



Anti-ethnic Korean protesters, counter-protesters arrested after clash

A confrontation between an anti-ethnic Korean residents group and a group of counter-demonstrators at Shinjuku Station on June 16 turned violent, with eight people from both groups arrested on suspicion of assault, according to the Tokyo Metropolitan Police Department.

- Asahi Shimbun, 17 June 2013.

Law and Politics in Japan

Part II: Japan's Contemporary International Legal Problems



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Japanese Whaling

Ending Japan's Southern Ocean Whaling

The Fisheries Agency of Japan's **whaling** fleet sails thousands of miles every year to the Southern Ocean Whale Sanctuary to hunt for a self-determined, constantly increasing quota of hundreds of whales.



Claimed to be '**scientific research**', in reality it is a **poorly-disguised commercial operation**. Now Japanese taxpayers are growing angry, and the country's media have levelled criticism on the waste of public funds on subsidising unprofitable, unsustainable and unwanted whale hunt.

<http://www.greenpeace.org/international/en/campaigns/oceans/whaling/ending-japanese-whaling/>



Q1. What sort of research whaling does Japan conduct in the Antarctic Ocean?

Japan has been carrying out research whaling since 1987. JARPA (Phase I) took samples of Antarctic minke whales and ended in March 2005. It was conducted with four main objectives in mind: i) the estimation of biological parameters useful for the stock management of Antarctic minke whales; ii) elucidation of the role of whales in the Antarctic marine ecosystem; iii) elucidation of the effect of environmental changes on cetaceans and iv) elucidation of the stock structure of Antarctic minke whales. The first research objective entailed random takes of whales, and individuals were picked out from schools of whales found in sighting surveys conducted along randomly selected courses. This statistical method is called [random sampling](#).

[<http://www.icrwhale.org/QandA2.html>](http://www.icrwhale.org/QandA2.html)

Cruise Report of the Second Phase of the Japanese Whale Research Program under Special Permit in the Antarctic (JARPAII) in 2011/2012

SC/64/O2

Table 6. Summary of biological data and samples collected from Antarctic minke whales and fin whales in the 2011/12 JARPAII survey.

| Samples and data | Antarctic minke whale | | | Fin whale | | |
|---|-----------------------|--------|-------|-----------|--------|-------|
| | Male | Female | Total | Male | Female | Total |
| Photographic record of external character | 99 | 167 | 266 | 0 | 1 | 1 |
| Diatom film observation | 99 | 167 | 266 | 0 | 1 | 1 |
| Record of external parasites | 99 | 167 | 266 | 0 | 1 | 1 |
| Body length and sex identification | 99 | 167 | 266 | 0 | 1 | 1 |
| Measurement of external body proportion | 99 | 167 | 266 | 0 | 1 | 1 |
| Body weight | 99 | 167 | 266 | 0 | 1 | 1 |
| Standard measurement of blubber thickness (two points) | 99 | 167 | 266 | 0 | 1 | 1 |
| Detailed measurement of blubber thickness (fourteen points) | - | - | - | 0 | 1 | 1 |
| Lactation status | - | 167 | 167 | - | 1 | 1 |
| Measurement of mammary gland | - | 167 | 167 | - | 1 | 1 |
| Measurement of uterin horn | - | - | - | - | 1 | 1 |
| Record of ovary | - | 167 | 167 | - | 1 | 1 |
| Photographic record of fetus | - | 97 | 97 | - | 0 | 0 |
| Fetal length and weight | - | 97 | 97 | - | 0 | 0 |
| Testis weight | 99 | - | 99 | 0 | - | 0 |
| Record of stomach contents | 99 | 167 | 266 | 0 | 1 | 1 |



Biological information of sampled whales

Figures 3a and 3b show the distribution of sighting position of sampled Antarctic minke whales by sex and sexually mature status. Mature females were especially dominant in the southern part of Area VIW. Whales were sampled from the 'transition area between 130°E and 165°E', and area of stocks mixing (99 individuals).

Table 6 shows the summary of biological data and samples collected from Antarctic minke and fin whales. Table 7 shows the sex and reproductive status of sampled Antarctic minke whales by stratum. Immature rate of both females and males was high in the northern strata of Area VW and Area VE. On the other hand, the mature rate of females was high in the southern stratum of Area VIW. The ratio of pregnant mature females was high in the southern stratum of Area VIW. One of sampled Antarctic minke whale was lactating.

Figure 4 shows the body length distribution of Antarctic minke whales sampled in this survey. Maximum length was 9.53 m for females and 9.12 m for males. Minimum length was 5.30 m and 5.01 m for female and male, respectively. Maximum body length of immature animals was 8.67 m and 7.84 m for female and male, whereas minimum body length of mature animals was 7.96 m and 7.26 m for female and male, respectively.

Table 8 shows biological data of the fin whale (immature female). Body length was 18.34 m and weight was 36.63 tons. Prey species was *Euphausia superba*.

International Convention for the Regulation of Whaling

Washington, 2nd December, 1946

Article VIII

1. 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 subject to such restrictions as to number and subject to such other conditions as the Contracting Government thinks fit, and the killing, taking, and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of this Convention. Each Contracting Government shall report at once to the Commission all such authorizations which it has granted. Each Contracting Government may at any time revoke any such special permit which it has granted.

International Convention for the Regulation of Whaling, 1946 Schedule

(e) Notwithstanding the other provisions of paragraph 10, catch limits for the killing for commercial purposes of whales from all stocks for the 1986 coastal and the 1985/86 pelagic seasons and thereafter shall be zero. This provision will be kept under review, based upon the best scientific advice, and by 1990 at the latest the Commission will undertake a comprehensive assessment of the effects of this decision on whale stocks and consider modification of this provision and the establishment of other catch limits.*•#

*The Governments of Japan, Norway, Peru and the Union of Soviet Socialist Republics lodged objection to paragraph 10(e) within the prescribed period. For all other Contracting Governments this paragraph came into force on 3 February 1983. Peru withdrew its objection on 22 July 1983. The Government of Japan withdrew its objections with effect from 1 May 1987 with respect to commercial pelagic whaling; from 1 October 1987 with respect to commercial coastal

Japan's Junk Science

Background - January 8, 2009

One of the most remarkable facts about Japan's two decades of 'scientific whaling' is that it has managed to kill thousands of whales - but produced no credible science.

The reality behind the 'science'

Japan's research has been continually dismissed by the International Whaling Commission's (IWC) scientific committee as 'unnecessary', and was condemned in a resolution passed at the 2007 meeting, when a majority of countries voted for Japan to suspend indefinitely the lethal aspects of its research program.

In an article in the *Mainichi Shinbun* newspaper in October 2005, Professor Kasuya says, "*The Institute of Cetacean Research argues that lethal research is the only appropriate method to collect the needed data. But examination of biopsy samples reveals the amount of blubber or reproductive rate, and analysis of faeces provides information on what whales are eating.*"

In reality, of course, the 'scientific whaling' programme is a way of keeping a foot in the door for Japan, while pushing for a return to commercial whaling at the IWC and actively marketing the 'byproduct' of its research - the whale meat at home in Japan. By keeping its whaling fleet functioning, it hopes that, sometime in the future, commercial whaling will resume. Greenpeace pledges to ensure this doesn't occur.

<http://www.greenpeace.org/international/en/campaigns/oceans/whaling/ending-japanese-whaling/japans-junk-science/>

CONVINCED that the aims of JARPA II do not address critically important research needs;

NOW THEREFORE THE COMMISSION,[...]

FURTHER CALLS UPON the Government of Japan to suspend indefinitely the lethal aspects of JARPA II conducted within the Southern Ocean Whale Sanctuary.

International Whaling Commission, Resolution 2007-1.

| | Yes | No / refused to participate |
|---------------------|-----------|-----------------------------|
| Africa | 1 | 10 |
| Latin America | 10 | 6 |
| Asia | 3 | 10 |
| E.Europe | 5 | 1 |
| W.Europe and others | 18 | 3 |
| TOTAL | 38 | 30 |

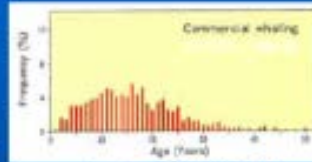
Voting records, Resolution 2007-1. Source: IWC

Determination of the whale age using the earplug

Sampling of earplugs (EP)

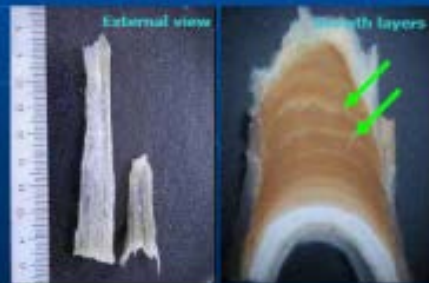


Counting the growth layer in the earplug

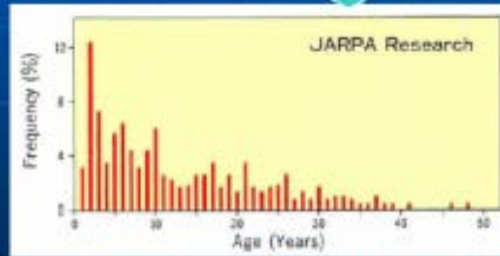


(Females, Area IV)

<<http://www soi wide ad jp /class/20070027/slides/06/75.html>>



Age determination by counting the growth layer of the earplug



More representative information on age composition in the population has been found by JARPA.

Q23. Can't you do research without killing any whales?

There are two types of survey methods: research that is impossible without killing whales (lethal methods) and the kind that can be done without killing any (non-lethal methods). For instance, non-lethal sighting surveys using the line transect method are carried out to find out abundance estimates of whale stocks. However, data for the estimation of age at sexual maturity and pregnancy rate, the measuring of blubber thickness, and weight and prey species of stomach content are not possible without killing the whales. As with the previous program, JARPA II combines both lethal and non-lethal methods according to research purposes.

<<http://www.icrwhale.org/QandA2.html>>

Whaling is Bad Business

Background - January 8, 2009

So just what is going on with Japan's 'scientific' whale hunt? Why does the Japanese government insist in trying to re-ignite an unprofitable, unpopular and unsustainable commercial operation by calling it 'science'?

It costs around 6 billion yen, or more than US\$50 million, to run the annual Southern Ocean whale hunt. Of that, 5 billion yen is in theory covered by the sales of whale meat, while government subsidies and other funding make up the other 1 billion yen or US\$10 million. Without trying to offload the whale meat to the consumer, the government-commissioned 'research' program would not be able to continue - and the shipping company that runs the fleet wouldn't be able to recover the costs that it uses for building new vessels. This year, the whalers failed to pay back 1 billion yen in 'operating cash' borrowed from public funds, due to ongoing financial difficulties (Asahi Shimbun, February 2nd 2008).

Article VIII

2. Any whales taken under these special permits shall so far as practicable be processed and the proceeds shall be dealt with in accordance with directions issued by the Government by which the permit was granted.

Whalers' Myths – and the Reality

Background - January 8, 2009

The whaling industry uses half-truths and outright lies to defend itself. Here we debunk some of their myths, and set the record straight.

On this page

› Myth No. 1: Whales "eat too many fish" and must be culled.

› Myth No. 2: Whale

1/11

Myth No. 2: Whale populations are numerous and increasing.

The whalers argue repeatedly that whale populations are numerous and increasing, and that their catches will not deplete those populations.

However, these arguments are based on some doubtful science. For example:

- The website of Japan's Institute of Cetacean Research (ICR) claims that populations of humpback and fin whales are growing by 14-16 percent. The IWC's Scientific Committee has agreed is biologically impossible.
- The Japanese government continues to cite an outdated estimate of 760,000 minke whales in the Southern Hemisphere.
- The 760,000 figure was an estimate based on surveys completed in 1987/88 which the IWC Scientific Committee once acknowledged was the best available at the time. Since then, more recent surveys have suggested a significantly lower abundance of minke whales. Indeed, the Scientific Committee agreed in 2000 that the 760,000 number was no longer appropriate. There has been no agreed population estimate since and the population may be declining.

Report of the Scientific Committee

Panama City, Panama, 11-23 June 2012

The new **agreed** estimates for the survey-once case are 720,000 for CPII (1985/86-1990/91) with 95% CI [512,000, 1012,000], and 515,000 for CPIII (1992/93-2003/04) with 95% CI [361,000, 733,000]. The

The Committee is exploring possible reasons for this. Noting that the IDCR/SOWER cruises were neither synoptic nor did they cover the entire range of potential minke whale habitat, one hypothesis is that the decline in estimated abundance was due to more whales being in unsurveyed regions during CPIII than in CPII. This

In conclusion, the Committee noted that after many years work it had now been able to **agree** on estimates of minke whale abundance within the areas surveyed in CPII and CPIII. As yet, though, there was no conclusion on whether (and if so to what extent) these numbers indicate a real decline in abundance of Antarctic minke whales between the periods of the two surveys. Time constraints meant that it was possible to

9 March 2012 Last updated at 11:23 GMT

Japan ends whaling season short of quota

Japan has ended its whaling season with less than a third of its annual target, said the country's Fisheries Agency.

The whaling ships headed home from the Antarctic Ocean this week with 266 minke whales and one fin whale, falling short of its quota of about 900.

The agency blamed "sabotage" by anti-whaling activists for the shortfall.

Japan conducts "legal research" on whales each year, but activists say it is a cover for commercial whaling banned under an international treaty.

"The catch was smaller than planned due to factors including weather conditions and sabotage acts by activists," an agency official was quoted by the AFP news agency as saying.

"There were definitely sabotage campaigns behind the figure."

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1 March 2013 Last updated at 00:44 GMT

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Politics at play in Sea Shepherd-Japan whaling wars

By Nick Bryant

Sydney correspondent



The Whales' Navy

In Defense of Whales Worldwide

In 1986, the International Whaling Commission (IWC) enacted a moratorium on all commercial whaling. Since then, three nations - Iceland, Norway, and Japan - have brutally slaughtered over 25,000 whales under the guise of scientific research and for commercial purposes. The IWC does not have the capacity to enforce the moratorium. Sea Shepherd, guided by the United Nations World Charter for Nature, is the only organization whose mission is to enforce these international conservation regulations on the high seas.

Highlights from our past three decades include:



- Ramming and disabling the notorious pirate whaler, the *Sierra*
- Shutting down half of the Spanish whaling fleet
- Documentation of whaling activities in the Faeroe Islands chronicled in the BBC documentary *Black Harvest*
- Scuttling half of the Icelandic whaling fleet and whale processing station
- Scuttling of the Norwegian whaling vessels *Nybraena* and *Senet*
- Confronting and opposing Japan's illegal whaling in Antarctica

Sea Shepherd has gone on to end the careers of 9 illegal whaling vessels, saving thousands of whales. These campaigns and other Sea Shepherd efforts have kept the issue of whaling in the international spotlight for the past thirty years.



Watch the TV series!
[Learn more!](#)

<http://www.seashepherd.org/whales/>

REAFFIRMING the statement on safety at sea made at the Commission's Intersessional Meeting held in Heathrow, UK, 6-8 March, 2008, which noted reports of dangerous actions by the Sea Shepherd Conservation Society (SSCS) in the Southern Ocean directed against Japanese vessels, called upon the SSCS to refrain from dangerous actions that jeopardise safety at sea, and on vessels and crews concerned to exercise restraint, condemned any actions that are a risk to human life and property in relation to the activities of vessels at sea, and again urged Contracting Governments to take actions, in accordance with relevant rules of international law and respective national laws and regulations, to cooperate to prevent and suppress actions that risk human life and property at sea and with respect to alleged offenders;

NOW THEREFORE THE COMMISSION,

AGREES AND DECLARES again that the Commission and its Contracting Governments do not condone and in fact condemn any actions that are a risk to human life and property in relation to the activities of vessels at sea;

International Whaling Commission, Resolution 2011-2 (by consensus)

KOZINSKI, Chief Judge:

You don't need a peg leg or an eye patch. When you ram ships; hurl glass containers of acid; drag metal-reinforced ropes in the water to damage propellers and rudders; launch smoke bombs and flares with hooks; and point high-powered lasers at other ships, you are, without a doubt, a pirate, no matter how high-minded you believe your purpose to be.

Plaintiffs-Appellants (collectively, "Cetacean") are Japanese researchers who hunt whales in the Southern Ocean. The United States, Japan and many other nations are signatories to the International Convention for the Regulation of Whaling art. VIII, Dec. 2, 1946, 62 Stat. 1716, 161 U.N.T.S. 74, which authorizes whale hunting when conducted in compliance with a research permit issued by a signatory. Cetacean has such a permit from Japan. Nonetheless, it has been hounded on the high seas for years by a group calling itself Sea Shepherd Conservation Society and its eccentric founder, Paul Watson (collectively "Sea Shepherd"). Sea Shepherd's tactics include all of those listed in the previous paragraph.

Institute of Cetacean Research v. Sea Shepherd, USCA (9th Cir.), 25 Feb. 2013,

2012/12/7 [共同プレスリリース] 国内NGO18団体が調査捕鯨の廃止を求め共同声明

プレスリリース - 2012-12-07

まもなく（財）日本鯨類研究所の調査捕鯨船団が南極海に向けて出航する予定とみられます。この出航に際し、本日12月7日、国内NGO18団体が政府に対して共同声明を発表し、南極海における調査捕鯨の廃止を求めました（注1）。

< 批判を受けた第3次補正予算に続いてまたもや補助金の投入が >

昨年、被災地の復興支援のための第3次補正予算で、調査捕鯨に多額の予算が投入されていたことが今年になって明らかになり、強い批判があがりました。しかし、調査捕鯨そのものを見直すべきという議論は行われていません。調査捕鯨は、その手法や科学的な根拠、条約で定められた公海のサンクチュアリでの操業など、国際的な批判も高く、その是非についての国内での冷静な議論が必要とされるものです。また、事業としても採算が取れないにも関わらず、その継続を目的としてさらなる補助金が投入されようとしています。

< 需要は激減、余った鯨肉は学校給食へ >

国内では鯨肉の需要は激減しています。それに対して政府・水産庁は、「伝統食」としての需要拡大キャンペーンを継続し、今回は仲卸を介さない直接販売や余剰鯨肉の学校給食導入を指示するという間違った施策をとりました。

今回の共同声明では以下の5点を政府に要請しています。

1. 南極海におけるクジラ捕獲調査（調査捕鯨）の廃止
2. 「もうかる漁業創設支援事業」による調査捕鯨への補助金投入の中止を
3. 調査継続のための、政府による鯨肉販売強化、とりわけ学校給食への鯨肉導入の停止を
4. 日新丸改修工事の詳細公開と安全性に関する情報の公開
5. 財団法人日本鯨類研究所と共同船舶株式会社の財務情報の開示