

INTERNATIONAL COURT OF JUSTICE

YEAR 2014

10 January 2014

WHALING IN THE ANTARCTIC
(AUSTRALIA v. JAPAN)

ORDER

Present: President Akiho Shibata, Judges Mika HAYASHI, Dai TAMADA, and Shin KAWAGISHI

Registrar: Masakuni UETA

The International Court of Justice, composed above, after deliberation,

Noting the following composition of the Agent and Counsels for the Parties:

For **Australia**, the applicant:

Agent: Junko Miyasako,
Counsels: Giovanni Lamberti
Bae Eun Ji
Osamu Inagaki

For **Japan**, the respondent:

Agent: Yuki Morinaka
Counsels: Mizuho Mori
Jeffrey Carrasiti
Thitirat Thipsamritkul

Decides that:

The Applicant shall:

1. Request the Court to adjudge and declare that Japan is in breach of its international obligations in authorizing and implementing the *Japanese Whale Research Program under Special Permit in the Antarctic Phase II* (JARPA II) in the Southern Ocean.
2. Request the Court to adjudge and declare that, by its conduct, Japan has violated its international obligations pursuant to the International Convention for the Regulation of Whaling to:
 - (a) observe the zero catch limit in relation to the killing of whales for commercial purposes in paragraph 10 (e) of the Schedule;
 - (b) refrain from undertaking commercial whaling of fin whales in the Southern Ocean Sanctuary in paragraph 7 (b) of the Schedule;
 - (c) observe the moratorium on taking, killing or treating of whales, except minke whales, by factory ships or whale catchers attached to factory ships in paragraph 10 (d) of the Schedule; and
 - (d) comply with the requirements of paragraph 30 of the Schedule.
3. Request the Court to adjudge and declare that JARPA II is not a program for purposes of scientific research within the meaning of Article VIII of the International Convention for the Regulation of Whaling.

The Respondent shall:

1. Request that the Court adjudge and declare that the claims of Australia are rejected.

Also decides that:

By 17:00 on 7 February 2014 (Friday), both the Applicant and Respondent shall submit to the Court, via Registrar:

1. The outline of oral pleadings (maximum two pages), and
2. The order (names) and topics to be pleaded by Agents/Counsels (one page) in the first round of pleadings.

Also decides that the oral pleadings of the Parties shall be held on 8 February 2014 (Saturday), scheduled as follows:

9:45	The Agents and Counsels seated in the Court (SI).
10:00	Opening of the Court
10:15-11:00	First round of pleadings by the Applicant (Australia)
11:15-12:00	First round of pleadings by the Respondent (Japan)
12:15	Questions posed by the judges
13:30-14:15	Second round of interactive pleadings by the Applicant
14:30-15:15	Second round of interactive pleadings by the Respondent
15:45-15:55	Concluding statement by the Applicant
16:00-16:10	Concluding statement by the Respondent
16:15	The Court retires for deliberation.
16:30-	Delivery of the Judgment + Evaluation
17:00-	Reception hosted by Judges at SI
18:30-	Congratulating dinner hosted by the governments of Australia and Japan

- (1) The opening statement in the first round of pleadings and the concluding statement shall be made by the Agents.
- (2) First round should be pleaded by all members of the delegation. Each member must plead at least 10 minutes in total. The order and the number of appearances during the first round are determined by each delegation. There will be no questions posed by the judges during this round.
- (3) Second, interactive round will consist of: (1) answering the questions posed by judges, and (2) the rebuttals. During this interactive round, the judges may at anytime pose questions to the Agent/Counsels and Agent/Counsels are required to respond on the spot. All members of the delegation must appear at least once during this second round.
- (4) The evaluation will be based on (a) the understanding of relevant international law; (b) the quality of legal argument with substantiating evidence; and (c) the performance.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this tenth day of January, two thousand and fourteen, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of Australia and the Government of Japan, respectively.

(Signed) Akiho Shibata
President

(Signed) Masakuni Ueta
Registrar