

# Act for Ensuring Sustainable Use of Whales

(Act No. 76 of June 23, 2017)

## (Purpose)

Article 1 The purpose of this Act is to ensure the development of the fishery sector and its related industries and to contribute to sustainable use of marine living resources by establishing the fundamental principles and clarifying the responsibilities of the State for ensuring sustainable use of whales, and by providing for the development of the basic policy and scientific whale research programs, establishment of a system for conducting scientific whale research, measures for the appropriate and smooth operation of whale fishery, measures for the prevention of and addressing acts of interference, and by setting forth other requirements, in light of whales being an important food resource which should be used in a sustainable manner based on scientific evidence as is the case with other marine living resources, and of the importance in Japan of succession of the traditional culinary and other cultures and dietary practices involving whales, and of ensuring the diversity in the use of whales.

## (Definitions)

- Article 2 (1) The term "sustainable use of whales" as used in this Act means using whales in a sustainable manner through conservation and management to maintain their populations at appropriate levels.
- (2) The term "scientific whale research" as used in this Act means scientific research on whales conducted for the purpose of collecting scientific information for sustainable use of whales.
- (3) The term "whale fishery" as used in this Act means the fishery involving catching of whales.
- (4) The term "acts of interference" as used in this Act means acts that interfere with scientific whale research or operation of whale fishery.

## (Fundamental Principles)

- Article 3 Sustainable use of whales is to be ensured based on the following:
- (i) scientific whale research will be conducted based on the following principles:
- (a) scientific whale research will be conducted with the primary aim of obtaining scientific knowledge necessary to operate whale fishery in a manner that will ensure sustainable use of whales;
  - (b) scientific whale research will be conducted in accordance with treaties and other international agreements concluded by Japan, as well as in accordance with established international law, and based on scientific

- knowledge;
- (c) research results will be fully analyzed and studied so that necessary research findings will be obtained, and these research findings will be made available to the public widely, promoting international cooperation for ensuring sustainable use of whales through their provision, etc.;
  - (d) where necessary, scientific whale research will be conducted in cooperation with research institutions in Japan and abroad.
- (ii) measures pertaining to whale fishery will be taken based on the following principles:
- (a) whale fishery will be operated within the catch limits ("catch limits" means the number of whales calculated for each species of target whales as the maximum number of whales that can be caught in one year for sustainable use of whales, based on findings of scientific whale research and other scientific evidence; the same applies hereinafter);
  - (b) whale fishery will be operated in accordance with treaties and other international agreements concluded by Japan, as well as in accordance with established international law;
  - (c) whale fishery will be operated smoothly with appropriate support, considering the circumstances surrounding whale fishery.

(Responsibilities of the State)

Article 4 The State will have the responsibility for comprehensively developing and implementing measures for ensuring sustainable use of whales in accordance with the fundamental principles for ensuring sustainable use of whales set forth in the preceding Article (hereinafter referred to as the "fundamental principles" in paragraph (1) of the following Article).

(Basic Policy)

- Article 5 (1) The Government must establish the basic policy for ensuring sustainable use of whales in accordance with the fundamental principles (hereinafter referred to as the "basic policy").
- (2) The basic policy sets forth the following matters:
- (i) basic orientation of measures for ensuring sustainable use of whales;
  - (ii) matters on the significance of scientific whale research;
  - (iii) objectives of scientific information collected through scientific whale research;
  - (iv) basic matters on the conduct of scientific whale research that are considered particularly important in achieving the objectives mentioned in the preceding item;
  - (v) basic matters on the system for conducting scientific whale research;
  - (vi) basic matters concerning the calculation, etc. of the catch limits;

- (vii) basic matters on support for the smooth operation of whale fishery;
  - (viii) basic matters on prevention of and for addressing acts of interference;
  - (ix) basic matters on the promotion, etc. of international cooperation for ensuring sustainable use of whales;
  - (x) basic matters on ensuring the appropriate distribution of whales, and other related matters; and
  - (xi) other important matters for ensuring sustainable use of whales.
- (3) The Minister of Agriculture, Forestry and Fisheries must formulate a draft basic policy by consulting in advance with the Minister of Justice, the Minister for Foreign Affairs, the Commandant of the Japan Coast Guard, and the heads of other relevant administrative organs (or, if any of such administrative organs is based on a council system, the administrative organ itself; the same applies in Article 15, paragraph (1)), and seek the decision of the Cabinet.
- (4) When a Cabinet decision is made pursuant to the provisions of the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries must make public the basic policy without delay.
- (5) The Government must change the basic policy if deemed necessary following the changes in circumstances.
- (6) The provisions of paragraphs (3) and (4) apply mutatis mutandis to any change of the basic policy made pursuant to the provisions of the preceding paragraph.

(Scientific Whale Research Program)

- Article 6 (1) The Minister of Agriculture, Forestry and Fisheries is to develop a program for conducting scientific whale research which is considered particularly important, in accordance with the basic policy and as prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries (hereinafter referred to as a "scientific whale research program").
- (2) A scientific whale research program is to set forth the following matters concerning the scientific whale research mentioned in the preceding paragraph:
- (i) the purpose of the scientific whale research;
  - (ii) the sea areas in which the scientific whale research will be conducted;
  - (iii) the methods of the scientific whale research; and
  - (iv) other matters necessary for conducting the scientific whale research.
- (3) Upon development of a scientific whale research program, the Minister of Agriculture, Forestry and Fisheries must publish the program without delay.
- (4) The Minister of Agriculture, Forestry and Fisheries must consider the status, etc. of implementation of the scientific whale research pertaining to the scientific whale research program, and, after review of the scientific whale research programs, as appropriate, must modify each program if deemed

necessary.

- (5) The provisions of paragraph (3) apply *mutatis mutandis* to any modification of the scientific whale research program made pursuant to the provisions of the preceding paragraph.

(Designated Scientific Whale Research Corporation)

Article 7 (1) The Minister of Agriculture, Forestry and Fisheries may designate a general incorporated association or general incorporated foundation which is considered to be capable of appropriately and reliably performing the service set forth in the following paragraph as a designated scientific whale research corporation, in response to an application by a general incorporated association or general incorporated foundation.

- (2) The duty of the designated scientific whale research corporation is the conduct of the scientific whale research pertaining to the scientific whale research program cooperating in the calculation of the catch limits mentioned in Article 11; the same applies in the following Article and Article 9).
- (3) The designated scientific whale research corporation must report to the Minister of Agriculture, Forestry and Fisheries the status of implementation of the scientific whale research pertaining to the scientific whale research program, as prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (4) If the Minister of Agriculture, Forestry and Fisheries finds that the designated scientific whale research corporation has not appropriately and reliably performed any of the duties set forth in paragraph (2), the Minister of Agriculture, Forestry and Fisheries may order the designated scientific whale research corporation to take measures necessary to improve the conduct of its duties.
- (5) If the designated scientific whale research corporation violates the order mentioned in the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries may revoke its designation.
- (6) The procedures for the designation set forth in paragraph (1) and other matters necessary in relation to the designated scientific whale research corporation are prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Assistance)

Article 8 The Government is to, within the limits of its budget, assist the designated scientific whale research corporation with part of the costs incurred in conducting the scientific whale research pertaining to the scientific whale research program.

(Conduct of Scientific Whale Research by the Japan Fisheries Research and Education Agency)

Article 9 The Minister of Agriculture, Forestry and Fisheries may have the Japan Fisheries Research and Education Agency perform services related to the conduct of the scientific whale research pertaining to the whale research program (excluding those duties to be performed by the designated scientific whale research corporation).

(Development of a System for Conducting Scientific Whale Research)

Article 10 In order to conduct scientific whale research in a stable and continuous manner, the Government is to foster and secure human resources for conducting scientific research and studies on whales, secure the cooperation of whale fishery managers in conducting scientific whale research, and take other measures necessary to develop a system for conducting scientific whale research.

(Calculation of Catch Limits)

Article 11 In order to ensure that whale fishery is operated in a manner that will ensure sustainable use of whales, the Government is to calculate the catch limits, set the numbers of whales that whale fishery managers can catch in one year within the catch limits, take measures for ensuring that no whales will be caught beyond such numbers, and take other necessary measures.

(Support for Smooth Operation of Whale Fishery)

Article 12 In order to support the smooth operation of whale fishery, the Government is to support the securing of vessels and their crews for operating whale fishery, promote the development and dissemination of technologies for catching, dissecting and preserving whales, and take other necessary measures.

(Support for Addressing Acts of Interference)

Article 13 The Government is to provide necessary information, advice, and other necessary support in order for entities conducting scientific whale research or whale fishery managers to prepare vessels, equipment or appurtenances necessary for the prevention of or addressing acts of interference, or to provide vessel crews and other relevant persons with training for them to acquire or improve knowledge and skills necessary for the prevention of or addressing acts of interference.

(Assignment of Government Officials to Address Acts of Interference)

Article 14 For the prevention of or addressing acts of interference, the Government is to, where necessary, dispatch officials of the Fisheries Agency

or other government officials who are engaged in the aforementioned duty (hereinafter simply referred to as "government officials" in this Article and paragraph (1) of the following Article) or a vessel boarded with government officials to the sea area or any other area in which scientific whale research is conducted or whale fishery is operated, and have those government officials take necessary measures pursuant to laws and regulations.

(Sharing of Information among Relevant Administrative Organs to Address Acts of Interference)

- Article 15 (1) The Minister of Agriculture, Forestry and Fisheries, the Prime Minister, the Minister of Justice, the Minister for Foreign Affairs, the Commandant of the Japan Coast Guard, and the heads of other relevant administrative organs are to ensure close cooperation with each other by sharing information in advance on the specific details of the measures that crew members (including government officials who are dispatched pursuant to the provisions of the preceding Article or who board a vessel dispatched pursuant to the provisions of the same Article; the same applies in the following paragraph) and other relevant persons of a vessel engaged in scientific whale research or whale fishery are allowed to take to address acts of interference where necessary.
- (2) The sharing of information required by the preceding paragraph is to be done for each type of foreseen acts of interference, regarding the measures that crew members and other relevant persons of a vessel engaged in scientific whale research or whale fishery are allowed to take to address the act of interference in light of treaties and other international agreements concluded by Japan, established international law, and applicable laws and regulations, as concretely as possible from the viewpoint of ensuring the stable and continuous conduct of scientific whale research and the smooth operation of whale fishery.

(Other Measures Taken to Address Acts of Interference)

- Article 16 (1) The Government is to take appropriate diplomatic measures for the prevention of or addressing acts of interference by foreign vessels.
- (2) In order to prevent acts of interference, the Government is to deny permission to land and take other measures necessary for the management of the entry, landing, and stay of, any foreign nationals who are likely to commit any act of interference.

(Promotion of International Cooperation for Ensuring Sustainable Use of Whales)

- Article 17 (1) The Government is to strive to provide relevant international organizations with scientific knowledge obtained through scientific whale

research and information regarding the ensuring of sustainable use of whales in Japan and to promote other types of international cooperation for ensuring sustainable use of whales, and take necessary measures to disseminate and utilize such scientific knowledge in Japan and abroad and promote the understanding of the significance of scientific whale research in Japan and abroad.

(2) In order to deepen understanding and interest in Japan and abroad in the succession of Japan's traditional culinary, its related cultures and dietary practices involving whales, and the ensuring of diversity regarding the use of whales, the Government is to enhance public relations activities related to Japan's culture and dietary practices involving whales and the use of whales, promote the use of whale in school lunches, etc., and take other necessary measures.

(3) In order to improve the international circumstances surrounding whaling, the Government is to enhance cooperation with and approaches to relevant countries and take other necessary diplomatic measures.

#### (Measures for Ensuring the Appropriate Distribution of Whales)

Article 18 (1) In order to prevent the distribution of whales caught in violation of provisions of laws and regulations, the Government is to manage information for identifying individual whales that have been caught appropriately, conduct research on their distribution, and take other necessary measures.

(2) The Government is to take necessary measures with respect to business enterprises engaged in the processing and sale, etc. of whales and with respect to other relevant persons to prevent insecurity about potential interference with their businesses, etc.

#### (Financial and Other Measures)

Article 19 In addition to the measures set forth in Article 8, the Government is to take financial and other measures necessary to develop a system for conducting scientific whale research, to support the smooth operation of whale fishery, to address acts of interference, to promote international cooperation for ensuring sustainable use of whales, and to implement other measures for ensuring sustainable use of whales.