



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

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### **Australia institutes proceedings against Japan for alleged breach of international obligations concerning whaling**

THE HAGUE, 1 June 2010. Australia yesterday instituted proceedings before the International Court of Justice against the Government of Japan, alleging that

“Japan’s continued pursuit of a large scale programme of whaling under the Second Phase of its Japanese Whale Research Programme under Special Permit in the Antarctic (“JARPA II”) [is] in breach of obligations assumed by Japan under the International Convention for the Regulation of Whaling (“ICRW”), as well as its other international obligations for the preservation of marine mammals and marine environment”.

The Applicant contends, in particular, that Japan “has breached and is continuing to breach the following obligations under the ICRW:

- (a) the obligation under paragraph 10 (e) of the Schedule to the ICRW to observe in good faith the zero catch limit in relation to the killing of whales for commercial purposes; and
- (b) the obligation under paragraph 7 (b) of the Schedule to the ICRW to act in good faith to refrain from undertaking commercial whaling of humpback and fin whales in the Southern Ocean Sanctuary.”

Australia points out that

“having regard to the scale of the JARPA II programme, the lack of any demonstrated relevance for the conservation and management of whale stocks, and to the risks presented to targeted species and stocks, the JARPA II programme cannot be justified under Article VIII of the ICRW” (this article regulates the granting of special permits to kill, take and treat whales for purposes of scientific research).

Australia alleges further that Japan has also breached and is continuing to breach, *inter alia*, its obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora and under the Convention on Biological Diversity.

At the end of its Application, Australia requests the Court to adjudge and declare that “Japan is in breach of its international obligations in implementing the JARPA II programme in the Southern Ocean”, and to order that Japan:

- “(a) cease implementation of JARPA II;
- (b) revoke any authorisations, permits or licences allowing the activities which are the subject of this application to be undertaken; and
- (c) provide assurances and guarantees that it will not take any further action under the JARPA II or any similar programme until such programme has been brought into conformity with its obligations under international law.”

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Australia explains in its Application that it has consistently opposed Japan’s JARPA II programme, both through individual protests and demarches and through relevant international forums, including the International Whaling Commission.

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As the basis for the jurisdiction of the Court, the Applicant invokes the provisions of Article 36, paragraph 2, of the Court’s Statute, referring to the declarations recognizing the Court’s jurisdiction as compulsory made by Australia on 22 March 2002 and by Japan on 9 July 2007.

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Australia’s Application will be available shortly on the Court’s website ([www.icj-cij.org](http://www.icj-cij.org)).

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