

12 July 2026

The Danish Animal Ethics Council (Det Dyreetiske Råd)

Ministeriet for Natur og Dyrevelfærd

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c/o Stine B. Christiansen, Head of Secretariat (urgent matters): sbc@sund.ku.dk

Re: Request for a statement of ethical principle concerning the obligation of the State to act where a protected wild animal is in visible and worsening distress and where non-invasive, tested methods of diagnosis and treatment are available but unused

Dear Members of the Council,

We write to request a statement of ethical principle from the Council.

We are aware that the Council addresses general questions of animal welfare and animal ethics, and that it does not as a rule take up individual cases. We are not asking it to do so. What we ask is that it consider a general question of principle which Danish practice has now answered in the same way three times during 2026, and which will be put again, repeatedly, in the years ahead. The humpback whale currently in Danish waters is the occasion for this letter rather than its subject.

The question is whether the State bears an ethical obligation to act where a protected wild animal is visibly and increasingly distressed within reach of the Danish authorities and non-invasive, evidence-based methods of diagnosis and treatment are demonstrably available, or whether it remains ethically defensible to withhold those methods as a matter of standing practice and to observe the animal until it dies.

We come to the Council because the question is not, at bottom, one of marine biology. It is a question of animal ethics, and the Danish public discussion of it has been shaped almost entirely by a small number of marine biologists who have offered a single conclusion. An independent ethical voice is needed.

1. The occasion: an animal deteriorating in public view

A humpback whale designated "Hartwin" has been documented across 22 sightings during 2026, in at least five countries, namely the Netherlands, the United Kingdom, Norway, Germany and Denmark, covering a straight-line distance in excess of 5,400 km (Annex B). Since 18 June he has been circulating within confined Danish inner waters, including the Lillebælt, Aabenraa Fjord, Sønderborg, Als Fjord and the Port of Aarhus, and on 11 July he entered Vejle Fjord, which is a further confined dead end.

The Miljøstyrelsen has itself stated publicly that the whale is probably not well, that his white and blistered skin and his behaviour indicate a sick animal, and that the public should keep their distance so as not to add to his stress. Danish whale researchers quoted in the press agree that he appears sick and emaciated, and they concede openly that they cannot say whether illness caused the emaciation or the emaciation caused the illness. That concession amounts to an admission that no diagnosis has been made.

The photographic record at Annex A is central to this letter. In May, off Norway, the animal presented with visible skin involvement but a reasonably full body, whereas by 11 July, in Danish waters, he presented with extensive discolouration and sloughing across the head and back, a reduced and irregular body profile, and prolonged periods of near-motionless surfacing. He was not discovered in a terminal state, but deteriorated over roughly two months in full public view, across the waters of several European states, observed and photographed by all of them and treated by none of them.

We would ask the Council to hold that last fact in mind, since the decline was watched rather than missed.

2. The principle, as already articulated in the German debate

During the closely comparable German case of the humpback whale known as “Timmy”, an animal ethicist set out a position in a broadcast interview with NEWS5, entitled “Ethikerin im NEWS5 Gespräch: Wir tragen immer mehr moralische Verantwortung!”, which we would ask the Council to weigh on its merits. We attribute it precisely, in that this was an academic ethicist speaking to the press rather than the Deutscher Ethikrat as an institution. Her argument was, in substance, as follows.

- Where a wild animal is suffering, the governing aim is to minimise that suffering, but where the relevant specialists consider that a real chance of survival exists, there is a duty to do everything possible for the rescue. The ethical judgement follows the factual analysis rather than replacing it.
- Human intervention in nature has become so invasive that, in her words, we carry more and more moral responsibility, including a responsibility to save such animals, and that responsibility is heightened in cases where human circumstances brought the animal into difficulty in the first place.

We consider this principle to be sound, and we do not believe that an honest application of it supports the practice which Denmark currently follows.

3. A plausible human cause has not been investigated

We wish to be exact in this section, because our position does not depend upon overstating it.

We do not assert that entanglement in fishing gear has been established as the cause of this animal's condition. We assert something which we believe is harder for the authorities to answer, namely that there are visible indicators consistent with prior entanglement, for which purpose an image of the fluke is attached at Annex A; that entanglement is a well-documented anthropogenic

cause of this clinical picture; that the question is readily testable; and that no authority has made any attempt to test it.

We are not the first to raise the point. In late May 2026, when the animal was photographed in Scottish waters near Inverness, a marine scientist who works as a research assistant with an Australian whale research foundation commented publicly on the photographs that the animal appeared to show a heavy cyamid (whale lice) infestation, possibly with lesions or injury beneath, and that the tail bore markings indicative of previous entanglement or injury. Heavy cyamid loads are generally associated with debilitated or abnormally slow-moving animals. We present this observation for what it is, namely an informal assessment from photographs by an experienced field observer rather than a clinical finding, and her identity is on file and can be provided to the Council. Its significance lies in the date, since the question of entanglement was raised publicly some seven weeks ago by a person with field experience of cetaceans, and in the five countries through which the animal has passed since then no authority has tested it.

Annex A also reproduces, for comparison, an image of a chronically entangled humpback whale documented off Ningaloo in Western Australia, which was still carrying fishing gear and died shortly after the image was taken. We do not claim that the two animals are the same, nor do we offer the resemblance as proof of anything, and we include it only because it illustrates the end-stage which chronic entanglement produces.

Here lies the ethical crux of the matter. A blow sample together with close photogrammetry would substantially resolve, within days and without touching the animal, whether he is infected, emaciated and scarred by gear. This has not been done, and the authorities are therefore in no position to say that he is beyond help, since they have not established what is wrong with him. A prognosis has been asserted in the absence of a diagnosis, and an animal is being allowed to die on the strength of it.

Should the decline prove to be a consequence of human fishing gear, it would not represent nature taking its course but rather the visible end-stage of a human injury, and on the principle set out above the obligation would in that event be greater rather than smaller. The authorities have chosen not to find out, and we ask the Council whether that choice is ethically available to them.

4. Action is feasible, tested and low-risk

The standing justification for inaction is that intervention upon a large whale is impossible or inherently cruel, yet the published record does not support that view. The animal reportedly tolerates close approach, and boats have been within metres of him.

1. **Diagnose first, and non-invasively.** A respiratory sample, commonly called a blow sample, can be collected with a sterile cup on a pole as the animal surfaces, or by means of a drone of the SnotBot type which flies through the exhalation without ever touching him, yielding bacterial and fungal culture together with cytology, and therefore an actual diagnosis rather than a prognosis guessed from a distance. Drone photogrammetry would at the same time quantify body condition and document scarring.

2. **Treat by dart thereafter, as has already been done on this species.** Gulland et al. (2008) documented the first successful antibiotic darting of free-swimming humpback whales from a boat, in the case of “Delta” and “Dawn” in the Sacramento River, without capture, without restraint and without removal from the water. The skin lesions of those animals reversed within roughly 24 hours of their return to salt water, and the methodology has been in the peer-reviewed literature for nearly two decades.
3. **Guide the animal out, should that prove necessary.** Acoustic herding guided the humpback whale “Humphrey” out of San Francisco Bay in 1985, and he was resighted alive and healthy in the years that followed. Non-invasive escort and refloating methods are documented in Olhasque et al. (2025), Thalmann et al. (2008), Sharp et al. (WHOI-2024-05) and the NRE Tasmania Cetacean Incident Manual (2022).

None of this is experimental, since every element has been carried out and published, and, in the case of darting a free-swimming humpback whale, carried out successfully upon the same species in the same clinical situation.

5. Withholding available care is not neutrality

Danish animal welfare law rests on the principle that animals must so far as possible be protected from unnecessary suffering, and it treats a failure to act as capable of constituting neglect rather than confining neglect to positive acts of cruelty. We recognise that a free-swimming wild whale has no keeper in the statutory sense, and we do not ask the Council to resolve a point of law.

We ask it instead to address the ethics. Where the State could materially reduce a protected animal’s suffering by means which are tested, low-risk and available, and instead adopts observation until death as its standing practice, we would ask whether that is ethically distinguishable from neglect, and we submit that it is not. A protocol whose only options for a whale of more than four metres are euthanasia, which the protocol itself concedes to be impractical at that size, or abandonment, is in substance a specimen-collection protocol with a decision to let the animal die attached to it. The choice not to diagnose, so that one is never obliged to treat, is itself a choice, and it carries an ethical character.

6. The selective expertise placed before the public

The public has been told repeatedly, and with considerable confidence, by Denmark’s most visible whale experts that there is no chance, that there will be no rescue, and that the animal is best left to die and decompose so that samples may be taken. What has not been mentioned in any public statement of which we are aware is the substantial peer-reviewed and operational literature documenting successful intervention with large whales, including Gulland et al. (2008), Thalmann et al. (2008), Olhasque et al. (2025), the Humphrey cases, Sharp et al. (WHOI-2024-05) and the NRE Tasmania manual.

There are only two available explanations, and both of them should concern the Council. Either these experts are unaware of a body of literature central to their own field, in which case their assurance that rescue is impossible is not the settled professional consensus it is presented as being, or they are aware of it and have chosen not to mention it, in order to keep public discussion within

the bounds of an existing doctrine of non-intervention. On either explanation, the public and the decision-makers are receiving an incomplete factual account, and no honest ethical assessment can be constructed upon an incomplete factual account. An ethics body is the proper institution to say so.

7. Why this is a question of principle rather than a single case

Annex B maps the route taken during 2026. The animal passed through Dutch, British, Norwegian, German and Danish waters while visibly deteriorating, and not one of those states conducted a clinical assessment. Denmark is not uniquely at fault, being simply the country in whose waters he now finds himself and in which he is now confined.

That is precisely why a statement of principle is required, since this is not an isolated occurrence. Eight sperm whales died in Danish waters in February 2026 without any rescue attempt, the humpback whale Timmy/Hope died in May, and a third animal lies in a Danish fjord today. The pattern reflects settled practice, applied repeatedly, producing the same outcome on each occasion and defended on each occasion as nature taking its course. A statement from this Council would therefore reach far beyond any single animal.

8. What we ask of the Council

We respectfully request that the Council issue a statement addressing the following questions of principle.

1. Where a protected wild animal is visibly distressed within reach of the Danish authorities and non-invasive diagnostic methods are available, does the State bear an ethical obligation at minimum to establish a diagnosis before deciding to let the animal die?
2. Is it ethically defensible to assert a terminal prognosis, and to withhold treatment on the strength of that prognosis, where no clinical assessment of the animal has been carried out?
3. Does the ethical obligation increase where the animal's condition is plausibly of human origin, such as the sequelae of entanglement in fishing gear, and does a State which declines to investigate that possibility thereby discharge its obligation or evade it?
4. Is a standing practice of observation until death for whales of more than four metres, with no provision whatsoever for the clinical assessment of a live animal, ethically defensible in circumstances where non-invasive diagnosis and tested, published methods of treatment demonstrably exist?
5. Where the public and the decision-makers are presented with a single option, namely death, by expert bodies which do not disclose the documented existence of successful interventions, what ethical responsibilities rest upon those experts, and upon the authorities who rely on them?

We would welcome the opportunity to place our full evidence file before the Council, including the peer-reviewed literature cited below, the complete photographic and sighting record, and our correspondence with the Danish environmental authorities.

The animal is alive as we write, and the methods by which it might be established what is wrong with him exist, are non-invasive, and could be applied within the coming week. The question before the Council is not whether he can certainly be saved, since no one is able to promise that, but whether Denmark is ethically free to decline to look.

Respectfully,

StrandedNoMore

strandednomore.org

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- Independent observer assessment (May 2026). Marine scientist and research assistant, Australian whale research foundation. Public commentary on photographic documentation of the animal in Scottish waters; identity on file with StrandedNoMore and available to the Council on request.

Annex A. Photographic record

The images are presented as evidence of condition and progression, and as the basis for a testable hypothesis of prior entanglement. They are not offered as proof of causation, the establishment of which is precisely what we ask the authorities to undertake.



A.1. Lofoten Islands, Norway, May 2026. Skin involvement is visible, while the body remains comparatively full. (<https://www.youtube.com/watch?v=IL10iDjxu0U>)



A.2. Danish waters, 11 July 2026. Extensive discolouration and sloughing across the head and back. By comparison with A.1, this represents a deterioration over two months which was observed and photographed throughout. (<https://www.facebook.com/photo/?fbid=2787013808334836&set=gm.10174845928740533&id&orvanity=14646015532>)



A.3. Aerial view, Danish waters. Reduced and irregular body profile. (<https://www.facebook.com/reel/28002751772676561>)



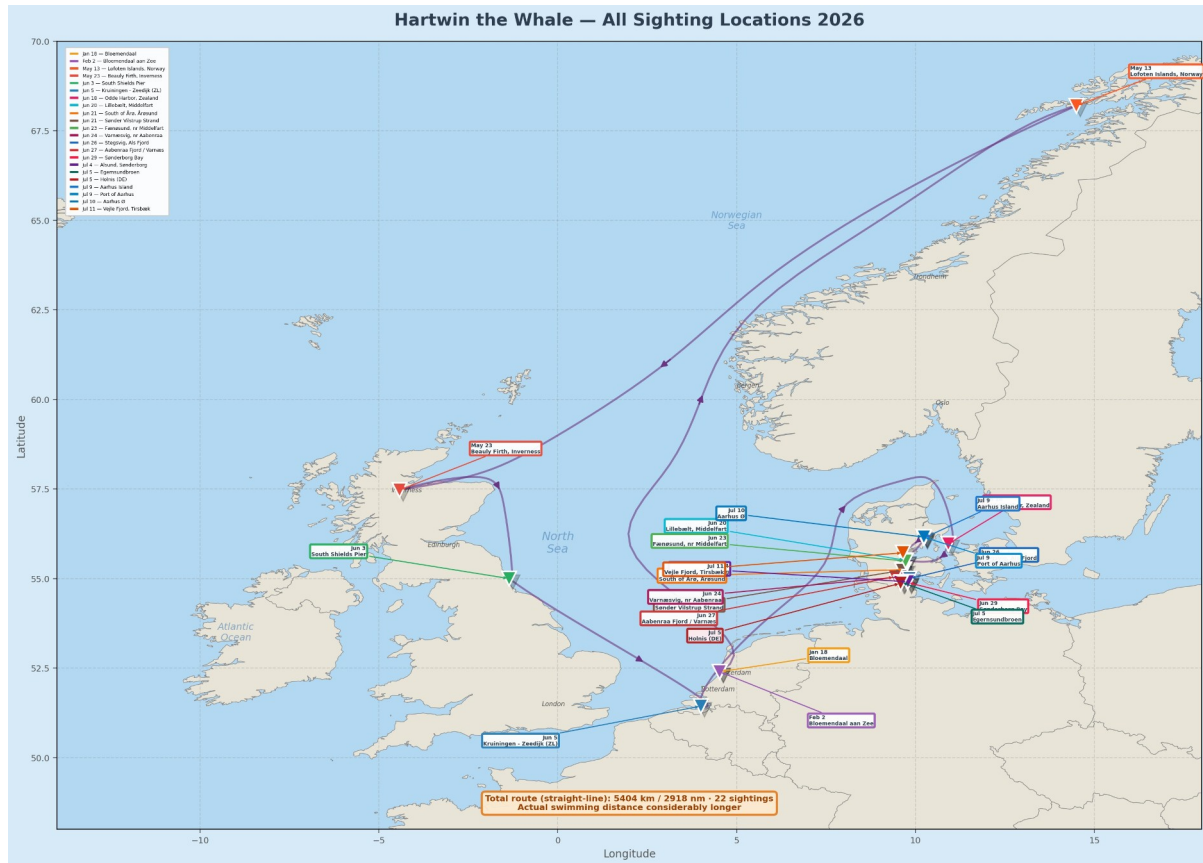
A.4. Fluke. Attached in order to show indicators of potential previous entanglement. (<https://www.facebook.com/reel/943220538679094>)



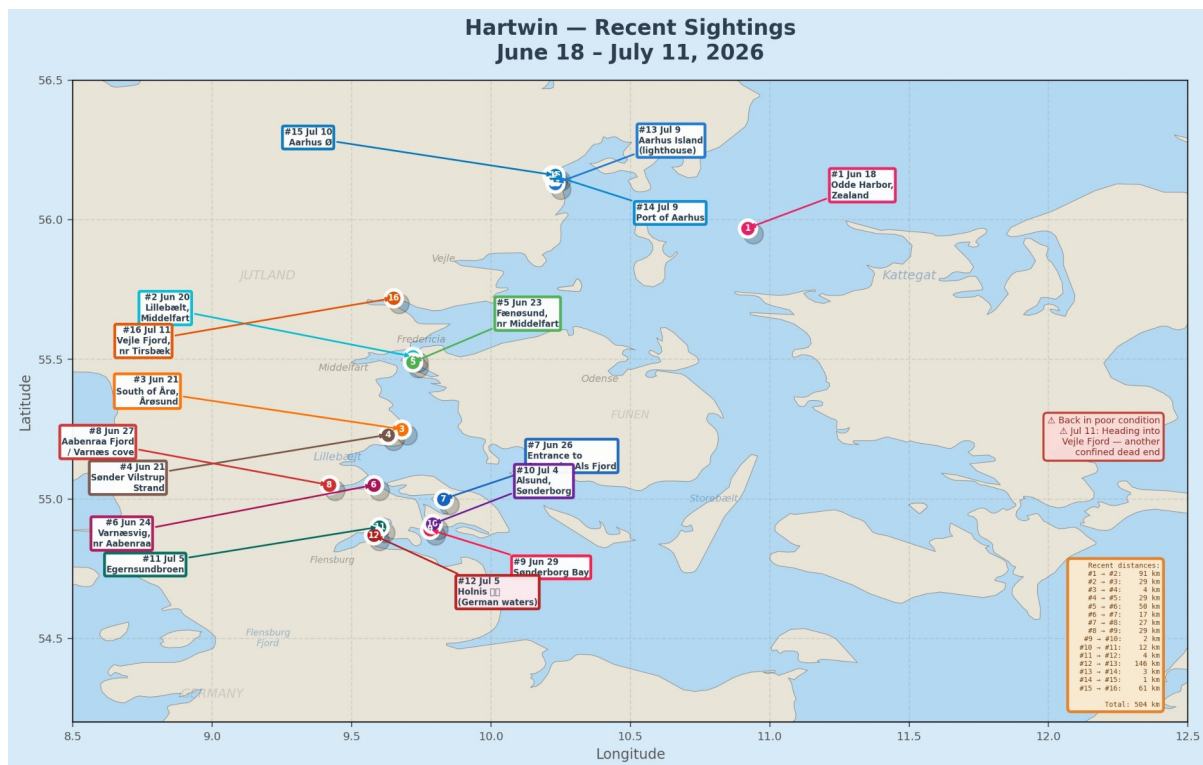
A.5. For comparison, a chronically entangled humpback whale documented off Ningaloo in Western Australia, July 2026, still carrying fishing gear and surrounded by sharks. The animal died shortly after this image was taken. It is included in order to illustrate the end-stage which chronic entanglement produces, and not in order to assert identity. (<https://www.instagram.com/p/DakcyeqR79d/>)

Annex B. Sighting record, 2026

There are 22 documented sightings across at least five countries, covering a straight-line distance in excess of 5,400 km. The animal deteriorated visibly over the course of this route, and no state conducted a clinical assessment at any point along it.



B.1. All sighting locations, January to July 2026, comprising the Netherlands, the United Kingdom, Norway, Germany and Denmark.



B.2. Recent sightings, 18 June to 11 July 2026. The animal is circulating within confined Danish inner waters, and on 11 July it entered Vejle Fjord, which is a further confined dead end. This is not the movement of an animal passing through.