

REPORT TO CONGRESS ON THE EFFECTIVENESS OF
THE INTERNATIONAL WHALING CONVENTION (IWC)
CONSERVATION PROGRAM

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A REPORT CONCERNING JAPAN'S RESEARCH WHALING ACTIVITIES
THAT DIMINISH THE EFFECTIVENESS OF THE INTERNATIONAL
WHALING CONVENTION (IWC) CONSERVATION PROGRAM, PUR-
SUANT TO SECTION 8 OF THE FISHERMEN'S PROTECTIVE ACT
OF 1967, 22 U.S.C. 1978 (THE PELLY AMENDMENT)



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THE WHITE HOUSE,
Washington, December 29, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: On September 13, 2000, the Secretary of Commerce certified that Japan had authorized its nationals to conduct research whaling activities that diminish the effectiveness of the International Whaling Convention (IWC) conservation program. This message constitutes my report to the Congress pursuant to section 8 of the Fishermen's Protective Act of 1967, 22 U.S.C. 1978 (the Pelly Amendment).

Secretary Mineta's certification was the third against Japan for scientific research whaling. The first was in 1988, when Japan initiated its Antarctic program that now entails an annual take of 440 minke whales. The second was in 1995, after Japan extended its program to the North Pacific, where it has been taking 100 minke whales per year. This year, despite a specific resolution passed by the majority of IWC parties calling on Japan to refrain from conducting lethal research in the North Pacific, Japan expanded its program in the North Pacific to permit the take of 10 sperm whales and 50 Bryde's whales. The total harvest in this summer's hunt was 40 minke whales, 5 sperm whales, and 43 Bryde's whales. I remain very concerned about Japan's decision to expand its research whaling to two additional species.

I also remain concerned about Japan's practice of taking whales in the Southern Ocean Whale Sanctuary north of Antarctica. This is an internationally recognized sanctuary that was approved by the IWC. I see no justification for Japan's practice and will continue to urge Japan to reconsider its policy, which I believe undermines the effectiveness of whale sanctuaries everywhere. I note in addition that Japan's practice is clearly out of step with the growing international consensus in support of whale sanctuaries, and in sharp contrast to the strong leadership that Mexico and Brazil have both shown in the last 3 months in designating areas off their coasts as whale sanctuaries.

Along with many other members of the IWC, the United States believes the Japanese research whaling program has dubious scientific validity. Information relevant to management of whale stocks can be collected by nonlethal techniques. Products of the research harvest are sold in Japanese markets, which raises questions about the true motivation for the program. In addition, Japan has conducted the same set of scientific research experiments on significant numbers of minke whales for more than 10 years.

I want to underscore that concerns about Japan's lethal scientific whaling program are not simply a bilateral matter. A substantial

majority of IWC members share our concern and want Japan to curtail its program.

My Administration has already taken a wide range of economic and diplomatic measures in response to Japan's expanded program. On September 13, I directed the Secretary of State to make Japan ineligible to conduct fishing operations within the United States exclusive economic zone. I, members of my Cabinet, and other United States officials, have raised our strong concerns at the highest levels of the Japanese Government and will continue to do so. I have personally intervened with Prime Minister Mori. We also joined 14 other governments in making a high-level demarche to the Japanese Government to protest its decision to issue the permits. In September, we canceled a bilateral fisheries meeting that we have been holding annually for more than a decade. We also declined to participate in a ministerial meeting on environmental issues in August hosted by Japan. We have also actively supported the selection of a country other than Japan to host the next intersessional meeting of the IWC. As a result, the IWC voted 17-10 to hold the meeting in Monaco instead of Tokyo.

The United States has intensified its serious engagement on these issues with Japan. In November, we held bilateral consultations with Japan in Tokyo on scientific research on whales. At that meeting, we appreciated receiving the news that Japan is preparing to conduct two nonlethal scientific whale programs in the next 12 months. This is a very encouraging sign. We expect our bilateral meeting will lead to an IWC Scientific Committee workshop on methods for whale research. I view this meeting as a positive but limited step. Our goal remains that Japan substitute nonlethal techniques for its program. We will vigorously pursue this objective in conjunction with our partners in the IWC.

We are concerned that the presence of these additional species of whales in the Japanese market could increase the risk of derivatives of whale products entering international commerce. To this end, we have raised these matters within the Convention on International Trade in Endangered Species, and an interagency team continues to consider additional measures to enforce international and national prohibitions on trade in whale products. If warranted, the Secretaries of Commerce and the Treasury will take appropriate additional measures.

In sum, I remain deeply concerned by Japan's unilateral actions. For this reason, I have directed the Departments of State, Commerce, the Interior, and the Treasury, as well as the Office of the United States Trade Representative, to keep this matter under active review. I will also direct these agencies to further examine the relationship between Japanese companies that both manufacture whaling equipment and export products to the U.S. market. I would consider actions regarding any imports from whaling equipment manufacturers, as well as actions regarding a broader range of imported products, should they be warranted by lack of progress from our bilateral and multilateral efforts; however, I do not believe that import prohibitions would further our objectives at this

time. We are committed to a sustained effort in order to bring about positive movement in Japan's whaling policies.
Sincerely,

WILLIAM J. CLINTON.

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