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## TEXTS ADOPTED

*Provisional edition*

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### **P8\_TA-PROV(2016)0313**

#### **Japan's decision to resume whaling in the 2015-2016 season**

##### **European Parliament resolution of 6 July 2016 on Japan's decision to resume whaling in the 2015-2016 season (2016/2600(RSP))**

*The European Parliament,*

- having regard to the International Whaling Commission's agreement on zero catch limits (the 'moratorium') for commercial whaling that came into effect in 1986,
  - having regard to Resolution 2014-5 adopted by the International Whaling Commission at its 65th meeting in September 2014,
  - having regard to the Aichi Biodiversity Targets agreed under the International Convention on Biological Diversity,
  - having regard to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora<sup>1</sup> (the Habitats Directive),
  - having regard to its resolution of 19 February 2009 on Community action in relation to whaling<sup>2</sup>,
  - having regard to the ruling of the International Court of Justice (ICJ) of 31 March 2014 in the case concerning whaling in the Antarctic (Australia v Japan: New Zealand intervening),
  - having regard to the démarche signed by the EU in December 2015 concerning Japan's resumption of whaling in the Southern Ocean under the New Scientific Research Whale Programme (NEWREP-A),
  - having regard to Rules 128(5) and 123(4) of its Rules of Procedure,
- A. whereas in 1982 the International Whaling Commission (IWC) put in place a moratorium on all commercial whaling, which is still in force, in order to protect stocks from extinction and allow them to recover; whereas the International Convention for the

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<sup>1</sup> OJ L 206, 22.7.1992, p. 7.

<sup>2</sup> OJ C 76 E, 25.3.2010, p. 46.

Regulation of Whaling includes special provisions that allow whaling of limited amounts of animals for strictly scientific research purposes, known as ‘special permit whaling’;

- B. whereas, despite this moratorium, commercial whaling continues to be practised by several countries; whereas, since the introduction of the moratorium, the number of whales killed using special permit authorisation for alleged scientific research has actually increased; whereas Japan has been conducting such whaling under special permit for decades;
- C. whereas Japan, despite this international ban which came into effect in 1986, continued its whaling activities, killing over 20 000 whales<sup>1</sup> up to 2014;
- D. whereas whaling causes severe suffering to individual animals and threatens the conservation status of whale populations as a whole;
- E. whereas all species of great whales are listed in Appendix I to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- F. whereas, in its judgment of 31 March 2014, the ICJ ordered the halting of Japan’s annual hunt of whales, based on its JARPA II programme, because there was a ‘lack of scientific merit’ and the permits it issued were not conducted for scientific research as Japan claimed;
- G. whereas scientific permits allow whale meat to be sold or given away while scientific needs can be met with perfectly innocuous alternatives; whereas DNA sampling and remote monitoring give scientists the opportunity to learn about whales and collect samples without killing them;
- H. whereas, in October 2015, Japan deposited a declaration with the UN recognising the jurisdiction of the ICJ but with an exception for any dispute arising out of, concerning or relating to research on, or conservation, management, or exploitation of, living resources of the sea, effectively ruling out future challenges in the ICJ to their special permit whaling programme;
- I. whereas in November 2015 the Japanese Fisheries Agency notified the IWC that it would resume whaling under the New Scientific Research Whale Programme (NEWREP-A);
- J. whereas Japan has, for many years, been engaged in the commercial trade of whale meat and products, despite the fact that they are listed in Appendix I to the CITES;
- K. whereas the expert panel of scientists of the IWC that considered and reviewed NEWREP-A concluded that the proposal did not demonstrate the need for lethal sampling to achieve the stated objectives;
- L. whereas the primary objective must be the protection of biodiversity, including the conservation of species; whereas the EU Habitats Directive defining the Community position with respect to whales (and dolphins) does not allow the resumption of commercial whaling in respect of any stock of whales in EU waters;
- M. whereas the EU and its Member States have criticised Japan for resuming activities and for not paying sufficient regard to the guidance found in the 2014 ICJ opinion; whereas in

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<sup>1</sup> <https://iwc.int/total-catches>

December 2015 they joined New Zealand in a démarche vis-à-vis the Government of Japan;

- N. whereas Japan is a strategic partner of the EU and the bilateral relationship is founded on shared values, including a firm belief in effective multilateralism and a rules-based international order;
- O. whereas the EU is currently engaged in negotiations with Japan for a Strategic Partnership Agreement and a free trade agreement;
1. Calls on Japan to stop its whaling activities and to abide by the conclusions of the IWC;
  2. Strongly supports the maintenance of the global moratorium on commercial whaling and a ban on international commercial trade in whale products; urges the end of unjustified 'scientific whaling' and supports the designation of substantial regions of ocean and seas as sanctuaries in which all whaling is indefinitely prohibited;
  3. Is strongly concerned that the decision to resume whaling under the new NEWREP-A programme allowed the killing of 333 minke whales, including 200 pregnant females, in the Antarctic Ocean during the 2015-2016 season, and that Japan intends to hunt a total of nearly 4 000 whales over the 12-year period as a whole;
  4. Deplores that, by resuming whaling, Japan is clearly ignoring the ruling of the ICJ; considers that the hunts are thus in breach of IWC standards and of international law and undermine the protection of biodiversity and marine ecosystems; emphasises that genuine scientific research does not require the large-scale and regular killing of whales;
  5. Welcomes the EU's participation in the démarche with a view to conveying to Japan its serious concerns; calls on the Commission, the European External Action Service (EEAS) and the Council to urge Japan to commit to its international obligations regarding the protection of marine mammals;
  6. Regrets that Japan has so far not reconsidered its decision in spite of the diplomatic démarche and widespread international protests; urges the EU and its Member States to do their utmost to resolve the issue through political dialogue and through the IWC;
  7. Calls on the Commission, the EEAS and the Member States to continuously engage with Japan on the issue of alleged scientific whaling with a view to abolishing the practice, using bilateral and multilateral channels;
  8. Endorses IWC Resolution 2014-5, according to which no further whaling permit should be granted without prior international review, including by the IWC Scientific Committee; urges the IWC to incorporate the ICJ's ruling into its working practices and to adapt its rules accordingly; highlights the need to act as a matter of urgency to strengthen the IWC in this respect and calls on the Member States to press for the necessary decisions at the next IWC meeting in October;
  9. Urges the Council and Commission, when drafting an updated EU common position on whaling after the 66th IWC meeting in October 2016, to take an approach that is at least as precautionary as the present common position (Council Decision establishing the position to be adopted on behalf of the European Union, in relation to matters falling within its competence, at the next three meetings of the International Whaling Commission – 2011/0221(NLE));

10. Instructs its President to forward this resolution to the Council and the Commission, the governments and parliaments of the Member States and the Government and Parliament of Japan.