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# IN THE NAME OF SCIENCE?

A Review of Scientific Whaling

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*Scientific whaling in the Southern Ocean. A minke whale is pulled up alongside the Japanese catcher ship Kyo Maru No. 1.  
© Votier/IFAW 1993*

*Front Cover Photo:  
Humpback whale breaching  
© IFAW*

## **IN THE NAME OF SCIENCE?** A Review of Scientific Whaling

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Note: *Scientific whaling* is a general term used to cover whaling conducted under Article VIII of the 1946 International Convention for the Regulation of Whaling (page 5). More correctly it should be described using words within Article VIII as *special permit whaling*, however, this does not clearly convey the nature of such whaling. It is often known as “*scientific*” whaling or *so-called scientific whaling*, thus conveying the idea that the main motivation for the whaling is not science. However, either phrase would be repetitive, so in this document it is referred to simply as *scientific whaling*.

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## IN THE NAME OF SCIENCE?

In the twelve-month period to April 2007, Japan and Iceland intend to kill 1400 whales in the name of science despite condemnation by the International Whaling Commission – the international body responsible for the regulation of whaling. As a result of the whalers deciding themselves how many whales to kill, the IWC is in crisis. Whales face numerous other threats including entanglement in fishing gear, pollution (chemical and noise), ship strikes and climate change. Large-scale whaling has once more been added to that list.

When the moratorium on commercial whaling was adopted in 1982, whaling countries such as Brazil and Spain opted to phase out their industries, and Spain even voted in favour of the decision. The moratorium came into effect in 1986, thus allowing time for the phase out. However, Japan, Norway and Iceland decided to continue whaling. Norway filed a formal objection to the moratorium which permitted it to continue commercial whaling.

***This is commercial whaling in a threadbare disguise***

Though initially embarking on scientific whaling Norway reverted to commercial whaling from 1993. Japan withdrew its objection to the moratorium and then started scientific whaling. In 1994 the IWC adopted the Southern Ocean Sanctuary for whales, but Japan has not respected this decision either by conducting scientific whaling within the sanctuary.

Since the moratorium, Japan has killed more than 9,000 whales through its scientific whaling. In 2003, Iceland embarked on its second scientific whaling programme since the moratorium. Both nations are abusing a provision in the International Whaling Commission Convention, which allows the killing of unlimited numbers of whales for scientific research. Their programmes are simply commercial whaling in a threadbare disguise. They flout the intent of the moratorium on commercial whaling and several other IWC decisions.



*Sperm whales off the Azores. The complex society of sperm whales is being studied through non-invasive research, not scientific whaling. Photo © IFAW*

Scientific whaling has been used to keep the whaling industry in business through a period when commercial whaling is banned. Yet scientific catches are now on a commercial scale, with Japan killing each year around 380 whales in the North Pacific and in 2005 more than doubling its catch limit to 935 minke whales and 10 fin whales in the Southern Ocean.

Scientific whaling has been an issue of long-standing concern to the IWC and has long been used as a means for avoiding conservation measures but scientific catches increased dramatically following the adoption of the moratorium. No Japanese scientific whaling programme since the moratorium has ever ended, rather the programmes simply expand, absorb new and changing objectives and increase in size, scale and the number of species that become the targets.

The IWC has condemned scientific whaling by Iceland, Norway and Japan through more than 40 resolutions since the moratorium. In short, as one such resolution states, the data obtained are “not required for management”. Instead, should commercial whaling be permitted in the future, the IWC would rely on historic catch data and data obtained from sightings surveys for calculating catch limits.

An international panel of independent legal experts found in June 2006 that Japanese scientific whaling is “unlawful” under international law.

Scientific whaling undermines the credibility of the scientists from whaling countries, the IWC Scientific Committee and science itself.

# JAPAN'S NEW ANTARCTIC PROGRAMME

In May 2005, Japan submitted a proposal to the IWC Scientific Committee for a second scientific whaling programme. The proposal immediately followed JARPA (The Japanese Whale Research Program under Special Permit in the Antarctic), which was an 18-year programme conducted between the 1987/88 and 2004/05 austral summer seasons where more than 6,800 minke whales were killed. Known as JARPAII it appears to be intended to last indefinitely.

Japan insisted that this proposal remain confidential, despite the fact that there is no IWC requirement for such documents to be confidential, thus preventing a wider discussion. Sixty-three scientists from 16 national delegations who are members of the Scientific Committee wrote that it was impossible to review the programme before the results from JARPA had been fully reviewed. They also pointed out serious flaws in Japan's scientific justification for the programme. Because scientists involved in scientific whaling participate in the Scientific Committee's review of their own proposals, the comments of the Committee are divided, with those scientists involved in scientific whaling speaking in favour of their own (and sometimes each other's) proposals.

Once again Japan indicates that the first two years of its programme will be a "feasibility study". This is an excuse to sidestep some of the scientific criticisms of such a poorly justified programme. The suggestion that studying competition between whale species is important for management is highly speculative and suggests that Japan intends to cull even larger numbers of whales in the future, in order to deliberately reduce their numbers.



*Harpooned whale winched in tight under the bow of the Yushin Maru. Photo © Jeremy Sutton-Hibbert/Greenpeace 2006*

The proposal indicates that Japan will take 850 minke whales each year (increased from 440 in JARPA) +/-10%. Previously the upper limit has been used so we can expect Japan usually to take 935 minke whales. It will also kill 10 fin whales in 2005/6 and 10 the following year. From 2007-08, Japan plans to increase the kill of fin whales to 50 and then include 50 humpback whales annually.

Before the 2005 IWC, the Australian and New Zealand prime ministers raised the issue with Japan. The USA indicated that, "Any unilateral move to increase the number or type of whales killed under the guise of science is unacceptable".

On 2 June 2005, Australia led a demarche of 15 countries objecting to Japan's programme. The participants were: Argentina, Australia, Austria, Brazil, Finland, France, Germany, Great Britain, Ireland, Italy, Mexico, New Zealand, Portugal, Sweden and The Netherlands.

In June 2005 the IWC adopted a resolution strongly criticising Japan's new programme (30

Yes, 27 No and 1 Abstention). The resolution noted a number of serious problems associated with Japan's continued whaling and "STRONGLY URGE [D]" the Government of Japan to withdraw its JARPA II proposal or to revise it so that any information needed to meet the stated objectives of the proposal is obtained using non-lethal means.

***"Given that non-lethal methods exist for scientific research, Australia strongly believes that there is no basis for killing whales"***

**Letter from Australian Prime Minister John Howard to Japanese Prime Minister Junichiro Koizumi, May 2005.**

## ARTICLE VIII

***“Notwithstanding anything contained in this Convention any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take and treat whales for purposes of scientific research...”***

Article VIII of the International Convention for the Regulation of Whaling, which was agreed in 1946, permits the killing of whales for scientific purposes regardless of any other IWC provisions. Governments can thus issue themselves permits to kill unlimited numbers of whales for scientific purposes. Article VIII has been used by several governments to bypass a number of IWC decisions such as those regarding closed areas and seasons, or those prohibiting the taking of undersized whales or protected stocks. However, scientific whaling to circumvent the decisions to adopt a moratorium on commercial whaling (which came into effect in 1986) and to declare the Southern Ocean Sanctuary for whales (1994), has resulted in by far the largest numbers of whales killed.



***Humpback whales are the focus of whale watching operations in many countries. Japan intends to kill 50 each year within the Southern Ocean Sanctuary from 2007/8.***  
***Photo: Howard ©IFAW***

The records of the 1946 negotiating meeting indicate that this was not a controversial issue at that time, perhaps because it was not envisioned that large numbers of whales would be taken

using this provision. In common with many other parts of the whaling convention, this text was taken from the earlier 1937 International Agreement for the Regulation of Whaling.

This Article continues by stating that the whales taken “...shall so far as practicable be processed”. Japan has interpreted this provision by selling whale products commercially and using the revenue partly to fund its whaling. At an IWC meeting on the Revised Management Scheme in February 2006, Italy suggested removing the commercial elements of scientific whaling: such a decision would not conflict with Article VIII.

The International Whaling Commission does not have the authority to regulate such catches in any way but advance notice is required following a decision taken in 1979. Then, the IWC included a new paragraph 30 in the schedule to the convention to require governments to “... provide the secretary to the IWC with proposed scientific permits before they are issued and in sufficient time to allow Scientific Committee to review and comment on them”. Even in 1979 the issuance of scientific permits was being used to bypass IWC conservation measures and the proponent was therefore asked to indicate the “possible effect on conservation of the stock”.

However, there is no obligation for the proponents to modify their proposals following such reviews. The IWC Scientific Committee has generally been divided in its advice on scientific whaling proposals, in part because the proponents are part of the review process, and the whaling countries support each other’s proposals. Nor is there any requirement for the results to be published: they must simply be reported back to the Commission.

# SCIENTIFIC WHALING BEFORE THE MORATORIUM

The controversy regarding the use of Article VIII goes back at least to the 1950s. Many countries have sought to use the provision, usually when certain species or populations were made inaccessible to the industry as a result of conservation measures. A few examples follow.

In 1956, Norway opposed a UK proposal to take 12 baleen whales for the purposes of testing new electric harpoons and as a result the UK then withdrew its proposal. The following year, Norway accused the Soviet Union of carrying out commercial whaling under the guise of science by catching whales on a far larger scale than necessary for research. The subject was clearly controversial and the Commission decided that each Government should be urged to limit the number of whales for which permits are given to the minimum. During the discussion that year, there was a proposal that the Scientific Committee establish a definition of scientific research, which would result in some restriction on the issuance of scientific permits. However, the Scientific Committee at that time felt such an approach would be unscientific. During the discussion, there was concern within the Committee that states failed to report their results.

*“Very few of the permits have resulted in reports”*

Chairman of the Scientific Committee of the International Whaling Commission, 1957

During the 1960s Australia, New Zealand and South Africa used Article VIII to take sperm whales: in some cases the permits were for whole family groups which included calves and undersized whales, justified at the time in order to learn more about the social behaviour of the species.

In 1963, when considering the general subject, the Scientific Committee agreed that it should be

consulted before permits were issued; that it should be advised of such permits when they were issued; that the numbers concerned should be the lowest necessary and that the committee should be fully informed of the results. That year, South Africa issued a special permit for 350

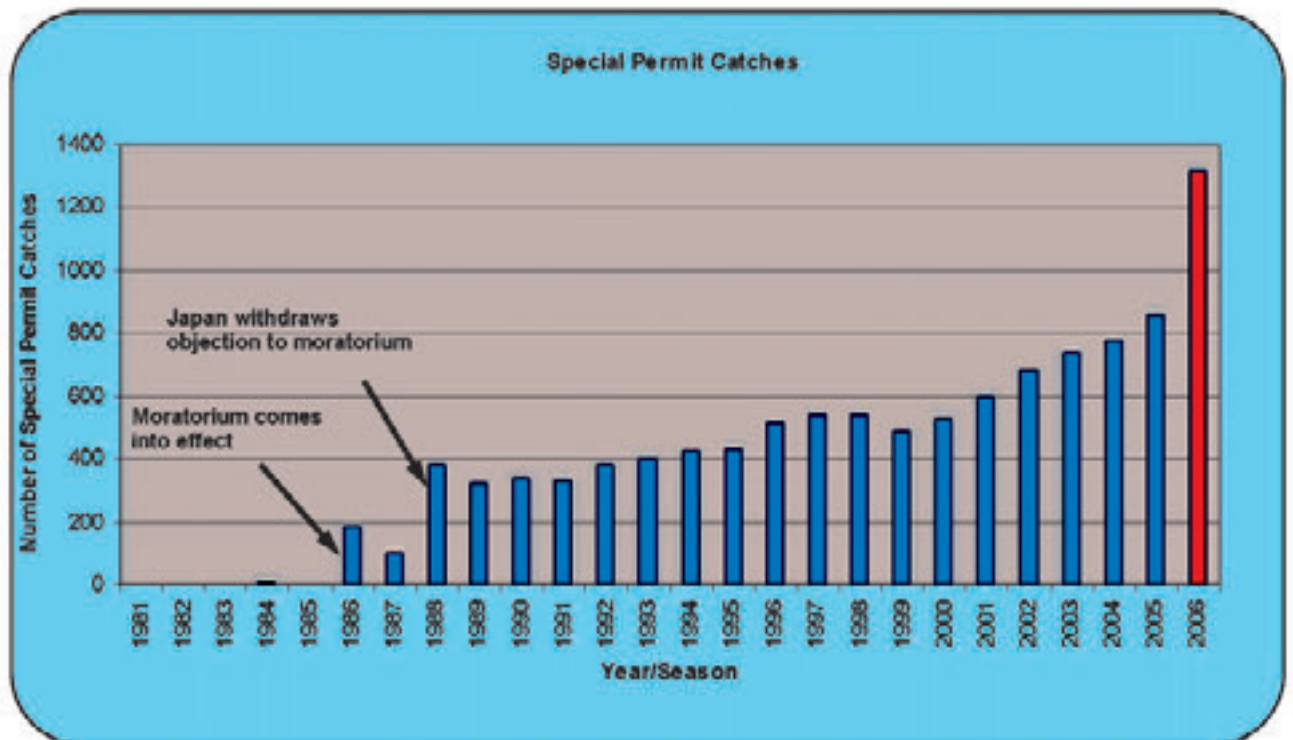
*Japan caught 459 Bryde’s whales during a three-year scientific whaling programme in the Northern Indian Ocean*

undersized sperm whales. Later in the 1960s, the USA issued special permits for gray whales (which had been protected by the IWC since it was established but were known then to be recovering), at a time when the California industry was finding it increasingly hard to catch humpback whales.

A decade later Japan caught 459 Bryde’s whales during a three-year scientific whaling programme in the Northern Indian Ocean and South Pacific, signalling Japan’s desire to begin commercial whaling in this area in the future. It was this programme that provoked a discussion in the Commission that resulted in the inclusion of Paragraph 30 in the IWC Schedule, placing some reporting requirements prior to scientific whaling. The IWC took legal advice that indicated that this schedule paragraph would not conflict with article VIII of the convention.

Just prior to the adoption of the moratorium, the Danish Government issued scientific permits for fin whales on behalf of the Faroe Islands, despite the fact that this stock had been categorised as a protection stock since 1976. An illegal hunt had been going on since 1976, and, in an attempt to legitimise the hunt, Denmark proposed in 1981 an annual scientific catch of up to nine animals. This proposal was “not endorsed” by the Scientific Committee but continued nevertheless.

## SCIENTIFIC WHALING AFTER THE MORATORIUM



*Scientific whaling before and after the adoption of the moratorium on commercial whaling. Catches in the Southern Hemisphere span two calendar years and are included in the later year. Some catches for 2006 have yet to be reported. Thus, the total 2006 catch (in red) has yet to be confirmed.*

As in previous instances, scientific whaling was used to avoid a conservation decision taken by the IWC. However, since the moratorium it has been conducted on a far larger scale than ever before.

Iceland and The Republic of Korea were the first two countries to use scientific whaling as a way of continuing whaling once the moratorium came into effect in 1986. The Republic of Korea's whaling was proposed on a grand scale with 200 minke whales to be caught each year for four years. In the event, the proposal, which had been heavily criticised as utterly inadequate, only lasted one year with 69 minke whales taken. Iceland's scientific whaling venture is discussed in detail later and consisted of two phases, with a fourteen-year gap.

Japan filed a formal objection to the moratorium, and in the first two years following the decision, continued commercial whaling, then withdrew its objection and replaced its commercial whaling with scientific whaling.

Norway officially paused its commercial whaling from 1988 through 1993, but conducted scientific whaling during this period and both commercial and scientific whaling in 1994. Since 1995 it has conducted commercial whaling under objection to the moratorium, without issuing scientific permits.



*Three minke whales about to be flensed aboard the Japanese factory ship, Nisshin Maru.*

*Photo © Votier/IFAW 1993*

## JAPAN'S STEADY EXPANSION

Japan's whaling has continued uninterrupted by the moratorium and its scientific programme has expanded steadily since, in numbers of whales taken, numbers of species taken, and the area of whaling. Japan's whaling has received consistent strong criticism, year after year, in both the scientific and political arenas but has continued regardless.

Initially, Japan's whaling was restricted to the Southern Ocean and consisted of a catch limit of 300 minke whales plus or minus 10%. It was 273 in the first year, rising to around 330 until 1995/96 when catches were increased to 400 minke whales plus or minus 10%. Japan next expanded its scientific whaling to the North Pacific where its fleet could catch whales during the austral winter. In 1994, 21 minke whales (from an annual proposed catch of 100) were taken. The following year the catch increased to 100.

In 2000, 43 Bryde's whales and five sperm whales were also taken. Two years later, sei whales were added to the list and the catch of minke increased to 150. From 2004, Japan increased the North Pacific minke whale hunt in coastal waters to 60 in spring and 60 in autumn, resulting in the killing of 220 North Pacific minke whales from this year (2005).

Through time, the objectives of Japan's scientific whaling have changed, as a result of Japan being unable to rebut the criticisms levelled at its programmes by members of the IWC Scientific Committee. Initially, the study sought to provide information on biological parameters of minke



*Foetus of a minke whale being measured. Japanese scientific whaling research is often simply descriptive and leads to few publications in peer-reviewed journals.*

*Photo © Votier/IFAW 1993*

whales, such as age-specific natural mortality. However, the Scientific Committee identified numerous problems and likely biases with the sampling and that the data thus obtained are unlikely to be reliable. In addition, the IWC's management procedure for calculating catch limits, known as the Revised Management Procedure, does not require information on natural mortality, instead requiring only information obtained from sighting surveys and historic catches. Thus, in 1997, following an extensive review of Japan's Antarctic programme (known as JARPA), the Scientific Committee concluded that the data were "not required for management".



*Minke whale thrashes as it is hauled alongside the Nisshin Maru.*  
*Photo © Votier/IFAW 1993*

Japan further tried to justify its scientific whaling in order to obtain DNA samples of the whales to examine population structure. DNA samples are

whaling in the Southern Ocean and claiming it was providing information relevant to the management of future whaling.

*In 1997, the IWC Scientific Committee concluded that the data were “not required for management”*

Doug Butterworth, writing in the journal *Nature* in 1992, took the view that, “Potentially the strongest defence for scientific whaling is that because surveys are enormously expensive, it is not unreasonable to recover the costs through harvests that are sufficiently low to pose no risk to the stock.” The view that there is no risk to the stock is no longer the case, with the massive expansion of scientific whaling, and may not have been correct then. Article VIII permits the killing of whales for scientific research, not for generating funding for other research such as sightings surveys. If this is the strongest justification to be found, then it is clear that Japan’s scientific whaling is a sham.

routinely and cheaply obtained from skin biopsies from living animals. Whales do not need to be killed for this research to be undertaken.

Following these declared and failed objectives, Japan announced an intention to look at environmental change and pollutant burdens through scientific whaling. Most recently Japan is now focusing on whale fishery interactions.

With the 1994 declaration by the IWC of the Southern Ocean as an indefinite sanctuary for whales, it became clear that commercial whaling would not be authorised for this area, regardless of any decisions taken regarding the future of the moratorium.

Ignoring the far-reaching implications of the sanctuary decision, Japan continued its whaling with a view to maintaining a fleet capable of



*More measuring and photography underway.  
Photo © Votier/IFAW 1993*

## ICELAND



*A Japanese foreman stands beside large pieces of fin whale on a flensing platform in Havaldfjordur, Iceland.  
Photo © Arnbom / IFAW*

Iceland embarked on scientific whaling immediately after the moratorium following a decision in the Alþingi (Icelandic parliament) not to submit a formal objection to the moratorium. The original proposal was to catch a wide variety of species (10 blue, 80 fin, 10 humpback, 80 minke and 40 sei each year). However, the proposal for catches of blue, humpback and minke whales was dropped. Seventy sei and 312 fin whales were taken by 1989 when the programme ended.

There were concerns that the main motivation for these catches was to export meat to Japan. In 1986, the IWC adopted a resolution by consensus on scientific whaling which indicated, *inter alia*, that the "...meat as well as the other products should be utilised primarily for local consumption". Nevertheless Iceland continued exports to Japan until 1991. The outcomes of the 1986 IWC meeting resulted in intense bilateral negotiations between USA and Iceland as to the possible application of USA sanctions because of the scientific whaling. Important to these negotiations was the meaning of the term "primarily". The USA eventually indicated that sanctions would not be applied provided that Iceland exported no more than 49% of the meat. In 1994, this requirement was strengthened by another resolution considering that all products from scientific whaling should be used "...entirely for domestic consumption". Iceland left the IWC in 1992 and rejoined a decade later, resuming scientific whaling in

2003. The initial plan was to catch 200 minke whales, 200 fin whales and 100 sei whales over a two-year period. However, fin and sei whales were dropped and a reduced number of minkes were killed each year, apparently because the commercial market for whale meat could not sustain a higher catch.

In 2003, 37 minke whales were killed (including one struck and lost), with 25 and 39 taken in 2004 and 2005 respectively. The Icelandic media has reported problems selling the meat, with Morgunbladid (3 June 2005) estimating that between 32 and 37 tonnes of whale meat remain unsold (i.e. more than the 2004 catch). Japan has so far not issued any import permits for Icelandic whale products.

Most of the data to be collected under this recent proposal are similar to those collected in the 1986-89 programme, much of which remains unpublished. In 2003 it was noted at the IWC Scientific Committee that results from analyses of



*Despite strong marketing, including promotions by Icelandic chefs, 32-37 tonnes of whale meat is reported as unsold.*

*Photo © Sigurdsson/IFAW*

stomachs of 1609 fin whales and 247 sei whales caught in Icelandic commercial and scientific whaling in the 1970s and 1980s had still not been published, posing the question as to whether these data were really so important.

# ANIMAL WELFARE

Japan releases very little scientific information regarding the animal welfare implications of its whaling in the Southern Ocean and the North Pacific. It states each year that it considers the issue outside the competence of the IWC and that the little that is revealed is provided on a voluntary basis. Average times to death have been presented but usually with few further details. Thus in 2005 Japan provided information on the average time to death, its standard deviation and the median time. However, these basic statistics do not reveal, for example, the times to death for whales that survived for more than 10 minutes after harpooning.

Concerns regarding humane killing have been brought to the IWC since the 1950s. IWC Schedule paragraph 6, the second part of which was adopted in 1979, prohibits the use of the cold (i.e. non-exploding) harpoon for whales. The long precedent of these discussions and the adoption of a binding schedule amendment for animal welfare reasons demonstrate the fallacy of Japan's argument that welfare is outside the competence of the IWC.

Up until 1997, Japan used the delivery of electric shocks through the electric lance to kill whales that were still alive when they were winched to the ship on the harpoon line. Despite widespread concern that this was not quick and effective a proposal for a schedule amendment to ban the use of the electric lance in 1996 failed to receive the three quarters majority required. Nevertheless, the following year, Japan agreed to stop using the lance and instead use rifle shots for secondary killing.

**2006**

***"This minke whale was shot at six times. The first two shots missed, the next two shots inflicted wounds on it, the fifth shot missed, and finally on the sixth shot, it was harpooned through the tail, when it then continued to thrash for an extended period of time, the whole process taking over half an hour."***

**Shane Rattenbury, Greenpeace Expedition Leader, Southern Ocean**

**1946**

***"If we can imagine a horse having two or three explosive spears stuck into its stomach and being made to pull a butcher's truck through the streets of London while it pours blood in the gutter, we shall have an idea of the present method of killing. The gunners themselves admit that if whales could scream the industry would stop, for nobody would be able to stand it."***

**Dr Harry Lillie, Ship's Doctor on Antarctic Whaling Ship**

During the 2005-6 whaling season Greenpeace filmed high-quality video footage of the Japanese fleet killing whales within the Southern Ocean Whale Sanctuary. The footage was passed to IFAW for analysis which will be complete by June 2006 in time for the 58th IWC meeting. From a total of 12 kills where an estimate could be made of the time to death, two show the whale being hit, diving and surfacing later apparently dead. In the other cases the whale did not have a quick death and on two occasions the whale survived for around half an hour. On more than one occasion the whale was hit in the abdomen and the intestines were hauled out of the still living animal as the harpoon line was winched tight under the bow of the ship. And, incredibly while being filmed, one whale was lashed to the side of the catcher ship by its tail with its head therefore forced underwater, still obviously alive. The catcher ship was then seen accelerating in speed. There appears to be no attempt to put the whale out of its misery and it is likely that this animal slowly died by asphyxiation.

In conclusion, the footage of the 2005/06 hunt clearly shows the immense suffering involved. The fact that despite claiming to be conducting whaling for scientific purposes, the Government of Japan has consistently chosen not to provide key information (data and video footage) that could easily be collected by scientists can only be interpreted as a tacit acknowledgement of the cruelty of its whaling.

## JAPAN'S STRATEGY

There are three linked parts to Japan's strategy to take over the International Whaling Commission and expand its whaling activities. Firstly, Japan is making claims that whales are eating so much fish that they threaten the livelihoods of fishermen around the world. Secondly, Japan argues that the only way to find out more about this perceived competition is through scientific whaling. Finally, these arguments are used to provide a rationale for developing countries to join Japan's voting bloc at the International Whaling Commission.

Japan repeatedly makes the claim that whales eat three to five times the total world catch of fish which is based on two unpublished papers. This argument, based on dubious science, ignores unsustainable over-fishing by humans. A precautionary approach to the management of human activities in marine ecosystems is required, not killing more whales.

There is no evidence to support the claim that whales threaten the supply of fish for humans – numerous international scientific workshops have found it is not possible to predict with any certainty what effect whales have on fish catches or vice versa the effect of commercial fishing on marine mammals. The idea that because whales eat fish, fewer whales would result in more fish for fishermen is overly simplistic. Much of what whales eat includes invertebrates (krill and squid) and fish species that do not have a commercial value. Of those

***“If the outcomes of the research [whaling] are not conclusive, we may conduct further research”***

Fujio Kasamatsu, Japanese Institute of Cetacean Research. April 1988

fish stocks used by humans, the United Nations' Food and Agriculture Organisation states that about 75% are fully exploited, over-fished, depleted or rebuilding from previous over-fishing.

The UN Convention on the Law of the Sea requires that states and international management bodies, “take into consideration the effects on species associated with or dependent upon (i.e. cetaceans) harvested species with a view to maintaining or restoring populations of such associated or dependent species above levels at which their reproduction may be seriously threatened”.

A key part of Japan's lobbying efforts is the use of photographs of whale stomachs containing fish. However, whales do not even feed in many of the developing countries where Japan uses this argument in order to justify that country's membership of Japan's voting bloc. In other areas, such as the South Pacific (where a number of countries have joined the IWC in order to vote with Japan) baleen whales do not eat commercially valuable fish.

An international panel of independent legal experts convened in Paris found in June 2006 that Japanese scientific whaling is "unlawful" under international law, and contravenes key international conventions - a dramatic finding that opposes Japan's long-held stance that it has the legal right to commercially hunt whales in the name of scientific research. The *Paris Report on Illegal Whaling*, available from IFAW, states that, "there is strong evidence that the 'scientific whaling' conducted by some members of the IWC is in violation of the moratorium on commercial whaling," and that such whaling is unlawful.



***The 57th Meeting of the International Whaling Commission, Ulsan, Korea, June 2005. At this meeting Japan's Scientific Whaling was strongly criticised. Photo © Papastavrou/IFAW***

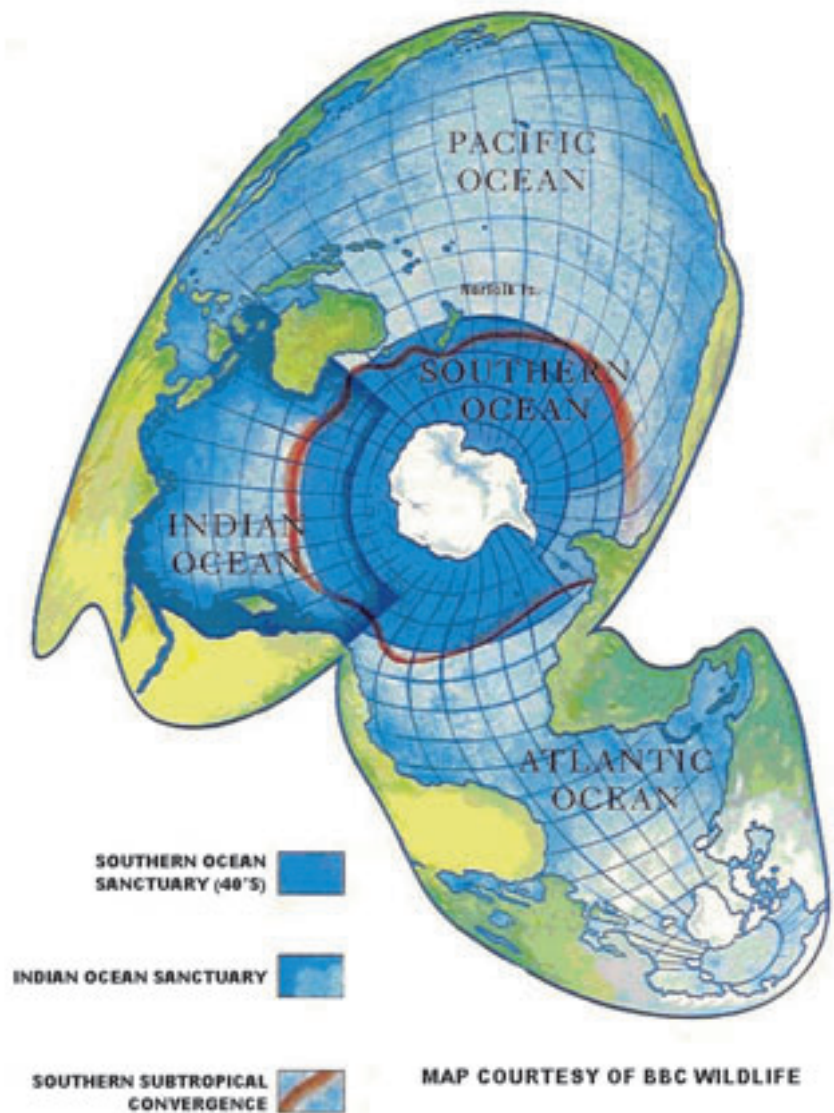
# POLITICAL REACTIONS SINCE THE 2005 IWC

**Buenos Aires Declaration.** IWC members Argentina, Australia, Brazil, Chile, Costa Rica, Mexico, New Zealand, Panama, Peru, South Africa and Spain, together with the following additional Southern Hemisphere countries Colombia, Ecuador and Uruguay issued the declaration. This important statement is reprinted in full on page 15 and reflected common concern on issues regarding Southern Hemisphere whale conservation. In particular it recognised the interests of the Southern Hemisphere nations in the non-lethal use of whales and their opposition to Japan's scientific whaling. 8 November 2005

**New Zealand.** Speaking after the adoption of the Buenos Aires declaration, New Zealand Commissioner, Sir Geoffrey Palmer said a new southern hemisphere bloc of states committed to whale conservation is developing. "This is a step toward (a southern hemisphere moratorium on whale killing), no question. "This is a ... politically significant development of a bloc emerging that is anti-whaling, antiscientific whaling and pro-conservation. "Whaling nations come to the southern hemisphere to catch whales and they take no notice of the opinion in the southern hemisphere or in Latin America. This is going to change," Palmer said. 11<sup>th</sup> November 2005.

**UK.** Minister Ben Bradshaw issues press release stating, "Japan is flying in the face of world opinion. This slaughter has little or no basis in science and I would urge Japan not to proceed." 11<sup>th</sup> November 2005.

**Argentina, Australia, Austria, Belgium, Brazil, Finland, France, Germany, Ireland, Italy, Luxembourg, Mexico, New Zealand, Portugal, Spain, Sweden,** and the **United Kingdom** combined forces in a demarche which was presented to The Government of Japan in Tokyo by a delegation of diplomats led by Brazil. It expressed serious concern regarding Japan's continued whaling, "strongly urge [d] Japan to join the international community, cease all its lethal scientific research on whales and assure



*The Whales' World. The Spilhaus projection presents an equal area view of the world's oceans, where the land masses have been split down the middle. The Southern Ocean Sanctuary (dark blue) contains over three quarters of the world's remaining whales.*

the return of the vessels which are implementing JARPA II". 18 January 2006.

**UK** One hundred and forty two UK MPs sign an Early Day Motion (parliamentary petition) which, "condemns the government of Japan for its scientific whaling within the Southern Ocean Sanctuary; deplores the cruelty of Japanese whaling operations as shown in recent film footage of harpooned minke whales suffering long and painful deaths.....and strongly urges the UK Government to ..... put further pressure on the government of Japan at the highest diplomatic levels to cease its whaling programme." April 2006.

## CONCLUSION

***“The commercial nature of Japan’s whaling conflicts with its scientific independence.”***

***“By continuing to fund and carry out this program, Japan opens itself to the charge that it is using the pretence of scientific research to evade its commitments to the world community. As scientists, we believe this compromises objective decision making and undermines public confidence in the role of science to guide policy. Accordingly, we respectfully urge the Japanese Government to suspend its “scientific whaling” program.”***

Open letter to the Government of Japan signed by Nobel laureates Sir Aaron Klug and Roger Guillemin, and 21 scientists including Richard Dawkins, Jared Diamond, Sylvia Earle, Elliott Norse, David Suzuki and E.O. Wilson. Printed as an advertisement in the New York Times by WWF, May 20 2002.

Japan is conducting commercial whaling under the guise of science. It is commercial both in scale and because the products are sold commercially.

Iceland’s whaling is also commercially driven because the size of the catches appears limited by the small size of the Icelandic whale meat market. Thus, though Iceland’s proposal was to catch 100 minke whales each year for two years, it has taken three years to reach the first year’s intended catch.

Though scientific whaling has been used throughout the history of the IWC as a way for evading conservation measures, Japan’s whaling now is on a vast scale compared to previous programmes. Scientists in the IWC noted in 2005 that, “With the new proposal, Japan will increase its annual take of whales under special permit to a level where each year, Japan will take almost half the number of whales ever taken under special permit by all other nations combined”.

The IWC Convention allows countries to allocate a catch regardless of any scientific

review, or the opinion of the IWC. So far, Japan has ignored all the criticism of its scientific whaling. It has disregarded diplomatic demarches and personal appeals from heads of state. Most recently, in November 2005, a powerful coalition of Southern Hemisphere nations adopted the Buenos Aires Declaration which urged Japan to stop whaling in the Southern Ocean.

The IWC has said that the data obtained from scientific whaling, “is not required for management”. Japan and Iceland’s research has resulted in very few scientific papers and has not pushed back the frontiers of science. The future of whale research is through studying live whales.

In 1994 the IWC decided that the Southern Ocean should be a sanctuary for whales. Twenty-three nations voted in favour of the decision and only Japan voted against.

Japan should now stop whaling and respect the sanctuary.

# THE BUENOS AIRES DECLARATION

San Martin Palace, Buenos Aires, Argentina, November 8, 2005.

I. The Commissioners to the International Whaling Commission from Argentina, Brazil, Chile and Mexico convened on 7 and 8 November 2005 in the city of Buenos Aires. The representatives from Costa Rica and Peru as well as the Embassy of Panama were present. Diplomatic observers from the Embassies of Colombia, Ecuador and Uruguay also participated from the Latin-American region. The Commissioners from Australia and New Zealand and a representative from the South African Embassy were invited and attended reflecting common concern on issues regarding Southern Hemisphere whale conservation. The Spanish Commissioner was also present at this meeting.

II. Latin-American IWC and Southern Hemisphere Member States present decided to foster and enhance the coordination of their policies regarding the International Whaling Commission.

III. The meeting agreed that:

1. The non-lethal use of cetaceans is a permanent commitment of the countries of the Latin-American and Southern Hemisphere regions represented at this meeting.

2. High quality and well implemented whale watching promotes economic growth and social and cultural development of local communities, bringing educational and scientific benefits, whilst contributing to the protection of cetacean populations. The development of whale watching and non-lethal scientific research are activities of which should be supported and encouraged by countries of the Latin-America and the Southern Hemisphere regions.

IV. The meeting, wishing to stimulate new and constructive approaches to resolving differences in the IWC, agreed the following:

1. Retention of the current moratorium on commercial whaling.

2. Study means of compliance with the Convention and the advisability of holding a diplomatic meeting on the future of the IWC as well as promoting other potential alternatives for negotiating solutions for the current differences in the IWC.

3. Promotion within the IWC of the South Atlantic and South Pacific whale sanctuaries.

4. That recalling Resolution IWC 2005-1, Special Permit whaling should be terminated and scientific research limited to non-lethal methods.

5. Promotion of wider participation of developing countries in the IWC, particularly the attendance of scientists from such States in the Scientific Committee.

6. That whale killing methods must be studied in depth regularly, eliminating methods that cause prolonged, cruel and unnecessary suffering of the animals.

7. Reassertion of the importance of the work of the Conservation Committee of the IWC.

8. To work jointly on budgetary issues and to explore arrangements to allow the full participation of those countries that may have temporary difficulties in the payment of their arrears.

9. Promotion in international bodies of coordinated participation and active cooperation of the Governments of the region and the Southern Hemisphere with interests in the protection, conservation and non-lethal use of cetaceans.

10. Reassertion of the rights of their coastal communities to benefit from the non-lethal use of cetaceans just as other communities elsewhere benefit from aboriginal subsistence whaling, and follow up closely on the developments related to this latter activity.

V. The Commissioners present support Chile as the venue for the IWC meeting in 2008.

VI. The Commissioners of the Latin-American region especially acknowledge the presence of the representatives of other Latin-American countries and welcome the interest in whale conservation.

They also recognize the participation of the Commissioners of Australia and New Zealand and the Representative of the Embassy of South Africa who participated in this deliberation, whilst registering with particular affection the presence, participation and support of the Commissioner from Spain.



Song of the Whale, IFAW's new purpose-built research vessel has been used to develop methods of studying whales that do not involve harming or killing them. Acoustic and visual techniques have been used to study marine mammals and to work out ways of addressing some of the threats they face.

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