

IN THE INTERNATIONAL COURT OF JUSTICE

AUSTRALIA, )  
APPLICANT )  
JAPAN, )  
RESPONDENT )

MEMORIAL OF JAPAN

COMES NOW Japan and for their Memorial to the Court states the following:

STATEMENT OF LAW

1. The International Convention for the Regulation of Whaling only placed a moratorium on commercial whaling so whaling under the scientific-research and aboriginal-subsistence provisions of the ICRW is still allowed.
2. The ICW is a voluntary international organization is not backed by a treaty. Therefore, it has limitations on its authority.
3. CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora, also known as the Washington Convention) is a multilateral treaty, drafted as a result of a resolution adopted in 1963 at a meeting of members of the International Union for Conservation of Nature (IUCN). The convention was opened for signature in 1973, and CITES entered into force on July 1, 1975. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten the survival of the species in the wild, and it accords varying degrees of protection to more than 33,000 species of animals and plants.

STATEMENT OF FACT

Japan has issued a reservation on the CITES agreement in accordance with the inclusion of various baleen species in the agreement. In 1937 in London, the International Conference on Whaling, which Japan did not attend, led to additional limits on pelagic whaling in order to prevent excessive exploitation and specifically the extinction of the Blue whale creating the International Agreement for the Regulation of Whaling. The Protocol to the International

Agreement for the Regulation of Whaling, signed in 1938, established additional restrictions on whaling. Despite the attendance of Japanese representatives, Japan did not sign the agreement so they are not held to the guidelines put in place because they did not agree to them and were uncomfortable with the decisions made in regards to the International Agreement for the Regulation of Whaling. Japanese whaling is currently conducted under the Institute of Cetacean Research under the scientific-research provision in the International Whaling Commission moratorium. Japan continues to maintain that annual whaling is sustainable and that it is necessary for scientific study and management of whale stocks. Japan also argues the point that other countries oppositions to whaling comes from different cultural practices and emotional anthropomorphism. Japan has used whaling as a source of food to feed its ever growing population since the Jomon Period which is the period of Japanese pre-history as discovered through archaeological studies. Japan lacks in natural resources and arable land to grow crops for food so the Japanese need whaling as a reliable food source.

#### STATEMENT OF JURISDICTION

The Court does not have the jurisdiction to hear this case because Australia does not have the standing to plead this case. Japan and Australia have no existing agreements and the International Court of Justice does not have the jurisdiction to reinforce agreements established by the International Whaling Commission because it is a voluntary international organization. Japan is also not in violation of any international laws due to its adherence to the scientific-research provision and its halt of commercial whaling.

#### ARGUMENTS

- I. Japan adheres to the scientific-research provision.
- II. Japan has stopped its commercial whaling practices.
- III. Japan has not violated any international agreement in regards to whaling.

#### SUMMARY AND PRAYER FOR RELIEF

Japan prays that the Court will find that Japan is well within its rights to continue its whaling practices under the International Whaling Commission due to its adherence to the scientific-research provision and its halt of its commercial whaling practices. Japan prays that the Court will be inclined to issue the statement that Japan has exercised its rights under the International Whaling Commission and that it is operating well within the jurisdiction outlined by international law.