

# Antarctic Whaling Case at the International Court of Justice



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January 28, 2014

# Overview

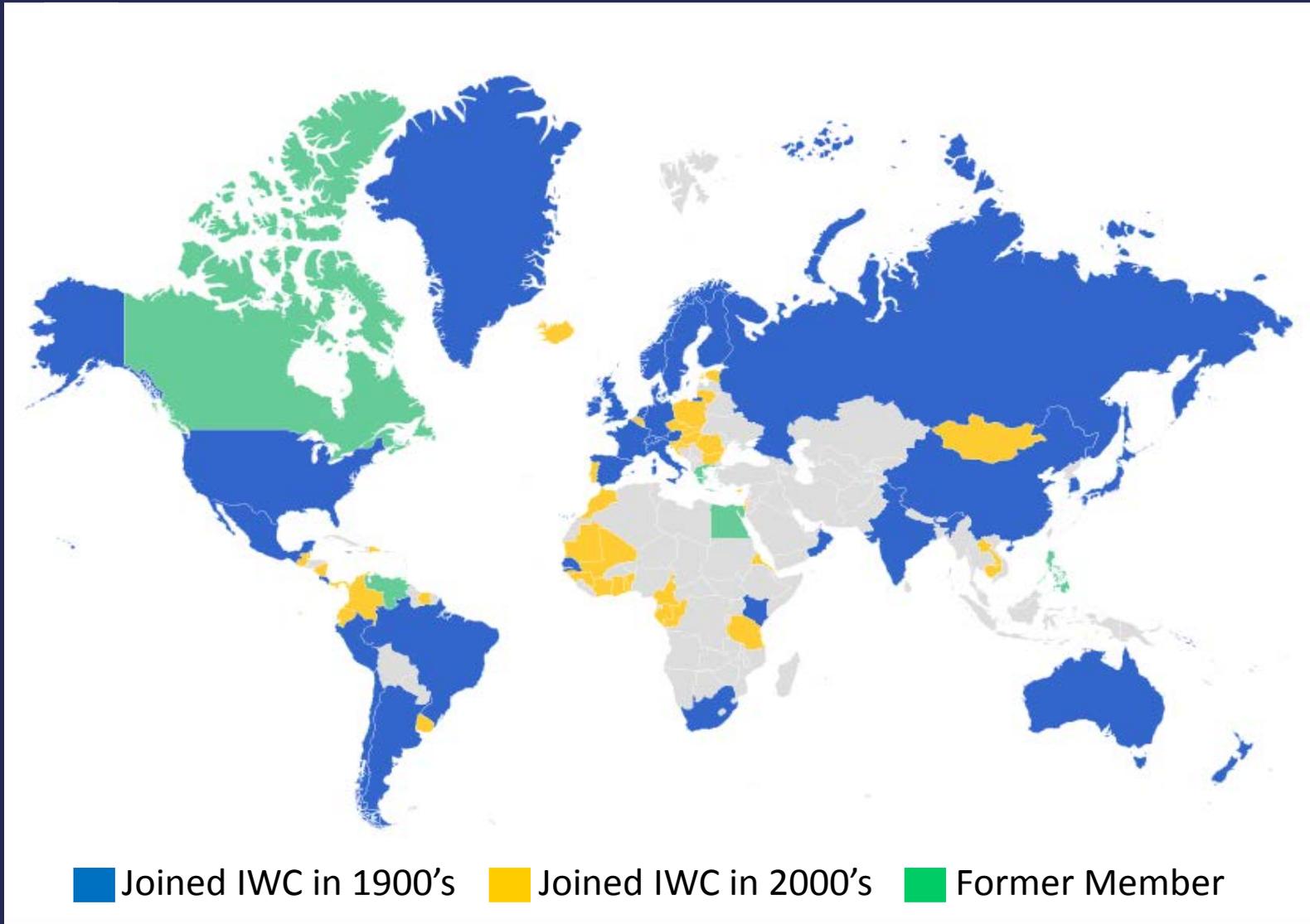
- International Whaling Commission (IWC)
- Japan's Antarctic Whaling
- International Court of Justice Proceedings  
*Australia v. Japan: New Zealand intervening*
- Arguments – science on trial?

# International Whaling Commission

- International Convention for the Regulation of Whaling – 1946
- Whale conservation and management of whaling
- The Convention includes a Schedule of catch limits, etc.



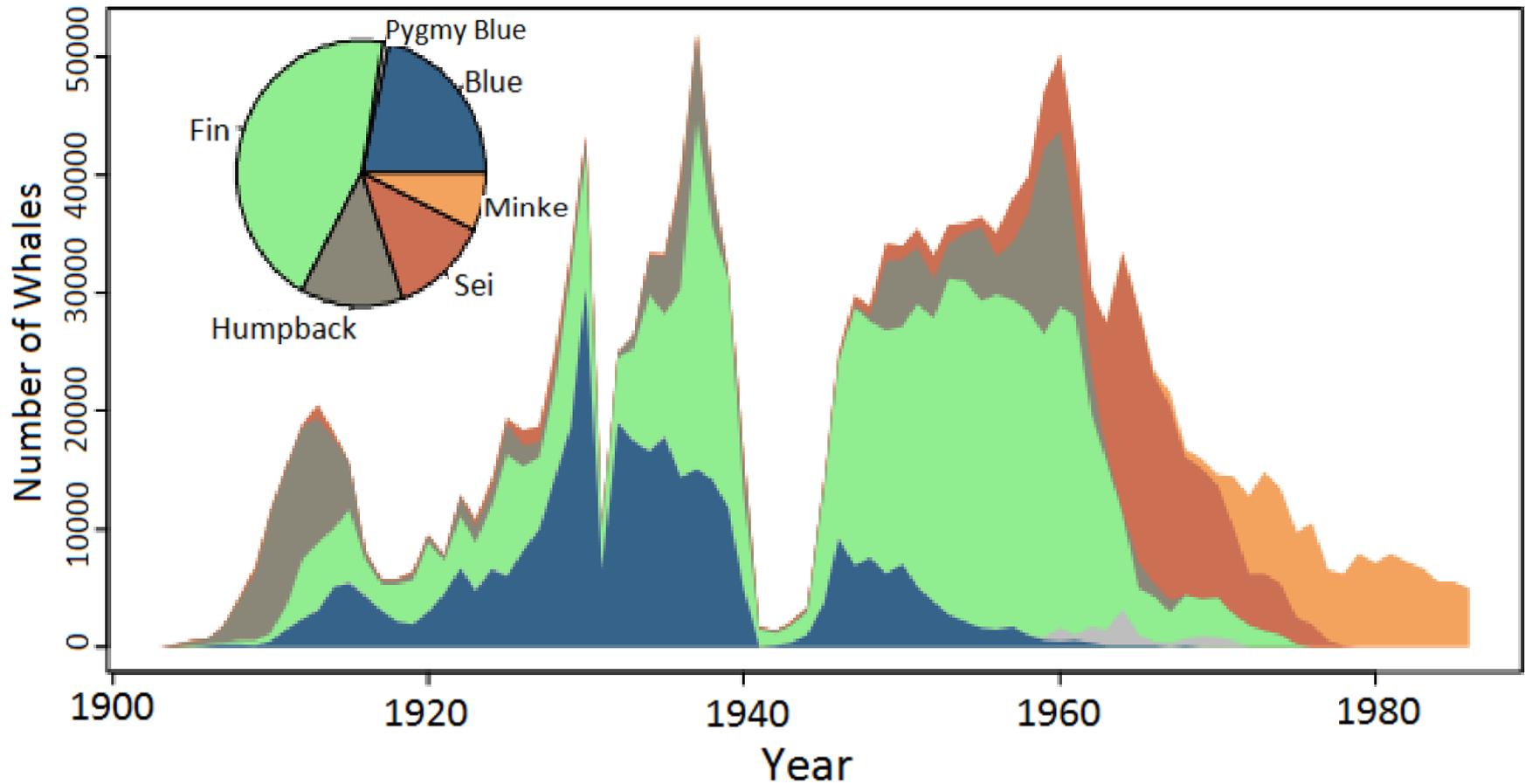
# 88 IWC Members



# Scientific or “Special Permit” Whaling

- Article VIII of the Whaling Convention
- Whaling “for purposes of scientific research” is exempt from the Convention
- Broadly worded
- What does this mean???

# S. Hemisphere Whale Catches

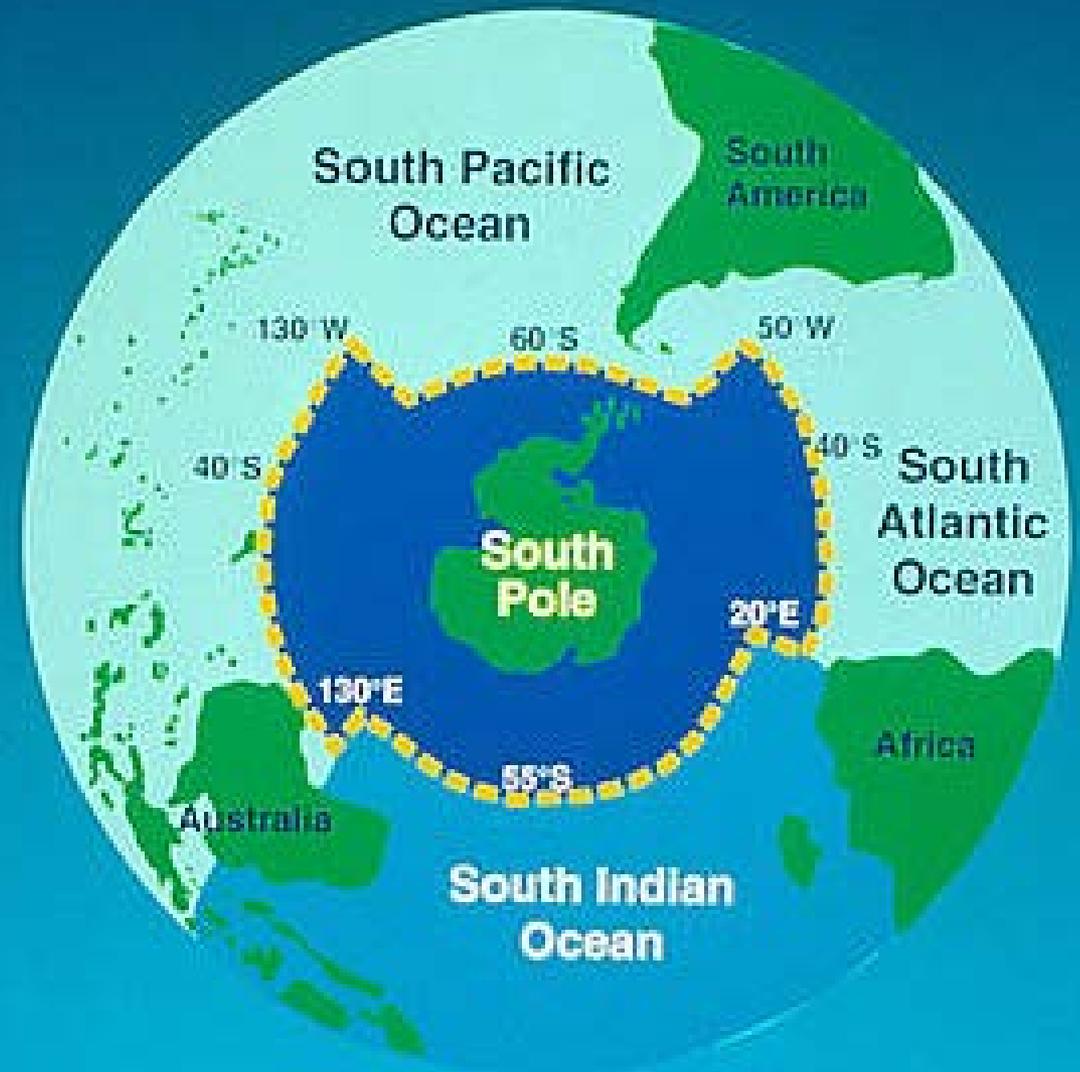


# Commercial Whaling Moratorium

- Passed in 1982 – Japan (and others) objected
- Effective 1986
- In **1987/1988** Japan withdrew its objection to the moratorium
- There is also a moratorium on the use of factory ships

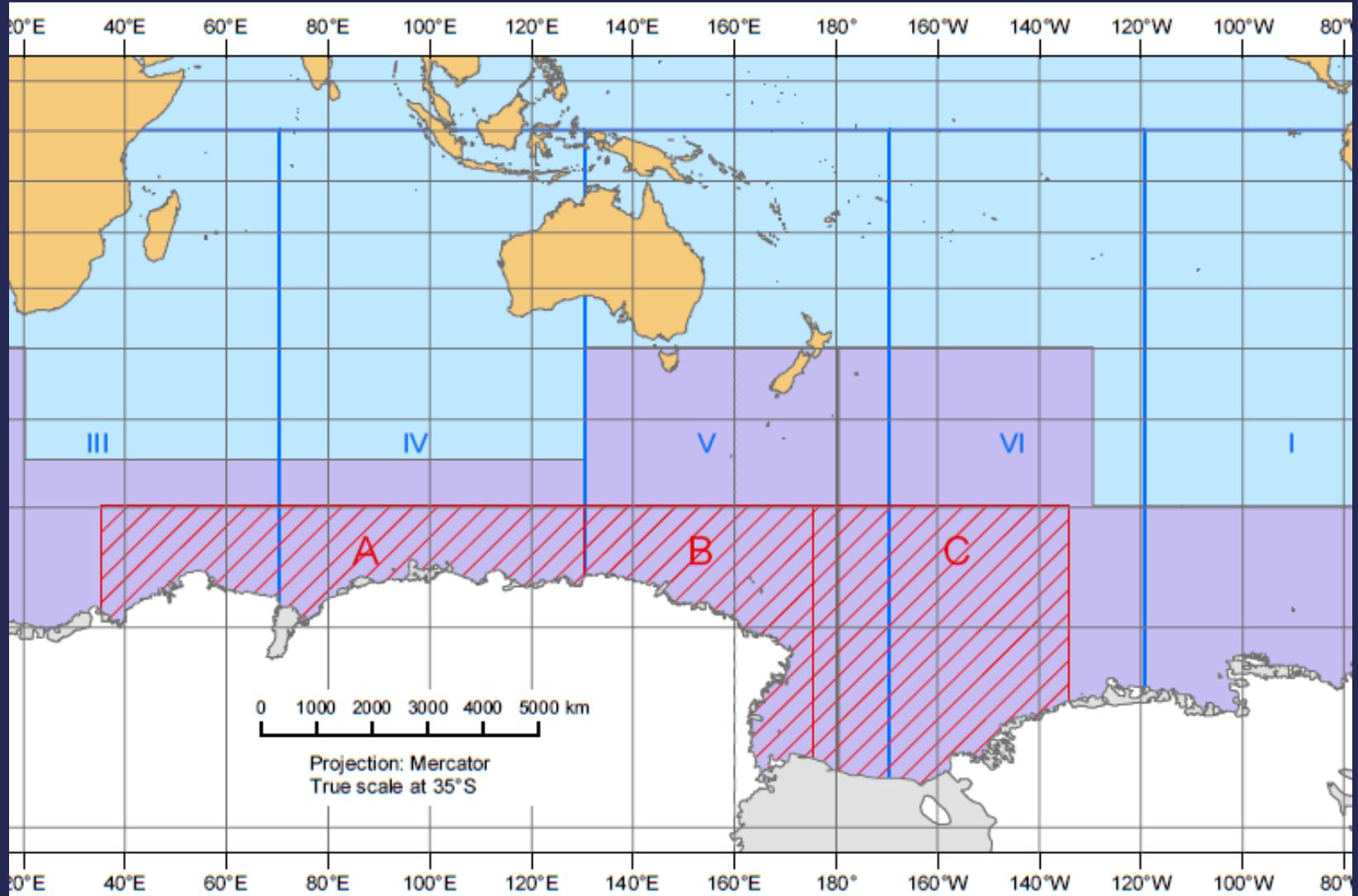
# Southern Ocean Sanctuary

Commercial  
Whaling  
Prohibited

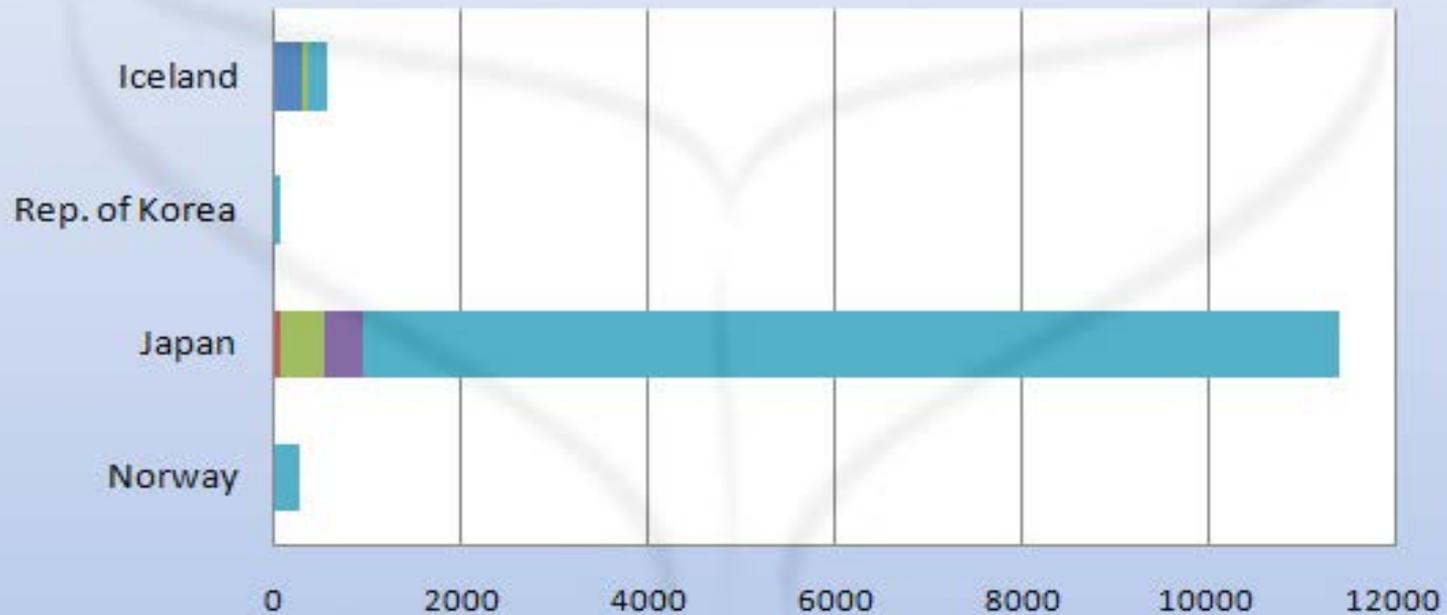


- Boundary of Southern Ocean Whale Sanctuary
- Southern Ocean Whale Sanctuary
- Part of Indian Ocean Whale Sanctuary

# Japan's S. Ocean Whaling Area



# Scientific Whaling 1985-2007



	Norway	Japan	Rep. of Korea	Iceland
Fin	0	13	0	292
Sperm	0	45	0	0
Sei	0	492	0	70
Brydes	0	396	0	0
Minke	289	10443	69	200

# Japan's Antarctic Catch Limits

- 1987/1988 – 2004/2005
  - 440 Antarctic minke whales
- 2005/2006 – present
  - 935 Antarctic minke whales
  - 50 fin whales
  - 50 humpback whales

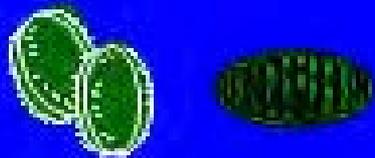
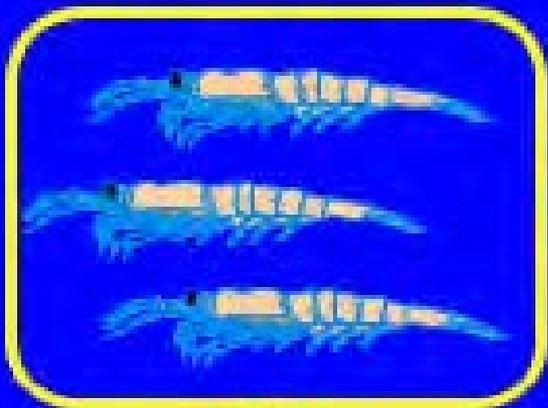


# Japan's Research Purpose

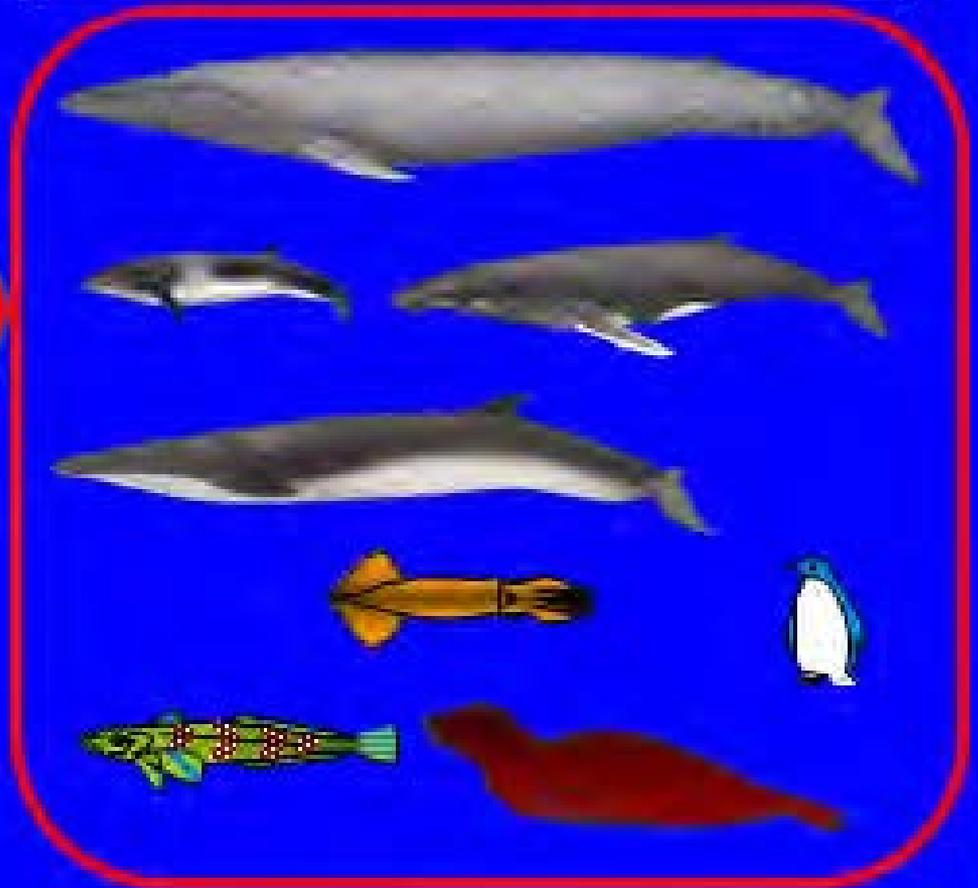
- Monitor the Antarctic ecosystem
- Model competition among whales species and develop future management objectives
- Elucidate temporal and spatial changes in the stock structure
- Improve the mgmt procedure for Antarctic minke whale stocks

# Modeling Competition among Whale Species in the Antarctic

Major Food Species

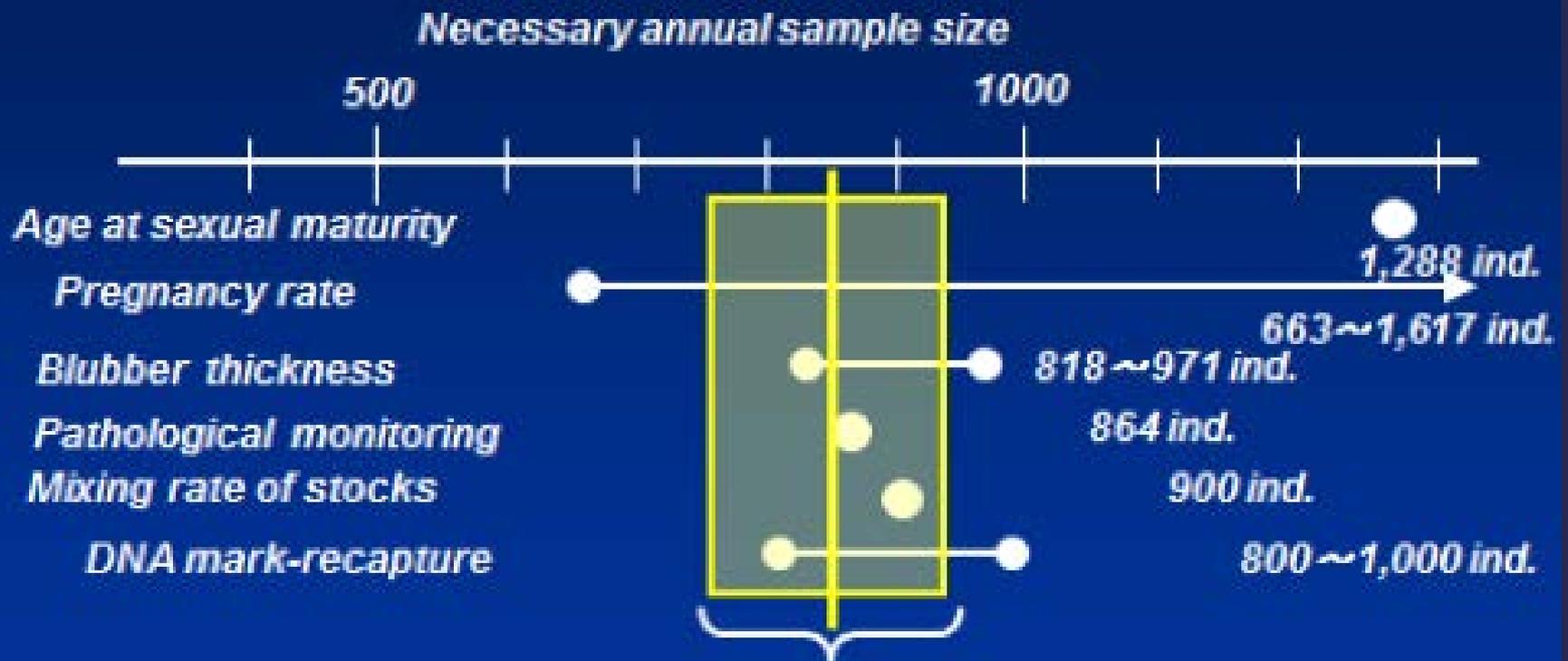


Competition among krill feeders



# Minke Whale Sample Size

**Individuals will be sampled at random**



**Sample size was set at 850 ind.  $\pm$  10%**

# Whale Meat is Sold



# IWC Views on Japan's Whaling

- IWC Scientific Committee disagreement
  - Relevance
  - Sample sizes
  - Alternative non-lethal methods
- Several IWC Resolutions asking Japan to refrain from issuing permits

# International Court of Justice (ICJ) Proceedings

- Hearings in June and July, 2013
- The U.S. does not have a view on the merits of the arguments



# Australia's Perspective

- Japan is violating the Whaling Convention
- The whaling is not “for purposes of scientific research”
- It lacks defined and achievable objectives, appropriate methods, peer review and unnecessarily kills the stock being studied
- It's commercial whaling in disguise

# New Zealand's Perspective

- An **objective** assessment must demonstrate that the killing is only for purposes of scientific research;
- The killing must be necessary for, and proportionate to, the objectives of that research and will have no adverse effect on the conservation of stocks; and
- The Contracting Gov't must have cooperated meaningfully with the Scientific Committee and the IWC.

# Japan's Perspective

- Complies with Art. VIII of the Whaling Convention
- The meaning of Art. VIII is clear
- The research provides data necessary for sustainable use of the whales
- The Whaling Convention allows the sale of the whale meat.

# What's next?

- Possible court ruling in spring 2014
- International Whaling Commission implications
- Meanwhile, Japan continues its Antarctic whaling program



# More Information

- IWC – [www.iwc.int/permits](http://www.iwc.int/permits)
- ICJ - [www.icj-cij.org/docket](http://www.icj-cij.org/docket)