

ICJ : Whaling in the Antarctic (Australia v. Japan: New Zealand intervening)

Hi! My name is Katherine Lucero and I will be your vice chair at the MVHS MUN 2018 conference. I am currently a sophomore and this will be my second year in the MUN program here at Mission. In school I am a part of a club called Hospital Helpers and Beach Clean Up . Outside of MUN I like going out with friends, going on adventures and trying new things. Also I enjoy spending my free time volunteering at church. I look forward seeing all of you in committee and hope you have fun!

I. Background:

May 31, 2010 proceedings began that had been instituted by Australia accusing Japan, where in the International Court of Justice (ICJ) which was taken place on March 31, 2014 and was first issued its judgement in the case that was filed as the, 'whaling in the antarctic'. The case represents the latest in a recent line of disputes brought before the court related to complex issues of scientific and factual evidence. Three provisions of the ICRW that Japan had violated by conducting large scale whaling under the second phase of the 'Japanese Whale Research Program' under a special permit in the Antarctic such as prohibition on whaling in the southern ocean sanctuary, moratorium on commercial whaling and moratorium on use of factory ships to process whales. As Japan stated that they used the whales as a 'scientific research', the court "indicated that JARPA II could broadly be described as a "scientific research" programme"(ICJ). After many questions that have been asked by the court, they came in conclusion that the special permits that was issued by Japan, having the power to do whatever they wanted to with the whales such as killing, taking in and 'treating' the whales associated with the JARPA II was not granted "for purposes of scientific research"(ICJ). New Zealand submitted a declaration to the court on November 20, 2012. After this declaration was submitted, Japan was concerned that the intervention might raise certain procedural issues regarding the equality of the parties to dispute, which Japan also argued that New Zealand and Australia, the two countries together who has the same interest, meaning both countries agreed with each other. After a couple months, on February 6, 2013 New Zealand's declaration was admissible which was stated by the court.

Following of that, Japan met the procedural requirements that had been found by the court for review of permits by the whaling commission. In result of that situation Japan was forced to revoke any extant authorization, license and permit to kill, the country either had to take or treat whales in relation to JARPA II. Therefore they had to refrain from granting any further permits.

II. Plaintiff:

Attorney general of New Zealand, Christopher Finlayson argued that this system of special permits is integral to collective regulation under the convention and was exclusively only used for scientific research. The provision of special permits which was stated by New Zealand which countered Japan's case and agreed was "...not an exemption"(New Zealand intervenes). Therefore from the collective decision making of the International Whaling Commission. During the case

New Zealand provided a history of the genesis of the 1946 Whaling Convention which they have stated was rooted in the rampant over exploitation of whale due to the second world war. Following of that the negotiation of the convention was a “common endeavour” argued by New Zealand, yet initial actions that were taken were “too late, too little”, which the object and purpose of the convention that established “a system of collective regulation for the conservation and management of whale”. Finlayson stated that the common purpose of the parties to the whaling convention had been overshadowed by controversy over what Japan’s current plans associated with the whaling program.

III. Defendant:

Attorney general Mark Dreyfus QC who represented Australia’s hearing in the International Court of Justice. Dreyfus wanted this slaughter to end. “Australia’s views on whaling are very well known, we condemn all commercial whaling, including Japan’s so called ‘scientific’ whaling”(Minister Tony Burke). The Australian Government’s decision to bring this legal action demonstrates our determination to end commercial whaling. Therefore both countries at the end agreed that their differences over whaling will not affect the strong bilateral and relationship they share.

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