



President of the Japan Whaling Association responds to Australia

On December 19, 2007 Australia's Minister for Foreign Affairs the Honourable Stephen Smith issued a joint media release with the Minister for the Environment, Heritage and the Arts, Mr. Peter Garrett. The release states that "Australia strongly believes that there is no credible scientific justification for the hunting of whales and is opposed to all commercial and 'scientific' whaling" and notes that "the Australian Government will step up efforts to end this senseless and brutal practice, using a range of diplomatic, legal and monitoring and surveillance initiatives" that "the Government is giving serious consideration to a range of options for international legal action against Japan" and that "the Government will develop its own proposal for improving and modernising the IWC which will include closing the loophole that allows for scientific whaling."

In the proper context of the International Convention for the Regulation of Whaling (ICRW) and the International Whaling Commission (IWC) these comments of the Government of Australia are provocative and absurd. The fact is that the ICRW is about properly managing the whaling industry by regulating catch quotas at levels so that whale stocks will not be diminished. The Convention is not about protecting all whales irrespective of their abundance.

Further, the fact that Australia was a whaling country when it agreed to and signed the ICRW and subsequently changed its position to anti-whaling following the closure of its industry in the 1970s does not change the Convention. If Australia can no longer agree to the Convention it should withdraw rather than subvert its purpose. Smith and Garrett can ignore these facts but they cannot change them.

Australia together with other anti-whaling members of the IWC have sacrificed the principles of science-based management and sustainable use that are the world standard (and supported by Australia in other international fora and for the management of their own resources) as a political expediency to satisfy the interests of non-government organizations. This has made the IWC dysfunctional and threatens much-needed international cooperation required to properly manage and conserve all marine resources. It is of considerable concern therefore that Australia's stepped up efforts to

end commercial and scientific whaling will undermine the work of the current Chairman (William Hogarth of the US) of the IWC to resolve the dysfunctional nature of the organization and return it to its proper functioning as a resource management organization.

Japan's whaling is not "senseless and brutal". Neither is it illegal in any way. The most recent review of Japan's research whaling program in the Antarctic by the IWC's Scientific Committee in December 2006 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".

The suggestion of Smith and Garrett that somehow Japan's whale research program is a violation of international law and that Japan is not acting in accordance with its international treaty obligations is totally without foundation. Article VIII of the ICRW unequivocally provides the right of members of the IWC to kill whales for research purposes and further states that "the killing, taking, and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of this Convention." Conversely, the fact that the Government of Australia has publicly stated that it no longer accepts the terms of the ICRW and yet continues to participate in the IWC is a self indictment that it has failed to meet its legal obligation to interpret and implement its treaty obligations in good faith.

Finally, Smith and Garrett note that "Australia values its extensive and mutually beneficial relationship with Japan" and that "as in any close relationship there are some issues on which we cannot agree". In the face of this disagreement on whaling, Australia's determination "to play a leading role in international efforts to stop Japan's whaling practices" is arrogant and an insult to Japanese people and their culture. A more constructive approach with less media hype is needed.

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