
**The 47th Annual Meeting of the IWC
in Dublin, Ireland**

1995

ACTION PLAN FOR JAPANESE COMMUNITY-BASED WHALING (CBW)

The Government of Japan
1995

SECTION 1. FINDINGS, PURPOSES AND POLICY

1. **Findings.** The findings of this Action Plan are as follows:
 - (a) Community-based whaling has deep roots in Japanese history and continues to provide for traditional coastal, nutritional, and economic well being.
 - (b) Hardships have been imposed upon these coastal whaling communities by the cessation of minke whaling under the International Convention for the Regulation of Whaling.
 - (c) The International Whaling Commission has recognized these hardships in a consensus resolution (IWC/45/51) calling for expeditious work to alleviate the distress suffered by these communities.
 - (d) The North Pacific minke whale population is classified as healthy under the Schedule of the ICRW. Its current population level has been agreed by the IWC Scientific Committee to be at least 25,000 animals.
2. **Purposes.** Based upon the foregoing findings, the purposes of this Action Plan are:
 - (a) to make possible the continuation of the cultural, social, religious, dietary and historical heritage of the four traditional coastal whaling communities in Japan;
 - (b) to alleviate the profound social, cultural and dietary distress suffered by the four coastal whaling communities through an interim relief allocation;
 - (c) to ensure that the edible whale products from the interim relief allocation will be distributed within the four traditional coastal whaling communities of Japan;
 - (d) to reimburse direct and indirect costs reasonably incurred in the harvesting, processing and distribution of the whale products authorized under this Action Plan and to collect levies from consumers calculated in a manner to recover the reimbursements and the costs of administering this Action Plan;
 - (e) to manage and regulate the harvest of the interim allocation in accordance with the provisions of this Action Plan; and,
 - (f) to provide for maximum participation of the local communities with appropriate levels of government involvement and oversight in the implementation

of this Action Plan.

3. **Policy.** It is the policy of the Government of Japan to make possible the continuation of the cultural socio-economic, religious, dietary and historical heritage of the four traditional coastal whaling communities in Japan and to alleviate the social, cultural and dietary distress suffered by those communities as a result of the whaling moratorium by providing an interim relief allocation of 50 North Pacific minke whales.

SECTION 2. DEFINITIONS

1. The term 'community-based whaling' means traditional small-scale coastal whaling having profound socio-economic, social, dietary, and historical significance associated with the catching, processing, distribution and consumption of whale products in conformity with local tradition (IWC/44/SEST5) to the extent that interference with these practices seriously endangers the viability and vitality of these traditional societies (see IWC/41/SE3).
2. The term 'coastal whaling community' means one of the four coastal whaling communities, identified on the map appended to this Action Plan. These four coastal whaling communities, identified on the map appended to this Action Plan, are:
 - (a) Abashiri, located in northeastern Hokkaido on the Sea of Okhotsku, Hokkaido Prefecture;
 - (b) Ayukawa, located on the Oshika Peninsula in northern Honshu on the Pacific Ocean, Miyagi Prefecture;
 - (c) Wadoura, located on the Boso Peninsula in central Honshu on the Pacific Ocean, Chiba Prefecture; and,
 - (d) Taiji, located on the Kii peninsula in central Honshu on the Pacific Ocean, Wakayama Prefecture.
3. The term 'designated port of landing' means any one of the three ports of landing identified in paragraph 7 of Section 3.
4. The term 'Council' means any of the four community management Councils established under Section 4 of this Action Plan.
5. The term 'Minister' means the Minister of the Ministry of Agriculture, Forestry and Fisheries of Japan.
6. The term 'person' means any individual, partnership, corporation, association, cooperative,

Council, or other entity, any national, prefectural, or local municipal government or any entity of a government.

7. The term ‘individual community member’ means an individual person whose official residence is located within one of the four coastal whaling communities as defined in paragraph 2 of Section 2.
8. The term ‘whale products’ means any unprocessed or processed part of a whale, including, but not limited to, blubber and meat.
9. The team ‘provisions of the Action Plan’ includes any administrative guidance, regulation, guidelines or permit issued in accordance with this Action Plan.

SECTION 3. OPERATION AND PROCESSING SPECIFICATIONS

1. **Species.** The species authorized under this Action Plan is the minke whale from the Okhotsk Sea-West Pacific stock of the North Pacific.
2. **Authorized fishing season.** The authorized fishing season under this Action Plan is April 1 — September 30.
3. **Quota.** For the 1995 season, the total quota of minke whales authorized under this Action Plan shall not exceed 50 animals.
4. **Fishing grounds.** The actual fishing grounds for minke whales under this Action Plan are identified on the map appended to this Action Plan. The outer boundaries of these fishing grounds do not extend beyond 50 nautical miles off the coastline of Japan.
5. **Licensed vessels.** The fishery shall be limited to no more than nine vessels based in one of the four coastal whaling communities identified in paragraph 2 of Section 2. These vessels do not exceed 26 meters in length and 50 tons in weight.
6. **Vessels allocations.** Each vessel will operate in accordance with a vessel allocation of minke whales from the total quota of 50 whales. A vessel allocation under this Action Plan does not vest in the vessel, the vessel owner, or any member of the vessel crew, any property right to the whale or whale products processed from the whale.
7. **Designated ports of landing for processing.** Minke whales caught pursuant to this Action Plan shall be landed and processed by the whalers in one of the three following ports:
 - (a) Abashiri as described in paragraph 2(a) of Section 2;
 - (b) Hamanaka-cho, located in southeastern Hokkaido on the Pacific Ocean coast. All product processed in Hamanaka-cho must be immediately transferred for distribution to the Council in Ayukawa, Wadoura, or Taiji where the landing vessel is licensed;
 - (c) Ayukawa as described in paragraph 2(b) of Section 2.

8. **Processing specifications.** The meat and other edible parts of the whale landed for processing under this Action Plan shall not be processed into portions larger than one kilogram.

SECTION 4. MANAGEMENT COUNCILS

1. **Establishment.** A management Council shall be established in each of the four coastal whaling communities described in paragraph 2 of Section 2.
2. **Organization**
 - (a) **Membership.** Each Council shall consist of no more than 15 members appointed from among the following government offices and community organizations:
 - (1) office of the community mayor;
 - (2) administrative divisions for fisheries, health, education & tourism within the prefectural and community governments;
 - (3) administrative division for coastal fisheries within the national government;
 - (4) local school and hospital boards;
 - (5) local chamber of commerce;
 - (6) local fisheries and whaling cooperatives;
 - (7) community citizen organizations; and
 - (8) whale product processors and distributors.
 - (b) **Appointments.** The members of each Council shall be appointed by the Minister.
 - (c) **Offices.** Each Council shall select from its membership a Chairman to preside over meetings of the Council and a Vice-Chairman to preside in the absence of the Chairman.
 - (d) **Advisors.** Each Council shall appoint academic advisors with relevant experience from such fields as cetology and/or anthropology.
 - (e) **Auditors**
 - (1) Each Council shall appoint an internal auditor to oversee and audit all accounts and activities of the Council.
 - (2) The local municipal government shall appoint an external auditor to inspect and audit all accounts of the Council and the accounts of the municipal government related to Council activities.
 - (f) **Secretariat**
 - (1) Each Council shall appoint a secretariat to carry out the administrative functions of the Council.
 - (2) The local municipality shall provide the secretariat with appropriate office space and necessary administrative support services.
 - (g) **Compensation and expenses**
 - (1) Council members shall serve on a voluntary basis without compensation.
 - (2) Compensation and expenses for management of the Council and its secretariat shall be paid from levies collected under Section 5 of this Action

Plan and supplemented by the general tax base of the local municipal government.

3. Council functions

- (a) Each Council shall be vested with title to each whale caught under this Action Plan from the time of capture by a vessel licensed within its constituent community and to the processed whale products to ensure appropriate handling and distribution.
- (b) Each Council shall prepare a reimbursement schedule for the direct and indirect costs incurred in the harvesting, processing and distribution of the processed whale products in accordance with the distribution plan under Section 5 of this Action Plan. The costs authorized for reimbursement by the Council shall be limited to the following:
 - (1) fuel, expendable supplies and repairs;
 - (2) insurance;
 - (3) labor (including handling);
 - (4) transportation;
 - (5) cold storage; and,
 - (6) indirect costs, calculated as a percentage of the above direct costs not to exceed 20 percent.
- (c) Each Council shall appoint an external auditor (a certified public accountant or a licensed tax accountant) to review each request for the reimbursement of costs under this Action Plan and certify whether the request is consistent with the Council reimbursement schedule. The Council secretariat shall reimburse those requests that have been properly certified.
- (d) Each Council shall prepare a management program for the distribution of whale products held by the Council under this Active Plan. The management program shall be prepared by the Council in accordance with Section 5 of this Action Plan.
- (e) Each Council shall promote within the community the conservation of whale resources and the cultural, socio-economical, dietary, religious, and historical significance of whaling to the community.
- (f) Each Council shall prepare and submit a report of its activities under this Action Plan to the Minister by the end of the Council fiscal year.
- (g) Each Council shall determine its organization and prescribe its practices and procedures for carrying out its functions under this Action Plan. Each Council shall prepare a statement of its organization, practices and procedures.

SECTION 5. DISTRIBUTION AND COLLECTION OF LEVIES

- 1. No less than 80 percent of the whale meat held by a Council shall be distributed within the constituent community of the Council.
- 2. No more than 20 percent of the whale meat held by a Council may be distributed in areas adjacent to the constituent community of the Council. The

distribution of whale meat in areas adjacent to the constituent community shall be restricted to schools, hospitals and nursing homes, and community festivals and rites.

- 3. The distribution of whale meat within the constituent community and areas adjacent to the constituent community of a Council shall be established in conformity with traditional practices according to the following priority:
 - shares for the vessel owners, crews and flensers;
 - schools, hospitals and nursing homes;
 - community festivals and rites;
 - individual community members; and
 - traditional guest houses and inns.
- 4. Levies shall be collected by the Councils upon distribution of the whale meat in accordance with the foregoing paragraph. The levies shall be calculated at levels required to recover only the administrative and reimbursement costs incurred by the Council. Each Council shall prepare a schedule of levies to be collected. The schedule shall be publicly announced.
- 5. Levies collected by each Council shall be deposited into a special designated account and reimbursements paid by each Council shall be drawn upon the same account.

SECTION 6. PENALTIES

Any person found to be in noncompliance with any provision of this Action Plan shall be excluded from the distribution of whale products.

SECTION 7. ENFORCEMENT

1. Vessel monitoring

- (a) Each whaling vessel licensed under this Action Plan shall be equipped with a Global Positioning System (GPS) and shall maintain the GPS in good functioning condition at all times during vessel operations under this Action Plan.
- (b) Each whaling vessel licensed under this Action Plan shall report for a boarding inspection by a national inspector at a designated port of landing of each occasion before it departs to conduct whaling operations under the provisions of this Action Plan and upon its return to the designated port of landing.

2. National inspectors. A national inspector shall be stationed at each designated port of landing. The national inspector shall:

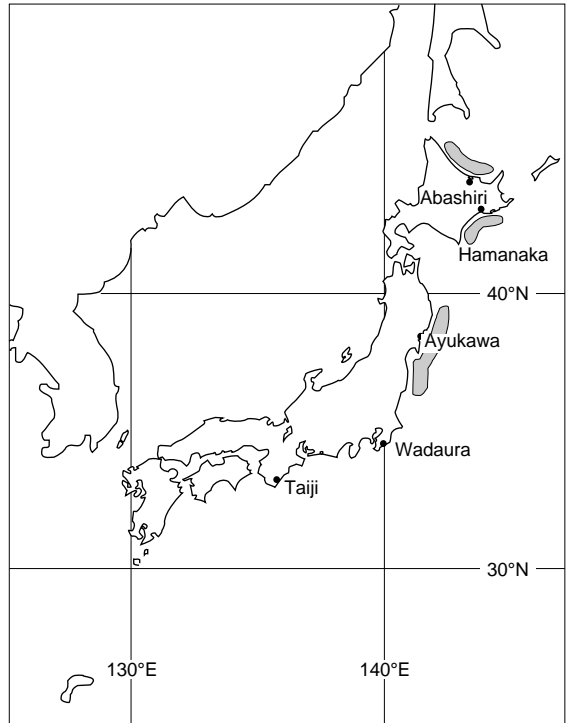
- (a) board and inspect each licensed whaling vessel prior to its departure from a designated port of landing to conduct whaling operations under the provisions of this Action Plan;
- (b) continuously monitor the position of each whaling vessel authorized to land whales at the designated port of landing where the national inspector is stationed and coordinate vessel monitoring with the

other national inspectors stationed at the other designated ports of landing;

- (c) board and inspect each whaling vessel upon its return to a designated port of landing;
- (d) enter and inspect each whale processing facility during the processing of a whale harvested under this Action Plan;
- (e) collect from each vessel upon landing all data required by the Minister; and,
- (f) immediately report any violation to the Minister.

SECTION 8. MISCELLANEOUS PROVISIONS

- 1. **International observers.** International observers recommended by the IWC and authorized by a contracting government (sending nation) and Japan (receiving nation) shall be accepted at designated ports of landing to work with national inspectors.
- 2. **Research and monitoring.** The Government of Japan shall conduct research and monitoring during the implementation of this Action Plan and report the results to the Scientific Committee of the IWC.
- 3. **Oversight and compliance.** The Government of Japan shall extend appropriate oversight to ensure compliance with this Action Plan.



SUMMARY STATEMENT

ACTION PLAN FOR JAPANESE COMMUNITY-BASED WHALING

The Government of Japan
1995

INTRODUCTION

Traditional small-type coastal whaling in Japan has been seriously distressed since adoption of the moratorium on commercial whaling by the International Whaling Commission (IWC) in 1982. The four historical coastal whaling communities identified in the Action Plan for Japanese Community-Based Whaling have suffered the most. Whaling has been the lifeblood of these communities, dating as far back as 1606 in the community of Taiji. Efforts to develop tourism and other business activities in these communities have met with little success. The major reason for Japanese people to visit these coastal communities is to experience Japanese whaling culture. Without active whaling, however, Japanese tourists have been few. And the remoteness of these communities is not attractive to other industries.

The smaller and abundant minke whale was a major component of the coastal catch prior to the moratorium. Requests to the IWC for an interim relief allocation of 50 minke whales to alleviate the distress suffered by these communities have been repeatedly rejected. However, at the IWC 1993 Annual Meeting, a consensus resolution (IWC/45/51) called for expeditious work to alleviate the distress suffered.

The Action Plan represents work over the past two years to develop a comprehensive and enforceable management program under which an interim relief allocation of 50 minke whales can be taken to alleviate the distress as recognized in the resolution. The management program is designed to conform to Japanese administrative practices and procedures to ensure effective implementation in Japan. It is basically divided into three parts: (1) regulation of operation and processing; (2) regulation of the distribution; and (3) enforcement. This summary explains the key operative provisions of the program.

RESOURCE MANAGEMENT

The four coastal communities of Abashiri, Ayukawa, Wadaura and Taiji have historically relied upon various whale species for their nutritional and socio-economic well-being. But this Action Plan provides an interim relief allocation of only one species, the minke whale, which was the major species taken prior to the moratorium. The minke whale population in the North Pacific is considered healthy and is estimated by the IWC Scientific Committee to be at least 25,000 animals. The interim relief allocation is set conservatively at 50.

Entry into Japanese fisheries is strictly limited by the Japanese government through a licensing system. Only nine vessels are licensed to engage in small-type coastal whaling within Japan's 200-mile exclusive economic zone. Each vessel is licensed in one of the four communities and will operate under this Action Plan for the benefit of the community in accordance with a vessel allocation from the total quota of 50 minke whales.

A vessel allocation does not vest in the vessel owner or vessel crew any legal property right to the whale or processed whale products. Rather, legal title is vested in the Council located in the coastal whaling community where the vessel is licensed. The vessel, although privately owned, is culturally viewed as an integral part of the Japanese coastal whaling community. In this capacity, under this Action Plan, the vessel functions as an agent of the Council for taking the vessel allocation. This effectively prevents the sale of the whale or any parts through customary and ordinary commercial channels.

Because the licensed vessels for small-type coastal whaling are so small, processing cannot be done on the vessel after capture. The whale is secured to the side of the vessel and landed at the nearest designated port of landing for processing. Three ports of landing have been designated in the Action Plan. Two of the designated ports of landing are located in two of the coastal whaling communities, Abashiri and Ayukawa, which are both situated near fishing grounds for minke whales. Only licensed vessels from these two communities will land in their own ports.

The third designated port of landing, Hamanaka-cho, is a very small coastal village in Hokkaido facing the major fishing ground for minke whales. Vessels licensed in Taiji, Wada and Ayukawa will operate in this fishing ground. Therefore, these vessels will land their catches in Hamanaka-cho for processing. Once a whale has been processed, all the processed products will be immediately transferred to the Council located in the community where the landing vessel is licensed.

DISTRIBUTION

The distribution of the whale meat under this Action Plan is managed by a Management Council located in each of the coastal whaling communities. The Councils function as a nonprofit government entity for distribution of the processed whale products. They will be vested with the legal title to captured whales and processed whale products as trustees for the benefit of its constituent communities. The

direct and indirect costs incurred from the harvesting, processing and distribution of the whale products are to be reimbursed by the Councils from levies assessed against the local consumers of the final product.

Maximum participation by community members in the management process is an important component of the Action Plan. The small village community in Japan is traditionally a very strong bonding agent for the people, more so than kinship units. Although the traditional identity of most rural villages in Japan has been partially lost to larger administrative units, these four coastal whaling communities have not lost their traditional identity because they are located in remote areas of Japan where larger, modern-day administrative units do not exist. But more importantly, it is because the cultural, economic, social, religious, dietary and historical significance of these communities is still entirely dependent upon whaling.

Therefore, the importance of maximum participation by community members on Councils is that it serves to bind the entire community to the distribution program. The Council decision-making process will be by consensus as is customary in Japan, and Council members will ensure approval by their constituencies before reaching a consensus. Therefore, decisions by the Councils will be made with full community understanding and support. This process has been a means for maintaining social order in Japan for centuries and is still effective in the smaller communities of modern Japan, such as whaling communities.

OBSERVATION AND ENFORCEMENT

The information needed to adequately monitor the whaling operation and manage the fishery can be assured through the provisions of the Action Plan. Prior to each trip, the vessel must report for a boarding inspection by a national inspector at the designated port of landing. The

inspector will check the logs of the vessel and make an accounting of expendable supplies used in the taking of a whale. A similar inspection will be performed upon return to the port. All expendable supplies used during the trip must be accounted for in the vessel logs. Questions arising from an inspection will be fully examined for possible violations.

The provisions of the Action Plan will be enforced through the Japanese administrative process as opposed to the judicial process. The Japanese administrative process is far less burdensome than the judicial process and far more effective for enforcing regulatory programs in Japan. Nonjudicial penalties can be imposed expeditiously as the result of an administrative hearing.

For this regulatory program, the most effective deterrent is the penalty to exclude a person from the distribution process. This penalty is consistent with tradition practice in Japan. It is paid directly to the community for the breach of community trust which has been committed. In Japan, where one's identity with a small community is more important than with kinship, this penalty represents a serious loss of face and standing within the community. The sanction of one's peer group still remains a powerful means of social order within Japan.

CONCLUSION

This Action Plan is designed to provide interim relief to four coastal communities in Japan whose well-being has been historically dependent upon coastal whaling. The interim relief provided by this Action Plan is consistent with the principle of sustainable use and gives full recognition to maintaining the diversity of food cultures around the world. We hope that judgment on this Action Plan will be based upon objective scientific information rather than political and emotional values.

ACTION PLAN FOR JAPANESE COMMUNITY-BASED WHALING (CBW) (REVISED)

The Government of Japan
1995

SECTION 1. FINDINGS, PURPOSES AND POLICY

1. **Findings.** The findings of this Action Plan are as follows:
 - (a) Community-based whaling has deep roots in Japanese history and continues to provide four traditional coastal whaling communities with the basis of their social, cultural, nutritional, and economic well-being.
 - (b) Hardships have been imposed upon these coastal whaling communities by the cessation of minke whaling under the International Convention for the Regulation of Whaling.
 - (c) The International Whaling Commission has recognized these hardships in a consensus resolution (IWC/45/51) calling for expeditious work to alleviate the distress suffered by these communities.
 - (d) The North Pacific minke whale population is classified as healthy under the Schedule of the ICRW. Its current population level has been agreed by the IWC Scientific Committee to be at least 25,000 animals. The result of scientific research conducted in 1994 in the North Pacific has shown, by varieties of methodology such as mtDNA isosyme, pollutants and morphology analysis, that the targeted resource is composed of a single stock.
2. **Purposes.** Based upon the foregoing findings, the purposes of this Action Plan are:
 - (a) to make possible the continuation of the cultural, social, religious, dietary and historical heritage of the four traditional coastal whaling communities in Japan;
 - (b) to alleviate the profound social, cultural and dietary distress suffered by the four coastal whaling communities through an interim relief allocation;
 - (c) to ensure that the edible whale products from the interim relief allocation will be distributed within the four traditional coastal whaling communities of Japan;
 - (d) to reimburse direct and indirect costs reasonably incurred in the harvesting, processing and distribution of the whale products authorized under this Action Plan and to collect levies from consumers calculated in a manner to recover the reimbursements and the costs of administering this Action Plan;

- (e) to ensure that there will be strict control over the harvesting and distribution of whale products resulting from the interim relief allocation;
 - (f) to provide for maximum participation of the local communities with appropriate levels of government involvement and oversight in the implementation of this Action Plan.
3. **Policy.** It is the policy of the Government of Japan to make possible the continuation of the cultural, socio-economic, religious, dietary and historical heritage of the four traditional coastal whaling communities in Japan and to alleviate the social, cultural and dietary distress suffered by those communities as a result of the whaling moratorium by providing an interim relief allocation of North Pacific minke whales.

SECTION 2. DEFINITIONS

1. The term 'community-based whaling' means traditional small-scale coastal whaling having profound socio-economic, social, cultural, dietary, and historical significance associated with the catching, processing, distributing and consumption of whale products in conformity with local tradition (IWC/44/SEST5) to the extent that interference with these practices seriously endangers the viability and vitality of these traditional societies (see IWC/41/SE3).
2. The term 'coastal whaling community' means one of the four coastal whaling communities subject to the provisions of this Action Plan. These four coastal whaling communities, identified on the map appended to this Action Plan, are:
 - (a) Abashiri, located in northeastern Hokkaido on the Sea of Okhotsk, Hokkaido Prefecture;
 - (b) Ayukawa, located on the Oshika Peninsula in northern Honshu on the Pacific Ocean, Miyagi Prefecture;
 - (c) Wadoura, located on the Boso Peninsula in central Honshu on the Pacific Oceans, Chiba Prefecture;
 - (d) Taiji, located on the Kii Peninsula in central Honshu on the Pacific Ocean, Wakayama Prefecture.
3. The term 'designated port of landing' means any of the three ports of landing identified in paragraph 7 of Section 3.
4. The term 'Council' means any one of the four community management Councils established under Section 4 of this Action Plan.

5. The term ‘Minister’ means the Minister of the Ministry of Agriculture, Forestry and Fisheries of Japan.
6. The term ‘person’ means any individual, partnership, corporation, association, cooperative, Council, or other entity, any national, prefectural, or local municipal government or any entity of a government.
7. The term ‘individual community member’ means an individual person whose official residence is located within one of the four coastal whaling communities as defined in paragraph 2 of Section 2.
8. The term ‘whale products’ means any unprocessed or processed part of a whale, including, but not limited to, blubber and meat.
9. The term ‘provisions of this Action Plan’ includes any administrative guidance, regulation, guidelines or permit issued in accordance with this Action Plan.
10. The term ‘non-commercial’ means not to produce any profits from the distribution of whale products and from the sales of whale meat dishes at ‘traditional guest houses and inns’ specified in Section 5. 3.

SECTION 3. OPERATION AND PROCESSING SPECIFICATIONS

1. **Species.** The species authorized under this Action Plan is minke whale from the Okhotsk Sea-West Pacific stock of the North Pacific.
2. **Authorized fishing season.** The authorized fishing season under this Action Plan is April 1 — September 30.
3. **Quota.** The total quota of minke whales authorized under this Action Plan shall be decided separately.
4. **Fishing grounds.** The actual fishing grounds for minke whales under this Action Plan are identified on the map appended to this Action Plan. The outer boundaries of these fishing grounds do not extend beyond 50 nautical miles off the coastline of Japan.
5. **Licensed vessels.** The fishery shall be limited to no more than nine vessels based in one of the four coastal whaling communities identified in paragraph 2 of Section 2. These vessels do not exceed 26 meters in length and 50 tons in weight.
6. **Vessel allocations.** Each vessel will operate in accordance with a vessel allocation of minke whales from any quota authorized. A vessel allocation under this Action Plan does not vest in the vessel, the vessel owner, or any member of the vessel crew, any property right to the whale or products processed from the whale.
7. **Designated ports of landing for processing.** Minke whales caught pursuant to this Action plan shall be landed and processed immediately by the whalers in one of the three following ports:
 - (a) Abashiri as described in paragraph 2(a) of Section 2;
 - (b) Hamanaka-cho, located in southeastern Hokkaido on the Pacific Ocean coast. All product processed in Hamanaka-cho must be immediately transferred for distribution to the Council in Ayukawa, Wadoura, or Taiji where the landing vessel is licensed.;
 - (c) Ayukawa as described in paragraph 2(b) of Section 2.
8. **Processing specifications**
 - (a) The meat and other edible parts of the whales landed for processing under the foregoing paragraph shall not be processed into portions larger than one kilogram.
 - (b) The processed whale products shall be packaged and identified as product taken pursuant to this Action Plan which can not be sold (except for the sales of whale meat dishes at traditional guest houses and inns specified in Section 5.3.), exchanged or bartered for commercial value.

SECTION 4. MANAGEMENT COUNCILS

1. **Establishment.** A management Council shall be established in each of the four coastal whaling communities described in paragraph 2 of Section 2.
2. **Organization**
 - (a) **Membership.** Each Council shall consist of no more than 15 members appointed from among the following government offices and community organizations:
 - (1) office of the community mayor;
 - (2) administrative divisions for fisheries, health, education & tourism within the prefectural and community governments;
 - (3) administrative division for coastal fisheries within the national government;
 - (4) local school and hospital boards;
 - (5) local chamber of commerce;
 - (6) local fisheries and whaling cooperatives;
 - (7) community citizen organization; and
 - (8) whale product processors and distributors.
 - (b) **Appointments.** The members of each Council shall be appointed by Minister.
 - (c) **Officers.** Each Council shall select from its membership a Chairman to preside over meetings of the Council and a Vice-Chairman to preside in the absence of the Chairman.
 - (d) **Advisors.** Each Council shall appoint academic advisors with relevant experience from such fields as cetology and/or anthropology.
 - (e) **Auditors**
 - (1) Each Council shall appoint an internal auditor to oversee and audit all accounts and activities of the Council.
 - (2) The local municipal government shall

appoint an external auditor to inspect and audit all accounts of the Council and the accounts of the municipal government related to Council activities.

(f) Secretariat

- (1) Each Council shall appoint a secretariat to carry out the administrative functions of the Council.
- (2) The local municipality shall provide the secretariat with appropriate office space and necessary administrative support services.

(g) Compensation and expenses

- (1) Council members shall serve on a voluntary basis without compensation.
- (2) Compensation and expenses for management of the Council and its secretariat shall be paid from levies collected under Section 5 of this Action Plan and supplemented by the general tax base of the local municipal government.

3. Council functions

- (a) Each Council shall be vested with title to each whale caught under this Action Plan from the time of capture by a vessel licensed within its constituent community and to the processed whale products to ensure appropriate handling and distribution.
- (b) Each Council shall prepare a reimbursement schedule for the direct and indirect costs incurred in the harvesting, processing and distribution of the processed whale products in accordance with the distribution plan under Section 5 of this Action Plan. The costs authorized for reimbursement by the Councils shall be limited to the following:
 - (1) fuel, expendable supplies and repairs;
 - (2) insurance;
 - (3) labor (including handling);
 - (4) transportation;
 - (5) cold storage; and,
 - (6) indirect costs, calculated as a percentage of the above direct costs not to exceed 20 percent.
- (c) Each Council shall appoint an external auditor (a certified public accountant or licensed tax accountant) to review each request for the reimbursement of costs under this Action Plan and certify whether the request is consistent with the Council reimbursement schedule. The Council secretariat shall reimburse those requests that have been properly certified.
- (d) Each Council shall prepare a management program for the distribution of whale products held by the Council under this Action Plan. The management program shall be prepared by the Council in accordance with Section 5 of this Action Plan.
- (e) Each Council shall promote within the community the conservation of whale resources and the

cultural, socio-economical, dietary, religious, and historical significance of whaling to the community.

- (f) Each Council shall prepare and submit a report of its activities under this Action Plan to the Minister by the end of the Council fiscal year.
- (g) Each Council shall determine its organization and prescribe its practices and procedures for carrying out its functions under this Action Plan. Each council shall prepare a statement of its organization, practices and procedures.

SECTION 5 . DISTRIBUTION AND COLLECTION OF LEVIES

This section addresses how the profit motive is removed from this operation, and to assure that it shall be non-commercial.

1. No less than 80 percent of the whale meat held by a Council shall be distributed within the constituent community of the Council.
2. No more than 20 percent of the whale meat held by a Council may be distributed in areas adjacent to the constituent community of the Council. The distribution of whale meat in areas adjacent to the constituent community shall be restricted to schools, hospitals and nursing homes, and community festivals and rites.
3. The distribution of whale meat within the constituent community and areas adjacent to the constituent community of a Council shall be established in conformity with traditional practices according to the following priority:
 - shares for the vessel owners, crews and flensers;
 - schools, hospitals and nursing homes;
 - community festivals and rites;
 - individual community members; and
 - traditional guest houses and inns.

The Council shall set controlled prices so as to eliminate the profit from the sales of whale meat dishes at traditional guest houses and inns specified above.

4. Levies shall be collected by the Councils upon distribution of the whale meat in accordance with the foregoing paragraph. The levies shall be calculated at levels required to recover only the administrative and reimbursement costs incurred by the Council. Each Council shall prepare a schedule of levies to be collected. The schedule shall be publicly announced.
5. Levies collected by each Council shall be deposited into a special designated account and reimbursements paid by each Council shall be drawn upon the same account.
6. Sale of the distributed product shall be strictly prohibited, except for the sales of whale meat dishes at traditional guest houses and inns specified in Section 5.3.

SECTION 6. PENALTIES

Any person found to be in noncompliance with any provision of this Action Plan shall be excluded from the distribution of whale products.

SECTION 7. ENFORCEMENT

1. Vessel monitoring

- (a) Each whaling vessel licensed under this Action Plan shall be equipped with a Global Positioning System (GPS) and shall maintain the GPS in good functioning condition at all times during vessel operations under this Action Plan.
- (b) Each whaling vessel licensed under this Action Plan shall report for a boarding inspection by a national inspector at a designated port of landing on each occasion before it departs to conduct whaling operations under the provisions of this Action Plan and upon its return to the designated port of landing.

2. National inspectors.

A national inspector shall be stationed at each designated port of landing. The national inspector shall:

- (a) board and inspect each licensed whaling vessel prior to its departure from a designated port of landing to conduct whaling operations under the provisions of this Action Plan;
- (b) continuously monitor the position of each whaling

vessel authorized to land whales at the designated port of landing where the national inspector is stationed and coordinate vessel monitoring with the other national inspectors stationed at the other designated ports of landing;

- (c) board and inspect each whaling vessel upon its return to a designated port of landing;
- (d) enter and inspect each whale processing facility during the processing of a whale harvested under this Action Plan;
- (e) collect from each vessel upon landing all data required by the Minister; and,
- (f) immediately report any violation to the Minister.

SECTION 8. MISCELLANEOUS PROVISIONS

1. **International observers.** International observers recommended by the IWC and authorized by a contracting government (sending nation) and Japan (receiving nation) shall be accepted at designated ports of landing to work with national inspectors.
2. **Research and monitoring.** The Government of Japan shall conduct research and monitoring during the implementation of this Action Plan and report the results to the Scientific Committee of the IWC.
3.
 - (a) Oversight and compliance. The Government of Japan shall extend appropriate oversight to ensure compliance with this Action Plan.
 - (b) The integrity of whale meat distributed by the Council shall be guaranteed by DNA testing and analysis by the appropriate authority once it enters the port.

This is to enable the authority to:

- (a) determine the stock from which the meat originates;
- (b) assist in tracking the product through distribution; and
- (c) ensure that no other species of whale will enter into the program.

Map of place names mentioned in the text

