



President Barack Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

March 31, 2016

Dear Mr. President,

We write to encourage your Administration to treat the end of commercial whaling as a much stronger priority for action within the context of America's diplomatic relationship with Japan. During the last several years, Japan has flouted international law and world opinion concerning whaling, without any meaningful diplomatic consequences, and the situation is getting worse. The United States is well-positioned to lead a comprehensive effort to persuade Japan to abandon commercial whaling as an anachronism that is imprudent, unnecessary for food security, cruel and economically unsound. The business of killing whales for commercial gain is objectionable to an ever growing number of people and nations worldwide, and it casts a great pall on Japan's reputation as our ally and as an actor in global affairs.

As you may have noted, Japan's whaling fleet recently returned from the Antarctic with a take of 333 minke whales -- 103 males and 230 females, more than 2/3 of whom were pregnant. All of this was carried out under NEWREP-A, the program Japan developed after the March 2014 verdict of the International Court of Justice (ICJ) that Japan's previous "research" whaling in the Southern Ocean was illegal and in contravention of the 1982 moratorium on commercial whaling adopted by the International Whaling Commission (IWC).

With NEWREP-A, Japan has indicated its disregard not merely for the ICJ verdict but for the opinion of the IWC's Scientific Committee, which conducted two formal reviews of the proposed program, including one by an independent panel of experts which concluded that the killing of whales was not justified. Many members of the IWC Scientific Committee publicly underscored the need for Japan to properly explore non-lethal scientific methods before launching another whaling program.

Ironically, Japan announced its decision to exempt itself altogether from the jurisdiction of the United Nations' highest court over any future actions in relation to marine life in general -- just as it was launching its successful campaign for a nonpermanent seat on the U.N. Security Council. This was a missed opportunity for the United States and other nations to make Japan more aware of the political risks associated with its continued commercial whaling.

We were pleased that the United States joined more than 30 nations in a December 2015

démarche voicing serious concern about Japan's decision to resume scientific whaling. We also acknowledge the United States' meaningful contribution to the IWC's expanding welfare mandate. But this is only the start of what the United States can and should do in helping to press the case against Japan's commercial whaling. We believe that the federal government can take a number of additional actions to address this issue with the government of Japan. Among other steps:

- The U.S. delegation to the International Whaling Commission should be empowered to take a stronger position against Japanese whaling proposals at the IWC's next Commission meeting in October 2016, and to specify other actions that the U.S. will consider if such whaling continues. The U.S. does not lead as it once did within the IWC.
- Our government should advance the case against commercial whaling in all trade agreements and other negotiations, building on the good example of the Trans-Pacific Partnership's inclusion of strong marine mammal protection language.
- The U.S. Commerce Department should carry out an extensive survey of Japan's assets, as part of preparation for a new Pelly certification. It has been many years since the U.S. made a Pelly certification against Japan, but this flouting of international law certainly invites such stern rebuke.

We recognize that Japan is a valuable and important ally of the United States, but this is all the more reason for our government to play a leading role in helping Japan to move away from commercial whaling in the interests of a stronger and greater stature within the family of nations.

In recent years, the United States has ceded leadership on the protection of whales at the IWC and in other arenas to nations like Australia and New Zealand, which brought the ICJ case and successfully championed a resolution at the last IWC Commission meeting in Portoroz, Slovenia in 2014 codifying the ICJ decision within the framework of the IWC itself. In the United Kingdom, in Latin America, and elsewhere, whale welfare is high on the diplomatic agenda with Japan and other whaling nations. We believe that it is time for the United States to re-assert itself as a champion for whales, and to take a stronger hand in pressing Japan to relinquish commercial whaling.

As you know, our organizations recently announced an agreement that included some difficult decisions for both of us. But we're convinced that we're the better for it, and we also believe that our commitment to engaging one another constructively will produce wonderful results for marine and terrestrial animals as well as our natural environment. The United States is uniquely positioned to engage Japan in the same way, for still greater benefit.

Most respectfully,



Joel Manby
President & CEO
SeaWorld



Wayne Pacelle
President & CEO
The Humane Society of the United States

Cc:

Christy Goldfuss, CEQ

Kathryn Sullivan, NOAA

Russell Smith, NOAA

Catherine Novelli, DOS

Judith Garber, DOS

Michael Froman, USTR