

(Submitted by Japan)

**Additional information to IWC/65/09 (Japan's proposal and its background for Schedule amendment to permit the catching of minke whales from the Okhotsk Sea-West Pacific Stock by small-type coastal whaling vessels)**

The purpose of this document is to provide additional information regarding Japan's proposal for a Schedule amendment to permit its small-type coastal whaling vessels to catch minke whales from the Okhotsk Sea-West Pacific Stock in order to avoid repeating past discussions at IWC65 and to promote better understandings of the major issues surrounding Japan's proposal. Similar proposals have been presented to the IWC meetings in the past and major arguments against them can be summarized as follows.

- (i) The proposal is against the commercial whaling moratorium. Because the moratorium is in effect, no commercial whaling should be permitted.
- (ii) Opposed to creating a new category of whaling. It would undermine the moratorium.
- (iii) Concerned about a risk to the J-stock, incidental catch by set-net fishery, and catch by JARPN II.

**1. The Commercial Whaling Moratorium**

As explained in IWC/65/09 the commercial whaling moratorium, Schedule paragraph 10(e), was introduced because of uncertainties in scientific information and not because commerciality was designated as something to be denied in the whaling operations. The category of commercial whaling was used in Schedule paragraph 10(e) as a means to designate whaling activities other than aboriginal subsistence whaling and special permit research programs under Article VIII of the ICRW.

Therefore the commercial whaling moratorium does not deny resumption of commercial whaling when a sustainable catch limit is provided based on the best scientific advice. Because the commerciality was not the reason for the introduction of the moratorium, denying the proposed resumption of Japan's small-type coastal whaling because of its commerciality is illogical.

There are perceptions that the commercial whaling moratorium was established because all whale species were either endangered or depleted, that commerciality in whaling activities were denied, that whaling per se was regarded as something unwanted, and

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that commercial whaling is prohibited permanently. All these perceptions are unfounded.

The language of Schedule paragraph 10(e) need to be revisited.

*(e) Notwithstanding the other provisions of paragraph 10, catch limits for the killing for commercial purposes of whales from all stocks for the 1986 coastal and the 1985/86 pelagic seasons and thereafter shall be zero. This provision will be kept under review, based upon the best scientific advice, and by 1990 at the latest the Commission will undertake a comprehensive assessment of the effects of this decision on whale stocks and consider modification of this provision and the establishment of other catch limits.*

When this provision is read objectively, important differences and inconsistencies with the perceptions about the moratorium are noteworthy.

First, there is no language in this provision that prohibits commercial whaling permanently. The provision suspends commercial whaling temporarily with a deadline for review. Further, it prescribes a comprehensive scientific assessment of whale stocks, and provides for the possible modification of the moratorium provision and the establishment of catch limits. The latter half of Paragraph 10 (e) sets a clear deadline, “by 1990 at the latest”, instructs the IWC to “undertake a comprehensive assessment of the effects of this decision on whale stocks” and to “consider modification of this provision and the establishment of other catch limits.” The provision requires a temporary suspension of commercial whaling, the conduct of scientific stock assessments during the period of the suspension, review of the Schedule paragraph 10(e) based on the best scientific advice, and the possible establishment of catch limits other than zero.

It should be noted that there are no words in Schedule paragraph 10(e) to deny the commerce *per se*. The word “commercial whaling” is used as a category only to differentiate the non-indigenous from indigenous whaling.

Fundamentally, it is wrong to deny commercial whaling simply because it has commercial elements. It is even bizarre to regard commercial aspects as something to be ashamed of. Many human activities including whale watching are commercial. There is

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no logical reason why commercial activities in whaling should be denied, while allowing them in other arenas.

The issue should not be whether or not whaling is commercial, but rather whether or not it is sustainable.

## **2. Creating a new category of whaling**

It should be clear from the above section that no new category of whaling will be created in order to allow Japan's small-type coastal whaling to resume its operations. The language of Schedule paragraph 10(e) allows the resumption of commercial whaling when a sustainable catch limit is provided based upon the best scientific advice. Even Schedule paragraph 10(e) doesn't need to be amended or deleted as the steps to resume commercial whaling is built in the current language. In other words, the commercial whaling moratorium doesn't need to be "lifted".

The tool to provide sustainable catch limits is the Revised Management Procedure (RMP) adopted by the Commission in 1994 by consensus. The proposed catch limit in Japan's proposal is based on the results of the RMP *Implementation Review* on minke whales from the Okhotsk Sea-West Pacific Stock completed by the scientific Committee in 2013. This is the major difference and a fundamental improvement of the current proposal compared with previous proposals.

## **3. A risk to the J-stock, incidental catch by set-net fishery, and catch by JARPN II**

In the process of the *Implementation Simulation Trial* (IST) of the RMP *Implementation Review* on minke whales from the Okhotsk Sea-West Pacific Stock, serious attention was given to the prevention of adverse effects on the J-stock in the course of whaling targeted on the Okhotsk Sea-West Pacific Stock and to the effects of the incidental catch by set-net and other fisheries to the sustainability of catch limits. The J-stock issue was incorporated in the IST by adopting various stock hypotheses. The issue of the incidental catch was handled by including historical incidental catch estimates and future incidental catch projections in the IST.

Therefore, catch limits based on the 2013 RMP *Implementation Review* take full account of the concerns regarding a risk to the J-stock and incidental catch by the set-

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net fishery and are extremely conservative. There is no scientific reason to oppose the proposed catch limits based on the RMP *Implementation Review* on the ground of the concerns regarding a risk to the J-stock and incidental catch by the set-net fishery.

The possible effect of the catch by JARPN II on the conservation of minke whales from the Okhotsk Sea-West Pacific Stock was considered and presented as an Appendix to SC/56/O1 (Revised Research Plan for Cetacean Studies in the Western North Pacific under Special Permit (JARPN II)). The Appendix concludes that “[t]he population of the mature female component increases for 30 years in all cases examined”.

#### REFERENCES

MORISHITA, Joji, GOODMAN, Dan, The IWC moratorium on commercial whaling was not a value judgment and was not intended as a permanent prohibition, 2011, *Aegean Review of the Law of the Sea and Maritime Law*, ISSN 1864-9610, DOI 10.1007/s12180-011-0020-z

MORISHITA, Joji, The Truth about the Commercial Whaling Moratorium, SENRI ETHNOLOGICAL STUDIES 83: 335-351 ©2013, *Anthropological Studies of Whaling*, Edited by Nobuhiro Kishigami, Hisashi Hamaguchi and James M. Savelle