Court Ruling on Whaling Gave Japan's Gov't a Convenient Escape

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TOKYO (AP) — The international court ruling [1] against Japanese whaling last week may have given the government a convenient political out.

The Antarctic program was nearly bankrupt, but if the government had overhauled it on its own, it would have incurred the wrath of a strong anti-whaling lobby, and could have been criticized for caving in to foreign anti-whaling activists. Now officials can say the court forced their hand.

"It seemed to me they were anxious to lose," said Masayuki Komatsu, a former fisheries official known for his battles at the International Whaling Commission to defend Japanese hunts. He accused Japanese officials of losing "passion and love" for whaling and not fighting hard enough in court.

In a March 31 ruling, the International Court of Justice [2] in The Hague ordered Japan to stop granting permits for its Antarctic whaling program, which allowed an annual cull of about 1,000 whales. The world court, upholding arguments made by Australia, rejected Japan's contention that the program was scientific.

Though top Japanese officials called the ruling regrettable, they announced within hours that Japan would abide by it. A day later, the Fisheries Agency said Japan would skip the next Antarctic hunt.

"We didn't go to court in order to lose," a government official close to the case said on condition of anonymity, because he isn't authorized to speak publicly about the issue. "But it was obvious that the whaling program had to be changed."

In a way, the ruling was an example of "gaiatsu," the external pressure that Japan has traditionally relied on to bring about change when vested interests are strong. It was the arrival of U.S. Commodore Matthew Perry and his warships that forced Japan to end a long period of isolation. More recently, gaiatsu has pushed market opening and deregulation of the economy.

Many officials, even some in the fisheries circle, were long aware of the problems of the research program. But few, if any, had incentive to fight the pro-whaling lobby: whalers, the whaling division of the Fisheries Agency, whaling-related businesses [3] and powerful lawmakers. For them the ruling virtually takes care of what was long overdue, without anyone losing face.

"Unfortunately Japan cannot change its policies without 'gaiatsu,' and (the ruling) definitely serves that role to finally bring about a change," said Atsushi Ishii, an expert of international relations in science and technology at Tohoku University.

Officially, Japan still defends whaling as a cultural tradition, and says the research hunts were collecting data to prove commercial hunting could be resumed sustainably. Japan's coastal whaling dates back to the 12th century, though its Antarctic expeditions began only in the 1930s.

The research hunts started in 1987 following an international moratorium on commercial whaling. The whale meat is sold at home to finance the program, but sales have fallen as whale meat became less popular, forcing sharp increases in government subsidies to keep the program afloat.

An initial subsidy of about 500 million yen ($5 million) a year, or about 10 percent of its costs, grew to about 900 million yen ($9 million) in 2007, and is projected to exceed 5 billion yen ($50 million) for the fiscal year ending Sept. 30. That includes costs related to Sea Shepherd, the activist group that tries to impede the hunt, such as the dispatch of a patrol ship with the fleet and repairing damage from high-seas collisions.

The Sea Shepherd protests have also curtailed the catch, and put Japan in a negative light internationally by focusing attention on the hunt. The Japanese fleet returned home Saturday at the end of the 2013-14 season with what may be its last Antarctic harvest: 251 minke whales, or just a quarter of its quota.

The ruling technically leaves the door open for Japan to try to design a new hunt that would qualify as scientific, but any new program would face intense scrutiny. And it will only get more expensive: The program's aging mother ship, the Nisshin Maru, will soon be retired and would need to be replaced.

Officials generally agree that the most likely scenario is for Japan to withdraw from the Antarctic.

Japan's whaling operations can continue off its own coast, as well as in the north Pacific, where it culls about 300 minke whales annually through a separate research program. But that research program could be questioned when Japan goes to the International Whaling Commission, the main body that regulates whaling, for annual renewal.

Some hardline lawmakers say Japan should quit the commission and return to commercial whaling. But most officials and experts say such a drastic step would undermine Japan's efforts to promote the international rule of law, notably when it comes to territorial disputes with China and South Korea.

Perhaps as importantly, questions remain about whether commercial whaling would be economically sustainable, given the declining appetite for whale meat in Japan.

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AP Tokyo correspondent Mari Yamaguchi has covered whaling issues for more than a decade.

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