

Japan's Position Statement on
"Report of the Standing Working Group on Special Permit Programmes
(IWC/67/16)"

The Government of Japan hereby submits its position on the Report of the Standing Working Group on Special Permit Programmes (submitted to IWC67 as IWC/67/16 and hereinafter referred to as "the Report").

1. For the reasons Japan has articulated in its position statement circulated as IWC.ALL.276, dated 31 January 2017, Resolution 2016-2 is *ultra vires* and should not be given effect as it would in effect modify the current review process for Special Permit Programmes, by granting the Commission a power it does not have under the existing provisions of the Convention and its Schedule. Japan considers that the establishment of the Standing Working Group on Special Permit Programmes (hereinafter referred to as "SWG") as envisaged by the resolution is inconsistent with the Convention, and therefore that the Commission should refrain from taking any action based on the findings of the SWG contained in its Report.

2. It should be recalled that "it is Paragraph 30 of the Schedule that sets out the binding procedure for review of Special Permit proposals" and that Paragraph 30 "only prescribes review and comment by the Scientific Committee and no more, as Special Permit research is essentially a scientific matter". Japan emphasized these points at the IWC66 (as recorded in paragraph 94 of the Chair's Report of the 66th Meeting of the International Whaling Commission). In this regard Japan has sincerely followed the necessary procedures stipulated in the Convention and its Schedule concerning its special permit programs, and duly took into account the Panel's recommendations and the comments it received during the Scientific Committee meetings.

3. The points raised above are irrespective of the contents of the Report, leaving aside a number of incorrect and misleading descriptions. Japan in particular notes with regret that the report fails to take note of the rigorous discussions and the differing views in the Scientific Committee on this matter, which are reflected in the report of the Scientific Committee.

4. Should the Commission proceed to consider the report and take action on it, it would disrupt the institutional framework of the IWC in contradiction to the

Convention, and would not be fair to the proponents of the Special Permit programmes and the members of the Scientific Committee who have contributed significant time and efforts to the review process under paragraph 30 of the Schedule.

5. Japan reiterates its full commitment to cooperating with the IWC in accordance with the Convention and its Schedule.