

# **Japan's research whaling in the Antarctic**

## **Introduction**

Japan's objective is to resume commercial whaling for abundant species on a sustainable basis under international control. At the same time we are committed to conservation and the protection of endangered species. This is the purpose of the International Convention for the Regulation of Whaling (ICRW)<sup>1</sup>.

Decisions in the IWC should be based on scientific findings, international law and respect for cultural diversity. Consistent application of science-based policy and rule making together with the principle of sustainable use is the paradigm for the management of living resources accepted worldwide. Emotionally based anti-whaling positions calling for an end to all commercial and research whaling irrespective of the abundance of whale stocks are unhelpful in resolving difficult international negotiations and have led to the current dysfunctional nature of the IWC characterized by its institutionalized and polarized rhetoric and confrontational conduct of its meetings.

These are the realities that form the context for discussions concerning Japan's whale research program in the Antarctic.

Japan's policy on whaling, its position in the IWC and its whale research programs have been subject of criticism much of which is based on misunderstanding and misinformation. The following set of Questions and Answers are provided to respond to the most commonly raised points.

## **Background**

Japan's research program in the Antarctic (JARPA) began in 1987 in response to claims of uncertain scientific information on whale stocks and was conducted for 18 years. As a result of Japan's research program, we now know more about the status of whale stocks and whale biology than at any time in history and this knowledge continues to increase each year. Based on the results of JARPA, in 2005 Japan began a new and expanded program called JARPA II.

Scientific research on whales is of vital importance to the IWC since the ICRW prescribes that regulations adopted by the Commission must be based on scientific findings. The ICRW also specifically provides for IWC members, notwithstanding any measures adopted, to issue special permits for the killing of whales for research purposes and requires that the by-products of the research (meat) be utilized.

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<sup>1</sup> The purpose of the International Convention for the Regulation of Whaling as defined in the Convention is "to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry".

*Q 1. How does Japan respond to the characterization of its research as “commercial whaling in disguise”?*

A. 1. This characterization is part of the anti-whaling rhetoric. In fact, the purpose of Japan’s research is science – science that will ensure that when commercial whaling is resumed it will be sustainable. From 1987 to 2006, Japanese scientists presented 182 scientific documents to the Scientific Committee of the International Whaling Commission (IWC) and had 91 papers published in peer-reviewed journals. The most recent review of JARPA by the IWC’s Scientific Committee in December 2006<sup>2</sup> made a number of recommendations for additional data analysis and concluded that “the dataset provides a valuable resource to allow investigation of some aspects of the role of whales within the marine ecosystem and that this has the potential to make an important contribution to the Scientific Committee’s work in this regard as well as the work of other relevant bodies such as the Convention for the Conservation of Antarctic Marine Living Resources”. The Scientific Committee also agreed to its earlier (1997) conclusion that the results from the research program “have the potential to improve management of minke whales in the Southern Hemisphere”.

*Q 2. How does Japan respond to accusations that it is using a “loophole” in the Convention to conduct its research?*

A. 2. Research whaling is a fundamental right of every member of the IWC according to Article VIII of the ICRW. It is not a “loophole” in the Convention – rather it is a critical element of the Convention that requires that its decisions be based on scientific findings. Japan’s whale research programs are therefore perfectly legal. Further, Article VIII. 2 requires that research by-products (meat) be processed and sold under the Governments direction. This is a legally binding obligation on all IWC members who undertake research.

*Q 3. JARPA II is a significant expansion of JARPA. Why were humpback and fin whales added and the number of minke whales increased?*

A 3. JARPA results showed that important changes are taking place in the Antarctic marine ecosystem with a rapid increase in humpback and fin whales. Continual monitoring and research are therefore required in order to develop an appropriate management regime for the sustainable utilization of these resources. Ecosystem models to provide the scientific basis for this requires data from all abundant species. The number of minke whales to be sampled annually was increased in order to be able to more rapidly detect ecosystem changes.

*Q 4. The US, UK, Australia and others say that it is not necessary to kill whales to study them. Why doesn’t Japan use non-lethal research methods?*

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<sup>2</sup> [http://www.iwcoffice.org/documents/sci\\_com/workshops/SC-59-Rep1rev.pdf](http://www.iwcoffice.org/documents/sci_com/workshops/SC-59-Rep1rev.pdf)

A 4. The purpose of Japan's whale research is to gather scientific data required to establish a management regime for the sustainable use of whale resources. For this purpose some indispensable data that simply cannot be obtained by non-lethal means. JARPA II is therefore a combination of lethal and non-lethal research. Lethal research provides internal organs such as ovaries, ear plugs and stomach contents essential for population and ecosystem modeling. Since the US, UK, Australia and other anti-whaling countries have no intention at the present time to resume commercial whaling they have no need for the kind of scientific data required to establish a management regime for the sustainable use of whale resources. That is why they say it is possible to do whale research without killing whales.

*Q.5. Why does Japan continue its research whaling in the face of contrary world opinion and in contradiction to the moratorium on commercial whaling?*

A 5. In fact, anti-whaling is not "world opinion" – rather, it is a predominantly Western phenomenon in developed countries amplified by anti-whaling fundraising NGOs and the Western media. Almost half of the IWC members support the sustainable use of whale resources.

With respect the moratorium on commercial whaling (which was intended as a temporary measure to provide time for the collection and analysis of further scientific data) it is important to note that Article VIII begins with the words "Notwithstanding anything in this Convention..." meaning that the moratorium on commercial whaling does not apply to research whaling. The same Article ends with the words: "... the killing, taking and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of this Convention."

*Q. 6. Why is Japan killing whales in the IWC Antarctic Sanctuary and in waters claimed by Australia and designated as a sanctuary under Australian domestic law?*

A. 6. The IWC sanctuary in the Antarctic applies to commercial whaling only. It does not apply to research whaling conducted under Article VIII of the ICRW. Article VIII begins with the words "Notwithstanding anything in this Convention...", meaning that neither the moratorium on commercial whaling nor the sanctuary in the Antarctic Ocean applies to research whaling. The IWC Sanctuary in the Antarctic was adopted without any recommendation from the Scientific Committee that it was required for conservation purposes.

Further, at the 2004 meeting of the Scientific Committee, invited outside experts strongly criticized IWC sanctuaries as an approach to conservation. Their conclusions were that IWC sanctuaries are not ecologically justified, that they are based on vague goals and objectives, that they lack a rigorous approach to design and operation, that they represent a "shotgun" approach to conservation and, that they are more prohibitive than precautionary.

In regards to Australia's designated sanctuary, many countries including the U.S. and Japan do not recognize Australia's Antarctic claim. The Antarctic Treaty, to which Australia is a member, freezes all Antarctic claims. From the perspective of the international community therefore, Australia's claim and its sanctuary in Antarctic waters, which it has declared under its domestic legislation, has no legal standing in international law and therefore no effect.

*Q. 7. Is it possible to kill whales humanely?*

A. 7. In fact, a large proportion of the whales taken are killed instantly by an explosive harpoon and for those cases when they are not, a secondary killing method (a second harpoon or high caliber rifle) ensures that the time to death is as rapid as possible. These two methods were introduced to ensure the most efficient and humane killing. The IWC has said that the explosive harpoon is the most effective method for killing whales and significant improvements to the humaneness of the hunt have been achieved. Instantaneous death and time to death of less than two minutes for whales is far better than the killing of most other wildlife.

*Q. 8. Would the transport of meat from humpback whales from the Antarctic to Japan be a violation of CITES rules?*

A. 8. Definitely not. Although humpback whales are listed on Appendix I of CITES and transport from the Antarctic would constitute "trade" under CITES rules, the trade restrictions applicable to CITES listed species apply only when such trade is primarily for commercial purposes. In this case, Japan, which is solely responsible for such determination, has clearly stated that the primary purpose is for scientific purposes not for commercial purposes.

*Q. 9. Why doesn't Japan respond positively to the political pressure from its major trading partners and otherwise friendly countries?*

A. 9. Japan has received political representations from a number of countries urging a change in its whaling policy. The difference of views on the whaling issue has not affected and should not affect the overall good relationship Japan has with these countries. However, the fact that we have a difference of view does not mean that Japan should change its position. These countries do not have the right to impose their ethical or moral values on Japanese as long as whales are sustainably utilized fully consistent with international law and science. Mutual respect for differences, not political coercion, is the solution to this difficult issue.

Japan embraces a long history of sustainable utilization of whale products as a source of food. Taking into account the growing uncertainty of the world's food supply and its trade, resumption of sustainable use of abundant whale resources as one of the means to acquire animal protein is of vital importance for the future, not only for Japanese people but also for other food deficit countries.

Q. 10. *Why did Japan agree to postpone its take of humpback whales in the Antarctic?*

A. 10. Japan agreed to postpone the take of humpback whales at the request of the Chairman of the IWC as long as it views that progress is being made toward the normalization of the IWC considering that it is important at this critical moment to avoid overly emotional responses from anti-whaling countries. In March 2008 the IWC will hold a special meeting to discuss the future of the IWC. Japan, as the current vice-chair, agreed to the request from the Chair of the IWC in the hope that it would contribute to a successful outcome for this meeting.