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This is a critique of the Fisheries Agency of Japan (FAJ) standard document "What are Japan's whale research programmes". Text from the FAJ document appears throughout with comments from Greenpeace inserted in bold. The FAJ document was most recently issued in support of a FAJ press release, dated 15 November 2001, attacking criticism from New Zealand and the US of Japan's 'scientific' whaling.

SCIENTIFIC WHALING – THE TRUE STORY

Introduction

Japan's whale 'research' programmes are a cynical exercise set up by the whaling industry to keep itself alive and to keep markets in Japan supplied with whale meat while supporters of whaling work to overturn the moratorium on commercial whaling.

The private corporation which does the 'research', the Institute of Cetacean Research (ICR), was set up in 1987 when the moratorium threatened to end Japan's Antarctic whaling. The company that had conducted this whaling then set up a holding company and transferred its factory ship and crews to the holding company. The holding company made a gift of 9.6 million US dollars to the ICR. The ICR used this money and an additional 2.7 million dollar grant from the Fisheries Agency to charter the whaling fleet from the holding company and send it back to the Antarctic.

So officially Antarctic commercial whaling ended in May 1987, but by December 1987, the same factory ship and catchers, crewed by the same people, returned to their usual hunting grounds catching whales to be sold on the same markets as before. This was the result of years of planning by the whaling industry. For example, on 3 December 1984 the Asahi News Service reported: "The government and industry have considered various strategies to continue whaling such as ... (continuing) to catch whales under the guise of 'investigative whaling', although the catch would still be sold and eaten..."

The 'research' programme was never requested by the IWC's Scientific Committee and has been repeatedly criticised by it and by the Commission itself. The IWC has repeatedly asked Japan to suspend these programmes. The data collected are intended to facilitate a return to commercial whaling; the vast majority of it has no other purpose and is of no interest to scientists outside the whaling industry.

Here are some of the claims made by the fisheries agency of Japan and some comments on them:

What are Japan's whale research programmes?

Japan has two whale research programmes, one in the Antarctic that began in 1987 in response to claims by a number of members of the IWC that the scientific information was insufficient to properly manage whale stocks.

Comment: Since that time the IWC's scientists have unanimously (including all the Japanese scientists) agreed on the scientific aspect of a management system. This system requires only two inputs: a current population estimate and the records of past catches and does not require any of the data provided by Japan's 'research' programmes.

This and the IWC's Southern Ocean Whale and Ecosystem Research (SOWER) are the only long-term research programmes on whales in the Antarctic that is providing valuable information related to whales and the Antarctic ecosystem.

Comment: This is untrue and insulting to the many nations who are doing research on whales and the Antarctic ecosystem. For example, an Australian research expedition will be studying whales in the Antarctic in 2002. The Japanese programme is focused on providing information useful mainly for exploitation (such as age structure) which is of little interest to scientists outside the whaling industry. The IWC's Scientific Committee has agreed that these data are not needed for management. The reason that the whalers collect this information is that it might be useful to justify higher catches than would be allowed otherwise. This is referred to as 'improving management'.

The other research programme is carried out in the western North Pacific. This was originally a five-year programme that began in 1994. Phase II of this programme began in August 2000.

Comment: Its interesting that this programme began around the time that the holding company, which owns the whaling ships, was slipping into the red. The increased income from the expanded 'research', and an increase in the Antarctic quota from 330 to 440 brought it back to profitability within a few years.

Both the research programmes involve non-lethal research including sighting surveys and biopsy sampling, as well as a small take of whales for research that cannot be effectively done by non-lethal means. This includes examination of earplugs for age determination studies, reproductive organs for examination of maturation, reproductive cycles and reproductive rates, stomachs for analysis of food consumption and blubber thickness as a measure of condition.

Comment: No one objects to the non-lethal component - after all that is how all other whale research around the world is done. The suggestion that the lethal take is 'small' is disingenuous. The take of 440 whales provides about 2,000 metric tons of meat with a wholesale value of at least 3.5 billion yen (28 million dollars). The ICR has an annual turnover of in excess of 60 million dollars - it is a good sized business. Of the 5000 Minke whales stomachs so far 'sampled' in the Antarctic, every one has contained krill and only krill, a fact that was known long before the 'research' began.

Are Japan's research programmes a violation of the moratorium and the sanctuary in the Antarctic? Are Japan's whale research programmes illegal?

Japan's whale research programmes are legal. Article VIII of the International Convention for the Regulation of Whaling (ICRW) specifically provides for members of the IWC to issue permits for the killing of whales for research purposes. Both the moratorium and the Antarctic Sanctuary apply only to commercial whaling.

Comment: The records of the founding conference for the IWC in 1946 show clearly that the framers of Article VIII did not intend that it be used to carry out a business venture spanning decades in the face of opposition both from scientists and the Commission itself. The 'research' whaling was never requested by the IWC's Scientific Committee and is carried on despite repeated requests from the IWC to stop the programme.

In the 53-year history of the IWC no other member state has conducted whaling under special permits for so many years nor used special permits to take so many whales .

Articles 65 and 120 of the United Nations Convention on the Law of the Sea (UNCLOS) establish that all countries must "cooperate with a view to the conservation of marine mammals and in the case of cetaceans shall in particular work through the appropriate international organisations for their conservation, management and study". These provisions apply both to areas under national jurisdiction and to the high seas. The appropriate organisation with respect to the great whales is the IWC which is the only international body charged with the responsibility to regulate whaling activities world-wide; its status as the "appropriate international organisation" for the regulation of whaling, as intended by UNCLOS, was explicitly confirmed in chapter 17 of Agenda 21, adopted by consensus by the 1992 UNCED conference, in which Japan participated. However, despite the fact that it is legally bound by UNCLOS, Japan has demonstrably failed to co-operate with the IWC. Specifically, Japan has ignored some 20 resolutions by the IWC calling on it to halt its 'scientific' whaling operations and it objected to the establishment of the Southern Ocean Sanctuary despite the near unanimous support for the sanctuary.

Why does Japan continue its whale research programmes?

Sustainable use and proper management of all marine resources should be based on scientific findings. Article V of the ICRW requires that its regulations be 'based on scientific findings'.

Criticism of Japan's whale research programmes, based on emotional reasons, ignores both science and international law and is a rejection of the basic principle that resources should be managed on a scientific basis.

Comment: Scientific management of whales does not require the data obtained from Japan's "research" programme. The management plan agreed by the IWC's scientists requires only information that can be obtained without killing whales.

Anti-whaling is not the majority world-view. In fact, in 1992, the UN Conference on Environment and Development (UNCED) held in Rio de Janeiro, reaffirmed the provisions of the Convention on the Law of the Sea, an agreement that permits whaling on the high seas, and explicitly rejected the efforts of anti-whaling nations to exclude whales from the list of resources open to sustainable use and development.

Comment: This is just a flat out lie. The UNCED repeated and clarified provisions of the UNCLOS saying that because of their special status under international law as highly migratory animals and as marine mammals, the management of cetaceans can be more strict than that of other marine species, including a prohibition on their catching. The relevant part of UNCED says: "Nothing in [the previous paragraph of agenda 21] restrict the right of a coastal State or the competence of an international organisation, as appropriate to *prohibit, limit or regulate the exploitation of marine mammals more strictly than provided for in that paragraph.*" (emphasis added) There was no "list of resources open to sustainable use and development" approved at UNCED and there was certainly no "explicit rejection" of whales from this purported list.

Further, at both the 1997 and 2000 Conferences of the Parties to the Convention on International Trade in Endangered Species, more than half the countries present supported the controlled use of Minke whales.

Comment: Another lie. Both conferences rejected attempts by Japan and Norway to resume international trade in Minke whales. At the most recent conference Japan's attempt to downlist the Southern Hemisphere Minke whales failed with 69 votes against and 46 in favour and 10 nations abstaining or spoiling their ballots. Norway's proposal to downlist the NE Atlantic Minke failed with 52 votes in favour and 57 against. Norway brought the proposal back for a second vote near the end of the conference and managed to attract a vote of 53 in favour with 52 opposed and 8 abstentions but this fell well short of the 2/3 majority needed and did not attract half the votes of the nations present.

Many fishing nations including Norway, China, Korea, Russia and Iceland, as well as many developing countries, support the sustainable use of all marine resources (including whales) and research programmes that provide for science based resource management decisions.

Aren't Japan's whale research programmes simply commercial whaling in disguise?

The ICRW requires that the by-products of the research be processed. The fact that the whale meat ends up on the market is a requirement of the Treaty. Income from the sale of by-products (meat) is used to help offset the cost of the research.

Comment: It is not true that the ICRW requires that 'by-products' be processed. Nor does the treaty require that whale meat be sold on the commercial market. When Norway undertook 'scientific' whaling in 1992 they dumped 3/4 of each whale they caught into the sea, bringing back only the high value red meat. Japan said nothing. Japan's whalers bring back all the products from each whale not because they are required to but because they attract good prices in Japan. Independent observers who have seen the whaling factory ship describe it as a meat packing operation with a little laboratory tacked on.

Why do you need to kill whales to do research?

Japan's research programmes involve both lethal and non-lethal research techniques such as sighting surveys and biopsy sampling. While certain information can be obtained through non-lethal means, other information requires sampling of internal organs such as ovaries, earplugs and stomachs. For example, while the population age structure and reproductive rates of land mammals can be determined by observation over a long period of time, such is not the case for whales. In this case we need earplugs for age determination and ovaries to establish reproductive rates. Similarly, to study the interactions of whales and other parts of the marine ecosystem we need to know what they are eating. This is achieved by examining stomach contents. Another example is that for pollution studies, tissue samples from various internal organs are required.

Comment: As indicated above, this information is not required. What little pollution work has been done in the Antarctic has used samples from tens of the more than 5000 whales taken to date and can not possibly be used as a justification for this massive take.

Why does Japan conduct whale research in the Southern Ocean when it is an international whale sanctuary?

The Southern Ocean Sanctuary applies only to commercial whaling. It does not apply to research.

Comment: Japan is the only nation in the world which does not recognise the Southern Ocean Sanctuary. Despite the fact that the IWC agreed this sanctuary by 23 to 1, with only Japan opposed, Japan filed a formal reservation with the IWC and so reserves the right to restart a commercial whaling industry there.

What does the IWC Scientific Committee say about Japan's research programmes?

Japan submits the results from its research to the IWC Scientific Committee for review every year. The Scientific Committee has commended both the quality and quantity of data from Japan's research programmes. 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.

See for example: IWC document 49/4 Report of the Scientific Committee, 1997, which is the source of the following quotes:

'The information produced by JARPA (Japan's Antarctic Research Programme) has set the stage for answering many questions about long term population changes regarding Minke whales in Antarctic Areas IV and V.'

'.JARPA has already made a major contribution to understanding of certain biological parameters.'

'The Committee noted that JARPA is at the half-way point and has provided substantial improvement in the understanding of stock structure.'

'. the meeting noted that there were non-lethal methods available but that logistics and the abundance of Minke whales in the relevant Area probably precluded their successful application.'

Comment: The Japanese side is indulging in selective quoting above. For example they say: " The IWC's Scientific Committee has noted that the programmes have provided considerable data which could be directly relevant for management and that the results of these programmes have the potential to improve the management of Minke whales. " What the IWC's Scientific Committee actually said is "Finally, the results of the JARPA programme, *while not required for management under the RMP*, have the potential to improve the management of Minke whales in the Southern Hemisphere ..." (emphasis added). Japan's programme is aimed at answering questions which no longer require an answer and fails to take account of the work of the Scientific Committee since this programme was started, work that led to a unanimous agreement on the revised management plan.

What has been learned from Japan's research programmes?

Much has been learned about the feeding habits of whales through analysis of stomach contents. The research has found for example that whales are consuming 3 to 5 times the amount of marine living resources as are caught for human consumption.

Comment: Another flat out lie. The figure of 3 - 5 times, which is put about only by whaling industry scientists, was calculated by ICR staff using crude estimates of food consumption obtained from a variety of sources, not from the Japanese 'research' programmes. No independent body has ever reviewed or substantiated the work that led to this "conclusion" and it is based on a highly simplistic idea of the marine food web that is scorned by all serious scientists. Despite the complete lack of scientific grounding for the "whales are eating all our fish" argument, it has emerged as a prominent plank in Japan's lobbying platform. It was used extensively in the South Pacific when it became known that Australia and New Zealand were intending to propose a South Pacific Whale Sanctuary in the late 1990s. Despite its lack of scientific basis it has been extensively used by whaling interests to lobby developing countries in which commercial fisheries contribute significantly to their economies.

Sampling from our research programme reveals that Minke whales are eating at least 10 species of fish including Japanese anchovy, Pacific saury, walleye Pollock and other commercially important species. Other valuable information related to genetic make-up, reproduction and geographical distribution has also resulted from these research programmes. Our research has also showed that contaminant levels in Antarctic Minke whales are very low.

Comment: Most of this information could have been obtained by non-lethal means. It is well known that Northern Hemisphere Minke whales eat fish but Antarctic Minke whales only eat krill.

Has the population of Minke whales in the Antarctic declined?

The Scientific Committee, at its meeting last year suggested that the population of Minke whales in the Antarctic might be lower than the previously agreed estimate of 760,000. However, at this year's meeting a number of factors, related to the way the population estimates were calculated, were identified as possibly contributing to the appearance of a decline and no conclusion on the matter was reached. Even if the population has declined by 50 percent, Japan's small research catch would have no impact.

Comment: The data available to the Scientific Committee do indicate a possible decline of 50 percent. Scientists working in the Antarctic have noted reduced school sizes. The Scientific Committee is studying this and expects to have a new population estimate by 2003. Given that Japan's 'research' is directed at resuming a full scale commercial operation in the Antarctic, it seems amazing that they would persist in preparing for this given the apparent decline in the population upon which it would be based. Here is what the IWC agreed in July 2001, after reviewing the report of its Scientific Committee:

NOTING that this year's Scientific Committee report provided a crude estimate of abundance for Southern Hemisphere Minke whales which, although derived from an incomplete data set for the third circumpolar cruise, nevertheless suggests a substantially lower abundance estimate for Southern Hemisphere Minke whales;

CONCERNED that the Scientific Committee report cannot rule out that the Southern Hemisphere Minke whale population may have suffered a precipitous decline over the past decade;

NOW THEREFORE THE COMMISSION

STRONGLY URGES the Government of Japan to halt the lethal takes of Minke whales conducted under the JARPA programme, at least until the Scientific Committee has reported to the Commission on the impacts of the JARPA programme on the stocks of Minke whales in Areas IV and V.

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