

Discussion Paper
Responses to Japan's questionnaire and a Way Forward
(Under Agenda Item 8, also pertinent to other relevant Agenda Items
including Item12)

Government of Japan

1. Background

At the 65th meeting of the Commission in 2014, Japan submitted a proposal to amend the Schedule to the ICRW by adding Paragraph 10 (f) which would establish catch limits for minke whales from the Okhotsk Sea-West Pacific Stock in the coastal waters east of Japan during the years 2014-2018 exclusively for local consumption (see 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", herein after referred to as "the STCW proposal"). The proposed catch limit was based on the *Implementation Review* of the Revised Management Procedure (RMP) completed by the IWC Scientific Committee in 2013 and thus was demonstrated to have no adverse effect on the stocks in the proposed areas. The proposal also incorporated extensive management requirements, such as monitoring, compliance and surveillance measures, which had been suggested at the IWC during its discussion on a Revised Management Scheme (RMS). Japan explained that the catch would take place mostly in Japan's territorial waters and its Exclusive Economic Zone with small vessels. Japan made every effort to respond in detail to the questions and comments raised by the IWC Commissioners and the Contracting Governments who were opposed to the proposal¹ and address their concerns. However, the proposal was not adopted after the voting (19 votes in favor, 39 votes against and 2 abstentions).

The discussion at the 65th meeting on the STCW proposal highlighted the basic issues that required further discussion at the IWC. In order to facilitate further discussion among Contracting Governments, the IWC Commissioner for Japan, Dr. Joji Morishita, after the 65th IWC meeting, sent a letter and a questionnaire to the Secretariat on 21 January 2015 (Annex 2) for circulation to all IWC Commissioners and Contracting Governments, soliciting their views.

This Discussion Paper aims at sharing with the Commission at large the responses provided by the Contracting Governments to the questionnaire, as well as at suggesting a way forward to address the current situation at the IWC.

¹ Japan submitted "Additional information to IWC/65/09" as IWC/65/21 on 8 September, 2014 which addressed issues of concern raised at previous meetings of the Commission (see Annex 1).

2. Summary of the responses

In respect to the questionnaire, the European Union (EU), the Grupo Buenos Aires (GBA), Australia, Israel, New Zealand, and the United States provided a response (see Annex 3). Since August 2015, Japan has also contacted the Contracting Governments opposed to Japan's STCW proposal in order to obtain their views on the matter.

Japan would like to express its sincere appreciation to the Governments that provided a response.

Responses from the Contracting Governments are summarized as follows (note: the responses are classified according to the corresponding questions while none of the original responses provided were addressed to any specific questions).

(1) Responses to the questionnaire from the Contracting Governments

Q1. If you are opposed to the resumption of Japan's small-type coastal whaling based on paragraph 10(e) of the Schedule, please explain which parts of paragraph 10(e) prohibits the resumption of commercial whaling.

No response was provided.

Q2. If you are opposed to all commercial whaling based on national policy not based on paragraph 10(e) of the Schedule, please clearly explain this.

No response was provided.

Q3. If you oppose Japan's small-type coastal whaling proposal, which does not request the deletion of paragraph 10(e) of the Schedule, because you think that the commercial whaling moratorium should not be lifted, please explain the reasons for your objection to Japan's response mentioned in 1 (d) on this paper.

Most respondents reiterated a general statement of supporting the global moratorium on commercial whaling;

- “We reiterate our strong support for the maintenance of the global moratorium on commercial whaling.” (EU)
- “[T]he GBA firmly supports the continued enforcement of the moratorium on commercial whaling, established by the IWC in 1982, and categorically opposes to the resuming of international trade in whale products. [Japan's proposal] would pose a threat to the IWC's commercial whaling moratorium currently in force.” (GBA)
- “Australia remains opposed to all forms of commercial whaling and is a strong supporter of the global moratorium.” (Australia)

- “Israel supports IWC’s commercial whaling moratorium and is of the opinion that at current such moratorium should not be lifted. Hence, we cannot support Japan’s proposal of a schedule amendment regarding small-type coastal whaling.” (Israel)
- “The fundamental purpose of paragraph 10 (e) was, and remains, to establish the moratorium on commercial whaling” (NZ)
- “The United States also continues to support the IWC’s commercial whaling moratorium” (the US)

Q4. If you consider that Japan’s small-type coastal whaling proposal would create a new category of whaling, please explain the reasons.

- “We note that the Government of Japan considers that their proposal does not introduce a new category of whaling but is intended to establish a catch limit for commercial whaling.” (EU)
- “Japan’s small type coastal whaling proposal in effect amounts to a new category of exemption to the moratorium on commercial whaling.” (NZ)

Q5. If you see scientific doubt and/or concerns on the catch limits for Japan’s small-type coastal whaling proposal, please describe your doubt and/or concern explicitly. Also, please answer whether or not you could support the proposal after such doubt and/or concerns have been fully addressed. If not, please explain the reasons.

Some respondents reiterated a general concern over the depletion of J-stock and no specific and scientific explanation was provided regarding why J-stock would be depleted by the proposed catch;

- “We also reiterate our serious concerns, expressed during IWC 65, about the impact of small-scale coastal whaling on whale populations, taking into account the commercial aspects. In addition to the above, again as already stated at IWC 65, some of the scientific and procedural aspects of this proposal also give us cause for concern.” (EU)
- “[T]he GBA would like to recall that the IWC Scientific Committee has expressed its concern about the potential impacts on the depleted ‘J stock,’ which is classified as a Protection Stock by the Commission.” (GBA)
- “[We] are concerned with possible implications of such a proposal on the depleted ‘J-Stock’.” (Israel)
- “New Zealand reiterates its concerns previously expressed as to the impact on stocks proposed to be taken under this proposal, specifically the depleted ‘J stock’, which is classified as a Protection Stock by the Commission.” (NZ)

Q6. If you cannot support catch limits based on the *Implementation Review* of the Revised Management Procedure (RMP) completed by the Scientific Committee, please explain the reasons.

No response was provided.

Q7. If you oppose Japan's small-type coastal whaling proposal because of its killing methods, please describe other killing methods that you could support.

- "Not all countries, however, submit full data sets on time to death. This lack of transparency has limited the ability of the Working Group on Whale Killing Methods and Associated Welfare Issues to conduct its work and, inter alia, hinders any endorsement of particular killing methods used in whaling operations." (NZ)

Q8. If you cannot support Japan's small-type coastal whaling proposal because of other reasons, which are not described in questions from 1 to 7, please explain the reasons. Also, please explain the reasons why you take such position.

No response was provided.

(2) Comments from other countries provided outside the open access questionnaire process via the IWC website (note: names of countries are withheld)

- "If we accept an exemption to the commercial whaling moratorium, whales could be overharvested in developing countries where inspection schemes are not well established. That is why we support the maintenance of commercial whaling moratorium."
- "Because whales must be protected and whaling is prohibited in the domestic law, we can't support the small-type coastal whaling proposal."
- "As the moratorium is a general principle and any exemptions need to be accepted in the IWC commission meeting, the small-type coastal whaling proposal should not be accepted."

3. Analysis and Discussion

Japan's intention for discussion at the 65th IWC meeting and the following web-based exchanges were to clarify and identify legal, scientific and other grounds that formed the basis of the views of the Contracting Governments opposed to the STCW proposal.

It is with this intention that the questionnaire included specific questions such as

the legal interpretation of Paragraph 10(e) of the Schedule, scientific concerns that were not addressed by the RMP and other scientific work conducted by the Scientific Committee, as well as any other reasons behind the opposition to the STCW proposal.

Although this was not entirely unexpected, it is regrettable that the responses did not address these specific questions, and no clear scientific or legal reasons for their opposition to the STCW proposal were provided throughout this process. Some responses were even based on misunderstanding. Specifically, the following findings may be made:

- No response was received on the question related to whether opposition to Japan's STCW proposal was because of paragraph 10 (e) of the Schedule. It could therefore be interpreted that opposition was not based on their understanding on the terms of Paragraph 10 (e). Instead, the majority of the responses simply gave a general explanation that their support for the moratorium is as it is currently in force and should remain without exception.

[Note: The language of Paragraph 10(e) is clear that it does not prohibit commercial whaling *per se*, and that the moratorium on commercial whaling was intended as a TEMPORARY measure. Establishing a catch limit for STCW is consistent with the existing Paragraph 10 (e). For further reference on the commercial whaling moratorium, please refer to paragraph 1 of IWC/65/21 (Annex 1 to this discussion paper).]

- None of the responses provided new scientific evidence concerning the reasons as to why these countries are concerned with the “potential impact” that the STCW proposal may have on stocks.

[Note: It is to be recalled that the Scientific Committee's finding after the RMP *Implementation Review* in 2013 took full account of the concerns regarding a risk to the J-stock and concluded that a small quota for Japan's STCW would not be detrimental to the stocks. This demonstrates that the concerns expressed over the possible effect of STCW on stocks are not based on scientific reasoning. It is a logical assumption that some of the respondents, based on their policy position against the resumption of commercial whaling, continued to express concern, citing the J stock and threats of environmental changes even though both risks are addressed by the RMP. For further reference, please refer to paragraph 3 of IWC/65/21 (Annex 1 to this discussion paper).]

The responses to the questionnaire highlighted once again the fundamental differences in views between those who consider whales as a resource that can be sustainably utilized, as clearly written in the ICRW and as reconfirmed in the 2014 ICJ Judgment, and those who consider that all whales should be fully protected despite clearly demonstrated abundance of stock. Among others, these

responses showed that opposition to the STCW proposal is not based on legal or scientific grounds but rather, it reflects a policy position of the countries which are opposed to any forms of whaling. The responses clearly demonstrated why there has been no progress on the issue of the review of the moratorium on commercial whaling for the past 30 years.

Being fully aware of the current situation that Japan's STCW proposal is not likely to be adopted unless these basic differences of positions are addressed, Japan sees no other way forward than to address the central issue of disagreement.

The question of how to overcome the fundamental differences needs to be asked not only in the context of the STCW but also in all the discussions at the IWC. Although Japan does not at this time resubmit the STCW proposal, Japan intends to continue drawing the attention to the fact that the difference of views among Contracting Governments fundamentally undermines the IWC's capability to pursue the object and purpose of the Convention.

4. Way Forward

The year of 2016 marks the 30th year since the so-called "moratorium on commercial whaling" was implemented. To date, the IWC process has been in a stalemate due to the fundamentally conflicting views described above, and we have seen little progress on narrowing such differences.

In order that the IWC can produce outputs and achievements that are fair, balanced and meaningful for all of its members, the IWC should answer, for example, the following questions;

- Are we willing to recognize that the fundamental differences in positions on whales and whaling are hindering the constructive discussion at the IWC and start addressing the fundamental issues as seen in 2 (1) of this paper?
- How can we overcome the "dysfunction" of the IWC, while respecting the basic positions of each member, at least in the short term?
- How can we achieve both sustainable management and conservation of whales in accordance with the provisions of the ICRW? Both objectives can be more effectively promoted if cooperative relations among the Contracting Governments are established.

Japan proposes to discuss these questions in an informal and non-committal basis during the 66th meeting and if necessary the subsequent intersessional period in an appropriate setting. Repetition of formal position statements will not serve the purpose of this approach.

We encourage all the Contracting Governments to systematically consider the issues raised above and to take constructive approaches. The Commission itself

can only function if demonstrable effort is made to address these matters in good faith.

References:

Annex 1: IWC/65/21 submitted by Japan on 8 September, 2014

Annex 2: Letter from the IWC Commissioner for Japan on 21 January 2015

Annex 3: Responses from the countries

(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

(Submitted by Japan)

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

(Submitted by Japan)

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-

(Submitted by Japan)

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

Annex 2



FISHERIES AGENCY

MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES, GOVERNMENT OF JAPAN

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21 January 2015

Dr. Simon Brockington
Executive Secretary
International Whaling Commission
The Red House, 135 Station Road
Impington, Cambridge
UK CB4 9NP

Japan's Proposal on Small-type Coastal Whaling (Questionnaire)

Dear Dr. Brockington:

As you will recall, at the 65th meeting of the Commission, Japan submitted a proposal for a schedule amendment to permit its small-type coastal whaling vessels to catch minke whales from the Okhotsk Sea-West Pacific Stock (IWC/65/09). While the proposal incorporated MCS (monitoring compliance and surveillance) measures and was based on the *Implementation Review* of the Revised Management Procedure (RMP) completed by the Scientific Committee in 2013, the proposal was not adopted (19 votes in favor, 39 votes against and two abstentions). IWC members that opposed this proposal referred to, as reasons of their opposition, existence of the commercial whaling moratorium, doubt about the scientific basis for establishing the catch quota, opposition to creating a new category of whaling, and unconditional opposition to commercial whaling. Japan responded to these points in detail at the 65th meeting of the Commission addressing the issues in dispute. However, we believe that there are remaining arguments and issues that need further discussion.

By making the remaining arguments clear it is possible to clarify conflictive points and differences in the positions among IWC members which may be useful for making progress on the issue of Japan's small-type coastal whaling. It may also be possible to avoid wasting time by repetition of arguments at the IWC meeting and to discuss the issue with mutual understanding of positions among IWC members.

At the 65th meeting of the Commission, Japan suggested the establishment of an intersessional working group to discuss various issues of small-type coastal whaling. However, based on careful consideration after the meeting, we have concluded that a transparent process through the Secretariat with Circular Communications will more positively facilitate understanding among all IWC Members and be more effective than an intersessional working group. We believe this will be an important and useful first step to clarify issues surrounding small-type coastal whaling.

Therefore, the Government of Japan requests that this letter together with the attached list of questions be circulated to all IWC Commissioners and Contracting Governments. Also, the Government of Japan would like to ask all IWC Commissioners and Contracting Governments to submit their answers to the questions to Japan through the IWC Secretariat by the end of April 2015. To ensure transparency, the Government of Japan requests that these answers be circulated to all Commissioners and Contracting Governments unless an answering party is opposed to doing so.

After having received answers, Japan will consider further action to make a progress on the issue of its small-type coastal whaling such as circulating a follow-up letter to Commissioners and Contracting Governments through the Secretariat.

I would appreciate your continued cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read '森下 丈二' (Morishita Joji).

Joji Morishita
IWC Commissioner for Japan

List of Questions

(1) Major arguments and Japan's responses at the 65th Commission meeting:

Major arguments against 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 (IWC/65/09, herein after referred as "Japan's small-type coastal whaling proposal") and Japan's responses to these arguments at the 65th meeting of the Commission can be summarized as follows:

(a) Commercial whaling moratorium:

(Argument)

No commercial whaling should be permitted because the commercial whaling moratorium is in effect.

(Japan's response)

Schedule paragraph 10(e), which is the so-called commercial whaling moratorium adopted in 1982, is as follows:

"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."

The first sentence of this provision sets zero catch limits for commercial whaling, but it does not prohibit commercial whaling permanently. The second sentence prescribes a comprehensive scientific assessment of whale stocks and consideration of the establishment of catch limits other than zero. In other words, paragraph 10(e) is a provision which describes a procedure for the resumption of commercial whaling.

(b) Creation of a new category of whaling

(Argument)

Opposed to creating a new category of whaling.

(Japan's response)

Japan's small-type coastal whaling proposal does not request the creation of a new category of whaling. The proposal is a request to set a catch limit for commercial whaling in accordance with the Schedule paragraph 10 (e).

(c) Scientific Basis

(Argument)

There is doubt about the scientific basis for setting catch limits.

(Japan's response)

Japan's small-type coastal whaling proposal is based on the *Implementation Review* of the Revised Management Procedure (RMP) completed by the Scientific Committee in 2013. In the process of the Implementation Simulation Trials (ISTs) 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 targeting the Okhotsk Sea-West Pacific Stock and to the effects of the incidental catch by set-nets and other fisheries on the sustainability of catch limits. The J-stock issue was incorporated in the ISTs 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 ISTs.

(d) Lifting the commercial whaling moratorium

(Argument)

The commercial whaling moratorium should not be lifted.

(Japan's response)

Japan's small-type coastal whaling proposal did request the addition of paragraph 10(f) in the Schedule but did not request a deletion of paragraph 10(e) of the Schedule, which is the so-called commercial whaling moratorium. More specifically, even after the proposal is adopted, paragraph 10(e) would continue to remain in effect and zero catch limits for depleted whale stocks would also remain.

Paragraph 10(e) is a mechanism to replace zero catch limits on a stock by stock basis through comprehensive assessment based on the best scientific advice. Japan's small-type coastal whaling proposal is consistent with paragraph 10(e).

(2) Question to Members of the Commission

Japan asks the other members of the Commission to answer the following questions.

(Question 1)

If you are opposed to the resumption of Japan's small-type coastal whaling based on paragraph 10(e), please explain which parts of paragraph 10(e) prohibits the resumption of commercial whaling.

(Question 2)

If you are opposed to all commercial whaling based on national policy not based on paragraph 10(e), please clearly explain this.

(Question 3)

If you oppose Japan's small-type coastal whaling proposal, which does not request the

deletion of paragraph 10(e), because you think that the commercial whaling moratorium should not be lifted, please explain the reasons for your objection to Japan's response mentioned in 1 (d) on this paper.

(Question 4)

If you consider that Japan's small-type coastal whaling proposal would create a new category of whaling, please explain the reasons.

(Question 5)

If you see scientific doubt and/or concerns on the catch limits for Japan's small-type coastal whaling proposal, please describe your doubt and/or concern explicitly. Also, please answer whether or not you could support the proposal after such doubt and/or concerns have been fully addressed. If not, please explain the reasons.

(Question 6)

If you can not support catch limits based on the *Implementation Review* of the Revised Management Procedure (RMP) completed by the Scientific Committee, please explain the reasons.

(Question 7)

If you oppose Japan's small-type coastal whaling proposal because of its killing methods, please describe other killing methods that you could support.

(Question 8)

If you can not support Japan's small-type coastal whaling proposal because of other reasons, which are not described in questions from 1 to 7, please explain the reasons. Also, please explain the reasons why you take such position.

Australia's response to Japan's small-type whaling questionnaire

The International Whaling Commission recognises only three types of whaling: Aboriginal Subsistence Whaling, commercial whaling, and whaling under Special Permit for research. Australia welcomes Japan's statement that its proposal for small-type coastal whaling falls under the definition of commercial whaling. Australia remains opposed to all forms of commercial whaling and is a strong supporter of the global moratorium.

Response of the Grupo Buenos Aires to the questionnaire regarding Japan's proposal on Small-Type Coastal Whaling

With regard to the letter dated 21st January 2015, submitted by the Government of Japan together with an attached list of questions, circulated to all IWC Commissioners and Contracting Governments, on Small-Type Coastal Whaling, the Governments of Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, México, Panamá, Perú, the Dominican Republic and Uruguay, member States of the International Whaling Commission (IWC) and members of the so - called Grupo Buenos Aires (GBA), would like to reaffirm its traditional commitment to the conservation of cetaceans and its engagement with a constructive and positive agenda for the IWC.

The GBA seizes this opportunity to reiterate the arguments that were put forth during the IWC65. In this regard, the GBA firmly supports the continued enforcement of the moratorium on commercial whaling, established by the IWC in 1982, and categorically opposes to the resuming of international trade in whale products.

In this context, the GBA cannot support Japan's Small-Type Coastal Whaling proposal since it considers – as stated during the IWC65 – that it would pose a threat to the IWC's commercial whaling moratorium currently in force. Accordingly, the GBA would like to recall that the IWC Scientific Committee has expressed its concern about the potential impacts on the depleted 'J stock', which is classified as a Protection Stock by the Commission.

The GBA hereby reiterates its previous statements on this subject and reaffirms its unchanged commitment to conservation, the non-lethal and non extractive use and research of cetaceans, the maintenance of the global commercial whaling moratorium in force since 1986, and the respect for the integrity of whale sanctuaries recognized by the IWC.

Finally, the GBA expresses its members' disposition to work with the Government of Japan – as well as with other IWC members – towards a mutual understanding on the next steps to be taken by the IWC, particularly in regards to a positive conservation agenda for cetaceans.

Israel's Response to the Communication from the Government of Japan
on Small Type Coastal Whaling

We would like to thank the Government of Japan for its letter dated January 21st 2015 and its attached questionnaire.

Israel supports IWC'S commercial whaling moratorium and is of the opinion that at current such moratorium should not be lifted. Hence, we cannot support Japan's proposal of a schedule amendment regarding small-type coastal whaling. In addition, we too, are concerned with possible implications of such a proposal on the depleted "J-Stock".

We appreciate Japan's engagement on this issue with other member states, support continued dialog on this issue and look forward to considering the adoption of such method of engagement in other issues under the IWC's auspices.



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère du Développement durable
et des Infrastructures

Département de l'environnement

Luxembourg, 28th April 2015

Mr Joji Morishita
IWC Commissioner for Japan

Dear Mr Morishita,

I am responding to your letter of 21 January 2015 on behalf of the EU IWC Commissioners for Austria, Belgium, Bulgaria, the Republic of Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden and the United Kingdom, as well as the European Union as an accredited observer to the IWC.

The EU and its Member States Parties to the ICRW acknowledge the efforts by the Government of Japan to further engage with Parties to the International Whaling Commission (IWC) on its proposal to amend the Schedule to allow for small-type coastal whaling vessels to catch minke whales from the Okhotsk Sea-West Pacific Stock (IWC/65/09).

As we have stated on previous occasions, the EU and its Member States are strongly committed to the protection of whales. Our objective remains to ensure an effective international regulatory framework for the conservation and management of whales guaranteeing a significant improvement in the conservation status of whales in the long term and bringing all whaling operations under IWC control.

We note that the Government of Japan considers that their proposal does not introduce a new category of whaling but is intended to establish a catch limit for commercial whaling.

We reiterate our strong support for the maintenance of the global moratorium on commercial whaling. We also reiterate our serious concerns, expressed during IWC 65, about the impact of small-scale coastal whaling on whale populations, taking into account the commercial aspects.

In addition to the above, again as already stated at IWC65, some of the scientific and procedural aspects of this proposal also give us cause for concern.

In light of the above, we consider that no new substantive elements have emerged since our discussions in Portorož that would warrant a change in our position.

Please accept my highest regards,

A handwritten signature in black ink, consisting of a stylized 'C' followed by a horizontal line and a diagonal stroke.

Claude Origer
IWC Commissioner for Luxembourg

NEW ZEALAND POSITION ON JAPAN'S PROPOSAL FOR SMALL TYPE COASTAL WHALING (QUESTIONNAIRE)

New Zealand considers that the proposal by Japan for small type coastal whaling can only be addressed in the context of a wider resolution of the key issues that continue to divide the IWC membership, including whaling in the Southern Ocean.

The International Court of Justice in the Whaling in the Antarctic case was clear that whaling that falls outside scientific whaling (Article VIII of the Convention), or aboriginal subsistence whaling (paragraph 13 of the Schedule), is subject to the various prohibitions in the Schedule, including the moratorium on commercial whaling under paragraph 10(e). Japan's small type coastal whaling proposal in effect amounts to a new category of exemption to the moratorium on commercial whaling. The fundamental purpose of paragraph 10(e) was, and remains, to establish a moratorium on commercial whaling. As a member of the Commission, New Zealand has not agreed, and is not in a position to agree, to modify the provision. New Zealand does not consider that conditions currently exist for such a new category.

New Zealand reiterates its concerns previously expressed as to the impact on stocks proposed to be taken under this proposal, specifically the depleted "J stock", which is classified as a Protection Stock by the Commission.

New Zealand reiterates its concerns in relation to the killing methods used for all forms of whaling. New Zealand submits data on an annual basis on euthanized whales and dolphins. Not all countries, however, submit full data sets on time to death. This lack of transparency has limited the ability of the Working Group on Whale Killing Methods and Associated Welfare Issues to conduct its work and, inter alia, hinders any endorsement of particular killing methods used in whaling operations.

30 April 2015



UNITED STATES DEPARTMENT OF COMMERCE
Deputy Assistant Secretary
for International Fisheries
Washington, D.C. 20230

May 5, 2015

Mr. Joji Morishita
IWC Commissioner for Japan

via Dr. Simon Brockington
Executive Secretary
International Whaling Commission
The Red House, 135 Station Road
Impington, Cambridge
UK CB4 9NP

Joji
Dear ~~Mr. Morishita~~,

Thank you for your January 21, 2015, letter and associated questionnaire to International Whaling Commission (IWC) contracting governments requesting information on governments' views of Japan's 2014 proposal on small type coastal whaling. The United States appreciates Japan's efforts to obtain information to further understand the positions of each country. We support Japan's work to increase dialogue with member nations and consider the different points of view of IWC member nations.

The United States continues to believe that the IWC is the premiere body for the conservation of large whales and the management of whaling. We are particularly concerned with the depleted status of the J-stock of western North Pacific minke whales. The United States also continues to support the IWC's commercial whaling moratorium. Therefore, the United States cannot support Japan's proposal for a schedule amendment to permit small type coastal whaling vessels to catch western North Pacific minke whales.

We thank you for your efforts to reach out to IWC contracting governments concerning Japan's requests related to small type coastal whaling. The United States supports continued dialogue with IWC member governments on this and other issues.

Sincerely,

Russell F. Smith III
IWC Commissioner for the United States

