/news/world-europe-26167925> [Accessed: 24 Feb 2014].

⁷ Eaza.net. 2014. *EAZA reacts to reports of plans to cull a giraffe at Jyllands Zoo in Denmark - EAZA NewsBlog*. [online] Available at: <http://www.eaza.net/News/newsblog/Lists/Posts/Post.aspx?ID=184> [Accessed: 24 Feb 2014].

⁸ Smith-Spark, L. 2014. *No plans to kill 2nd giraffe named Marius, Danish zoo says*. [online] Available at: <http://edition.cnn.com/2014/02/15/world/europe/denmark-zoo-giraffe> [Accessed: 24 Feb 2014].

⁹ Washington Post. 2014. *Thousands of zoo animals killed in Europe yearly*. [online] Available at: http://www.washingtonpost.com/world/europe/thousands-of-zoo-animals-killed-in-europe-yearly/2014/02/14/4aee65e6-9582-11e3-ae45-458927ccedb6_story.html [Accessed: 24 Feb 2014].

¹⁰ BBC News (2). 2014. *Destroyed lions 'had genetic defect'*. [online] Available at: <http://www.bbc.co.uk/news/uk-england-wiltshire-26115468> [Accessed: 24 Feb 2014].

¹¹ Edwards, A. 2012. *Fury as rare white lion cubs born in UK safari park are sent to a Japanese circus*. [online] Available at: <http://www.dailymail.co.uk/news/article-2239043/Fury-rare-white-lion-cubs-born-UK-safari-park-sent-Japanese-circus.html> [Accessed: 24 Feb 2014].

¹² BIAZA.org.uk. 2012. *BIAZA Transaction Policy*. [online] Available at: <http://www.biaza.org.uk/uploads/governance/ATP2012.pdf> [Accessed: 24 Feb 2014].

¹³ News.bbc.co.uk. 2009. *BBC NEWS | UK | England | Somerset | Zoo admits connection with circus*. [online] Available at: <http://news.bbc.co.uk/1/hi/england/somerset/8310757.stm> [Accessed: 24 Feb 2014].

Safari Park had been transferred there¹⁴. Noah's Ark has repeatedly publicised plans to breed elephants on its site, much to the concern of a number of experts in elephant welfare¹⁵. The transfer of the elephant, Buta, who would be followed shortly by a male from Knowsley, it was reported, raises further questions over the consistency of the application of the rules of both EAZA and BIAZA. Knowsley is a member of both organisations and the African elephant is subject to an EAZA breeding programme. If the arguments put forward in the case of the two giraffes are to be followed, then Knowsley should have been forbidden from supplying animals to Noah's Ark. BIAZA released a statement¹⁶ shortly after the move to confirm that the elephants were to stay at Noah's Ark for two years, before returning to Knowsley. It is unclear whether the zoo will attempt to instigate its proposed breeding activities during the time the elephants are there. To date, EAZA has made no comment on the move.

Perhaps the overriding argument in favour of killing Marius was that the drastic action was necessary to prevent inbreeding. Whether or not killing animals can ever be considered a valid mechanism to prevent inbreeding will continue to be subject to debate but that inbreeding should be prevented is one issue which both sides of the Marius debate agree upon. Perhaps surprisingly, EAZA and BIAZA appear to be flexible on whether or not inbreeding should be allowed to persist in their zoos.

The keeping of white lions in zoos has been subject to much controversy in recent years due to fact that white lions in zoos are inevitably inbred. In 2012, BIAZA published an information sheet on white lions (and other "colour morphs") in zoos; recognising that the animals are inbred and that there are serious health and welfare implications associated with breeding them¹⁷. EAZA have, like their counterpart in the UK and Ireland, publicised their opposition to inbreeding animals more generally in press statements in the weeks following Marius' death. Despite this, two zoos in the UK (West Midland Safari Park and Paradise Wildlife Park) continue to house and breed white lions. In both cases, no known action has been taken against the zoos by either EAZA or BIAZA and both zoos retain their membership of the organisations.

It is clear that, to date, regulation of their members by both EAZA and BIAZA has been less than consistent in the few situations which have been subject to scrutiny in the public domain. Whilst policies and rules are strictly adhered to in some cases, no action appears to be taken when the same rules are contravened by members in others. It should be remembered that EAZA and BIAZA are both industry-led bodies whose committees are comprised of members of the zoo industry itself. There is no public access to decision-making processes and the organisations are not subject to Freedom of Information requests. This is despite both organisations exerting an apparently increasing influence on policymakers in the UK and Europe. Indeed, EAZA cites "influencing relevant

¹⁴ BBC News (3). 2014. *First elephant at £2m enclosure*. [online] Available at: <http://www.bbc.co.uk/news/uk-england-bristol-26303945> [Accessed: 24 Feb 2014].

¹⁵ ITV News. 2012. *Plans for Europe's largest elephant sanctuary causes controversy*. [online] Available at: <http://www.itv.com/news/west/2012-09-14/europes-largest-elephant-sanctuary-causes-controversy/> [Accessed: 24 Feb 2014].

¹⁶ BIAZA.org.uk. 2014. *News from BIAZA - BIAZA*. [online] Available at: <http://www.biaza.org.uk/news/1519/98/Elephant-Move/> [Accessed: 28 Feb 2014].

¹⁷ BIAZA.org.uk (1). 2012. *White Lion Information Sheet*. [online] Available at: http://www.biaza.org.uk/uploads/legislation/WhiteLions_Version2.pdf [Accessed: 24 Feb 2014].

legislation within the EU” as one of its key strategic activities¹⁸ and BIAZA lists access to “civil servants and politicians responsible for formulating policy and legislation at national and European Community level” in its list of membership benefits¹⁹.

BIAZA, for example, worked in “close collaboration” with Government-commissioned researchers in their assessment of the implementation of the Zoo Licensing Act 1981 – the law which regulates BIAZA member (and other) zoos²⁰. The conclusion of this research, released in 2010, was that the current law did not require amendment and zoos were improving with regards to compliance. However, independent research projects carried out by the Captive Animals’ Protection Society²¹ and the Born Free Foundation²² released just over a year later found that there were serious problems with the implementation of the same Act and an almost complete absence of enforcement action being taken against failing zoos.

A number of Government-appointed inspectors, who are responsible for monitoring zoos’ compliance with the Zoo Licensing Act 1981, work for BIAZA and EAZA member zoos and some sit on the BIAZA Council or on one of the organisation’s committees. Section 8(1) of the Zoo Licensing Act 1981 demands that the Secretary of State consult with BIAZA before appointing a new zoo inspector, thus giving the industry body direct influence upon who will be charged with monitoring its members’ compliance with the law.

The role of BIAZA and EAZA in regulating its own members in line with its internal policies and practices has been shown to be lacking in consistency. Given that the decisions taken by these bodies may have a direct impact on the welfare of the thousands of animals under their members’ care, it is suggested that the current level of self-regulation within the zoo industry needs to be brought under review. When the need for the Zoo Licensing Act 1981 was first mooted, it was argued that self-regulation of zoos was not a satisfactory solution to the concerns relating to animal welfare which led to the Act’s introduction. Despite this, the influence of the zoo industry over its own regulation, combined with its proximity to Government, appears to be significant. Healthy animals being killed, animals being inbred and animals being sent to be trained for circus shows have been evidenced in European zoos in just the last few years and this should give anyone interested in the welfare of animals great cause for concern. Whether you oppose captivity on principle or believe that well-managed zoos have a role to play in animal welfare and conservation, the evidence available points to a dire need for real scrutiny of both the UK and wider European zoo industry. It is suggested that, as a starting point, action must be taken to address the growing tendency towards self-regulation and to ensure the removal of the inevitable conflict of interests that the current system permits.

¹⁸ Eaza.net (1). 2014. *EAZA - European Association of Zoos and Aquaria*. [online] Available at: <http://www.EAZA.net> [Accessed: 24 Feb 2014].

¹⁹ BIAZA.org.uk. 2014. *Benefits of Membership - Biazza*. [online] Available at: <http://www.biazza.org.uk/biazza-membership/overview/> [Accessed: 24 Feb 2014].

²⁰ DEFRA, 2010. *Defra, UK - Science Search (Review of Implementation of the ZLA 1981)*. [online] Available at: <http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&ProjectID=17167&FromSearch=Y&Publisher=1&SearchText=WCO779&SortString=ProjectCode&SortOrder=Asc&Paging=10> [Accessed: 24 Feb 2014].

²¹ CAPS 2012. *Licence to Suffer*. [online] Available at: http://www.captiveanimals.org/wp-content/uploads/2012/03/CAPS_Zoo_Insp_Rep_0112_Final.pdf [Accessed: 24 Feb 2014].

²² Draper, C. and Glanville, G. 2012. *Enforcement of the Zoo Licensing Act 1981*. [online] Available at: http://www.bornfree.org.uk/fileadmin/user_upload/files/zoo_check/publications/enforcement-of-the-zoo-licensing-act.pdf [Accessed: 24 Feb 2014].