Would Japan’s Continued “Scientific Whaling” Constitute a Breach of International Law?

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42 West 44th Street, New York, NY 10036

In 1982, the International Whaling Commission banned all commercial whaling after 1986, except for the purposes of scientific research. In the 24 years between 1986 and 2010, Japan killed more than 14,000 whales, claiming to do so under the scientific research exemption; only 6% of that amount (840 whales) had been killed in the course of scientific research during the 30 years prior to the ban.

On March 30, 2014, as a result of a lawsuit brought by Australia against Japan, the International Court of Justice (ICJ) issued a historic decision, ruling that Japan’s whaling in the Antarctic, including the Southern Ocean Sanctuary, was not for the purpose of scientific research and, therefore, was not in conformity with its international obligations. Consequently, the Court ordered Japan to revoke all permits granted to that end.

Although Japan initially responded that it would respect the ICJ ruling, it has subsequently raised concerns that it will instead contravene it. Japan has announced that it will resume whaling in the Antarctic, including the Southern Ocean Sanctuary. In addition, Japan has continued whaling in the Northern Pacific, which is undertaken under the same circumstances and, also, allegedly under the scientific research exemption.

This panel will discuss whether Japan’s actions, after the ICJ ruling, would be in compliance with international law, as well as the significance of that ruling for international environmental law.

MODERATOR
MICHAEL B. GERRARD, Andrew Sabin Professor of Professional Practice and Director, Sabin Center for Climate Change Law, Columbia Law School

OUR SPEAKERS*
PATRICK RAMAGE, Director, Whale Program, International Fund for Animal Welfare
AMBASSADOR ALBERTO SZEKELY, Mexico, LLB, MA, Ph.D., Member of the Permanent Court of International Arbitration at The Hague
PHILIPPE SANDS QC, Founder Member of Matrix Chambers and Professor of Laws and Director of the Centre on International Courts and Tribunals, University College London, University of London

*The Government of Japan was invited to provide a speaker, but declined to participate.

This event is open to the public and free of charge, but registration is appreciated: https://services.nycbar.org/iMIS/Events/Event_Display.aspx?EventKey=INE103014&WebsiteKey=f71e12f3-524e-4f8c-a5f7-0d16ce7b3314

Event sponsored by the Committee on International Environmental Law and co-sponsored by the Admiralty Law Committee, the Animal Law Committee, Environmental Law Committee, the Council on International Affairs and the Sabin Center for Climate Change Law