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Whaling Conflicts : The International Debate

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Errata

Page	Line	Error	Correct
158	line 1	... <u>two-thirds</u> <u>three-quarters</u> ...
161	para 2, line 2	... and <u>is</u> also and <u>was</u> also ...
164	note 4, line 6	... (refer Note <u>6</u> (refer Note <u>7</u> ...

Whaling Conflicts: The International Debate

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1. Introduction
2. Present Management of Whales and Whaling
3. The Current Status of Whaling
4. The IWC: A House Divided
 - 4.1. Sustainable User Faction
 - 4.2. Anti-Whaling Factions
 - 4.3. Neutral Factions
5. Whaling Conflicts: Recent Developments
 - 5.1. Numbers Game Phase I (circa 1980–1990s)
 - 5.2. Numbers Game Phase II (circa 2000–2003: Present)
6. The Nature of Whaling Conflicts
7. Conclusions

1. INTRODUCTION

In recent years, the impact of human activities on the environment, in particular pollution, degradation, habitat destruction, and resource over-exploitation, have been matters of increasing concern. As a result, the relationship between humans, the natural environment, and other organisms is being reconsidered. This has involved examining alternatives to traditional use-oriented relationships between humans and nature, as well as ethical and moral responsibilities toward future generations. In particular, the use and management of migratory species is a highly debated topic internationally [FREEMAN and KREUTER 1994].

A part of this international debate relates to whaling, with the international community split mainly between two opposing views or sides. One view denies the conventional use-oriented relationship. According to this view, whales are considered to be too “special” for hunting and human consumption; instead, their non-consumptive use, such as whale watching, is the only acceptable type of whale utilization. Moreover, whales are considered to be an international common heritage, and must be preserved for future generations.

In contrast, the other view favors a traditional “use-oriented” relationship with whales, wherein hunting and consumption should be allowed when such use is sustainable. This view acknowledges traditional users’ right to the resource and opposes non-utilization based strictly on sentiment.

Thus, although the holders of both views apparently consider whales a resource, they differ in how and who should use it. Sugg and Kreuter [1994: 17] state that “conflict over resource

use is inevitably a conflict over values” because the definition of a resource is meaningless without an implied value. In other words, whaling conflicts can be considered value conflicts.

This paper examines the thirty-year long international whaling debate from this ‘values conflict’ perspective. First, it reviews the present management and status of whales and whaling and related disputes. This is followed by a discussion of recent developments in whaling conflicts. Finally, the nature of whaling conflicts is examined and the future of the equitable use of cetaceans is addressed.

2. PRESENT MANAGEMENT OF WHALES AND WHALING

The management of large cetaceans is under the jurisdiction of the International Convention for the Regulation of Whaling (ICRW)¹⁾ signed in 1946. The International Whaling Commission (IWC) was established in 1948 as the governing body for the ICRW and is authorized to manage whaling at the international level. However, the IWC does not have absolute control over all forms of whaling. It is estimated that about 97% of whaling in the world is presently conducted outside of the control of the IWC [FREEMAN 2001: 139].

Of the approximately 82 extant species of cetaceans, the IWC controls only 13 large cetacean species. Smaller cetacean species, such as dolphins, do not come under IWC jurisdiction. Furthermore, the IWC cannot control actions of non-IWC member countries since they are not bound by management measures agreed upon by IWC members. Thus, if non-member countries hunt the IWC protected whale species, it is not considered an immediate breach of the international agreement. While this may seem counterproductive, nevertheless it is a common practice in other fisheries agreements as well. The problem of how to convince non-member countries to voluntarily conform to internationally agreed-upon measures is considered urgent if the management of marine resources is to be effective.

At present (as of September 1, 2003), 51 countries are members of the IWC (Table 1). Although the ICRW preamble states that it is “a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry” [ICRW 1946/2002], those nations, whether non-whaling or even land-locked, that wish to join the IWC may do so by submitting a written statement to the Commission indicating their intention to abide by the ICRW regulations. According to Aron, Burke, and Freeman [2000: 181], it is this lack of clarity over the membership provisions of the treaty that has contributed to the recent problem of the numbers game within the Commission.

The IWC member countries can be generally divided into three factions: those advocating sustainable use; those advocating no whaling (i.e. hereafter referred to as “anti-whaling”); and those who, for lack of a better term, are referred to herein as “neutral.” However, the anti-whaling faction has been dominant and the neutral countries often side with the anti-whaling faction, with the result that the sustainable users group remains a minority within the organization. Since decision-making within the IWC is carried out by majority vote²⁾, the IWC decisions have been typically dominated and controlled by the anti-whaling faction. An example is the adoption of the moratorium on commercial whaling in 1982 which was apparently arrived at without sound scientific justification. The anti-whaling faction succeeded in establishing this

moratorium since they represented more than the 3/4 majority votes required to determine schedule amendments concerning Article V of the Convention. Consequently, commercial harvesting of all IWC controlled species has been prohibited. Since that time, there has been ongoing conflict relating to the moratorium, with the sustainable use group advocating that the moratorium be lifted.

3. THE CURRENT STATUS OF WHALING

Because of the highly publicized moratorium on commercial whaling, the perception of the general public internationally is that all types of whaling are prohibited worldwide. Nevertheless, whaling is still being conducted within five legal contexts, despite strong opposition from anti-whaling countries and animal rights and whale preservation non-government organizations (NGOs). These contexts are 1) aboriginal subsistence whaling (ASW), 2) commercial whaling under objection, 3) research take (scientific whaling), 4) harvesting of whales by non-IWC member states, and 5) harvesting of small cetaceans not under IWC management by both IWC member and non-member states.

The IWC authorizes ASW quotas³⁾ primarily for cultural reasons, but only after it reviews the requests to determine whether they are justifiable. Recipients of these quotas are Alaskan Inuit, the Makah of Washington State (both U.S. aboriginal groups), Greenland Inuit, Russian Chuckchi and Inuit, and residents of St. Vincent and Grenadines.

At present, Norway is the only country conducting commercial whaling sanctioned by the IWC since it filed and maintained an objection when the moratorium was adopted. Such an objection is the contracting government's right under the ICRW, Article V. Thus, Norway is not bound by the IWC decision and is entitled to harvest whales. Norway sets its own quota in consultation with the North Atlantic Marine Mammal Commission (NAMMCO)⁴⁾, a regional resource management body, and reports to the IWC.

Research take is also a right of the contracting parties under the ICRW, Article VIII. Contracting parties are allowed to issue research permits to its own nationals to take whales for scientific purposes. As the IWC has been encouraging scientific research under Article IV, many countries have previously exercised this right. At present, Iceland⁵⁾ and Japan are two countries doing so. Japan is a major research nation and has been engaged in scientific whaling in the Antarctic (Japanese Whale Research Program under Special Permit in the Antarctic: JARPA) since 1987 and in the Northwestern Pacific (Japanese Whale Research Program under Special Permit for North Pacific Minke Whales: JARPN; JARPN Phase II: JARPNII) since 1994. The purpose of this research is to collect, analyze, and provide necessary and reliable biological information to improve cetacean management, given that the basis of the 1982 moratorium was a lack of information on whale biology and behavior. Japan reports its scientific findings to the IWC Scientific Committee (IWC/SC), which is composed of an international group of whale specialists, and thus, this research contributes to the improvement of whale science.

Several non-IWC members are currently engaged in the taking of large whales. As stated earlier, these countries were neither required to obey the IWC moratorium nor to report their activities to the IWC, because they are not contracting parties to the ICRW. Since these countries do not report to the IWC, it is difficult to determine the actual frequency and total numbers of

Table 1 The Changes of Membership and Participation in the IWC Meeting

Meeting No		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
Year		49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75
Meeting Place	SIGNATORIES	LONDON	OSLO	CAPE TOWN	LONDON	LONDON	TOKYO	MOSCOW	LONDON	LONDON	DEN HAAG	LONDON	LONDON	LONDON	LONDON	LONDON	SUNDE FJORD	LONDON	LONDON	LONDON	TOKYO	LONDON	LONDON	WASHINGTON D.C.	LONDON	LONDON	LONDON	LONDON
1	Australia	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
2	Canada	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
3	France	○	○	○	●	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×
4	Iceland	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
5	Netherlands	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
6	Norway	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
7	Panama	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
8	S.Africa	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
9	Sweden	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
10	U.K.	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
11	U.S.A.	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
12	Russia	●	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
13	Brazil	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
14	Denmark	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
15	Mexico	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
16	New Zealand	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
17	Japan	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
18	Argentina	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
19	Chile	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
20	S.Korea																											
21	Peru	○																										
22	Seychelles																											
23	Spain																											
24	Oman																											
25	Switzerland																											
26	China																											
27	India																											
28	Jamaica																											
29	St. Lucia																											
30	St. Vincent																											
31	Uruguay																											
32	Costa Rica																											
33	Dominica																											
34	Antigua B.																											
35	Belize																											
36	Egypt																											
37	Germany																											
38	Kenya																											
39	Monaco																											
40	Philippines																											
41	Senegal																											
42	Finland																											
43	Mauritias																											
44	Ireland																											
45	Solomon																											
46	Ecuador																											
47	St.Kitts-Nevis																											
48	Venezuela																											
49	Grenada																											
50	Austria																											
51	Italy																											
52	Guinea																											
53	Morocco																											
54	San Marino																											
55	Benin																											
56	Gabon																											
57	Mongolia																											
58	Palau																											
59	Portugal																											
60	Nicaragua																											
61																												

● : Mother boat whaling nation
 ○ : Coastal whaling nation
 ◎ : Mother boat & coastal whaling nation
 △ : Aboriginal subsistence whaling nation
 □ : Research whaling nation
 ◇ : Research & coastal whaling nation
 × : Non-whaling nation
 ■ : Absentee
 = : Vote-suspended nation
 (Due to failure of payment of membership fee)
 Blank: Nonmember nation

≠ : By the decision of the IWC Chairman, Iceland was treated as observer although they paid the membership fee

whales taken by them. For example, Indonesia is known to regularly harvest primarily sperm whales [BARNES 1994; KOJIMA and EGAMI 1999], and the Philippines is known to harvest Brydes' whales [DOLAR 1994; PERRIN et al. 1996]. In contrast, Canada voluntarily reports to the IWC when Canadian Inuit take bowhead whales.

The taking of small cetaceans such as dolphins is presently conducted under the authority of national governments as well as regional resource management organizations such as NAMMCO, since some species are migratory or are present in the maritime territories of several countries. Since the harvesting of small cetaceans does not come under IWC management, neither non-members nor members are obligated to report their catches to the IWC. Hence, since appropriate information is submitted to the IWC on a voluntary basis only, the status of small cetacean harvesting is difficult to assess.

4. THE IWC: A HOUSE DIVIDED

Most conflicts over resources within resource management organizations typically relate to the "share" of a given resource and access rights by different stake-holders. The conflict relating to whales and whaling, on the other hand, is quite different, since the basis of the conflict is whether or not whales should be used for human consumption. Thus, it involves conflicts over values, rather than shares, access rights or sustainability. In this section, the basic positions of the three factions noted previously will be reviewed.

4.1. Sustainable User Faction

Those countries which consider whales as marine resources and thus wish to engage in sustainable whaling, such as Japan and Norway, can be expected to consider the pressure of the non-whaling faction as a form of cultural imperialism, and thus as threats to their sovereign rights [IWC 1993a: 16; IWC/53/OS Japan]. Consumptive and non-consumptive uses of whales can co-exist, depending on an individual country's needs, and it is not necessary to make "either-or" choices within the IWC.

Many view the harvesting and consumption of cetaceans as abhorrent behavior, and undertaken by a very small minority—Iceland, Japan, and Norway. However, in fact, the utilization of cetaceans as a food resource is a relatively common practice, with approximately 40 countries presently (or until very recently) harvesting cetaceans in this context [OHMAGARI 2003]. Furthermore, historically, royal families of the United Kingdom and France consumed whale products because it was considered prestigious [FOSSÅ 1995]. Thus, the use of cetaceans for food is viewed by many nations in the same manner as the use of other animal resources, and thus they see nothing unethical or morally wrong with this behavior.

Further, it should be emphasized that these are countries that do not deliberately target depleted whale species or stocks; but only those whose populations are robust. The status of whale stocks that are harvested by Iceland, Japan and Norway are considered sound⁶ and capable of being harvested in a sustainable manner. Such principles of sustainable resource use have been agreed upon by the Food and Agriculture Organization (FAO) of the United Nations and the United Nations Conference on Environment and Development (UNCED), and accepted as a part of a new world strategy for sustainable development.

In the 21st century, there is little probability that whales will be harvested to critically low levels as in the past, because a strict management system based on sound science, Revised Management Procedure⁷⁾ has finally been developed by the IWC/SC and adopted by the Commission. Furthermore, its control mechanism, Revised Management Scheme⁸⁾ is also in the process of being developed. Thus, preparations for the implementation of a new management scheme are underway. Even if whaling is resumed, it would be sustainable whaling of whale products for human consumption. Thus, depletion of these whale stocks is unlikely [ARON, BURKE, and FREEMAN 2000: 182–183; OHSUMI 2003: 196–199].

Furthermore, it can be argued that the regulated harvesting of whales, such as deliberate culling, is necessary. Specifically, the importance of fisheries management based on a total marine ecosystem approach is recognized by international organizations such as the United Nations and is reflected in Agenda 21⁹⁾, the Kyoto and Roma Declarations¹⁰⁾ of the FAO. Many of the world's fisheries resources are already at critically low levels [FAO 1997], and comprehensive fisheries management plans based on multi-species models that include whales, are necessary to ensure long term food security for a growing world population. Given that several whale species are at or near the top of marine food chains, they argue that the unconditional preservation of whales could prove harmful in the long run [IWC/53/OS Japan; KOMATSU 2001: 280–291].

4.2. Anti-Whaling Factions

The anti-whaling IWC members insist on the protection of all species of whales, regardless of their status. Thus, for them, the issue of “sustainability” is irrelevant, and they object to whaling in any context, with one exception: specifically, with regard to ASW, they are cognizant of aboriginal/indigenous rights, and their general strategy in dealing with ASW is that only those ASW groups presently allotted quotas should be allowed to continue whaling. However, they do not want to accept new applicants. For example, whaling by Alaskan Inuit appears to be accepted by these nations, but many preservationists opposed an application by the Makah¹¹⁾, who resumed whaling after a 70 year hiatus, claiming that the Makahs' need for the hunt was unjustifiable. As a result, the Makah find themselves in a situation such that they cannot go on hunting because of continued lawsuits by anti-whaling groups¹²⁾.

This faction is especially critical of whaling by industrialized nations¹³⁾. For example, they suggest that Japan should conduct all scientific research on cetacean using only non-lethal means. Furthermore, they oppose the interim quota for traditional small-scale coastal whaling with cultural significance that Japan has been seeking from the IWC for the past 15 years, since this would mean creating an additional category of whaling under IWC management [IWC 1991: 36]. This same faction has also attempted to pressure Norway to refrain from commercial whaling through trade sanctions¹⁴⁾ and seafood boycotts. They have also been critical of Iceland for implementing scientific whaling and importing whale meat from Norway.

Furthermore, in the case of non-member whaling nations, they would like to see Canada¹⁵⁾ and the Philippines rejoin, and Indonesia to join, the IWC. Finally, they have also suggested that small cetaceans be managed by the IWC¹⁶⁾. In brief, these nations are attempting to subsume all types of whaling under IWC control, presumably with the intention of halting essentially all types of whaling through a majority will of anti-whaling nations within the IWC¹⁷⁾.

The anti-whaling factions suggest that, because cetaceans are migratory and spend a major portion of their lives in international waters, they constitute a common international property. In the past, highly migratory whales in international waters were regarded worldwide as a common property (*res nullius*) which in turn allowed for their over-exploitation as predicted by Hardin in "The Tragedy of the Commons" [1968]. Presently, preservationists claim that whales are a "common heritage of mankind," implying they are everyone's property (*res communes*). Thus, international consensus is necessary for their use. Hence, even if countries are landlocked or do not engage in whaling, they are still entitled to participate in IWC discussions and decisions.

Further, they argue that all whale products have dietary substitutions and that whaling involves unacceptable cruelty because harpooned whales die in pain¹⁸). Hence, from their perspective, whaling is a relic of the past, and non-consumptive use of whales such as whale-watching is the only acceptable way for cetacean utilization in the 21st century [GREENPEACE 2002]. Following directly from this, they suggest that the IWC transform its role from cetacean resource management to one of protection and preservation¹⁹).

To support their case for a worldwide ban on whaling, three lines of argument are employed: science, ethics-animal rights, and international law. The most common scientific rationale is that whales should be protected because they are "endangered."²⁰ This argument is highly effective in anti-whaling NGO fundraising campaigns [KALLAND 1992: 21]. Nevertheless, in reality, no whales have become extinct due to modern whaling [TANAKA 2002: 12] and "endangered" does not represent the status of most cetacean populations. This perception is more a result of widely distributed media reports [ARON, BURKE and FREEMAN 2000: 189]. Another scientific rationale presented by this group is that protection is necessary as a precautionary measure; that is, because there is uncertainty surrounding whale biology, behavior and population dynamics, whales should not be harvested until more reliable scientific information is available [NAGASAKI 1993: 16; IWC 1982: 18].

However, from a purely scientific point of view, these arguments ceased to be valid as of 1992, when the IWC/SC developed a new management program, the Revised Management Procedure (RMP), which enabled the calculation of quotas so as not to put the whale population at risk. Because of the RMP, the former U.S. Commissioner to the IWC, Mr. Knauss in 1991 stated that the U.S. would, in the future, pursue anti-whaling policies based on ethical considerations [MARINE MAMMAL NEWS 1991]. This represented a real shift in the rationale from science to ethics and animal rights.

In the discourse relating to ethics-animal rights, whales are typically perceived as "special" animals that deserve to be exclusively protected, and this view has come to be regarded as an indication of personal and social maturity, as well as an apparent acceptance in the overall world community [SCHEFFER 1991: 19; FULLER 1991: 2]. According to Barstow [1991] (see also KALLAND [1993]), there are five reasons why whales are considered "special"; they are 1) biologically special because they are the largest animals on earth and are intelligent due to their relatively large brains; 2) ecologically special because they are mammals that have evolved "in harmony" with nature over years and are amongst the top predators in the ocean; 3) culturally special because whales and humans have a long history of contact, which enriches human life; 4) politically special because they are highly migratory and thus are a common heritage to

humans worldwide; and 5) symbolically special because they are used as symbols of environmental protection and as symbols by animal welfare movements.

This image of whales as special beings is a myth because in reality there is no single whale species that embodies all these qualities. This image of whales as “special” has been created artificially by extracting characteristics of several whale species and thus “humanizing” whales [KALLAND 1993]. In the ethics-animal rights discourse, it is this “humanized” whale, not the real whale, which is emphasized. In essence, it is saying that whales are special friends of humans, and thus humans should abandon the exploitation of whales, and instead learn to co-exist in a mutually beneficial manner.

In this new relationship, the use of whales for human consumption is not acceptable because whales are considered “the humans of the oceans” [KALLAND 1993: 125] and their consumption therefore implies cannibalism. Furthermore, these anti-whaling groups argue that legal hunting (and illegal poaching) of whales will eventually lead to their extinction and that no one has a right to use wildlife in such manner [WDSC n.d.2].

A further point made by the anti-whaling faction is that whaling is conducted in breach of international law. The highest profile example is that of the Japanese research take, which they consider illegal because the IWC moratorium and Southern Ocean Sanctuary (SOS) are in place prohibiting any whale harvesting [e.g., GREENPEACE 1999a, b; PRIME MINISTER MEDIA STATEMENT 2000a]. They further claim that the Japanese research take is quasi-commercial whaling (or “so-called” scientific whaling) because whale byproducts processed from sampled whales are marketed to help fund the research [e.g., GREENPEACE n.d.1; PRIME MINISTER MEDIA STATEMENT 2000b]. In other words, Japanese scientific research is simply an excuse to provide whale products. To support this claim, the anti-whaling faction selectively cites the IWC/SC statement²¹⁾ that Japanese research is “not necessary” for IWC whale management programs [IWC 2001a: 39].

Another variation in the legal realm is that despite the IWC moratorium, SOS, and a series of IWC resolutions requesting Japan not to issue research permits, Japan has been exercising its contracting party’s right under the ICRW to issue these permits. This action has been interpreted as an abuse of rights²²⁾, as it runs counter to the expressed will of the IWC and general world opinion that whales should not be killed [IWC 2000: 29; 2001a: 38; TRIGGS 2000].

However, from the viewpoint of the Government of Japan, the above series of accusations have no sound legal basis. Although both the IWC moratorium and SOS are used as excuses for accusations of illegal whaling by Japan, the restrictions under these conventions are applicable only to commercial whaling. In other words, the scientific research undertaken by Japan is perfectly legal. Furthermore, the utilization of whale products after collecting biological samples and information is required under the ICRW. Article VIII (2) clearly states that “Any whales taken under these special permits shall so far as practicable be processed and the proceeds shall be dealt with in accordance with directions issued by the Government by which the permit was granted” [ICRW 1946/2002]. Therefore, there is no basis for blaming Japan for utilizing the whale byproducts. Furthermore, the IWC/SC has stated its appreciation of Japanese scientific research contributions to cetacean biology and management. In the case of JARPA, the IWC [1998b: 101] SC states, “The information produced by JARPA has set the stage for answering many questions about long term population changes regarding minke whales in Antarctic Areas

IV and V.....For example, JARPA has already made a major contribution to understanding of certain biological parameters (e.g., direct measures of the age at sexual maturity) pertaining to minke whales in Area IV and V, ..." [IWC 1998a: 39]. Moreover, in regard to JARPN, "... information obtained during JARPN had been and will continue to be used to refine *Implementation Simulation Trials* for North Pacific minke whales, and consequently, was relevant to their management" [IWC 2001b: 389]. Hence, in the Government of Japan's opinion, there is nothing illegal about Japanese research on whales.

Nevertheless, an anti-whaling NGO recently took out a newspaper advertisement, "An open letter to the Government of Japan on Scientific Whaling"²³⁾ which carried the names of 21 distinguished scientists from various fields who agreed to criticize Japanese research and to request the Government of Japan to halt its research program. Such a move can be interpreted as a form of a political advocacy disguised as science [ARON, BURKE and FREEMAN 2002; also refer to BUTTERWORTH 1992: 54] to deliberately discredit the Japanese research. This kind of misuse of science²⁴⁾ by scientists, national delegates to the IWC, and NGOs is, unfortunately, quite common in the whaling debate.

Moreover, their claim of the "abuse of rights" by the Government of Japan not only lacks sound evidence [GREENBERG, HOFF and GOULDING 2001; IINO 2001], but also has some inconsistencies. Japan neither disregards IWC decisions nor world opinion. A series of IWC resolutions requesting reconsideration and to refrain from issuing special permits, the basis of their accusation, are not IWC decisions with binding power over contracting governments. These resolutions are an expression of opinions by the IWC's simple majority, which consists primarily of Western countries. In contrast, a series of IWC schedules and resolutions, supported by the dominating anti-whaling faction, and which are against the spirit of the ICRW, may indeed be an "abuse of rights" by the majority group.

As illustrated, then, there are several types of arguments put forward by the anti-whaling faction but none of them, have been persuasive [KALLAND 1992: 25]. To make their anti-whaling arguments more objective and convincing, this faction has recently returned to science-based premises.

The new scientific discourse by the anti-whaling faction has also focused on environmental pollution, but this is, again, arbitrarily constructed through the use of selective information. One such discourse suggests whales are too contaminated by industrial pollutants to be safe for human consumption²⁵⁾. Since the issue of potentially harmful contaminants in food is a major concern among the public worldwide, this has been a major component of the anti-whaling campaign by anti-whaling NGOs²⁶⁾. Another variation on the scientific approach is using the precautionary principle, suggesting that the harvesting of whales should cease in the absence of adequate scientific information on the impact of environmental degradation on cetaceans.

This trend in increased concern on environmental impacts on cetaceans is reflected in recent discussions and actions²⁷⁾ within the IWC [IWC 2001a: 51]. Although these activities are not consistent with the IWC's original mandate, that of resource management, such concern is treated as a priority research item by the anti-whaling majority. The overall result of the above examples is that sustainable users are becoming increasingly dissatisfied with the IWC, and conflicts between anti-whaling countries and resource users are accordingly becoming more intense.

4.3. Neutral Factions

Several countries such as Ireland, Oman, and Morocco could be presently considered members of this group²⁸). The classification as a neutral country is based on attitudes expressed in voting records. However, the voting records of these countries have not necessarily been consistent over the years. Thus identification of neutral countries is difficult and members may change over time. These countries tend to be moderates in the whaling vs. anti-whaling discourse, since they have no real stake in the outcome of whaling management decisions. In many cases, however, they have allied with one or the other faction, and thus, temporarily at least, ceased to exist as an independent group. Nevertheless, they are considered neutral since their positions tend to be flexible, depending on the topics or conditions under discussion, and they compromise when they feel it is appropriate to do so. Presently, they do not consistently vote as a group; each votes independently, depending on the items under review.

Ireland, concerned with the present divisions with the IWC, has attempted to mediate between the anti-whaling vs. whaling factions. In fact, some members fear that the IWC itself will collapse if present conditions continue to prevail. They are concerned that dissatisfied whaling countries will defect from the IWC and start an alternative whale management organization²⁹), thus leaving the IWC powerless and with only nominal powers [KNAUSS 1997: 84]. In 1997, Ireland offered a compromise plan³⁰), commonly referred to as the "Irish proposal" [IWC 1998a: 35–36], in an attempt to make the IWC function again as the primary whale management body. Although this has so far been unsuccessful [IWC 1999: 35; 2000: 42–43; 2001a: 50–51], the role of those countries as mediators between the opposing whaling vs. anti-whaling factions may be important for the future of the IWC. If the number of members in this neutral group increases in the future and they can establish themselves as a true third faction with clear policies and objectives, their role as mediator may be strengthened.

5. WHALING CONFLICTS: RECENT DEVELOPMENTS

Within the IWC, the conflict between anti-whaling and sustainable user factions became apparent as early as the 1970s. The adoption of the moratorium on commercial whaling in 1982 was a milestone regulation. Since then, the focus of the dispute has been whether the moratorium should be maintained or lifted. This section briefly reviews the history and development of the conflict starting during the 1980s to the present.

5.1. The Numbers Game Phase I (1980–1990s)

From 1980 to 1982, the anti-whaling faction actively recruited³¹) new member countries (cf. Table 1) and 18 countries consequently joined the IWC. As a result, this faction became the majority, holding approximately 75% of the votes within the IWC, which led to the adoption of the moratorium in 1982. For anti-whaling countries and NGOs, it was a landmark victory in the environmental movement, and a stepping stone to their next goal, a permanent ban on whaling worldwide³²).

After 1982, with the increase in membership and the moratorium, the nature of the IWC changed. The Japanese interpretation of this change was that the IWC was being highjacked by anti-whaling countries and NGOs [NAGASAKI 1993: 16]. When the moratorium was initially

adopted in 1982, it was also decided that it would be reviewed by 1990, based upon new scientific information. A newly revised comprehensive population estimate of 760,000 Southern Hemisphere minke whales was made by the IWC/SC in 1990 for the review. However, the anti-whaling majority neglected carrying out the review [IWC 1991: 26–28].

Furthermore, in 1992, when the IWC/SC finally agreed to the long awaited RMP, which enabled the calculation of whale quotas without endangering whale stocks, its adoption was postponed until 1994. Although sustainable use of whales had finally become possible, the IWC did not adopt the RMP at once because of resistance by the anti-whaling faction. The IWC majority had changed the rules of the game from science to animal rights and ethics [TIMES 1992].

As a result, Iceland left the Commission in 1992, and Norway declared the resumption of commercial whaling under objection in 1992, resuming in 1993. Moreover, the IWC/SC chair, Dr. Hammond, resigned in 1993, protesting the IWC's lack of recognition of IWC/SC and RMP accomplishments [IWC 1995: 33].

Japan also filed an objection, but had to withdraw it in 1985 due to strong political pressure from the U.S. involving sanctions. The U.S. employed the Packwood-Magnuson Amendment to the Fisheries Conservation Act³³⁾ that could suspend Japan's fishing privileges in Alaskan waters in order to force Japan to accept the moratorium. At that time, the Alaskan waters were the most important fishing ground for Japanese far-seas fisheries that employed about 12,000 people and the income from the total catch was over a hundred and thirty billion yen. By contrast, whaling employed only about 1,300 people and income from the total catch was a little over ten billion yen. Consequently, Japan chose to keep the Alaskan fishing ground and withdrew its objection [ITABASHI 1987: 212–214]. Nevertheless, two years later Japan lost its fishing privileges in Alaskan waters, with the result that Japan ended up losing two important fisheries. Since 1987, Japanese strategy has been to continue carrying out research to collect enough scientific evidence to allow the lifting of the moratorium.

Although the RMP was finally adopted by the Commission in 1994, the anti-whaling majority proposed postponing the implementation of RMP until its control mechanism, the Revised Management Scheme (RMS), was in place [IWC 1993a: 40]. At present (2003), the RMS has not been completed and adopted by the Commission due to continuing conflicts between the anti-whaling and sustainable use factions. Thus, the lifting of the moratorium and resumption of commercial whaling has not been realized.

Disagreements and deadlock over the RMS discussion and the consequent postponing of RMP implementation are considered by the sustainable user countries to be delaying tactics [IWC 1993a: 16] on the part of the anti-whaling nations who fear that the moratorium will be lifted if the RMS is adopted [ARON, BURKE, and FREEMAN 1999: 24]. In fact, some countries are openly against the adoption of the RMS and have begun to claim that the adoption of the RMS and the lifting of the moratorium are separate matters³⁴⁾.

From the viewpoint of anti-whaling countries, the moratorium on commercial whaling was a key victory, and they appear determined to maintain it. For example, two members of anti-whaling faction, the Government of Austria³⁵⁾ which first joined the IWC in 1994 and the U.K.³⁶⁾, one of the signatories of the ICRW, have clearly stated in their respective opening statements at the IWC annual meeting that they are opposed to any move to lift the moratorium.

In effect, the anti-whaling faction has been actively attempting to make the moratorium, which was originally a provisional measure, into a permanent one.

Moreover, at the 55th Annual Meeting of the IWC, there was another move by preservationists to turn the IWC into an organization for protection and preservation. At that meeting, the Berlin Initiative on Strengthening the Conservation Agenda of the International Whaling Commission³⁷ was adopted by the preservationists which then established the Conservation Committee. Although the name contains the word "conservation," it was apparent that the Committee was a vehicle for enforcing preservation measures within the IWC since the initiative does not refer to sustainable use. Considering this series of actions within the IWC, the sustainable use countries were greatly disappointed, and the gap between two factions in conflict seemed unbridgeable.

To achieve their goal of a permanent ban of whaling worldwide, the anti-whaling faction has advocated the establishment of whale sanctuaries in the world's oceans. The rationale behind this action is precautionary; that is, if sanctuaries are created, then even if the moratorium were ever to be lifted, whaling would be still prohibited in most of the oceans.

According to Day [1987: 151], this trend was apparent since 1972 and the anti-whaling nations succeeded in the adoption of the Indian Ocean Sanctuary (IOS) as early as 1979. In 1994, they also succeeded in the adoption of the Southern Ocean Sanctuary (SOS) where Japanese scientific whaling had been taking place. Moreover, the anti-whaling countries and NGOs have been proposing a Southern Pacific Sanctuary (SPS) since 2000 and a Southern Atlantic Sanctuary (SAS) since 2001. In addition, Italy, France, and Monaco established a regional whale sanctuary in the Ligurian Sea (Mediterranean) in 1999. Mexico also declared a whale sanctuary in its Economic Exclusive Zone (EEZ) in 2002.

From the perspective of whale management, the moratorium and the establishment of sanctuaries may in fact merely be duplicate management measures. Nevertheless, they appear to have had a significant impact on the public relation strategies of the anti-whaling faction. The media and the anti-whaling NGOs have been in a symbiotic relationship for a long time because only the NGO groups but not the media were allowed in the meeting room until 1999. The anti-whaling NGOs provided a summary of their version of the meeting events to the media. Thus, news released and distributed worldwide by the media was often biased toward the anti-whaling faction perspective [KALLAND 1992: 26].

For example, the anti-whaling countries and NGOs as well as the media, have been accusing Japan of illegally hunting (endangered) whales under the guise of scientific whaling (see e.g., GREENPEACE [1999a, b]; INTERNATIONAL FUND OF ANIMAL WELFARE [2002]; KOMATSU [2001: 267–268]; PRIME MINISTER MEDIA STATEMENT [2000a, b]; WDCS [n.d.3]; WORLD WILDLIFE FUND FOR NATURE [2002]). Consequently, the Western public now views Japan as essentially a villain in the whaling dispute [MISAKI 1986]. As Japan is also considered by some as one of the nations causing the most serious environmental problems [SUZUKI and OIWA 1996: 3], scientific whaling has simply been added to the list of its faults by the world media.

5.2. The Numbers Game Phase II (2000–2003: Present)

However, the balance of power within the IWC began to shift around 2000. Many countries recruited to vote for the moratorium have left the IWC and some members have clearly redefined their stance as sustainable users. This change became evident in 2000, when the proposal for

the SPS was defeated because its sponsors could not achieve the required two-thirds majority vote necessary for adoption. Since then, the SPS and SAS proposals have been repeatedly defeated. In other words, the anti-whaling countries lost their absolute power to determine conservation measures within the IWC, although they have still managed to keep a simple majority necessary for the adoption of non-binding resolutions.

In addition, new members have been recruited to the sustainable user and neutral factions, since the whaling countries fully realized the need to increase the number of member nations if they also were to have an effective voice in the IWC. Iceland, for example, which had left the IWC in 1992, rejoined the Commission in 2001. However, since Iceland had filed reservations about the 1982 moratorium, the anti-whaling faction, using its majority power, refused to recognize Iceland's reservation or to grant it full membership, leaving Iceland only with observer status (with no voting rights) in both the 2001 and 2002 IWC meetings.

The issue of Icelandic membership was an additional cause for the disputes between the anti-whaling and sustainable factions at the 2001 and 2002 IWC meetings. On one hand, the anti-whaling faction felt that it would be a dangerous precedent in that other former whaling nations could also rejoin the IWC, and that current whaling nations could leave the Commission and rejoin the IWC with similar reservations. They argued that the IWC has the legal competence to decide whether such a reservation is acceptable or not and moved to reject the reservation. They then refused to grant full member status to Iceland. On the other hand, the sustainable user faction fully recognized Iceland's membership, since they do not believe that the IWC has the legal authority to judge such reservations [IWC 2003a: 5-7].

A clear indication of the shift in the IWC power balance occurred at the 54th IWC annual meeting in May 2002. At that meeting, the renewal of the bowhead whale quota proposed by the U.S. and Russia for the Alaskan and Chukchi people, under the ASW, was denied for the first time in IWC history. It was a landmark in that it was the first major unexpected defeat for the U.S.³⁸⁾, a prominent member of the whale preservationist faction, despite it being an ASW country. This meant that sustainable users now had enough voting power to block a proposal accompanying a schedule amendment if they so desired and that they were also in a position to make deals on equal footing with the anti-whaling faction.

The confrontation over the ASW question occurred out of a reaction on the part of the sustainable user faction to the refusal of a Japanese request for a relief quota for coastal communities, a request that had been denied by the IWC during the previous 15 years. Japan and its supporters requested that the IWC cease what seemed to be preferential treatment of ASW nations, and that the IWC should instead make decisions on the basis of science and sustainability [FISHERIES AGENCY 2003b; IWC 2003a: 18-22; MARTIN 1998]. This preferential treatment related to different management approaches that the IWC has adopted for different whaling categories [IWC 2003a: 12-15]. For ASW, the Aboriginal Whaling Management Procedure (AWMP) is used to ensure quota allocations even from protected whale stocks, such as bowhead whales. For commercial whaling, RMP, the most conservative calculation method in fisheries science, is employed to deny or minimize the quota from even sound stocks, such as minke whales.

This dispute over ASW and the Icelandic reservation issue were later settled in the Special Meeting of the IWC held in October, 2002. The quota renewal for the U.S. and Russian aboriginal

people was finally granted by consensus with some amendment to the original proposal [IWC 2003c: 7–9]. By contrast, the Japanese request for adoption of a resolution on small-type whaling, even though it had no binding power, was again defeated. Nevertheless, an important result of all this was that the U.S., who had continuously voted against Japanese requests, supported Japan's draft resolution as a gesture of compromise [IWC 2003c: 9–10].

As for Iceland's reservation³⁹), despite differences among member countries as to whether it should be accepted, the member countries finally agreed to allow Iceland to become a full IWC member, rather than simply an observer [IWC 2003c: 2–6]. Thus, the sustainable user countries gained one more member, with voting rights, that supported their cause.

A total of six new members joined the IWC in the year 2002, some sympathetic to the sustainable user faction, and others to the anti-whaling faction. In 2003, two new members sympathetic to the sustainable user faction joined the IWC. New Zealand had apparently requested Greece⁴⁰) [THE PRESS 2002] and also members of the European Union to join the IWC to support worldwide sanctuaries for whales [THE DOMINION POST 2003]. As well, anti-whaling NGOs, such as Greenpeace also requested Hungary, Poland, Czech, and Slovakia to join the IWC, in an effort to ban whaling⁴¹). Since management decisions within the IWC are presently carried out essentially by a faction-related 'numbers game' rather than by science *per se*, these membership recruitment drives will likely continue for some time. Nevertheless, even if IWC membership does increase, these new members, unfortunately, play the game by joining either the preservationists or sustainable users faction so it is not likely that the number of neutral countries will increase.

Conflict over whales has also spread to other international forums such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as well as the United Nations Convention on Migratory Species (CMS). In both organizations⁴²), large cetacean species are listed as protected mainly because of the 1982 moratorium enacted by the IWC, the body presently concerned with whaling. Positions held by these international organizations are considered important by both factions within the IWC debate and PR, since their positions are used as the basis of justification as to which view, sustainable use or preservation, represents world opinion [e.g., IWC 2001a: 39].

6. THE NATURE OF WHALING CONFLICTS

The world community consists of countries with distinctive cultures and world views. Thus, in multilateral negotiations, it is a common practice that each party sincerely tries to reach a compromise when there is a difference in opinions, while recognizing each other's differences. Following such a stance, theoretically the two factions in the IWC, sustainable users and preservationists, should be able to negotiate and reach a compromise respecting the differences in their positions. Nevertheless, such a process of negotiation has not happened thus far within the IWC, and only confrontational attitudes have prevailed. The rationale behind such actions may be related to political values attached to the whaling issues among anti-whaling countries. From their point of view, whaling issues are politically more valuable if they remain unsolved, as will be discussed below.

The perspective of anti-whaling nations that whales are unique or 'special' and thus deserve

to be preferentially preserved reflects a particular world view. Why is it that these views, originally held by special interest groups such as the Whale and Dolphin Conservation Society (WDCS)⁴³, which specialize in whale preservation, have been adopted by many Western governments and reflected in their national policies? The political motives which have turned whaling conflicts into a complex issue may shed some light on this question.

Whaling issues suddenly appeared on the international scene in 1972, when a ten year-moratorium on commercial whaling was adopted through a U.S. initiative at the UN Conference on Human Environment (UNCHE) held in Stockholm [KANEKO 2000; STOETT 1997: 65; cf. HAMER 2002]. There are several theories as to why whales became so important in the international environmental arena at that time. Some suggest it is because whales were used by the U.S. to deflect international concerns over other issues such as pollution, contamination, and environmental degradation the world was facing at that time [DAVIDSON 1975; ITABASHI 1987].

During that period, there were many public protest movements relating to civil rights, the Vietnam War, women's liberation, and environmental protection. The U.S. government had difficulty dealing with these new movements during the latter half of the 1960s. Originally, as items to be discussed at the 1972 UNCHE were the U.S. dumping of nuclear waste in the ocean [DAVIDSON 1975] and defoliants used in the Vietnam War [ITABASHI 1987], protests over these issues were likely. Under these circumstances, a change in the target of criticism would have been welcome. As discussed by Kaneko [2000] and Komatsu [2001: 7–9], it can therefore be suggested that whales may have served as an ideal alternative 'target' for deflecting criticism from these other issues.

The U.S. had been preparing to introduce whales into the environmental arena as a politically manipulated matter. Consequently, the "Save the Whales" movement by NGOs also received strong government endorsement and a ban on commercial whaling became the goal for many environmental organizations. At the 1972 UNCHE, these groups organized massive campaigns⁴⁴ and supported the adoption of a whaling moratorium [STOETT 1997: 14, 65; UMEZAKI 1999: 55–56]. For example, the World Wildlife Fund (WWF) campaign slogan at that time was that "If we cannot save the whales from extinction we have little chance of saving mankind and the life-supplying biosphere."⁴⁵ At the end of the 1972 UNCHE, the U.S., with help of high level diplomatic lobbying, was successful in selling this eco-political image of whales to other countries and thus, the moratorium was adopted [UMEZAKI 1999: 54–62]. In this process, whales had been transformed from a fisheries resource into a "symbol of the ecology movement and emblematic of the fate of all species on the planet" [DAY 1987: 1].

The U.S. also pursued its policy of marine mammal protection domestically. In October of 1972, the Marine Mammal Protection Act, which prohibited harvesting as well as culling of marine mammals in the U.S. waters, was adopted to promote the further preservation of cetaceans. The supposed intelligence of marine mammals was reflected in popular TV series such as 'Flipper', broadcast from 1964 to 1967, and contributed to public endorsement of this policy, as did the "Save the Whales" campaign in the years that followed [KOMATSU et al. 2001].

Anti-whaling NGOs staged the "Save the Whales" movement in order to achieve the moratorium on commercial whaling at the IWC. Because of this background, this campaign won strong public support and was highly successful. Those groups presented whales as a single

group facing extinction and they encouraged a sense of urgency. Whaling disputes easily provided an “enemy” as well, which was another essential element of the successful campaign [SPENCER, BOLLWEK, and MORAIS 1991]. The obvious ‘enemy’ was foreign whaling nations, since there were no domestic commercial whalers. Through their tactics of crisis maximization, these groups raised large sums of money through public donations, making their organizations large, rich, and powerful [KALLAND 1992: 18; cf. KNUDSON 2001; LACEY and STEWART 2001; PETERSON 1993]. As whaling issues guaranteed successful campaigns and substantial funding, whales have become essential financial assets to these groups [ARON, BURKE, and FREEMAN 1999: 28]. Because of this political as well as financial success, whales have become highly valuable resources for both governments and NGOs.

Within the anti-whaling movement, Japan is the main target or enemy since it is one of the few remaining major whaling nations, and is also the primary importer of whale meat from Iceland and Norway. According to Kalland and Moeran [1992], Stoett [1997] and Totten III [1978], the perception of Japan as an enemy was favorable to the U.S. since the whaling issue offered it an opportunity to publicly denounce Japan. The U.S. had become frustrated over its increasing trade imbalance with Japan and was apparently envious of Japan’s economic development—a situation that could threaten the U.S.’s position. Accordingly, the whaling issue was used as a convenient outlet for U.S. dissatisfaction with its changing economic relationship with Japan [TAKAYAMA 2002].

In addition, the U.S. government began to use whaling issues as a bargaining item for rapidly growing environmental NGOs which were establishing themselves as new political pressure groups. The government offered them strong support for the whaling ban in exchange for leniency on domestic environmental problems [KANeko 2000; STONE 2001: 277]. From the viewpoint of the U.S. government and politicians, that support did not involve any political cost; rather it provided excellent opportunities for positive PR insofar as they would be portrayed as an environmentally conscious ecological guardian with a clean image which could win public support [KALLAND 1992: 21]. In other words, the whaling issue could become “a pardon” for environmental problems as well as important political capital for both the government and politicians. The benefit for the NGOs was their ability to carry out massive anti-whaling campaigns with strong government support and turn them into successful fund raising projects for their own fame and fortune. Thus, a symbiotic relationship seems to have developed between governments and NGOs surrounding the whaling issue.

Other Western countries soon began to adopt this new perspective on whales. For example, Australia, now an anti-whaling nation, engaged in producing whale oil until the end of the 1970s. Although it promoted resource management based on science, the New Management Procedure, within the IWC in 1974, it changed its stance after it halted whaling in 1979, and became an anti-whaling nation. This relatively rapid change in government position may relate to the opening of a new Greenpeace branch office in 1977, and the launching of their new Save the Whales campaign in Australia.

In response, the government announced the establishment of the Royal Commission to look into Australia’s whaling policy. In 1978, it recommended that the government withdraw from whaling and pursue an anti-whaling policy, following the recommendation from the Whales and Whaling Inquiry. The government closed the last whaling station in 1979, and in the following

year, the Australian Federal Parliament passed the Whale Protection Act, which serves as the basis for their new policy of cetacean preservation [WHALES OF AUSTRALIA n.d.]. By actively protecting whales, the government in effect made public its commitment to the environment.

Similarly, former whaling nations that had halted whaling and left the Commission, such as New Zealand and the Netherlands, rejoined the IWC in 1976 and 1977, respectively with clear anti-whaling policies [GAMBELL 2002: 9]. Other new members also joined the IWC, such as Austria in 1994 and Italy in 1998, in order to eliminate all commercial whaling [ARON, BURKE and FREEMAN 2000: 181–182].

Overall, it can be suggested that the new view of whales as eco-political resources have exacerbated the whaling conflict. This new view has become very influential, and it is becoming increasingly difficult to resolve whaling issues through diplomatic means [STONE 2001: 277]. As long as whaling conflicts are perpetuated, government policies on whale preservation can be used as “a pardon” for environmental problems without cost. Moreover, whaling issues can be used to apply political pressure on Japan even though these countries do not really want to harm their relationship with Japan outside the IWC context [GOODMAN 1997: 547]. From the viewpoint of NGOs, resolution of the conflict will result in the loss of fund raising competitiveness and thus status within the environmental/animal rights circle. If the whaling issue were to be resolved by achieving a worldwide ban on whaling or a compromise with sustainable users, the eco-political value of whales would be diminished. Hence, the true goal of whale preservationists, in my opinion, is not the solution of whaling conflict by means of a total ban as claimed. Rather, it is the perpetuation of the whaling conflict that has been ongoing for more than thirty years.

7. CONCLUSIONS

In the process of reconsidering the relationship between humans and other living beings and the natural environment, alternatives to the conventional use-oriented relationship are explored. Many people have rediscovered multi-dimensional aspects of resource use, including non-consumptive uses, and become conscious about their moral responsibility toward future generations to pass on unspoiled natural environments. In this context, the meaning of a resource as well as who should be using that resource and how it should be used is reexamined.

One of these international debates concerns whaling. Although the international community agrees that whales are a resource, two opposing views divide the world on who should be able to utilize whales and how they should do so. One side values whales exclusively as a non-consumptive resource, viewing whales as a special international common heritage to be passed on to future generations. Thus, consensus at the international level, such as in the IWC, is necessary for whale use.

By contrast, the other side values whales as a consumptive as well as a non-consumptive resource. They claim that two types of whale use can coexist and whaling, as well as the consumption of whale products, should be allowed when such use is sustainable. This view recognizes traditional users' right to the resource and opposes non-utilization based on sentiment.

This value conflict over whales has been taking place primarily at the IWC, the body concerned with whaling. The conflict within the IWC is well characterized by the United

Kingdom 1996 IWC annual meeting opening statement: "...the United Kingdom does not accept that because something can be exploited on a sustainable basis, it must be exploited.... Within the IWC, the wish of the United Kingdom to see whales remain a living resource, exploited only in non-lethal ways, is as valid as the desire of some other countries to harvest them..." [IWC/48/OS UK]. As Kalland [1992] stated, the IWC had become a venue for a "tournament of values." Thus, the IWC remains divided and the future of the equitable use of cetaceans appears dismal.

Presently, utilization of whales is severely restricted as the IWC moratorium on commercial whaling has been in place since 1982 by the will of the majority. Although sustainable users advocate lifting of the moratorium based on scientific evidence and conservative management measures, preservationists are determined to keep the moratorium even when sustainable utilization is possible. The rationale behind these extreme positions is related to another aspect of the non-consumptive value of whales, that is, whales as an eco-political resource.

Superficially, preservationists still may argue that they are preserving whales in the interests of future generations. For this claim, the moratorium and sanctuaries are useful measures since access rights and subtractability of common pool resources, such as whales, can be easily managed and thus, the resource will remain protected. Nevertheless, as discussed in the previous section, there is a more selfish motive behind this "honorable" action.

The non-compromising stance by the preservationists only serves to prolong the conflict and poses serious problems. In this process, disrespect and cultural intolerance prevail, and self-determination and the equitable development of traditional resource users are compromised. Their stance of denying the consumptive use of cetaceans not only dismisses the principles of current resource use strategies relating to sustainable development worldwide, it also infringes on the basic human rights and food security of traditional resource users. Furthermore, such a stance is also counter to the ICRW, Article V (cf. footnote 1) that specifically refers to the interests of the consumers of whale products as well as to the whaling industry. Nevertheless, the whaling conflict continues because of the political will of preservationists who exclusively seek whales as an eco-political resource; thus, equitable use of cetaceans is inhibited.

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NOTES

- 1) The International Convention for the Regulation of Whaling became effective in 1948 and International Whaling Commission was also established the same year. In addition to the appendices, the Convention constitutes three parts: main texts, schedules, and stock classification charts. The circumstances of whaling may change depending on differences in stock status, so practical management regulations

are stated in schedules that can be amended. However, the schedule amendments relating to Article V of the Convention require the agreement of 3/4 of the contracting governments. All contracting governments were obligated to follow new management and conservation measures when a schedule is amended. Nevertheless, if such an amendment were made by taking votes and if it were not favorable to a contracting government, that government could register an objection to the Commission under Article V (3) and would not be obligated to follow the amendments [OHSUMI 2003: 117–119].

Article V (1) refers to: “The Commission may amend from time to time the provisions of the Schedule by adopting regulations with the respect to the conservation and utilization of whales resources, fixing (a) protected and unprotected species; (b) open and closed seasons; (c) open and closed waters, including the designation of sanctuary areas; (d) size limits for each species; (e) time, methods, and intensity of whaling (including the maximum catch of whales to be taken in any one season); (f) types and specifications of gear and apparatus and appliances which may be used; (g) methods of measurement; (h) catch returns and other statistical and biological records; and (i) methods of inspection.”

Article V (2) states, “These amendments of the Schedule (a) shall be such as are necessary to carry out the objectives and purposes of this Convention and to provide for the conservation, development, and optimal utilization of the whale resources; (b) shall be based on scientific findings; (c) shall not involve restrictions on the number or nationality of factory ships or land stations, nor allocate specific quotas to any factory ship or to any group of factory ships or land stations; and (d) shall take into consideration the interests of the consumers of whale products and the whaling industry” [ICRW 1946/2002].

- 2) According to the Convention [ICRW 1946/2002], Article III (2), a decision of the Commission will be based on the following: “Decision of the Commission shall be taken by a simple majority of those members voting except a three fourth majority of those members voting shall be required for action in pursuance of Article V.” In common practice of the Commission, the chair sees how discussion is carried and decides on the method of decision making. If consensus is reached, there will be no voting. However, if a contracting party wishes for votes or there is no apparent agreement in discussion, the chair will proceed to call for a vote. Contracting governments can also submit proposals for resolutions that are recommendations which relate to whales or whaling (cf. Article VI). The resolution can be adopted by a simple majority; however, such resolutions have no binding power.
- 3) Catch quotas (2003–2007) for ASW are follows [IWC 2003b: 137–140]:
 - Bowhead whales (Alaskan Inuit and Russian aboriginals): the number landed shall not exceed 280.
 - Gray whale (Russian aboriginals and Makah): the number shall not exceed 620.
 - Minke whale (Denmark-Greenland): the number from Central stock shall not exceed 12 and from West Greenland stock shall not exceed 175.
 - Fin whale quota (Denmark-Greenland): the number shall not exceed 19.
 - Humpback quota (St. Vincent and Grenadines): the number shall not exceed 20.
- 4) NAMMCO is an international body of cooperation for the conservation, management and study of marine mammals in North Atlantic. The NAMMCO agreement, signed by Norway, Iceland, Greenland, and the Faroe Islands focuses on modern approaches to the study of the marine ecosystem as a whole, and to a better understanding of the role of marine mammals in this system [NAMMCO n.d.]. Norway calculates its quota based on the quota calculation model developed by the IWC, called the Revised Management Procedure (refer Note 6 for more on the RMP) and such quotas are discussed in the NAMMCO Scientific Committee. Norway’s minke whale quota in 2002 was 671 and in 2003 was 711 [HNA 2002].
- 5) The Government of Iceland announced that it would resume research take of 38 minke whales in

August 6, 2003. The first minke whale was caught in August 19, 2003. Following that action, the U.S. government began preparing for possible sanctions using the Pelly Amendment against Iceland, according to AFP media report [YAHOO NEWS 2003a]

- 6) Iceland had submitted the research proposal under special permit to be discussed in the 55th IWC annual meeting in Berlin, June 2003. In the proposal, Iceland planned to take 100 fin, 50 sei, and 100 minke whales in the North Atlantic starting around 2003 [IWC 2003d: 46]. In the IWC/SC discussion, SC agreed that proposed take of 100 whales a year will not have an adverse impact on the population [IWC 2003d: 53] as an abundance estimate of North Atlantic minke whales was 149,000 [IWC n.d.1]. In regard to fin and sei whales, SC could not come to an overall agreement. IWC SC agreed to an abundance estimate of North Atlantic fin whales of 47,300 [IWC n.d.1.]. For sei whales, IWC SC has not made a comprehensive assessment of the stock. In August 2003, the Government of Iceland announced that it would resume research take of only 38 minke whales from an estimated population of 43,000 minke whales in Icelandic coastal waters. Such a take can be considered sustainable by IWC/SC.

Japan (2002–2003) took 440 Antarctic minke whales. A stock status of Antarctic minke whales agreed to by the IWC/SC of 760,000 in 1990 was considered sound [IWC 1991: 19–20]. According to the RMP, which is the quota calculation method adopted by the IWC, Japan's catch quota was about 2,000 annually [IWC 1993b]. However, the IWC/SC is presently in the process of providing the most recent comprehensive assessment and will do so as soon as information from the IWC's Antarctic research becomes available.

In the northwestern Pacific, research take quotas were 100 minke whales, 50 Bryde's whales, 50 sei whales, and 10 sperm whales in 2003. In addition, Japan has added 50 minke whales for its coastal research since 2002. The minke whale stock estimate in the Northwestern Pacific is agreed to be at about 25,000 by the IWC/SC in 1991 and considered sound [IWC 1992: 21]. Japan requested an interim relief quota of 50 minke whales for 15 years (1987–2002) from this stock, but that request was never granted. The population estimate of Bryde's whales in the northwestern Pacific was about 23,700 by the IWC/SC in 1996 [IWC 1996: 24] and considered sound as well. According to the Fisheries Agency of Japan (FAJ), the population estimate of sperm whale in the Northwestern Pacific is about 102,000 [KATO and MIYASHITA 1998]; however, this estimate was made by Japanese scientists and has not agreed to by the IWC/SC. According to a press release by the FAJ (2001), the catch ratio for these species was 0.4% for minke whales (for 100 takes), 0.2% for Bryde's whales (for 50 takes), and 0.01% for sperm whales (for 8 takes). The population estimate of sei whales is about 28,400 according to Japanese scientists [GOVERNMENT OF JAPAN 2002: 57], but this number has also not been agreed to by the IWC/SC. The Government of Japan (GOJ) includes whale species whose numbers have not agreed to by the IWC/SC since such a take is essential considering its large biomass in the research areas to clarify interactions between whales and fisheries under JARPN II. The GOJ considers the takes under this program to be so small that they will not adversely impact these stocks. It also believes that all these species could be sustainably utilized considering their given stock sizes.

Norway hunts North Atlantic minke whales and its population estimate in 1996 agreed to by the IWC/SC was about 118,000 [IWC 1997: 30]. The most recent agreed upon population estimate is about 149,000 [IWC n.d.1] and is regarded as robust.

- 7) The Revised Management Procedure (RMP) is a conservative whale calculation method developed by the IWC/SC for the commercial exploitation of baleen whales. Its development and adoption in the Commission took about 15 years. The RMP is "a robust, risk-averse management device, which provides a conservative catch limit for an area small enough to contain whales from only one biological stock. It does so by using only two types of information: population abundance estimates and historical

- catch data" [IINO 2001: 5]. However, for RMP implementation, additional data such as information on the relationship between areas and stock structure are required [see TANAKA 1997 for details].
- 8) The Revised Management Scheme (RMS) is an inspection and enforcement mechanism to ensure that catch quota limits are observed. It is agreed among the contracting governments that there will be an international observer onboard whaling vessels. However, pro-whaling and anti-whaling countries have been in disagreement over who should pay the cost of the observers, their responsibilities and duties, and their method of reporting [IWC n.d.3].
 - 9) Agenda 21 [UN 1992], paragraph 17.46. Agenda 21 was adopted at UNCED held in Rio de Janeiro.
 - 10) The Kyoto Declaration and Plan of Action on the sustainable contribution of fisheries to food security [FAO 1995], paragraph 12-14 and the Roma Declaration on the implementation of the Code of Conduct for Responsible Fisheries [FAO 1999], preamble and paragraph (c).
 - 11) The U.S. Government sought quotas on behalf of the Makah in 1996 but withdrew its proposal as it could not secure enough votes from other anti-whaling nations. The U.S. resubmitted its proposal the following year (1997) and was finally granted the quota. However, the Government of New Zealand stated in its opening statement in 1997 that although NZ accepts a limited harvest, the number of whales taken under the ASW should be "kept to a realistic and justified minimum" [IWC/49/OS/NZ]. Furthermore, the Government of Austria stated that it would like to see clear and restrictive criteria for granting quotas for ASW [IWC/52/OS Austria].
 - 12) Out of a series of lawsuits, the most recent case was filed by a coalition of animal rights groups including the Fund for Animals and the Humane Society of the United States against the U.S. government in January, 2002. The lawsuit was brought 1) to challenge the environmental assessment on the Makah hunt that was issued by the Commerce Department on July 12, 2001; and 2) to claim that the federal government violated the Marine Mammal Protection Act. On December 19, 2002, the court reversed the previous decision and recinded the whaling quota from the Makah tribe [WCW n.d.].
 - 13) Anti-whaling nations have been proposing and adopting resolutions regarding Japanese research take that will halt, reconsider, and refrain from the issuing special permits since 1987 (with the exception of 2002 when the resolution was not discussed due to shortage of time). Examples of the 2001 resolution are "Resolution on Southern Hemisphere Minke Whales and Special Permit Whaling" [IWC RESOLUTION 2002a] and "Resolution on the Expansion of JARPNII Whaling in the North Pacific" [IWC RESOLUTION 2002b]. As well, these countries sometimes issue press releases on this matter, such as "Australia Renews Opposition to Whale Kill" by Senator Robert Hill, Minister for the Environment and Heritage [ENVIRONMENT AUSTRALIA 2000].
 - 14) The U.S. certified Norway with the Pelly Amendment* for the following years:
 - 1993: for resumption of commercial whaling, but no sanctions.
 - 1988; 1990: for research take, but no sanctions; and
 - 1987: for commercial whaling under objection (no sanction, but Norway temporarily ceased commercial whaling after 1987).

Norway began exporting whale meat to Iceland in 2002, and was in the process of starting to export to the Faroe Islands (Denmark) [HNA 2003]. So far, there has been no move toward certification under the Pelly Amendment. Nevertheless, if Norway starts to export whale meat to Japan, it may run the risk of be certified again under the Pelly Amendment.

*The Fishermen's Protective Act (Pelly Amendment): A U.S. domestic law enacted in 1978. "The Pelly amendment to the Act requires the Secretary of Commerce or the Secretary of the Interior to determine and write a letter of certification to the President when nationals of foreign countries conduct fishing operations which diminish the effectiveness of an international fisheries conservation program or engage in trade or take which diminishes the effectiveness of an international program for endangered

- or threatened species. The Act requires the Secretaries periodically to monitor and promptly to investigate the activities of foreign nationals that may affect these international programs. Upon receipt of the letter of certification, the President may direct the Secretary of the Treasury to prohibit the importation into the U.S. of any products from the offending country for a determined by the President and to the extent prohibition is sanctioned by the General Agreement on Tariffs and Trade..."[NOAA n.d.]
- 15) Canada has been formally requested by IWC anti-whaling majority to rejoin the IWC by the IWC Resolution [1999d].
 - 16) In 1999, the IWC discussed the IWC's jurisdiction over small cetaceans based on a document of legal analysis submitted by the Swiss Government. The governments who supported the legal view that IWC has jurisdiction over small cetaceans are: Switzerland, Sweden, the Netherlands, the U.K., New Zealand, Austria, the U.S., Monaco, Brazil, Germany and Italy. Nevertheless, no conclusion was drawn [IWC 2000: 42].
 - 17) For instance, opening statements (1995–1999) submitted by the New Zealand government states "We seek the greatest possible protection for cetaceans (or whales and other cetaceans) and will continue to work within the IWC to achieve negotiated outcomes to this end..."[IWC/47–51/OS New Zealand]. As well, in its 1997 opening statement, Australia [IWC/49/OS Australia] declared, "Australia remains committed to ending all commercial whaling and will take all reasonable steps to bring about, as expeditiously as possible, a permanent international ban on commercial whaling." Moreover, an addendum to the opening statement in the form of a media release by Robert Hill, Minister for the Environment, stated, "We recognize that achieving a global whale sanctuary is part of a long-term strategy, but we are determined at every opportunity to push the case for permanent protection for all whales"(Ibid.).
 - 18) For example, IWC Opening Statements: IWC/32/OS New Zealand [1983], IWC/45/OS, IWC49/OS Australia [1993, 1997], and IWC/49/OS UK [1997].
 - 19) For example, IWC Opening Statements: IWC/50–51/OS New Zealand [1998–99], IWC/49/OS Australia [1997], and IWC/52/OS UK [2000]. Their intention became apparent by the adoption of the Berlin Initiative (refer to the text, page 26 and endnote 37) in 2003, IWC 55.
 - 20) The most recent example of the myth of "endangered" whales was that gray whales were "threatened" by a joint salt plant project in Baja California by the Government of Mexico and Japanese corporate giant, Mitsubishi. There was no scientific evidence that salt development would have an adverse impact on gray whales. Nevertheless, the projects were called off because of the Save the Whales campaign [LADCEY and STEWART 2001].
 - 21) An sentence (underlined) often cited by the anti-whaling faction and NGOs is from a paragraph of the IWC SC report [IWC 1998b: 101]: "Finally, *the results of the JARPA programme, while not required for management under the RMP*, have the potential to improve the management of minke whales on the Southern Hemisphere in the following ways (1) reductions in the current set of plausible scenarios considered in Implementation Simulation Trials; and (2) identification of new scenarios to which future Implementation Simulation Trials* will have to be developed."
- * Implementation Simulation Trials: tests for RMP application.
- 22) The claim, abuse of right, was introduced by the U.S. and Australia in 2000 at the 52nd IWC meeting, and they used Triggs [2000] as the basis for their arguments. In response to this legal interpretation, the Government of Japan officially responded in 2001 at the 53rd IWC meeting by submitting two legal papers [GREENBERG, HOFF, and GOULDING 2001; INO 2001]. Both papers argue that Japanese research is conducted for scientific reasons and have contributed to whale biology and science and is thus legal [IWC 2002: 29]. After that time, there has been no discussion in the IWC on this issue.

- 23) The advertisement was placed by the World Wildlife Fund-U.S. in the West Coast edition of the New York Times in May 2002. The full text can be seen on International Network for Whale Research home page: < http://www.ualberta.ca/~inwr/issues/under_the_microscope.html >
A similar newspaper advertisement, carrying names of 34 renowned scientists, was placed in the Los Angeles Times, the New York Times, the International Herald Tribune and La Reforma, condemning the salt plant project and advocating protection of gray whales [LACEY and STEWART 2001].
- 24) According to Knudson [2001], the selective use of science and taking facts out of context to meet their agenda is a tactic typical of environmental groups.
- 25) The IWC has adopted resolutions regarding the consumption of whale products [IWC RESOLUTION 1999c; 2000]. These resolutions were proposed by anti-whaling countries and adopted by consensus after certain phrases were amended to more neutral expressions.
- 26) An example of a specialized NGO in this regard is Safety First, an organization that pursues an anti-whaling agenda from the standpoint of food safety. In its opening statement [IWC/54/OS SF], the organization did not distinguish whale products derived from Antarctic minke whales which are one of the safest, from other whale products and it consistently took a position against commercial whaling. For comparative contaminants values, refer to Komatsu [2001: 120].
- 27) For example, the IWC Opening Statement by the Government of Australia [IWC/51/OS Australia] and Greenpeace [n.d.2]. Anti-whaling countries feel that at present, environmental issues pose more of a threat than whaling as a moratorium is in place. These countries have passed a resolution on environmental changes and cetaceans [IWC RESOLUTION 1999a] that saw the addition of an "Environmental Concerns" agenda to future IWC meetings. [IWC 1999: 31]. Furthermore, anti-whaling countries also passed a resolution for the funding of high priority scientific research [IWC RESOLUTION 1999b] and allocated funding for POLLUTION2000+, a research program on cetaceans and pollutants, despite objections from the sustainable user faction [IWC 2000: 29–33]. In 2000, the anti-whaling countries also passed resolutions to emphasize possible health effects from the consumption of cetaceans and the importance of research on contaminants [IWC RESOLUTIONS 2001a; 2001b].
- 28) The following are criteria used to identify neutral countries:
- 1) those who have abstained on the SPS proposal since 2000 and the SAS since 2001;
 - 2) those who have either voted for or abstained on the Japanese proposal to allocate a relief quota for coastal whaling communities since 1997.
- Voting attitudes for other factions on this issue are follows:
- Anti-whaling faction: Yes to both SPS and SAS and no to the Japanese proposal;
- Sustainable user faction: No to both SPS and SAS and yes to Japanese proposal.
- Ireland, Oman, Morocco abstained on the SPS (2000–2002) and SAS proposals (2001–2002). On the Japanese proposal, Ireland abstained in 1997–1999, and voted no in 2000–2002. However, Ireland is still classified as a member of neutral faction because of its recent history of attempting to mediate between the two factions. Oman has been voting yes since 1997 and the country fits definition of neutral faction well. Morocco has been voting yes since 2001, the year Morocco joined. Although in its opening statement, Morocco said it supported the principle of sustainable use and urged early adoption of RMS [IWC 2002: 5], its voting record has not been always consistent with the sustainable user faction and it has been frequently abstained from voting. Thus, Morocco is classified as a member of the neutral faction.
- 29) For example, NAMMCO was established as a regional management body on the initiative of Iceland after Iceland left the IWC. Since 1997, the Government of Japan has been holding informal meetings with China, South Korea, and Russia to discuss marine mammal issues and to facilitate research cooperation among those countries, following the example of NAMMCO. Japan is interested in an

alternative organization to the IWC, and has been sending observers to NAMMCO meetings since its establishment.

- 30) The main elements in the Irish proposals are:
 - 1) adoption of RMS;
 - 2) resumption of coastal whaling (nevertheless, a ban on whaling in the high seas);
 - 3) local consumption of whale products (with a prohibition on the international trade of those products); and
 - 4) a gradual halt to research take [KOMATSU 2001: 222–224].
- 31) According to Spencer, Bolluwek, and Morais [1991], Greenpeace made at least six countries join the IWC, paying all the associated costs. Stoett [1997: 77] stated that Chile, Argentina, Peru, South Korea, and the Philippines joined the IWC due to political pressure from the U.S.
- 32) For example, refer to the UK's IWC Opening Statement in 1997, IWC/49/OS UK. Anti-whaling NGOs held the "Whale Alive" conference under the auspices of the IWC in 1983. The purpose of this meeting was to prove that non-consumptive use of whales is more productive than whaling as an industry [DAY 1987: 151; WWF n.d.]. Such a move can be interpreted as a preparatory step toward the total ban of whaling.
- 33) The Packwood-Magnuson Amendment to the Fisheries Conservation and Management Act of 1976: The U.S. domestic law that allows the U.S. to unilaterally apply economic sanctions on nations acting contrary to IWC management regulations by reducing or suspending fishing privileges in the U.S. waters. The amendment states that the fishing quota would be reduced 50% in the first year, and the quota would be zero in the second year [ITABASHI 1987: 213]
- 34) For instance, the Media Release by Robert Hill, Minister for the Environment for the Government of Australia which was distributed as addendum for its 1997 IWC Opening Statement, clearly stated that "Australia will vote against any proposal to adopt the Revised Management Scheme (RMS) and Revised Management Procedure (RMP). The RMS and the RMP are the proposed rules under which commercial whaling would be allowed to proceed" [IWC/49/OS Australia]. Furthermore, the Government of the U.K. stated in its 1996 IWC Opening Statement that "...the United Kingdom could only agree to the adoption of a Revised Management Scheme if this did not involve ending the moratorium." [IWC/48/OS UK]. The Government of New Zealand also stated in its 1998 IWC Opening Statement that "...we would not regard such an RMS as a ground for lifting the global moratorium on commercial whaling" (IWC/50/OS New Zealand).
- 35) IWC Opening Statements, the Government of Austria, 1998–2000 [IWC 50–52/OS/Austria].
- 36) IWC Opening Statements, the Government of the United Kingdom, 1998–2000 (IWC 50–52/OS/UK).
- 37) Draft Resolution [IWC55/4 Rev2]. Since it was a resolution, it was adopted by a simple majority. The voting record was 25 in favour, 20 against and 1 abstention [IWC Press Release 2003]. In reaction to this move within the IWC, 17 commissioners from sustainable user countries signed a declaration stating, "An attempt to change the fundamental objectives of the International Convention for the Regulation of Whaling by a simple majority vote....have provoked an increased interest in examination of alternatives that would provide for the sustainable use of abundant whale resources." [IWC CCG 2003]
- 38) Japan voted against the ASW quota because of the hypocritical stance of the U.S. who always voted against the Japanese proposal despite the fact that the U.S. always received a bowhead whale quota from protection stock [FISHERIES AGENCY 2003a]. In 1977, the IWC/SC considered bowhead whale as the most endangered of all whale species, and accordingly the Commission banned all bowhead take by Alaskan native people. Nevertheless, the U.S. requested small quotas on behalf of Alaskan

natives to satisfy subsistence and cultural needs in 1978 and successfully secured the quota in 1979 [DONOVAN 1982; GAMBELL 1982; 1993]. Since then, the U.S. has continuously received a bowhead quota from the IWC. Moreover, the U.S. has been the major whaling nation for bowhead whales, although Russia has also shared the quota since 1998. Out of the five-year block quota of 280 bowhead whales for 1998–2002, the U.S. was allocated 275 bowhead whales and Russia only 5. By contrast, out of the five-year block quota of 620 gray whales for 1998–2002, Russia was allocated 615 whales, but the U.S. only 5 whales [IWC 1998a:27–30]. This was considered a trade off between the two nations as both needed to apply additional quotas from existent quotas in 1998.

39) The following is the Reservation filed by Iceland [IWC n.d.3]:

Notwithstanding this, the Government of Iceland will not authorize whaling for commercial purposes by Icelandic vessels before 2006 and, thereafter, will not authorize such whaling while progress is being made in negotiation within the IWC on the RMS. This does not apply, however, in case of the so-called moratorium on whaling for commercial purposes, contained in paragraph 10(e) of the Schedule not being lifted within a reasonable time after the completion of the RMS. Under no circumstances will whaling for commercial purposes be authorized without a sound scientific basis and an effective management and enforcement scheme.

- 40) According to The Press [June 11, 2002], New Zealand's Prime Minister, Helen Clark, over a State luncheon, requested the Greece's President to join the IWC to vote with anti-whaling faction. Furthermore, according to article by the Dominion Post [January 23, 2003], New Zealand wanted the members of the EU to join the IWC in order to protect "the world's dwindling whale population from being hunted."
- 41) According to Yahoo news, [2003b], International Wildlife Management Consortium (IWMC) World Conservation Trust President, Mr. Eugene Lapointe announced that Greenpeace was recruiting Poland, Czech, Hungary and Slovakia into the IWC anti-whaling faction (Source: Jiji Tsushin sha, Washington).
- 42) Japan has been submitting CITES "down listing proposals" on Northwestern minke whales and the Antarctic minke whales since 1998 and Northeastern Pacific gray whales for 1998 and 2000. Japan added Northwestern Bryde's whales to the proposals in 2002. Norway also submitted such proposals on North Atlantic minke whales in 1998 and 2000 [FISHERIES AGENCY 2002]. These "down listing proposals" are to move abundant whale species from Appendix I, which prohibits commercial trade, to Appendix II which allows controlled trade with permits. These proposals have been submitted by whaling countries and disputed between sustainable user and anti-whaling factions who are also CITES member states. Thus, whaling conflicts are taking place in the context of CITES. In 2000, the Secretary General to CITES, W. Wijnstekers, sent a letter to the IWC which expressed concern that conflict regarding conservation and the use of cetaceans was taking place within CITES because the IWC failure in RMS progress "caused the transfer of the IWC debate to CITES fora" [HNA 2000]. In the case of CMS, in the 2002 meeting, Australia successfully listed 7 species on its Appendices, namely fin, sei, and sperm whales on Appendix I that declares species endangered, and minke, Bryde's, pygmy right, and orca on Appendix II that indicates species with unfavorable conditions [SYDNEY MORNING HERALD 2002 a, b].
- 43) The Whale and Dolphin Conservation Society (WDCS) is a British NGO established in 1987 which specializes in the "conservation and welfare of all whales, dolphins and porpoises" [WDCS n.d.1]. On the WDCS home page, there are pages on ethics and explanations of why whales are so special [WDCS n.d.2]. (Author's note: In their terms, conservation means preservation, as they only agree to utilize whales in non-lethal ways, such as whale watching.)
- 44) According to Umezaki [1999: 56], NGO demonstrators who advocated adoption of the moratorium

on commercial whaling numbered about 2,000. They held an anti-whaling demonstration which started in the suburbs of Stockholm where they were camping and they marched into the center of Stockholm where the meeting was held. The head of the U.S. delegation was among those who participated in this demonstration. Moreover, these 2,000 activists were sent by the U.S. Government in order to hold anti-whaling rallies and demonstrations [Ibid.: 63].

- 45) A statement by Sir Peter Scott who served as WWF spokesman in the IWC from 1965–1987. During the meeting, the WWF held a demonstration with life-sized whale replica balloons to attract public attention [WWF n.d.].

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