

April, 2018

Joint Statement

NGOs call on Japanese Government to:

Comply with CITES and Stop Distributing Sei Whale Meat

<Background>

At the Standing Committee of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in October 2017, the Japanese government was questioned about the legality of bringing specimens of sei whale from the sea (“introduction from the sea” defined by CITES).

Most of the member countries at the committee denounced Japan, saying that bringing sei whale meat into the country is a violation of the treaty, and that this warrants a measure such as suspension of trade. None of the members supported Japan’s claims that it does not constitute a violation of the treaty.

The final decision will be taken at the Standing Committee meeting in October 2018. By the next Committee, in order to verify whether any violation of the treaty has occurred, the Secretariat will ask additional questions to Japan regarding those Japan previously failed to answer. Upon receiving the answers, the Secretariat will dispatch an investigation team to Japan.

Sei whales are currently listed in Appendix I of CITES and its commercial trade is prohibited. Japan, however, has caught sei whales since 2002 as part of its research whaling program in the Northwest Pacific under Article VIII of the International Convention for the Regulation of Whaling. Japan has also continuously sold sei whale meat based on the second clause of the Article “Any whales taken under these special permits shall so far as practicable be processed”.

Japan has a newly developed research plan which was produced after the ruling by the International Court of Justice in 2014,. Under the New Scientific Whale Research Program for the western North Pacific (NEWREP-NP), the government granted an annual catch permit for 134 sei whales. In 2017, the Japanese fleet filled the full quota and caught all 134 whales.

Since sei whales are twice the size of minke whales, the species Japan has mainly caught, the amount of meat yielded is four to six times higher. Consequently, sei whales currently account for about half of the whale meat in the Japanese market.

CITES investigates how the CITES-listed species are treated domestically. Since sei whales are listed in Appendix I, its commercial trade is prohibited. The Convention adopted a resolution on the definition of ‘primarily commercial purposes,’ stating: “it is agreed that all uses whose non-commercial aspects do not clearly predominate shall be considered to be primarily commercial in nature, with the result that the import of specimens of Appendix-I species should not be permitted.” (Resolution Conf. 5.10 (Rev. CoP15)) Japan supported this resolution.

If all parts of a sei whale, such as organs, tissues and genetic materials are used for scientific research, then it does not infringe on the treaty. However, the current practice of the Japanese fleet is to cut the specimens into small portions and then pack into packages on the vessel, making the packaged meat ready to put on the distribution channels once landed. The practice cannot be interpreted as anything other than commercial purposes.

This is especially clear from the refurbishment of the vessel done in 2012 and 2013, which made it possible to process the meat into easy-to-sell smaller portions onboard. If the convention determines that Japan's "introduction from the sea" of sei whales indeed violates the treaty, in compliance with CITES Japan will not be able to land sei whales for commercial sales. Moreover, Article III of the new domestic law regarding the continuation of research whaling stipulates that research whaling programs have to abide by the rules of treaties and international agreements signed by Japan, and with established international law. Therefore, bringing sei whale meat into the country will also violate the domestic law.

In addition, as a measure to ensure implementation of the treaty, the Committee can make a recommendation to other countries to suspend trade in specimens of CITES-listed species between Japan. If the recommendation is made, it may well affect the trade of not only those listed in Appendix I, including sei whales, but also the trade of all other CITES-listed species. (Currently Appendix I lists about 1000 species and Appendix II lists about 34,600 species in total. For example, all wild orchid species are listed in either one of the Appendixes.) It is worth bearing this in mind, whilst Japan considers how fully to cooperate with this process, and respect international treaties.

For those reasons, we urge the Japanese government to do the following. Taking serious consideration of the fact that Japan will be investigated for the suspicion of treaty violation with regards to sei whales' "introduction from the sea",

- 1) Provide the investigating team from the Convention with their full support and cooperation
- 2) Suspend the research whaling program where "introduction from the sea" (as defined by CITES) is essential to its operations.
- 3) Until the final decision will have been made by the Standing Committee, suspend the regular supply of sei whale meat including the volume provided to school lunches and sales promotion, which is based on the future prospects of "introduction from the sea" of sei whales.

<Signed>
Animal Rights Center
Biodiversity Information Box
Circle of Life

Citizens Against Chemical Pollution
Greenpeace Japan
Iruka & Kujira (Dolphin & Whale) Action Network
Japan Civil Network for the United Nations Decade on Biodiversity
Japan Environmental Layers Federation
Japan Tiger and Elephant Fund
Japan Wildlife Conservation Society
Nature Conservation Society Japan
Peace
Save the dugong Campaign Center
Wild Bird Society Japan
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