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Invitation to Discussions on Way Forward of the IWC

Dear IWC Members,

At the IWC66, in response to Japan's initiative, the Commission agreed to initiate informal discussions on issues regarding differences in the positions among Members, and report the progress to the next Commission meeting (see "The IWC in the Future", p.3, Summary of Main Outcomes, Decisions and Required Actions from the IWC 66th Annual Meeting). Japan has taken an initiative on "Way Forward of the IWC" in an attempt to lead a process of constructive dialogues among Members to address fundamental differences in their positions on whales and whaling, which is indispensable for all the Members in realizing the way forward toward fair and sound functioning of the IWC.

As to Japan's interests, it had repeatedly requested an allocation of a catch limit of minke whales for its small-type coastal whaling within its Exclusive Economic Zone since the adoption of the commercial whaling moratorium, and at the IWC65 made the proposal, based on advice of the Scientific Committee incorporating extensive management requirements, such as monitoring, control and surveillance measures. Even though Japan's proposals were fully in line with the objective and purpose of the ICRW; proper conservation of whale stocks and orderly development of the whaling industry, the proposals had been repeatedly denied due to the majority of opposition.

Recognizing that fundamental differences in positions rather than scientific and/or legal views had been latent root cause of the repeated rejections, Japan sent a questionnaire via the IWC Circular (IWC.CCG.1140) requesting those who opposed Japan's proposal at the IWC65 for their legal interpretation of Paragraph 10(e) of the Schedule, scientific concerns or any other reasons that formed the basis of their views. 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, and no clear scientific or legal reasons for their opposition were provided. Those responses revealed that their opposition reflects their policy on their denial of any forms of whaling. It highlighted once again the fundamental differences in views between those who consider whales as one of fishery resources that can be utilized in a sustainable manner, and those who consider that all whales should be fully protected under any circumstances.

This fundamental differences in views have hindered the IWC from making any decisions on its core mandate; conservation and management of whale resources.

Not only Japan's proposal, but also all proposals of South Atlantic Whale Sanctuary (SAWS) had been similarly rejected because of the fundamental differences in views and positions. Moreover, there had been repeated failures of the efforts for reconciling the differences in the positions and finding "packages" acceptable for all; i.e. Revised Management Scheme (RMS) negotiations and the process of the "Future of the IWC" among others. They all failed. Thus the current IWC situation is not conducive to both sustainable whaling and protection of whales. In order to resolve the state of the IWC that is dysfunctional in light of the above mentioned matters, Japan believes there is no other way forward than to address the fundamental differences in positions as the central issue for all the Members.

With this in mind, at IWC66, Japan proposed to discuss the central issue, and the Commission agreed to initiate the discussions intersessionally as stated above.

The followings are questions for stimulating preliminary discussions.

- How can we achieve both sustainable use and conservation of whales in the IWC through cooperative relations among the Members?
- Are we willing to recognize that the fundamental differences in positions among Members on whales and whaling have been hindering the IWC to make decisions on both sustainable use and conservation of whales?
- If so, are we willing to have discussions on the fundamental differences, while respecting the basic position of each Member?

Japan invites all the IWC Members to engage themselves in the discussions on the central issue, i.e. fundamental differences in positions on whales and whaling, by providing any comments or responses to the questions exemplified above.

It is NOT intended to discuss individual issues, which are allocated for discussions under the respective agenda items of the IWC.

The comments or responses can be submitted either publicly posted via the IWC Circular Communications or via “Yammer” which is a forum not open to the public. All Contracting Governments are invited to join the “Yammer” discussion by contacting the Secretariat who will add them to the group. They will receive an e-mail invitation and “Yammer” can then be accessed by <https://www.yammer.com/iwc.int/> .

As stated at IWC66, Japan believes it would be more useful to exchange views using open and transparent process. With this in mind, Japan would encourage Members to submit comments or responses via the IWC Circular Communication. Any comments or responses submitted via the IWC Circular Communication will be automatically duplicated onto the “Yammer” page for ease of reference.

Japan is looking forward to engaging itself in constructive dialogues on the fundamental issues on whales and whaling with all the IWC Members, so that a meaningful way forward could be unanimously found at the next Commission meeting in September 2018.



Sincerely,

Hideki MORONUKI

Japan's Alternate Commissioner for IWC

(Attachments for reference)

IWC66/16 “Responses to Japan's questionnaire and a Way Forward”

IWC/66/22 “Intersessional Working Group on the Way Forward Terms of Reference”