

Annex U

Statements on the Agenda

ANNEX U1. COMMENT ON THE USE OF ARTICLE VIII BY THE GOVERNMENT OF JAPAN

P. Clapham, C. Scott Baker, R.L. Brownell, Jr.,
S. Childerhouse, N. Gales and P. Wade

Since 1987, under Article VIII of the Convention, Japanese special permit programmes in the North Pacific and Antarctic have together killed more than six times the number of whales that were taken between 1952 and 1986 by all other nations combined. We reiterate our position from previous years that Article VIII was never intended to permit such large-scale catches, or research programs that lasted for decades with no apparent end point. As noted three years ago by Lars Walløe, the originator of Article VIII, Birger Bergersen (the first Chair of the IWC) ‘was thinking that the number of whales a country could take for science was less than 10; he didn’t intend for hundreds to be killed for this purpose ... he had in mind, for instance, the possibility of finding a new animal and thus needing to take some in order to describe them scientifically’ (Morrell, 2007).

In 1946, the only way to study whales was to kill them. This is no longer the case, and as we have previously noted there is virtually nothing important to management that cannot be learned using non-lethal techniques. This is significant, because the IWC’s guidelines for scientific whaling include the provision that lethal sampling should be conducted only if non-lethal alternatives are unavailable (Donovan, 2001).

ANNEX U2. RESPONSE TO ANNEX U1

H. Hatanaka, J. Morishita, D. Goodman,
L.A. Pastene and Y. Fujise

Based on the reported views of the first Chair of the IWC, the authors of Annex U1 contend that Article VIII was not intended to permit large catches for scientific research, or ongoing research programs. Scientific knowledge related to cetaceans and resource management has progressed dramatically since the 1940s. A scientist at that time could not have imagined the research objectives being currently pursued. Both the number of whales taken and the duration of the current research programmes should be determined by the needs for scientific information in the 21st century. In fact the specific language of Article VIII in no way constrains either the numbers of samples or the duration of research.

Catch levels under JARPA II and JARPN II have been calculated as the minimum required to obtain statistically significant data. Given that some of the stocks concerned (e.g. Antarctic humpback and minke whales) are abundant and increasing rapidly, it is quite logical that the sample sizes are correspondingly large. These calculations and their rationale together with an examination of the effects of these catches on the stocks have been clearly presented

in the research plans provided to the Scientific Committee (Government of Japan, 2002; 2005).

We do not agree that the main objectives of the JARPA II and JARPN II studies (feeding ecology of minke, fin, sei, Bryde’s and sperm whales) can be achieved by exclusively non-lethal means, although both JARPA II and JARPN II have incorporated non-lethal components. Quantitative data on diets for model input cannot be obtained by non-lethal means and data on additional parameters of importance to management, notably age structure of populations, can be collected only through lethal sampling.

The Scientific Committee has noted that data from both the Antarctic and North Pacific research permit programs have made major contributions to the understanding of certain biological parameters and have provided considerable data which could be directly relevant to management (IWC, 1998; 2001). The Scientific Committee has also noted that non-lethal means to obtain some of this information are unlikely to be successful particularly in the Antarctic (IWC, 1998; 2008). Similar views were expressed by an ‘Expert Panel’ that reviewed the JARPN II program. The panel also concluded that JARPN II pollutant studies represent a valuable contribution to knowledge in this area (IWC, 2010).

ANNEX U3. STATEMENT BY THE ICELANDIC, JAPANESE AND NORWEGIAN DELEGATIONS CONCERNING DNA REGISTER SYSTEMS

Members of the Scientific Committee and the Commission are aware that the Governments of Iceland, Japan and Norway have, on a voluntary basis, implemented national DNA register systems to provide for effective monitoring of whale meat products in the market and that information on these DNA register systems has been provided to the Commission.

This statement is to reassert the position of the Governments of Iceland, Japan and Norway that the monitoring of markets is outside the jurisdiction and competence of the IWC and that for this reason, inclusion of items related to DNA identification of market products on the agenda of the Scientific Committee and its Working Groups is inappropriate. For this reason, representatives of the Governments of Iceland, Japan and Norway and their appointed scientists will not participate in Scientific Committee discussions of this matter.

However, the Governments of Iceland, Japan and Norway will provide additional information on their DNA register systems as they deem appropriate including information on technical aspects of these systems. Further, we urge that the future work of the Scientific Committee on matters related to the use of DNA technologies and analyses take the position of our Governments into account. In this regard, documents dealing with the marketing of whale meat products should not be submitted to or discussed by the Scientific Committee.

ANNEX U4. STATEMENT BY THE JAPANESE DELEGATION CONCERNING WHALEWATCHING

It is the Government of Japan's position that whalewatching is outside the competence of the IWC. Further, the IWC has limited financial and human resources and should be focusing its efforts on important matters such as stock assessments.

ANNEX U5. STATEMENT BY THE JAPANESE DELEGATION CONCERNING SMALL CETACEANS

Resolution 1999-9 on Dall's porpoise is clearly outside the jurisdiction of the IWC, and therefore Japan continues not to provide data concerning small cetaceans at this year's Scientific Committee meeting. Furthermore, Japan will not participate in the meeting of the Standing Sub-Committee on Small Cetaceans this year. It is unfortunate that the political attempt to expand the scope of the IWC's influence to include small cetaceans by Resolution 1999-9 has prevented the continued voluntary scientific co-operation of Japan in the field of small cetaceans.

However, Japan will make its data on small cetaceans available following this year's Scientific Committee meeting through appropriate means, such as the website of the Fisheries Agency of Japan.

Finally, although Japan may not make any comments on the draft report of the Standing Sub-Committee on Small Cetaceans, this should in no way be taken to mean that Japan concurs with or supports the contents of the report.

REFERENCES

- Donovan, G. 2001. Report of the Scientific Committee. Annex Y. Guidelines for the Review of Scientific Permit Proposals. *J. Cetacean Res. Manage. (Suppl.)* 3: 371-72.
- Government of Japan. 2002. Research plan for cetacean studies in the western North Pacific under special permit (JARPN II). Paper SC/54/O2 presented to the IWC Scientific Committee, April 2002, Shimonoseki, Japan (unpublished). 115pp. [Paper available from the Office of this Journal].
- Government of Japan. 2005. Plan for the Second Phase of the Japanese Whale Research Program under Special Permit in the Antarctic (JARPA II) - monitoring of the Antarctic ecosystem and development of new management objectives for whale resources. Paper SC/57/O1 presented to the IWC Scientific Committee, June 2005, Ulsan, Korea (unpublished). 99pp. [Paper available from the Office of this Journal].
- International Whaling Commission. 1998. Report of the Scientific Committee. *Rep. int. Whal. Commn* 48:53-118.
- International Whaling Commission. 2001. Report of the Workshop to Review the Japanese Whale Research Programme under Special Permit for North Pacific Minke Whales (JARPN), Tokyo, 7-10 February 2000. *J. Cetacean Res. Manage. (Suppl.)* 3:375-413.
- International Whaling Commission. 2008. Report of the Intersessional Workshop to Review Data and Results from Special Permit Research on Minke Whales in the Antarctic, Tokyo, 4-8 December 2006. *J. Cetacean Res. Manage. (Suppl.)* 10:411-45.
- International Whaling Commission. 2010. Report of the Expert Workshop to Review the Ongoing JARPN II Programme, 26-30 January 2009, Yokohama, Japan. *J. Cetacean Res. Manage. (Suppl.)* 11(2):405-50.
- Morrell, V. 2007. Killing whales for science? *Science* 316: 532-34.