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Japan and the IWC: Investigating Japan's Whaling Policy Objectives

Master's Dissertation for obtaining the degree MASTER IN LANGUAGE AND
REGIONAL STUDIES: JAPANOLOGY

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要旨

1960年代以来、クジラは環境保護運動の象徴になっていった。その頃までに、多数の鯨類が絶滅の瀬戸際に立たされていた。多くの人々にクジラが他の動物より頭がよく、優しい動物だから、鯨資源の大きさにも拘らず、絶滅を避けるべきだと思われている。その西洋のクジラへの立場のため、ほとんどの欧米諸国が商業的捕鯨作業に猛烈に反対している。国際捕鯨委員会もこの欧米諸国の観点を支持している。1986年から2006年まで捕鯨支持国が反対捕鯨国を超え、過半数を獲得したことがなかった。その間日本が毎回提出した提案が否決された。国際捕鯨取締条約の第八条の下、現代日本が南極海と北西太平洋で調査捕鯨を行っている。この作業も国際捕鯨委員会(IWC)及び非政府組織(NGO)によって「他の名の下での商業捕鯨」として痛烈に批判されている。

本稿は、「捕鯨問題の発端と解決法は何か」という質問を幾つかの他の質問に答えることにより明らかにすることを目的としている。この質問は、まず「日本はどの論議で捕鯨の継続を正当化するか」、そして「日本の内外でどのように日本の IWC での立場と日本の捕鯨作業は反応するか」、最後に「実は日本政府がどうして、経済に対する利益がなく国際的に摩擦を生じる作業に固執しているか」である。

国際捕鯨委員会の背景、日本捕鯨の歴史、「日本はどうして捕鯨をあきらめたくないか」に関するさまざまな文献を参照した。さらに「日本国内外の反応」に関しては NGO を対象にアンケート調査を行った。日本の NGO へのアンケートは日本語で、国外の NGO へのアンケートは英語で行った。

本稿では、過去と現在の日本の捕鯨政策目標の根拠を明らかにしてみた。第一章では、鯨に関する決定が行われる国際政治団体の IWC について説明した。第二章では、1951年までの日本の捕鯨史の歴史的概観を述べた。捕鯨業はさまざまな段階を経て発達したことが分かった。しかしながら、捕鯨が全国的な産業になったのは第二次世界大戦後である。第三章では、1951年から2009年までの IWC と日本の相互作用について説明した。1986年に商業捕鯨のモラトリアムが採用されたのに、日本はとめどなく捕鯨作業を続けた。商業捕鯨を止める代わりに、1987年から ICRW の第八条の基で調査捕鯨を始めた。その年から、日本は調査捕鯨プログラムを海域でも鯨種でも今、大体工業規模で捕鯨している程度まで拡充した。第四章では、国内の反捕鯨運動と捕鯨支持運動の主な担い手と話題の概観を述べた。本章は、日本の捕鯨支持運動の担い手のより多くが、2008年の鯨肉横領事件があつてから、日本の捕鯨作業に対する批判の声は強くなっていることを示した。

最後に、第五章では、経済的利益も国家的伝統文化を失う恐れも日本の捕鯨政策目標の根拠ではないことを仮説として取り上げた。それよりも、食糧安全保障、日本の主権、FA の政治力は大事な役割を果たす。日本は強く海洋資源に頼っているので、日本の人口を養うために鯨やイルカなどの共有的資源を使うのは国権だと思っている。しかし、特に官職・予算・権威、つまり政治力を失う FA での捕鯨部の心配が日本の捕鯨政策を決定する。それ故に、私は、FA の捕鯨部に非致命的な鯨とイルカの使用に関して官職・予算・政治力を保持できるように代替の権威を与えると、捕鯨問題に解決策を与えられると考える。

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It is important to note, however, that despite having attended the 2009 IWC meeting as a member of the Belgian delegation, the views expressed in this dissertation are entirely my own and do not represent the Belgian position.

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ACRONYMS AND ABBREVIATIONS

BWU	Blue Whale Unit
CITES	Convention on International Trade in Endangered Species
DPJ	Democratic Party of Japan
EEZ	Exclusive Economic Zone
EIA	Environmental Investigation Agency
FA	Fisheries Agency
FAO	Food and Agriculture Organization
GJ	Greenpeace Japan
GOJ	Government of Japan
HSI	Humane Society International
ICR	Institute for Cetacean Research
ICRW	International Convention for the Regulation of Whaling
IDCR	International Decade for Cetacean Research
IFAW	International Fund for Animal Welfare
IKAN	Dolphin and Whale Action Network
IMO	International Maritime Organization
INGO	International Non Governmental Organization
IWC	International Whaling Commission
IWMC	International Wildlife Management Consortium
JARPA	Japan's Special Permit Research on Minke Whales in the Antarctic
JARPN	Japan's Special Permit Research in the North Pacific
JCP	Japan Communist Party
JSTWA	Japan Small Type Whaling Association
JWA	Japan Whaling Association
LDP	Liberal Democratic Party
LTCW	Large Type Coastal Whaling
MAFF	Ministry of Agriculture, Forestry and Fisheries
MEXT	Ministry of Education, Culture, Sports, Science and Technology
MOFA	Ministry of Foreign Affairs
MSY	Maximum Sustainable Yield
NAMMCO	North Atlantic Marine Mammal Commission
NGO	Non Governmental Organization
NKP	New Kōmeito Party
NMP	New Management Procedure
NPO	Non Profit Organization
ODA	Official Developmental Assistance
OFCF	Overseas Fisheries Cooperation Foundation
PP	Precautionary Principle
RMP	Revised Management Procedure
RMS	Revised Management Scheme
SC	Scientific Committee
SOWER	Southern Ocean Whale and Ecosystem Research
SOS	Southern Ocean Sanctuary
STCW	Small Type Coastal Whaling

SUPU	Sustainable Use Parliamentarians Union
SWG	Small Working Group
UN	United Nations
UNCED	United Nations Conference on Environment and Development
UNCHE	United Nations Conference on the Human Environment
UNCLOS	United Nations Convention on the Law of the Sea
UNEP	United Nations Environment Programme
WDCS	Whale and Dolphin Conservation Society
WWF	World Wildlife Fund

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INTRODUCTION

Background

The 80 species of whales, dolphins and porpoises are commonly referred to as cetaceans. My interest in these animals began at a very young age. Since a very young age, these animals have intrigued me and have demanded my attention in different ways. However, my academic career led me in a different direction, namely that of Japanese Studies. As a student of everything Japanese, the topic for my dissertation was not a difficult choice. With a profound interest in both Japanese culture and the life of cetaceans, I was motivated to investigate the interplay between the two. At first glance, the man-whale relationship in Japan seems quite contradictory: in some areas boats are simultaneously used for whaling and whale watching; in dolphinariums you can eat dolphin meat while enjoying a dolphin show; and in Taiji – the oldest whaling town in Japan – there are shrines, a museum, statues and festivals dedicated to cetaceans, while at the same time the town has the oldest whaling history and is condemned by the foreign media for its coastal dolphin drives.

I decided to analyze Japanese whaling thoroughly, to not only get a better understanding of this contradiction, but mainly to get a clear answer to the question: “Why is that Japan, despite international condemnation and no economic gain, wants to pursue its whaling operations?” There had to be an important underlying reason not visible to the general public's eye: Was it national pride, culture, bureaucracy, or was it related to food security or sovereignty? I was determined to find out, and in this dissertation I will attempt to present the answer to this thorny question.

So what is it about whales and dolphins that captures man's imagination and that sets them apart from other wildlife? In other words, what makes them “charismatic megafauna” as they are sometimes called? This is a question that has puzzled many scholars. Maybe it is their graceful and effortless movement, the permanent ‘smile’ of some cetacean species, the knowledge that they have been on this earth for over 3 million years and are some of the largest creatures evolution has ever known, or is it their apparent intelligence? For most people it is probably a combination of these factors, but the fascination with cetaceans by mankind throughout history is without a doubt hard to put in words.

Throughout history numerous peoples and tribes have had legends and tales about whales and dolphins. In ancient Greece and Rome there were many tales about dolphins befriending humans, and to kill a dolphin was a crime punishable by death. The Inuit attribute whales and dolphins with divine creation in their legends. Native Indians in the Amazon river basin have many legends about the river dolphin such as dolphins taking a human form and impregnating young girls. The ancient Celts attributed dolphins with the healing powers of water and have stories of people riding their backs. In Chinese mythology a whale with human hands and feet rules the ocean. Buddha statues in Tibet are often accompanied by whales. In some coastal villages in Japan whales are considered as gods bringing prosperity. In Christianity whales play an ambivalent role. In the Bible the whale both symbolizes hell (where the belly of a whale is represented as Hell and its jaws as Hell's gates) and God's Ally (in the story about Jonah and the whale).¹

Indeed, over time man has developed different types of relationships with cetaceans. Considered as gods in ancient Greece and Rome, they were connected with the biblical sea monster *Leviathan* later on (exemplified in stories such as *Moby Dick*), exploited and hunted to the verge of extinction in the 19th and 20th century, and now under the protection of man and part of our society mostly in a non-

¹ Balanck, Megan. Ancient Spiral. *Whales and Dolphins*. [<http://www.ancientspiral.com/dolphin1.htm>]

lethal way through the whale watching industry and the arts. I use the word ‘mostly’ because some (unrestricted) hunting of these animals still continues today.

During the peak of the whaling industry (roughly from 1930 to 1965) an average of 30,000 whales per year was taken. To safeguard whale populations, in 1982 a moratorium on all commercial whaling was agreed on by the majority of members of the International Whaling Commission (IWC). Since then, whaling continued on a smaller scale with “aboriginal” whaling, whaling under objection, special permit whaling, and whaling by non-member countries. Since the enforcement of the moratorium in 1986, a total of more than 30,000 whales have been killed for commercial and scientific purposes alone.² In the meantime Norway and Iceland are increasing the number of their kills in the North Atlantic, Denmark wants to increase the number of kills for aboriginal subsistence whaling³, and Japan is whaling at an almost industrial scale in the Antarctic and the North Pacific.⁴ Moreover, dolphins enjoy far less regulation than the great whales do, but voices for stricter regulation and bringing them under the jurisdiction of the IWC are developing.

Although in need of our protection because of the serious threats other than whaling cetaceans face today – such as ocean noise, entanglement, ship strikes and global warming – the IWC has arrived at a deadlock. In the current status quo only few decisions of importance are taken, and it is no longer clear what the commission’s goals are exactly. In 2007 negotiations for a way forward were initiated under the Agenda Item ‘the Future of the IWC’ and a Small Working Group (SWG) was set up to investigate and discuss possible compromises and identify the roadblocks that lay at the basis of the current deadlock. In the meantime, the commission is being heavily criticized by the media, NGOs and delegations alike, for the majority of whaling today does not fall under the jurisdiction of the IWC (special permit whaling, whaling under objection, and whaling by non-member countries). Moreover, anti-whaling countries think the International Convention for the Regulation of Whaling (ICRW), under which the IWC was established, should be *modernized* and adapted to the situation today. This would include omitting some loopholes such as special permit whaling, or at least bringing it under the jurisdiction of the IWC. On the other hand, pro-whaling countries think the IWC should be *normalized*. This would imply returning to the original intent of the Convention, meaning regulating whaling operations rather than directing all efforts to the conservation or even preservation of whales. Still other voices think the IWC has no future if changes are not made quickly. In their opinion either a new convention should be established or the IWC should be brought under an umbrella program such as the United Nations Environmental Program (UNEP).

Research question and methodology

Within the IWC, Japan’s persistence in continuing and even expanding its scientific whaling operations under special permit is seen as the main roadblock for a way forward in the IWC. In this dissertation I will try to investigate Japan’s whaling history and involvement in the IWC, to then try to answer the difficult but fundamental question of why Japan is so determined to continue her current so-called scientific whaling practices and possibly even wants the ban on commercial whaling to be lifted.

² International Fund for Animal Welfare (IFAW). 2007. *State of the World’s Whales*. p. 3

³ At the 2009 IWC meeting, Denmark asked for a quota of 10 humpbacks for aboriginal subsistence whaling in West Greenland.

⁴ For Japanese catch numbers see Appendix V

Methodologically, I have opted for an interdisciplinary approach. The whaling issue today is first and foremost a story about politics, but also one about economy, history, sociology, anthropology, ecology, and morality. To answer a broad question as to what underlies Japan's whaling policy objectives, it is necessary to look at elements from all these disciplines. Furthermore, it is necessary to start at the very beginning. This is what we will do in the first chapters of this dissertation. It is only logical that when one talks about Japanese whaling in relation to the IWC, that I first inform the reader about this political body. And so in Chapter I the reader is introduced to the ICWR and IWC. When did the world first get concerned about whale populations, what were the forerunners of the IWC, how does the IWC operate, and what are the most important discussions within the organization, are some of the questions that will be addressed in this chapter. In chapter II, we take a look at Japan's whaling history until 1950. We notice Japan's whaling industry underwent many changes in numerous aspects throughout the centuries. The chapter is therefore divided into the largest developmental eras of this industry. Chapter III gives a historical overview of Japan's whaling history since 1951, the year it joined the IWC. How did Japan react to decisions taken in the IWC, what is the interplay between Japan and other member countries within the IWC, how have Japan's whaling policy objectives evolved over its 58-year membership, are some of the aspects addressed in this chapter.

While in the first three chapters a historical background – necessary to address my fundamental research question – is established, in chapter IV we will take a closer look at the structure of the anti- and pro-whaling movement in Japan. In doing this, we will discuss for both movements their most important actors and arguments. It is only after these aspects have been addressed, that we can obtain a clear overview of (1) how the whaling issue is approached domestically, (2) its importance to both the public and the government, (3) the political and social actors, and (4) the means used to bring the issue to the wider public's attention. We end the chapter with results from empirical research I conducted in the form of a questionnaire. Aims of the questionnaire were obtaining an non-governmental organization (NGO) point of view on the whaling issue on two axes: both domestically and internationally, and both anti-whaling and pro-whaling. Questions were centered on the following topics: the NGOs themselves, their opinion about Japanese whaling, their opinion about the ICW and ICRW, questions concerning information distortion, and questions concerning cooperation between NGOs. Although the response rate was not high enough to be able to make statements about the entire population, the questionnaire showed some interesting results worth addressing.

In chapter V, we attempt to draw a conclusion to research question of this dissertation: "What factor determines Japan's current whaling policy objectives?" Based on the previous four chapters, we make a list of possible arguments and discourses that the Japanese IWC delegation and government have used in the past to justify its whaling practices. We will look at these arguments one by one, and question not only their validity for the justification of Japanese whaling, but also what the gain of a particular argument is for the Japanese pro-whaling actors. For example, Japanese statements on Japanese whaling often include references to culture and tradition. But is this really the reason the Japanese government wants to hold on to whaling, or is this a discourse to fuel nationalism and to get the backing of the public for a 'national tradition'? Apart from culture as a possible argument, political, economic, food security, and sovereignty arguments will be discussed.

Aim and relevance

The last two decades there has been increasing attention for the IWC, from legal [Friedheim (2001), Gillespie (2005), Heazle (2005a/b)], political [Burns and Wandesforde-Smith (2002), Epstein (2008), Iliff (2008a/b/c), Peterson (1992)], and sociological [Stoett (2005)] perspectives. More recently,

Japanese whaling has also received increasing academic attention [Blok (2008), Catalinac (2005), Danaher (2002), Friedheim (1996), Hirata (2004/2005), Ishii and Okubo (2007), Watanabe (2009), Wong (2001)]. It is the fact that Japan ignores an international anti-whaling norm while on the surface there does not seem to be a lot or even any gain for the Japanese government that generated the attention of many scholars. Many papers are very theoretical, based on normative or regime theory, and do not elaborate on cultural or sociological aspects that are involved. Consequently, most scholars have focused on one particular aspect of Japanese whaling, rather than discussing the issue from a holistic or interdisciplinary perspective. Against this background, I think this dissertation can contribute to a still scarce, but growing literature on Japanese whaling. Ultimately, I want the reader to get a deeper understanding of Japan's whaling policy objectives both in the past and in the present.

CHAPTER 1: THE INTERNATIONAL WHALING COMMISSION IN SHORT

1.1 Background

This is what the adventure of whaling became. Any sense of human daring was fake nostalgia. There was no equality, only the arithmetic of overwhelming mechanical force. The great hunt became the great hurt.

Andrew Darby, *Harpoon: into the heart of whaling*, 2008.

The history of whaling probably started as early as 6000 B.C. when the Chinese supposedly were the first people to hunt the giants of the sea. In 1971 a sandstone wall was discovered in southeastern Korea with several drawings on it, including one that appeared to show a whale being harpooned by a boatload of men. Although there currently is no way to date the drawings, they are believed to be the first drawings of whaling.¹ Much later, between 2000 and 1000 B.C. the Inupiat of Alaska started hunting bowhead whales. Around 100 B.C. the aboriginals of the Chukotka Peninsula in Russia followed, hunting bowhead and gray whales.²

The first people to hunt large whales in a more organized and intentional manner were the Basques. Records dating back to 1000 A.D. and even earlier support this belief. Some scholars believe their whaling history goes back to the Stone Age. The Basques targeted northern right whales from the 11th century on and their industry was fully developed by the 12th century.³ Around the same time the Japanese commenced hand-harpoon whaling. While the Basques had to give up on whaling in the 17th century due to lack of naval power and protection from other ships, and more importantly due to strong competition from the Dutch and the British⁴, the Japanese started hand-harpoon whaling at a larger scale in the 17th century in organized groups at the coastal village of Taiji and in the Chiba Prefecture hunting beaked whales.⁵ Around the same time shore whaling in America, whaling by England in Greenland and the first whaling expedition by the Dutch to Spitsbergen were set about. Soon Germany followed, reaching its peak in 1675 with 83 whaling ships setting sail.⁶

During this period humpback whales and sperm whales were popular species for their spermaceti oil (also called *train oil*) used mainly for lighting purposes. Tryworks¹ were introduced onto whaling ships in 1750. This implied whalers no longer needed to return to shore to turn whale blubber into oil. In 1772 the first factories for candles made from spermaceti oil were built at the city of New Bedford and the island of Nantucket, Massachusetts. The invention of the exploding harpoon in 1848 meant the beginning of the industrial whaling age. Two decades later modern whaling was developed in Norway and the first steam whale catcher set sail. In 1879 America followed with its own first steam whaler. Just a year later Russia began modern whaling operations at shore stations. This enabled the hunters to go after faster species like the fin and blue whales. By this time Japan had joined the high seas hunt, since the Meiji Restoration had allowed leaving the home islands in 1868.

The discovery of spring steel and plastics in the 1900s replaced the use of baleen in a variety of products. In 1859 oil was discovered in Pennsylvania by Colonel Edwin Drake and sometime later the widespread availability of kerosene became factors in the decline in the whaling industry in the mid-to-late-19th-century.⁷ However, in 1907 whale oil was hydrogenated for the first time, allowing whale oil to be used for the making of margarine, and in 1914 Icelanders hunted minke whales for meat for the first time. In 1914 the

1 Located at the fore-mast, is the most distinguishing feature of a whaling ship. In two cast-iron trypots set into this furnace of brick, iron and wood, oil was rendered from the blubber of whales, much as grease is rendered from frying bacon. (Wikipedia)

First World War broke out. The war provided a market for explosives using glycerin from baleen whale oil provided by British and Norwegian whaling in the Antarctic.⁸ The importance of whales as resources was thus far from over. After the war, another improvement on whaling ships in 1925 made capturing whales slightly easier; the stern slipway in the lancing enabled a less time consuming hauling aboard of whales for processing. By 1928 the first purpose-built factory whaling ship was afloat.⁹

Norwegian Sigurd Risting compiled and published records of catches for the Norwegian Whaling Association from 1903. Some years later in 1910, Risting created the *International Whaling Statistics* and later on he was responsible for the creation of the contested *Blue Whale Units* (explained below).¹⁰ These statistics – thereafter regularly published by the *Committee for Whaling Statistics* in Oslo as a requirement under Article IV (see Appendix 2 for the Convention Text) of the International Convention for the Regulation of Whaling (ICRW) – give a good impression of the evolution of modern whaling. For example, when comparing these statistics for 1910 (12,301), 1928 (23,593) when the first factory ship was put into use, and 1930 (38,300) when 80% of the great whale species was feared of being on the verge of extinction¹¹, we can see the impact the introduction of factory ships had on the numbers of whales taken per year. Between 1928 and 1930 the catch number rose with almost 15,000 whales in only two years time, while from 1926 (28,240) to 1928 (23,593) there even was a decrease in annual catches.¹² Moreover, the International Whaling Statistics show a historically cyclical pattern: when stocks of the financially most attractive species fell, catches would decrease significantly, but then again expand when a substitute species was found.¹³

The main target species consisted of the blue, fin, humpback, minke, sei and sperm whale. Factory ships and catchers were flexible in the processing of baleen whale species, and the biggest species had the biggest profit. Because whalers usually aimed for the biggest individuals, the blue whale was the first species to be depleted. A peak of 2950 blue whales was killed in the 1930-1931 season. Because of the blues' decrease in stock, it was the fin whale that was being targeted next. Being the second biggest species, good for half the oil production of a blue whale, it was hunted until the mid-1960s with a peak of 30,000 before World War II.¹⁴

1.2 Coming into existence of the ICRW and IWC

While attention was paid to the rights of whalers relatively soon – for example in 1835 the governor of Tasmania, George Arthur, imposed the *Act for the regulation and protection of the Whale Fisheries* to resolve disputes about whales as a resource¹⁵ – it took another century before the hunting of whales would be regulated. Little by little the world started to notice the decrease in whale stocks, particularly those of the Blue, and so scientists started to lobby for international regulation from the early 1930s onwards. These attempts were particularly based on economic grounds. The catch of 40,000 baleen whales in the 1930-31 Antarctic season led to a great baleen oil surplus and a sharp fall in prices per barrel of oil. It became clear that, in the interests of the industry, catch quotas and the market needed to be stabilized.¹⁶

In 1929 the *Norwegian Whaling Act* was passed. This was the first attempt to control whaling in the open sea. It made legislations about the counting of catches, imposed a barrel tax and inspection system, and put a lower limit on the catching of Blues at 18.2 meters and Fins at 15.2 meters.¹⁷ The *Geneva Convention to Regulate Whaling* opened for signatures, thanks to efforts of the League of Nations. In 1931 twenty-two countries signed. The convention regulated the catch of right whales and that of mothers with calf, which were to be forbidden. Unfortunately however, the agreement was not binding and several of the most important whaling countries refused to sign.² Japan, for example, refused because it had a great interest in Antarctic Whaling.¹⁸ In 1937, the International Agreement for the Regulation of Whaling was signed in London, and the Protocol amending the agreement was signed the next year. During the same period many of the nations cooperated in gathering statistics and conducting experiments on whaling, and exchanged ideas on the topic at conferences.¹⁹ Although these attempts for regulation failed largely at their objectives, they

2 These countries are Japan, Germany, Chili, Argentina.

were important precedents for the establishment of an international regulation system for whaling taking place in the world's oceans. In his article *Recent Negotiations toward the International Regulation of Whaling* dating back from 1941, author Larry Leonard writes:

“This activity by nations in the field of exploitation of the products of the sea is certainly unprecedented (...), never have as many nations joined their efforts in a uniform policy covering so wide an expanse of the sea. These whaling treaties mark the beginning of a new era of cooperation in the conservation of a valuable world resource.”²⁰

He was right, but the beginning of that new era would first be disturbed by the Second World War. During the war some whaling did continue in Antarctica and off South Africa, but the number of catches fell to a fraction of its prewar size. Many ships and catchers were either turned into patrol boats and freighters for military services or destroyed by enemy raids. This short rest, however, was not enough to prepare the already heavily depleted whale stocks for what was still to come.²¹ Most whalers from the Allied states were still interested in whale oil, and in 1944 an agreement from the Whaling Committee of the *International Council for the Exploration of the Sea* anticipated the resumption of whaling. Overall quota were worked out at two-thirds of the pre-war catches. Moreover, after the war food shortages were a painful reality. Because whale meat is a source of protein and fat, and was available in big quantities, quickly after peace was made in 1945 the idea of feeding starving war victims with whale meat arose, especially in Japan and the Soviet Union. Whaling companies thus set sail for the Antarctic once again. This meant the start of one of the greatest hunting periods so far and the beginning of the *Whaling Olympics* (explained below).²²

On better terms, now that the war was over, whaling and its unsustainable ways were open for discussion once more. In 1946 the *International Convention for the Regulation of Whaling* (ICRW) was agreed upon in Washington DC. The Convention concluded on eleven articles to fulfill its purposes and goals. The Preamble of the original text of the Convention states:

“Recognizing that the whale stocks are susceptible of natural increases if whaling is properly regulated, and that increases in the size of whale stocks will permit increases in the number of whales which may be captured without endangering these natural resources;

Having decided to conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry.”²³

The Convention thus had two main purposes. Firstly, to conserve and develop stocks, and secondly, to provide a strong basis for the whaling industry. Fifteen countries signed the Convention and seventeen the Protocol on December 2nd 1946. It entered into force two years later in 1948. It is this treaty that serves as the Charter for the International Whaling Commission which was established – as agreed upon in Article III of the Convention text – as the ICRW's decision-making body, carrying out the intentions of the ICRW.

1.3 Functioning of the IWC

Any country agreeing upon the ICRW and abiding by its rules can join the IWC according to Article X of the Convention. The only requirement for membership is a status as a state under international law. This means that actual participation in whaling is not required, and that any state with sufficient interest and willing to pay membership dues can accede to the treaty.²⁴ Each member state has its own Commissioner assisted by experts and advisers.²⁵ Chair and vice-chair are selected from the Commissioners and usually serve for three years.²⁶ Currently the IWC has 85 members (see Table 4.1).

The Commission has four committees (*shōiinkai*, 小委員会): the Scientific, Technical, and Finance and Administration Committees, and the Conservation Committee established in 2004. Committees and working groups deal with a wide range of issues going from aboriginal subsistence whaling and bycatch to environmental concerns and infractions. While the Commission does not *stricto sensu* regulate the management

of small cetaceans – dolphins and porpoises – the Scientific Committee does address the conservation of small cetacean species at its annual meetings and publishes papers addressing them.²⁷ Some countries, such as Belgium, think jurisdiction on small cetaceans should also fall under the ICRW.

The Secretariat's headquarters are located in Cambridge, UK. Up to now the Commission has held annual meetings usually in May or June by invitation of a member country. Apart of annual meetings, occasionally there are also inter-sessional meetings, for example scientific workshops, or recently meetings to discuss the Future of the IWC. The IWC's first annual meeting was held in London in 1949, three years after the Convention was signed. As its own website states, the Commission's work cycle “revolves around preparation for the Annual Meeting and then administering the decisions taken during those meetings.”

Annual Meetings consist of three parts:

- first a meeting of the Scientific Committee (about two weeks) attended by approximately 160 scientists,
- followed by meetings of the sub-committees (about four days) attended by approximately 250 people,
- lastly the Annual Commission Meeting (about four to five days) attended by approximately 350 people. These include government delegates, observers from non-member states, other intergovernmental organizations and NGOs.²⁸

Table 1.1: IWC Member Countries in 2009

Adherence	Contracting Government	Adherence	Contracting Government
1948	Australia France Norway Russian Federation South Africa UK USA		Iceland Mongolia Portugal Republic of Palau San Marino
1949	Mexico	2003	Belize Mauritania Nicaragua
1950	Denmark	2004	Belgium
1951	Japan		Côte d'Ivoire Hungary
1960	Argentina		Kiribati
1974	Brazil		Mali
1976	New Zealand		Suriname
1977	Netherlands		Tuvalu
1978	Republic of Korea	2005	Cameroon
1979	Chile Peru Spain Sweden		Czech Republic Gambia Luxembourg
1980	Oman People's Republic of China		Nauru Slovak Republic
1981	Switzerland Costa Rica India Kenya St Lucia	2006	Togo Cambodia Guatemala Portugal Israel
1982	St Vincent & The Grenadines Antigua & Barbuda Germany Monaco Senegal	2007	Republic of Marshall Islands Slovenia Croatia Cyprus
1983	Finland		Ecuador Eritrea Greece
1985	Ireland		Guinea-Bissau Laos
1992	Dominica St Kitts and Nevi		Uruguay Lithuania
1993	Grenada Solomon Islands	2008	Republic of the Congo Romania Tanzania
1994	Austria		Estonia
1998	Italy	2009	Poland
2001	Morocco Panama		
2002	Benin Gabon		

Source: IWC. IWC Member Countries and Commissioners. (<http://www.iwcoffice.org/commission/members.htm>)

Each party has one vote. Decisions are taken by simple majority, but decisions which include a Schedule Amendment require a three-quarter majority. Member states can defect: if a state notifies the Commission

that it objects to a decision, then that decision will not be effective for that government unless it withdraws its objection. Article IX requires members to take measures to implement regulations and punish infractions. The Convention also imposes domestic monitoring. Currently, the IWC is developing a new inspection and observation system for evaluating compliance. Members are obliged to report infractions of the Convention, and to provide information on possible penalties imposed. However, there is currently no non-compliance procedure and no formal multilateral non-compliance response measures. Some states, do however, take unilateral actions against states offending Commission resolutions. The Convention also has no formal dispute resolution procedure.²⁹

One can observe a clear division between the Commission's attendees on two levels. On a first level there is a clash of opinions among the delegations regarding the anti-whaling norm. There is a 'like-minded group' opposing whaling – its principal members are the US, the UK, France, Germany, Belgium, Australia and New Zealand –, 'the whaling nations' of whom Japan and Norway are the most important, and a 'middle-minded group'. On a second level we can speak of a clash of interests. The division is then one of whalers, cetologists and environmentalists. The first two groups share the view that whaling is a matter of resource management, though cetologists are *conservationist*, whereas whalers are *consumptionist*. Most environmentalists, however, do not consider whaling as an acceptable activity. For them the right approach is whale preservation rather than conservation.³⁰

Since anti-whaling states have turned from mainly scientific arguments to including ethical ones, their delegations also consist of animal right advocates and environmentalists and are supported by major environmental NGOs such as Greenpeace, World Wildlife Fund (WWF), International Fund for Animal Welfare (IFAW), among others. Whaling state delegations are increasingly supported by NGOs too. These include the Japan Whaling Association, the World Council of Whalers, the International Wildlife Management Consortium (IWMC), and others.³¹ Scientists join both sides, though reference to science is used most frequently by whaling nations.

In 1978 the adoption of a resolution concerning NGO involvement, allowed NGOs much greater direct participation in IWC proceedings.³² Participating in the meeting as observers, they have for long not been allowed to speak. Since 2008, however, a number of NGOs from both camps are allowed to address the meeting during a one-off session. NGOs play an important role: engaging themselves in convincing the general public that their world view is the right one, they pressure and lobby the delegates to act accordingly. The press is also allowed, on an ad hoc basis, to attend the plenary meeting. Discussions are being held to put a system in place by which their presence does not influence the speakers' attitude. Briefings by the IWC chair are also under consideration. Since both NGOs and press mainly come from anti-whaling nations, newspapers and news broadcasts are dominated by anti-whaling sentiments.³³ In general, NGO participation has made the IWC more open, but also more chaotic. NGOs sometimes bring a circus atmosphere to the meetings, making it difficult to accomplish the work of the Commission.³⁴

1.4 IWC regulations

The main IWC provisions specified in the ICRW Schedule (*fuhyō*, 附表) define seasons for whaling, specify the maximum number of whales that can be taken in a season, list prohibited gear, prohibit the taking of immature whales or of pregnant and lactating females, and require to report catch data. Changing the Schedule is not an easy process.³⁵ Since Article V 2b of the Convention text stipulates that changes to the Schedule need to be based on scientific research³, a Scientific Committee with representatives appointed by the member countries was established together with the IWC. Proposals for changes first have to be submitted to this Scientific Committee (SC) and/or the Technical Committee. The Scientific Committee provides advice about the state of whale stocks and safe levels of taking, while the Technical Committee considers all regulatory possibilities and then recommends policy actions. A simple majority vote in either

3 Article V 2b: "These amendments of the Schedule (...) shall be based on scientific findings", for the full text see Supplement I

committee is enough to forward a proposal to the Commissioners, but adoption of a change to the Schedule requires approval of three-quarter of the Parties attending the specific IWC meeting. Amending the ICRW, however, requires unanimous agreement.³⁶

1.4.1 Blue Whale Unit (BWU) (*shironagasu kujira tani*, シロナガスクジラ単位)

Although a significant number of whaling vessels was sunk during the Second World War, in 1944 the Whaling Committee of the International Council for the Exploration of the Sea promoted an agreement that anticipated the resumption of whaling.³⁷ The quotas were to be calculated through the new Blue Whale Unit (BWU), expressing the total catch quota in blue whale equivalents.³⁸ The BWU was used in the 1930s as the basis for agreements to limit competition and, as a consequence, maintain profits. Since data of relative abundance of species was unavailable, it was based on calculations of how much oil could be extracted from an individual of each species of whale.³⁹ In other words, a unit compared oil yields from different species. One blue equaled two fin whales, two and a half humpbacks or six sei or bryde's whales.⁴⁰ This quota measuring system did not distinguish endangered from abundant whale species and did not apply to sperm whales – which could be hunted without restrictions until 1971.⁴¹

In its early years the IWC was subject to dominant influence from industry managers who affected the national policy of the whaling states and often participated in the IWC Technical committee as representatives or observers. They influenced the overall quota that was worked out at approximately two-thirds (16 000 BWU) of the prewar catch (30 000 BWU). However, the catch limit established was still too high for maintaining many species and stocks at a sustainable level.⁴² The decision to set the initial annual Antarctic quota at 16 000 BWU was based on scientific guesses about whale populations during the years of light taking during World War II. Some cetologists feared the number was too high, but industry managers still asked for higher takes. Moreover the Food and Agriculture Organization (FAO) was urging resumption of whaling as the best way to meet the global shortage of edible fats and oils. The argument was won in favor of the industry managers since they were able to secure strong backing from their respective national governments. Moreover, their governments were able to use the threat of objection or withdrawal from the IWC.⁴³

The length of the hunting season and the number of whaling ships were restricted and there were no individual quota for the different whaling fleets. This led to whaling nations rushing to take as many of the BWUs as they could, so there would be fewer whales left for the competing nations or fleets to catch.⁴⁴ Whaling fleets could chase whales until the quota was reached and the season was over. Whaling crews worked day and night, killing all they could find during the short season. This resulted in what Ray Gambell⁴ called the *Whaling Olympics*.⁴⁵ Since one needed to catch at least two fin whales to get the amount of oil that could be obtained from a single blue whale, it was the blue whale that all the whale fleets went for. Given the fact the largest whales produce the most oil, gunners would also want to hit the biggest one, which was usually the heart of the breeding stock. In 1923-33, 422 blue cows were killed for every 100 bulls.⁴⁶ Because of pressures and the continuation decreasing stock numbers, the BWU measurement system was modified over the years. Regulations became stricter from the early 1960s onwards. In 1960 the *Committee of Three* consisting of Douglas Chapman, K. Rafway Allen and Sidney Holt was established. The 'three wise men' – as they were called – were population specialists with considerable experience in providing advice to management authorities. None had prior experience with whale issues, however. Their assignment was to devise a sustainable yield for each species.⁴⁷ In 1961 the catch quota for the Antarctic whaling season were set to 33% for Japan, 32% for Norway, 20% for the Soviet Union, 9% for Great-Britain and 6% for the Netherlands.⁴⁸ In 1962 John Gulland joined the Committee of three. After their research session at the end of that year, their findings suggested that immediate action by the Commission was critical for the conservation of whale stocks, the stocks of blue, humpback and fin whales being the most alarming. Their interim report stated that sustainable yields for the blue and humpback could only be reached by establishing a zero quota

4 Secretary to the IWC

for a considerable number of years, and in order to let the fin stock recover, a maximum number of 9000 whales could be taken. Moreover, it called for the abandonment of the BWU for management purposes. They repeated the latter with emphasis in their final report, warning the Commission that its further application would result in the overexploitation of species already below their optimum level. The Commission accepted the recommendations only partially. It was not willing to abandon the BWU describing the BWU as “the only practical method that could be administered”, but the taking of humpback and blue whales largely ceased.⁴⁹ As from 1966, humpback and blue whales were fully protected. The total quota for the Arctic was reduced from 15 000 to 10 000 BWU in the 1963-64 season, to 4500 BWU in the 1965-66 season, 3200 BWU in the 1967-68 season and to 2300 BWU in 1971-72.

Under high pressure, and admitting its own failure, the IWC abandoned the BWU measurement system in 1972. Species-specific quotas were now adopted, and zero quotas were set for the most endangered species. The taking of sperm whales became regulated in 1971, that of minke whales in 1973. From the 1976-77 season the killing of fin whales in the Antarctic and from 1978-79 the killing of sei whales were no longer allowed. Sperm and minke whales became the only species left in the Antarctic that could still be hunted. In the Northern Pacific Ocean quota for fin, sei and Sperm whales were established in 1969. In 1976 moratoriums for fin and sei whales were put in place and the taking of minke whales was regulated the following year.⁵⁰

1.4.2 New Management Procedure (NMP) (*shinkanri hōshiki*, 新管理方式)

At the 1972 *United Nations Conference on the Human Environment* (UNCHE) held in Stockholm, Maurice Strong – Secretary General of the UN Conference – informed the Commission that the Stockholm conference recommended “*the strengthening of the International Whaling Commission, increasing international research efforts, and ... calling for an international agreement under the auspices of the IWC involving all governments concerned in a 10-year moratorium on commercial whaling*”.⁵¹

Japan, Peru, Norway and the Soviet Union were opposed to the proposal. The US delegation, with support from the UK, responded with a push for a temporary end to all commercial whaling. But given the improvements in the IWC and the SC's success in having the IWC abandon the BWU system and adopt species-specific quotas, the proposal for a moratorium on all commercial whaling was not well received by the SC. It rejected the moratorium and instead started a program of more intensive research. This era would later become known as the *International Decade of Cetacean Research*.⁵²

At the IWC meeting that same year, Japanese and Soviet scientists continued to ask for higher quotas than what other scientists in the SC believed to be sustainable. Sufficient reliable data for more accurate and convincing estimates of the Antarctic whale stocks were not available. With disputes over the status of the stocks and a growing body of anti-whaling opinion outside the IWC, IWC policies drew massive international attention with pressure for more convincing and clear-cut estimates and quotas as a result.⁵³

The absence of scientific data as the reason for preventing efficient management regulations is in strong contradiction to the *precautionary principle* (PP). The Convention on Biological Diversity (CBD) defines the principle as “where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat.” But the limited availability of relevant knowledge and insights is a challenge to the practical application of the PP.”⁵⁴ Pressure for a moratorium continued, both inside and outside of the IWC. When in 1973 the proposal for a temporary moratorium was again defeated in the Commission, environmental activists threatened to boycott national export products of the whaling countries with Russian vodka, Japanese cameras and televisions and Norwegian and Icelandic fish as the target products.⁵⁵ It was clear that some compromise solution had to be found. This was realized in the form of a new management strategy that became known as the *New Management Procedure* (NMP), proposed by Australia.⁵⁶

The NMP classified all whale stocks into one of three categories on the advice of the SC. The division of the whale stocks into the different categories was based on a comparison of the current stock population size

with the size that would supply the maximum sustainable yield (MSY).⁵⁷

- *Initial Management Stocks*: stocks that had not already been subjected to intense exploitation. “The quota for such a stock could be higher than MSY until the total population was within the parameters established for a sustained management stock, at which point it would be shifted to that category.”
- *Sustained Management Stocks*: stocks whose population is from 10 percent below to 20 percent above the size that would support taking at the MSY. Quotas for this category are set at MSY.
- *Protected Stocks*: stocks that have been depleted below the size that would support taking at MSY. “The stock is to be protected from commercial taking until it returns to a size allowing reclassification as a sustained management stock and resumption of taking.”⁵⁸

In harmony with the classification system, the NMP was equipped with a safeguard allowing a greater margin of error to the benefit of the whale stocks. The *Ten Percent Rule* was an allowance for error which provided a safety margin of 10% in the calculation of both MSY and the level below MSY at which a stock should be designated as a Protection Stock.⁵⁹

The NMP proposal and its implementation deadline (1975-76 season) were well received at the 1974 IWC meeting and both were adopted by a majority vote. The NMP was adopted at the 1975 meeting and implemented the next season. Scientists could now set the quotas for a certain stock down to zero whenever necessary, like this creating “selective moratoria.” All Antarctic fin whales were protected under an indefinite moratorium. Moreover, the different species were divided into geographical stocks so that all populations and all regions were covered. In 1976 after the NMP implementation, whale quotas were greatly reduced with an allowable catch that was only 72% of its level in 1972. In subsequent years, quotas kept on decreasing in accordance with SC recommendations.⁶⁰ The implementation of the NMP also increased the use of rational assessment in managing whale stocks since the level of scientific argumentation that went into the decision making was raised. The SC, in general, established a more open process in which papers were published, commentary was sought, and the scientific basis of conclusions was made clear.⁶¹ The SC was now in the position to provide advice independent of the needs of the whaling industry. Moreover, both participation in committee meetings (both in terms of countries represented and in numbers of scientists) as well as skill of those involved had grown.⁶²

Nonetheless, the NMP proved difficult to apply. It was flawed, particularly because of the scarcity of critical data such as biological parameters on births and deaths necessary to calculate population estimates. These data were often neither available nor considered to be obtainable. Due to disputes and uncertainties regarding the status of whale stocks and the unavailability of specific information on the threats for certain species, the killing of species about whom so little was known, continued.⁶³ Moreover, serious doubts concerning the classification scheme existed. While it did provide scientific grounds for selective moratoriums to be implemented, in the view of some, it did not assure that the harvested stocks were being taken at long-term sustainable catch levels.⁶⁴

The same period was also characterized by a rapid growth in the membership of the Commission. Countries that entered the IWC were almost exclusively nations in favor of a ban on commercial whaling. The original fourteen-member Commission had expanded to thirty-three members by 1981. This domination of the Commission by anti-whaling members, together with the scientific uncertainties that made efficient whaling management difficult, induced a renewed interest and push for a ban on commercial whaling. Only this could ensure the safety of the whale populations in a time when insufficient data were available.⁶⁵

1.4.3 Moratorium on Commercial Whaling (shōgyō hōgei moratoriumu, 商業捕鯨モラトリアム)

In 1972 the 24th annual IWC meeting was held in London. It took place right after the UN Conference on the Human Environment (UNCHE) in Stockholm. At the conference the US presented a resolution calling for a ten-year moratorium on all commercial whaling. The proposal was very well received with a nearly

unanimous vote of 53-0 with three abstentions. After the conference, the moratorium issue was on the IWC SC agenda. The Committee agreed by consensus that a blanket moratorium could not be justified scientifically and instead proposed an expanded whale research program.⁶⁶ At the plenary meeting the proposal received only four votes out of fourteen (from the US, the UK, Mexico and Argentina). But pressure for a moratorium continued on a political level both inside and outside of the IWC.⁶⁷

Because Japan and the USSR rejected the whaling quotas at next year's meeting, US President Ford threatened with a trade embargo under the Pelly Amendment.⁵ This was a warning to whaling nations that flouting IWC quotas could be harmful to them. That same year the moratorium was put on the table anew at the IWC meeting, receiving four extra votes from Australia, Canada, France and Panama. With eight yes votes, a three-quarter majority needed in order for the moratorium to be accepted had not yet been reached. In 1974 the moratorium proposal was introduced once again. But that same year Australia proposed the NMP. It was received very well among members because it balanced out the diverging demands. Whaling could continue, while on the other hand, whenever necessary, selective moratoria could be established on the more endangered species. In 1976 the NMP was finally implemented.⁶⁸

But a blanket moratorium was still on the minds of some. In 1978 Fortom-Guoin, a French environmental activist, served as advisor for the Panamanian delegation. At the IWC meeting he put forward another moratorium proposal. The proposal was split into two distinct moratoria: a pelagic and a coastal one, and Guoin succeeded in obtaining the moratorium on pelagic whaling. This brought Antarctic whaling to a halt.⁶⁹ Because of intensifying international pressure on whaling countries, by 1980 whaling countries Spain, Korea, Peru, Chile, and China had joined the IWC. The anti-whaling camp in the IWC grew stronger when New Zealand rejoined⁶ the IWC in 1976 as an anti-whaling member, The Netherlands joined the anti-whaling camp in 1977, and Australia ceased her whaling practices in 1978. Moreover, in 1979, Sweden was the first non-whaling country to join the IWC to support the anti-whaling nations. That year there was also a significant rise in NGOs attending (21 versus 15 in 1978). And lastly, 1979 marked the year the IWC was first opened to the press resulting in a great deal of media attention.⁷⁰ Between 1980 and 1982, there were successive waves of entries and withdrawals in the IWC membership. In 1980 Oman and Switzerland became members; in 1981 Jamaica, St. Lucia, Dominica, Costa Rica, Uruguay, China, St. Vincent, India and the Philippines joined and Canada withdrew; in 1982 Senegal, Kenya, Egypt, Belize, Antigua, Monaco, and Germany joined while Dominica and Jamaica withdrew. And so in less than five years the IWC membership had grown from 17 to 38 nations.⁷¹

In 1982 five separate proposals for an end to commercial whaling were presented by Australia, France, the Seychelles, the UK, and the US. Distilled to one Seychellois plan, the proposal was a three-year phase-out to the 1985-86 whaling season when 'zero catch limits' would be enforced. By 1990 the IWC would have to reconsider the plan and its catch limits. The result of the votes was 27-7-5. Needing 24 votes excluding abstentions, a three-quarter majority was now reached. Champagne was popped by the anti-whaling camp, while during the voting the 34-member Japanese delegation exited, except for one man staying behind to give Japan's vote because it objected to this, according to them, irrational decision. The British fisheries scientist John Gulland protested saying "This is a completely unselective measure, given the differing status of the various stocks, and the fact that virtually all those species or stocks that are seriously depleted are already receiving complete protection, there seems to be no justification for a global moratorium."⁷² The moratorium was highly controversial indeed. The Scientific Committee could not provide a consensus view

5 The US Pelly Amendment connects whaling with the international trade law world of the General Agreement on Tariffs and Trade (GATT) administered by the World Trade Organization (WTO). "Countries that engage in whaling or trade whale products, irrespective of whether the whaling is consistent with the International Convention for the Regulation of Whaling or whether the country is a party to that treaty, may face trade sanctions against any of their products that enter the United States." ("Whaling in the North Atlantic - Economic and Political Perspectives," Ed. Gudrun Petursdottir, University of Iceland, 1997. *Proceedings of a conference held in Reykjavik on March 1st, 1997, organized by the Fisheries Research Institute and the High North Alliance. Author: Ted L. McDorman*)

6 New Zealand quit whaling in 1966, but resigned from the IWC two years later.

regarding the proposal, in contradiction to a decade earlier. Their report simply stated that some members took one view and others disagreed with that view. But according to some attendees at the meeting that year, a large majority was in fact opposed to the moratorium because they felt the NMP was sufficient to safeguard the whale stocks.⁷³ Since the SC had not endorsed the moratorium, pro-whaling states such as Japan and Norway lodged an objection to it. These countries attempted to continue their commercial whaling practices under quotas determined by their own governments. This was a legal thing to do since both countries filed a formal objection under Article V implying they shed the obligation to enforce the new rule.⁷⁴

Why, after many years of trying, did the 'whale-savers' in 1982 finally succeed in achieving a stop to commercial whaling? Scholars investigating the issue offer various possible reasons.

Friedheim (2001) suggests it took the IWC too long to really protect the whale stocks. Together with the fact that states gradually showed less and less of an economic interest in the whaling industry and the fact that after 1972 international environmental organizations enjoyed more political influence and backing so that they could affect government decisions, there was reason enough for a drastic change by 1982.⁷⁵

Epstein (2006, 2008) indicates a majority of states subscribed to a new common discourse about whales, where it was morally wrong to destroy whale stocks.⁷⁶ She refers to the era of endangered species protection throughout the late 1970s and early 1980s with several associated regimes⁷ of international cooperation established during this period. The issue of disappearing whale stocks provided a common ground of concern in many states, including states that had not been involved in whaling.⁷⁷ Other possible explanations are the consolidation of global media networks which made possible the emergence of a global public concerned with the whaling issue and the increasing influence of environmental activists. NGOs now took on global matters and whales were a perfect way to capture the attention of an expanding audience, consisting mainly of members of the post-material generation of industrial countries. For them whales had come to stand for the global environmental crisis at large, putting pressure on governments to do something about the endangered whale stocks. For many states the matter actually provided a good opportunity to show their populations they supported the 'green cause'. Nonetheless, one question goes unanswered so far: why did developing countries such as Belize, Egypt or Kenya vote in favor of the moratorium? Epstein points out NGOs made it really easy for them to do so. They would draft the instruments of accession and pay their membership fees and/or the expenses to attend the meeting.⁷⁸ Leslie Spencer, an investigative journalist, wrote: "*The whale savers targeted poor nations plus some small, independent ones like Antigua and St. Lucia. They drafted the required membership documents (...). They assigned themselves or their friends as the scientists and Commissioners to represent these nations at the whaling Commission.*" and further "*Between 1978 and 1982, (...) the operation added at least half a dozen new member countries to the Commission's membership to achieve the three-quarter majority necessary for a moratorium on commercial whaling (...).*"⁷⁹ NGO budgets alone could not have covered for the expenses of all twelve developing countries that voted in favor. Pressure from powerful states certainly must have had some influence, but the ambition to be part of the new 'green club' must have played its part too. For these countries, even though they had never been involved in whaling, joining the anti-whaling camp was a relatively costless move. However, because of a lack of public pressure in these countries, their involvement with the IWC has been rather half-hearted. Many developing countries came to the meeting to give their yes vote and have not renewed their membership since, making their vote seem more like a public relations gesture.⁸⁰

The moratorium went into effect during the 1985-86 whaling season with a provision that it would be reconsidered by 1990. The suspension of commercial whaling had a threefold purpose: to allow the recovery of overexploited whale stocks and to make a comprehensive assessment of the various whale stocks and establish a new procedure for managing whale catches. The Scientific Committee has proven unsuccessful in revising the NMP, and so it was decided a different approach was required to develop catch limits. An

7 Notably the 1971 RAMSAR Convention on Wetlands of International Importance, the Convention on International Trade in Endangered Species (CITES) in 1975, and the Bonn Convention on Migratory Species of 1979.

examination of these alternative management approaches by the SC led to the development of the *Revised Management Procedure* (RMP).⁸¹

1.4.4 Revised Management Procedure and Revised Management Scheme

The 1982 moratorium was initially intended to be a temporary measure until a new plan was developed to put whaling on a more scientifically acceptable basis. Exploring different approaches for management led to five different proposals put forward by groups of scientists. To examine the different proposals the IWC established a Management Procedure Sub-Committee. Its function was weighing the proposals on their scientific merits and eliminating the ones with “unscientific” motives. Two proposals were selected: a South African one and one by scientist-activist Justin Cooke. Eventually the Scientific Committee’s final report recommended Cooke’s proposal – which had the more precautionary approach of the two – as the best management procedure. Its catch limit algorithm became the core of the *Revised Management Procedure* (RMP) (*kaitei kanri hōshiki*, 改訂管理方式).⁸² This algorithm was designed to provide catch numbers which could be taken from a certain whale stock without endangering it. According to Justin Cook himself, the RMP “differs from the previous attempts to manage whale stocks in several ways, one of which is that it only makes use of data which we know are obtainable, and secondly it provides specific rules for determining what levels of catch are safe based on these data. So once the data are available, there’s little need to discuss what level of catch would be safe.”⁸³ Other key elements of the RMP were that it was stock-specific rather than species-specific, it required regular systematic surveys to determine abundance if the moratorium was to be lifted, uncertainty was incorporated in a risk-averse manner, and it attempted to make the process of deciding on catch numbers as objective as possible.⁸⁴

By 1992 the SC was able to present its first estimates of particular whale stocks together with their new management procedure, the RMP. Its development had taken eight years. The estimates indicated that Minke whale stocks – which were estimated at 761,000 in the Southern Hemisphere – could no longer qualify as “endangered”.⁸⁵ The SC unanimously recommended the adoption of the RMP, which needed some specific details to be completed by the following year before it could replace the NMP. The Commission passed the RMP by resolution. In 1993 the SC completed the RMP and again passed it on to the Commission. But the Commission outright rejected the completed RMP. As a result the SC Chair, Philip Hammond, submitted a letter of resignation.⁸⁶ He pronounced “What is the point of having a Scientific Committee if its unanimous recommendations are treated with such contempt?” He concluded saying: “I can no longer justify to myself being the organizer of and the spokesman for a Committee which is held in such disregard by the body to which it is responsible”.⁸⁷

The following year, in 1994, the RMP was adopted after all. But by this time a distinction had been drawn between the RMP and a *Revised Management Scheme* (RMS) (*kaitei kanri seido*, 改訂管理制度). The latter had to solve nonscientific management issues such as quota enforcement, fiscal arrangements, data collection, codes of conduct, and so forth. The RMP would be shelved until a RMS would be completed.⁸⁸ There was a general belief that if a RMS could be agreed on and appropriate sanctuaries were declared, then the moratorium could be lifted. However, since 1994 the issues to be worked out under the RMS had been expanding⁸ every year making resolving them and completing the RMS in the near future unlikely. At the 1995 and 1996 meetings resolutions were passed. In 1997, discussions continued but the RMS approval remained unlikely because so many nations had objections to commercial whaling. That year Australia even articulated its opposition to the RMS.⁸⁹

By 1993 a growing number of nations were opposing any return to commercial whaling regardless of scientific advice. According to pro-whaling countries, on the other hand, some countries demanded

8 For example, the UK has added animal welfare in 2000, and New Zealand has called for international supervision of domestic markets under a DNA monitoring program. (Epstein, 2008)

unjustified levels of precaution. This division of goals and acceptable levels of risks was one of the reasons an agreement on the RMS had been delayed. In the meantime, however, whaling continued both commercially and for research purposes outside the international management controls of the IWC.⁹⁰ When in 2006, the RMS working group presented its report to the plenary meeting, dynamics within the IWC had changed. The report stated that its discussions had completely broken down due to the inability to reach any agreement on the content and wording of an RMS. This resulted in some countries that had tried so hard over the years to keep middle ground, to now choose sides and place themselves in one camp (pro- or anti-resumption of commercial whaling) or the other.⁹¹

Although discussions have broken down regarding an appropriate RMS and thus so far the RMP has not officially been put to use, the RMP has been used to regulate commercial whaling at the domestic level in Norway and Iceland. The IWC used it for its own aboriginal whaling schemes and it has also inspired fisheries around the world in developing new management procedures.⁹²

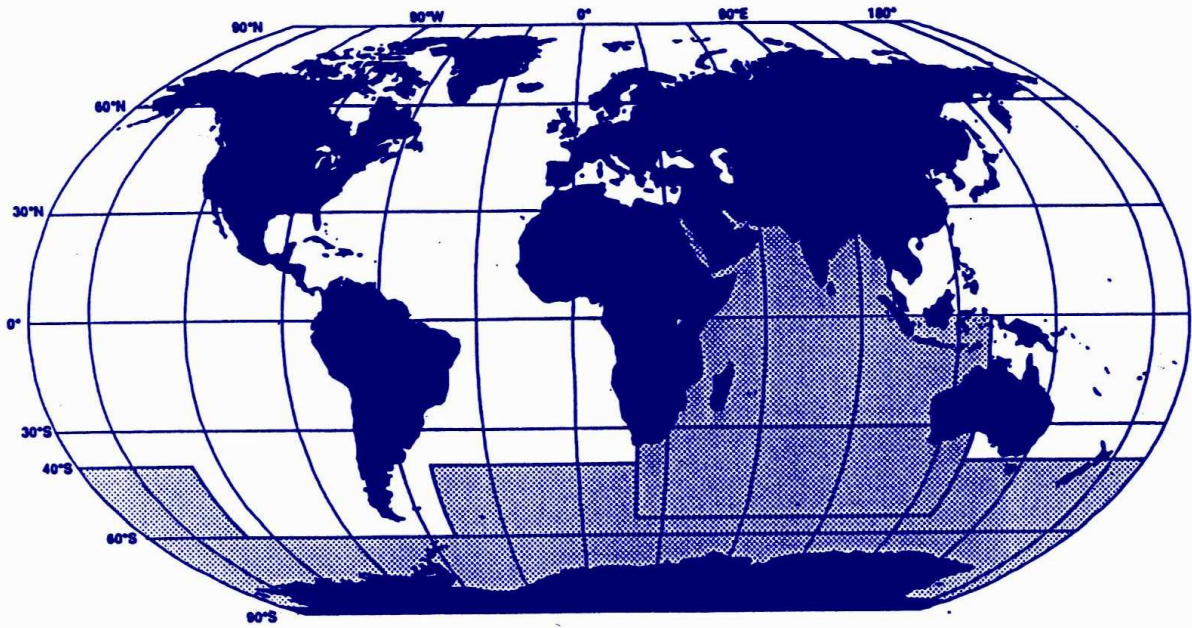
1.4.5 Sanctuaries

In 1979 the Seychelles introduced a proposal for an Indian Ocean Whale Sanctuary (*indoyō geirui sankuchuraī*, インド洋鯨類サンクチュアリー). It would carve out the whole Indian Ocean, an important whale feeding ground, as a protected area. The vote was won 16-3 with three abstentions. The approved Indian Ocean Whale Sanctuary extended from the Gulf of Oman to the Sub-Antarctic. Japanese and Soviet pelagic fleets could no longer hunt there.⁹³ At the 2002 meeting the SC established a Working Group to review the Indian Ocean Sanctuary. There was consensus that since its establishment, whales have been protected from commercial whaling within its boundaries. Therefore, the Commission agreed to continue its existence for the time being.⁹⁴

In 1992 France first proposed a Southern Ocean Sanctuary (SOS) (*minami taiyō geirui sankuchuraī*, 南大洋鯨類サンクチュアリー) to target Japan, which had been trying to resume commercial whaling there. The sanctuary would mean the protection of the whales' main habitat and one quarter of the global oceans. In 1993, the IWC annual meeting took place in Kyoto. When France proposed the sanctuary again, the Japanese Commissioner Shima Kazuo (島一雄) called it a political proposal lacking in science that could force Japan to quit the IWC. France gained only its own vote at that year's meeting, but Australian Commissioner Bridgewater called a resolution for approval of the notion of a possible sanctuary and proposed an inter-sessional meeting to discuss it. This resolution was adopted with 19 votes in favor, 8 against, and four abstentions. At the inter-sessional meeting most of the anti-whaling countries supported the sanctuary and in the run-up to the 1994 IWC meeting in Mexico even whaling country Denmark gave its support, while Norway said it would agree if the RMS was approved in exchange. At the annual meeting in Mexico, Japan asked for a postponement of decision when the sanctuary was brought up again, but this was rejected with 22-6 and four abstentions. The final vote result was in favor of the Southern Ocean Sanctuary. 23 countries voted for, Japan was the lone no-voter, and eight countries abstained. Japan, however, lodged an objection to the inclusion of Minke whales in the Southern Ocean Sanctuary and therefore would not stop hunting them inside the newly protected area.⁹⁵

More recently, Brazil has called for a South Atlantic sanctuary several times. Australia and New Zealand did the same for a south pacific sanctuary.⁹⁶ The latter would stretch from Papua New Guinea in the west to Pitcairn Island and French Polynesia in the east and from Fiji to Tonga south of the equator. To date, however, both proposals have failed to achieve the three-quarters majority of votes needed to make an Amendment to the Schedule and become designated IWC Sanctuaries.⁹⁷

Figure 1.1: Boundaries of the Southern Ocean and Indian Ocean Sanctuaries



Source: IWC website (<http://www.iwcoffice.org/conservation/images/sanctuaries.jpg>)

There are some limitations to the existing sanctuaries. Whaling with scientific permit is not prohibited in these areas. Therefore the IWC encourages whale research on the basis of non-lethal methods.⁹⁸ Moreover, sanctuaries are part of international waters. This implies the prohibition of commercial whaling in IWC designated sanctuaries is not binding to countries that are not a party to the ICRW. Finally, whale sanctuaries are not binding to countries who lodge an objection to its decision (as did Japan). These countries have the right to hunt either commercially or with scientific permit inside the IWC designated whale sanctuaries.⁹⁹

1.5 Important Discussions in the IWC

1.5.1 Science and the precautionary principle

The Convention Text states that amendments of the Schedule “shall be based on scientific findings.” It suggests that the ICRW founders expected that agreement on scientific findings would lead to consensus on whaling management policies. One expects that perfect scientific knowledge provides us with a solution, an unambiguous rational course of action. But is knowledge provided through science sufficient to overcome political differences? Several scholars (Epstein 2008, Heazle 2008) argue science should not just be seen as the source of consensus building but rather as an applied strategy in the struggle for political power.

The IWC has proven that more and better knowledge on whales and whale stocks did not automatically lead to more effective policies. On the contrary, scientists knew whale stocks were in danger since 1931 when the most severe whaling seasons were still to come. When political differences arise, science does not prove to be sufficient to reach agreement on a subject. If science is used to make clear something that contradicts with our values and/or desires, it is likely that it will not be acknowledged. After all science does not have the power to alter “a society's normative order.”¹⁰⁰

However, science does have powers of persuasion. While anti-whaling activists increasingly distanced themselves of the official IWC science, they started producing their own whale science. In doing this, they claimed to be authoritative of the science discourse on whales. The presence of different ‘sciences’ resulted in fragmentation. Most of the time there is no single science, but several forms of knowledge which sometimes contradict one another.¹⁰¹ The power of science in achieving a certain political goal, ironically, is

best illustrated not through the use of scientific findings, but through the use of scientific *uncertainty*. Uncertainty can be used as an excuse. In the whaling case it has both been used to justify overharvesting of whales during the 1960s as well as the prevention of commercial taking from the 1980s onwards. Claiming something cannot be proven is an easier way out than explaining an economic-, moral-, cultural- or political-based reasoning in relation to why whaling is or is not justified. In the management of whales there will always be uncertainty. Anthropogenic activities such as climate change and pollution and their consequences on the ecosystem make estimating possible changes to whale stocks exceedingly difficult. Moreover, whales are animals that travel great geographical ranges and are often hard to track. The uncertainty stemming from these factors can produce disagreements.¹⁰² Iliff (2008) claims scientific uncertainty and the precautionary principle helped creating the current deadlock in the Commission. He argues that the principle is too ambiguous and, therefore, provides for selective interpretation by politicians who pursue their own political objectives. This has undermined compromise and negotiation in the Commission. Before the PP can be effectively used in the management of whaling, he adds, there needs to be consensus on the basic management objectives and levels of acceptable scientific uncertainty.¹⁰³ The important role this scientific uncertainty plays in the IWC makes clear that it is rather the needs of the different actors involved than science itself that have a decisive influence on policy making. Science is not value neutral and, therefore, cannot operate independently of politics. This helps to explain why scientists sometimes interpret data differently and come to contradicting conclusions. Maybe the real reason behind the IWC's various disputes are not science and its shortcomings, but rather political agendas that use science as tools in the pursuit of their objectives?¹⁰⁴

1.5.2 Preservation and conservation

Like Iliff correctly points out, it is important for the members of the IWC to reach a broad agreement on its basic management objectives. But this issue is the source of much debate in the Commission. Should the IWC take sustainable use/conservation or preservation as the general approach in managing the great whales? A second question arising from the first one is how the approach decided on should subsequently be implemented. Currently the pro-whaling camp takes the sustainable use stance while the anti-whaling camp takes the preservationist stance.¹⁰⁵

Essentially, conservationists attempt conserving the whale stocks, but are not opposed to their sustainable use by humans. Preservationists want to preserve whale stocks as a whole, and disagree with lethal utilization of whales regardless of their population numbers. Attitudes toward whales have changed drastically over the decades. Whales used to be of primary instrumental value for private goods, but now are considered to be of economic value as objects of admiration and study more than as sources for meat consumption.¹⁰⁶ On the other hand, some environmentalists ascribe to them intrinsic value, saying they are not merely an ends but have a good of their own and, therefore, deserve to 'be'. Their intelligence and 'charisma' are other reasons why a great number of people think whales should not be hunted. Of course, whales' place in the marine ecosystem food chain is something both sides agree on. The importance of whales in this light calls for extra concern for their future and justifies the establishment of whale sanctuaries and moratoria for endangered species. When it comes to avoiding the extinction of the different whale species neither conservationist nor preservationist would object.¹⁰⁷

1.5.3 Local whaling cultures, Aboriginal Subsistence whaling and Commercial whaling

Another heated discussion in the IWC is the distinction between "commercial" whaling on the one hand and "aboriginal" whaling on the other.

When the US abandoned commercial whaling in 1969, some indigenous peoples continued their whaling practices. The Inupiat, for example, has had a tradition of hunting bowhead whales for hundreds, if not

thousands, of years. Although the bowhead whale had been listed as endangered since 1970 and according to the IWC in 1977 stood at only 2% of its original population, the US delegation asked for bowhead quota for its aboriginal populations. At the 1977 plenary meeting, bowhead whales were placed under total protection after the SC had recommended doing so. As a sign of protest the Inupiat organized into the Alaskan Eskimo Whaling Commission (AEWC) and demanded the US delegation file an objection to the bowhead 'moratorium'. The US government decided to put the topic at the agenda of a special meeting in Tokyo intended for sperm whale quota calculations, and succeeded in securing bowhead quota of twelve for the Inupiat by coupling sperm and bowhead quotas. During the discussions a new factor had been brought up, namely that of the "cultural and subsistence needs" of aboriginal populations. A resolution on aboriginal whaling was passed at the next plenary as a result. This led to the creation of a special Working Group on aboriginal whaling.¹⁰⁸ Since then commercial whaling has often been linked to "bad", whereas "aboriginal subsistence whaling" has rather been viewed as "cultural" or "exotic".

The reality has become that aboriginal whalers can continue whaling, even if the whale stocks in question are seriously depleted, while "nonaboriginal" whalers cannot, even if whale stocks are abundant and the catch would be sustainable according to the SC. The basis for this paradox lies in the use and meaning of the term 'subsistence' and the common view that aboriginal hunt is necessary and does not involve commoditization of the captured whales. In the IWC the term "subsistence" is only used in relation to aboriginal peoples while in reality nonaboriginal peoples can engage in subsistence whaling too. Another dominating belief in the IWC is that aboriginal whalers do not engage in "monetized economic exchange". But there has been evidence to the contrary. Inupiat bowhead hunt whaling equipment and supplies are purchased with money. In 1980, the capital invested in the hunt per crew was estimated at 10,000 dollars and by 2000 the investment was estimated at an impressive 2.6 million dollars.¹⁰⁹ Many anti-whaling advocates tolerate aboriginal whaling because they believe aboriginal whalers and their family are isolated from the national mainstream and suffer from a lack of opportunities and poverty. In the case of non-aboriginal whalers, on the other hand, no situational ethics are applied because of their "relatively privileged position" in society.¹¹⁰

Another form of skepticism towards the distinction comes from the dilemma of whether we should risk biological extinction to save a human population from cultural extinction. Indigenous peoples correctly point out that their hunting practices have only become a threat to whale stocks after western commercial whaling intensified. Nonetheless, when whale stocks are endangered should then indigenous communities not refrain from hunting them too? An added argument that has been brought up against aboriginal hunt is the criticism that there is only a thin line between a traditional and modern-style hunt. Aside from great investments, today's aboriginal whalers have recourse to shotguns and other technical advices.¹¹¹

Whalers have little say in designing categories or types of whaling like the one coined by the US. Japan claims whaling practices in four coastal villages are distinct and deserve special categorizing as "small-type coastal whaling". The Japanese delegation has also argued for years that these whaling communities share ancient cultural links with whaling activities similar to the IWC designed aboriginal whaling communities.¹¹²

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CHAPTER 2: THE HISTORY OF JAPANESE WHALING UNTIL 1951

In the previous chapter we have outlined the background, characteristics and regulations of the IWC. With a general background of whaling and the whaling regulation regime in mind, I would now like to give a historic outline of Japanese whaling in particular. In this chapter we will discuss the transition from early Japanese whaling forms into modern-type coastal whaling, and finally pelagic whaling. All whaling activities from 1951 onwards will be discussed in the next chapter, where we will take a closer look at Japanese whaling practices from the moment Japan became a member to the IWC.

The Japanese governmental stance on whaling is that Japan has a profound cultural relationship with whales and whaling. Against this background many Japanese pro-whaling advocates point out the oldest written reference to a Japanese whale-eating culture (*geishoku bunka*, 鯨食文化), which can be found in the *Kojiki* (古事記), the oldest extant Japanese book written around 712 A.D. It details the creation of the deities (*kami*, 神), their siblings and the Earth. In the *Kojiki*, Emperor Jimmu (*Jimmu-tennō*, 神武天皇), the mystical founder of Japan and the first emperor named in the traditional list of emperors, is described as eating whale meat. References in defence of this culture are also made to the oldest Japanese poetry collection, the *Collection of Ten Thousand Leaves* or *Manyōshū* (万葉集) – written around 759 A.D – in which whaling is more than once mentioned when depicting the oceans or beaches.¹ The book contains twelve *haiku*¹, (俳句) which describe “catching the brave fish” (*isanatori*, いさなとり) most likely referring to whaling. Many descriptions of whales can also be found in cookbooks, for example in *The Way to Flavor Whale Meat* (*geiniku chōmikata*, 鯨肉調味方) from the Edo period. Countless other literary works, cooking books, color woodblock prints, picture scrolls and poems give depictions of whales and whaling in Japanese culture², and are pointed out as evidence of the Japanese profound man-whale relationship.

Both the *Kojiki* and the *Manyōshū*, the two oldest literary works with references to whaling and the consumption of whale meat, date back from the Nara period (奈良時代, 710-794 A.D.), which is not very surprising since it was in this period that eating whale meat became an acceptable habit. At the end of the 7th century and during the Nara period, Buddhism knew great success and became widely spread in Japan. Along with it came the belief that it was wrong to kill mammals or to eat their meat. The Buddhist emperors of the 6th and 7th centuries prohibited the eating of meat of any kind because it was not consistent with Buddhist principles. As a result the following Imperial ordinances were proclaimed:

- the 40th Emperor Temmu (*Tenmu tennō*, 天武天皇) forbade the killing of animals and eating of their meat (676 A.D.)
- the 44th Emperor Genshō (*Genshō tennō*, 元正天皇) forbade the killing of animals and falconry (721 A.D.)
- the 45th Emperor Shōmu (*Shōmu tennō*, 聖武天皇) forbade the killing of animals (725 A.D.) and butchering cows and horses (736 A.D.)
- the 46th Empress Kōken (*Kōken tennō*, 孝謙天皇) forbade the killing of animals (752 A.D.)

¹ A Japanese classical poem consisting of seventeen syllables.

- the 50th Emperor Kammu (*Kanmu tennō*, 桓武天皇) forbade the butchering of cows (three times between 781 and 806 A.D.)³

These ordinances, however, were circumvented by segments of the people who insisted whales were no mammals, but rather big and brave fish (*isana*). In this way a greater dependency on marine resources, including whales for their protein, emerged in Japan.⁴ It needs to be pointed out, however, that eating whale meat was not a national practice (as will be explained below) until after World War II.

2.1 Ancient whaling

The oldest archaeological findings on whales in Japan have been in Hokkaidō. Archaeologists have found evidence for a “whale-using culture” (*kujira riyō bunka*, クジラ利用文化) dating back to the Jōmon Period (縄文時代) (7000-3000 B.C.). In each area on the island, bones of whales mixed among bones of other animals were found in shell mounds. One example is a shell mound in the Kushiro region (釧路地方) in which radially placed dolphin skulls were discovered. In other areas lower jaws of whales and whale bones that prove the processing of whales have been excavated.⁵

The best-known archaeological material that suggests that the people of Hokkaido not only used beached whales, but also hunted them actively from ancient times is a bone container found in a shell mound on Benten Island (弁天島) in Nemuro (根室). An engraving on this container depicts several people hunting a large marine mammal, which looks like a whale. The piece is estimated to date from 650 A.D., the area in which the Okhotsk people² inhabited Hokkaidō.⁶ The Okhotsk people lived in Hokkaidō from around 500 to 1200 A.D. and were a hunting and fishing people. Several other remains from this period included stones and bones, which were used by the Okhotsk people as tools for fishing and hunting marine mammals. Among these discovered tools were spearheads, millstones, and hoes, all made from whalebone.⁷ From these and other findings, archaeologists believe that the people in Hokkaido have hunted whales since at least the late Jōmon period, and that this tradition was passed down through the Okhotsk culture to the Ainu.⁸

The Ainu (アイヌ), an indigenous Caucasoid people of Japan, have lived on Hokkaidō for the last eight thousand years. As discussed above, in shell mounds dating from the Jōmon Period, bones of whales and dolphins were found, suggesting that the Ainu utilized the remains of stranded whales.⁹ The relation Ainu traditionally had with whales (*bumpe*) is evident in place names³, Ainu folktales, songs and dances. Whales, for bringing wealth to the Ainu, were thanked through the telling of stories, singing and dancing⁴. By doing this they also asked the gods to continue providing them with *bumpe*.¹⁰

² The Okhotsk people lived in northeastern Hokkaidō (500-1200 A.D.). Its roots can be traced to marine mammal-hunting peoples, such as the Nivkh of Sakhalin and the Ul'chi of the Amur Estuary. (Walker, Brett L. 2001. *The Conquest of Ainu Lands: Ecology and Culture in Japanese Expansion – 1500-1800*. University of California Press.)

³ “Place-names throughout Hokkaido reflect the Ainu relationship with whales: among the mountains and rivers including bumpe and umpe (a modified form of bumpe) in their names are Mt. Humpe, Humpe Sapa (whale head), Humpe waterfall, Humpe Eto Cape, and Umpe River”. (Fitzhugh, William W., Chisato O. Dubreuil, (eds.). 2001. *Ainu: Spirit of a Northern People*. Washington: University of Washington Press. p. 222)

⁴ Such as *the stranded whale dance*. “Ainu performed this dance at festive occasions. It is an expression of magical thinking. Ainu believed that if they presented their wish for a whale to strand on their beach by this dance and other rituals, the gods would grant it.” (Fitzhugh, William W., Chisato O. Dubreuil, (eds.). 2001. *Ainu: Spirit of a Northern People*. Washington: University of Washington Press. pp. 223)

Although it was a very powerful and feared sea predator sometimes endangering fishermen, of all the various whale species the Orca was regarded as the whale bringing the Ainu the most wealth. Killer whales had a habit of chasing fish and other types of whales to shore and onto the Ainu's beaches. It was therefore regarded as the highest-ranking god of the ocean (*repun kamuy*).¹¹ Moreover, Ainu used whales for many purposes other than food or cooking. Whale oil was used for lighting. Baleen was stripped down into thin flexible strands and then used in boat construction. Whalebone was used to make harpoon heads for hunting sea mammals, whalebone knife handles and scabbards.¹² In the 17th and 18th century whales were a significant part of the subsistence life of the Ainu. Explorers who visited Hokkaido in the 17th century recorded that the Ainu used whales both as food and for trade. A Dutch explorer describes trade between Ainu and Japanese, listing whale blubber and smoked whale tongue among the traded products. He also notes that local people knew how to hunt whales. Daigo Shinbei Sandatsugu, whose ancestor Daigo Shinbei founded the commercial whaling industry in Katsuura (Chiba Prefecture), began a whaling operation in Hokkaido in 1856. As he traveled through the southern and eastern parts of Hokkaido he observed that the Ainu people in this area hunted whales with harpoons.¹³

Ainu both passively and actively hunted whales. Passively, they either used stranded or sick whales, or used the “passing whale” method (*yorikujira*, 寄り鯨). The latter could occur when fishing for fish or other marine mammals, in which case a harpoon (with poison) would be thrown at the surfacing whale. The Ainu would wait until the whale was weakened, to then pull it to shore. In a later stage, however, the people also actively pursued whales.¹⁴

Under the shogunate (*bakufu*, 幕府) gradually restrictions were imposed on Ainu whaling. Nevertheless, in some areas in Hokkaidō the bakufu actively encouraged whaling. In the Meiji period, however, the Ainu whaling method of poison harpoons was prohibited, and only passive whaling could continue.¹⁵ In the course of the 20th century the Ainu also lost their right to use stranded whales. When a whale became stranded, it was now the local Japanese fishermen who had the proprietary right. But although the traditional Ainu relationship with whales has changed through time, whales and whaling still remain an important part of the Ainu belief system. Recent efforts to revitalize Ainu traditional culture made more Ainu familiar with the special connection their people had with whales in the past.¹⁶

2.2 From passive to active whaling

Two types of whaling can be distinguished. When people catch weak – wounded, sick or dead – whales stranded or drifting at sea, one calls this *passive whaling*. When whaling involves professional whalers who go out to chase dolphins or large migratory whales, we speak of *active whaling*.

The Japanese supposedly started active whaling somewhere around the end of the sixteenth century, approximately at the same time as the Basques, the Dutch and the English were whaling in the North Atlantic.¹⁷ The first record of active whaling in Japanese literature can be found in *Record of Whaling* or *Geiki* (鯨記) written sometime between 1764 A.D. and 1772 A.D. According to the *Geiki*, active whaling was practiced sometime between 1570 A.D. and 1573 A.D. by people of the Aichi Prefecture. These people used hand harpoons and seven to eight boats at a time to capture and kill whales.¹⁸ This technique is known as the **harpoon method** (*tsukitori hō*, 突き取り法). The dead whales were processed on shore in special facilities. Especially in the Kumano (熊野), Shikoku (四国), Nagato (長門) coast and Northern Kyūshū (九州) areas this was an important technique.¹⁹

So in the Tokugawa period (徳川時代, 1603-1686 A.D.) three forms of catching cetaceans existed: dolphin drives⁵, passive whaling and active whaling. One of the main differences between the different types was that dolphins and drifting whales were captured by fishermen within their own village territories, whereas active whaling was conducted by enterprises that often moved from one domain to another and with people from all over the country working for them. Another difference lays in the question whose property the animals were thought to be. Dolphins were regarded as common property; they therefore had to be shared equally within the village where they were caught. Drifting and beached whales, on the other hand, belonged to the domain authorities, whereas whales caught by active whaling methods belonged to the whaling group in question.²⁰

Whereas the dolphin drives and passive whaling had been performed for centuries and were unexpected events, active hunting of large whales only appeared in the late 16th century and evolved into a large-scale industry by the end of that century. The latter required careful planning. Whaling enterprises were among the largest undertakings known in Tokugawa Japan. Whaling groups (*kujiragumi*, 鯨組) consisted of between 400 and 1000 workers and had a complex structure. Needless to say this required great managerial skills and extensive financial resources. Active whaling was both economically and politically the most important form of whaling to the authorities.²¹

But the emergence of active whaling did not mean the end of passive whaling. On the contrary, it increased the number of dead and wounded whales drifting at sea. Captured drifting whales were usually auctioned. The price of a whale varied according to species, size and condition of the carcass. Two-thirds of the proceeds of the auction were paid as tax to the authorities. The remaining third was distributed among the people of the village where the whale was caught. The spotting of a drifting whale was always associated with excitement by the locals. Sometimes disputes would arise between villages over who was entitled to it. Other problems could occur while trying to retrieve the whale. Accidents have happened where fishermen went out in pursuit of a whale in stormy weather with fatalities as a result. Also the towing ashore of a large whale was hard labor. Because these efforts brought little reward, cutting up the whale and smuggling meat ashore was tempting to avoid the high taxes on the whales.²²

Many coastal communities in Japan claim to be the place where Japanese whaling began. But most sources claim Taiji (太地) is the coastal community with the longest history, and some describe it as “the village which means whaling to the Japanese”²³ or “the town which lives with whales” (*kujira to tomo ni ikiru machi*, 鯨と共に生きる町)²⁴. Taiji has a tradition of supplying men to the whaling industry that goes back to 1606.²⁵ During this year Wada Yorimoto (和田頼元), a powerful local magnate, organized shore whaling in Taiji according to principles that were later widely adopted throughout Japan. To the system of coastal whaling that was community-based, seasonally bound and carried out with longboats and harpoons in response to signals from lookouts posted along the shore, Wada added a hierarchically structure with divisions of labor and specialized functions in which virtually the whole town was involved.²⁶

A new era of whaling began with the invention of the **net method** (*amitori hō*, 網取り法). With this method, whales were chased into narrow bays where nets were set across the entrance. The nets made

⁵ Whenever a school of dolphins approached land, the fishermen set out in pursuit and tried to drive them towards the beach. Dolphins were much valued both for their meat and oil. Catches of dolphins were regarded as unexpected events which should benefit everybody living in the village equally. Mostly in Kyushu. (Kalland, Arne. 1995. *Fishing Villages in Tokugawa Japan*. University of Hawaii Press. pp. 181-182)

escape more difficult, and while the whales tried to get away, they weakened soon. By 1670 several villages on the Nagato coast were using this net method.²⁷ But in 1675 Wada Kakuemon (和田角右衛門)⁶, Wada Yorimoto's grandson, introduced a different type of net whaling which proved to be more efficient. Unlike the other net method, whales⁷ were not chased into bays, but into nets in the open sea. As soon as the whales were entangled in the nets, they were attacked with harpoons.²⁸ The Saikai area (*Saikai dō*, 西海道)⁸ – which included the old provinces of Hizen (*Hizen no kuni*, 肥前国), Chikuzen (*Chikuzen no kuni*, 筑前国), Iki (壱岐島) and Tsushima (対馬) – developed into the most productive whaling ground during the Tokugawa period. The old province Nagato (*Nagato no kuni*, 長門国) in the Sanyō area (*Sanyō dō*, 山陽道) – bordering Kyūshū – was also a popular whaling ground.²⁹ Kalland (1992) describes how whaling operations in this period fell into three separate spheres: the preparations for a new season, the hunt and the processing of the catch. Each of these spheres required special skills and modes of organization. The preparations for a new season (*maesaku*, まえさく) started around august and included a range of activities taking place at the whaling station on shore (*nayaba*, 納屋場). To make the ropes needed for the nets, large quantities of hemp were brought in. Making hempen ropes was the women's task, while male net-makers (*ami daiku*, 網大工) – often recruited from villages specialized in this trade – made the actual nets.³⁰ Since the success of a catch depended so heavily on the quality of the nets – which had to be able to hold a struggling whale of up to 60 tons – they had to be fabricated carefully. One single net was about 33 square meters when spread out, and each boat carried more than ten of them.³¹ Many of these nets had to be replaced each year. Because some of the boats used in the operations had to be replaced every year as well, boat-builders (*funa daiku*, 船大工) were recruited. Other preparations included the making of harpoons, knives and containers by smiths and coopers and reparations to the working sheds.³² The actual hunt involved a long series of activities. When the weather was considered well-suited for whaling, a search was initiated. Lookout posts on hilltops overlooking the sea would send signals to the shore station when a whale was spotted. Indicators consisted of variously colored pennants, smoke signals, a stick semaphore, and occasionally the blowing of a conch-shell trumpet. If the pennant was black with a white stripe down the middle, it meant that a female right whale and calf had been sighted. Hunting these was strictly forbidden.³³ When there were no lookout points in the area, search boats were used instead. When a whale had been spotted, the hunt was initiated. Between 10 and 20 fast hunting boats (*seko bune* 勢子船), each with their own crew of about 12 people led by an expert harpooner (*hazashi*, 刃刺) left the shore station in pursuit of the whale. The boats split into three groups each led by a chief harpooner (*oyaji*, 親父) and then surrounded the whale on three sides.³⁴ Because noise is transmitted very well underwater, they would herd the panicked whale by banging on the shafts of their oars with mallets. They then drove the whale towards the net boats which had suspended their nets vertically in the water, waiting for the whale to come their way.³⁵ As soon as the whale had gotten itself entangled in the nets and had got tired, it was harpooned by the hunting boats with harpoons (*ken kiri*, 剣きり) secured with ropes. The harpooner who managed to spear the whale first received a financial reward. Subsequently, a harpooner climbed on the whale's back. He then cut a

⁶ Wada Kakuemon's name later was changed into *Taiji* Kakuemon Yoriharu.

⁷ These whales usually were slower moving species like right and humpback whales.

⁸ Saikaidō ('western sea road') is one of the main circuits of the Gokishichidō system (ancient administrative units), which was originally established during the Asuka Period. It was the name used for the island Kyūshū and the small islands of Tsushima and Iki. (see Appendix 2.1)

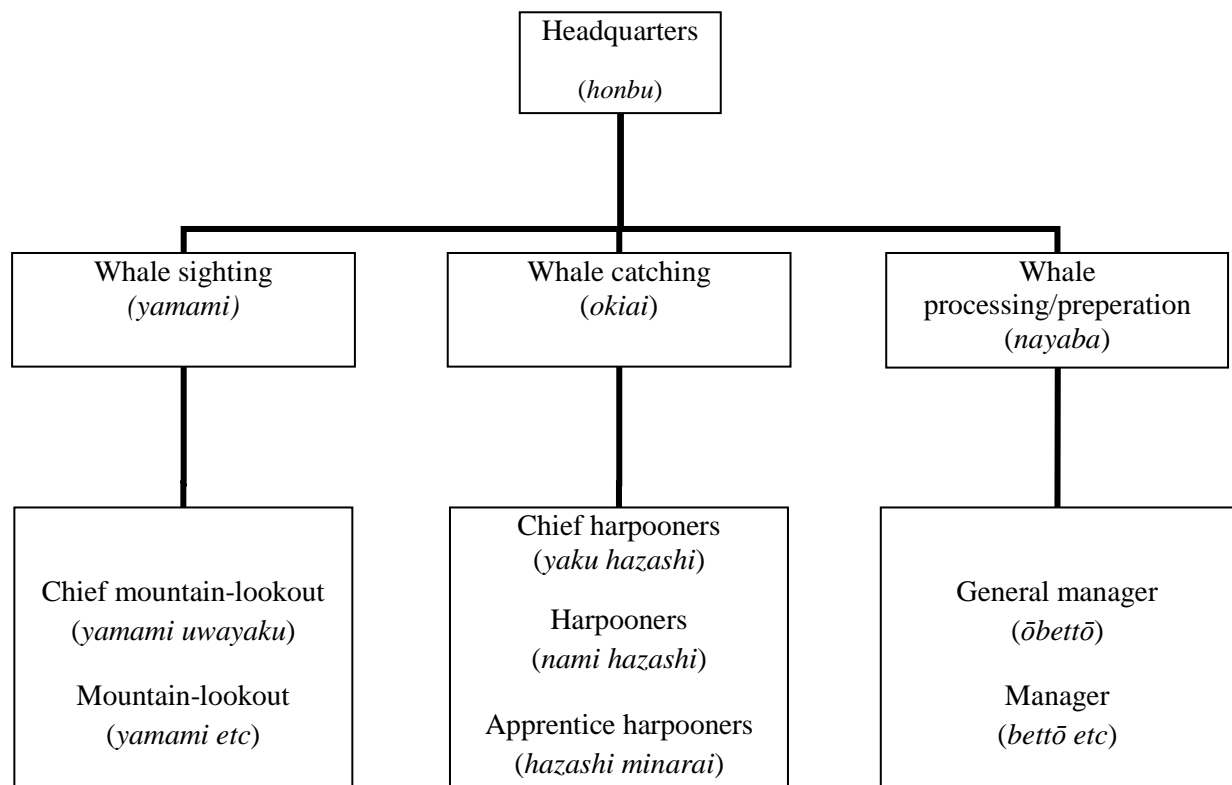
hole near the blowhole and thread a rope through it to secure the animal. Only after somebody would dive under the whale with ropes tying the whale to two beams laid between two boats that served as floats (*mossō bune*, 持双船), would the animal be killed with a sword. The whale was then towed to the shore station by the *mossō* boats.³⁶

The third sphere was the processing of the whale. This was carried out in different stages. During the main flensing stage (*uo kiri*, 魚断) the blubber was stripped from the whale. This was followed by the middle cutting stage (*naka kiri*, 中断) where the meat and blubber were cut into pieces. Both these stages were carried out by skilled flensers. After these stages, which were conducted out in the open, the meat, blubber and entrails were carried into the working sheds where they were cut into still smaller pieces.³⁷ The biggest part of the whale served as meat for food. Whale meat was eaten fresh or preserved by drying or salting. The blubber was used for extracting oil, which was used for soaps or lamps or mixed with vinegar to serve as insecticide. Insecticide became a very important product after the Kyōhō famine (*Kyōhō no daikikin*, 享保の大飢饉) of 1732-1733, when swarms of locusts devastated crops in agricultural communities around the inland sea. The entrails were used both as food and for oil production. The bones were crushed and cooked to produce fertilizer, which was particularly used for tobacco plants. Sinews and baleen were turned into ribs of folding fans, lantern handles, fishing rods, plates, strings of bunraku puppets (*bunraku ningyō*, 文楽人形), shamisen⁹ (三味線) plectra and seals.³⁸ The Japanese method of hunting and processing whales was quite different of those in the western world. European whalers sailed out to where they expected to find whales, while the Japanese whalers waited for the whales to come to them. And while in Europe the whalers took the baleen and the blubber and discarded the part the Japanese loved the most: whale meat. To the contrary, Japan had a tradition of utilizing almost every part of the whale, wasting as little as possible.³⁹

Watanabe (2009) describes the overall management of *kujiragumi* (see figure 2.1) as falling apart in three main sections around the headquarters (*honbu*). Firstly, there were the people in direction of the mountain lookout who spotted whales and directed boats to them (*yamami*), secondly, there were the people responsible for off-shore activities (*oikai*) who performed the actual hunt, and thirdly, the people working on-shore in the barn for processing and providing equipment.⁴⁰ Watanabe also points out that the positions as *hazashi* or specialist processor were hereditary, in sharp contradiction to day laborers employed for flensing and making preparations for various cuts of the meat, who were possibly even members of outcaste groups (*eta*). However, the initial organizational structure described above, changed over time. While for long all members of a whaling group came from one whaling community, over time laborers were employed from outside the community. And while in Taiji *hazashi* remained a hereditary position throughout the entire history of net whaling, in Tosa there was a system of examination for everybody seeking to become a harpooner. One could apply for this position by submitting a letter of aspiration.⁴¹

⁹ The *shamisen* is a Japanese three-stringed musical instrument played with a plectrum (*bachi*, 撥)

Figure 2.1: Organisation of whaling groups (*kujiragumi*)



Source: Watanabe, Hiroyuki. 2009. *Japan's Whaling: The Politics of Culture in Historical Perspective*. Melbourne: Trans Pacific Press. (p. 20)

It is clear that many workers were needed in the Japanese whaling industry. Most whaling groups employed between 500 and 1000 people each, divided between hunting and processing operations. Employees were hired on a regular, seasonal or temporary basis. In a later stage, seasonally employed workers were mostly workers with specialized skills and employed from a wide area. These included hunters, managerial staff, flensers, boat-builders, smiths, coopers, cooks, etc. Whalers were recruited from wide geographical areas, and usually the crew members on each boat came from the same village. It was the task of the harpooner to hire them. Day laborers were hired locally because they had to be available at short notice. This was an attractive job for farmers because whaling was conducted in the agricultural off-season, creating side jobs for them. Since securing enough day laborers was still difficult nonetheless, the management needed to be on good terms with nearby villages through, for example, gifts.⁴²

Because of the large labor force, the intensity of the operations and the capital investment that was needed for them, whaling was among the largest and most complex enterprises in Tokugawa Japan. Hence, whaling enterprises were financially and managerially challenging to the entrepreneurs of the time. Many of the expenses for both capital investments and running expenses needed to be paid in advance, regardless of the catches, so that whaling groups frequently relied on loans. The owners had to borrow from rich merchants in their domain, merchants from large cities, or from the authorities, often using their whaling equipment as guarantee.⁴³ Many enterprises failed before having any success, others went bankrupt after just a season of whaling. Even the more successful enterprises often ran into problems. As a result they frequently had to move their operations to other whaling grounds, taking their workers with them and employing local day laborers only for tasks which

required no special skills. Rights for hunting in whaling grounds rested with the local authorities and whaling licenses had to be granted. Usually the authorities granted them a license valid for only a restricted number of years, and they seldom renewed them once they had expired.⁴⁴ One possible reason for the high turnover rate was that many people who started a whaling business were attracted by the prospect of making a fortune. However, these people's skills did not always match their optimism. Another reason was the fluctuation of catches. If catches were bad, a group could not stay afloat longer than a few years. The general decline in catches – especially those of the right whale – was yet another problem. During the early 19th century, the American and British discovered the whaling grounds off Japan. It did not take long before hundreds of their ships were operating in Japanese waters. In 1846 there were almost 300 whaling ships from the United States alone. Because their more mobile ships caught the whales before they approached the coasts – where the Japanese were operating – the catches by the Japanese whalers fell dramatically from 1845 onwards.⁴⁵ Despite the instability of the industry, authorities still granted loans to whaling entrepreneurs from their own or other provinces. Reasons for doing this were improving both the tax base and the economic conditions of their domains. But even more important was obtaining whale products because of their great value during this period (as described above).⁴⁶

The net method dominated Japanese whaling in south-western Japan until the end of the 19th century. Scholars argue that with the introduction of the net method, Japanese commercial whaling spread from Taiji to Southern Japan in the 18th century, and then to Northern Japan in the following century. In their view, this led to a collective whale-eating culture. But what is often unknown, is that it is only after hundreds of years that this *local* whale-eating culture became a *national* culture, after World War II, because of the necessity to feed the impoverished population with cheap protein-rich meat.⁴⁷

2.3 American-style whaling

As mentioned above, the American and British whalers discovered the rich Japanese whaling grounds in the early 19th century. Very soon hundreds of foreign ships operated there. Hence, Japanese whalers were catching much fewer whales. If the Japanese whalers wished to continue whaling, they had to modernize their whaling techniques to be able to compete with the Westerners. To accomplish this, in a first stage, the Japanese tried in various places throughout the country to adapt the **American whaling method**. This method implied the use of large sailing vessels as mother ships, and rowing boats armed with harpoons or a whaling gun called a 'bomb lance' involved in the actual hunt. A number of attempts were made to establish whaling enterprises based on this method, but most of these attempts proved to be unsuccessful and short-lived. Hence, American-style whaling did not have any real impact on the development of Japanese whaling.⁴⁸

The Japanese had from early on made contact with the Americans. They were seen in increasing numbers of Japan's coasts and Japanese sailors, and fishermen were from time to time rescued by American whalers. In sharp contrast to this, American shipwrecked seamen were often maltreated, imprisoned or executed. On July 8, 1853, Commodore Matthew Perry arrived at the harbor of Uraga (浦賀) with four ships.¹⁰ His official mission was to open diplomatic relations with Japan, but other objectives included establishing bases on Japanese soil where American whalers could resupply food and water, and changing the Japanese policy toward shipwrecked men. Perry had President Fillmore's

¹⁰ These black warships left such a frightening impression on the Japanese, that they were called the 'Black ships' (*kurobune*, 黒舟).

letter delivered to the shogunate, and said he would return one year later to receive an answer to the American request. In February 1854, Commodore Perry arrived in Edo Bay with nine ships. The Japanese could not stand up to the military power of the Americans and agreed to allow United States ships to dock and obtain supplies, and the stationing of a US Consul at Shimoda (下田). Four years later a trade treaty was negotiated by the first consul, Townsend Harris. Subsequently, similar arrangements were made with European countries and the three-hundred-year isolationist reign of the Tokugawa Shogunate ended. This was the start of the Meiji Restoration (*Meiji ishin*, 明治維新).⁴⁹

2.4 Norwegian-style whaling

From the start of the Meiji Restoration in 1868 to the development of Japan as an industrial power, it only took one generation of hard labor, creating strong nationalistic feelings among the Japanese people. For the men who started modern Japanese whaling, national and political motives were just as important as financial ones. A large number of men was sent to America and Western Europe to observe and learn. Oka Jūrō (岡十郎), also called the creator of modern Japanese whaling, was one of them. He visited Norway (where he ordered equipment), Finnmark¹¹ (where he studied the practical details of modern whaling), the Azores (where he observed old-style sperm whale catching) and lastly, Newfoundland (where modern-style whaling had just started).⁵⁰ Oka's conclusion was that the Norwegian's technique was the best, but that Japan could not simply adopt their method because it was based on the production of oil, whereas the Japanese focused on the processing and marketing of meat.⁵¹ The **Norwegian method** had in fact been introduced to the Japanese through Russian whaling. Russian companies (*Count Keizerling Pacific Whaling Company*, *Holme Ringer Company*) had adopted the Norwegian techniques and were transporting whale meat from operations around the Korean Peninsula to Nagasaki (長崎) by the early 1900s.⁵² Several Japanese whaling pioneers had served aboard Russian whalers and sought to introduce the method in Japan.

In July 1899 Oka established the company *Nihon Enyō Gyogyō Kabushiki Kaisha* (日本遠洋漁業株式会社) in Yamaguchi. To get used to applying the Norwegian method of whaling, a Norwegian gunner and three other Norwegian seamen were employed. That same year the company started working on the building of a whale catcher, and whaling equipment was directly imported from Norway. Operations started with the newly built *Daiichi Chōshu Maru* in 1900 around the Korean Peninsula, where the company was granted whaling concessions by the Korean government. Nonetheless, proceeds of the two first seasons (20 and 44 catches respectively)⁵³ were low due to mechanical problems with the ship, and so it was decided to charter an additional whale catcher, the *Olga*, for eight months from the Russian company Holme Ringer. In 1901, however, the *Daiichi Chōshu Maru* sunk and there was no way to retrieve it. To overcome the crisis Enyō Gyogyō was facing, on top of prolonging the contract for the *Olga*, chartered an addition two whaling ships: the *Rex* and the *Regina* from the Norwegian whaling company *Rex*.⁵⁴

The decision to charter ships proved successful, and introduced a period of Norwegian participation in Japanese whaling under the form of what is called *charter catching*. Either a boat was chartered for a fixed sum per month for a certain period, or the charterer paid a certain sum per whale. For both parties this was an efficient way of using each other's know-how. The Norwegians possessed the equipment and the catching techniques, while the Japanese were experts in processing and marketing.

¹¹ Finnmark is a county in the extreme northeast of Norway.

Japan needed the Norwegians until they could build their own whale catchers and train their own gunners.⁵⁵

In 1904 Nihon Enyō Gyogyō K.K. was reorganized into Tōyō Gyogyō K.K. (東洋漁業株式会社). The Russo-Japanese war in 1904-05 did not imply a break in whaling. Catching continued and that season the yield was 330 whales. When considering only two boats were in operation during this time, this was an astonishingly good result. Japan emerged victoriously from the war and because the Russians were expelled from Korean waters as a result of the war, Japan could monopolize the whaling grounds between Taiwan and Ogasawara in the south and Sakhalin in the north. Moreover, four ships of the Russian Pacific Whaling Company were confiscated by the Japanese government and handed over to Tōyō Gyogyō. Another big whaling company, Nagasaki Hogeï (長崎捕鯨), in trying to compete with Oka's company, bought four new ships and as a result increased its catches dramatically.⁵⁶ But Tōyō Gyogyō remained the top whaling company, especially after Oka in 1904 had succeeded in acquiring more whaling rights in the Korean Peninsula, including concessions in Ulsan, Jangjeon and Mayang Island. Oka also urged the Korean government to take actions against Russian Pacific Whaling, that because of the war had fallen more than a year behind in its payment of the concession tax. In 1905 the Korean authorities reassigned the land, buildings and equipment of the Russian company to Oka's company. As a result, from 1905 to the end of World War II, whaling rights around the Korean Peninsula were a Japanese monopoly.⁵⁷

After the war Japan's whaling entered a period of expansion between 1906 and 1909. The expansion was marked by six main characteristics (Tonnessen & Johnsen 1982). Firstly, the two leading companies tripled their catching capacity. Secondly, catching was extended to other areas. Thirdly, a large number of new companies were established. Fourthly, lesser boats were chartered and more boats were built in Japan. Fifthly, because the prices for whale meat were falling, companies now started to produce whale oil as well. And lastly, a number of companies merged forming a larger unit in command of greater capital. During this period of expansion, Tōyō Gyogyō's success was enormous. Between 1906 and 1907, 633 whales were caught. This was the largest catch by any company in the course of one season since the start of modern-style whaling.⁵⁸ Moreover, in 1906 Tōyō Gyogyō had established whaling stations in a number of locations within Japan, including in places where there was no history of net whaling⁵⁹, leading to clashes in some regions.

During this expansion period twelve new companies had formed. The number of boats in operation kept on increasing to the point the Japanese Government had to step in. Companies were ordered to cooperate and merge into larger and more viable units. In 1909 the four leading companies – Tōyō Gyogyō, Nagasaki Hogeï, Dainihon Hogeï (大日本捕鯨) and Teikoku Suisan (帝国水産) – joined forces to form Tōyō Hogeï (東洋捕鯨), buying up two smaller companies¹² in the process.⁶⁰ In 1910, a seventh company and in 1916 still three others joined. Tōyō Hogeï became the world's largest company in terms of materiel and capital.⁶¹ With this merger, in the period after 1916 only three companies operated independently. These are often referred to as the 'Tosa companies' because they mainly operated in the Tosa Sea^{13, 62}.

The expansion had gotten out of control with companies competing and struggling to recruit the best crew. In this light, Oka summoned most of the companies to a series of conferences in 1908. The

¹² The two smaller companies were Tōkai Gyogyō (東海漁業) and Taiheiyō Gyogyō (太平洋漁業).

¹³ See Appendix III for the location of the different seas around Japan

result was the establishment of the *Japanese Whaling Association* in December 1908 (*nihon hogeigyō suisan kumiai*, 日本捕鯨業水産組合). With the head office in Osaka and Oka as its president, detailed and rigorous rules were laid down.⁶³ All companies were obliged to become members of the whaling association, whose main goals were developing the whaling industry, conserving stocks, and improving the whaling industry's earnings. The next year in 1909, the Government enacted the first whaling regulations in Japan: *the Regulations for the Management of Whaling* (*geiryō torishimari kisoku*, 鯨漁取締り規則). The regulations included the species to be hunted, whaling seasons, hunting areas and the requirement to obtain whaling licenses for both boats and stations.⁶⁴ The major expansion had also resulted in an over-production of meat. Since the price of whale oil had risen steadily after 1906, it was decided to produce whale oil as well. The Whaling Association laid down rules in relation to the production and quality of the oil. Oil was graded in three categories, only oil of the highest quality could be exported. Oil from other categories was used domestically for lighting and insecticides.⁶⁵

As I have mentioned above, with the expansion of Norwegian-style whaling, whaling companies opened whaling stations in areas where previously no whaling had been conducted, resulting in frictions with the locals. Indeed, there are widespread reports that people were not happy with the commencement of this type of whaling industry in their area. In 1906, for example, fishermen in Chōshi (銚子) (Chiba Prefecture) demanded the closing of Tōyō's whaling station. Similarly, fishermen of Ushitsu (牛津) (Ishikawa Prefecture) opposed the development of a whaling station at the initiative of Tōyō. The most violent friction as a reaction to the development of a whaling industry, occurred in Same (Aomori Prefecture) in 1911. In 1909, Dai Nippon Whaling (大日本捕鯨) had plans to establish a whaling station, but as a result of fishermen strongly opposing the plan, it was put on hold. A second plan was proposed by Tōyō Hogeī in 1910. This time, in spite of a similar protest movement, the building of the station was approved by the Minister of Agriculture and Commerce. Opposition continued both in Same, and in villages in the vicinity. To make a concession, compensation of 10 yen per whale was offered to the fishermen of Same. Operations at the station commenced in April 1911. On 1 November, a group of fishermen, estimated from hundreds to thousand men from mainly the district surrounding Same, attacked the whaling station and set it alight. They then attacked the police substation, the inn employees stayed, and houses of influential locals who had supported the building of the station, resulting in 2 fatalities (fishermen) and 33 injuries.⁶⁶ Several fishermen were later interviewed as to why they were so opposed to the whaling station in that they had to turn to violence. From these interviews could be concluded that in the minds of these fishermen, blood and oil from the whale flensing process either killed the fish or stopped them from coming close to shore. Other responses pointed out that in the area the belief existed that whales were gods and it was wrong to kill them. Indeed, in the district of these fishermen whales were called *Ebisu sama* (お恵比寿様), pointing to a sacred God bringing wealth. Moreover, the debate over the effect of blood and oil on fish catches had been going on in the area from before the riot.⁶⁷

Let us now take a closer look at the working organization and processing activities during this period. Enyō Gyogyō, for example, had a Norwegian in charge of the flensing activities. Moreover, as we have seen, this company initially also hired a Japanese harpooner and three other Norwegian seamen, since these were the introducers of the technology. For most other positions (such as supervisor, accountant, flenser, blacksmith, carpenter, and in a later stage also captain and seamen) Japanese were in charge. It can be concluded, therefore, that Norwegian-style whaling was not a fully *Japanese* industry as such.⁶⁸

During this period three different types of processing can be distinguished. In a first method, a support vessel was moored alongside the wharf of the whaling station. The flensing ship, with the whale already on board, would then draw up beside the support vessel. The flensers subsequently would approach the flensing ship in a smaller boat to pass a hook – attached to a wire cable – through the pectoral fin of the whale. As the winch of the flensing ship reeled in the cable, the flensers insert a cut with large flensing spades (*ōbōchō*) so the section around the pectoral fin is raised to the deck of the ship, and gets separated from the rest of the carcass. Subsequently, butchers (*saikatsufu*) would cut the lumps of meat hanging on the deck in pieces of roughly the same size. These pieces of meat would then be carried to the deck of the support ship by a transporter (*kagihiki*), where they are cut into smaller pieces by an experienced butcher using a smaller knife (*kobōchō*). Finally, these pieces would then be carried along a wharf to the freezer room on land. In total around three flensers, eight butchers on the flensing ship and ten on the supporting ship, and five or six transporters were involved in the processing operations.⁶⁹

A second method was the ‘bok (pile, post) wharf technique’ which became popular when on-shore whaling stations were established. In this method, two posts would be erected on the wharf on which a crossbar is fixed on which to pulleys are attached. Wire cables with hooks ran over the pulleys. When a whale catcher would then come alongside the wharf, a rope would be put through the tail fluke of the whale, and a hook passed around the rope so the whale could be pulled ashore.⁷⁰ Watanabe (2009) further describes this method as follows:

“At the same time a chain is wound around the tail section of the whale and then the hook is disengaged from the rope and hooked into the chain to raise the whale’s body about one quarter of the way out of the water. At this point, the flensers (*kaibōshu*) working from a barge (*denmasen*) first make a cut around the carcass from the area of the genital organs and this severed section is raised with a winch to hang above the wharf. There it is cut into smaller sections by the butchers (*saikatsushu*). When this process is finished, the remaining section of the carcass, which has been left lying in the water alongside and parallel to the wharf, is winched up in the same way so the skin can be removed and the flesh cut away, after which the butchers repeat the process of dividing it up into smaller specific cuts of meat.”⁷¹

A third and final method was developed in 1907 in which the entire whale is pulled completely on the shore. This became the generally followed method and is still applied today in coastal whaling. From these different methods we can conclude, that this was certainly not just a continuation of the processing operations of net whaling. It both necessitated new technology and Norwegians that had introduced this technology.⁷²

In the following decades the industry underwent five more important changes (Kalland & Moeran 1992). Firstly, shore stations with flensing activities were built to replace flensing boats. Secondly, new whaling grounds were opened around the Bōnin Islands, Sakhalin, the Kuril Islands and Taiwan. Thirdly, with whaling stations spread all over the country¹⁴, the whaling boats could operate all year. Fourthly, the importance of the various species taken changed over time. The numbers of fin, blue and humpback whales decreased, while the sperm whale numbers rose when they became important for their oil. Finally, whaling companies contracted further. By the end of the 1930s large-type coastal

¹⁴ See Appendix IV

whaling (LTCW) was controlled by three large companies: Nihon Suisan (日本水産), Taiyō Hogeī (大洋捕鯨) that was created in 1936 through the amalgamation of the 'Tosa companies', and Kyokuyō (極洋).⁷³

2.5 From coastal to pelagic whaling

The next phase in Japanese whaling was pelagic whaling. In fact, the three main whaling companies in control over LTCW by the end of the 1930s had been established to finance this industry in the Antarctic. European pelagic whaling dated as far back as the medieval times and through the centuries had spread to most of the world's oceans. The Norwegians were the first to send a modern vessel to the Antarctic in the early 20th century. Not only because Japan did not have to stay at sea because of its many shore stations, but also because of the collapse of the oil market and a worldwide depression in the early 1930's, it took Japan until 1934 to follow the same path.⁷⁴

Nihon Sangyō K.K. (日本産業) with an interest in the whaling industry, and pelagic whaling in particular, in 1934 purchased the largest whaling company Tōyō, giving rise to the establishment of Nihon Hogeī K.K. (日本捕鯨) in 1934. That same year it bought the Norwegian factory ship the *Antarctic*, which was renamed *Antākuchikku Maru* (アンタークチック丸) and later to *Tonan Maru* (図南丸), together with five catcher boats. In order to cover the large sum of money, the company decided to whale in the Antarctic instead and process mainly oil to export to Europe. Operations commenced in the Antarctic in 1934. During the period between 23 December 1934 and 17 February 1935, 213 whales were caught, yielding 12,955 barrels of oil.⁷⁵ In response to Nihon Hogeī, Taiyō Hogeī was established two years later, and participated in factory-ship whaling in the Antarctic with her in Japan-built *Nisshin Maru* (日新丸) from 1935. Already, in 1936 a second factory ship, the *Nisshin Maru No. II* was finished and ready to set sail, and Kyokuyō Hogeī sent its new ship, the *Kyokuyō Maru* (極洋丸), to the Antarctic in 1938. During the 1938-1939 season six fleets consisting of 49 catcher boats operated in the Antarctic.⁷⁶ Japanese Antarctic whaling expanded rapidly in the following few years, making the country an important rival to Great Britain, Norway and Germany.

While with the advent of pelagic whaling in Japan in 1934, *Regulations for the Management of Factory Ship Type Fisheries* had been imposed, in 1938 further regulations were laid down with the new *Regulations for the Management of Whaling*. The taking of young whales, calves, or mothers with their calves was prohibited. Limits were also imposed on body length for blue, fin, humpback, sei and sperm whales. Both the 1909 and the 1938 Regulations for the Management of Whaling were subsequently appended to the Regulations for the Management of Factory Ship Type Fisheries, together with a ban on taking gray or right whales outside the North Pacific (above the latitude of 20 degrees north).⁷⁷

In contrast to previous eras when whale meat was the most important byproduct, Japanese whaling companies now concentrated on the production of whale oil; whale meat was of secondary importance. This change should be understood against the historical background of the outbreak of the China-Japan War in July 1937, and the eruption of World War II in Europe in 1939. Henceforth, whaling companies gave much more attention to the production of whale oil (see table 2.1), which was an important product for military purposes, and could yield foreign currency when exported.⁷⁸

Table 2.1: Pre-war oil and meat production of Antarctic whaling by Taiyō Gyogyō (in ton)

Whaling season	Name of the vessel	Total oil production	Total meat production	Other	Total production
1936-1937	Nisshin Maru	15,280	181.5	5.5	15,467
1937-1938	Nisshin Maru I & II	34,658	718	189.2	35,565
1938-1939	Nisshin Maru I & II	33,473	1223.9	1124.2	35,821
1939-1940	Nisshin Maru I & II	33,600	1911.5	609.5	36,121
1940-1941	Nisshin Maru I & II	37,801	3418.4	531.9	41,751

Source: Shiozaki, Toshihiko (塩崎俊彦). 2005. On Whaling in the Antarctic Ocean between the Two Great Wars (*ryōtaisekanki no nansuiyōhogei nitsuite*, 両大戦間期の南水洋捕鯨について), *Journal of Kobe University* (古部大学新聞), vol. 7: 13-21. (p. 17)

After only three seasons, Japanese pelagic whaling in the Antarctic had risen to 11.6 per cent of the production world total. During the same period Norway and Britain's share had both fallen with 14.5 per cent. In the 1938-9 season Japan's share of Antarctic whale oil production rose to 17.1 per cent, while Norway's, Britain's and Germany's shares sank further. But Japan had plans to expand her operations even more.⁷⁹ It took such proportions that the Japanese industry threatened to put Norway and Britain out of business, disrupt the whale oil market and exterminate stocks of whales.⁸⁰ During this period pelagic whaling also played a vital part in sustaining the whaling culture in many of Japan's whaling communities.¹⁵ Since a significant percentage of the pelagic crews came from Kyushu and Wakayama and Miyagi Prefectures, it opened up new possibilities for unemployed whalers in southwest Japan.⁸¹

Table 2.2: Products of Japanese Whaling (1935-1941) (in ton)

		1935	1936	1937	1938	1939	1940	1941
Antarctic Ocean	Whale oil	2,006	7,358	26,089	64,044	80,629	90,167	104,138
	Salted meat	28	264	270	1,212	2,831	8,382	13,536
	Other	-	-	-	212	1,682	2,609	2,451
North Pacific	Whale oil						4,588	3,986
	Salted meat						1,486	3,655
	Other						-	-
Coastal Whaling	Whale oil	4,305	4,883	5,509	4,471	4,015	4,360	4,286
	Salted meat	19,350	19,892	16,382	19,142	17,801	17,801	21,476
	Other	4,072	3,737	7,368	2,951	2,275	2,275	4,897

15 According to Kalland & Moeran (1992) Abashiri, Ayukawa, Wadoura, Taiji, Ukushima and Arikawa are the most prominent whaling communities.

The threat the new whaling nations posed to both the whale stocks and the other whaling nations were the main reasons for the London Conferences of 1937 and 1938. In the course of the 1930s twelve countries participated in Antarctic pelagic whaling. If regulations were to be effective, an agreement had to be ratified by all of them, and an agreement covering global whaling had to involve a number of other countries too. The Conference of 1937 was held from 24 May to 7 June 1937, and was organized at the initiative of the Norwegian Foreign Ministry. All requests from Britain and Norway to Japan to attend the conference were rejected. The Japanese argued that since they were newcomers to pelagic whaling, they were as yet not informed of the problems and would not be prepared to negotiate with others until they were on equal terms with the other nations.⁸² Because of an overproduction of whale oil, the importance of decreasing the amount of oil production was emphasized. Moreover, an agreement was reached to limit the whaling season to three months. Japan had not only not participated in the conference, this was also the year Japan for the first time sent a whaling fleet both to the North Pacific and the Antarctic, with European countries feeling threatened as a result. Norway reacted with no longer sending specialized Norwegian technicians to Japan to help with the construction of ships at the Kobe shipyard.⁸³

The second London Conference was held on German initiative. Particularly their expeditions had suffered from a decline in catches. Most nations agreed that the reason for declining whale stocks were the Japanese whaling operations. They started four to five weeks before the others, ignored the ban on the catching of humpbacks and lactating females and tended to ignore minimum size limits. Delegations from Germany, Great Britain, Japan, Norway and the USA took part in the conference. A Japanese delegate argued that his government would first have to adjust national legislation on whaling to the international agreement, while all the other nations first adhered to the agreement and then adjusted their legislation in accordance with it. Despite the pressure from other whaling nations, Japan merely promised to do so as soon as possible before the start of the next season. When war broke out in September 1938, the Japanese Foreign Office argued that the changed circumstances would inevitably result in a decline in catches and fluctuating prices. For this reason, it declared, Japan could not implement her promise. The real motive was most likely that Japan hoped to make up for the poor catches of the two previous years.⁸⁴

Because the more restrictions there were, the more hesitant the Japanese would be to appear at the second conference, the conference gave way on this point. The 1939 conference ended up being a disappointment, and perhaps even a step in the wrong direction. Restrictions were softened: the humpback was protected for only one more year, the pelagic catching area was extended, and pelagic summer catching was no longer completely banned. These were all concessions to meet Japanese conditions for adhering to the main agreement of 1937.⁸⁵

During the period 1939-1941 Japan had increased its Antarctic operations to a very considerable extent, producing 483,476 barrels of oil in 1938-9, 538,862 in 1939-40 and 622,413 in 1940-1. In the last season Japan's share in the pelagic Antarctic production was an astonishing 59 per cent.⁸⁶ Japan mainly exported her whale oil to Europe and sold it on the London Market. It had done since the advent of Antarctic whaling, and was thus highly dependent of the foreign market. Prices, however, had sharply increased, and by the end of the 1930s it was becoming less profitable for Japan to export whale oil. From 1939, therefore, the Japanese whaling industry started to concentrate on whale meat for the domestic market again.⁸⁷

During the war, whaling continued without any serious restrictions in the two largest whaling grounds outside the Antarctic – the waters off South Africa and Japan. Japan was only affected during the last year of the war when the Allied forces closed in on the Japanese coasts and commandeered all whale catchers engaged in coastal whaling. From 1941 pelagic whaling had stopped, and with food shortages coastal whaling received special attention. As an emergency measure, small-type coastal whaling (STCW) boats were permitted to hunt large-type whales. During the war, therefore, LTCW reached a peak at 34,800 tons of which 28,600 tons were used as food.⁸⁸

After the war Japan lost 51 of her 78 catcher boats. Moreover, more than half the pre-war whaling grounds were gone because Japan had to retreat from Korea, Taiwan and the Kuril Islands. The Japanese people, however, had become very dependent on whale meat because of the food shortages in the immediate post-war years. With no meat coming from pelagic whaling, and the yields from coastal whaling reduced to a mere 25 per cent, this posed a serious threat to Japanese food supply.⁸⁹ As a result, in 1946 the US War Department authorized Supreme Allied Commander General MacArthur to allow Japan to recommence whaling in the Antarctic and off the Bōnin Islands.⁹⁰ The news that Japan was once again operating in the Antarctic reached Norway in August 1946. The US War Department anticipated criticism and issued a press release stating “this limited expedition cannot in any way be regarded as a Japanese enterprise as it is entirely under the control and management of the Occupying Power, is only intended for one season, and will not set a precedent for future Japanese whaling”. The whale oil was intended for the Americans, while the whale meat was meant for human consumption in Japan.⁹¹ In 1947, 47 per cent of the animal protein consumed by the Japanese came from whale meat.

Coastal whaling continued during and after the war. STCW¹⁶ was not adversely affected by the war defeat. The industry expanded during the post-war years and the STCW fleet reached a total of 83 boats in 1947.⁹²

¹⁶ Kalland and Moeran (1992) define STCW as follows: “The origins of what is now commonly referred to as small type coastal whaling can be found in the beginning of minke whaling off the Japan coasts in the late 1930s. This type of whaling is characterized by the species caught (small-type whales such as minke, bottlenose, beaked, pilot or killer whales), and by the use of powered vessels (maximum 48 tons in Japan) with mounted harpoon guns”.

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CHAPTER 3: THE IWC AND JAPAN'S WHALING HISTORY SINCE 1951

Since this chapter is all about Japan and its whaling policy in the IWC, we will attempt to consider Japan's whaling history since 1951 from a Japanese point of view. In doing so, we will structure this chapter around the different stages in the IWC history distinguished by Ōsumi Seiji (大隅清治), a Japanese IWC delegate. In total Ōsumi attended 38 IWC meetings between 1967 and 2005, hence, his literature will give a fairly good idea of the governmental stance on Japanese whaling and the IWC.

3.1 1949-1959: The whaling nations club (*hogeikoku no saron*, 捕鯨国のサロン)

Japan regained her independence from the United States in 1951. Although first barred from IWC membership, that same year Japan was reintegrated into the whaling negotiations by the US, despite strong opposition from its allies. Still excluded from the United Nations, however, Japan saw its IWC membership as a chance to rid itself from a war-tarnished image and to be seen as a law-abiding and cooperative nation.¹ Unlike now, when Japan joined the IWC in 1951, it had a whaling policy like most other IWC members. It was a whaling nation concerned about the depletion of certain whale stocks, and open to proposals that would safeguard these stocks so they could be hunted and commercialized again. This was the opinion of the majority, since 90% of the IWC membership consisted of whaling states, and from their point of view the ICRW was established for the *regulation* of whaling and not the *conservation* of whales.²

After the war the three leading Japanese whaling companies – Nissui, Kyokuyō and Taiyō – succeeded in quickly restoring their pre-war hegemony. In 1951, the newly constructed *Nisshin Maru No. 2* replaced the old *Nisshin Maru*, and that same year Japan the *Tonan Maru* (図南丸) was fitted out and added to the Antarctic whaling fleet.³

While before the war whales from the Antarctic were used as a margarine source, after the war, because of the revival of the agricultural industry by 1951, whale oil was no longer necessary for its production. In 1938 margarine included 30% whale and fish oil, but by 1952 this was only 13%. Whale oil was mainly replaced by coconut and palm oil. Similarly, the importance of whale oil for the production of soap also decreased after the war. In 1938 whale oil still occupied 13% of the ingredients, but gradually other ingredients such as soy bean oil took its place. In sum, after the war, whale oil lost its importance on the oils and fats market. Hence, the domestic whale products market was now dominated by whale meat. From 1950, however, whale meat was overabundant and companies were having financial difficulties. But in 1955-57 the value of oil stabilized and whaling companies' incomes could be diversified.⁴

In 1952 the brief period of whaling around the Bōnin Islands (1946-1952) ceased. Because these whaling operations took place so close to land, they were regarded as coastal whaling. When the IWC defined them this way, these practices became subject to the same seasonal restrictions as for LTCW: no whaling between 1 November and 30 April. This period, however, coincided exactly with the season sei whales appeared around the islands, and so the new regulations made it impossible to carry on winter operations at a profit.⁵

That same year Japan sent her first post-war fleet to the North Pacific. This was the *Kaiko Maru* (海工丸) in 1946, replaced by the *Baikal Maru* (バイカル丸) in 1952. Second and third ships were added in

1953 and 1954 respectively.⁶ Initially, the IWC had no intentions of regulating whaling practices in the North Pacific because they were of a too limited size to cause danger to the whaling stocks there. But in 1953 Canada suggested to prohibit the use of factory ships in the area and when the Scientific Committee was set up in 1954, it had to investigate pelagic whaling in this area as well. By that time two Japanese expeditions, in addition to a Soviet one, were whaling in the North Pacific.⁷

In 1954 the IWC meeting was held in Tokyo. A resolution to protect the blue whale for five years starting from 1 January 1955 was met with protest from both Japan and the Soviet Union. The Japanese delegation said that since the stocks had been left alone for fifteen years already, they had probably had the time to increase. Still, the Japanese set a reasonable quota of ‘only’ seventy blue whales for the Bering Sea. By 1957, investigations had to provide concrete results on the state of the blue whale stocks.⁸

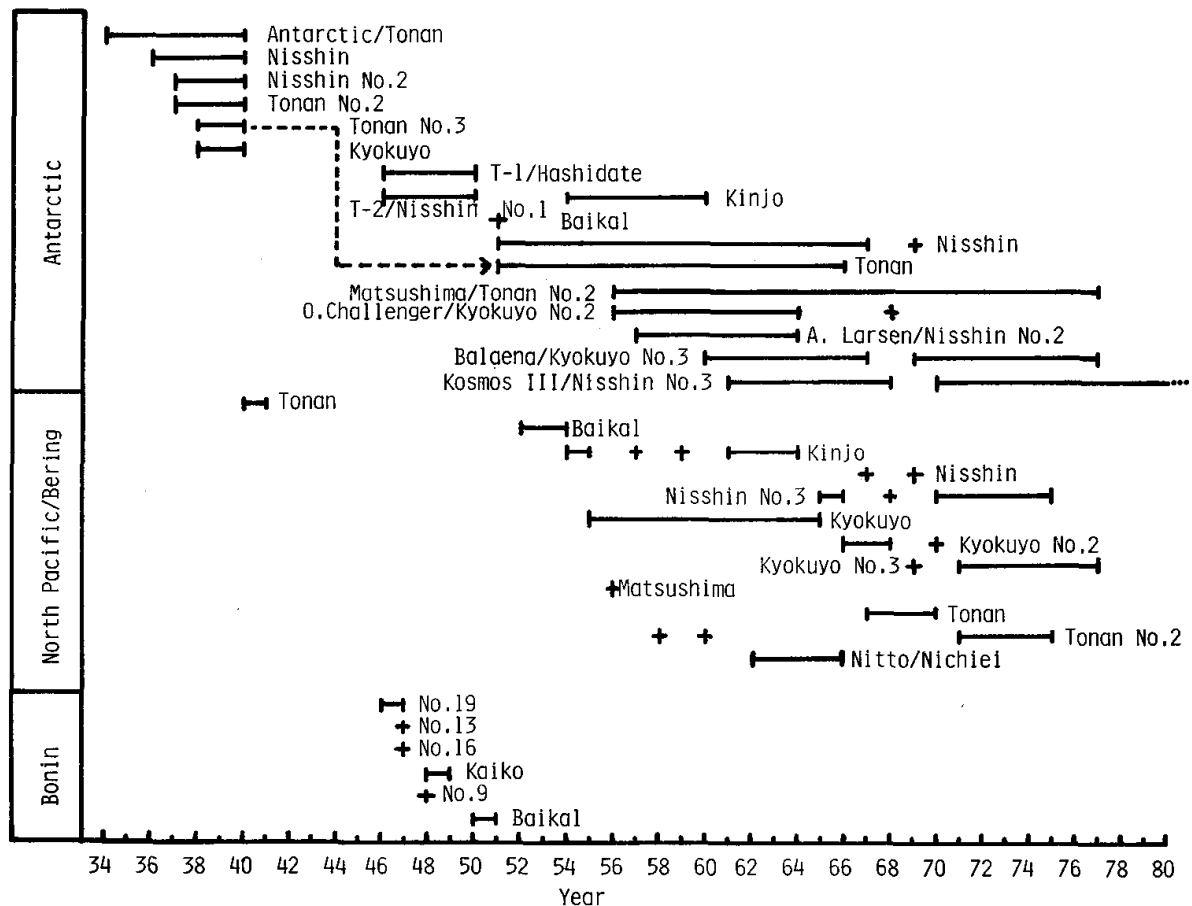
In 1955, for the first time whale products in Japan surpassed 150,000 tons, the pre-war peak of 1941. But the relative importance of the different products had changed over time. In 1947, because of the emphasis on whale meat for its high protein level, 47% of all animal protein consumed in Japan was from whale meat. Therefore meat production had risen from 23% in 1941 to 44% in 1955.⁹ In schools whale meat had been the only meat served in school lunches between 1947 and the mid 1950s. From 1958, whaling companies domestically again concentrated on the production of whale meat. But from this period onwards, the popularity of whale meat as such decreased, and whale meat was increasingly used in processed food such as fish sausage, which resulted in an increased demand for these products. In 1960, one ton whale meat yielded ¥100,000, while one ton whale oil only yielded ¥45,000.¹⁰ Nonetheless, from the mid-50s onwards, pork and chicken were increasingly served, and the amount of whale meat decreased; but until the mid 1970’s, whale meat was still used more than any other type of meat. In 1973, about 15% of the total amount of the Japanese production of whale meat was used for school lunches. This system of school lunch provision has resulted in an increase of whale meat demand nationwide.¹¹ In other words, the domestic market for whale meat was insatiable. There were even agreements made by the Japanese to buy whale meat on sea from other countries’ expeditions.¹²

After 1955 Japanese whaling operations expanded even more. In 1956 *Kyokuyō* was allowed, for the first time, to participate in the Antarctic whaling operations. Until this time only Nissui and Taiyō had received the required license by the Japanese authorities. The Antarctic has since been closed to all other companies, except for some subsidiaries that provide catcher boats for their parent companies.¹³

By 1957 three new ships had joined the Japanese Antarctic whale hunt. In 1956 the freighter *Matsushima Maru* (松島丸) became the *Tonan Maru No. 2*, and the *Olympic Challenger*, purchased from Aristotle Onassis’s outlaw whaling company, became the *Kyokuyo Maru No.2* (第二極洋丸). The following year the South African *Abraham Larsen* was sold to Japan to become the *Nishin Maru No. 2*.¹⁴ Taiyō paid a high price for this twenty-year old floating factory, reflecting how vitally important the whaling industry was for the company. The reason the Japanese were prepared to make such substantial investments, despite the scope of worldwide whaling getting smaller every day, was that Japanese whaling was still a very profitable business. The whaling companies had a sound economic basis in the sale of whale meat on the domestic market. This meant that they were, unlike most other countries, not solely dependent on the sale and, hence, the highly variable prices of whale oil. In 1957 each Japanese BWU provided 3000 British pounds, whereas each Norwegian one provided only 2,200 British pounds. On top of this Norway did not, like Japan, operate in the North Pacific in between Antarctic seasons. But the production of whale meat for the Japanese market also generated some difficulties and significant costs. The production of the meat and transport to the home

market meant that for one season only 45 refrigerator and deep-freeze ships were in use. Marketing of the whale meat also entailed some additional costs. Because of these extra expenses, a number of whaling companies ran into financial difficulties in the early 1960s.¹⁵

Figure 3.1: Japanese factory whaling fleets commissioned and that served as mother ships in the regions of the Antarctic, North Pacific/Bering Sea, and the Bōnin Islands until 1980



Source: Kawamura, Akito. 1980. "Chronological Notes on the Commissioned Japanese Whaling Factory Ships." 北海道大学水産学部研究彙報: *Bulletin of the faculty of fisheries Hokkaido University*: 31 (2): 184-190. (p. 188)

During IWC negotiations for the renewal of the *Whale Catcher Agreement* for 1957-59, Norway had to make concessions for the benefit of Japan. In the end this implied Japan could increase her number of whale catchers from 9 to 11 per floating factory, while some of the largest Norwegian floating factories operated with a number varying from 7 to 10. An interesting clause to the agreement was that Japan was given permission to use one of the Norwegian-British whale catchers, so that Japan could operate with one more whale catcher than it was actually entitled to. This concession had to be considered as an incentive for Japan to adhere to the agreement, since together with the catcher boat came the quota attached to it. In most cases their value would far exceed the rent. Therefore, this clause marked the beginning of a period when boats and ships would be sold and purchased, not for the sake of the equipment, but for the quota belonging to it.¹⁶ Also in 1957, Taiyō and Nittō Hogeï (日東捕鯨) started whaling from shore stations on the Ryūkyū Islands. Together using three whale catchers, they had an annual allocated quota of about 120 humpback (and a few sperm) whales for each company.¹⁷

At the 1958 IWC meeting, after having reviewed the state of the blue whale stocks in the North Pacific, the SC declared there was no need for further regulation apart from the current Japanese restriction of blue whale catches. The Commission did, however, draw attention to the scale of whaling in the North Pacific, with 11,000 whales caught by 1957. This was almost one-third of the total Antarctic catch by that time. Although the SC had not proposed any limits for sperm whale catches, and had only pointed out a lot of them were caught just over minimum length, in 1959 Japan announced it would catch 400 fewer sperm whales and go after the larger animals.¹⁸

Ōsumi describes this period in the IWC as a period when, because SC research on whale stocks was still in its infancy, it was incapable of providing the IWC members advice on adequate management in accordance with the state of the whale stocks. Therefore, he claims, the whaling industry was dominated by short-sighted conduct and the IWC neglected the improvement of the then current regulations. As a result, in the Antarctic, whale stocks were rapidly declining. During this period, western whaling nations dropped out of the Antarctic hunt one after the other, and by 1960 less than 75% of the member countries were still whaling in this ground. In relation to the declining stocks, that same year three scientists (*sannin iinkai*, 三人委員会) from non-whaling nations were appointed to make an assessment of the whale stocks in the Antarctic. For Ōsumi this event marks the end of the first stage.¹⁹

3.2 1960-1971: The whaling modernization era (*hogeï no seijōka jidai*, 捕鯨の正常化時代)

By 1960 Japan had overtaken Norway as the leading whaling nation. In the 1960-61 whaling season Japan sent seven whaling fleets to the Antarctic. In the 1961-62 season, this resulted in an unprecedented production peak of 30,000 tons of oil and meat.²⁰ But it became clear that whale resources were being heavily depleted in the Antarctic whaling grounds, and so from the 1960s the IWC imposed stricter regulations.²¹

Japanese STCW companies ran into financial difficulties because it was hard for them to compete with companies that used larger and better-equipped ships. As a result, the number of STCW boats was reduced from 68 boats in 1951 to only 32 in 1961. Remarkably, however, this fleet reduction did not result in a significant reduction in whale catches. LTCW companies too, experienced a decline in whale boats because of over-capitalization and low efficiency. Consequently, the number of LTCW boats was downsized from 42 boats in 1952 to only 12 in 1970. Here too, the reduction of boats did not entail any reduction of catches.²² Whaling around the Ryūkyū Islands stopped being profitable in 1962, marking another setback for the Japanese coastal whaling industry. That year six whale catchers operating from three different shore stations only caught 24 humpbacks altogether.²³

In the North Pacific the three largest whaling companies had been forced to operate jointly, but from 1962 they were allowed to send one fleet each while smaller whaling companies – Nittō Hogeï, Nihon Kinkai Hogeï (日本近海捕鯨) and Hokuyō Hogeï (北洋捕鯨) – provided their fleets with catcher boats and occasionally a factory ship.²⁴ Japan and the USSR were the only nations operating freely in these whaling grounds from 1962 onwards. And it was not until that year, when a special North Pacific Committee was set up, that more strict measures were taken in this area owing to Japanese and Soviet intensified whaling. The committee was to study whale stocks in the North Pacific with members from Japan, the US, the USSR and Canada. Japan requested that the minimum length for sperm whales be lowered from 35 to 33 feet, and although this was initially refused, it was later agreed to the condition that this also applied to Japanese coastal whaling. Canada, nevertheless, maintained in the

Committee's first report in 1963 that the opposite course should be taken and that the minimum length of 35 feet should be raised to 38 feet. The committee also decided it had no evidence to prove overfishing at that stage, but that "it was imperative to provide data in order to discover signs of decline".²⁵

In IWC discussions, the Japanese had consequently argued that in terms of world economy, whaling should be left in the hands of the nation that made the most complete use of the resource. There was no doubt this was Japan. Japan received about 130,000 tons of meat from the Antarctic per year, corresponding to about 1 million head of cattle.²⁶ Until the mid 1960's, whale meat continued to be the main source of animal protein for the Japanese. In 1962 Japan reached its highest record in the history of the Japanese whaling industry with a production of 226,000 tons. In 1964 the nationwide consumption of meat still included 23% whale meat and in 1965 190,000 tons of fish sausage¹ were produced.²⁷ With the purchase of foreign fleets and quotas, the Japanese production continued to increase.²⁸ The Japanese were interested in buying the Dutch ship *Willem Barendsz II*, but had broken off the negotiations given the uncertainty regarding quota for the 1964-65 whaling season. If these were going to be drastically reduced, the Japanese would not be interested in buying the ship and the quota belonging to it. When Japan proposed high quota, it was not a surprise then that the Netherlands voted in favor of Japan. From the moment Japan got her desired quota, the purchase of the floating factory was a deal.²⁹

At the 1964 meeting the SC concluded there was no need for raising the minimum length for sperm whales, as long as there was a strict limitation on their catching. The SC did, however, recommend the complete protection of the humpback and blue whales by 1966 and requested not to raise their number of catches in 1965 in comparison to 1964. The Pacific Committee, on the other hand, emphasized the dramatic increase in catches in the North Pacific during the period 1961-63. But instead of advising stricter regulation, it merely proposed that the same four countries continued meeting every year at the end of the season to discuss the catching results. Ultimately, since Japan and the SU were the only two members that could be affected by possible measures and had the power to veto any proposal, they had the authority to decide on any regulation.³⁰

In 1965 it was decided unanimously that blue whales would be protected for five years and humpbacks for one year, starting from 1966. In the meantime, more detailed research would be done on their population numbers. Conversely, a request not to exceed 1,800 BWU of the other whale species was not agreed to.³¹

In Japan, coastal whaling had been rather stable until the early 1960s, whereas pelagic whaling had been expanding. But this situation was changing with coastal whaling companies starting to operate in more distant waters. Between 1963 and 1967 – the year catches were included in the Antarctic quotas set by the IWC – the three largest companies operated joint shore stations on South Georgia Island. Taiyō operated shore stations in Vancouver Island between 1962 and 1967. Together Taiyō and Kyokuyō operated from Newfoundland between 1966 and 1972. Hokuyō Suisan and Nihon Reizoku whaled from shore stations in Brazil in a joint venture with a Brazilian company, and Nittō Hogeï did the same in Chile with a Chilean company between 1936 and 1968. Nihon Kinkai conducted whaling from shore stations in Peru between 1967 and 1978.³²

¹ Fish sausage is a popular Japanese snack traditionally made from whale meat, but the present day it is made from cod instead.

In 1966, Japan and the SU were prepared to accept a BWU limit for baleen whales. Japan declared it was only going to agree if the limit was restricted to pelagic whaling, whereas the SU insisted it should also include coastal whaling. In the latter case, Japan was not prepared to go further than to set a limit in accordance with the 1962-64 average, which was higher. The IWC resolved that by 1969 an agreement had to be reached that would reduce the catch of fin whales below the sustainable yield. For sei whales, no limit was set by the IWC.³³ Despite being one of the major fishing nations in the world, 1966 also marked the year Japan stopped to be a fish-exporting country. This was partly due to the decline in supplies of whale meat. To solve this problem to a certain extent, catches were regulated extra carefully so to ensure the maximum production of by-products of optimum quality. Remarkably, while in 1958-59 the average production of by-products was 18.9 tons, in 1966-68 the average production exceeded 60 tons without reducing the quality of the products.³⁴

At a get-together of the North Pacific Committee in 1967, a clash occurred. While an agreement had been made to keep the fin whale catches of 1966 10% below the catches the previous year, Japan had increased her shore-based catches from 71 to 104 while the SU had stuck to the deal. Japan argued that it had lowered its pelagic catch with 140 animals and that shore-based catching played a less important role in the total exploitation.³⁵ In 1967 Japanese North Pacific production reached its peak with more than 90,000 tons.³⁶

At the annual IWC meeting in 1968, the North Pacific Committee announced a voluntary limit on fin and sei catches for 1968, and for 1969 the fin whale quota was set at 1,600 and the sei quota at about 6,500. This agreement was restricted to pelagic whaling, but the SU, the US and Japan agreed to extend the total protection of blue and humpback whales for three more years. It is worth noting that by this time for the North-Pacific species-specific quota had been set (instead of quota in terms of BWU), while this had taken until 1972 for Antarctic whaling.³⁷ After 1968 Japan and the SU were the only two countries still whaling in both the Antarctic and the North Pacific.³⁸

Ōsumi notes that during the 1960s, because of the stricter regulations imposed as a result of the advice of the committee of three, countries dependent solely on the sale of whale oil such as the Netherlands, South-Africa, England and Norway, one after the other brought their Antarctic whaling practices to a halt. By 1972, nations that continued pelagic whaling operations were reduced to only one-fourth of the IWC membership. Even when including shore-based whaling, only about half of the IWC nations were still whaling.³⁹

3.3 1972-1981: The new management procedure era (shinkanri hōshiki jidai, 新管理方式時代)

At the 1972 *United Nations Conference on the Human Environment* (UNCHE) held in Stockholm, the US proposed a 10-year moratorium on commercial whaling. For Japan, the fact that the proposal was included in the Secretariat's draft action plan was completely unexpected, since it had never been discussed in the Preparatory Committees. Japan gave three reasons why it opposed the proposal: (1) whale meat was a major source of protein for the Japanese people, (2) all endangered whale species were already being protected by IWC regulations, and (3) the proposal was not based on sound science.⁴⁰ Japanese IWC delegate and its chairman from 1968 to 1971, Fujita Iwao (藤田巖), on the other hand, emphasized the serious economic consequences a moratorium would have for Japan: (1) 50,000 men worked in the industry, (2) annually 150,000 tons whale meat were consumed and whale meat still had a 10% share in the total Japanese meat consumption, and (3) the value of whale meat and its by-products had a value of 110,000 million dollars altogether.⁴¹ Although in the aftermath of

the UNCHE, director general of the Environment Agency (*kankyō chō*, 環境庁), Ōishi Buichi (大石武一), wrote in an official letter to the US that Japan would support the whaling moratorium in the future, the Ministry of Foreign Affairs (MOFA) (*gaimu shō*, 外務省) soon distanced itself from this view saying that Ōishi's point of view was a personal reflection on the matter and they did not support it. The whaling issue falls under the jurisdiction of the Fisheries Agency (FA) (*suisan chō*, 水産庁) and the Environment Agency had no say in this.⁴²

From a scientific perspective, Stockholm had been very vague. When the draft for the proposal was under deliberation, no scientific debate on the current state of the whale stocks had taken place, even though Japan had asked for it twice. At the 1972 annual IWC meeting the SC was asked to investigate if there was a sound scientific base for a whaling moratorium. As discussed in chapter I, at the 1973 meeting the SC came to the unanimous conclusion that such a blanket moratorium could not be justified on scientific grounds and instead recommended an expanded research program.⁴³ In 1974, the New Management Procedure (NMP) was introduced and the BWU system abandoned.

In Japan, the whaling industry needed further cuts. In the Antarctic the number of Japanese fleets had decreased from seven fleets in 1964-65 to three to four by 1975. Coastal whaling vessels also decreased in number. By 1975 11 LTCW boats and only 8 STCW were still in operation. But the reduction of the fleets alone did not solve the problems the industry was experiencing, and so in the 1975-76 season the Japanese whaling industry underwent a major restructuring phase. Pelagic whaling companies Nissui, Taiyō and Kyokuyō merged into the new company Nihon Kyōdō Hogeī (日本共同捕鯨) with Nittō Hogeī, Nihon Hogeī and Hokuyō holding minor shares. For the restructuring of LTCW, it was decided that Nissui and Taiyō should cease their coastal whaling operations. Their shore stations were shut down after the 1976 season. The three remaining companies now were Nihon Hogeī, Nittō Hogeī and Sanyō Hogeī (三洋捕鯨).⁴⁴

At the 1976 IWC meeting in Canberra, with quota for most whale species cut back, it seemed like another step in the right direction had been taken. But at the same meeting Japan surprised the world when it announced it was going to issue herself a scientific permit. Although the quota for the Southern Hemisphere Bryde's whales for the 1976-77 season was set at zero, to many environmentalists' disappointment, Japan found a loophole and was able to kill 225.⁴⁵ This loophole was the following paragraph written in Article VIII of the ICRW:

“Notwithstanding anything contained in this Convention, any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take, and treat whales for purposes of scientific research subject to such other conditions as the Contracting Government thinks fit, and the killing, taking, and treating of whales in accordance with the provisions of this article shall be exempt from the operation of this Convention.”

Most likely this paragraph was added to allow nations to perform scientific experiments without being subject to the same restrictions as commercial whalers are. If a country's scientists, for example, could find a cure for cancer by using whale oil, they would not have to qualify as whalers to obtain it for their experiments.⁴⁶ On the other hand, the head of Norway's SC delegation, Professor Lars Walløe, said “Japan's whaling is a deliberate circumvention of the moratorium on commercial whaling and the original intent of Article VIII of the ICRW, which is to allow the killing of just a few whales for natural history studies”.⁴⁷ But whatever the original intent was, because the paragraph is rather ambiguous and does not state whether a contracting government has to explain its intentions or

purpose to the IWC, governments issuing themselves a scientific permit are bound by no restrictions. Japanese scientists wrote reports about their Bryde's whale research, but at the same time 2000 tons of whale meat was deep-frozen to end up in Japanese stomachs. In 1977 Japan took another 114 Southern Hemisphere Bryde's whales, which produced 750 tons of meat and 176 tons of oil.⁴⁸

In 1977 nearly 90% of worldwide whaling was divided between Japan with 44% and the SU with 56%.⁴⁹ Kyōdō Hogeï now operated with only one fleet both in the Antarctic and the North Pacific, and would do so until the moratorium was enforced in 1986. But why did Japan consider it still viable and profitable to continue Antarctic whaling with a catch of a mere 295 BWU in the 1977-78 season? The most likely answer is that whaling answered some urgent needs such as personnel, food supplies and the economy of the whaling companies.⁵⁰

1979 was a key year in the IWC's history and entailed three important events: (1) the IWC opened to the press, (2) the Indian Ocean Sanctuary was established, and (3) Antarctic whaling came to an end. The IWC banned factory ships, except for minke whales, in 1980.⁵¹

To Ōsumi this period marks a positive trend in the IWC, since the BWU was abandoned, and the much more suited NMP was adopted. Still in favor of a whaling moratorium though, anti-whaling countries persuaded countries such as the Philippines and some Caribbean countries to join the IWC. The fact that members of anti-whaling organizations would in some cases serve as commissioners for these new members, Ōsumi calls a "dirty way" of raising the votes in favor of the anti-whaling camp. In 1981 and 1982 alone, the anti-whaling countries had in this way convinced 16 countries.⁵²

3.4 1982-1996: peak of anti-whaling power stage (hanhogeï seiryoku zenseiki, 反捕鯨勢力全盛期)

The moratorium on commercial whaling was passed at the 1982 IWC meeting with a phase-out period of three years and to be effective from 1986. Japan, the USSR, Peru and Norway filed objections to the moratorium, as permitted under IWC regulations. Countries that file an objection to an IWC decision are not bound by it. Since these four countries represented most of the whaling operations in the early 1980s, their objections considerably diminished the effectiveness of the moratorium.⁵³ Norway and the now Russian Federation have not withdrawn their objections. Peru withdrew its objection in 1983.⁵⁴ Between 1985 and 2005, the number of whales taken under objection amounted to 17,879. But since 1993, Norway is the only country that has been reported doing so with a total catch of 5,552.⁵⁵ As for Japan, while very persistent, it did not succeed in maintaining its objection. Moreover, it seems not all domestic whaling policy actors supported the continuation of whaling. Some suggest the Liberal Democratic Party (LDP) (*jimintō*, 自民党), major fisheries industries and some governmental actors instead intended to "euthanize commercial whaling".⁵⁶

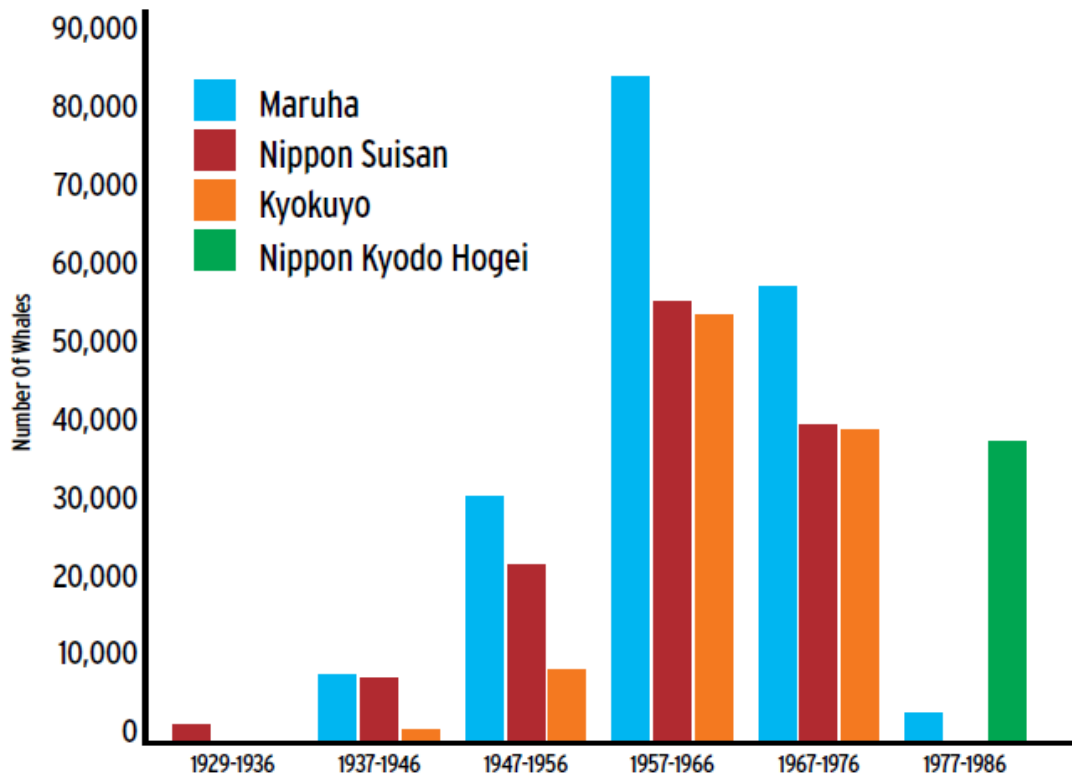
In 1984, the Japanese Fisheries Agency (FA), through the *Investigation Panel on Whaling Issues* (*hogeï mondai kentōkai*, 捕鯨問題検討会) controlled by the FA in terms of agenda and membership, announced a shift in approach from commercial to "scientific" whaling. The recommended course by the panel was a twofold tactic: (1) pelagic commercial whaling had to be substituted with "scientific" whaling, and (2) coastal whaling had to be continued on a commercial basis.⁵⁷ At the 1984 IWC meeting in Buenos Aires, the Southern Hemisphere minke whale quota was lowered from 6,655 to 4,224. As a result, the Japanese Commissioner, Yonezawa Kunio (米澤邦男), abruptly left the meeting after the minke vote. In an interview, Shigeru Hasui, managing director of Nippon Kyodo Senpaku, was quoted as saying:

“There are 40 member nations in the IWC and only eight are involved in whaling and about half of the 40 joined in the last few years with the intention of voting against whaling, so it is easy to achieve a majority. So we think that we cannot bring serious discussion into the IWC as our viewpoint is totally ignored.” Further in the interview he added: “In spite of the fact that the IWC has so much data available, it still seeks to impose a total ban on commercial whaling, so we believe it is no longer an arena we should participate in.”⁵⁸

Although no sperm whale quota had been set at the meeting, that same year in November, the Japanese North Pacific sperm whale fleet set sail in pursuit of this species. By doing this Japan was not violating any regulation, since it had lodged an objection to the moratorium. But, while Japan could have been sanctioned by the US under the *Packwood-Magnuson Amendment* to the *Magnuson Fishery Conservation and Management Act* for ‘diminishing the effectiveness of the ICRW’ or under the *Pelly Amendment* to the *Fishermen’s Protective Act* for ‘diminishing the effectiveness of an international fisheries conservation program’⁵⁹, instead, a bilateral agreement was decided in order not to harm the delicate Japan-US trade relations. In accordance with the agreement, the Reagan Administration would impose no economic sanctions if Japan withdrew her objection to the moratorium by April 1 1985.⁶⁰ In the meantime, however, Japan was hunting numerous sperm and minke whales with an angered anti-whaling movement as a result. Before the US-Japan agreement was finalized, twelve environmental organizations decided to bring suit against the US Secretary of Commerce and the US Secretary of State for letting economics prevail over the conservation of whale stocks. They claimed that in this very case the provisions of the Packwood-Magnuson amendment were mandatory, and did not allow for any deal on the side. The environmentalists won their case at The United States Court, and at the Federal Court of Appeals this ruling was upheld. In June 1986, however, the US Supreme Court ruled, by a 5 to 4 majority, that the bilateral agreement was indeed legal.⁶¹ But before the case went to the Supreme Court, the Japanese Government had already agreed to drop her objection to the moratorium, resulting in an empty victory for the Japan Whaling Association.⁶² On July 1 1986, the UK Japanese ambassador presented a note to the secretary of the IWC, in which Japan declared it withdrew her objection to the moratorium.⁶³ In 1987, the Japanese Government reluctantly signed the Murazawa-Baldrige pact and officially dropped its objection to the moratorium.⁶⁴ Ultimately, Japan had sacrificed her US \$100 million commercial whaling industry for her billion fishing rights (including a million tone Alaskan Pollock fishery)⁶⁵ within the US Exclusive Economic Zone (EEZ).⁶⁶ Now forced to abide by the moratorium, Japan had to cease her pelagic whaling operations from May 1987, her coastal whaling practices with respect to minke and Bryde’s whales from October 1987 and with respect to sperm whales from April 1, 1988.⁶⁷

It reportedly was a US delegation member who mentioned Article VIII as a way around the ban on commercial whaling to the Japanese. In this way Japan would not have to leave the IWC to continue its whaling practices.⁶⁸ In 1987 the Japanese Government issued her first special whaling permit for scientific purposes under Article VIII of the ICRW, in the context of the *Japanese Whale Research Program under Special Permit in the Antarctic* (JARPA). JARPA and all subsequent Japanese whale research programmes operate under the exclusive jurisdiction of the Japanese Ministry of Agriculture, Forestry and Fisheries (MAFF) (*nōrinsuisan shō*, 農林水産省), and without participation of the Ministry of Environment (*kankyō shō*, 環境省) or the relevant research institute in this matter: the *National Institute of Polar Research* (*kokuritsu kyokuchi kenkyūsho*, 国立極地研究所) under the jurisdiction of the Ministry of Education, Culture, Sports, Science and Technology (MEXT) (*monbukagaku shō*, 文部科学省).⁶⁹ Since then, all whaling has been organized under the direction of the *Institute of Cetacean Research* (ICR) (*nihon geirui kenkyūsho*, 日本鯨類研究所) authorized by MAFF and established in 1987.⁷⁰

Figure 3.2: Whale catches by Maruha, Nippon Suisan, Kyōkuyō, and Nippon Kyōdō Hogeï before 1986



Source: Perry, Claire. 2008. *We Don't Buy It. Nippon Suisan, Maruha and Kyokuyo's Continuing Support for Japan's Whaling*. Environmental Investigation Agency: p. 3

That same year, Nippon Kyōdō Hogeï was dissolved. Until the entry into force of the moratorium on commercial whaling in 1986, this company had killed nearly 38,000 whales. Estimates show that the three companies that represented Nippon Kyōdō Hogeï – Nippon Suisan, Maruha and Kyōkuyō – together are responsible for the killing of nearly half a million whales in the Antarctic and the North Pacific between their first whaling operations and 1986 (see figure 3.2). Along with the dissolution of Nippon Kyōdō Hogeï came the establishment of Kyōdō Senpaku Kaisha Ltd. (共同船舶) in which the three companies acted as financiers and shareholders, owning about a third of the shares each.⁷¹ Many of Nippon Kyōdō Hogeï's employees were transferred to Kyōdō Senpaku and the rest of the employees joined the ICR. Working closely with the FA, the ICR equips and finances each annual whaling season in the Antarctic and the North Pacific with vessels⁷² and mandates Kyōdō Senpaku to sell the whale meat on the domestic market at set prices.⁷³

The aim of JARPA was to collect enough scientific evidence to prove that some whale stocks were capable of sustaining a limited harvest. At the 1985 IWC meeting, the subject of research whaling had come up with proposals from Japan, Iceland and South-Korea, and it was agreed a working group would discuss the matter and report to the next meeting. In 1986 Japan introduced a proposal for a research whaling programme, but the discussion was postponed until the 1987 meeting.⁷⁴ That year, Japan proposed the taking of 825 minke whales and 50 sperm whales for twelve consecutive years. But this proposal angered delegates from anti-whaling countries, and as a result the IWC adopted resolutions recommending Japan to refrain from its research whaling plan and to put “scientific” whaling under stricter regulation. One resolution included a provision that would prohibit any research programme that could not be done “without adversely affecting the overall status and trends of the stock in question or the success of the comprehensive assessment of such stock.”⁷⁵ Worried about

negative effects on the US-Japan diplomatic relations, Japanese Prime Minister Nakasone Yasuhiro (中曾根康弘), without consulting the FA, publicly announced that he considered this number to be excessive, and pressured the FA to reduce the number to 300 minke and no sperm whales.⁷⁶ Still, the IWC rejected the reviewed proposal by means of a postal vote. At the same meeting, Japan also for the first time requested a temporary relief quota for her traditional STCW communities that were suffering from the ban on commercial whaling. Japan did not succeed in passing this proposal either.⁷⁷ Since 1987 Japanese whaling operations with scientific permit have resulted in the killing of more than 10,000 whales.⁷⁸

When the Japanese whaling fleet sailed out on December 20 1987 for the 1987-1988 whaling season, it was acting in contravention to the IWC recommendations. On February 1988, the day that the Nisshin Maru III fleet killed its first minke whale, Secretary of Commerce C. William Verity sent a letter to President Reagan saying:

“Under the Packwood-Magnuson Amendment to the Magnuson Fishery Conservation and Management and the Pelly Amendment on the Fishermen’s Protective Act, when I determine that nationals of a foreign country are conducting fishing operations which diminish the effectiveness of an international fishery conservation program, I am required to certify that fact to you. By this letter, I am certifying that nationals of Japan are conducting whaling operations that diminish the effectiveness of the IWC’s conservation program.”

The President had sixty days to inform Congress of the suited course to take and on April 6 he cut off Japan’s fishing privileges in American waters stating: *“I am directing the Secretary of State under the Packwood-Magnuson Amendment to withhold 100 percent of the fishing privileges that would otherwise be available to Japan in the US Exclusive Economic Zone.”*⁷⁹

In Japan, by December 1987, all LTCW stations had been closed down and with the ban on minke whaling as from 1988, STCW also had to undergo serious structural changes. Partnerships between each time two companies were formed by which only one of the two boats would remain in operation. Consequently, the number of whalers declined drastically, resulting in a serious social, economic and cultural impact on the whalers, their families, and the communities in which they live.⁸⁰

At the 1988 IWC meeting, the Japanese delegation distributed the report of an international workshop which posed the question: *“If small-scale whaling by aboriginal societies is justifiably allowed to continue, due to social, nutritional, religious and local-level economic importance of this resource harvesting activity, then why not small-type coastal whaling also?”* However, this attempt again did not result in the appointment of relief quota for these communities.⁸¹

Intended as a temporary measure, the moratorium includes a clause saying: *“by 1990 at the latest the Commission will undertake a comprehensive assessment of the effects of this decision on whale stocks and consider modification of this provision and the establishment of other catch limits.”* And by 1990 the SC had indeed concluded its assessment. The Japanese delegation came to the 1990 IWC meeting with high hopes, taking the resolution to mean that the moratorium would be lifted if there was clear evidence whale stocks were healthy. The SC found that many stocks were not endangered and were capable of limited harvest under the RMP, and scientists agreed that there were approximately 760,000 minke whales in the Antarctic Ocean. In spite of these figures, the anti-whaling majority rejected voting on new catch limits saying that before new limits could be set, there first had to be a vote on whether the ban would be lifted. It was not. The Japanese delegation concluded: *“The Commission does not keep promises it had agreed upon, nor act on the scientific advice it receives.”*⁸²

The idea for a Southern Ocean Sanctuary (SOS) was first proposed at the 1992 IWC meeting. At the time it did not gain much support from the anti-whaling majority, but after repeated proposals and pressure for acceptance, it suddenly gained strong support in 1994.⁸³ That year it was adopted to target Japan, which had been killing minke whales in the Southern Ocean area.⁸⁴ Furthermore, that same year Japan started a new whale research program in the North Pacific. The *Japanese Research Whaling Programme in the North Pacific* (JARPN) involved the killing of an additional 100 minke whales annually. If that was not enough, during the 1995/1996 season, Japan extended JARPA both with respect to the area and to the number of whales taken, killing an additional 110 minke whales annually.⁸⁵

Ōsumi describes the actions in the SC between 1982 and 1986 as a battle between pro-whaling countries trying to secure as many whaling quota as possible, and the anti-whaling countries on the other hand, trying to lower these quota the best they could. With only one fourth of the IWC members still whaling countries, the anti-whaling bloc was in fact controlling the IWC. That the moratorium had to be revised by 1990 the latest, was according to Ōsumi ignored and, to make things worse, in 1994 the proposal for the SOS was adopted. Although these measures were not necessary because of the moratorium already in place, it was a measure from the environmentalists to make sure Antarctic whaling could not be resumed, even if the moratorium would be lifted; in other words, the whales were protected through a ‘double guarantee’. Because of all these measures to protect the whale stocks that had arisen due to efforts of anti-whaling countries, Ōsumi rightfully calls this period the ‘peak of anti-whaling power.’⁸⁶

3.5 1997-2005: dysfunctionality stage (kinō fuzenki, 機能不全期)

At the 1997 *Convention on International Trade in Endangered Species* (CITES) meeting, Japan proposed the downlisting of several whale species, which according to them were ‘abundant’, from Appendix 1 to Appendix 2. Appendix I lists species that are the most endangered among CITES-listed animals and plants. They are threatened with extinction and international trade in these species is prohibited, except when the purpose of the import is not commercial (for instance for scientific research). Appendix II lists species that are not necessarily threatened with extinction at this moment, but that may become so unless trade is closely controlled.⁸⁷ These species included the eastern North Pacific stock of gray whales, the western North Pacific stock of minke whales, the Antarctic stock of minke whales, and the western North Pacific stock of Bryde’s whales. For both minke whale stocks, about half of the members nations voted in favour of down-listing (53-59-4 for the North Atlantic minke whale stock, 57-51-6 for the North Atlantic minke whale stock), but no two-third majority was reached. Japan proposed the down-listing of these species again at the 2000 meeting, but again failed to reach a two-third majority.⁸⁸

In the meantime at the 1997 IWC meeting, Commissioner for Ireland Michael Canney made the so-called “Irish Proposal”. Its intention was to break the deadlock in the IWC and find a way for compromise. The proposal consisted of the following suggestions: (1) complete and adopt the RMS, (2) designate a global whale sanctuary, (3) allow coastal whaling within the 200 nautical miles zones by traditional whaling communities if closely regulated and monitored and no international trade in whale products, and (4) end scientific research whaling.⁸⁹ In spite of the revolutionary character of the proposal in comparison to the usual uncompromising spirit in the IWC, the proposal triggered a storm of opposition from both camps. Anti-whaling nations New Zealand, Australia and the UK would not tolerate any form of whaling and Japan was not fond of the proposal either. Japan, according to

Komatsu “was unable to accept this proposal because it did not take into account the population status of different whale stocks proved by scientific assessment.” He adds however: “Although Japan is unable to accept the Irish Proposal with its original formula which prohibits whaling at high seas in an exchange for coastal whaling, we value its intention of compromise and will be willing to negotiate for its improvement.”⁹⁰ No substantive discussions on the proposal have been made since.

In 1999 Japan introduced the idea of voting by secret ballot in the IWC. Secret balloting is a voting method in which the voter’s choice is kept confidential. The key aim of this method is to ensure that the voter is sincere and not influenced by intimidation or bribery. A secret ballot might impact voting results: Japan would not be able to use voting information to, allegedly, allocate development aid to countries that vote in favor of Japan (see Chapter IV), whereas this method could have a negative impact for anti-whaling countries and environmental NGOs because they would not be able to campaign against countries that vote with the pro-whaling camp. On the other hand, secret ballots could indeed benefit Japan. If this method was to be employed, country representatives could choose sides without having to listen to public opinion in their respective countries. Results of a recent public opinion poll show that citizens of countries that Japan allegedly ‘bribes’ with aid, are in fact against the resumption of commercial whaling.⁹¹

Other key issues for Japan at the 1999 meeting included relief quota for Japan’s coastal whaling communities, reviewing the SOS, and the status of Greenpeace at the annual meetings. All initiatives presented by Japan on these topics were rejected. Countries that did vote with Japan were Antigua & Barbuda, China, Norway, Oman, Russia, Saint Kitts and Nevis, Saint Vincent, and Solomon Islands.⁹²

In 2000, some of the same issues reappeared on the IWC agenda. Japan’s proposals for minke quotas for her coastal communities and for a review of the SOS failed again. Even worse for Japan, two resolutions were passed opposing Japanese scientific whaling practices, illustrating the anti-whaling countries’ disapproval of the lethal methods of Japan’s research whaling.⁹³ These resolutions, however, cannot enforce a ban on Japan’s operations. Instead, Japan announced it was expanding her JARPAN program by including two extra species in addition to minke whales. The broadened program now involved an annual catch of 100 minke whales, 50 Bryde’s whales and 10 sperm whales. As a reaction to the change, the US Secretary of Commerce threatened to impose economic sanctions against Japan.⁹⁴

The agenda of the 2001 IWC meeting was mostly directed at Japan. The outcomes of all but two votings were against the interests of Japan. Again, two resolutions were passed against Japan’s scientific research whaling, and Japanese proposals for secret ballots and the review of the SOS failed, as did the request for a STCW minke quota. On the other hand, the pro-whaling countries were able to prevent the establishment of two new whaling sanctuaries: the South Atlantic Sanctuary and the South Pacific Sanctuary. Nevertheless, in 2001 increased support for the Japanese proposals was observed (see figure).⁹⁵

In 2002, the same Japanese proposals failed again, and the pro-whaling bloc was able to block the proposals for new sanctuaries. Japan, in addition to its usual requests, proposed the amendment of the RMS in the hope to get one step closer to the resumption of commercial whaling. But as could be expected, this proposal too, failed.⁹⁶ In reaction to the repeatedly denied relief quota for Japan’s coastal communities, Japan with the support of small African and Caribbean states, tried to block the annual request by the US and Russia for an aboriginal whaling quota for their indigenous whaling communities; the Alaskan Inuits and the Russian Chukotka people respectively. Japan’s reasoning behind its new tactic was that it wanted to end the ‘double standard’ of the anti-whaling members: refusing to address the needs of traditional Japanese coastal whaling communities, while granting the aboriginal peoples of the US and Russia quota to hunt the most endangered species. With respect to this Masayuki Komatsu commented: “Japan is tired of asking year after year for 50 minke from an

abundant stock for our traditional coastal whalers only to have the United States vote against it; yet we have always supported the Alaskan's taking almost 280 bowhead whales."⁹⁷ That same year, Japan further expanded her scientific research whaling programs again. In 2002, through both programs, 700 whales were taken: 440 Antarctic minke whales through JARPA, and 100 North Pacific minke whales, 50 Bryde's whales, 10 sperm whales, 50 sei whales and 50 minke whales in the North Pacific through the renewed JARPN program named JARPN II. Since 1988 (300 whales) the total catch under special permit had doubled.⁹⁸

Table 3.1: IWC Members' Voting Related to Japanese Preferences from 1999-2003

<i>Issue</i>	<i>Vote</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>
Secret ballot	With Japan	10	—	13	18	18
	Against Japan	22	—	21	24	26
	Abstained	1	—	2	2	1
	Did not vote	0	—	0	0	1
Coastal whaling (50 minkes)	With Japan	11	11	14	19	—
	Against Japan	15	18	20	21	—
	Abstained	7	2	2	3	—
	Did not vote	0	2	0	1	—
Abolishing/changing schedule for the Southern Ocean Sanctuary	With Japan	8	11	12	16	16
	Against Japan	22	20	23	25	26
	Abstained	1	0	1	2	2
	Did not vote	0	2	0	1	2
Resolution opposing Japanese scientific whaling in the Antarctic	With Japan	—	9	13	—	—
	Against Japan	—	20	21	—	—
	Abstained	—	3	1	—	—
	Did not vote	—	1	0	—	—
Resolution opposing Japanese scientific whaling in the North Pacific	With Japan	—	11	13	—	—
	Against Japan	—	19	20	—	—
	Abstained	—	2	2	—	—
	Did not vote	—	1	0	—	—
Establishing a new South Atlantic Whaling Sanctuary	With Japan	—	—	12	17	18
	Against Japan	—	—	20	23	24
	Abstained	—	—	4	4	3
	Did not vote	—	—	0	0	1
Establishing a new South Pacific Whaling Sanctuary	With Japan	—	—	13	15	16
	Against Japan	—	—	20	24	24
	Abstained	—	—	3	5	4
	Did not vote	—	—	0	0	2
Revised management scheme to allow commercial whaling	With Japan	—	—	—	15	—
	Against Japan	—	—	—	25	—
	Abstained	—	—	—	3	—
	Did not vote	—	—	—	1	—
Japanese proposal to change the schedule to allow a take of 150 minke whales	With Japan	—	—	—	—	18
	Against Japan	—	—	—	—	26
	Abstained	—	—	—	—	1
	Did not vote	—	—	—	—	1

Notes: Number of countries voting does not include Japan.
— indicates that the issue was not voted on this year.

Source: Miller, Andrew R. and Dolsak Nives. 2007. Issue Linkages in International Environmental Policy: the International Whaling Commission and Japanese Development Aid. *Global Environmental Politics*, vol. 7: 69-69.

At the 2003 meeting again, none of Japan's proposals were accepted, and in addition, the Commission

decided to establish a Conservation Committee, marking yet another setback for Japan.⁹⁹ Condemning the adoption of the Conservation Committee, Commissioner Morimoto Minoru (森本稔) stated: *‘The initiative is not about conservation; it is a devious strategy to end all sustainable use of whale resources for food. The purpose of the IWC has been subverted and hijacked in a manner that is totally contrary to all international customary law related to treaty interpretation’*.¹⁰⁰ In this light, he also declared that Japan might withhold its IWC membership dues. Since Japan is the largest contributor to the IWC with funds amounting to 8.6% of the Commission’s total operational funds, this was a serious threat. Furthermore, Japan might boycott IWC committees, withdraw from the IWC and form a separate pro-whaling Commission because the IWC had been “hijacked” by the anti-whaling members.¹⁰¹ Because Japan is firmly opposed to the Conservation Committee, it does not participate to its work.¹⁰²

In 2005, Japan expanded its JARPA program via a second phase, the so-called JARPA II program, launching it in the 2007-08 season. At the meeting in South-Korea the Japanese delegation announced it was going to double its minke whale catch from 400 to 800 and was going to include a small number of endangered humpback and fin whales, with vehement protest from the anti-whaling delegations and environmental NGOs as a result.¹⁰³ Due to enormous pressure from both inside and outside the IWC, Japan had to cancel its plan to hunt humpback whales.

With respect to this period, Ōsumi writes that from the moment the pro-whaling bloc exceeded one-fourth of the IWC membership, it has been able to block all ‘unfair’ proposals from anti-whaling countries (e.g. proposals for new sanctuaries in the South Atlantic and the South Pacific in 1999 and 2001 respectively). On the other hand, while the RMP had been approved in 1992, the RMS necessary to allow the resumption of whaling, could not be approved because of unachievable conditions set by anti-whaling countries. This would in 2006 result in a political deadlock in the RMS Working Group, and ultimately in a ‘dysfunctional’ whaling regime.¹⁰⁴

3.6 2006-2009: intention of normalization stage (seijouka shikouki, 正常化志向期)

In February 2006, the RMS Working Group held an intersessional meeting in Cambridge, UK. At this meeting a document titled “Towards Normalization of the International Whaling Commission” was tabled. The document expressed the regret of a number of delegations that the Working Group had failed in making progress in the RMS negotiations and its completion, and that members in support of the sustainable use of whales would present a statement on ‘normalization’ of the IWC. For the 2006 annual meeting, Japan proposed to put a discussion of the matter on the agenda, and other pro-whaling countries would submit supporting documents. In this light St Kitts and Nevis proposed to make a “St Kitts and Nevis Declaration”.¹⁰⁵ To Japan, normalization stands for returning to the original intentions and exact wording of the ICRW. Ishii and Okubo (2007) define the term as follows: *“negotiations should only continue on the basis of firm compliance with the ICRW’s exact wordings, and it is another form of discourse reflecting Japan’s “ICRW-ism”—justifying negotiation positions with the original wording of the ICRW established in 1946 and dismissing the notion of progressive development to deal with the changing circumstances which the ICRW cannot account for.”*¹⁰⁶

On the opening morning of the annual IWC meeting, Japan requested to delete an agenda item on small cetaceans with respect to Commission discussions on the SC report on the item. After voting, the proposal was rejected with 32-30-1. After consideration of the option to include the method of secret ballots, this proposal was defeated as well with 33-30-1. Japan had the intention of tabling three proposals for amendments to the Schedule: (1) amendment to permit the catching of minke whales

from the Okhotsk Sea-West Pacific Stock, (2) amendment to permit the catching of Bryde's whales from the Western Stock of the North Pacific, and (3) amendment regarding the Southern Ocean Sanctuary (to delete sub-paragraph (b) of paragraph 7 of the Schedule). All these proposals required a three-quarter majority. When the first proposal was rejected by 28-33-4, the Japanese delegation decided to no longer put the second proposal up for voting. The proposal with respect to reviewing the SOS was rejected by 30-31-4.¹⁰⁷ Japan held a presentation in relation to the Japanese community-based communities and the socio-economic implications of the moratorium for their STCW practices. During the discussions on Japan's agenda item 'Normalizing the IWC', the document 'St Kitts and Nevis Declaration' was tabled, declaring a commitment to "normalizing the functions of the IWC".² The document was eventually put to a vote as a draft resolution and was adopted by 33-32-1. After the vote, several countries that had rejected the proposal, formally disassociated themselves from the declaration.¹⁰⁸ This resolution was the first vote won by the pro-whaling camp in 24 years and thus marked a historic and momentous moment for Japan and other pro-whaling states.¹⁰⁹ Japan called a meeting outside the IWC to discuss the matter further and gather more support for its normalization agenda, with the decision for a follow-up meeting in Japan in 2007 as a result.¹¹⁰ However, this was just a small victory for Japan since the declaration was declared null and void the following year. Several countries that had voted with Japan last minute did not show up at the meeting or absented themselves. Lastly, Japan's special permit whaling was discussed by the Commission. Japan reported catches of her two lethal special permit programmes: 853 minke whales and 10 fin whales were caught in the Antarctic, while 220 minke whales, 50 Bryde's whales, 100 sei whales and 5 sperm whales had been killed in the North Pacific. Also, the mayor of Yokohama announced Yokohama's candidacy for the 2009 IWC meeting.¹¹¹

The *Conference for the normalization of the International Whaling Commission* was held in Japan from 13 to 15 February 2007, and was intended to "exchange and discuss all ideas for normalizing the IWC" and to "develop and recommend a detailed plan of specific steps for implementing the ICRW in a responsible manner". Although the Conference was open to NGOs and the press, and all IWC member governments "that respect the ICRW and share the concern for the current inability of the IWC to manage whaling resources and whaling as is its mandate", it was boycotted by the governments that had voted against the declaration. 34 member countries attended. The agenda of the conference included a panel discussion on normalization and conflict resolution within the IWC and four working groups. Each working group produced a number of recommendations in the light of the discussions (figure 3.4).

Japan's approach at the 2007 meeting in Anchorage (US) was surprisingly conciliatory in comparison to previous years. The Japanese delegation did not object to agenda items such as small cetaceans and the Conservation Committee, and it supported requests from the US and Greenland for quotas for their aboriginal subsistence whaling.¹¹² Still, however, it seemed no compromise was in sight for the anti-whaling block. Requests for SCTW quota were branded as an attempt to return to commercial whaling and a violation of the moratorium, and the JARPA II programme was referred to as "junk science".¹¹³ During the 2006-2007 season Japanese whalers caught 505 minke whales and 3 fin whales through the JARPA II programme, and 195 minkes, 50 Bryde's, 100 sei and 6 sperm whales through the JARPN II programme. The SC had carried out a review of the 18-year JARPA programme at an intersessional workshop earlier that year and raised serious questions with respect to Japan's special permit whaling. In accordance to the SC's report, a resolution was voted on, asking the Japanese to refrain from issuing their permit for the coming season. The resolution was accepted by 40-2-1. Not supportive of the

² See Appendix VI

resolution because it would not encourage bridge-building, as many as 27 countries decided not to participate in the vote.¹¹⁴ Moreover, in reaction to a similar attempt in 2004 by Japan to have some whale species downlisted from CITES Appendix I to Appendix II, a resolution was adopted confirming the commitment of the IWC to the moratorium and the importance of CITES for its effectiveness. Because of the uncompromising character of the meeting, the Japanese delegation again threatened to leave the IWC. Japanese Commissioner Nakamae Akira (中前明) stated in a speech that Japan would “review how we engage in the IWC, including withdrawal and setting up another international organization to manage cetaceans.” As noted above, at the previous meeting the mayor of Yokohama had promoted the city as the host city for the 2009 IWC meeting, but during his presentation at the 2007 meeting he withdrew the invitation because of the Commission’s objection to Japan’s STCW request.¹¹⁵ Furthermore, the agenda item on the RMS was skipped, and when discussing the agenda item on the ‘Future of the IWC’, references were made to three conferences³ that had been held in this light outside the IWC. It was noted that intersessional work on the topic should be pursued.¹¹⁶

Figure 3.3: Recommendations produced at the Japanese Conference for the Normalization of the IWC - per Working Group

<p>Working Group 1: <i>Consensus building, building trust, and procedural issues</i></p> <p><i>Recommendations</i></p> <ul style="list-style-type: none"> ○ Seek areas of commonality, compromise, and let others know what you want to begin the process of trust building. ○ Build consensus step by step. ○ Reconsider secret ballots, at least in the short term. ○ Table positions and seek consensus. ○ Avoid voting as a way of avoiding confrontation. ○ Prohibit slanderous statements (about vote-buying). <p>Working Group 2: <i>Public education</i></p> <p><i>Recommendations</i></p> <ul style="list-style-type: none"> ○ Link the IWC website to member countries so that views and positions of the members can be easily found. ○ IWC secretariat should issue press releases on important findings of the Scientific Committee. <p>Working Group 3: <i>Cultural diversity</i></p> <p><i>Recommendations</i></p> <ul style="list-style-type: none"> ○ Harvesting of minke whales should be allowed by Japanese small-type coastal whalers. ○ The culture relating to whale hunting should be maintained. ○ A resolution should be presented to the IWC calling for respect for cultural diversity and recognition of the effectiveness of community contribution to resource management. ○ “Aboriginal” <p>Working Group 4: <i>Interpretation of the ICRW and other instruments</i></p> <p><i>Recommendations</i></p> <ul style="list-style-type: none"> ○ A special group should be formed within the IWC to ensure all future decisions of the IWC are consistent with the ICRW. ○ Outside legal opinion should be sought to resolve disagreement among IWC members over interpretations of the ICRW or IWC decisions. ○ Sustainable whaling should be emphasized over categories such as commercial or aboriginal subsistence whaling.

³ One held in Tokyo by the Government of Japan, one held in New York by the Pew Foundation and one held in Buenos Aires by Latin American countries.

Source: Iliff, Mike. 2008. Modernization of the International Convention for the Regulation of Whaling. *Marine Policy*, vol. 32: 333-338 (pp. 336-337).

In March 2008, the IWC held a three-day intersessional meeting in London with discussions on positive ways forward for the IWC. Outside experts were invited to give advice, leading to some suggestions that “*the Commission will consider in order to improve its practice and procedures*”, according to the Commission’s Chair Dr. Hogarth. Suggestions included (1) ‘reduce the use of voting’, (2) ‘employ cooling off periods when difficulties arise’, (3) ‘improve the coordination between the IWC and other relevant international conventions’, and (4) ‘discuss how to better integrate elements of civil society in to the Commission’s work’ among others.¹¹⁷

Despite threats to withdraw from the Commission the previous year, Japan took an even more conciliatory and co-operative approach at the 2008 meeting in Chile. On day 1 Japanese efforts to reduce bycatch of the North Pacific gray whale in its waters were applauded, but on day 2 the SC expressed its concern for the stocks of Dall’s porpoise (a small cetacean) off Japan and stated that catches should be reduced to more sustainable levels, and that a full assessment of the affected populations should be conducted as soon as possible. Day 3 marked the usual Japanese presentation concerning the socio-economic implications of the moratorium on Japanese STCW. Japan presented a background paper on its four traditional coastal whaling villages, but unlike previous years Japan did not request to vote on the matter, since it saw progress in the discussions with respect to the future of the IWC.¹¹⁸ To facilitate further negotiations concerning the future of the IWC, the Commission decided to establish the Small Working Group (SWG) to assist the discussions and hold intersessional meetings. The IWC describes the function of the SWG as follows: “*to arrive at a consensus solution to the main issues the IWC faces (...), the working group’s primary task is to make efforts to develop a package or packages for review by the Commission.*”¹¹⁹

In this light the SWG holds regular intersessional meetings. So far, the most significant meeting was held in Rome from 9 to 11 March 2009. After the meeting, the Chair of the IWC Bill Hogarth, said in a press release: “*These have been helpful discussions. There were clear expressions of view that efforts to arrive at a package of proposals must continue. (...) Opinions differ amongst the members as to precisely how to accomplish our goal and a great deal of work remains to be done.*”¹²⁰ During the course of three intersessional meetings the SWG had concentrated on designing a core package of issues on the future of the IWC and how they might be combined. In March an attempt was made to reflect the outlines of a package to be considered by the whole Commission. The chair singled out three key issues which need to be further investigated and tackled before a way forward can be reached: Japanese small-type coastal whaling, special permit whaling, and whale sanctuaries. Moreover, to tackle these key issues the Chair suggested a two-stage approach: (1) short-term solutions for a 5-year period (such as the Japanese proposal for Japanese small-type coastal whaling with an interim quota of 150 minke whales), called the ‘interim period’. During this interim period long-term solutions concerning IWC governance and functioning would be developed; (2) these solutions would be enforced when the interim period comes to an end. With Japanese small-type coastal whaling considered as a potential component of a package, the SC has been requested to evaluate this proposal and give advice to the Commission on the effects of the proposed catches by the 2010 annual meeting.¹²¹

While Japan may feel more optimistic than ever, in the meantime the European Commission has been working towards ways to coordinate positions among EU Member States. The Commission accepts aboriginal subsistence whaling, but condemns whaling ‘disguised’ as scientific research as carried out by Japan. The European Community (EC) is not a party to the IWC and, as such, the European

Commission cannot negotiate on behalf of the EU Member States. Hence, the EC had up to 2008⁴ not been able to use its political weight within the IWC because of a lack of coordination among its members and no common position.¹²² In 2007, a first proposal was discussed by the Environment Council working group and adopted for use at the 2008 Santiago de Chile meeting only. Its annex includes the following elements: maintenance of the moratorium, no support for new forms of whaling (for example small-type coastal whaling), conditions for aboriginal subsistence whaling and a call to ending the so-called scientific whaling. In November 2008, the EC submitted a new proposal to the European Council with respect to an EU common position for a period of three years and with reinforced language on aboriginal subsistence whaling. Although Denmark was opposed to it, the proposal received support of a great number of delegations and was adopted in March 2009.¹²³ With currently 23 EU Member States members of the IWC, a common position on whaling is to play a significant role in upcoming IWC meetings.

The 2009 IWC meeting was held in Madeira, and ended one day earlier than expected. The meeting was chaired by William Hogarth, who stated that he hoped for the “same level of co-operation and desire for consensus that had characterized recent meetings” including those on the priority subject of the future of the IWC.¹²⁴ Against the background of these discussions and the new atmosphere of mutual respect that characterizes them, no decisions were made during the meeting for which no consensus could be reached. Two consensus resolutions were adopted: the ‘*consensus resolution on climate and other environmental changes and cetaceans*’ and the ‘*consensus resolution on the extension of Small Working Group on the Future of the IWC until the 62nd Annual Meeting of the Commission*’. The former resolution included the following important phrases, which indicate an increased concern for anthropogenic negative influences on whales other than whaling:

“CONCERNED that ... “climate-related changes will impact negatively on at least some species and populations, especially those with small and/or restricted ranges, those already impacted by other human activities and those in environments subject to the most rapid change For these species there is a real potential for elevated risks of extinction.”

“APPEALS to all Contracting Governments to take urgent action to reduce the rate and extent of climate change.”¹²⁵

Against this background attention was also given to cetacean mortality caused by ship strikes. An online database to report collisions, designed by Belgium, is now up and running. During the agenda item on the Future of the IWC, the Chair recognized the work of the SWG was not complete and proposed the continuation of these discussions for one extra year so that a ‘package deal’ or ‘packages’ could be discussed at the 2010 IWC annual meeting in Morocco.¹²⁶ It was also decided that a Support Group would be established to assist the new Chair of the IWC – Cristian Maquieira – by providing advice and assistance in the preparation of material for submission to the SWG. Members include Antigua & Barbuda, Australia, Brazil, Cameroon, Germany, Iceland, Japan, Mexico, New Zealand, Saint Kitts & Nevis, Sweden, and the US. The Support Group first met on June 26th in Madeira, and the next meeting is scheduled for October 2009 in Chile.¹²⁷

Further, extensive discussions were centered on whale watching and whaling under special permits. Comments were made that the expanding whale watching industry should be carefully managed so no adverse effects are caused on cetaceans. It was decided a standing working group was going to be formed to prepare a strategic plan for its management. During the agenda item on special-permit whaling, the Commission received the report of the panel that reviewed Japan’s JARPNII programme.¹²⁸ The report states that the Panel recognized that “*an enormous amount of scientific work*

4 A failed attempt to get a Council mandate had been made in 2004

has been undertaken ... during the first six years of the programme”, but it also recommended that “*for any long-term programme such as this, in addition to long-term objectives, proponents should determine specific, shorter-term objectives that are quantified to the extent possible. Lack of such objectives hinders any thorough review and is a weakness of the programme.*”¹²⁹ With regard to the programme’s research on prey consumption and preferences of baleen whales (which results Japan uses for its “whales-eat-fish” argument), the Panel again recognized the work undertaken so far and their potential value in the field, but it was also concerned that “*insufficient work has been undertaken to address the full level of uncertainty... Therefore, the Panel does not believe that the estimates of cetacean consumption rates ... can be considered reliable until further analyses have been undertaken.*”¹³⁰ Further the Panel recommended that a full assessment be made of the merits of lethal and non-lethal research techniques as soon as possible. But because the ability to do such an evaluation is severely limited by a lack of appropriate data, the Panel strongly recommended that “*Japan considers the addition of an objective to quantitatively compare lethal and non-lethal research techniques if it decides to continue a lethal sampling programme.*”¹³¹

The SC was asked to make an assessment of the common minke whales in the Sea of Japan (J-stock). But with respect to the assessment, the panel stated in its report that “*the information available did not constitute a sufficient basis to provide advice on the effect of planned JARPNII catches on common minke whale stocks.*” In addition, the Panel emphasizes that the results of an evaluation of the depleted J-stock common minke whales revealed a decline in abundance. The primary anthropogenic source for this decline, however, is bycatches and not scientific permit catches.¹³²

Lastly, Japan gave a presentation on safety at sea issues and reported that it will take measures against the ‘dangerous’ activities in the Antarctic by anti-whaling NGO Sea Shepherd. Many members of the Commission made comments about it, and all condemned such behavior.¹³³ However, it was also suggested that the *International Maritime Organization* (IMO) is a better platform to discuss these matters than the IWC.

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CHAPTER 4: JAPANESE PRO- AND ANTI-WHALING MOVEMENT

In this chapter we will take a look at the characteristics of the Japanese domestic pro- and anti-whaling movements. In doing this, we will discuss the main actors and issues these movements are revolved around. Some actors overlap (such as media and opinion polls), but different facets of these actors will be discussed for each movement. In getting across the viewpoint of both anti- and pro-whaling camps, I hope the reader gets a better view of what lies at the basis of each movement's arguments, and ultimately at the basis of the whaling dispute. Lastly, we will briefly discuss a questionnaire I designed concerning the stance of both domestic and international NGOs one the hand, and both anti- and pro-whaling NGOs on the other hand, on (Japanese) whaling. We will see that both camps, as could be expected, have strongly opposite views on the future of whaling, but also do not believe compromise on the matter is possible.

4.1 The Anti-whaling Movement

4.1.1 Actors

NGOs

Civil society is the organized life that is voluntary, autonomous and bound by communal rules. It implies citizens combining efforts to defend their interests and preferences, exchanging information to reach common goals, and more importantly, to influence the government so that their demands are met.¹ The most active civil society actors today are NGOs and non-profit organizations (NPOs). NGOs are considered to be an important pillar of a democracy, in addition to government and business. They do not only constitute a counterweight to economic interests and represent the civil society in the struggle for power, they also are in a position to mobilize groups of people and enrich debates with arguments from experts in the field. It has been proven that NGO participation is a key factor in the democratic nature of political decisions and that it increases chances of implementation. Therefore, “the integration of NGOs in the policy-making process is a necessary condition for proactive and democratic environmental policy”.²

In Japan, a distinction needs to be made between the terms NGO and non-profit organizations (NPO). NGO refers to organizations that are voluntary, non-profit and autonomous. In fact, these are mostly international NGOs (INGOs), but this term is rarely used in Japan. NPO refers to organizations that have no commercial objectives and are engaged in national or local affairs. In Japan there is also a distinction on a second level, namely the distinction between authorized (*hōjin*, 法人) and unauthorized NGOs or civic groups (*shimin dantai*, 市民団体). Most Japanese NGOs are unauthorized and, therefore, have no legal status and are not registered with the state. Although these NGOs suffer from a lack of legal protection and financial security, they do not have to report to the government and can make their own decisions. Authorized NGOs, on the other hand, are strictly supervised by the state and are in some instances even established by it and partly staffed by retired bureaucrats. In reality, these organizations should be categorized in the public sector, but legally they are part of the private sector. In fact, most of these organizations do not meet the conditions for being an NGO anymore, namely, being voluntary and independent of the state.³ We will see that almost all domestic anti-whaling NGOs are civic groups, while most pro-whaling NGOs are of the *hōjin* category.

To get an idea of the influence an NGO has, it is important to look at the following characteristics: staff, number of supporters, and budget. The bigger the support for an organization, the more influence an NGO has on elections. The budget determines the number of educated and specialized staff members an NGO can take on, and also the scope of campaigns it can engage in. If NGOs wish to remain unaffiliated with the government, they cannot accept governmental financial support (as articulated in Article 89 of the Constitution). They are, therefore, mostly dependent on gifts from corporations and private individuals.⁴

When comparing these characteristics for two major international environmental NGOs with both branches in Japan and Germany (approximately 127 and 88 million inhabitants respectively), we get the following results:

Table 4.1: Comparison of characteristics of Greenpeace and WWF in Germany and Japan

		Japan	Germany
Greenpeace	<i>Individual members</i>	4,500	510,000
	<i>Staff members</i>	15	120
	<i>Income per year</i>	€1.2 million	€32.9 million
WWF	<i>Individual members</i>	37,000	243,000
	<i>Staff members</i>	60	105
	<i>Income per year</i>	€0.3 million	€1.0 million

Source: Foljanty-Jost, G. 2005. “NGOs in Environmental Networks in Germany and Japan: The Question of Power and Influence”. *Social Science in Japan Journal*. Nr. 8: 103-117. (pp. 107-108) (Data from 2002-2004)

For all characteristics – number of individual members, staff members, and income per year – the Japanese branches score considerably low in comparison to the German ones. A possible way to overcome these weaknesses is by cooperation with other NGOs. Exchange of information and joint efforts can lead to more effective activism and mobilization. In Japan, however, extensive NGO cooperation is much rarer than in Germany. This is also the case for national NGOs; they often consider themselves to be too different from each other to join forces.⁵

The most active anti-whaling NGOs in Japan are the Dolphin and Whale Action Network [イルカとクジラアクション・ネットワーク (IKAN)], Greenpeace Japan, IFAW Japan, the ELSA nature Conservancy (エルさ自然保護の会), and the Japan Whale Conservation Network. In 2001, IKAN, IFAW Japan, Greenpeace Japan and Japan Whale Conservation Network established the *Whale Conservation Coalition of Japan* (クジラ問題連絡協議会) with the purpose of bringing whale conservation to the Japanese public’s awareness. Currently, these groups do no longer have any campaigns as a coalition. Today, ELSA Nature Conservancy concentrates more on campaigns against Japanese dolphin drives, while WWF Japan and the Japan Wildlife Conservation Society also used to have anti-whaling campaigns, but currently no longer do. According to some reports, WWF Japan has even taken a more tolerant attitude towards Japanese whaling as long as it is sustainable. In 2002, WWF Japan official Shigeki Komori expressed support for a partial lift of the commercial whaling moratorium, saying: “It’s about time everyone should calm down, be realistic, and sit and talk. We’ve done enough yelling and produced very little.” WWF international representative Susan Lieberman responded by stating: “WWF does not support commercial whaling in any circumstances.⁶ We will sort our office in Japan out if they are saying anything different.”

Internationally anti-whaling NGOs are too numerous to list, but major ones are the Animal Welfare Institute, the Cetacean Society International (CSI), Cousteau Society, Environmental Investigation Agency (EIA), Greenpeace, Humane Society International (HSI), IFAW, Sea Shepherd, Whale & Dolphin Conservation Society (WDCS), and WWF. Similarly, giving a list of these NGOs' campaigns and accomplishments is beyond the scope of this dissertation. Anti-whaling NGOs are omnipresent (by giving lectures, spreading newsletters, holding demonstrations and rallies, selling merchandise, making documentaries and so forth), have largely shaped how the western world views whales and whaling, have profoundly influenced international whaling regulation, and will not stop campaigning against commercial whaling and cruelty against whales until they perceive it to be no longer necessary.

Opinion Polls

One opinion poll conducted not much later than the moratorium on commercial whaling was enforced, was a 1992 international study carried out by Gallup to determine public attitudes towards whales and whaling in Australia, England, Germany, Japan, Norway and the US. In this six-country survey, 48 questions were posed to a random sample of 1000 adults in the US and 500 adults in other countries. To the statement "there is nothing wrong with whaling if it is properly regulated", about 70% of the Japanese respondents agreed that well regulated whaling was acceptable. When inquired about whether, through policies, cultural traditions of whaling communities should be maintained, 59% of Japanese respondents agreed. However, in regard to eating whale meat, only 33% of them approved this tradition, while 38% disapproved and 26% had no strong opinion for or against the production and sale of whale meat. These results were comparable to the responses registered by US respondents when they were inquired after the acceptability of eating meat of deer and wildfowl.⁷

In 1999 British opinion Research Company MORI and Japanese Nippon Research Center conducted a nationwide opinion poll on Japanese whaling in Japan. 1185 Japanese older than 18 were interviewed face-to-face between November and December 1999. Results were released by IFAW and Greenpeace in March 2000. Among the respondents, the opinion toward whaling proved to be quite neutral with 55% of the respondents having no or a neutral opinion and 14% opposing whaling, while only 11% supported whaling. When the respondents were inquired after the importance of the continuation of commercial whaling to them personally, 50% were undecided, 24% said it was important, while 25% said it was not. When inquired after the damage Japan's cultural identity would suffer when whaling would stop, only 5% predicted a "great deal of damage", and 42% said "not very much" or "not at all". Furthermore, 61% of the respondents had not eaten whale meat since childhood, and just 1% ate it once every while.⁸

More recently, two more opinion polls were conducted in relation to the Japanese public's attitude towards (Japanese) whaling. Both in 2006 and 2008, Greenpeace commissioned Nippon Research Centre, a member of Gallup International Association, to undertake an opinion poll on whaling in Japan. Both years more than 1000 people across age and gender were selected for an 18-question internet poll on Japanese whaling. The table below shows a comparison of the most interesting results from both opinion polls⁹:

Table 4.2: Public's Attitude towards Japanese whaling from 2006 and 2008 Greenpeace commissioned polls

	2006	2008
<i>General opinion on whaling</i>		
Anti-whaling	26%	25%
Pro-whaling	35%	31%
No opinion	39%	44%
<i>What should Japan do concerning its whaling practices?</i>		
Japan should whale on the high seas as well as along the Japanese coast	22.5%	21%
Japan should whale along the Japanese coast but not on the high seas	44.2%	45%
Japan should whale on the high seas but not along the Japanese coast	(no option)	3%
Japan should discontinue whaling	24.8%	26%
Other	8.4%	5%

The first table shows that in total in 2006 65% of the respondents were not supportive of Japan's whaling operations (either against or no opinion), while in 2008 this percentage had risen to 69%. Other remarkable results that suggest the Japanese public's knowledge and awareness of Japan's whaling operations are very low, are shown in the second table.

Table 4.3: Percentage of respondents that did **not** know the following facts about Japan's research whaling

	2006	2008
The Japanese government subsidizes approximately 500 million yen annually for the research whaling programs	90%	87%
Whale meat obtained from research whaling is sold commercially in Japan	40%	40%
The Antarctic Sea is an international designated whale sanctuary	80%	(N/A)
Japan hunts over 850/900 whales including 10/50 of endangered species ¹	90%	85%

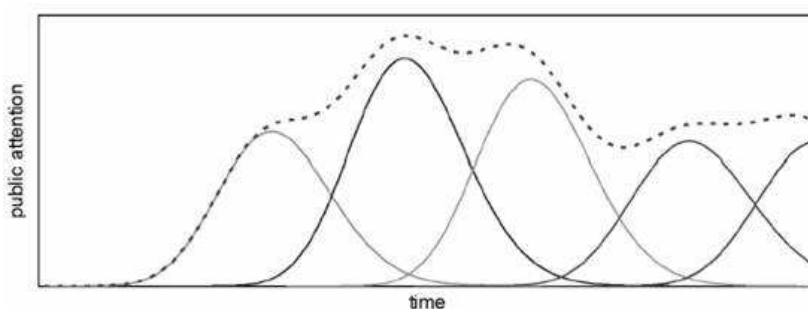
Media

Some characteristics of media are (1) increasing citizen's political knowledge, (2) increasing the ability of citizens to translate interests into electoral choices, (3) increasing interest in politics and enabling people to discuss political matters, and (4) translating political issues into language accessible to the general public.¹⁰ The mass media (*massu komi*) can therefore be a great tool for NGOs to increase public awareness of a certain issue, like the whaling issue. In Japan domestically, throughout the 1960s and again in the 1990s, the media reported on pollution scandals, victim lawsuits and environmental conferences on a regular basis. But overall media organizations rarely push for policy-change on their own. Generally, they only reflect the views of certain social groups, rather than initiating resistance. In other words, they will more likely serve as a powerful ally of another sponsor of policy-change. The mass media's power originates from the power of the "people". The more people are supportive of an idea, the more successful this idea will be. However, it is not an easy task

¹ First figures in 2006, second figures in 2008

to get people to sympathize in the first place, to make them active in favor of the issue in the second place, and even more importantly, to keep them interested in the issue.¹¹ Sometimes the only reason an environmental problem appears in a newspaper or on television, simply is because the problem occurred in a period of heightened concern about, and interest for, these types of problems. For example at the end of the 1990s there was a series of technology-related incidents in Japan – a sodium leak in 1995, an explosion of a company that processed nuclear fuel, and several oil slicks on the Sea of Japan in 1997 – that kept environmental problems in the media for a long period of time.¹² This is an example of what Anthony Downs calls the *Issue Attention Cycle*. Public interest and concern for a certain issue reach a high at a specific point in time and from then on they gradually decline. But now and then there are phases of renewed interest of a smaller magnitude.¹³

Figure 4.1: Issue Attention Cycle



The media are, therefore, not only a powerful, but also an unpredictable ally. One day they can help to bring a certain social group's concern to attention, but the next they could neglect or even ridicule it. The anti-whaling cause in Japan is not a big social movement and therefore does not have a lot of resources. Since it mostly consists of volunteers, it takes a lot of energy and time to contact different media stations to try to grasp their attention. Because of these two factors, most small-scale social movements, including the anti-whaling movement, have their own information networks (*mini komi*). This form of communication, of course, requires time and energy as well and, moreover, usually does not reach the mass audience, but at least the movement itself has control over the content of the information.¹⁴

IKAN, for example, has an up to date website, a newsletter *Ika-Net News* for members and an online blog (*Ika-net 日記*). Greenpeace Japan has mailing lists, an online whaling related blog, and a complete website devoted to the whaling issue called *Whale Love*. Furthermore, during the course of 2007 a ten-episode internet travelogue called *Whale Love Wagon* (named after a popular Japanese TV program known as *Love Wagon*) was released on this website. Each episode explored a different subject related to whaling (such as the ecology of whales, traditional whaling communities, regulation of whaling, and so forth) seen through the eyes of a Japanese woman and Spanish man. ELSA Nature Conservancy has a well updated website with events, and book and film information concerning the subject of its campaigns. Japan Whale Conservation Network is the only anti-whaling NGO with no website. Internationally, because NGOs have far more resources than in Japan, many of these organizations have newsletters, mailing lists, RSS feeds, updated websites, or like Greenpeace, IFAW and Sea Shepherd even have video channels on YouTube and fan pages on network sites as Facebook and MySpace.

JanJan News (Japan Alternative News for Justice and New cultures) is a good example of a Japanese news website that pays close attention to the whaling issue and has an anti-whaling sentiment to it.

JanJan's goal is to provide news *about* citizens, *by* citizens and *for* citizens (市民の、市民による、市民のためのメディア). The news site has a section devoted to the whaling issue called *The Whaling Problem Watch* (捕鯨問題ウォッチ); so does the Japanese news website for daily international news AFPBB News. Due to the campaigns of several national and international anti-whaling NGOs and especially since the whale meat scandal (see below), major newspapers (Asahi, Yomiuri, Nikkei, etc) and television stations have increasingly paid attention to the whaling issue as well, possibly giving rise to a renewed whaling issue attention phase.

Internationally, the mass media in IWC anti-whaling countries is mostly dominated by anti-whaling sentiments. In British newspapers, for example, the whaling issue has been viewed from the stance of an endangered species protection and the immorality of hunting cetaceans in general. According to Kumiko Morata, a Japanese linguist, overall articles from major newspapers such as *The Independent* or *The Guardian* tend to quote only anti-whaling voices and omit opponents' opinions, use very loaded words, and present a limited amount of information so that readers without any previous knowledge of the issue could interpret the information in a wrong way. Overall an emotive and provocative tone is used. She argues that while Japanese newspapers argue the whaling case on the basis of 'factual believes', British ones do so on the basis of 'evaluative beliefs' (opinions).¹⁵ For example, the tabloid *Daily Star* of 11 May 1991 stated "Japs Feast on Whale" on its main page, insulting the Japanese people by using the ethnic pejorative 'Jap'.¹⁶ This is an example of a provocative and subjective newspaper article. It is needless to say a lot has been written about the whaling case from a neutral and in-depth viewpoint as well. But since readers in anti-whaling countries mostly have an unsupportive attitude towards whaling, it is possible that the press prioritizes the reader's interest and reports select topics related to this interest.

4.1.2 Issues

In the context of this chapter, 'issues' stand for those subjects that bother the anti-whaling movement about whaling on one hand, and make the pro-whaling movement determined their whaling practices are justified on the other hand (again, we will focus in particular on the Japanese side). I will give a short introduction to the most important of these issues that gave rise to the heated whaling dispute, here from an anti-whaling perspective and in 4.2.2 from a pro-whaling perspective.

Involvement in pirate whaling

Pirate whalers had been hiding in the Atlantic and the Pacific Oceans since the 1950s without obeying hardly any international whaling regulations. Some of them traded whale products with local markets, but most froze their whale meat to then ship it to Japan. *The Sierra*, for example, operated from 1968 to 1980 when it was sunk by environmentalists linked to the Sea Shepherd Society. This pirate whaler exported its best meat to Nissui, and products of a lesser quality to Britain for processing in pet food. In 1975 an engineer working on the *Sierra* videotaped the taking and killing of a humpback whale and the export of its meat to Japan, while this species had been protected by the ICW for twelve years by that time.¹⁷ Among its crew, that consisted mainly of South Africans, were four Japanese listed as "production inspectors". While Japan claimed to support the IWC and follow its regulations, it was in fact supporting pirate whaling by importing whale meat from these illegal operations.¹⁸ In 1977, the IWC took action against pirate whaling in a resolution, and a ban was effected on the import of whale meat from non-IWC members.¹⁹ But pirate whaling still continued. As a result, the South African government legislated against pirate whalers and the US threatened Japan under the Packwood-Magnuson Amendment. Japan responded by passing its own law against importing meat from non-

IWC countries.²⁰ Still, non-IWC whaling continued in Chile, Peru, South Korea, Spain, the Philippines and Taiwan; these countries were mainly in business with the Japanese whaling company Taiyō.²¹

In Taiwan, four ex-Japanese vessels that had been converted to whale catchers and processors were crewed by Taiwanese, but were under the command of experience Japanese whalers and technicians. Whale meat was first shipped directly to Japan, but was later rerouted to South Korea when it got suspicious.²² Taiwan denied the existence of a whaling fleet and Japan claimed they had never imported whale meat from Taiwan. But a Greenpeace investigation proved the opposite. The environmental NGO discovered the illegal path of whale meat export to Japan through South Korea. In 1979 Korea stated to have exported 400 ton of whale meat, while Japanese statistics showed an import of 1800 ton from Korea. The US threatened with sanctions under Pelly and Packwood-Magnuson, and at the end of September 1980 Taiwanese pirate whaling came to an end.²³ Chilean whaling was another investment taken up by the Japanese since 1956. Chile provided the station and the equipment and shipped all whale meat to Japan, in return Japan provided crew and ships. In 1977, Chile became a member of the IWC under US pressure and received a whaling quota of 500 whales. By 1982, however, Chile had broken almost every rule in the book. They had taken undersized whales, whales in protected waters, and so forth. In 1984 a Chilean whaling ship even killed 15 right whales, the most endangered large whale species at the time.²⁴ The Philippines had joined the IWC in 1981, but converted an ex-Japanese vessel into a factory ship and began to hunt Bryde's whales and endangered humpbacks. Japan imported whale meat from the Philippines, but under heavy IWC pressure banned these imports, after which the Philippine industry collapsed a couple of years later.²⁵

In the early 1990s, molecular biologists analyzed samples of whale meat sold in Japan as whale meat or sashimi. Since the moratorium, only minke whale could have been obtained legally, but using DNA tests the biologists found samples of blue whales, humpback whale, fin whale and dolphin material as well. These results confirm that even legal whaling can serve as a cover for marketing the meat from illegally captured endangered species. As a result, Norway proposed the establishment of a DNA control system to detect illegal whale products which would keep the data in a public database.²⁶

Infractions

In his paper *Japan's 'Research Whaling' in the Antarctic Southern Ocean and the North Pacific Ocean in the Face of the Endangered Species Convention*, Peter H. Sand explains on the basis of four findings why Japanese special permit whaling is in violation of CITES.

(1) What is understood as 'international trade' under CITES includes the concept of 'introduction from the sea'. This is the transportation into a member state after taking from 'marine areas beyond the areas subject to the sovereignty or sovereign rights of a State consistent with international law, as reflected in *United Nations Convention on the Law of the Sea (UNCLOS)*' (CITES Article 1(e)). Whales taken under the Japanese research whaling programmes JARPA (I/II) and JARPAN (I/II) primarily come from international waters in the high seas. Therefore the 'introduction' of the whale meat into Japanese territory is 'trade' as defined in CITES Article 1 (c) and (e).²⁷

(2) Most great whales have been listed on CITES Appendix I since 1973 as 'threatened with extinction' and are therefore excluded from international trade. All whale and dolphin species on Appendix II are subject to strict trade regulation. ICRW member states are exempt from Appendix II regulations if the taking of the whales occurred in conformity with the whaling convention. Appendix I, however, still applies to all ICRW members that are also members to CITES.²⁸ Whales taken under the JARPA/JARPAN programmes between 1988 and now were minke, Bryde's, sei, sperm, and fin

whales. All of these species are listed in Appendix I. Japan, however, has entered legally valid reservations against the listing of some of these species and therefore does not have to comply with the rigid international trade restrictions of Article 3 for these species. Then again, Japan has no valid reservations for humpback whales (which it planned to take during the 2008 season but due to strong pressure backed out) or for the north Pacific sei whales, meaning that 391 sei whales taken between 2001 and 2007 in the north Pacific should have been excluded from international trade.²⁹

(3) 'Introduction from the sea' of whale products listed on Appendix I is only permissible under the following two conditions: (1) 'the introduction will not be detrimental to the survival of the species involved' and (2) the whale products are 'not to be used for primarily commercial purposes'. Whether these conditions are met has to be decided by the Japanese Fisheries Agency (JFA). Currently Japanese research whaling yields about 5000 ton of whale meat annually, which is deep-frozen (up to ten years) and widely marketed in the country in hospital cafeterias, primary schools, universities and private companies. In this case, according to Sand, non-commercial aspects do not clearly dominate, meaning that pursuing CITES regulation, the granting of special permits for the taking of sei and humpback whales by the JFA were contrary to international law and should be revoked and the sei meat already stored in Japan should be considered as illegal imports.³⁰

(4) CITES provisions oblige member states to submit compliance reports such as annual reports on the numbers and types of permits and certificates issues for all specimens on Appendices I, II and III. The duty for ensuring compliance in Japan falls on the FA for all marine species. In April 2000, the CITES Conference of the Parties (COP) called for increased compliance monitoring measures in collaboration with the IWC, and in this light recommended member states not to issue certificates for "primarily commercial 'introduction from the sea' of any specimens of whale species or stocks protected from commercial whaling by the ICRW." As a result, however, the JFA has since 2001 ceased to submit any further reports on imports, exports or introductions from the sea to the CITES Secretariat, without giving any reasons. This continuous non-compliance of the JFA with its duty to report since 2001 constitutes a serious infraction of Article 8 (7, a) of the Convention.³¹

In summary, in terms of international law, Japan's special permit whaling in the Antarctic and the north-west Pacific Ocean qualifies as infractions of CITES; of Article 3(5)(c) (introduction from the sea of protected whale species for primarily commercial purposes) and Article 8(7)(a) (non-compliance with reporting duties for marine species).³²

Some anti-whaling NGOs also consider Japan to be in violation of the IWC. In this connection, the Sea Shepherd Society, for example, refers to the resolution against Japanese whaling operations in the SOS that the IWC issued in 2007. It includes the following sentence: "Further calls upon the Government of Japan to suspend indefinitely the lethal aspects of JARPA II conducted within the Southern Ocean Whale Sanctuary³³." Since the enforcement of the moratorium the IWC has passed more than 20 resolutions (most recently in 2000, 2001, 2005 and 2007) directly calling on Japan to reconsider its so-called scientific whaling programmes.³⁴ The IWC's SC has in this respect noted that neither the research programmes submitted by Japan, nor the program results met the requirements of Article VIII, whereupon these resolutions have time after time been ignored by Japan.³⁵

Lastly, the Japanese whaling fleet is operating in direct contravention to an Australian Federal Court Order, issued in January 2008, stating :

“1. THE COURT DECLARES that the respondent has killed, injured, taken and interfered with Antarctic minke whales and fin whales and injured, taken and interfered with humpback whales in the Australian Whale Sanctuary in contravention of (...) the Environment Protection and Biodiversity Conservation Act 1999, and has treated and possessed such whales killed or taken in the Australian Whale Sanctuary in contravention of (...) the Act, without permission or authorization (...).

2. THE COURT ORDERS that the respondent be restrained from killing, injuring, taking or interfering with any Antarctic minke whale, fin whale or humpback whale in the Australian Whale Sanctuary, or treating or possessing any such whale killed or taken in the Australian Whale Sanctuary, unless permitted or authorized (...).”³⁶

Contaminated whale meat

Toothed cetaceans (in contrast to baleen whales) are located at the top of the marine food chain and feed mainly on fish and squid and are, therefore, a good indicator of marine pollution. Japanese whale meat products can originate from a wide variety of whale and dolphin species and populations (consider dolphin vs. whale meat and coastal catches vs. pelagic catches), and so their level of chemical contamination vary considerably.³⁷ Heavy metals and organochlorines (such as PCBs, pesticides and mercury) are well known environmental pollutants that accumulate in the bodies of toothed whales. Contamination with mercury (Hg) and cadmium (Cd) is prominent and these substances are known to accumulate in the internal organs, especially in the liver.³⁸ Researchers who investigated cetacean meat on the Japanese market, found mercury levels in red meat 22 and 18 times higher than permitted by the Japanese government for this pollutant. Mercury levels in boiled liver were even higher with levels so high that “*a single ingestion may cause an acute intoxication*”.³⁹ Mercury is associated with poisonous effects to kidneys and neurological and developmental abnormalities. Possible health effects of PCBs and pesticides are reproductive and nervous system disorders and cancer.⁴⁰ Red meat (muscle) is the most popular whale product in Japan, but in whaling communities in Wakayama prefecture, for example, internal organs are also sold and consumed.⁴¹ High level consumption of Japanese whale meat causes the internal dose of mercury and PCBs to increase proportionally with intake, causing health effects especially to “high-risk” consumers such as those people from traditional whaling and fishing communities who eat whale meat on a frequent basis and also consume the internal organs.⁴²

Moreover, in a 2003 paper referring to samples of Japan’s North Pacific whaling program, 38% of minke whales were tested positive for *Brucella spp.* Symptoms in humans include fever, headaches, depression, weakness, joint and muscle pain and long term health issues such as hepatic disease and meningitis. *Brucella* can be transferred through ingestion of contaminated meat or by direct contact with infected tissues, blood or urine, posing a risk to Japanese whalers during flensing and processing of the whales. Whether these factors for potential human health implications have been considered in the Japanese whaling programmes is unclear. Additionally, cetacean products have been utilized in the production of livestock food, expanding the potential for infection to these animals. In the US *Brucella spp.* is even considered a bioterror weapon.⁴³

Although it would be expected that after the publication of these results the Japanese government inform the population of the health risks involved, or advise against consumption of meat from toothed whales, instead the government actively promotes the expansion of the whale meat market (see below).⁴⁴

Vote-buying through ODA

What drives Japan's bilateral aid allocations? Generally development assistance does not correspond to the needs of the recipient country, but rather to the political, security or commercial strategic interests of the donor. While Japanese Official Development Assistance (ODA) was mostly concentrated in Asia in the 1970s, it has become more widely dispersed since the 1980s. The oil crisis of 1973 made Japan aware of the vulnerability of the international political arena, and since then Japan began using ODA as a diplomatic tool.⁴⁵

In 1979, Brazil closed down her whaling operations, and instead wanted to join the anti-whaling countries in the IWC. Due to economic pressure, however, Brazil abstained from the moratorium vote in 1981, and in 1982 voted against the moratorium. The Brazilian newspaper *Folha de Sao Paulo* claimed this decision had been taken because Brazil was offered \$400 million by Japan for agricultural investments, entailing Brazil would have to show an understanding towards Japan's stance on whaling. Environmental NGOs were convinced that Japan uses its ODA as a tool to buy the support of developing countries in the IWC.⁴⁶

In a BBC News Article of 6 July 2001, Joji Morishita of the Japanese Fisheries Agency (FA) rejected these allegations made by NGOs saying:

“Japan gives development aid to more than 150 countries. The IWC has just over 40 members. Among them are several—India and Argentina, for example—which receive huge amounts of Japanese aid. But they never vote with us. We're specifically accused of trying to buy the votes of Caribbean nations. Their most important industries are bananas and tourism. If they used their votes as their economy dictates, they'd be voting with the US and Europe, to keep the moratorium. Voting with us is certainly not something decided by money.”⁴⁷

However, allegations drew unprecedented attention just a couple of days later when Masayuki Komatsu made the following statement in a radio interview on 18 July 2001:

“Japan does not have a military power. Unlike U.S. and Australia, you may dispatch your military power to East Timor. That is not the case of Japan. Japanese means is simply diplomatic communication and ODAs. So, in order to get appreciation of Japan's position, of course you know that it is natural that we must do, resort to those two major tools. So, I think there is nothing wrong.”⁴⁸

Many considered the latter to be an admission of vote-buying by Japan, but this was later denied by Komatsu. However, the statement did give rise to a 2001 IWC resolution on “Transparency within the International Whaling Commission”, proposed by New Zealand. The resolution was adopted by consensus and concludes with the line “the complete independence of sovereign countries to decide their own policies and freely participate in the IWC (and other international forums) without undue interference or coercion from other sovereign countries.”⁴⁹

So far 24 states have been supposedly recruited by Japan into the IWC through the allocation of ODA. Most of these countries are from the Caribbean region, francophone West Africa and the South Pacific.⁵⁰ This recruitment campaign is closely linked to one category of Japanese ODA, namely the *Grant Aid for Fisheries*.⁵¹ The report of a symposium for Pacific Island states of 1987 recorded the statement of a FA representative saying: “*When the Japanese Government selects the countries to which it provides fisheries grants, criteria include that the recipient country must have a fisheries*

*agreement with Japan and it must take a supportive position to Japan in various international organizations.”*⁵² Except for Mongolia, all newly recruited members to the IWC have a fisheries relationship with Japan. Therefore, fisheries aid is one of the most diplomatic tools available for Japan’s IWC recruitment campaign.⁵³ In fiscal year 2003 for example, five countries received a fisheries grant aid. All of them were IWC members supporting Japan. So was the case the following fiscal years for most recipient countries.⁵⁴

Grant Aid for Fisheries is one of ten official categories of Japanese ODA. The budget for this type of aid has been gradually reduced in recent years, from an average ¥10 billion in the 1990s to ¥5.6 billion in 2005, representing around 3% of the overall grant aid budget. The fisheries aid programme is characterized by the construction of fisheries training and research centers, fisheries training ships, fishing ports and other facilities. The programme was launched in 1973. In its early years it was primarily used in the South Pacific states to ensure Japanese access to these countries’ fishing zones and to assist Japanese firms in their fisheries.⁵⁵ Development aid in the form of, for example, a multi-million dollar fisheries complex as Japan has provided to small nations with small populations such as St Kitts and Nevis (population 40,000) and Palau (population 20,000), can have an enormous impact on these countries’ political choices, especially when considering that in many developing countries Japanese ODA represents an important portion of the overall government budget.⁵⁶

The strategic planning of the IWC recruitment campaign originates within the Japanese fisheries administration (in close coordination with an influential pro-whaling group of parliamentarians; see below). The Fisheries Grant Aid budget formally is under the Ministry of Foreign Affairs (MOFA), but the Fisheries Agency makes the main decisions over allocations. The link between MOFA and FA is facilitated by a FA official, who handles the grant aid requests, working within MOFA’s Grant Aid Division. According to MOFA, governments have to request aid allocations themselves in order to qualify as a recipient country, but requests are often initiated directly by the Japanese government or private Japanese companies. For the fisheries grant aid, the FA identifies possible projects through the *Overseas Fisheries Cooperation Foundation* (OFCF). The OFCF was established in 1973 as a semi-governmental NPO funded almost entirely by the FA, with the aim of subsidizing cooperation between Japan’s distant water fishing fleets or trading companies and coastal states. The OFCF handles request, but these have to be formally approved by the FA. The *Promotion of exchange visits of key fishery personnel* is a project run by the OFCF and identified as one of the key components of Japan’s recruitment campaign. According to the OFCF itself, the project’s purpose is to “*invite key fisheries personnel from countries concerned to deepen mutual understanding by providing a firsthand look at Japanese fisheries facilities and organizing meetings with leading personnel from the Fisheries Agency of Japan and the Japanese fishing industry.*” Under this programme, fisheries ministers and senior fisheries officials from recipient countries regularly come to Japan.⁵⁷ For example, in 2000 Atherton Martin, then Dominica’s Environment Minister, said in a BBC interview: “*We are aware that there are several senior members of the fisheries divisions throughout the Caribbean who have developed a ‘special relationship’ with Japan. They travel to Japan. They are on the receiving end of enormous amounts of information.*” That same year Gabon’s Minister of Fisheries signed a fisheries agreement during a trip to Tokyo under the OFCF programme, allowing Japanese long-liners to fish for tuna inside Gabon’s maritime zone in return for Japan’s support in the development of Gabon’s artisanal fisheries industry. As a result, on the recommendation of the fisheries minister, Gabon joined the IWC (one day after the trip) on April 4 2002. More recently, in 2007 Tanzania’s Vice - Minister of Natural Resources and Tourism was invited to Japan by the OFCF. Tanzania joined the IWC in June 2008.⁵⁸

Other evidence for these allegations by NGOs is found in the TV documentary, “The Whale Wars”, broadcast in July 2005 by ABC’s “Four Corners”. Solomon Islands’ former Permanent Secretary of Fisheries and IWC Commissioner for ten years, Albert Wata, was asked by the interviewer whether his country’s IWC membership fees were paid by Japan. He replied by saying “*yes, the Japanese pay the government’s subscriptions. They support the delegations to the meetings, in terms of meeting airfares and per diem.*”⁵⁹

In a research paper by Miller and Dolsák (2007), the alleged issue linkage between the IWC and Japanese development aid was statistically investigated. Their hypothesis was that “*the higher the correspondence between the recipient’s country’s votes and Japan’s votes in the IWC in any given year, the higher the bilateral aid the recipient will receive in the following year.*” Accounting for alternative factors that might drive aid disbursements (geography, recipients’ need, recipients’ level of democratization, and Japan’s economic interest),⁶⁰ their analysis suggested the Japanese bilateral aid to developing countries indeed is positively associated with votes cast by these countries in the IWC the previous year. These results, therefore, provide additional evidence supporting NGOs’ allegations concerning vote-buying by Japan in the IWC.⁶¹

Whale meat embezzlement scandal

On May 15th 2008 a possible scandal in relation to the Japanese whaling industry was covered by all major Japanese newspapers. Newspaper article titles stated “Crew members sell whale meat from scientific whaling operations on the black market? The Fisheries Agency investigates” (Yomiuri Shimbun, 読売新聞), “Suspicion of taking whale meat home – Greenpeace shows ‘evidence’” (Asahi, 朝日), and “The scientific whaling fleet takes whale meat home? Greenpeace brings charge” (Sankei, 産経). These headlines followed a press conference held by Greenpeace Japan (GJ) regarding the accusation made by the organization that at least twelve crew members of the Japanese ‘scientific research’ whaling ship, the *Nisshin Maru* (日新丸), had smuggled whale meat of the finest quality off the ship under the disguise of personal baggage, and that Greenpeace Japan would deliver a full dossier detailing the organization’s findings to the Public Prosecutor in Tokyo. At the press conference GJ chief of secretariat, Hoshikawa Jun (星川淳), said “*For scientific research whaling tax money is being used. This is a matter of Japanese trust, therefore it is necessary the government investigates this matter thoroughly and clarifies the truth.*” The Tokyo District Public Prosecutor’s office later confirmed it would investigate the accusations against the crew members.⁶² In addition to an “enquiry to ascertain the level of corruption in the Japanese scientific whaling programme”, GJ also called for an end to taxpayer subsidies that go into the programme, and that Kyōdō Senpaku’s (共同船舶) whaling license would be withdrawn. In reaction to the accusations, the ICR said crew members are allowed to take home 7 to 8 kilos of whale meat as a present. But GJ claims that the meat they intercepted was in addition to the allowed amount. Vice-director of the research department of the ICR (日本鯨類研究所), Ishikawa Hajime (石川創), claimed “*the whale meat is safely kept in locked freezers on the ship; it is impossible to take the meat out yourself. Moreover there is not a lot of space on the ship, so there is no place to hide it.*” The whaling company Kyōdō Senpaku harshly criticized GJ’s actions by saying “*Selfishly opening the boxes is theft; it cannot be excused.*”⁶³ In response to the allegations, the Fisheries Agency (*suisanchō*, 水産庁) announced it was going to start an investigation to determine whether embezzlement had indeed taken place.⁶⁴

GJ began investigating the matter when in January 2008 the organization was contacted by a former whaling fleet crew member. The informer claimed crew members regularly took whale meat off the ship to sell it for their own profit. He claimed senior crew and officials from Kyōdō Senpaku knew

about the embezzlement and let it continue. Furthermore, he said officials from the ICR on board the Nisshin Maru also knew of the ‘scandal’ and did nothing.⁶⁵ On April 15th the Nisshin Maru docked in Tokyo after its five-month whaling operations in the Southern Ocean. Greenpeace activists witnessed at least 93 boxes were sent by crew members to private addresses. The next day two activists, Satō Junichi (佐藤潤一) and Suzuki Toru (鈴木徹), intercepted some of these boxes in a depot in Aomori Prefecture. Opening one box labeled as “cardboard”, they discovered 23.5 kilograms of whale meat of the finest quality. The market value of the content of this box was about ¥110,000 to ¥350,000 (approximately between \$1000 and \$3500). In total the content of 47 boxes by twelve different crew members was verified as whale meat.⁶⁶ An informer told GJ some crew members take as many as 20 boxes packed with kilos of whale meat each. Inquiries in pubs and restaurants confirmed they were expecting a delivery of whale meat from 2008’s whaling season, while the FA and ICR only release whale meat for sale a couple of months later, from the end of June. Commenting on GJ’s findings Satō said *"The Japanese whaling programme has already been shamed internationally for its lack of scientific credibility, embarrassed by the generation of vast stockpile of whale meat few want to eat and is now embroiled in a scandal at home for being corrupt. It is time for the whaling programme to be stopped and public money spent on something more honorable."*⁶⁷

June 20th the Greenpeace Japan office and homes of staff members were raided by the police and the Aomori District Public Prosecutor’s Office arrested Satō Junichi and Suzuki Toru in their homes. That same day the Tokyo Public Prosecutor announced it was no longer going to investigate the whale meat embezzlement case. In reaction to this unexpected event, protests were held in support of the activists at Japanese embassies around the world on the 30th of June. Being held without charge or chance for bail for more than two weeks, on the 10th of July 35 international NGOs issued a joint statement of concern saying: *"Please release Junichi Sato and Toru Suzuki and provide Greenpeace Japan and all other Non-governmental organizations working in Japan with the rights guaranteed under international law to organize and to protest peacefully."* One day later Satō and Suzuki were officially charged with trespass and theft for entering a truck company depot and stealing and opening boxes without permission.⁶⁸ As a response to the charges Yasushi Tadano, a lawyer for Greenpeace, said *"As we said at the beginning, we could not have made a criminal complaint without the whale meat. I can only say I think it is an illegal arrest."*⁶⁹ On the 14th of July human rights organization Amnesty International expressed its deep concern about the detention of Satō and Suzuki to the prime minister. The NGO stated as follows:

“It is imperative that their rights to freedom from arbitrary deprivation of their liberty are fully respected, in accordance with international human rights treaties to which Japan is a state party. (...)We ask the Japanese prime minister to make a clear statement assuring human rights defenders, including environmental activists such as Junichi Sato and Toru Suzuki and organizations such as Greenpeace, that their right to engage in peaceful activities without intimidation or harassment will be respected by the state, including the justice system.”⁷⁰

By July 15th more than 252,000 people from around the world had sent messages to the Japanese government, asking for the release of the two activists and a renewed investigation into the case. That same day, after 26 days of police detention, Satō and Suzuki were granted bail by a panel of three Aomori judges. They did, however, still face prosecution.⁷¹ Currently, the pre-trial has started in Japan. Commenting about the trial, Junichi said in a recent statement: *"the trial I face offers a chance to prove, in front of Japan’s public and media, just how corrupt Japanese scientific whaling is. We are getting more and more information about the operation through this trial process."*⁷²

4.2 The Pro-whaling movement

4.2.1 Actors

Governmental Bodies: MAFF, FA and MOFA

In Japan, whaling matters are not subject to an environmental body, but rather to the Ministry of Agriculture, Forestry and Fisheries (MAFF) and the Ministry of Foreign Affairs (MOFA). The Fisheries Agency (FA) has all whaling matters under its jurisdiction. The FA is supervised and closely monitored by MAFF, which also provides personnel to the agency. According to Hirata (2004), MAFF and the Whaling Division within the FA have six reasons for promoting sustainable whaling. Firstly, officials believe there is a scientific basis for whaling and decided Japan should conduct its own research to prove some whale species are abundant and could be 'harvested'. Secondly, they think Japan has the legal right to do so under Article VIII of the ICRW. Thirdly, the end of whaling could possibly mean a decline in budget and political power to MAFF and the FA. It is therefore not likely officials of these bodies would give up on whaling, one of their major areas of jurisdiction. Fourthly, keeping the industry alive in the hope the moratorium on commercial whaling would be lifted, could further strengthen the political power of both the ministry and the agency. Fifthly, MAFF and FA officials fear that the ban on whaling could have a spillover effect on regulations of other marine resources under their domain. Lastly, officials think it is cultural imperialism and bullying for western countries, especially the US, to criticize Japan for eating whale meat since it is a part of their culture and is no different than eating beef or pork.⁷³ FA bureaucrats are the main actors in whaling policy making and, therefore, have played an important role in the emergence of the pro-whaling movement in Japan. In other words, they do not only serve as policy initiators but also as public educators on whaling. These officials have shaped Japanese state responses and have initiated non-governmental pro-whaling networks. For example, NGOs such as the Japan Whaling Association (JWA) and the Japan Small-Type Whaling Association (JSTWA) receive government subsidies and have close relations with FA officials. Moreover, ex-FA officials partly staff the ICR.⁷⁴

However, stances on whaling in MAFF and the FA are not homogeneous. There are differences in opinion between those in charge of whaling and those in charge of fisheries. For example, when the moratorium was decided on in 1982 by the IWC, the whaling division spent several months trying to persuade the fisheries division to object to the moratorium. Although in the end the whaling division gained consensus, soon after filing the objection they had to withdraw it under pressure from both the US and the fisheries division.⁷⁵

MOFA – more specifically the Fisheries Division of the Economic Affairs Bureau within the ministry – on the other hand is neither involved in policy making nor in implementation of whaling matters. It simply serves as the bridge between the government and the outside world: it represents Japan at the IWC together with MAFF and the FA, it responds to foreign criticism of Japan's whaling's operations, and attempts to ease conflicts with anti-whaling states. In other words, MOFA simply supports and follows MAFF and the FA's decisions concerning whaling matters and tries to soften Japan's position in the international arena. This, however, does not necessarily mean everyone in the ministry agrees with this position. On the contrary, the ministry is divided on the whaling issue. The Ocean Division within MOFA promotes the whaling policies set by the FA, but the North America Bureau is very sensitive to the possible impact of Japan's pro-whaling position on US-Japan relations. MOFA, however, suffers from a lack of authority in policy-making and implementation to discourage the FA's stance on whaling.⁷⁶

Parliamentarians and Political Parties

In Japan most political parties and many parliamentarians back whaling. Japan's two largest parties, the Liberal Democratic Party (LDP, *jimintō*, 自民党) and the Democratic Party of Japan (DPJ, *minshutō*, 民主党) have formed legislative pro-whaling groups; the *Parliamentary League in Support of Whaling* (*hogeï giin renmei*, 捕鯨議員連盟) headed by Suzuki Shunichi, and the *Parliamentary Council to Address Whaling Issues* (*hogeï taisaku giin kyōgikai*, 捕鯨対策議員協議会) headed by Hino Shiro respectively.⁷⁷ The LDP's league includes members such as Prime Minister Aso Taro, ex-prime minister Shinzo Abe, and the mayor of Yokohama, Nakada Hiroshi. Smaller political parties such as the New Kōmeitō Party (NKP, *kōmeitō*, 公明党) and the Communist Party (JCP, *nihon kyōsantō*, 日本共産党) also have pro-whaling advocates. The most active whaling advocates are on the right end of the political spectrum. Moreover, only around 10% of the pro-whaling parliamentarians actually come from whaling districts, so the majority has no electoral or commercial ties to whaling. In February 2007 *The Japan Times* reported: “*Much as Japan's politicians champion logic and science in the service of their cause, however, it is clear that nationalism is one of the pillars that props up the campaign.*”⁷⁸

Pro-whaling parliamentarians' influence in the whaling dispute became evident around the time of the 1999 IWC annual meeting. That year, five parliamentarians joined the Japanese delegation, a high number for international meeting on a political 'non-issue' like whaling. Since 1999, IWC delegations have regularly included significant numbers of parliamentarians. For example, at the 2004 meeting, eight parliamentarians attended, including Kanata Eiko, Vice Minister of Agriculture, Forestry and Fisheries.⁷⁹ Pro-whaling parliamentarians are also active through the Japanese branch of the organization *Sustainable Use Parliamentarians Union* (SUPU). SUPU is an international coalition of politicians formed by the *International Foundation for the Conservation of Natural Resources*, an organization supporting the sustainable use of (marine) resources. The Japanese branch comprises more than 90 Diet members from seven political parties and was established in 2002. SUPU meetings are regularly held on the sidelines at IWC Annual Meetings.⁸⁰

A recent event to illustrate pro-whaling sentiments among parliamentarians is a rally in May 2003 prior to the IWC Annual Meeting. Japanese politicians participated in this rally to push for the resumption of whaling at the IWC meeting in Shimonoseki. Before the rally, the “Meeting for Nationwide Action to Aim for the Resumption of Whaling at the IWC Shimonoseki Meeting” (IWC *shimonosekikaigi de hogeisaiikai wo mezasu zenkokukekki shūkai*, IWC 下関会議で捕鯨再開を目指す全国決起集会) was held, with presentations and speeches held by politicians from the LDP, DJP, NKP, JCP, the Liberal Party and the Social Democratic Party.⁸¹

In spite of these efforts, Hirata (2004) argues these parliamentary groups cannot exercise strong influence over the whaling debate since they are not involved in policy-making. Supporting whaling remains a peripheral issue for most politicians. In this way, the decision-making power is left in the hands of MAFF and FA officials.⁸²

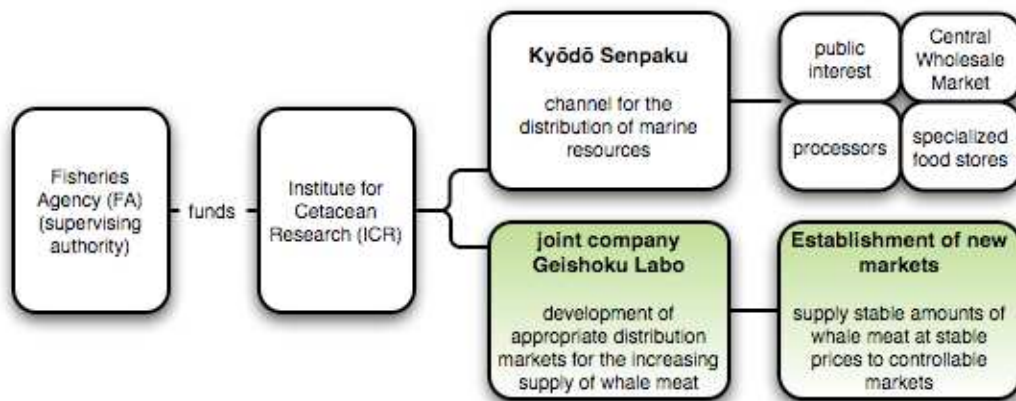
Government-affiliated organizations: ICR and Geishoku Labo

The Institute for Cetacean Research (ICR) was founded in 1987, the same year Kyōdō Senpaku was founded as a reaction to the establishment of the moratorium on commercial whaling. Its own website describes the ICR as “*a unique organization in Japan specializing in the biological and social sciences related to whales*”. Its forerunner was the Whale Research Institute, founded in 1947 from the

in 1941 established Nakabe Foundation for Whale Science.⁸³ The ICR was founded as a semi-governmental, non-profit organization (NPO, *zaidan hojin*, 財団法人) that conducts research on whales caught by whaling company Kyōdō Senpaku. Its start-up costs were covered by the FA, Kyōdō Senpaku, and donations from pro-whaling individuals and groups. Both the FA and MAFF exert strong influence over the ICR since the institute receives annual funds from the FA (since 1987 around ¥900 million, approximately €5.7 million),⁸⁴ is headed by a former FA official, and is under jurisdiction of the MAFF. The ICR is a rather small research center with about 20 staff members (mostly scientists) and does not directly participate in Japan's policy-making related to whaling. The purpose of the institute is rather to provide scientific evidence that certain whale species such as minke whales are abundant, so Japan can be allowed to resume commercial whaling in the future.⁸⁵ Via Kyōdō Senpaku, through the sale of whale meat of the research programmes, the ICR earns more than 85% of its income. During fiscal year 2003, for example, the sale of by-products produced \$55 million, while the ICR in addition received \$8.8 million government subsidies, mainly from the FA.⁸⁶ To market these by-products, aside from its research programmes, the ICR also runs programs to promote the consumption of whale meat, for example in schools. The institute visits between 50 and 100 schools a year, combining a lecture on whale biology and opportunities to try whale meat.⁸⁷

With expanded Japanese special-permit whaling programmes, research whaling currently yields more than 5,000 ton of whale meat per year, which can be deep-frozen for up to ten years. In 2006, for nation-wide marketing of rising stockpiles of whale meat, the firm *Geishoku Labo* (Whale Consumption Laboratory, 鯨食ラボ) was established with active support from the ICR and FA. Its headquarters are in Roppongi (Tokyo) in the Japanese Fisheries Association building, next to the ICR.⁸⁸ *Geishoku Labo's* sole investor and representative is private consultant Nakata Hiroshi (中田博一). The one-man company has a planned life-span of five years (2006-2011) and is in charge of marketing the wholesale of whale meat at the request of the ICR. Its own website describes the purpose of the company as *"By attempting to optimize the circulation of the increasing amounts of whale meat as a byproduct of scientific whaling, creating a new market for the consumption of whale meat with recovering the value of whale meat in mind."* The website further explains that there are limitations to the supply of whale meat as a resource, and moreover, that the wholesale price of whale meat is fixed by the government and cannot be lowered because its proceeds cover the expenses of the research whaling programmes. Since these two facts make whale meat a peculiar resource, a specific marketing strategy was required. Two pillars of the strategy are (1) the catering market including office, hospital and school lunch services as the preferential market, and (2) appealing to the nutritional value of whale meat for mixing with beef, pork, or chicken meat so new menus can be developed.⁸⁹ Commenting on this strategy Nakata said: *"I want to promote whale meat as a healthy food because it is high in protein and low in calories, a food suited to the age. I plan to develop new recipes and cultivate a new market for hospital meals and school lunches over the next five years."*⁹⁰ However, although there is a desire to re-establish distribution channels with an eye to the resumption of commercial whaling in the future, there is a concern that too much demand would result in over-exploitation and illegal trafficking of whale meat. Hideki Moronuki of the FA's whaling division commented in relation to this concern: *"We don't want to repeat the tuna mistakes, but we'd like to supply whale meat to households at least prices comparative to tuna."* Nakata also commented: *"The Fisheries Agency is telling me 'we want you to sell the meat but don't overstimulate the market'."*⁹¹

Figure 4.2: Geishoku Labo's plan of action



Source: Website Geishoku Labo – distribution and production output. Own translation of Japanese figure. (http://www.geishoku-labo.co.jp/labo_2.html)

Media

Catalinac (2007) analyzed Asahi discourses in relation to the whaling issue and broke down the analysis in five stages: prior to 1972, in 1972, between 1972 and 1982, in 1982, and after 1982. Prior to 1972 the newspaper portrayed whaling as an industry to be proud of, and reports of whale catches were to be interpreted as achievements. In 1972, all the articles described the difficulties the Japanese whaling industry would face if a moratorium were adopted. Between 1972 and 1982, articles and editorials talked about the increasing influence and achievements of the anti-whaling movement. From 1982 onwards, articles began to express ‘horror’ at the moratorium and considered it as a threat to Japan’s whale-eating culture, coastal whaling communities, the scientific management of natural resources, and the rules of the IWC. After 1982, the stance taken by Asahi was ambiguous. While most articles stated that the moratorium “had no scientific basis, was counter to the rules of the IWC, and contradicted the principles of rational use of natural resources”, it also issued some articles and editorials with a more anti-whaling sentiment to it. In a 1988 article, it advocated tolerance towards the anti-whaling stance; an article in 1993 on the one hand agreed with the idea of benefiting from natural resources, but on the other hand claimed the problem found its roots in the aggressive way in which Japan had taken so much of the world’s fishery resources; and in a 2000 editorial the Asahi even criticized the government for “using the excuse of food culture to protect Japan’s bureaucratic interests.” Other newspapers such as the Yomiuri and the Mainichi, however, unambiguously sided with the governmental stance on whaling during this period. During the 1990s, they were uniformly supportive of the government’s wish to resume commercial whaling, and towards the late 1990s all expressed the threat the moratorium posed to Japan’s deep-rooted whale-eating culture (*gyoshoku bunka*, 鯨食文化). Pro-whaling arguments about food security, unjustified restrictions to Japan’s natural resources, and the consumption of large amounts of fish by whales, were only used from the late 1990s.⁹² As we can see, the cultural argument was the most salient pro-whaling argument in the course of all stages. In Japan portraying political actions as culturally justified is a major strategy used by the media and political actors to ‘manage reality’. Statements such as ‘we do this because it is our culture’ are believed to give a valid explanation for accepting or opposing a certain practice. Domestically, culture can in this way become an excuse for systematic exploitation (of resources), legal abuses, and “uncontrolled exercise of power”. In the international arena, culture can be used as an excuse for not living up to agreements, norms and responsibilities (such as the moratorium), and for not taking action when pressured by countries with whom it has important economic and/or diplomatic relations.⁹³

From the above analysis, we can see that major Japanese newspapers are generally pro-whaling. The whaling issue is mostly discussed from the perspective of the economic and cultural impacts on whaling communities and industries. Murata (2007) states Japanese news reports in general are characterized by brevity and a factual tone, and tend to avoid the use of loaded or provocative lexis. They consist mainly of a description of facts, mostly based on the Japanese Government's press releases (see *kisha kurabu* below). Moreover, they give background information and reasons for the government's specific action of course, which make the reports sound relatively objective.⁹⁴ Yet the tone is obviously pro-whaling in that only the Japanese government's stance as a pro-whaling voice is represented, and anti-whaling voices are omitted. In this way it is seemingly assumed all readers are pro-whaling, and readers who read the article without any previous knowledge of the issue could not know what the anti-whaling nations' arguments are based on.⁹⁵

In Japan, the *kisha kurabu* (記者クラブ, reporters' clubs) are one of the main sources of news for Japanese journalists. They are a means for journalists to collect their news sources prepared as press releases provided directly by government officials. They constitute the symbiosis between the media and the Japanese political structure. Every ministry and government agency has its own reporters' club. In this way, on the one hand governmental bodies send out information that they regard as important and coordinate media self-censorship, on the other hand journalists need not to worry about missing vital developments and can take advantage of their authoritative and powerful position in Japanese society since many people – including legislators – rely on the information distributed by the media and, therefore, have the ability to influence agenda-setting. In other words, the mutual advantages the system of the *kisha kurabu* provides, ensure the continuation of this symbiotic relationship.⁹⁶ In relation to whaling matters too, the reporters' club system plays an important part. For example, at the 2005 IWC meeting, almost all reports of the meeting by Japanese media were edited versions of press briefings by the Japanese Government. To illustrate: the concepts of “precautionary principle” and “precautionary approach” which are among the most important concepts behind the moratorium rationale, were not mentioned in any whaling-related article in the Asahi. Like this, reporters' clubs can be seen as an influential system to control information and manage reality in a way favorable to the Japanese government.⁹⁷

NGOs

The most prominent Japanese pro-whaling NGOs are the Beneficiaries of the Sea Coalition (*umi no sachi ni kansha suru kai*, 海の幸に感謝する会), the Citizen's League for the Preservation of Whaling (*hogeï wo mamoru kai*, 捕鯨を守る会), Global Guardian Trust (*shizen shigen hozen kyōkai*, 自然資源保全協会), the Group to Preserve Whale Dietary Culture (*kujira shokubunka wo mamoru kai*, クジラ食文化を守る会), Japan Fisheries Association (*dainihon suisankai*, 大日本水産会), Japan Small-Type Whaling Association (*nihon kogata hogeï kyōkai*, 日本小型捕鯨協会), Japan Whaling Association (*nihon hogeï kyōkai*, 日本捕鯨協会), the Whale Cuisine Preservation Association (*kujira ryōri wo tsutaeru kai*, クジラ料理), and the Women's Forum for Fish (*uōmanzu fōramu sakana*, ウーマンズフォーラム魚). As you can see, dominant domestic pro-whaling NGOs clearly outnumber anti-whaling NGOs.

Most of these NGOs were formed during the 1980s and 1990s, with the aim of actively supporting the governmental stance and developing more public support for this view. This cooperation is clearly visible in events organized by, for example, the Group to Preserve Whale Dietary Culture. Meetings

are organized by the non-profit NGO, but are often sponsored by the local authorities and the FA and include guest speakers from high-ranking positions. Cooperation between the state and a pro-whaling citizen group is not limited to this particular organization, however. Blok (2008) describes the pro-whaling movement in Japan as follows: “the movement has the character of a multi-organizational network, crisscrossing state-industry-civil society boundaries and with certain division of rhetorical labor.” Hence, some of these pro-whaling NGOs hardly correspond to the requirements of being called an NGO (as explained above). Most leading actors in these groups are bureaucrats, academics, journalists or writers; in other words members of a cultural elite. Moreover, groups combine economic, political, and cultural factors for the specific discourse they pursue; for example a whale restaurant owner who represents herself as a spokesperson for Japanese food culture, in this way combining material interests with the significance of whale meat as a national and cultural symbol. Some groups organize around the discourse of the Japanese whale dietary culture, others are more focused on sustainable use of marine resources. They do, however, all share the basic rationale behind the pro-whaling stance, forming a pro-whaling network with a collective identity. Many pro-whaling groups are active both in the domestic as in the international arena, and participate as observers at IWC meetings representing the “ordinary Japanese”.⁹⁸

Opinion polls

In contrast to the opinion polls described above, a number of other opinion polls seem to suggest an overall support for whaling if sustainable and under controlled conditions.

In 2001 the Japanese Cabinet Office (*naikakufu*, 内閣府) conducted an interview survey among 3,435 Japanese respondents of over 20 years of age (response rate of 69.1%). To the question “*Some people consider that whales are something special and holy animals. Do you agree to a ban on whaling under any circumstances, even if an appropriate level of catch is possible from abundant resources such as minke whales?*” 7.3% and 15.3% of the respondents said to ‘agree’ and ‘moderately agree’ respectively to a ban on whaling ‘under any circumstances’, while 22.6% and 30.4% of the respondents said to ‘disagree’ and ‘moderately disagree’ respectively. 16.4% had no opinion. Results for a question polling respondents’ opinion on scientific-based and sustainable coastal whaling were the following: 41.6% strongly agreed, 30.3% moderately agreed, 3.5% strongly disagreed, 6.9% moderately disagreed, and 17.7% had no opinion or did not know. In the next question respondents were asked whether they agree “*with the idea that countries should be allowed to catch a certain number of whales, such as minke whale whose resource is abundant, if the whale resource is managed on scientific basis and negative influence on the resource is avoided?*” Again, results were mostly in favor of whaling: 45.7% strongly agreed, 29.7% moderately agreed, 6.6% strongly disagreed, 3.3% moderately disagreed, and 14.6% had no opinion or did not know. Moreover, 87% of the respondents said to have eaten whale meat in the past.⁹⁹ Komatsu commented on the poll results in an official MAFF statement by saying the results “*show a continuing high level of public support for the Government’s position on whaling and strengthens our resolve to work within the International Whaling Commission for the resumption of commercial whaling and to continue with our research programs to study the impact of whales on fisheries.*” Further he added: “*The results of this survey clearly demonstrate the sham that Greenpeace and the International Fund for Animal Welfare have been using for more than a year claiming that the Japanese public does not support whaling or consume whale meat.*” “*Their survey failed to meet minimum survey standards or any other test of credibility. It should simply be dismissed as nothing more than a continuation of their deliberate attempt to misinform the public.*”¹⁰⁰

The poll, however, did not ask questions about why the Japanese people supported the Japanese whale hunt. It seems rather unlikely that the Japanese public overall shows support for whaling because it

likes to eat whale meat. In 1993 and again in 2002 the Asahi conducted an opinion poll asking readers whether they want to eat whale meat. The 1993 results showed that only 11% of the respondents supported lifting the moratorium because they want to eat whale meat. This number further decreased by 2002 when only 6% of the respondents shared this opinion.¹⁰¹

In 2006, an online Yahoo poll posed the question “*Iceland announced its resumption of commercial whaling by saying ‘there are no developments in the IWC discussions.’ Do you agree or disagree with commercial whaling?’*” Results showed that 90% of 21221 respondents agreed with commercial whaling. Concerning the Yahoo poll, the ICR issued a statement saying: “*The poll reinforces Japan’s desire to resume sustainable commercial whaling and the ICR’s work in improving whale management regimes in the Antarctic and North Pacific.*”¹⁰² Greenpeace, however, questions the validity of the poll since there was no random sampling of the respondents.¹⁰³ Moreover, respondents could cast their vote several times. That same year the newspaper *Nippon Keizai Shimbun* (Nikkei) (日本経済新聞, 日経) also conducted a poll, which results suggested 74.7% of the Japanese public supported the resumption of commercial whaling.¹⁰⁴ In February 2008, yet another poll informing respondents about their opinion on whaling; was conducted by Asahi. The telephone poll drew 2,082 respondents of whom 21% said to be opposed to whaling, while 65% was supportive. To the question whether they were in favor or against the consumption of whale meat, 56% responded to be in favor, while 26% was against.¹⁰⁵

4.2.2 Issues

Science, sustainable whaling and normalization of the IWC

The Japanese pro-whaling movement discusses the whaling case mostly from a scientific perspective. In this way pro-whaling advocates can construct an identity of rationality and objectivity, and appeal to the “assumed universal legitimacy of science”.¹⁰⁶ Generally, in environmental governance science is applied to determine levels of sustainable use of natural resources. This principle is emphasized by pro-whaling actors who think it should be applied in the whaling regime since whales are a ‘universal resource’. The use of science by pro-whaling advocates entails a two-fold tactic: on the one hand science is characterized by fact, logic and rationality; on the other hand science as the basis for the pro-whaling discourse creates an image of the anti-whaling discourse that is sentimental, irrational and unreasonable.¹⁰⁷

Since the Convention states that all decisions need to be based on scientific findings and the IWC has its own scientific committee through which “scientists enjoy privileged positions of cognitive authority”, the IWC can be called a “science-based” international institution.¹⁰⁸ Japanese officials agree science is the only reliable means to settle disputes by creating a politically, rather than a culturally, charged atmosphere. Therefore, the Japanese government considered the passing of the moratorium without the support of the SC a threat to the original intentions of the ICRW because it lacks any scientific basis,¹⁰⁹ and that instead it is based on “emotionalism” and “politically-driven ideology”.¹¹⁰

Komatsu (2001) argues that the reason for the adoption of the moratorium existed in the scientific uncertainty about the assessment and status of whale stocks. The idea was that commercial whaling would be suspended until a comprehensive assessment of the stocks was made. Because Japan wanted to lift the moratorium and reopen commercial whaling on whale stocks that could sustain a limited harvest, Japan started her special-permit whaling, or the so-called scientific research whaling operations. More than ten years of continued research, he says, has resulted in scientific information that can confirm the health of the Antarctic minke whale stock.¹¹¹ In 1991 the IWC’s SC agreed on a

figure of 760,000 for the Antarctic minke whale stock, based on sighting surveys. Although this may have been a momentum for the pro-whaling countries at that time, this figure was withdrawn in 2000 in the light of new survey data. Current population estimates are suggested to be only 39% of those from the mid-1980s.¹¹² In the meantime annual catches of minke whales have increased over the years under the research whaling programmes in the Antarctic and the North Pacific. Still, the Japanese Government believes rational and sustainable whaling should be allowed and the moratorium done away with. Komatsu (2001) describes the rationale behind sustainable whaling as follows:

“If we harvest 10% of a (sustainable) whale stock in a particular area, then the quantities of marine creatures available to us would be those which that 10% of harvested whales would have fed on. In addition we utilize the harvested whales as protein rich food. In this way in which the annual increment of a whale stock is wisely used, sustainable harvesting of marine resources could continue permanently.”¹¹³

The Japanese government’s position on whaling further confirms this stance:

“The Japanese Government requests that the international community recognizes that (1) stocks of certain whale species such as minke whale are scientifically proven to be not endangered, (2) the limited, sustainable use of such whale species does not pose any overall risk to stocks, and (3) the Japanese government is strongly opposed to uncontrolled commercial whaling.”¹¹⁴

Because Japan finds little resonance in and recognition of its position in the international community, and more than twenty years had passed since the moratorium was enforced and Japan stopped its commercial whaling practices, in 2006 (as explained above in Chapter III) it adopted a “Normalization” agenda. Japan is of the opinion that the IWC has lost sight of the original intentions of the ICRW – “providing for the proper conservation of whale stocks and making possible the orderly development of the whaling industry” as stated in the Preamble – and has become dysfunctional.¹¹⁵ At every annual and inter-sessional IWC meeting since then an agenda item concerning “the Future of the IWC” has been discussed with pro-whaling countries opting for Normalization and anti-whaling countries preferring Modernization – adapting the ICRW to the changed conditions of today.

Whaling and the food crisis

The world’s population increases by approximately 250 000 people a day, and, as of May 2009, is estimated to be about 6.78 billion (in comparison to 1.5 billion at the beginning of the 20th century).¹¹⁶ With a growth rate of 1.15% (77 million) per year, by 2042 it is expected to reach 9 billion.¹¹⁷ Hence, it is a fact that with the increasing world population and decreasing food supplies, measures to deal with the population explosion are required urgently. Without international collaboration this global problem cannot be effectively addressed.

In 1995, Japan hosted a FAO-sponsored conference titled “Sustainable Contribution of Fisheries to the Food Security.” At the conference, the prediction was made that the world would face 30 to 50 million tons of shortage of marine products by 2010, if the world’s population continued to consume fish and fish products at the current pace.¹¹⁸ In the light of the depletion of fish stocks and as a result a possible food crisis in countries depending on marine resources, Komatsu (2001) comments:

“If mankind is faced with population as great as six or ten billion, do you think it rational to coerce people to change their food habit by saying, ‘Do not eat this, because some of us love this animal’? The value standard based on such subjectivity could hardly be acceptable to the world.”

According to Japan, therefore, it is not unthinkable that someday the IWC might have to take into consideration the effect of whales on and whale meat as a solution to the food crisis. According to the Japanese delegation, being ignored is that marine mammals, whales in particular, compete with humans for fish. In 1994, the ICR estimated that whales in the Antarctic region alone consume 240 million tons of feed annually, and that this number will rise to 670 million tons by 2050, given a population growth under a moratorium. Japan has also made estimations that the diet of all whales in all oceans exceeds 500 million metric tons annually. It should be noted that these numbers include marketable fish, but also some biomass not consumed by humans. However, marine harvest by humans reaches approximately 80 million tons a year according to estimations made by FAO in 1994, only a fraction of what whales consume annually. Against this background the following question has been raised “Will an expanding humanity in the mid-21st century be tempted to regard whales as ranchers do wolves?” In other words, will we turn to whale meat for nutrition and will the IWC account for food needs?¹¹⁹

In 2006, the ‘St Kitts & Nevis Declaration’ was passed which stated:

“ACCEPTING that scientific research has shown that whales consume huge quantities of fish making the issue a matter of food security for coastal nations and requiring that the issue of management of whale stocks must be considered in a broader context of ecosystem management since ecosystem management has now become an international standard.”

There seemed to be a consensus among the majority of IWC member countries that whales indeed pose a threat to food supplies in countries that depend on marine resources. However, in a research paper investigating the alleged scientific research ‘that has shown whales consume huge quantities of fish’, Corkeron (2007) draws a different conclusion. He argues where good data are available, there is no scientific evidence of this kind neither to support the claim that marine mammals, including whales, present an ecological issue for fisheries, nor that they consume huge quantities of fish. This has been pointed out by several scientists, including Holt (2006)¹²⁰, who made a recalculation of the Japanese estimations and concluded these may be overestimated by almost two orders of magnitude. Nations leading the argument that whales pose a threat to fisheries – Japan, Norway and Iceland – should rather blame their human activities in their coastal waters for posing a threat to their own food security. Corkeron concludes by saying: “*Suggestions that fisheries problems can be attributed to whales consuming huge quantities of fish distract attention from the root causes of these problems: fisheries mismanagement.*”¹²¹

Japan, however, maintains whale meat could be a solution to the food crisis. Recently food security was one of the key discourse items at the 2007 normalization conference, and in 2000 China came to Japan’s support at the annual IWC meeting in the name of food security. Yet, it is unlikely that the amount of whale meat yielded by Japan annually can fulfill the nutritional needs of Japan’s population close to 130 million. The reference to food security by Japan should therefore be understood as a strategy in the defense of whaling, rather than a practical measure.¹²²

Moratorium as a threat to natural resource regimes

The Japanese government says it is prepared to accept any regulation of resources as long as it is based on scientific grounds which ensure the continual productivity of that resource. In relation to this stance former IWC Commissioner, Yonezawa Kunio (米沢邦夫), articulated: “the whaling issue is about the

fundamental human and sovereign right to use natural resources responsibly... and respect for scientific practice.”¹²³

However, as pointed out above, Japan considers the passing of the moratorium as a threat to the whaling regime because, according to the Japanese delegation, it lacks scientific evidence and is against the intentions of the ICRW. Lurking in the background is the principle of “Permanent Sovereignty over Natural Resources”, Principle 21 of the 1972 Stockholm declaration and further established at the UNCED in 1992. In the whaling regime, many pro-whaling developing countries’ interest in whaling does not stem from material interests, but from the right to use their own resources to develop sustainably, linking the whaling issue to sovereignty.¹²⁴ Japan too, fears the moratorium could be held as an example for other natural resource regimes, and therefore, considers it as a threat to the integrity of all natural resource regimes. According to Japan, both the scientific management of natural resources and the principle of sustainable use of natural resources are at stake.¹²⁵

For Japan, alongside oil, the ocean is the most important of all natural resources. Marine resources provide 40% of all annual animal protein consumed in Japan. Moreover, the Japanese people – 2% of the world population - consume as much as 8% of the global fisheries resources, and Japan is the top importer of marine products.¹²⁶ This dependence on sea-food has encouraged the adoption of the principle of “optimum use”, which considers the optimization of sustainable harvesting and use of natural resources as more important than the “precautionary principle”. Understandably, therefore, the Japanese Fisheries Agency – whose main priority is to protect access to global fisheries resources – is very protective of all means to harvest marine food resources, and with the passing of the moratorium it feared the moratorium would spill over on other agreements based on sustainable use, such as that of bluefin tuna in the North Atlantic.¹²⁷ The bluefin tuna is under threat of extinction, and especially Japan has been criticized and condemned for this industry. Bluefin tuna is loved by Japanese people in the form of sashimi, and almost all the globe’s bluefin tuna catch goes to Japan. By some it is even suggested that Japan’s whaling activity is a way of diverting attention from Japan’s tuna catches.¹²⁸ Blok (2008) alleges “material and symbolic interests in the tuna fishing industry lurk in the background of many pro-whaling discourses. This is reflected in the overlap of people, organizations and discourses between the two issue areas in Japan.”¹²⁹

Cultural relationship with whales

The Japanese Government’s position on whaling states: “*There has long been a deep relationship between the Japanese and whales. (...) Through Japanese food culture, art and literature, folk festivals and faith, the importance of the whale in Japanese culture can be clearly understood.*” To provide evidence for this relationship and in an attempt to get a minke relief quota for Japan’s coastal whaling communities, between 1986 and 1994, the Japanese government presented 33 papers on the cultural aspects of its coastal whaling activities written by 23 anthropologists and social scientists – enrolled and financed by the Japanese government – from 8 members of the IWC.¹³⁰

A profound relationship between whales can indeed be found in Japan’s traditional coastal whaling communities. In four of these remaining whaling towns – Taiji, Abashiri, Ayukawa and Wadoura – as described above, whaling is a tradition dating back to the late 16th century. Although some habits and traditions differ from one village to the other, we can say there is a local whaling culture in all of these villages. In these communities, whaling is integrated into a system of social exchanges, solidarity and religious *Shintō* (神道, *the way of the Gods*) and Buddhist rituals. Whales have received their place in the pantheon of Shintoism. In this Japanese belief system, humans become indebted to nature when

using its resources, so that whalers become indebted to whales who gave their lives so the whalers can live. To not show disrespect and insult the deities (*kami*, 神) who provided man with whales, whales have to be fully and wisely used. This debt is then honored with religious ceremonies through which the whales' souls are honored. Whales receive posthumous Buddhist names (*kaimyō*, 戒名) inscribed on wooden memorial tablets (*ihai*, 位牌) – provided by whaling companies – and are included in death registers. Throughout Japan tombs and memorial stones honoring whales can be found in 48 places, of which one² has been designated a national historical monument. Moreover, the whale hunt is dramatized in about 25 whaling festivals throughout the country. Main community festivals take place at the village shrines and are aimed at securing abundant catches (*tairyō*, 大漁) and safe voyages for the whalers. The wives of whalers traditionally carry out rituals to show gratitude towards the deities when their husbands are out whaling. They also go to shrines together to make offerings for good catches and safety of their men.¹³¹

Another traditional characteristic of these whaling communities is a set of exchange and obligations including gifts and offerings – including whale meat – that revolve around each whaling expedition, linking whaling to social relationships and networks. Of course, whale meat also plays an important part in the daily lives of people living in these communities.¹³² On return of whaling expeditions whale meat is not only distributed to those involved in the operations themselves, but also to relatives and neighbors living in the community, enabling whalers to strengthen their social networks. Whale meat also plays a vital role in that different villages have different whale meat culinary specialties, and each part of the whale is cooked according to specific rules. Whale meat is often a source of conversation and community pride, it is a means of creating a community identity and independence from other whaling villages.¹³³

The Japanese government also claims that Japan has a national whale dietary culture. However, this claim should be considered as a “reinvented tradition” by the pro-whaling movement in Japan, according to Blok (2008). He illustrates this by the fact that there has not been a single reference to the word *bunka* (文化, culture) in the Japanese newspaper *Asahi* nor in the Japanese Diet prior to the late 1970s in relation to whaling, conveniently around the time when the moratorium was about to be imposed. In this sense, he says, “*whaling is a produced tradition whose symbolic importance has been growing exponentially in tandem with its industrial decline.*”¹³⁴ And indeed, as Hirata (2004) points out (and as I have discussed in Chapter II), a whale-eating culture has been limited to certain coastal regions until the consumption of whale meat became widespread nationally after World War II in order to feed the impoverished (and hungry) people in war-tarnished Japan.¹³⁵ As whale meat was happily welcomed during times of food shortages, after the war departures of Antarctic whaling expeditions were celebrated as national events comparable to “naval campaigns during the war”, and whalers as patriots. Media coverage of whaling expeditions brewed a nationwide pride and sustained the widespread consumption of whale meat in schools.¹³⁶ Moreover, few peoples in the world consume whale meat, therefore setting the Japanese people apart from others. This strengthened the myths about a special Japanese identity even more, and fueled Japanese nationalism. All factors combined, whale meat thus provided a particularly powerful image as a national symbol.¹³⁷

This pride towards Japanese whaling or the sense of a national whaling culture was triggered even more when the IWC in 1981 made a distinction between “commercial” and “aboriginal subsistence”

² A tomb at Kōganji temple in Nagato, built in 1962, marks the burial place of 75 fetuses found in the wombs of whales caught before 1868. At this temple dedicated to whales Buddhist priests recite sutras for several days each April in order to help the whales' souls be reborn into a higher level of existence. (Kalland and Moeran, 1992)

whaling. Cultural needs and tradition became a legitimization for whaling, providing Japan with a reason to pursue a culture-related pro-whaling discourse.¹³⁸

Japan bashing and cultural imperialism

From an anti-whaling stance, whaling is often considered as uncivilized, barbaric or cruel. Similarly, eating whale meat has come to be seen as immoral, vulgar, or according to some even akin to cannibalism. In this way, the anti-whaling movement gave rise to the establishment of a “transnational food taboo” around whale meat. This discourse, in some cases combined with racial prejudice, has created a number of degrading depictions of Japanese whale dietary practices in the media, on both public and academic levels.¹³⁹ The most notorious example (as discussed above) was the front-page article in the British tabloid *Daily Star* of 11 May 1991, titled “Sickest Dinner Ever. Japs Feast on Whale.” Moreover, a 1991 academic article in the *American Journal of International Law* by D’Amato and Chopra titled “Whales, their emerging right to life” even contained the contention that “the state of mind that condones the killing of whales overlaps with the mindset that accepts the genocide of inferior human beings.”¹⁴⁰ In 1992 author Michael Tobias made a similar suggestion saying the Japanese “cannibalized 2,000 tons of whale meat.”¹⁴¹ Besides references to a food taboo, some also suggest the uncivilized nature of whaling. Victor Scheffer, a former member of the US Marine Mammal Commission, for example, said “caring for whales is a sign of personal and social maturity,” and John Gummer, former UK minister of agriculture, said before Parliament he would do his “best to ensure that Iceland does not leave the IWC... I want to keep Iceland within the fold of civilized nations.”¹⁴² Anti-Japan sentiments in relation to whaling also show outside literature on the subject. At IWC meetings, for example, Japanese delegations have been sprayed by red paint, and spat or yelled at on more than one occasion by anti-whaling campaigners. In the Antarctic, the Japanese research vessels are pursued by environmental NGOs Greenpeace and Sea Shepherd, who try to sabotage their whaling operations¹⁴³ (actions by these NGOs are often referred to by the Japanese government and media as “eco-terrorism”).

Undoubtedly, in Japan these comments and actions gave rise to mixed feelings of humiliation and national pride. Many pro-whaling actors would agree that saying Japan cannot eat whale meat because it is ‘uncivilized’ is a form of “Japan bashing” – (unrightfully) portraying Japan in a bad light – based on cultural imperialism. There is a widespread view in Japan that this criticism is unjustified and that any culture has the right to maintain its own set of cultural practices, including culinary preferences, as long as this does not entail, in the whaling case, the overharvesting of whale species.¹⁴⁴ Japanese newspapers have reported on the issue describe the criticism as “the opinion of one race forcing its ideas on the traditional eating habits of others” (Yomiuri, 1982) or “a clash of civilizations” (Asahi, 2002).¹⁴⁵ In defense of Japan’s whale-eating culture, the MAFF argues:

“The consumption of whale meat is not an outdated cultural practice and ... eating beef is not the world standard... For many cultures, in other parts of the world, the consumption of beef, or pork, is unacceptable. Clearly, the acceptance of other cultures’ dietary practices and the promotion of cultural diversity is as important as saving endangered species and the promotion of biological diversity. If the consumption of whale meat does not endanger whale species, those who find the practice unacceptable for themselves should not try to impose their view on others.”¹⁴⁶

In other words, these attacks on Japanese culture are interpreted as disrespect for differing ethical standards by western countries. Ethical standards are indeed very different in Japan as opposed to the “West,” particularly in the sphere of animal rights. In the “West”, whales, among other large animals such as elephants, are considered as “charismatic megafauna.”¹⁴⁷ Countries such as New Zealand and Australia

admit they do not want whaling to occur in their waters, disregarding whether the species is abundant or not. However, the will to protect whales beyond their rarity suggests that we think they are “special” and therefore deserve a “hands off” approach. Generally, whales are considered special because they are intelligent, capable of teaching us much in terms of marine biology and sociobiology, and because they attract tourists.¹⁴⁸ According to Kalland (1992, 1993), the whale has come to be a “totem animal” for western societies, turned into an animal that is stronger, smarter, cuter, faster, etc than most others. That whales should be protected because of their intrinsic value, is an argument based on animal rights. The notion of animal rights, however, has little resonance in Japan. The typical approach towards animals is that their taking is acceptable as long as the animal is respected and harvesting happens in a sustainable way.

Because Japanese people grow up with the idea that all animals have the same intrinsic value (through studying Shintoism and Buddhism), in Japan there is no difference between killing a marine mammal or animals bred for food consumption such as cows, sheep or pigs. Moreover, Japanese show little affinity for animals, and tend to focus environmental campaigns on human health-related issues such as water and air pollution. In other words, in Japan wildlife protection and animal rights are not priority issues.¹⁴⁹ On the contrary, the Japanese pro-whaling discourse even attempts to degrade the stance of whales in the animal hierarchy, or to portray whales as pest animals. In 2001 Komatsu referred to minke whales as “cockroaches of the sea.” This is somewhat contradictory, if one considers Japanese pro-whaling actors also want to present their whaling culture as one with respect for and a unique sensibility towards whales.¹⁵⁰

4.3 Empirical research: Questionnaire³

Because of scarcity of information about citizen groups in the whaling field, and to get a better understanding of the constitution of these groups, I designed a questionnaire both for the domestic (in Japanese)⁴ and the international anti- and pro whaling movement (in English).⁵ As framework list I used the NGO attendance list of the IWC. I omitted some NGOs that I felt did not have the characteristics of a group with primary campaigns in the whaling field (such as Exxon Mobile for example) and added only a few which I thought were really relevant but do not attend the IWC annual meetings (such as *Sea Shepherd* internationally, and *ELSA Nature Conservancy* domestically).

The questionnaire was sent out to 16 Japanese NGOs and 106 international NGOs. Response rates were 31,25% and 17% respectively. Although these response rates are rather low and, therefore, not representative of the total population, I still think the responses I *did* receive can give some insight into the constitution and viewpoints of the movements both domestically and internationally. We will go into some of the most interesting results below.

4.3.1 National Questionnaire

Five NGOs participated in the national questionnaire. Three of them stated to be anti-whaling, two pro-whaling. See table 4.4 for their main characteristics.

Looking at the table below, we see that the two pro-whaling organizations have ties with administrations and political organizations on a more regular basis as opposed to the anti-whaling organizations. On the other hand, when asked about activities the NGOs are involved in, two out of three surveyed anti-whaling organizations stated to present information to politicians, while none of the surveyed pro-whaling organizations do so. Moreover, no single organization’s actions involve boycotting of products and only one (anti-whaling) NGO claimed to organize sensational activities to attract media attention.

³ For Methodology, see Appendix VII

⁴ See Appendix VIII

⁵ See Appendix IX

Table 4.4: Size, major field of activity, and ties with local governments and political parties for surveyed domestic NGOs:

		Size	Major field of activity	Ties with local administrations/ governments	Ties with political parties
Anti-whaling	A	small	wildlife conservation	rarely	rarely
	B	medium	environmental protection	never	never
	C	very small	wildlife conservation	occasionally	never
Pro-whaling	D	small	other: sustainable use of whales as a resource	occasionally	occasionally
	E	small	other: sustainable use of wildlife	occasionally	never

Note on the size of the organizations: “very small”: less than 100 members, small: 100-1000 members, medium: 1000-10 000 members, large: 10, 000-100, 000 members, very large: more than 100,000 members

Table 4.5 shows the NGOs’ opinion on whaling in general. As we can see, 5 out of 5 NGOs attach a great deal of importance to the issue of whaling.

Table 4.5: domestic NGOs’ opinion on whaling

		Degree of anti/pro sentiment	Importance of the whaling issue	Grounds opinion is based on
Anti-whaling	A	5	4	other: lack of transparent information on the issue
	B	5	5	ecological reasons
	C	5	5	ecological reasons
Pro-whaling	D	3	5	food security problems
	E	5	5	Japanese sovereignty

When, further along in the questionnaire, the NGOs were inquired whether they thought the following aspects (whaling in general, coastal whaling, pelagic whaling) were traditional aspects of Japanese culture, all anti-whaling NGOs chose “not at all” for all three aspects, while both pro-whaling NGOs chose “yes” for all three aspects. This clearly shows different conceptions of what defines culture for both camps.

Table 4.6: responses to question C1 “Do the following words describe Japanese whaling?” (domestic questionnaire)

		scientific	commercial	traditional	necessary for ecological stability	food supply	cruel practice
Anti-whaling	A	N	Y	N	N	N	unsure
	B	N	Y	N	N	Y	unsure
	C	N	Y	N	N	N	Y
Pro-whaling	D	Y	unsure	Y	Y	Y	N
	E	Y	N	Y	Y	Y	N

Table 4.6 shows clear opposite ideas of what is characteristic about Japanese whaling. While all pro-whaling NGOs consider Japanese operations to be scientific, none of the anti-whaling NGOs think this is the case (the same for “traditional”, and “necessary for ecological stability”).

To the question “Does your organization agree with the following aspects of Japan’s whaling operations?” all anti-whaling NGOs responded “no” to all aspects (scientific whaling, whaling in Japanese territorial waters, pelagic whaling, whaling in the SOS, hunting non-endangered species, hunting endangered species, whale meat being sold on the domestic market) while both pro-whaling NGOs responded “yes” to all aspects except for “hunting endangered whale species”. An interesting result is that all three anti-whaling NGOs are opposed to whaling, even if the species is not endangered.

To question C2 “Is your organization familiar with the findings of Japan’s whaling research based in the Antarctic Ocean Sanctuary?” all five organizations answered “yes”, but to the subsequent question “Does your organization think this research is useful?” both pro-whaling groups answered “yes” and all anti-whaling groups answered “no”. Clearly, there is a huge opinion gap between both camps on this matter.

As could be expected, to question D1 “What does your organization think about a possible lift of the IWC ban on commercial whaling?” the pro-whaling camp agreed, and the anti-whaling camp disagreed. Question D2 “Whale meat obtained from scientific research whaling is overstocked in Japan; what does your organization think about this?” produced various replies. Both pro-whaling NGOs replied that this is “not a problem”. For NGO D the reason for this is that “the money that is acquired from the sale of the whale meat is used for financing the operations”. The anti-whaling NGOs gave the following responses respectively NGO A: “(Considering the demand) there is no need of such quantities of whale meat; it is not a part of most people’s lifestyles”, NGO B: “This fact illustrates the low demand for whale meat. (Japanese) whaling in the Antarctic Ocean is not commercially profitable and is no ‘real’ science. Therefore Antarctic whaling should be stopped immediately”; and NGO C: “Research whaling should be ceased”.

Table 4.7: responses to questions D3, D4, D5 and D6

		D3: If Japan continues its whaling practices, what will happen to the demand for whale meat in the future?	D4: If the ban on commercial whaling would be lifted, what would happen to the demand for whale meat?	D5: Should Japan limit its scientific research on whales to non-lethal methods	D6: If the same scientific results could be reached through non-lethal methods, should Japan limit its research to non-lethal methods?
Anti-whaling	A	Gradually increase	Remain about the same	yes	yes
	B	Gradually decrease	Remain about the same	yes	yes
	C	Gradually decrease	Gradually decrease	yes	yes
Pro-whaling	D	Remain about the same	Gradually increase	In the case of endangered species	Other: impossible to reach the same results
	E	Gradually increase	Gradually increase	no	no

The final question of section D was “What does your organization think Japan should do concerning its whaling practices?” Both pro-whaling NGOs responded that “Japan should continue both coastal and pelagic whaling practices”. Anti-whaling NGOs B and C thought “Japan should stop both coastal and pelagic whaling practices”, and NGO A replied that “Japan should gradually phase out of her whaling practices”.

Section E “ICRW and IWC” informed the NGOs after their support for these international whaling regulation bodies and what their opinion on the future of the IWC is.

Table 4.8 shows some interesting results. Only one anti-whaling organization claims to be unsupportive of the ICRW “because its Text has gotten out of date and should be adapted to the situation today”, but as much as three out of five organizations deny the IWC is an appropriate platform for discussing international whaling matters. This is clearly visible in their results to questions E3 and E4 as well: on a scale from 1 to 5, scores for the effectiveness of the IWC in the categories of regulation and whale stocks protection lie between 1 and 3. But even the organizations that think the IWC is in fact an appropriate platform, do not give it good scores either (especially in the field of regulation of whaling). We can conclude that there is dissatisfaction among both anti- and pro-whaling NGOs, at least for these respondents, when it comes to the ICRW and IWC.

Table 4.8: responses to questions E1, E2, E3, and E4

		E1: Is your organization supportive of the ICRW?	E2: Is the IWC an appropriate platform to discuss international whaling matters?	E3: To what degree is the IWC effective in regulating whaling?	E4: To what degree is the IWC effective in protecting whale stocks?
Anti-whaling	A	N	Y	2	2
	B	Y	N	3	3
	C	Y	Y	3	4
Pro-whaling	D	Y	N	3	3
	E	Y	N	1	1

Note: ‘1’ is ‘very ineffective’, ‘3’ is ‘neutral’, and ‘5’ is ‘very effective’.

Because of this dissatisfaction, it could be expected that the NGOs’ answers to question E5 “In the IWC there is currently a debate going on about its future, what does your organization think is the appropriate course of action for the IWC?” would not be option B “no change”. Indeed, both pro-whaling NGOs replied “normalization: going back to the original interpretation of the ICRW Text”, while all anti-whaling NGOs opted for “modernization: adapting the ICRW’s text to the current situation”.

Question E6 “Does your organization think compromise is possible between anti- and pro-whaling sides through constructive debate?” shows remarkable results. Four out of five NGOs answered “no”, while the fifth (NGO D) answered “I do not know”. These results raise some serious questions about the current deadlock in the IWC.

The last part of the survey, **section F**, inquired after the degree of cooperation between NGOs both nationally and internationally, since this is a possible way to make up for disadvantages most Japanese NGOs face, namely: a lack of budget, members and qualified staff. I also wanted to get an idea of the involvement of NGOs in, and how they perceive, distortion of information in the whaling debate.

To both questions F2 and F3 on cooperating with domestic and international NGOs, five out of five groups replied “yes”. We can conclude that, at least for these surveyed NGOs, both anti- and pro-

whaling camps are good at networking. Although only one NGO specified the organizations it cooperated with, it can be expected that these networks mostly include like-minded NGOs. Replies to question F6, however, suggest that the anti-whaling camp claims to understand the other camp's point of view, while the two surveyed pro-whaling NGOs show less of an understanding for anti-whaling NGOs' viewpoints.

Responses to the final few questions suggested a contradiction. As can be seen from table 4.10, while no NGO states to have distorted information in the past related to whaling, four out of five claim other NGOs have done so. NGO A and B accuse both pro- and anti-whaling organizations, while NGOs C and D accuse the opposing camps of distorting information. Another result worth mentioning is that all surveyed anti-whaling NGOs believe governmental bodies have distorted information in relation to the whaling issue in the past, while both pro-whaling NGOs believe this is not the case. Although this survey had a limited scope, these results do suggest some degree of suspicion by NGOs (especially anti-whaling) of information distortion by both anti- and pro-whaling groups, and both governmental organizations and NGOs.

Table 4.9: responses to questions F2, F3, F4, F5, and F6

		F2: Does your organization cooperate with national NGOs in relation to the whaling issue?	F3: Does your organization cooperate with foreign NGOs in relation to the whaling issue?	F4: Does your organization think cooperation among likeminded NGOs has a positive effect on the realization of your goals?	F5: Does your organization keep up with other organization's activities in relation to the whaling dispute?	F6: While you may not agree with different-minded NGOs, do you feel like you understand their point of view?
Anti-whaling	A	Y	Y	Y	Y	Y
	B	Y	Y	Y	Y	Y
	C	Y	Y	Y	Y	Y
Pro-whaling	D	Y	Y	Y	Y	both cases exist
	E	Y	Y	Y	Y	N

Table 4.10: responses to questions F9, F10, F10.2, and F11

		Has your organization ever distorted information?	Have other NGOs distorted information in the past in relation to the whaling issue?	Were these like-minded NGOs, different-minded NGOs, or both?	Have governmental bodies distorted information in the past?
Anti-whaling	A	N	Y	both	Y
	B	N	Y	both	Y
	C	N	Y	pro-whaling	Y
Pro-whaling	D	N	Y	anti-whaling	N
	E	N	N	N/A	N

4.3.2 International Questionnaire

16 international NGOs participated in the questionnaire. All are anti-whaling. See Table 4.11 for their main characteristics, informed about in **Section A**.

Most of the respondent NGOs were major NGOs with 7 respondents having between 10-100,000 members, and 4 more than 100,000 members. Fields of activity were diversified, with in the “other” category fields such as “animal welfare”, “protection of biological and cultural diversity”, and “cetacean research.” Ties with local administrations and governments 75% has either ties on a constant or occasional basis, however, 80% of the respondents has only “rarely” or “never” ties with political parties.

Table 4.11: Size, major field of activity, and ties with local governments and political parties (international questionnaire)

Size				Major field of activity				Ties with local administrations/governments				Ties with political parties			
Very small	medium	large	Very large	Nature Conservation	Wildlife Protection	Animal Rights	other	On a constant basis	occasionally	rarely	never	On a constant basis	occasionally	rarely	Never
3	2	7	4	6	4	1	5	9	3	2	2	2	1	2	11
18,75 %	12,5 %	43,75 %	25 %	37,5 %	25 %	6,25 %	31,25 %	56,25 %	18,75 %	12,5 %	12,5 %	12,5 %	6,25 %	12,5 %	68,75 %

Note on the size of the organizations: “very small”: less than 100 members, small: 100-1000 members, medium: 1000-10,000 members, large: 10, 000-100, 000 members, very large: more than 100 000 members

When asked about the activities the NGOs are involved in, almost all NGOs (15 out of 16) were involved in: “exchanging information through networks”, “spreading news about the whaling issue to as many people as possible”, “present convincing information to politicians”, and “information exchange with foreign organizations.” 12 out of 16 NGOs were involved in “debating and brainstorming” and “conducting research” on the whaling issue, 11 in “collecting autographs for petitions”, 7 in “sensational activities to draw media attention”, 6 in “spreading flyers”, and only 2 in “boycotts of certain goods.”

Section B asked questions about the respondents’ opinion on whaling. To question B1.3 “How opposed are you to whaling?”, on a scale from 1 to 5, with 1 “not opposed at all” and 5 “very opposed”, 25% filled in ‘4’ (opposed), and as much as 75% was “very opposed.”

Question B2 “How important is the whaling issue to your organization?” used the same scale but this time measured importance instead of opposition, and responses were ‘3’ (neutral) for 4 NGOs (25%), ‘4’ (important) for 2 NGOs (12,5%), and ‘5’ (very important) for 10 NGOs (67,5%). 31,5% based this opinion on “endangered species protection”, 25% on “ecological reasons”, 18,75% on “animal welfare”, and another 25% on “other reasons”. These latter included a combination of factors, species conservation, and trade in relation with multilateral environmental agreements.

Answers to questions B4, B5, and B6 can be seen in Table 4.12. Interestingly, whereas all Japanese anti-whaling NGOs responded “no” for all three above questions, some international anti-whaling NGOs do think Japanese whaling, or at least coastal whaling, is a traditional aspect of Japanese culture.

However, when it comes to pelagic whaling, all NGOs unanimously answered that it is *not* a part of Japanese culture.

Table 4.12: Responses to questions B4, B5, and B6 (international questionnaire)

	B4: Is whaling, in general, a traditional aspect of Japanese culture?	B5: Is coastal whaling a traditional aspect of Japanese culture?	B6: Is 'high sea whaling' a traditional aspect of Japanese culture?
YES	4 (25%)	6 (37,5%)	0 (0%)
NO	12 (75%)	10 (62,5%)	16 (100%)

The first question of **Section C** “Japanese Whaling Today” asked the respondents if they thought the following words describe Japan’s whaling operations. The results can be seen in Table 4.13. NGOs were unanimous in their responses that (1) Japan’s whaling operations are not scientific, (2) are commercial, and (3) are not necessary for ecological stability.

Table 4.13: responses to question C1 “Do the following words describe Japanese whaling?” (international questionnaire)

	scientific	commercial	traditional	necessary for ecological stability	food supply	cruel practice
YES	0	16	1	0	1	14
NO	16	0	14	16	14	0
Uncertain	0	0	1	0	1	2

When asked if the organizations were familiar with the findings of Japan’s whaling research in the Antarctic, 2 NGOs admitted they were not. Of the ones that were, one NGO thought this research is “useful in very specific areas”, two thought it is “not that useful”, and as much as 11 thought it is “not useful at all.”

As could be expected, since all respondent NGOs were anti-whaling, to questions C4-C6 (does your organization agree with Japanese whaling in territorial waters/high seas/Southern Ocean Sanctuary?) all NGOs answered “no” to all three questions.

With regard to question C7 “Does your organization know that the Japanese government subsidizes approximately US \$ 5 million annually for research whaling programmes?” 15 out of 16 NGOs claimed they were aware of this.

Answers to questions C8-C10 (Does your organization agree with (1) Japan hunting non-endangered whale species (2) Japan hunting endangered whale species (3) whale meat obtained from scientific programmes sold on the Japanese market) were negative for all three questions by all NGOs. Clearly, for international anti-whaling NGOs, ‘*endangeredness*’ of a species is not the main reason they are opposed to whaling.

The first question in **Section D** “whaling in the future” asked about their opinion on a possible lift of the ban on commercial whaling in the future. All NGOs disagreed. To question D2 “Whale meat obtained from scientific research whaling is overstocked in Japan. What does your organization think about this?”, four NGOs answered the “the number of whales killed should be reduced in order to

avoid overstocking.” All other NGOs replied “other”, with more than half commenting “whaling should be stopped.”

D3 “what does your organization think will happen to the demand for whale meat in the future, while Japan continues its scientific whaling programmes?” produced various replies: 1 NGO thought it would “gradually increase,” 1 NGO thought it would “remain about the same,” 2 NGOs thought it would “gradually decrease”, and 12 NGOs thought it would “dramatically decrease.” Obvious from these results, the larger part of international anti-whaling NGOs surveyed in this questionnaire, does not believe the propaganda campaigns from Japanese pro-whaling actors will increase the domestic demand for whale meat.

Replies to D5 “Should Japan limit its scientific research on whales to non-lethal methods?” and D6 “If the same scientific results could be reached through non-lethal methods, should Japan limit its scientific research to non-lethal methods?” produced unanimous “no” replies. One NGO, however, did note that emergencies can be considered as an exception, for example in the case of a pandemic.

Section E polled the respondents’ support for and opinion of the ICRW and IWC. 13 NGOs support the ICRW while 3 do not. Reasons given for supporting the Convention were mainly “without it there would be no international regulation of whaling” (9 NGOs), and “It helps to protect whale species.” Reasons for not supporting the convention were that its text is outdated and that it focuses too much on whaling instead of global warming, collisions with ships, and so forth. The following question asked whether the respondents thought the IWC is “a good platform to discuss international whaling matters.” Again 13 NGOs were in support and replied “yes”, 3 NGOs replied “no.”

Table 4.14: responses to questions E3 and E4 (international questionnaire)

E3: To what degree is the IWC effective in regulating whaling?					E4: To what degree is the IWC effective in protecting whale species?				
very ineffective	ineffective	neutral	effective	very effective	very ineffective	ineffective	neutral	effective	very effective
4 25%	0	9 56,25%	3 18,75%	0	3 18,75%	0	9 56,25%	4 25%	0

As the Table above shows, although most NGOs are supportive of the IWC, not many of them think it is really effective in regulating whaling or protecting the different whale species. Most NGOs have a neutral opinion towards its effectiveness, and as much as 25% think the IWC is “very ineffective” in regulating whaling. As with the results from the domestic questionnaire, these results show frustration among NGOs with the IWC’s effectiveness.

When subsequently asked what the appropriate course of action for the IWC in the future is, 1 NGO replied “normalization”, 2 replied “begin a new international convention”, 3 replied “other”, and the majority with 10 NGOs replied “modernization.” Interestingly, no single NGOs chose for the option “no change.”

Table 4.15: responses to questions F2-F6 (international questionnaire)

	F2: Does your organization cooperate with national NGOs in relation to the whaling issue?	F3: Does your organization cooperate with foreign NGOs in relation to the whaling issue?	F4: Does your organization think cooperation among likeminded NGOs has a positive effect on the realization of your goals?	F5: Does your organization keep up with other organization's activities in relation to the whaling dispute?	F6: While you may not agree with different-minded NGOs, do you feel like you understand their point of view?
Yes	15	15	15	15	15
No	1	1	1	1	1

Whereas in the domestic questionnaire, when asked whether the organizations thought compromise is possible between anti- and pro-whaling sides through constructive debate, all NGOs answered “no”, in the international questionnaire respondents are more optimistic with 50% thinking this is possible, and the other 50% opinioned this is not the case.

Table 4.15 shows that the large majority of respondent NGOs considers cooperation among NGOs important and valuable for the realization of common goals.

Table 4.16: responses to questions F9, F10, and F11 (international questionnaire)

	F9: Has your organization distorted information in the past?	F10: Do you believe other organizations have distorted information in the past in relation to the whaling issue?	F11: Do you believe governments/and/or governmental organizations have distorted information in the past in relation to the whaling issue?
Yes	0	14	15
No	15	2	1

Similarly to the domestic questionnaire replies to these questions seem to contradict each other. While no organization admits to having distorted information in the past in relation to the whaling issue, all NGOs but 2 believe other NGOs in the field have, and 15 out of 16 NGOs believe governments and/or governmental organizations have distorted information in the past. The organizations that answered yes to questions F10 and F11 were subsequently asked to give some more information on these organizations or governments. For question F10 I wanted to know if these organizations were like-minded, different-minded, or both. 5 NGOs answered “different-minded NGOs”, and, interestingly, 9 NGOs answered “both.” For question F11 I wanted to know governments and governmental organizations of what countries had, according to the respondent NGOs, distorted information. Out of the NGOs that wished to answer this not-mandatory question, all but one replied “whaling nations” (examples given were Japan, Denmark, Iceland, and Norway) but several NGOs also mentioned the US, Australia, and the “big NGOs.” We can conclude that, although NGOs will not quickly admit they themselves distort or have distorted information, they believe that both NGOs and governmental bodies, and both pro- and anti-whaling bodies have done so.

ENDNOTES CHAPTER IV

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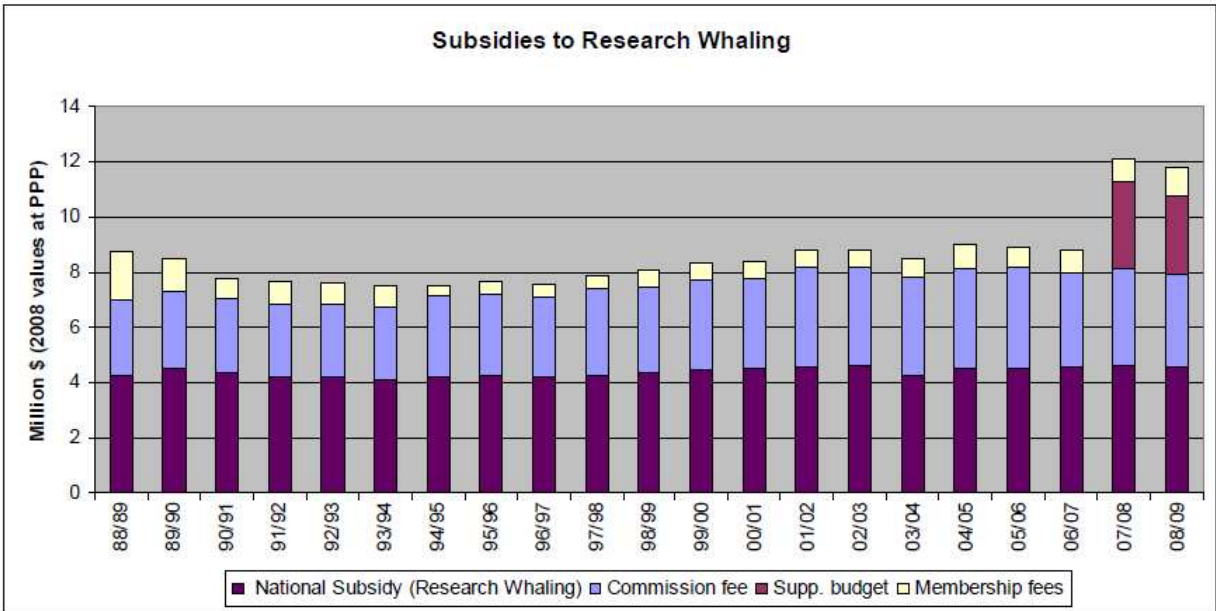
CHAPTER 5: JAPAN'S WHALING POLICY OBJECTIVES INVESTIGATED

At the 2009 IWC plenary meeting in Madeira, Japan's special permit whaling programme was yet again identified as one of the main obstacles for a way forward in the 'Future of the IWC' discussions. On the surface there does not seem much to gain. Japan is still whaling at an almost industrial scale and is still allowed to sell whale meat commercially, but it does get condemned for its actions. It is not clear what Japan is expecting from future IWC regulations, or what its whaling policy objectives are exactly. Former MOFA spokesman Taniguchi Tomohiko wrote in a recent article: "The battle to defend high seas whaling is expensive, hurts Japan's national interests and damages its relations with allies." If this is the case, why is Japan so resistant to let whaling go? Let us in this final chapter go through a list of possible arguments (economical, cultural, sovereignty/food security, and political) to then come to a conclusion of what I hypothesize is the foundation of Japan's whaling policy objectives.

5.1 Economical arguments

It is presumed that since Japan has continued sending whaling fleets to the Antarctic under the "disguise" of scientific research whaling after the ban on commercial whaling was imposed, and since this entails considerable costs, the Japanese government must be convinced that there is a possibility the whaling industry could have an economically profitable future by the time whale populations have recovered, and could fully exploit its monopoly position. So could it be that Japan is currently whaling under special permit with a two-fold tactic in mind? Firstly, to examine whale stock numbers in the areas where it is interested in resuming commercial whaling; and secondly, to keep the Japanese whaling industry's technology and organizational structure, and the crew's harpooning, flensing and processing skills alive.

Figure 5.1: Japanese subsidies to research whaling: 1988/89-2008/09



Source: Tinch, Rob and Zara Phang.. June 2009. *Economics of Subsidies to Whaling: Report*. Economics for the Environment Consultancy (eftec), p. 15.

Japanese government agencies can be considered as ‘pseudo-corporative organizations’ that seek to enlarge their budget, jurisdiction, and posts.¹ Thus economically, and with the prospect of one day resuming commercial whaling, increasing or at least maintaining the budget related to whaling practices is a logical rationale for the FA. The largest part of this budget is meant for research whaling expenses, and is heavily subsidized by the state.

As can be deduced from the above figure, subsidies to the Japanese research whaling programmes are very high, and have increased considerably for the last two whaling seasons. This is partly due to the supplementary budget meant for countermeasures against protest campaigns by anti-whaling NGO Sea Shepherd in the Antarctic. However, the remaining amount of subsidies is still high, and is necessary to cover the extensive amount of costs related to the programmes. The average value of these subsidies has been US\$8.5 million per year over the period shown in the table.²

Table 5.1: Income, expenses and balance for research whaling of the ICR (per 1000 yen; figures before settlement of account)

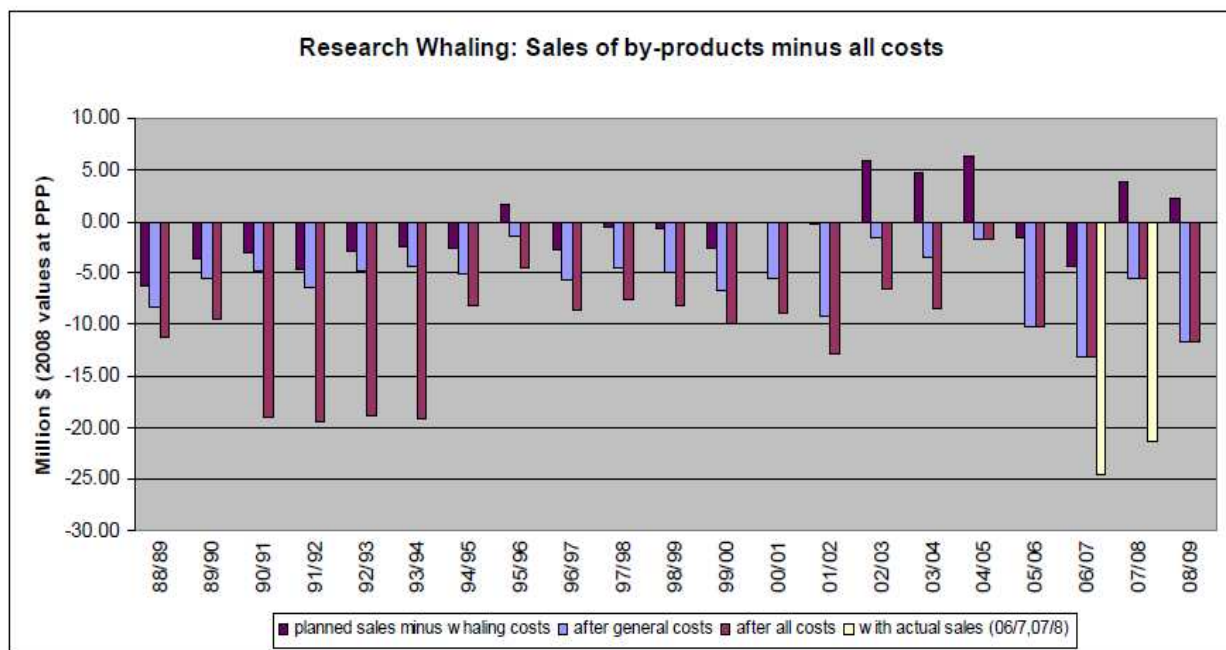
Year	Income		Expenses			Balance
	Grant and commission from the Japanese Government	Proceeds of by-products	Special Permit whaling under Article VIII	International Research on whales (SOWER*)	Coastal research whaling	
1988	859,680	1,318,331	2,075,143	322,560		-229,692
1989	909,983	1,949,489	2,408,167	348,048		103,257
1990	910,150	2,187,002	2,587,641	347,644		161,867
1991	902,488	2,127,399	2,733,201	346,985		-50,299
1992	902,043	2,812,202	3,191,353	346,540		176,352
1993	889,668	2,650,304	2,975,468	345,837		218,667
1994	943,835	2,726,440	3,077,180	385,207		207,888
1995	949,274	4,188,673	3,971,474	391,191		775,282
1996	942,320	3,764,000	4,129,583	384,237		192,500
1997	978,667	4,024,075	4,097,936	410,306		494,500
1998	970,414	4,184,464	4,278,185	407,633		469,060
1999	984,511	4,073,759	4,395,552	421,718		241,000
2000	976,841	4,602,046	4,602,046	414,796		562,045
2001	1,004,016	4,884,376	4,884,376	440,214		563,802
2002	997,692	5,833,290	5,110,744	433,890	158,348	1,128,000
2003	943,233	5,889,874	5,338,761	430,668	151,678	912,000

* Southern Ocean Whale and Ecosystem Research Programme, Source:財団法人日本鯨類研究所年報 (*zaidanhōjin nihongeiruikenyūjo nenpō*, ICR Annual Report).1989-2004; reported in: Ishii, Atsushi and Ayako Okubo. 2007. An

Costs for the JARPA and JARPN programmes (I & II) are mainly ship rental, fuel and personnel. Other costs are “compliance costs” (including sampling from each whale for a national DNA register), security costs (close to US \$6 million for both the 2007/2008 and 2008/2009 seasons), and additional costs such as “personnel and other administrative expenses” and “general project expenses”. Apart from the costs for research whaling programmes in the Antarctic and the North Pacific, other costs are for commissioned and sight-survey research and coastal research whaling (from 2002).³

Table 5.1 shows figures for income and expenses, and the balance of ICR research whaling. One can see that during the period 1988-2003, because of an increasing sale of by-products, the balance had increased by almost ¥1.1 billion by 2003, in spite of the costs involved. However, the results of research conducted by the *Economics for the Environment Consultancy* published in 2009 show completely different numbers. Figure 5.2 shows that, when taking all costs for special permit whaling from the period 1988/89 until 2008/09 into account, and withdrawing these costs from the sales of whale meat intended to break-even the costs of the research programmes, Japan's scientific whaling operations are unambiguously loss-making.

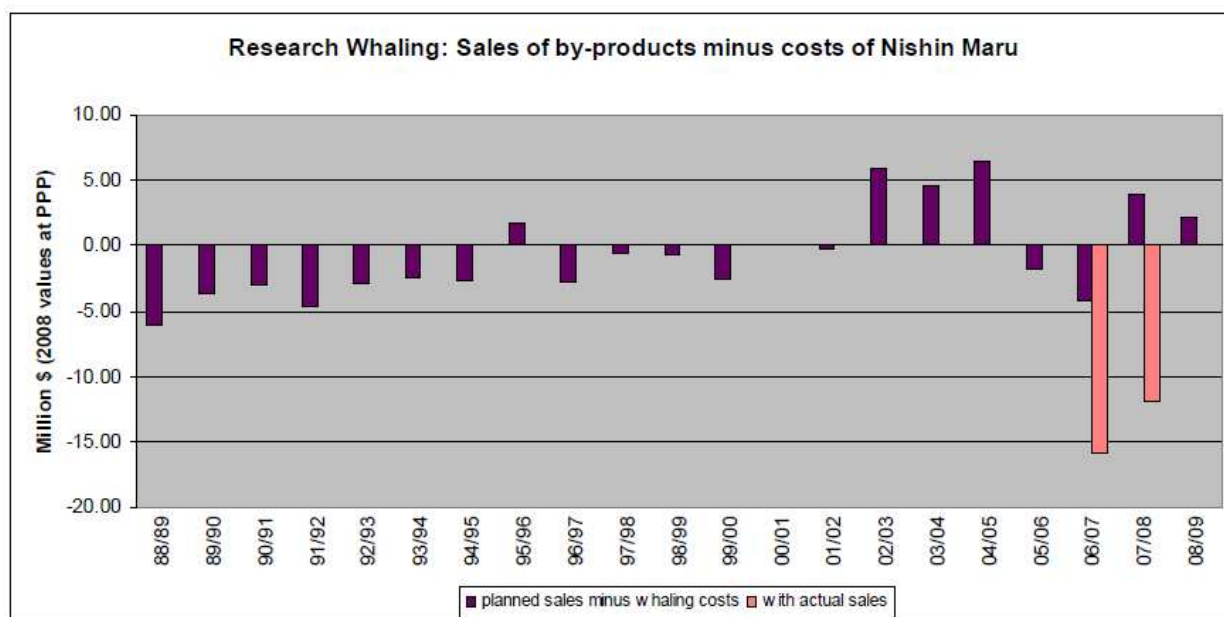
Figure 5.2: Japanese research whaling sales minus all costs from 1988/89-2008/9



Source: Tinch, Rob and Zara Phang.. June 2009. *Economics of Subsidies to Whaling: Report*. Economics for the Environment Consultancy (eftec), p. 15.

Indeed, the sales of by-products have generally not been sufficient to cover the costs of the whaling operations since the moratorium was enforced. Looking at figure 5.3, only three seasons in this period show some surplus (2002/03, 2003/04, and 2004/05), while very large deficits can be observed for the seasons 2006/07 and 2007/08.

Figure 5.3: Japanese research whaling – by-product sales minus whaling costs period 1988/9 – 2008/9



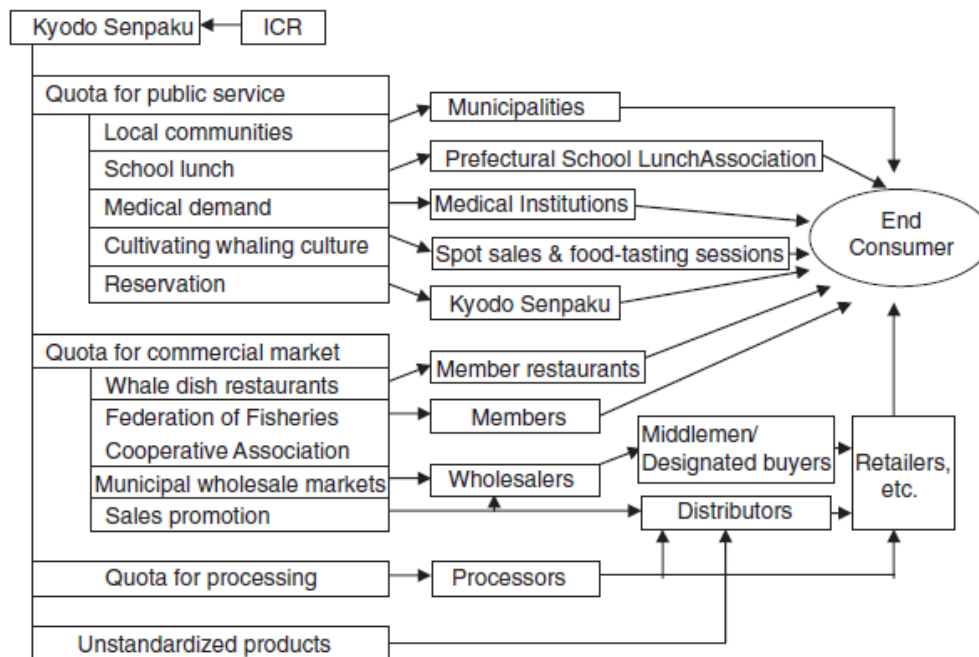
Source: Tinch, Rob and Zara Phang.. June 2009. *Economics of Subsidies to Whaling: Report*. Economics for the Environment Consultancy (eftec), p. 14.

The distribution of these whale products is controlled by the ICR, which consigns the products (red meat, blubber, skin, etc) to different categories: products for processing (lowest value), for public service, the commercial market (highest value), and unstandardized products (unsold products) (see figure 5.4). But the ICR business is highly unstable. According to ICR financial statements, the institute has long-term loans amounting to a liability of ¥ 2.1 billion. The ICR has not enough assets to cover this debt, and in September 2008, the ICR recorded a loss of over ¥ 7.78 million. Kyōdō Senpaku’s financial situation is not made public, but according to an estimate by a credit research company, it makes about ¥10-20 million profit a year. Although this may not be a deficit, it is highly unlikely the company has enough income to renew its facilities such as the mother whaling ship *Nisshin Maru* which is near the end of its life.⁴

However, reports of stocks of unsold whale-meat are increasing. In the ten top markets in Japan, covering about 65% of the trade, prices for whale meat fell from US\$30/kg in 1994 to US\$16/kg in 2006. According to Japanese newspaper *Yomiuri*, consumption of whale meat per person dropped from about 2,000 grams 40 years ago to about 50 grams in 2005. Moreover, for the average stocks of whale meat in the main cold-stores, which cover 40% of the total storage capacity, an increase has been observed from 1500 tonnes in 1997 to around 4000 tonnes in recent years. These numbers suggest a problem of a declining demand for whale meat in Japan.⁵ In fact, the size of the annual whale meat market is in between ¥7-10 million at best. According to MAFF, the annual output of fisheries is ¥1 trillion, with whales occupying less than 1% of that total.⁶ Moreover, the announcement that *Yushin*, a restaurant owned by the ICR and Kyōdō Senpaku to promote the consumption of whale meat, was going to be closed due to high operation costs further supports this reasoning.⁷ The most likely explanation for this decline is that most Japanese have lost the habit of eating whale meat, and that the price for whale products is by many considered to be too expensive. In their paper on the distribution of by-products from whaling in Japan, Endo and Yamao (2007) conclude that, despite the fact that the prices of frozen byproducts of scientific whaling have decreased in recent years, they are still relatively high and, because fixed by the government, not sensitive to the market mechanism. Also, although whale products can indeed provide an additional supply of food to a country that is very

dependent on imported food products, they no longer constitute a large part of the Japanese nutritional diet and have, therefore, become less significant to the people.⁸ Taniguchi (2009) states “*from the economic point of view, the Japanese national benefit from whaling is nil. So we can assume that what our country is trying to protect is not the economy, but some other values... What is needed is that Japan abandon research whaling and negotiate to make local whaling more profitable.*”⁹

Figure 5.4: distribution channels for the frozen by-products of scientific whaling



Source: Endo, A and M. Yamao. 2007. Policies Governing the Distribution of By-products from Scientific and Small-scale Coastal Whaling in Japan, *Marine Policy*, vol. 31: 169-181. (p. 173)

According to Holt (2007) the subsidies that go into ‘scientific research’ whaling have not been trivial, but are minor in comparison to the money that has gone into decades of surveying whale populations, propaganda and diplomacy, “aid projects” (see chapter IV) for Japan’s “vote consolidation campaign”, and efforts to expand the domestic whale meat market.¹⁰ These latter efforts have included celebrity chef promotions, initiatives with cooking schools, catering for home delivery, symposia on whale-eating, a government brochure entitled ‘Let’s cook’, recipes for whale products, vehicles with loudspeakers touring cities encouraging people to eat whale meat, T-shirts with the slogan “protect and eat”, a restaurant, the development of new products such as whale burgers and whale ice-cream, etc.¹¹

Moreover, the decision by the International Maritime Organization (IMO) that ships using heavy diesel can no longer go south of 60° S (to be enforced late 2009), could have an impact on Japan’s current pelagic whaling operations in the Antarctic. Japan’s whale catchers use light diesel, but the mother ship *Nisshin Maru* is a heavy diesel ship. The decision would not only imply the ship cannot move up to some minke whale grounds located there, but also that the ship has to refuel north of 60°, and this becomes more difficult when approaching the ‘roaring forties’. To avoid this trouble, Japan could build or purchase a new light diesel ship, or it could convert the ship to light diesel.¹² Either way the cost would be very high. Although Japan used to be a whaling country that fully utilized whales, its practices are now very wasteful. The *Nisshin Maru* weighs 8000 tons and can store about 2000 tons of meat, but does not have the capacity for machinery to process, or the storage for whale products

other than meat. After the meat has been removed and some organ samples have been taken for the ‘scientific’ aspect of the hunt, the rest of the whale carcass is slid overboard.¹³ This despite the fact that whale oil is still valuable and half the oil is contained in the bones and organs. Hormones and liver oil are also still valuable products.¹⁴

In sum, at present Japan’s whaling operations are clearly loss-making, and more losses can be expected in the near future because of IMO’s decision and a tripled safety budget for the Antarctic. But is there a suitable and more profitable replacement for the lethal use of whales which provides both job replacements for the whalers and gives whales and/or whaling a place in Japanese society?

Table 5.2: Evolution of the whale watching industry in Japan

Year	Number of whale watchers	Average annual growth rate	Number of operators	Direct expenditure	Indirect Expenditure*	Total Expenditure
1991	10,992	N/A	N/A	\$371,000	\$4,377,000	\$4,748,000
1994	55,192	71.2%	N/A	\$3,384,000	\$20,155,000	\$23,539,000
1998	102,785	16.8%	45	\$4,300,000	\$28,684,000	\$32,984,000
2008	191,970	6.4%	104	\$7,375,076	\$15,345,902	\$22,720,978

* based on half a day or a full-day average tourist expenditure depending on the length of the tour. *Source:* Economist at Large (for IFAW). 2009. *Whale Watching Worldwide: Tourism Numbers, Expenditures and Expanding Economic Benefits*. Published by: International Fund for Animal Welfare (IFAW). p. 135.

Japan has a large cetacean watching industry which stretches from Hokkaidō in the north to Okinawa in the south. Since 1998, the industry has grown with an average annual rate of 6.4%. The largest cetacean watching regions are Kyūshū (location (L): Amakusa; small cetaceans (SC): bottlenose-dolphins), Ogasawara/Miyakejima/Mikurajima (large cetaceans (LC): humpback and sperm whales; SC: bottlenose and spinner dolphins), and Okinawa (L: Okinawa main island and Zamamijima; LC: humpback whales). Other substantial regions are Hokkaidō (L: Rausu and Muroran; LC: minke and sperm whales; SC: Dall’s and harbor porpoises, orca, Pacific white-sided and short-finned dolphins), Honshū (L: Choshi, Izu Peninsula, Notojima, and Higashi Murogun; LC: sperm whales; SC: bottlenose, white-sided and Risso’s dolphins, and finless porpoises), and Shikoku (L: Kōchi Prefecture; LC: Bryde’s and sperm whales, SC: bottlenose, short-beaked common and Risso’s dolphins, and short-finned pilot whales). Table 5.3 gives an overview of number of tourists, growth rate, number of operators and expenditure for these regions for the year 2008.¹⁵

These numbers indicate a very lively industry, with only the region Shikoku showing some decrease in average annual growth rate, due to a decline in general tourism in Kōchi prefecture and because the promotion of the industry has not kept pace with other areas. Japan is better known internationally for its whaling operations than for its whale watching industry, despite the fact the country has the largest cetacean watching industry in Asia by total expenditure. This industry, in fact, generates much more profit than the whale meat industry and should therefore be considered by current whalers and fishermen as a lucrative business which could, if well regulated, replace and be more profitable than current whaling operations. As IFAW’s report on the whale watching industry states: “*Convincing Japanese that whaling is morally wrong will be very difficult. Convincing them that their whale watching industry needs support and protection might be a lot easier.*”¹⁶

Table 5.3: regional cetacean watching industry numbers for 2008

Region	Number of whale watchers	AAGR	Operators	Direct expenditure	Indirect Expenditure	Total Expenditure
Kyushu	115,600	8.3%	16	\$2,998,407	\$5,317,600	\$8,316,007
Ogasawara, Miyakejima, Mikurajima	28700	6.9%	47	\$1,868,400	\$4,099,317	\$5,967,717
Okinawa	20000	5.4%	20	\$986,667	\$2,900,000	\$3,886,667
Hokkaido	10420	5.6%	8	\$717,875	\$995,110	\$1,712,985
Honshu	10250	5.5%	5	\$476,419	\$1,060,875	\$1,537,294
Shikoku	7000	-8.9%	8	\$327,308	\$973,000	\$1,300,308
Total	191970	6.4%	104	\$7,375,076	\$15,345,902	\$22,720,978

Source: Economist at Large (for IFAW). 2009. *Whale Watching Worldwide: Tourism Numbers, Expenditures and Expanding Economic Benefits*. Published by: International Fund for Animal Welfare (IFAW). p. 135.

However, as Endo and Yamao (2007) point out, the whale watching industry has proven not to be very profitable in the short term in coastal whaling towns such as Taiji and Wada-machi, where these operations are a sideline business for drive and hand-harpoon fishermen. This is the case, not only because of differences in opinion between tourists and operators relating to animal welfare, but also because of financing difficulties. However, future generations could invest in this industry in their regions and promote the non-lethal use of whales. Also, apart from whale watching, in Taiji a whale museum, an aquarium, and an ex-catcher boat on public display all contribute to the local economy. In 2001 income from tourism related to whales and whaling such as running the museum and hotels, contributed to as much as 12% of the total income of the town.¹⁷ This suggests there is a future for an alternative, and possibly more profitable, use of whale resources in (ex-) whaling towns.

5.2 Cultural arguments

1987 was the year Japan submitted its plan for scientific whaling under Article VIII of the convention to the IWC, but it was also the year the GOJ for the first time put forward the claim that small-type coastal whaling practiced in four coastal whaling towns (Abashiri, Ayukawa, Wadoura, and Taiji) should be considered as a form of aboriginal subsistence whaling. Consequently, since 1987 the two main discourses of the GOJ in defending its whaling operations, were the “eating whale meat is a nation-wide dietary culture” argument and the “(local) whaling culture is a part of Japanese tradition” argument. This twofold cultural discourse has not changed after two decades, and appears in official remarks made by MAFF/FA and MOFA officials, documents presented by pro-whaling NGOs such as the JWA and JSTWA, in pamphlets distributed by the ICR, etc. Some scholars [(Ishii and Okubo (2007: 75), Blok (2008), Watanabe (2009: 163)] argue the cultural discourse put forth by Japanese pro-whaling actors is a political construct, so let us here take a closer look at the foundation and, consequently, validity of both the “dietary culture” and “whaling culture” arguments.

5.2.1 The ‘dietary culture’ argument

Let us first investigate the “dietary culture” discourse, or the so-called *gyoshoku bunka* (whale-eating culture). Pro-whaling officials defend Japan’s whaling policy via cultural relativism and blaming anti-

whaling countries for cultural imperialism. For example: “Clearly, the acceptance of other cultures’ dietary practices and the promotion of cultural diversity is as important as saving endangered species and the promotion of biological diversity. If the consumption of whale meat does not endanger whale species, those who find the practice unacceptable for themselves should not try to impose their view on others.”¹⁸ A similar statement was made by IWC Commission Morishita Joji in a paper called “Multiple Analysis of the Whaling Issue: Understanding the Dispute by a Matrix”: “If fundamentally different ideologies are the basic cause of the current whaling controversy, the solutions to this dispute are very limited... Clearly, acceptance of differing ideologies and cultural diversity should offer the best solution.”¹⁹

Japanese officials even published books in the defense of this dietary culture. Two such books were written by Masayuki Komatsu, a lead bureaucrat in the IWC. In *Kujira wa tabete mo ii!*²⁰ (it is alright to eat whale!), he emphasizes it is hypocrite for westerners to condemn eating whale meat while they eat and waste substantial amounts of cattle meat; and in *Kujira to nihonjin*²¹ (whales and the Japanese), he argues that since whale is traditional Japanese food, it cannot be considered cruel to hunt and eat it. These publications clearly have a twofold purpose: (1) while fueling nationalism by blaming countries like the US, Australia and the UK of cultural imperialism, advocating the right to eat whale meat, and (2) promoting the consumption of whale meat. Most of all, what becomes evident by reading these statements, is that state officials refer to whale meat consumption in Japan as a ‘Japanese tradition’, meaning nation-wide and for hundreds, if not thousands, of years.

This discourse, however, is highly problematical according to Morita Katsuaki (1994). He points out that whale meat consumption indeed has a long history, but that it was not until after World War II that whale meat consumption was a widespread and daily habit. He also mentions the danger of linking the consumption of whale meat with the “highly political term ‘the Japanese race’.”²²

As mentioned before in Chapter II, carcasses of whales drifting ashore (*nagare kujira*) and stranded whales (*yori kujira*) were used since ancient times. It is very likely that the meat of these whales was eaten. It is also a fact that whale meat was eaten in and around present-day Nagasaki-Saga-Fukuoka, Kōchi and Wakayama, where net whaling was introduced at the end of the seventeenth century. But these were very localized dietary cultures. Until the end of the nineteenth century, both the areas where whale meat was eaten, its volume decreased as one moved from northern Kyūshū into the Kansai area and further into eastern Japan. Within these regions, eating of whale meat was restricted to urban samurai and townsmen classes.²³

This pattern of whale meat consumption changed, however, with the introduction of Norwegian-style whaling in 1897 and the establishment of the monopoly whaling company Tōyō Hogeï in 1909. These events made whaling into a large-scale industry. In comparison to the number of whales caught with the net method¹, catches were extremely high, and Tōyō put a lot of effort into creating and expanding a domestic market for whale meat consumption to make as much profit as possible. The same year Tōyō was established, it formed a company ‘Maruichi Shōkai Company’ to sell the whale meat it obtained. By 1912 an astonishing growth in whale meat sales in the Osaka-Kobe area was observed, with an increase rate of 50% per year. In Tokyo, whale meat bargain sales were held to expand the market, and from 1921 whale meat were sold from its stronghold at the Hoteiya store.²⁴

According to Maeda and Teraoka (1952) it was mainly the influence of Japan’s involvement in the First and Second World Wars that impacted the large-scale consumption of whale meat and its

¹ For example the Tsurō whaling group of Tosa caught an average of 20.6 whales per year between 1693 and 1712, 21.8 between 1849 and 1865, 16.8 in the period 1874-1890, and 16.5 from 1891 to 1896. (Watanabe 2009: 96)

establishment as an importance food source in Japan. The canning of whale meat started during the Russo-Japanese war (1904-1905), because of the demand by the army for the production of low cost, high quality and canned seafood. During the depression that Japan experienced in the wake of the First World War, whale meat was widely welcomed as a cheap food source. Whale meat consumption further increased for military food provisions and food shortages within Japan from the time of the invasion of Manchuria in 1931, World War II, and the postwar period.²⁵ Against this background, factory ships in the Antarctic began to produce meat and fertilizer out of the parts of the whale that were not used for oil production, and that otherwise would be discarded into the sea. During the prewar period, however, whale meat remained of secondary importance to whale oil.

Consequently, the limited consumption of whale meat began to spread over the nation from the end of the nineteenth century, as a result of both vigorous promotion by the whaling industry and the need for cheap alternative food sources during the wars.²⁶ By 1941 around 80% of communities in the Kinki and Chūbu areas ate whale meat. However, in some prefectures such as Shiga, Aichi, and Shizuoka the consumption of whale meat was very low, and in still other communities whale meat was not eaten at all due to the belief that whales were manifestations of gods bringing good fortune (*ebisu*).²⁷ But it was only after Japan's defeat in the Second World War that eating whale meat had become more or less an everyday occurrence, and that it became the norm for many Japanese. However, after only two decades after Japan's defeat, Japan had given prosperity to its people and there was no longer the need to eat a cheap food source such as canned whale meat. In 1975, only 1.7% of the total daily intake of animal protein per capita came from whale meat, and since the 1980s this share has become close to zero.²⁸

5.2.2 The 'whaling culture' argument

Now we have learnt that widespread whale consumption in Japan arose out of a large-scale whaling industry that came into being after the introduction of foreign technology in the late nineteenth century, and that before this period the consumption of whale meat was restricted to traditional whaling communities, we can now investigate the 'whaling culture argument' more closely.

Many scholars (Freeman et al. 1988, Takahashi 1987, Komatsu 2002, Osumi 2003) claim that whaling is part of the Japanese culture. In the *Report on small-type coastal whaling* that was submitted to the IWC in 1988, Freeman et al. explain that in places where small-type coastal whaling is practiced, there is a whaling culture. When the report goes on to explain the meaning of a 'whaling culture', the writers define this as:

“The shared knowledge of whaling transmitted across generations. This shared knowledge consists of a number of different socio-cultural inputs: a common heritage and world view, an understanding of ecological (including spiritual) and technological relations between human beings and whales, special distribution processes, and a food culture. The common heritage found in Japan's whaling culture is based on a long historical tradition. In this respect, it is primarily focused on time, in that it relates myths, folk tales, legends and other narrative events concerning whales and whaling.”²⁹

Takahashi (1992) in his book *A Japanese Cultural Chronicle on Whales* adopts the following definition of a whaling culture:

“When we can recognize a phenomenon in which a particular group of people adopts a unique lifestyle based on whaling activity that is organically linked to various social, economic, technical and spiritual aspects of the group, we can call it 'whaling culture'.”³⁰

According to Watanabe (2009) there are a number of problems with these claims of a 'whaling culture'. Freeman et al. emphasize history in the sense of continuity with the past, but their explanation that Norwegian-style whaling in Yamaguchi prefecture was 'diffused' through the movement of whale catcher crews from there through western Kyūshū to Hokkaidō, and then to the rest of Japan, does not mention Japanese whaling practiced around the Korean Peninsula. This, however, is an important point because after the demise of net whaling, the rebirth of Japanese whaling occurred on the Korean Peninsula, as the result of colonial rule. Freeman et al. also ignore the friction between whaling companies and local fishermen (see chapter II) when the former introduced modern whaling in places where sometimes no whaling had taken place before. Although they describe culture as "shared knowledge", the ideas and beliefs of the fishermen also constituted a culture, although not shared with that of the whaling companies. The reason Freeman et al. did not make any mention of these two points is, according to Watanabe, because "*their research has the political objective of protecting Japanese whaling and therefore requires them to represent what they call 'whaling culture' as pure, innocent Japanese 'culture' under threat from the unreasonable demands of 'the West'.*" As a result they unrightfully represent the ideas of these people in localized communities as those of the entire nation of Japan.³¹

Takahashi (1992) claims that Japan has a unique 'whaling culture', and that it should be maintained for the sake of 'cultural diversity'. Takahashi, like Freeman et al, focuses on 'continuation' in his explanation of the Japanese whaling culture: "*most of the common features are found in those fundamental areas that characterize Japanese whaling.*" However, Watanabe points out that Takahashi, by including large-type coastal whaling and factory-ship whaling, tries to justify the continuation of whaling on the grounds of 'cultural diversity', but fails doing so because he ignores crucial differences between net whaling and modern whaling. Whaling under the net whaling groups was laid out on social classes, status and heredity, whereas in early modern Japanese whaling the workers' hierarchy was based on nationality with Norwegians in the top rank, the Japanese second as managers, and Koreans lowest in the hierarchy. Again, as with Freeman et al, Takahashi also ignores the friction that occurred as a result of the introduction of modern whaling in Japan and the Korean Peninsula that had not experienced whaling on such a scale before. Watanabe claims modern whaling is different from net whaling in that it "*was a process of colonial domination which included friction and confrontation*". Interestingly, he also indicates that there is danger in designating a large industry, such as the whaling industry, with the 'culture' of a particular nation or ethnic group because it could be interpreted as the justification for unrestrained economic activity of that state or ethnic group.³²

Plurality of Japanese man-whale relationships

So if there is no such thing as 'a Japanese whaling culture', what would be a better interpretation of Japan's whaling history? The dominant modern whaling industry with its massive growth and made a into a 'national policy' from the end of the nineteenth century reduced the plural relationships that once existed between whales and the Japanese, to the single relationship of whaling and eating whale meat.³³ These plural relationships include:

- **The lethal use of whales:** active and passive whaling, hand-harpoon whaling and dolphin drives for obtaining various whale products or for scientific research.
- **The use of living whales:** for example the *sunameri ajiro* technique where fishermen went fishing with the help of finless porpoises, formerly employed in the Inland Sea in the vicinity of Abajima Island (Hiroshima Prefecture), or the rod and line fishing of bonito with the presence of whales used as an indication of the location of schools of bonito.

- **Religious relationships:** coastal fishing communities that see whales as manifestations of the god Ebisu finding its origin in the fact that whales pursue fish and drive them closer to shore, making them easier for fishermen to catch.
- **Lack of utilization:** such as in the mountain communities before the development of transport and/or preservation techniques
- **New relationships:** such as dolphin shows in aquariums, whale watching, and dolphin therapy.

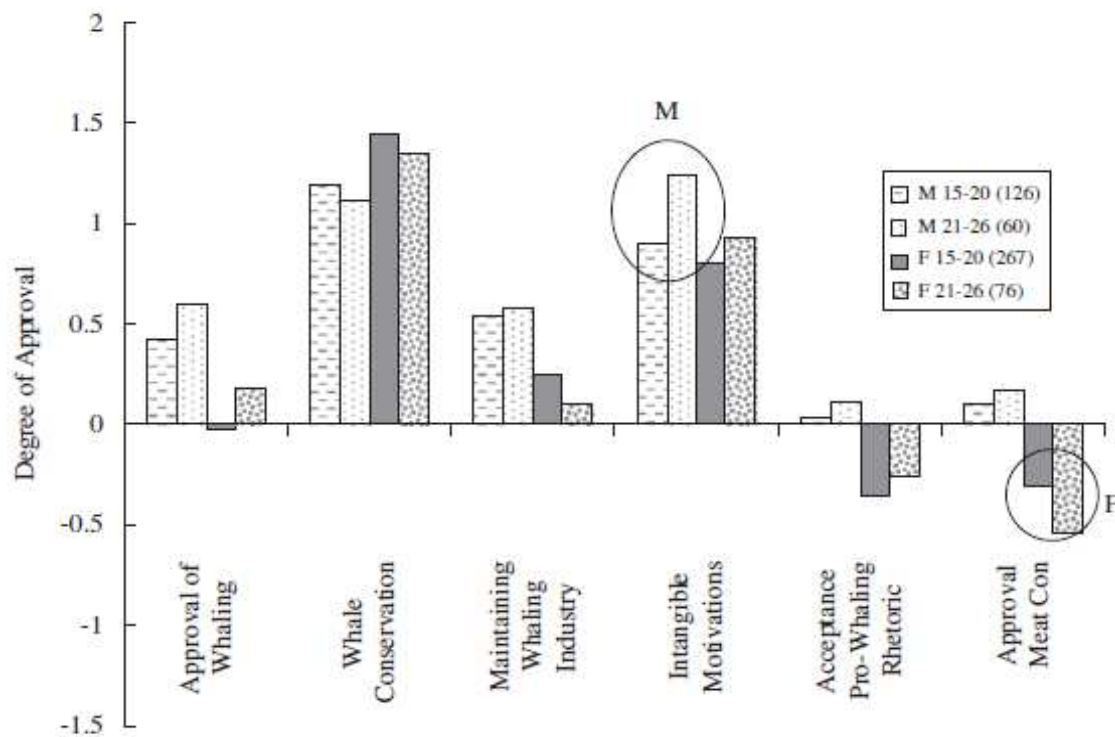
The plurality of these relationships should be recognized. The relationship between whales and ‘the Japanese’ was never and cannot be restricted to whaling and whale meat consumption alone. However, it is important that whether this relationship takes the form of whaling or of whale watching, every type of relationship should be treated with respect.³⁴

Cultural arguments as a political construct

Ishii and Okubo (2007) argue the cultural arguments discussed above are part of a rhetorical strategy used by the GOJ and are politically constructed. “*The more the whaling issue becomes a cultural matter, the more difficult it becomes for the FA to make compromises in the IWC... The fact the FA has not stopped this tactic... indicates that it prioritizes culturally justifying its policies to the Japanese public over compromising to lift the moratorium.*” The word *bunka* (culture) did not appear in a context related to whaling before 1979 in neither major newspaper Asahi Shimbun nor in minutes of the Japanese Diet. Initially the Japanese government used the “whales are a major source of protein” discourse (in the Diet and media the words *tampakushitsu* (protein) or *tampakugen* (protein source) were used) to contest the moratorium proposal, but gradually the “whale meat consumption is a dietary culture” discourse got the upper hand and became incorporated into the official position of the Japanese government.³⁵ The reason this discourse changed from “whales as protein source” to “whale as dietary culture” has much to do with the PR campaign the JWA entrusted to the advertising agency Kokusai PR in the aftermath of the moratorium proposal at the UNCHE. The agency had a twofold strategy: (1) changing the opinions of editorial writers of major Japanese newspapers, who gave only moderate support to continuing whaling by telling them the anti-whaling campaign was a US conspiracy, and (2) organizing a group of opinion leaders sympathetic to promoting whaling called the *hogeï mondai kondankai* (捕鯨問題懇談会, Forum on Whaling Issues) which used the word *bunka* in a whaling-related context for the first time in 1979 in a report. According to the report of the PR campaign both strategies were successes.³⁶

Hirata (2004, 2005) claims the active propaganda by pro-whaling actors has helped to create a large discrepancy between anti-whaling values and the cultural values of the Japanese public. As a result, most Japanese believe that Japan as a whole has a distinct “dietary culture” that has existed for thousands of years, and that whales are fish and deserve no special treatment.³⁷ She argues that the Japanese youth is more open to the issue of whaling. Because they have grown up to eating very little whale meat, they have little emotional attachment to whale meat and whaling and have no strong belief in the culture of whaling.³⁸ The results of a recent survey on the attitudes of Japan’s youth on Japanese whaling of 529 Japanese students between 15 and 26 years old (see figure 5.5), however, suggests something different. The results show an overall approval of whaling, except for females between 15 and 20. The positive correlation in the study between the approval of whaling and approval of the consumption of whale meat, suggests the source of the whaling controversy lies in differing ethical perceptions, since students who view whales as a consumption resource will also approve of whaling.³⁹

Figure 5. 5: Japanese students' attitudes on whaling



calculated means scores of Japanese students' attitudes on whaling (note: (1) the degree of approval/disapproval represents the 5-point Likert scale used in the survey denoting 2: strongly agree, 0: neither agrees nor disagrees, -2: strongly disagree. N=529; individual cohort sizes in brackets, (2) intangible motivations: represented the maintenance of employment and well-being of local whaling communities as well as maintenance of ASW for cultural purposes); Source: Bowett, Julia and Pete Hay. 2009. Whaling and its Controversies: Examining the Attitudes of Japan's Youth. *Marine Policy*, vol. 33: 775-783. p. 779.

Interestingly, the categories in the study that had the most impact on approval of whaling were the "approval of consumption of whale meat", and the "acceptance of pro-whaling rhetoric as produced by the Government of Japan and the Japanese media". Bowett and Hay correctly point out that 'the cultural imperialism argument' and the 'dietary culture argument' put forth by the GOJ are often reinforced by the Japanese media that, as explained in chapter IV, tend to reflect official statements made by the government and not to report on the cases produced within anti-whaling nations. Although there is a media sector more critical of the issue, it is far from main-stream. These arguments produced by the government, especially that of cultural imperialism, reach the public via the media and propaganda campaigns and deeply influence Japan's youth. Several students surveyed in the study stated that hostility shown to Japan by anti-whaling nations and environmental groups has pushed them towards an acceptance of whaling. Even students not particularly interested in eating whale meat see Japan as a victim of cultural imperialism, which gave rise to an *anti* anti-whaling sentiment. This is exactly the view generated by the GOJ and Japanese media.⁴⁰

5.4 Sovereignty and food security arguments

Traditionally, international law has defined common resources that transcend territorial boundaries as open-access resources, permitting states to independently manage their use. Concerned about the preservation of these resources, governments have increasingly used international treaties, both binding and voluntary, in which they "redefine the rights of states in areas of common jurisdiction" in the attempt to avoid the overuse of these resources. Through such redefinitions, states redefine

sovereignty.⁴¹ States have also come under increasing pressure to manage natural resource within their own territories according to international environmental legislation and internationally agreed upon norms⁴² (such as the anti-whaling norm). According to the 'erosion of sovereignty' thesis, sovereignty is founded upon territorial exclusivity and is thus undermined by trans-boundary environmental problems.⁴³

Three forms of sovereignty can be distinguished:

- **External** sovereignty: "the state's legal or constitutional independence towards other states. Since internationally no supreme authority exists, only states can formulate foreign policy."
- **Internal** sovereignty: "the state's autonomy over its own affairs, the absolute authority within the domestic political community... Essential here is the principle of non-intervention by other states."
- **Popular** sovereignty: "when states become environmental predators, or when they lack the will or the ability to solve environmental problems, non-governmental actors may seek to fill the void."⁴⁴

Since only states possess sufficient authority, legitimacy, resources and territorial control to enforce environmental regulation, legislation and norms, environmental protection and state sovereignty do not necessarily need to be mutually exclusive. Following this logic, a decline in sovereignty might even undermine the ability of the state to comply with international regulations and norms.⁴⁵

Implicit in international regulation of common resources is the notion of national (or internal) sovereignty; the jurisdiction of a sovereign state to prescribe and enforce laws within its territorial boundaries. This is a concept that can often lead to the ineffectiveness of a treaty: although binding agreements that preserve the notion of national sovereignty (by including opt-out or reservation clauses) tend to increase the probability that a state will agree to the norm or regulation, it also increases the possibility of undermining its enforcement.⁴⁶ National sovereignty is key in international treaties and is rarely compromised. Consequently, this concept was incorporated in the ICRW as well. The possibility for states to leave the convention or make objections to certain decisions became a loophole made advantage of by whaling states and initially failed to avoid the over exploitation of whales. Mitchell (1998) argues that a redefinition of sovereignty *as practiced* ("conformance to collective regime decisions even when incentives for independent decision-making exist") occurs depending on the arguments used to justify the norm in question (interest-based, science, or ethics). The history of the international regulation of whaling illustrates that such a redefinition of sovereignty is most likely through a scientific discourse based on causal arguments, rather than discourses based on interests and power or moral beliefs.⁴⁷ Mitchell argues it is not impossible for moral principles to shape behavior, however, the transformation of values simply may take longer to effect behavior than scientific or interest-based discourses. This is because the transformation of moral beliefs can evoke a "reactive resistance". In the whaling case this is illustrated by the strengthened commitment to whaling by whaling states as an affirmation of national pride and sovereignty, even when (as we have seen in Japan's case) the economic benefits of whaling are in decline.⁴⁸

Japan, a country that adopted an expansive foreign policy to provide its population with much-needed natural resources out of lack of domestic natural resources, considered the adoption of the moratorium on commercial whaling as an 'insult' to Japanese sovereignty. For Japan, the right to extract natural resources from 'the commons' is critical to its survival. But as Hardin (1968) has taught us, an over-exploitation of common-pool resources can lead to a 'tragedy of the commons.' Individuals acting independently in their own self-interest can bring about the destruction of shared limited resources, even when it is not in any party's long-term interest to do so.⁴⁹

Japan defies the anti-whaling norm out of fear it could harm the nation's access to other natural resources (as previously discussed in chapter IV).⁵⁰ Since Japan incorporates its access to natural resources in its conception of national security, the moratorium threatened what Japan considers a valuable food resource (and this from Japan's point of view without any scientific justification). Moreover, as previously discussed, the GOJ feared the IWC moratorium would be seen as an example for other treaties based on sustainable use, such as that of the bluefin tuna in the North Atlantic. Therefore, Japan's securitization of its state sovereignty has developed into a three-principle discourse: sustainable use of natural resources, science-based management, and the continuing need to ensure a food supply.⁵¹ The Japanese delegation has also expressed it considers the "United States domestic law which can be exercised to punish other nations for the exercise of its sovereign right given by international law" as an "act of undue intervention to national sovereignty."⁵² And recent efforts to expand the jurisdiction of the IWC to include small cetaceans has angered Japan, which thinks the commission has no legal competence to bring up matters of small cetaceans such as the Dall's porpoise in Japanese waters in IWC meetings. When in 1999 the UK proposed a resolution to condemn Japan's Dall's porpoise fisheries, Japan protested that such a resolution would be an "intervention of the national sovereign right."⁵³

So is securitization of Japan's national sovereignty the reason Japan so eagerly wants to continue whaling? Catalinac (2007) investigated newspaper articles and parliamentary debates for arguments related to whaling about food security, restrictions to Japan's food resources, and the amount of fish consumed by whales, but could not find any until the late 1990s. This finding suggests that, at least in the media and in parliamentary debates, more attention was given to the moratorium on whaling as a threat to Japan's culture rather than Japan's national sovereignty. Catalinac argues "securitization of Japan's sovereignty was likely to have been an adjunct, designed to give greater legitimacy to the Japanese cause in the eyes of the anti-whalers."⁵⁴ Moreover, IWC member countries have the possibility to leave the organization, or object to certain decisions. Given that Japan has threatened to, but has never exerted its option to withdraw its membership (like Canada or Iceland), or has given up what Epstein (2008) calls Japan's "ultimate sovereignty card", namely its objection to the moratorium, sovereignty issues do not seem to be the foundation of Japan's whaling policy objectives. Japan has rather chosen to be seen as a "cooperative, law-abiding member of the international society."⁵⁵

5.4 Political arguments

In what way are domestic politics related to the whaling issue? Are there incentives within the Japanese political bodies with authority over whaling to keep the industry alive? These questions have been largely answered in chapter IV (2.1.1 governmental bodies: MAFF, FA, and MOFA) where I summed up the incentives for the FA within MAFF to promote sustainable whaling: conviction there is both a (1) scientific and (2) legal basis for sustainable whaling; (3) fear that the end of whaling implies a decrease in budget, posts and political power for the agency; (4) hope that the continuation of the industry can further strengthen its political power; (5) fear of a spill-over effect on other marine resource regimes; and (6) criticism by western countries about whale meat consumption is cultural imperialism and should not be given in to.

Besides promoting sustainable harvesting of marine resources and the fear that the moratorium on commercial whaling threatens other sustainable resource regimes, the FA's concerns are mainly related to a possible decline in political power: budget, jurisdiction and posts.

As discussed above, maintaining or increasing the budget for research whaling is one of the FA's incentives as a 'pseudo-corporative organization'. If Japan were to give up whaling, of course this

would imply a cut in the budget of the FA's whaling division. However, since these operations are loss-making and the budget includes a large part of taxpayers' money, there is no use in such a high budget.

Currently the FA has all jurisdictions on whaling regulated under the IWC and special permit whaling, but only indirect jurisdiction over coastal whaling, and no jurisdiction over drive and hand-harpoon fisheries. Local prefectural governors have direct jurisdiction over the latter two. I hypothesize that the reason Japan is not willing to make considerable cuts in its Antarctic and North Pacific quota, in return for a small relief minke quota for its coastal whaling towns (discussed by the SWG on the Future of the IWC as one of the possible 'package deals'), is that the FA has no direct jurisdiction on coastal whaling. However, this means there is room for the FA to increase jurisdiction on whaling matters. Still the question remains: even if coastal whaling would come under direct jurisdiction of the FA, would this influence its current special permit whaling policy objectives?

Even without direct jurisdiction over coastal whaling, MAFF and the FA have nearly all the political power to decide on the future of Japanese whaling. If for the bureaucrats within the agency the number one motivation for continuing current whaling operations is maintaining their political power, they will not just give up whaling. But what if, in case Japan were in fact to give up whaling, a large part of the jurisdiction, budget, posts, and prestige could be recovered by (1) providing a replacement jurisdiction (such as whale watching), (2) continuing the non-lethal aspects of whale research, and (3) becoming a forerunner in marine conservation research which would not only help Japan's food security in the longer term but also give Japan a more positive international image?

ENDNOTES CHAPTER V

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- ² Tinch, Rob and Zara Phang.. June 2009. *Economics of Subsidies to Whaling: Report*. Economics for the Environment Consultancy (eftec), pp. 15-16. (Available at: http://assets.panda.org/downloads/econ_whaling_eftec_final.pdf)
- ³ Tinch, Rob and Zara Phang.. June 2009. *Economics of Subsidies to Whaling: Report*. Economics for the Environment Consultancy (eftec), pp. 14-15.
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- ⁵ Id. pp. 11-12.
- ⁶ Id. p. 19
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CONCLUSION

If we are more likely to stop the cruel form of commercial hunting known as whaling by pointing out that blue whales may become extinct than by pointing out that blue whales are sentient creatures with lives of their own to lead, then by all means let us point out that blue whales may become extinct. If, however, the commercial whalers should limit their slaughter to what they call the “maximum sustainable yield” and so cease to be a threat to blue whales as a species, let us not forget that they remain a threat to thousands of individual blue whales.¹

Peter Singer, 1972.

After these five chapters, let us now take a step back and ask what can be concluded from all the information we have absorbed.

Summary of the chapters

Chapter I gave a short introduction to the history of whaling and the IWC. We saw that the concern for whale stocks initially grew out of an economical concern: if whale stocks were depleted, an important profitable industry would be lost. This incentive for the regulation of the whaling industry gave rise to the establishment of the ICRW in 1946 and the IWC in 1948. Over 61 years the IWC has changed its focus from the regulation of the whaling industry to the conservation of whale species under its jurisdiction. After giving an overview of the different regulations adopted in the IWC (BWU, NMP, moratorium, RMP, RMS, and sanctuaries), we then identified three main topics of discussion in the commission: the importance of science and the precautionary principle, preservation versus conservation, and aboriginal subsistence whaling versus commercial whaling.

Chapter II gave a historic overview of Japan’s whaling history up to 1951, the year Japan joined the IWC. We learned that Japan’s whaling (industry) in this period was marked by different stages: passive whaling, harpoon whaling, net whaling, American-style coastal whaling, Norwegian-style coastal whaling, and finally, pelagic whaling. Net whaling was characterized by a local whaling and whale meat consumption culture and the *kujiragumi*, which were some of the biggest enterprises in Tokugawa Japan. When whale numbers decreased in Japanese waters because of foreign vessels with modern technology, Japan realized it had to modernize its whaling industry. Because of Japan’s victory in the Japan-Russo War, the country obtained Russian whaling equipment, and under Japanese expansionist influence, Japan started Norwegian-style whaling in colonial waters, especially around the Korean Peninsula, with Norwegian commanders and Japanese management. In the 1930s, with the incentive to earn foreign capital by selling whale oil to the West, Japan entered the Antarctic pelagic whaling industry. It did not take long before Japan became fierce competition to the biggest whaling nations such as Norway and the Netherlands. During World War II, Japan lost almost all its whaling equipment, but after the war it was allowed by the US Supreme Commander to re-enter Antarctic whaling to both provide the impoverished and hungry Japanese population with protein-rich whale meat, and provide the US with valuable whale oil. From this period, whale meat consumption had become a national habit. In 1951 Japan was allowed to join the IWC.

¹ Singer, Peter. *Not for Humans Only: the Place of Nonhumans in Environmental Issues*. In: Light, Andrew and Holmes Rolston III (eds.) 2003. *Environmental Ethics: An Anthology*. Oxford: Blackwell Publishing. p. 63

Chapter III offered an overview of the interplay between Japan and the IWC since 1951. Japan's whaling industry grew in size and scope over the years. By 1960 Japan overtook Norway as the leading whaling country. The IWC, after recommendations by the "Three wise men", recognized the BWU did not provide the protection the whale stocks needed at that time. Consequently, the BWU, which had given rise to the "whaling Olympics", was abandoned and replaced by the much more suitable NMP in 1975. Regulations became stricter, and so Japan and Russia had to lower their quota in the Antarctic and North Pacific. Although the NMP had been adopted recently, in 1972 the US proposed a 10-year moratorium on commercial whaling at the UNCHE, which was welcomed by the majority. When it was proposed at the IWC annual meeting, however, it did not receive the same support, and instead a 'decade of cetacean research' was put into place. However, over the years the idea gained more support because of the recognition of the newly introduced concepts of the "precautionary principle" and "scientific uncertainty". After many attempts, in 1982 the moratorium proposal received the necessary three-fourths majority. Norway, Iceland and Japan objected to the proposal. However, unlike Norway and Iceland, under US pressure Japan dropped its objection in 1987. That same year Japan created the ICR and Kyōdō Senpaku and started whaling under special permit (so-called 'scientific whaling'), allowed under Article VIII of the ICRW. This was also the year Japan first asked for a minke relief quota for its four traditional coastal whaling communities. Initially, Japan caught a limited number of minke whales in the Antarctic, but over the years Japan started programmes in the North Pacific and in her territorial waters as well. Programmes were not only expanded with regard to the area, but also with regard to the number of whales killed for 'sampling' and the species included (currently Japan catches fin, sei, Bryde's, minke, and in the future possibly humpbacks). Because of Japan's use of the loophole of special-permit whaling, the country experienced some setbacks directed mainly at Japan's whaling practices. In 1992 the IWC completed the development of the NMP, under which commercial whaling could be resumed after the adoption of an RMS. No RMS has been agreed on to date, however, and the negotiations have broken down. In 1994 the proposal for a Southern Ocean Sanctuary was adopted. Some believed this would withhold Japan from whaling in the Antarctic, now designated as a whale sanctuary. When in 2001 a Conservation Committee was established, Japan decided to not participate in its work (at present it still does not) because it experienced this as an attack on the original goals of the Convention. During the last decade Japan succeeded in convincing a number of Caribbean and West-African countries in joining the IWC and voting with Japan, leading to an almost equal share of anti- and pro-whaling countries in the IWC. This situation has made it more difficult to reach consensus in order to make decisions in the commission. The majority agreeing that the IWC had reached a deadlock, in 2007 the "St Kitts & Nevis Declaration" was adopted in which the IWC member countries agreed to rethink the Future of the IWC. The SWG was set up to help with this process. A 'package deal' was planned to be presented to the 2009 IWC meeting, but this attempt has failed. Instead a Support Group was set up, and the decision was made to prolong these discussions one year.

In **Chapter IV** I attempted to give the reader a better understanding of the constitution of the anti- and pro-whaling movements in Japan. For both movements we discussed the actors and issues. We learned that the main actors in the anti-whaling movement are NGOs and opinion polls (mostly polls commissioned by NGOs to research organizations). The media play a certain role, but the number of magazines, newspapers, television stations, and internet sites critical of Japan's whaling operations is far from main-stream. NGOs have their own information networks and through these help spread the word on the 'truth behind whaling'. But, again, this type of media does not reach the mass audience. Main issues for the anti-whaling movement are: (1) Japan's history of involvement in pirate whaling, (2) infractions, (3) contaminated whale meat, (4) Japan's vote-buying campaign, and (5) the recent whale meat embezzlement scandal.

The pro-whaling movement is the bigger movement in Japan. Main actors are the ministries MAFF and MOFA, NGOs, the ICR, whaling company Kyōdō Senpaku and Geishoku Labo, political leagues, and the media. These actors often work together for whaling propaganda campaigns, whale meat promotion campaigns, symposia, etc. To them, main issues are the original intent of the IWC, whale meat as a solution to the food crisis, the moratorium as a threat to natural resource regimes, whaling and whale meat consumption culture and Japan bashing and cultural imperialism.

We then went on to discuss the results from a questionnaire I designed to get a better understanding of the constitution and viewpoints of both anti- and pro-whaling NGOs in Japan and internationally. An interesting result domestically, was that there is a huge opinion gap in the way both camps think about culture. No anti-whaling NGO considered whaling a traditional aspect of culture, while both pro-whaling NGOs did. From the results one could also see that both anti-whaling and pro-whaling NGOs are frustrated with the IWC and ICRW. No NGO is sure compromise is possible between both sides, even through constructive debate, and the IWC does not get high grades for its efficiency in regulating whaling or conserving whale stocks. Another interesting result was that although no surveyed NGO admitted to have distorted information in the past, they all believed other NGOs (mostly from the opposing camp) had done so. The international questionnaire obtained similar results. Although all respondent NGOs were anti-whaling, some admitted they thought at least coastal whaling was a traditional aspect of Japanese culture. All NGOs, however, agreed that Japan's current whaling operations are commercial. As with the domestic questionnaire, frustration among the NGOs with regard to the IWC and ICRW was noticeable. However, 50% of the respondents believed compromise through constructive debate was possible. Out of the international NGOs, again none admitted information distortion, but the large majority believed others, both pro- and anti-whaling, and both NGOs and governmental institutions had done so in the past.

Answer to research question

Chapter V provided the answer to the research question “What are the underlying arguments for Japan's current whaling policy objectives?”

We first discussed possible economical arguments: is the current whaling industry profitable, or could it be in the future? We learned that at present Japan's whaling is clearly loss-making. A lot of costs are involved, and these are even increasing with enhanced fuel prices, the mother ship near the end of its life, and a supplementary budget to countermeasure acts of so-called “eco terrorism.” The ICR is in debt, and Kyōdō Senpaku makes too little profit to be able to renew its whaling equipment. Even if Japan is looking to resume commercial whaling at a profitable scale in the future, it is not very clear who would invest this large amount of money. The Japanese people already pay about US\$ 5 million annually for the subsidies that go into Japan's research whaling programmes, and this amount would have to further increase, while there is no increasing gain for the Japanese people since there is already an oversupply. If material profit is what the GOJ is looking for, it would invest more in the whale watching industry.

Next, we investigated cultural arguments. Japanese pro-whaling actors have ever since the moratorium was adopted, made use of the “whaling culture” and “whale meat consumption culture” arguments. However, we learned that whaling has a long history only in some very isolated coastal areas in Japan, and that when whaling spread nationally under Norwegian-style whaling, it was part of an industry influenced by expansionism. Can a whaling industry led mostly by foreigners really be called a Japanese tradition? Similarly, whale meat consumption was initially restricted to those areas where whaling had been practiced for quite some time, it was not until modern-style whaling was introduced that this habit started to spread beyond and these areas. Only since World War II, whale meat

consumption became a national habit. Moreover, references to culture in a whaling related context only appeared in newspapers and Diet minutes at the end of the 1970s. Many scholars, therefore, think the cultural arguments are politically constructed, and are intended to fuel nationalism in order to get the backing of the people for Japan's whaling operations. Rather we need to recognize the plurality of man-whale relationships that exist in Japan. These vary from whaling to fishing with the help of dolphins to whale watching and dolphin entertainment in aquariums. All these different cultures deserve respect from people coming from another culture.

More genuine concerns are probably those related to sovereignty and food security. The FA is concerned losing authority over whaling, an industry that once helped the impoverished Japanese population with the provision of protein-rich food. Japan has not many natural resources, and highly dependent on sea food, the fisheries industry is the most important source of food supply. With many fish stocks depleted, Japan is maybe hoping that whales, once populations have recovered, might feed the masses? With the adoption of the moratorium, MAFF was worried this new rationale of marine resource management, would have a spill-over effect on other marine resources Japan was highly dependent on (such as blue fin tuna). However, if sovereignty over food supply is the reason Japan is so hesitant to let go of whaling, it could have withdrawn from the organization, or made reservations. Also, if Japan was so concerned about food security, it would invest more in sustainable fisheries, and become a forerunner in finding solutions for the current fisheries crisis.

The last remaining arguments were those related to politics. I hypothesized that the FA, which basically has the monopoly on policy making with regard to whaling matters, will not voluntarily let go of whaling because then it will lose posts, budget, authority and political power. However, this does not necessarily have to be the case. The whaling division within the Agency could be converted into a policy-making body concerned with the conservation of whales, whale-watching, and become a forerunner in non-lethal research on whales. In this way it could still commission whale research to the ICR, and Kyōdō Senpaku could still provide the appropriate equipment, and maybe seek its profit in an eco-friendly whale watching industry. If my hypothesis is correct, and indeed the FA's bureaucrats' fear of losing political power is the fundament of Japan's current whaling policy objectives, it is perhaps necessary to create replacement jurisdictions and budget for the whaling division in order for the FA bureaucrats to consider giving up whaling.

Prospects

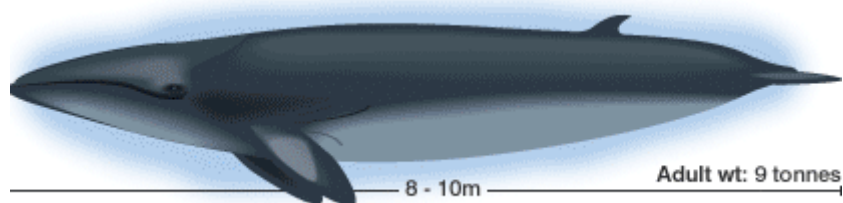
During the current 'Future of the IWC' discussions, a possible 'package deal' has to be designed and presented to the IWC by 2010. As discussed above, whaling under special permit is one of the main roadblocks in the IWC that has both led to and determines these discussions. It is interesting what will be proposed to reach a compromise. Previously suggested by former chair William Hogarth, was the allowance of a temporary quota for Japan's coastal whaling communities in return for a sharp decrease in Antarctic and North Pacific quota. According to some reports, these negotiations failed because Japan was not prepared to reduce this quota considerably. In WEDGE magazine, Toshihito (2009) argued the only way for Japan to not make economic losses, help conserve whaling culture, and not lose "important friends" (the US, UK, and Australia) is for Japan to give up pelagic whaling in return for coastal whaling. However, this might not be the best idea, since recent IWC SC research reported the common minke whale population around the coast of Japan (J-stock) is decreasing. It might be worse to take only a few whales from this population, than to take hundreds from the Antarctic and North Pacific populations. Further research into the populations is necessary.

What would be a good option for both Japan and the anti-whaling community? Maybe the best solution for Japan is to "phase-out" her scientific whaling operations while waiting for the minke whale population around the coast of Japan to recover to the point where it would not harm the stock if

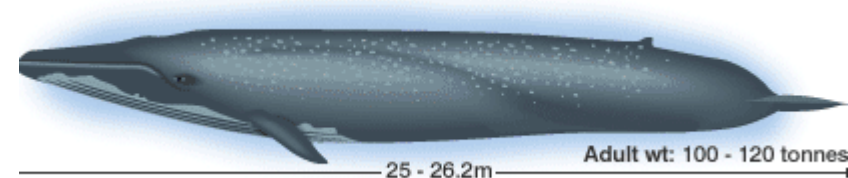
a limited number of whales are taken. In the meantime Japan could find a solution for the main reason the stock is decreasing, namely by-catch. Japan also would have to find a way to increase her food security, if I was correct in my hypothesis that it was counting on the resumption of commercial whaling to compensate future decline in fish supplies with whale meat supply. Under a very limited whaling quota, restricted whale meat consumption and distribution could continue under strict conditions (monitored by the IWC). It is not clear, however, if the FA would be interested in this proposal. Currently, coastal whaling is not under its direct jurisdiction, but if regulated by the IWC this could possibly become an FA jurisdiction in the future. Japan's role in the IWC could change from being a leading pro-whaling member to a leading non-lethal whaling research nation with a small whaling quota set under a new category.

APPENDIX I: Most important whale species and their population numbers

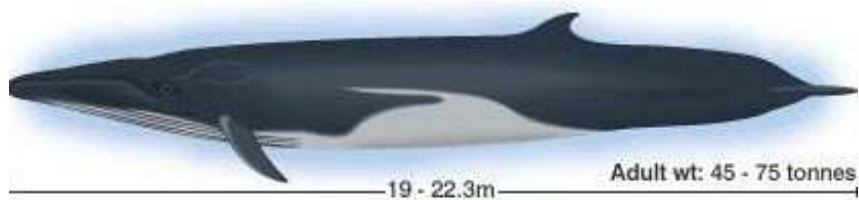
Population	Year(s) to which estimate applies	Approximate point estimate	Approximate 95% confidence limits
MINKE WHALES			
Southern Hemisphere	1982/83 - 1988/89	761,000	510,000 - 1,140,000
	Current	<i>The Commission is unable to provide reliable estimates at the present time. A major review is underway by the Scientific Committee.</i>	
North Atlantic (Central & Northeastern)	1996-2001	174,000	125,000 - 245,000
West Greenland	2005	10,800	3,600 - 32,400
North West Pacific and Okhotsk Sea	1989-90	25,000	12,800 - 48,600



BLUE WHALES			
Southern Hemisphere (excluding pygmy blue)	1997/98	2,300	1,150 - 4,500
<i>The estimated rate of increase is 8.2% (95% confidence interval 3.8-12.5%) per year between 1978/79 and 2003/04</i>			

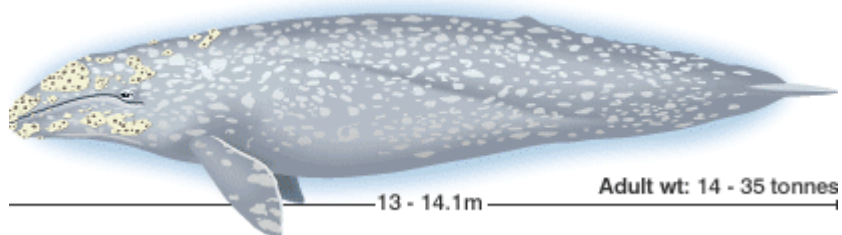


FIN WHALES			
North Atlantic (Central & Northeastern)	1996-2001	30,000	23,000 - 39,000
West Greenland	2005	3,200	1,400 - 7,200



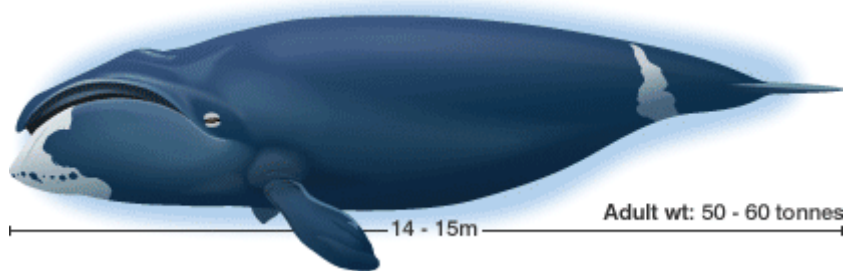
GRAY WHALES

Eastern North Pacific	1997/98	26,300	21,900 - 32,400
<i>The population was increasing at a rate of 3.2% (95% confidence interval 2.4% - 4.3%) over the period 1967/68 - 1987/88 with an average annual catch of 174 whales.</i>			
Western North Pacific	2007	121	112 - 130



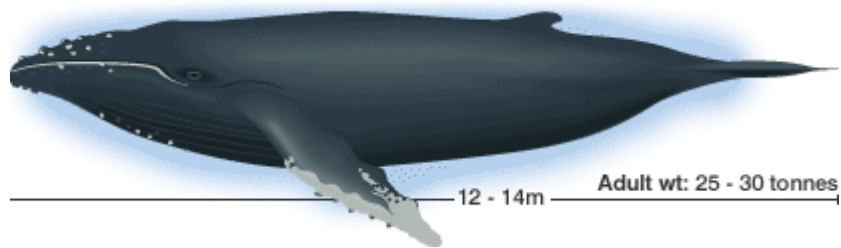
BOWHEAD WHALES

Bering-Chukchi- Beaufort Sea stock	2001	10,500	8,200 - 13,500
<i>The net rate of increase of this population since 1978 has been estimated as about 3.2% per year (95% confidence interval 1.4% - 5.1%).</i>			
Off West Greenland	2006	1,230	490 - 2,940



HUMPBACK WHALES

Western North Atlantic	1992/93	11,600	10,100 - 13,200
<i>A rate of population increase of 3.1% (SE=0.005) was obtained from the Gulf of Maine for the period 1979-1993</i>			
Southern Hemisphere south of 60S in summer (i.e. incomplete)	1997/98	42,000	34,000 - 52,000
<i>Rates of increase. East Australia: 1981-96 12.4% (95%CI 10.1-14.4%). West Australia: 1977-91 10.9% (7.9-13.9%)</i>			
North Pacific	2007	at least 10,000	not yet available
<i>Rates of increase of about 7% have been reported for the eastern North Pacific, 1990-2002.</i>			

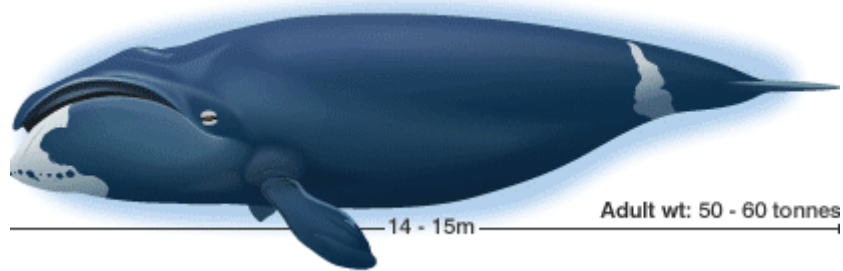


RIGHT WHALES

Western North Atlantic	2001	about 300	not available
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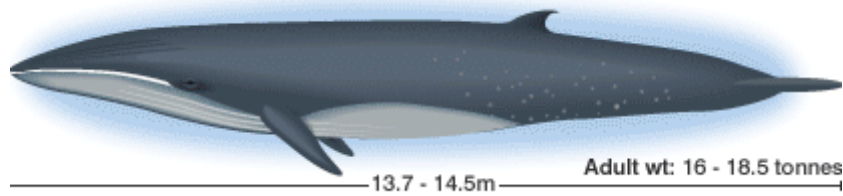
Southern Hemisphere	1997	about 7,500	not available
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There is evidence of increase rates of 7-8% for populations of Argentina, Australia and South Africa

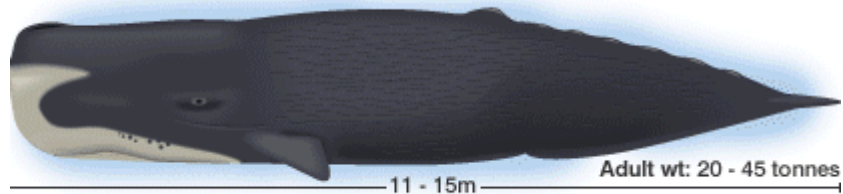


BRYDE'S WHALES

Western North Pacific	1998-2002	20,501	not available
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SPERM WHALES



not available

Sources:

Population estimates: IWC. Whale Population Estimates.

[<http://www.iwcoffice.org/conservation/estimate.htm>]

Images: BBC News. In Depth – Endangered Whale Species.

[<http://news.bbc.co.uk/2/shared/spl/hi/guides/456900/456973/html/>]

APPENDIX II: Convention Text

International Convention for the Regulation of Whaling

Washington, 2nd December, 1946

The Governments whose duly authorised representatives have subscribed hereto.

Recognizing the interest of the nations of the world in safeguarding for future generations the great natural resources represented by the whale stocks;

Considering that the history of whaling has seen over-fishing of one area after another and of one species of whale after another to such a degree that it is essential to protect all species of whales from further over-fishing;

Recognizing that the whale stocks are susceptible of natural increases if whaling is properly regulated, and that increases in the size of whale stocks will permit increases in the number of whales which may be captured without endangering these natural resources;

Recognizing that it is in the common interest to achieve the optimum level of whale stocks as rapidly as possible without causing widespread economic and nutritional distress;

Recognizing that in the course of achieving these objectives, whaling operations should be confined to those species best able to sustain exploitation in order to give an interval for recovery to certain species of whales now depleted in numbers;

Desiring to establish a system of international regulation for the whale fisheries to ensure proper and effective conservation and development of whale stocks on the basis of the principles embodied in the provisions of the International Agreement for the Regulation of Whaling, signed in London on 8th June, 1937, and the protocols to that Agreement signed in London on 24th June, 1938, and 26th November, 1945; and

Having decided to conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry;

Have agreed as follows:-

Article I

1. This Convention includes the Schedule attached thereto which forms an integral part thereof. All references to "Convention" shall be understood as including the said Schedule either in its present terms or as amended in accordance with the provisions of Article V.
2. This Convention applies to factory ships, land stations, and whale catchers under the jurisdiction of the Contracting Governments and to all waters in which whaling is prosecuted by such factory ships, land stations, and whale catchers.

Article II

As used in this Convention:-

1. "Factory ship" means a ship in which or on which whales are treated either wholly or in part;
2. "Land station" means a factory on the land at which whales are treated either wholly or in part;

3. "Whale catcher" means a ship used for the purpose of hunting, taking, towing, holding on to, or scouting for whales;

4. "Contracting Government" means any Government which has deposited an instrument of ratification or has given notice of adherence to this Convention.

Article III

1. The Contracting Governments agree to establish an International Whaling Commission, hereinafter referred to as the Commission, to be composed of one member from each Contracting Government. Each member shall have one vote and may be accompanied by one or more experts and advisers.
2. The Commission shall elect from its own members a Chairman and Vice-Chairman and shall determine its own Rules of Procedure. Decisions of the Commission shall be taken by a simple majority of those members voting except that a three-fourths majority of those members voting shall be required for action in pursuance of Article V. The Rules of Procedure may provide for decisions otherwise than at meetings of the Commission.
3. The Commission may appoint its own Secretary and staff.
4. The Commission may set up, from among its own members and experts or advisers, such committees as it considers desirable to perform such functions as it may authorize.
5. The expenses of each member of the Commission and of his experts and advisers shall be determined and paid by his own Government.
6. Recognizing that specialized agencies related to the United Nations will be concerned with the conservation and development of whale fisheries and the products arising therefrom and desiring to avoid duplication of functions, the Contracting Governments will consult among themselves within two years after the coming into force of this Convention to decide whether the Commission shall be brought within the framework of a specialized agency related to the United Nations.
7. In the meantime the Government of the United Kingdom of Great Britain and Northern Ireland shall arrange, in consultation with the other Contracting Governments, to convene the first meeting of the Commission, and shall initiate the consultation referred to in paragraph 6 above.
8. Subsequent meetings of the Commission shall be convened as the Commission may determine.

Article IV

1. The Commission may either in collaboration with or through independent agencies of the Contracting Governments or other public or private agencies, establishments, or organizations, or independently

- (a) encourage, recommend, or if necessary, organize studies and investigations relating to whales and whaling;
- (b) collect and analyze statistical information concerning the current condition and trend of the whale stocks and the effects of whaling activities thereon;
- (c) study, appraise, and disseminate information concerning methods of maintaining and increasing the populations of whale stocks.

2. The Commission shall arrange for the publication of reports of its activities, and it may publish independently or in collaboration with the International Bureau for Whaling Statistics at Sandefjord in Norway and other organizations and agencies such reports as it deems appropriate, as well as statistical, scientific, and other pertinent information relating to whales and whaling.

Article V

1. The Commission may amend from time to time the provisions of the Schedule by adopting regulations with respect to the conservation and utilization of whale 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; and (h) catch returns and other statistical and biological records.
2. 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 optimum 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 land station 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.
3. Each of such amendments shall become effective with respect to the Contracting Governments ninety days following notification of the amendment by the Commission to each of the Contracting Governments, except that (a) if any Government presents to the Commission objection to any amendment prior to the expiration of this ninety-day period, the amendment shall not become effective with respect to any of the Governments for an additional ninety days; (b) thereupon, any other Contracting Government may present objection to the amendment at any time prior to the expiration of the additional ninety-day period, or before the expiration of thirty days from the date of receipt of the last objection received during such additional ninety-day period, whichever date shall be the later; and (c) thereafter, the amendment shall become effective with respect to all Contracting Governments which have not presented objection but shall not become effective with respect to any Government which has so objected until such date as the objection is withdrawn. The Commission shall notify each Contracting Government immediately upon receipt of each objection and withdrawal and each Contracting Government shall acknowledge receipt of all notifications of amendments, objections, and withdrawals.

4. No amendments shall become effective before 1st July, 1949.

Article VI

The Commission may from time to time make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of this Convention.

Article VII

The Contracting Government shall ensure prompt transmission to the International Bureau for Whaling Statistics at Sandefjord in Norway, or to such other body as the Commission may designate, of notifications and statistical and other information required by this Convention in such form and manner as may be prescribed by the Commission.

Article VIII

1. Notwithstanding anything contained in this Convention any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Contracting Government thinks fit, and the killing, taking, and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of this Convention. Each Contracting Government shall report at once to the Commission all such authorizations which it has granted. Each Contracting Government may at any time revoke any such special permit which it has granted.
2. 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.
3. Each Contracting Government shall transmit to such body as may be designated by the Commission, in so far as practicable, and at intervals of not more than one year, scientific information available to that Government with respect to whales and whaling, including the results of research conducted pursuant to paragraph 1 of this Article and to Article IV.
4. Recognizing that continuous collection and analysis of biological data in connection with the operations of factory ships and land stations are indispensable to sound and constructive management of the whale fisheries, the Contracting Governments will take all practicable measures to obtain such data.

Article IX

1. Each Contracting Government shall take appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions against the said provisions in operations carried out by persons or by vessels under its jurisdiction.
2. No bonus or other remuneration calculated with relation to the results of their work shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by this Convention.
3. Prosecution for infractions against or contraventions of this Convention shall be instituted by the Government having jurisdiction over the offence.
4. Each Contracting Government shall transmit to the Commission full details of each infraction of the provisions of this Convention by persons or vessels under the jurisdiction of that Government as reported by

its inspectors. This information shall include a statement of measures taken for dealing with the infraction and of penalties imposed.

Article X

1. This Convention shall be ratified and the instruments of ratifications shall be deposited with the Government of the United States of America.
2. Any Government which has not signed this Convention may adhere thereto after it enters into force by a notification in writing to the Government of the United States of America.
3. The Government of the United States of America shall inform all other signatory Governments and all adhering Governments of all ratifications deposited and adherences received.
4. This Convention shall, when instruments of ratification have been deposited by at least six signatory Governments, which shall include the Governments of the Netherlands, Norway, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, enter into force with respect to those Governments and shall enter into force with respect to each Government which subsequently ratifies or adheres on the date of the deposit of its instrument of ratification or the receipt of its notification of adherence.

5. The provisions of the Schedule shall not apply prior to 1st July, 1948. Amendments to the Schedule adopted pursuant to Article V shall not apply prior to 1st July, 1949.

Article XI

Any Contracting Government may withdraw from this Convention on 30th June, of any year by giving notice on or before 1st January, of the same year to the depository Government, which upon receipt of such a notice shall at once communicate it to the other Contracting Governments. Any other Contracting Government may, in like manner, within one month of the receipt of a copy of such a notice from the depository Government give notice of withdrawal, so that the Convention shall cease to be in force on 30th June, of the same year with respect to the Government giving such notice of withdrawal.

The Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

In witness whereof the undersigned, being duly authorized, have signed this Convention.

Done in Washington this second day of December, 1946, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other signatory and adhering Governments.

Protocol

to the International Convention for the Regulation of Whaling, Signed at Washington Under Date of December 2, 1946

The Contracting Governments to the International Convention for the Regulation of Whaling signed at Washington under date of 2nd December, 1946 which Convention is hereinafter referred to as the 1946 Whaling Convention, desiring to extend the application of that Convention to helicopters and other aircraft and to include provisions on methods of inspection among those Schedule provisions which may be amended by the Commission, agree as follows:

Article I

Subparagraph 3 of the Article II of the 1946 Whaling Convention shall be amended to read as follows:

“3. ‘whale catcher’ means a helicopter, or other aircraft, or a ship, used for the purpose of hunting, taking, killing, towing, holding on to, or scouting for whales.”

Article II

Paragraph 1 of Article V of the 1946 Whaling Convention shall be amended by deleting the word “and” preceding clause (h), substituting a semicolon for the period at the end of the paragraph, and adding the following language: “and (i) methods of inspection”.

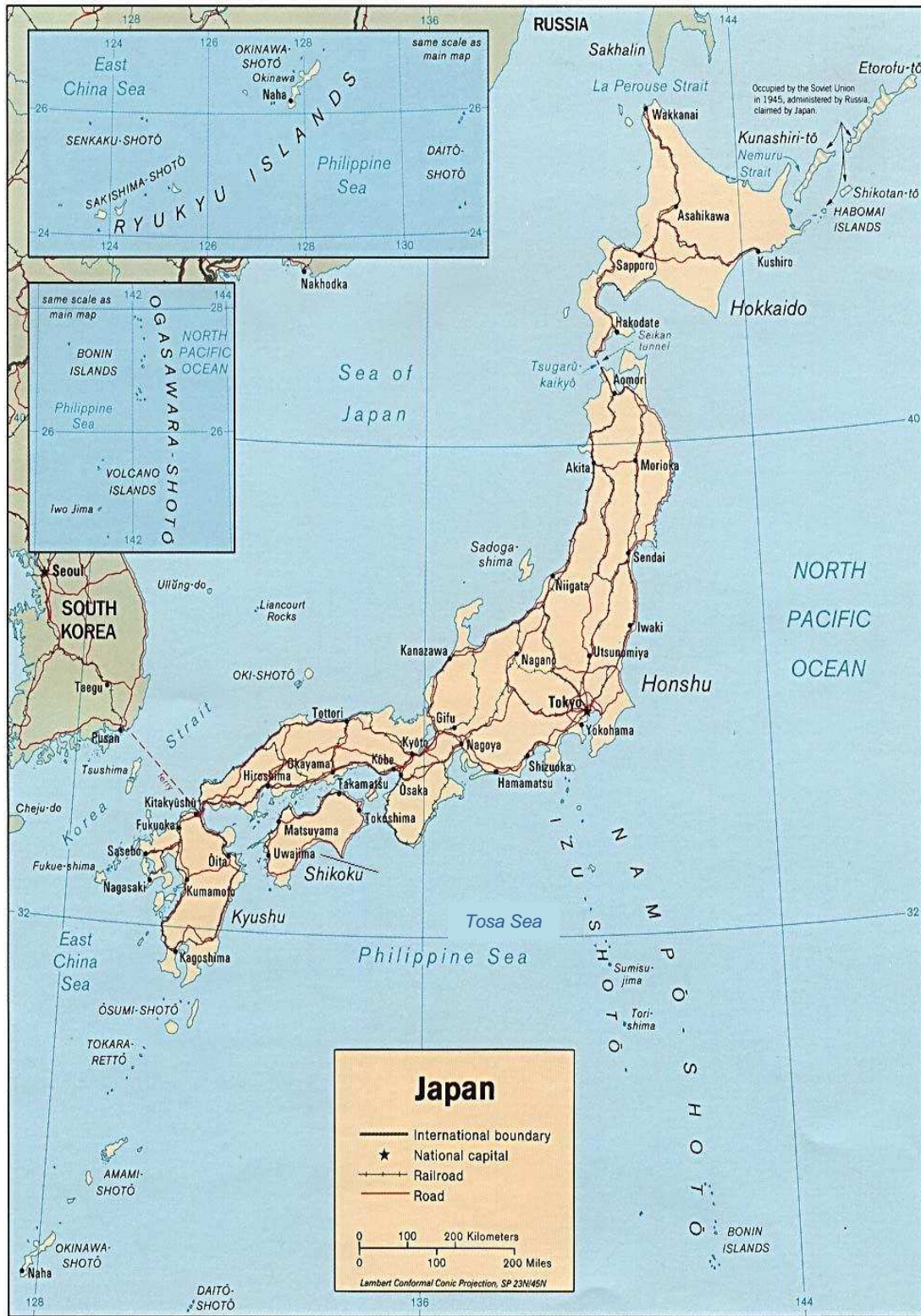
Article III

1. This Protocol shall be open for signature and ratification or for adherence on behalf of any Contracting Government to the 1946 Whaling Convention.
2. This Protocol shall enter into force on the date upon which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America on behalf of all the Contracting Governments to the 1946 Whaling Convention.
3. The Government of the United States of America shall inform all Governments signatory or adhering to the 1946 Whaling Convention of all ratifications deposited and adherences received.
4. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Protocol.

DONE in Washington this nineteenth day of November, 1956, in the English Language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all Governments signatory or adhering to the 1946 Whaling Convention.

APPENDIX III: Seas surrounding Japan



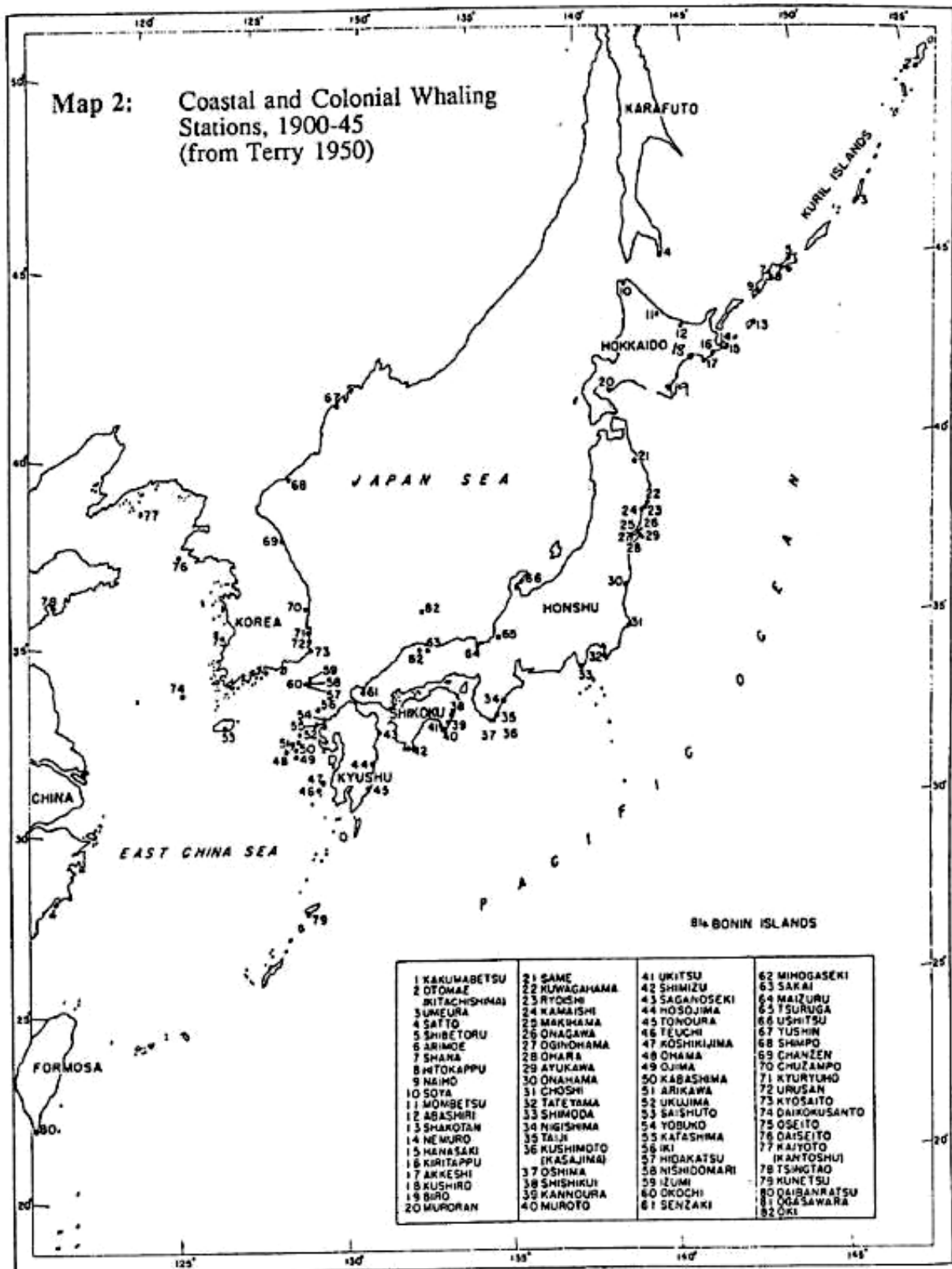
Source: The University of Texas. Map Collection:
http://www.lib.utexas.edu/maps/middle_east_and_asia/japan_pol96.jpg

APPENDIX IV: Maps of whaling communities and whaling stations

Map 1: Location of some Japanese Whaling Communities



Source: Kalland, Arne, and Brian Moeran. 1992. Japanese Whaling: End of an Era? London: Curzon Press. (p. 21)



Source: Kalland, Arne, and Brian Moeran. 1992. Japanese Whaling: End of an Era? London: Curzon Press. (p. 80)

APPENDIX V: Japanese whale catch numbers (1985-2009)

Under Objection

Year	Area	Sperm	Bryde's	Minke	Total
1985/86	SH			1,941	1,941
1986/87	SH			1,941	1,941
	NP	200	2+315*	311	828
1987/88	NP	188	11+306	304	809
Total					5519

*First number: coastal whaling, second number: Bōnin Islands

Special Permit Catches since 1985

Year	Area	Fin	Sperm	Sei	Bryde's	Minke	Total
1987/88	SH					273	273
1988/89	SH					241	241
1989/90	SH					330	330
1990/91	SH					327	327
1991/92	SH					288	288
1992/93	SH					330	330
1993/94	SH					330	330
1994/95	NP					21	21
	SH					330	330
1995/96	NP					100	100
	SH					440	440
1996/97	NP					77	77
	SH					440	440
1997/98	NP					100	100
	SH					438	438
1998/99	NP				1	100	101
	SH					389	389
1999/2000	NP					100	100
	SH					439	439
2000/01	NP		5		43	40	88
	SH					440	440
2001/02	NP		8	1	50	100	159
	SH					440	440
2002/03	NP		5	40	50	102	197
	NP (coastal)					50	50
	SH					441	441
2003/04	NP		10	50	50	101	211
	NP (coastal)					50	50
	SH					443	443
2004/05	NP		3	100	51	100	254
	NP (coastal)					60	60
	SH					441	441
2005/06	NP		5	100	50	101	256
	NP (coastal)					121	121
	SH	10				856	866
2006/07	NP		6	101	51	100	258
	NP (coastal)					97	97
	SH	3				508	511
2007/08	NP		3	100	50	100	253
	NP (coastal)					108	108
	SH					551	551
2008/09	NP*		2	100	50	171	323
	SH					680	680
Total							12392

* numbers include coastal whaling catches for 2008/09

Source: IWC. Catch Limits and Catches Taken. [<http://www.iwcoffice.org/conservation/catches.htm>]

APPENDIX VI: Normalizing the IWC

Normalizing the International Whaling Commission

Japan

Background – The need for Normalization

At its meeting in Cambridge from February 28 to March 2, 2006, the IWC's RMS Working Group agreed to postpone further discussions on completing an RMS. This decision was the outcome of 14 years of discussion and negotiations and an admission that the IWC has failed to carry out its functions ("*... to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry;*")¹ mandated by the International Convention for the Regulation of Whaling (ICRW). For this reason, participants of the Working Group supporting the sustainable use of whale resources tabled a paper titled "Toward Normalization of the International Whaling Commission"², recognizing with great concern that without normalizing the IWC, which has become a mere stage for emotional and political conflicts, the IWC will lose its *raison d'être* as a resource management organization.

The IWC is dysfunctional because of fundamental differences in the positions of its members. While some members try to establish a management system that will allow sustainable use of abundant whale stocks while protecting endangered and depleted stocks in accordance with the provisions of ICRW, others are unalterably opposed to resumption of any commercial whaling irrespective of the status of whale stocks and irrespective of the fact that the Commission adopted a robust and risk-averse procedure (RMP) for calculating quotas for abundant stocks of baleen whales in 1994. Although some members have made best efforts to bring the IWC back on track, because of the long history of conflicts at IWC, such efforts were seen with doubts and skepticism.

Use of Cetaceans, like other fishing activities, contributes to sustainable coastal communities, sustainable livelihoods, food security, economic well-being and poverty reduction both through domestic use and international trade. Whales should be treated as any other marine living resources available for harvesting subject to conservation and science-based management.

The dysfunctional IWC is tragic for both whaling peoples/communities and whale resources because they need a good conservation and management system for their future existence. Therefore, normalization of the IWC which will fulfill the provisions of ICRW is imperative and urgent.

Responsible Management of Whaling

Responsible management of whaling requires full respect for the ICRW and interpretation of the ICRW in good faith. This means protecting endangered and depleted species ("*Recognizing the interest of the nations of the world in safeguarding for future generations the great natural resources represented by the whale stocks;*"), while allowing the sustainable utilization of abundant species.

The moratorium was clearly intended as a temporary measure and the comprehensive assessments of some whale stocks and the development of a calculation method for sustainable

¹ Quotes in italic are from the preamble of the ICRW.

² See attached. Also included as Annex H of the Chair's Report of the RMS Working Group Meeting – IWC/58/RMS 3 available at <http://www.iwcoffice.org/commission/rmsworkgroup.htm>

harvesting quotas have already been completed. Sustainable whaling is possible. Under the normalized IWC, all whaling activities should be appropriately managed using an RMP-like or other appropriate methodology for calculating sustainable harvesting quotas as well as international observers, monitoring and enforcement (see *NOTE). (*“Recognizing that whale stocks are susceptible of natural increase if whaling is properly regulated, and that increases in the size of whale stocks will permit increases in the number of whales which may be captured without endangering these natural resources.”*) As a matter of course, no commercial whaling will be allowed for depleted and endangered stocks.

Normalization of the IWC will be based on respect for cultural diversity and traditions of coastal peoples as well as coastal state rights, relevant national and international law, the need for science-based management, policy and rule-making and consideration of ecosystem approaches, all of which are accepted global standards. Normalization will also harmonize decision making policy in the IWC with other international instruments such as RFMOs the CBD with its emphasis on sustainable use and the UNESCO Universal Declaration on Cultural Diversity. It will not mean a return to historic over-harvesting.

Proposed actions - Specific Steps toward the Normalization of the IWC

Japan proposes that a conference be held during the intersessional period between the 58th and 59th Annual Meetings of the IWC. The purpose of the conference will be to exchange and discuss all ideas for normalizing the IWC and, taking into account the causes of current dysfunction of and conflicts in the IWC, to develop and recommend a detailed plan of specific steps for implementing the ICRW in a responsible manner. The conference will be open to all IWC members that respect the ICRW and wish to act in accordance with the provisions of the ICRW.

The details of the conference will be developed at a later stage, but any inputs (the agenda, timing, venue or format of the conference) from the IWC members that sincerely wish for the normalization of IWC in compliance with the ICRW will be welcome during the IWC Annual Meeting in St. Kitts.

APPENDIX VII: Methodology questionnaire

In chapter IV, I discussed the pro- and anti-whaling movements nationally. For this purpose, I decided to design a survey to get a better idea of the constitution of citizen movements. The target of this study was therefore NGOs. Initially, I designed a survey intended for Japanese NGOs only, as this thesis focuses mainly on Japanese whaling. However, while designing the survey, I thought it would be interesting to pose the same questions (after some minor changes to some of the questions) to international NGOs as well as a way to make a comparison between the national and international movements. The reason for this approach is that after a thorough literature research, it became obvious that there is a written a great deal about Japanese whaling and why Japan persists in maintaining its tradition, but only very few sources have anything to say about the constitution about the movements behind the whaling dispute. These movements, especially citizen networks, as we have seen in previous chapters, have helped shape public opinion on the matter all around the world and are, therefore, worth examining closely.

The central purpose of the survey was to provide an account of the anti- and pro-whaling movements both domestically and internationally and their involvement in and opinion of Japanese whaling in a first instance and, additionally, of the IWC. To accomplish this task, it was important to obtain structural data of the NGOs that form these movements, about their goals, approaches, activities and points of view. Therefore both surveys covered the following aspects:

- location and size
- main activities
- cooperation with political organizations, bodies and parties
- cooperation with other citizens' networks
- opinion on (Japanese) whaling and its future
- opinion on the ICRW and IWC
- involvement in information distortion

Ultimately, the information I hoped to obtain through the results of these surveys was to what extent these movements have different viewpoints on the whaling matter, and whether they believe compromise is possible in the IWC.

When considering the widespread locations of the different NGOs and no financial resources, when it came to making a choice among the different types of survey methods, the most obvious option was a web survey. Web surveys have several advantages of which the low cost was the most decisive factor for me. Other advantages are that responses can be received rather quickly, computer programming makes complex question structures possible, anonymity of the respondents can be more fairly processed than in mail surveys, answers to open-ended questions are usually more detailed and easier to read (think of handwriting problems), and lastly the survey software simplifies the compilation and analysis of the results. Nonetheless, opting for this type of survey method also entails disadvantages. Not all members of the targeted population have access to the internet, or have their own email-address. Another important disadvantage is the evidence that through web surveys the respondents' completion rate of the survey is lower for longer surveys (in comparison to mail surveys).

I first designed the English survey mainly designing the questions myself, but also using some questions of a Greenpeace poll of the Japanese public's opinion on whaling, and a survey among Japanese environmental NGOs conducted by a German doctoral student. I then translated the survey to Japanese myself. I then showed the questionnaires to a Japanese sociologist fluent in English, who corrected the

Japanese version with the questionnaire in English as reference. For the survey software I opted for an open source software program with a good reputation, namely, *LimeSurvey*. This free software application for web surveys is used by big companies, academic facilities and governmental institutions alike. Because it was not only free, but more importantly a trust-worthy software program, using this software seemed a logical decision. After making corrections to both questionnaires, I put them online using the above-mentioned software and let the Japanese sociologist and my promoter test them for me. After some small changes, the questionnaires were ready to be filled out by the target populations.

The population of this survey were groups and organizations concerned with the whaling issue, Japanese whaling, and the IWC and ICRW both in Japan and internationally. Therefore, to have a basis for the survey population, it was ideal to have a list with the names of these organizations. Conditions were that the organizations (1) were non-governmental, (2) had an interest in the whaling issue, and (3) were in one way or the other involved in the proceedings of the IWC. These conditions considered, I contacted the Secretariat of the IWC for a list of NGOs that have attended the IWC annual meetings in the past and that still exist today. This list served as the reference list for the target population of both surveys. From this list I omitted a couple of organizations whose contact information was no longer up to date and organizations whose primary objectives did not include the whaling problem (such as oil and gas producers, transport workers' federations, and organizations with social services as its main objective). This left me with fourteen Japanese NGOs and 106 international ones. The list, however, did not include some organizations which were relevant for this study, so after adding one more international and two more Japanese NGOs, the final target populations were 16 organizations for the domestic and 106 for the international survey.

I first e-mailed the Japanese NGOs on the 3rd of March, asking for their cooperation with the questionnaire, explaining the purposes of the study and giving them approximately three weeks to fill out the survey online. After two weeks I sent a reminder email. The deadline was the 25th of March by when I received responses from five organizations, a response rate of 31,25%. Possible reasons for why two-third of the organizations did not respond are: organizations where the person responsible for filling out the survey did not have internet access; three of the organizations I contacted had the same contact person implying these groups had inter-organizational ties. I received only one response from this person, although I made clear I wanted to address him for each organization separately; timing was also an issue. Around the time I sent out the emails many of the organizations were either busy with preparations for the intersessional IWC meeting in Rome, or already there.

On the 11th of March I sent an e-mail to all international NGOs on my target population list, also explaining the intentions of the study and asking for their cooperation. The deadline was the 25th of March, but I later extended this deadline to April 15th because of the many 'out of office' emails I received due to the intersessional IWC meeting in Rome. I also added an introduction letter from my promoter to make my request for cooperation more credible. By the second deadline I received 17 responses, a mere response rate of 17%. Possible explanations for this low response rate can be derived from emails I received from the organization representatives themselves explaining why they could not respond. These include: "the issue is too political", "we do not cooperate with students", "we currently do not have the time", or "your questions focus too much on the characteristics of our organization instead of the whaling issue".

As mentioned above as one of the disadvantages of fairly long web surveys, I have had numerous (about twenty the two questionnaires combined) not completely filled out responses. This occurred when open-ended questions needed to be answered, or more delicate questions were posed.

APPENDIX VIII: English questionnaire

APPENDIX X: Japanese questionnaire

International NGO Stance on (Japanese) Whaling

A About your organization

A1 What is the name of your organization?

Please write your answer here:

A2 How many members does your organization have?

Please write your answer here:

A3 In what year was your organization established?

Please write your answer here:

A4 In what field is your organization the most active?

Please choose *only one* of the following:

- Nature Conservation
- Wildlife Protection
- Animal Rights
- Human Rights
- Culture Preservation
- Other: _____

A5 Where is your organization located?

Please write your answer(s) here:

Country: _____

City/Village: _____

A6 Does your organization have ties with local administrations/governments?

Please choose *only one* of the following:

- On a constant basis
- Occasionally
- Rarely
- Never

A6.2 What kind of relation is this? Please describe briefly.

Please write your answer here:

A7 Does your organization have ties with one or more political parties?

Please choose *only one* of the following:

- On a constant basis
- Occasionally
- Rarely
- Never

A7.2 What political parties does your organization have ties with?

Please write your answer here:

A7.3 What kind of relation is this? Please describe briefly.

Please write your answer here:

A8 In what activities is your organization involved?

Please choose *all* that apply:

- Collecting autographs for petitions
- Exchanging information through networks
- Spreading news about the whaling issue to as many people possible (f.e. through newsletters, blogs, etc)
- Spread flyers
- Debating and brainstorming about the whaling issue inside the organization
- Conducting research on the whaling issue
- Sensational activities to attract as much media attention as possible (boycotts, demonstrations, etc)
- Present convincing information to politicians and try to persuade them in order to help realize the organization's goals
- Boycotts of certain goods
- Information exchange with foreign organizations

Other: _____

B Organization's Opinion on Whaling

B1 Would you consider your organization as pro or contra whaling?

Please choose *only one* of the following:

- Pro
- Contra

B1.2 How supportive are you of whaling? (1 is 'not supportive at all', 5 is 'very supportive')

Please choose the appropriate response for each item:

opinion on whaling 0 1 0 2 0 3 0 4 0 5

B1.3 How opposed are you to whaling? (1 is 'not opposed at all', 5 is 'very opposed to')

Please choose the appropriate response for each item:

opinion on whaling 0 1 0 2 0 3 0 4 0 5

B2 How important is the whaling issue to your organization? (1 is 'not important at all', 5 is 'very important')

Please choose the appropriate response for each item:

importance 0 1 0 2 0 3 0 4 0 5

B3 On what grounds is this opinion mainly based?

Please choose *only one* of the following:

- Cultural reasons
- Food Security
- Political reasons
- Economical reasons
- Ecological/scientific reasons
- Animal welfare
- Endangered Species Protection
- Sovereignty
- Other: _____

B4 In general, do you think whaling is a traditional aspect of Japanese culture?

Please choose *only one* of the following:

- Yes
- No

B5 Do you think coastal whaling within Japanese waters is a traditional aspect of Japanese culture?

Please choose *only one* of the following:

- Yes
- No

B6 Do you think 'high sea whaling' such as in the Antarctic Sea is a traditional aspect of Japanese culture?

Please choose *only one* of the following:

- Yes
- No

C Japanese Whaling Today

C1 Does your organization think the following words describe Japan's whaling operations?

Please choose the appropriate response for each item:

- | | | | |
|------------------------------------|---------------------------|---------------------------------|--------------------------|
| Commercial | <input type="radio"/> Yes | <input type="radio"/> Uncertain | <input type="radio"/> No |
| Scientific | <input type="radio"/> Yes | <input type="radio"/> Uncertain | <input type="radio"/> No |
| Traditional | <input type="radio"/> Yes | <input type="radio"/> Uncertain | <input type="radio"/> No |
| necessary for ecological stability | <input type="radio"/> Yes | <input type="radio"/> Uncertain | <input type="radio"/> No |
| Food supply | <input type="radio"/> Yes | <input type="radio"/> Uncertain | <input type="radio"/> No |
| Cruel practice | <input type="radio"/> Yes | <input type="radio"/> Uncertain | <input type="radio"/> No |

C2 Is your organization familiar with the findings of Japan's whaling research based in the Antarctic Ocean Sanctuary?

Please choose *only one* of the following:

- Yes
- No

C2.3 Does your organization think this research is useful?

Please choose *only one* of the following:

- Very much
- Useful in very specific areas
- Not that useful
- Not useful at all

C3 Does your organization agree with Japan conducting 'scientific whaling' in the name of 'ecological research'?

Please choose *only one* of the following:

- Agree
- Agree somewhat
- Neither
- Disagree somewhat
- Disagree

C4 Does your organization agree with Japan conducting whaling in its territorial waters?

Please choose *only one* of the following:

- Yes
- No

C5 Does your organization agree with Japan conducting whaling in the high seas?

Please choose *only one* of the following:

- Yes
- No

C6 Does your organization agree with Japan conducting whaling in the Antarctic Sea, designated as a whale sanctuary?

Please choose *only one* of the following:

- Yes
- No

C7 Does your organization know that the Japanese government subsidizes approximately 500 million yen (about 5 million US dollars) annually for the research whaling programs?

Please choose *only one* of the following:

- Yes
- No

C7.2 Does your organization agree with this?

Please choose *only one* of the following:

- Yes
- No

C8 Does your organization agree with Japan hunting non-endangered whales species?

Please choose *only one* of the following:

- Yes
- No

C9 Does your organization agree with Japan hunting endangered whale species?

Please choose *only one* of the following:

- Yes
- No

C10 Does your organization agree with whale meat obtained from Japanese 'scientific whaling' being sold in Japan?

Please choose *only one* of the following:

- Yes
- No

D Whaling in the Future

D1 What does your organization think about a possible lift of the IWC ban on commercial whaling?

Please choose *only one* of the following:

- agree
- disagree
- neither

D2 Whale meat obtained from scientific research whaling is overstocked in Japan. What do you think about this?

Please choose *only one* of the following:

- Whale meat should be widely marketed
- Whale meat should be sold inexpensively
- The number of whales killed should be reduced in order to avoid overstocking
- The overstock is not a problem (and nothing should change)
- Other: _____

D2.2 What was the main motivation for your response?

Please choose *only one* of the following:

- Because I like eating whale meat
- Because whale numbers are increasing
- Because otherwise it would be a waste of resources
- Other: _____

D3 What does your organization think will happen to the demand for whale meat in the future, while Japan continues its scientific research whale program?

Please choose *only one* of the following:

- Dramatically increase
- Gradually increase
- Remain about the same
- Gradually decrease
- Dramatically decrease

D4 What does your organization think will happen to the demand for whale meat in Japan, if the ban on commercial whaling would be lifted?

Please choose *only one* of the following:

- Dramatically increase
- Gradually increase
- Remain about the same
- Gradually decrease
- Dramatically decrease

D5 Should Japan limit its scientific research on whales to non-lethal methods?

Please choose *only one* of the following:

- Yes
- No, unless the species is endangered
- No
- Other: _____

D6 If the same scientific results could be reached through non-lethal methods, should

Japan limit its scientific research on whaling to non-lethal methods?

Please choose *only one* of the following:

- Yes
- No, unless the species is endangered
- No
- Other: _____

D7 What does your organization think Japan should do concerning its whaling practices?

Please choose *only one* of the following:

- Japan should whale in both territorial waters and high seas
- Japan should only whale in territorial waters
- Japan should stop all whaling practices
- Japan should not change anything about its whaling practices
- Other: _____

E ICRW and IWC

E1 Is your organization supportive of the International Convention for the Regulation of Whaling?

Please choose *only one* of the following:

- Yes
- No

E1.2 On what grounds was your previous answer mostly based?

Please choose *only one* of the following:

- Without it there would be no international regulation of whaling
- It brings whaling and non-whaling countries together to discuss the matter
- It helps to protect whales as a species
- It keeps the issue under media attention and in this way helps to maintain or raise awareness
- Other: _____

E1.3 Why is this?

Please choose *only one* of the following:

- It focuses too much on conservation of whales, instead of regulation of whaling
- Its text has gotten out of date, and should be adapted to the situation today
- Only whaling countries should be able to become member to the convention
- Not all whaling countries are member to the convention
- It does not focus enough on other matters than whaling for the protection of the species: collisions with boats, global warming, ocean pollution etc
- Other: _____

E2 Does your organization think the International Whaling Commission is a good platform to discuss international whaling matters?

Please choose *only one* of the following:

- Yes
- No

E3 To what degree does your organization think the IWC is effective in regulating whaling? (1 is 'very ineffective', 5 is 'very effective')

Please choose the appropriate response for each item:

Effectiveness IWC 1 2 3 4 5

E4 To what degree does your organization think the IWC is effective in protecting whale species? (1 is 'very ineffective', 5 is 'very effective')

Please choose the appropriate response for each item:

Effectiveness IWC 1 2 3 4 5

E5 In the IWC there is currently a debate going on about its future. What does your organization think is the appropriate course of action for the IWC?

Please choose *only one* of the following:

- Normalization (back to the original text and interpretation)
- Modernization (adapting the text to the current situation)
- No change
- Begin a new international convention
- Bring the IWC under auspices of another international organization (f.e. UN)
- Other: _____

E6 Does your organization think compromise is possible between anti- and pro- whaling sides through constructive debate?

Please choose *only one* of the following:

- Yes
- No

F Cooperation among NGOs

F1 Is your organization an NGO?

Please choose *only one* of the following:

- Yes
- No

F2 Does your organization cooperate with national NGOs in relation to the whaling dispute?

Please choose *only one* of the following:

- Yes
- No

F2.2 Please specify the number and/or names of these NGOs

G Evaluation

G1 Were some of the above questions threatening?

Please choose only one* of the following:

- Yes
- No

G1.2 Please specify the group(s) that contained threatening questions.

Please choose all* that apply:

- About Your Organization
- Organization's Opinion on Whaling
- Japanese Whaling Today
- Whaling in the Future
- ICRW and IWC
- Cooperation among NGOs

G2 Can the name of your organization be used in the report of the questionnaire's results?

Please choose only one* of the following:

- Yes
- No

Submit your survey.

Thank you for completing this survey.

日本の反捕鯨運動と捕鯨支持運動

A 団体・組織について

* A1: あなたの団体・組織の名称は何ですか？

ここに回答を記入してください:

* A2: あなたの団体・組織には会員がどのくらいいますか？

ここに回答を記入してください:

* A3: 発足したのは何年ごろですか？

ここに回答を記入してください:

* A4: どの分野でもっとも活動していますか？

以下からひとつだけ選んでください。

- 環境保護
- 野生生物保護
- 動物の権利
- 人権
- 文化保護
- その他

* A5: あなたの団体・組織の本文はどこにありますか？

ここに回答を記入してください:

都道府県:

市区町村:

* A6: あなたの団体・組織は市町村、都道府県、国のいずれかのレベルの行政との関係がありますか？

以下からひとつだけ選んでください。

- 恒常的関係がある
- 時には関係がある
- ほとんど無い
- 全く無い

[Only answer this question 回答した場合 '恒常的関係がある' または '時には関係がある' または 'ほとんど無い' to question 'A6']

* A6・2: どのような関係ですか？説明して下さい。

ここに回答を記入してください:

* A7: あなたの団体・組織は政党と何らかのかんげいがありますか？

以下からひとつだけ選んでください。

- 常に何らかの関係がある
- 時には関係がある
- 減多に無い
- 全く無い

[Only answer this question 回答した場合 '常に何らかの関係がある' または '時には関係がある' または '減多に無い' to question 'A7']

* A7・2: どの政党と関係がありますか？

ここに回答を記入してください:

[Only answer this question 回答した場合 '常に何らかの関係がある' または '時には関係がある' または '減多に無い' to question 'A7']

* A7・3: どのような関係ですか？説明してください。

ここに回答を記入してください:

* A8: あなたの団体・組織が行っている活動は何ですか？ (複数回答可)

あてはまるものを全て選んでください。

- 陳情のための署名活動
- ネットワークでの情報交換
- ニュース・レター、ブログなどによる捕鯨に関する情報公開
- チラシを配る
- グループ内で捕鯨について話し、考え合うこと
- 調査活動を行うこと
- デモなどのマスコミの注目を集めるために、センセーショナルな行動を起こすこと
- 目標達成のため政治家に情報を提供し、説得すること
- ある商品の購買をボイコットする
- 国外の団体・組織との情報交換
- その他:

B 捕鯨についての意見

* B1: あなたの団体・組織は捕鯨についてどう思いますか？

以下からひとつだけを選んでください。

- 賛成する
- 反対する
- どちらとも言えない
- その他

[Only answer this question 回答した場合 賛成する 'to question 'B1 ']

* B1・2: どれほど捕鯨に賛成するか？

各選択肢について、適切な回答を選択してください。

捕鯨 1 2 3 4 5

[Only answer this question 回答した場合 反対する 'to question 'B1 ']

* B1・3: どれほど捕鯨に反対しますか？

各選択肢について、適切な回答を選択してください。

捕鯨 1 2 3 4 5

* B2: あなたの団体・組織にとって捕鯨問題はどれほど重要ですか？

各選択肢について、適切な回答を選択してください。

重要さ 1 2 3 4 5

* B3: この評価は何に基づいていますか？ もっとも重要な理由を選んで下さい。

以下からひとつだけを選んでください。

- 伝統・文化の保護
- 食料確保の問題
- 政治的な理由
- 日本の主権
- 経済的な理由
- 生態学的な理由
- 動物保護・動物権利
- 絶滅危機種の保護
- その他

* B4: 一般に、捕鯨は日本の伝統文化だと思いますか？

以下からひとつだけを選んでください。

- そう思う
- ややそう思う
- どちらとも言えない
- あまりそう思わない
- そう思わない

* B5: 日本領海内の「沿岸捕鯨」は日本の伝統文化だと思いますか？

以下からひとつだけを選んでください。

- そう思う
- ややそう思う
- どちらとも言えない
- あまりそう思わない
- そう思わない

* B6: 南極海などの公海で行われる「遠洋捕鯨」は日本の伝統文化だと思いますか？

以下からひとつだけを選んでください。

- そう思う
- ややそう思う
- どちらとも言えない
- あまりそう思わない
- そう思わない

C 現代の日本の捕鯨

* C1: 次の言葉は日本の捕鯨を表しますか？

各選択肢について、適切な回答を選択してください。

- 科学的調査 はい どちらでもない いいえ
- 商業 はい どちらでもない いいえ
- 伝統習慣 はい どちらでもない いいえ
- 生態的安定性に必要 はい どちらでもない いいえ
- 食料の供給 はい どちらでもない いいえ
- 残虐な慣行 はい どちらでもない いいえ

* C2: 南極海のクジラ保護区内で日本が行っている調査捕鯨について、その調査報告の内容を知っていますか？

以下からひとつだけを選んでください。

- はい
- いいえ

[Only answer this question 回答した場合 'はい' to question 'C2 ']

* C2.2: では、この調査は効果的だと思いますか？

以下からひとつだけを選んでください。

- 効果的だと思う
- やや効果的だと思う
- どちらとも言えない
- あまり効果的だと思わない
- 効果的だと思わない

* C3: 日本が「生態系調査」という名目で「調査捕鯨」を行っていることはどう思いますか？

以下からひとつだけを選んでください。

- 賛成する

反対する

* C4: 日本が日本の領海内で捕鯨をしていることはどう思いますか？

以下からひとつだけ選んでください。

- 賛成する
 反対する

* C5: 日本が公海で捕鯨をしていることはどう思いますか？

以下からひとつだけ選んでください。

- 賛成する
 反対する

* C6: 「クジラの保護区」に指定されている南極海で日本が捕鯨を行っていることはどう思いますか？

以下からひとつだけ選んでください。

- 賛成する
 反対する

* C7: 日本政府が「調査捕鯨」に年間約5億円の補助金を出していることを知っていますか？

以下からひとつだけ選んでください。

- はい
 いいえ

* C7.2: このことをどう思いますか？

以下からひとつだけ選んでください。

- 賛成する
 反対する

* C8: 日本が豊富な鯨種を捕獲することをどう思いますか？

以下からひとつだけ選んでください。

- 賛成する
 反対する

* C9: 日本が絶滅に瀕する鯨種を捕獲することをどう思いますか？

以下からひとつだけ選んでください。

- 賛成する
 反対する

* C10: 「調査」として捕獲されたクジラの肉が日本国内で販売されていることをどう思いますか？

以下からひとつだけ選んでください。

- 賛成する
 反対する

* D1: 商業捕鯨禁止の解除についてどう思いますか？

以下からひとつだけ選んでください。

- 商業捕鯨の再開に賛成する
 商業捕鯨の再開に反対する
 どちらとも言えない

* D2: 「調査」として捕獲されたクジラの肉の在庫が日本国内で増加していることについてどう思いますか？

以下からひとつだけ選んでください。

- 積極的に流通されるべきだ
 安く販売するべきだ
 捕獲頭数を減らし在庫を減らすべきだ
 鯨肉の在庫の増加は問題ではない
 その他

* D2.2: そう思う主な理由は何ですか？

以下からひとつだけ選んでください。

- 鯨肉を食べたいから
 クジラの数は増えているを聞いたから
 もつたないから
 その他

* D3: 日本の調査捕鯨を続けると、鯨肉の国内の需要は今後増えると思いますか？

以下からひとつだけ選んでください。

- 急激に増加する
 徐々に増加する
 変わらない
 徐々に減少する
 急激に減少する

* D4: 商業捕鯨の禁止が解除されたら、鯨肉の国内需要は増えると思いますか？

以下からひとつだけ選んでください。

- 急激に増加する
 徐々に増加する
 変わらない
 徐々に減少する
 急激に減少する

* D5: 日本は調査捕鯨を非致死の方法に限定するべきだと思いますか？

以下からひとつだけ選んでください。

- はい、非致死の方法に限定するべきだと思う
 絶滅危機機鯨種の場合、非致死の方法に限定するべきだ
 いいえ、非致死の方法に限定するべきだと思わない

D6: 非致死の方法による結果が致死の方法による結果と同じだったら、日本は科学的調査捕鯨を非致死の方法に限定するべきだと思いますか？

以下から**ひとつだけ**を選んでください。

- はい、非致死の方法に限定するべきだと思います
- 絶滅危惧種の場合、非致死の方法に限定するべきだと思う
- いいえ、非致死の方法に限定するべきだと思わない
- その他

* **D7:** 日本は捕鯨をどうしていくべきだと思いますか？次の中からお考えに最も近いものを選び下さい。

以下から**ひとつだけ**を選んでください。

- 日本沿岸と公海で捕鯨を行う
- 日本沿岸のみで捕鯨を行う
- 日本沿岸を公海の捕鯨両方をやめる
- 現状のままよい
- その他

E 国際捕鯨取締条約(ICRW)と国際捕鯨委員会(IWC)

* **E1:** 国際捕鯨取締条約を支持しますか？

以下から**ひとつだけ**を選んでください。

- はい
- いいえ

[Only answer this question 回答した場合 'はい' to question 'E1']

* **E1.2:** 支持するのはどうしてですか？

以下から**ひとつだけ**を選んでください。

- なかつたら、国際的な捕鯨の取締りもないから
- 捕鯨支持国、反捕鯨国と中間派国を集めて、捕鯨について話し合うのを可能にするから
- 種としてクジラを保護するから
- 国際的にメディアの注目を集めて、捕鯨問題の関心を高めるから
- その他

[Only answer this question 回答した場合 'いいえ' to question 'E1']

* **E1.3:** 支持しないのはどうしてですか？

以下から**ひとつだけ**を選んでください。

- 捕鯨の取締りの代わりに鯨種保護を注目し過ぎるから
- 条文は時代遅れになって、現代の現状に適合する必要があるから
- 条約の加盟国ではない捕鯨国もあるから
- クジラの船と衝突、温暖化、海洋汚濁など、捕鯨以外のクジラに脅威を与える点に十分注目していないから
- その他

* **E2:** 国際捕鯨委員会は国際的に捕鯨問題を話し合うのに適した場だと思いますか？

以下から**ひとつだけ**を選んでください。

- はい
- いいえ

* **E3:** 捕鯨の取締りに対して、IWCがどのくらい効果的だと思いますか？(1は一ぜん効果的ではない、5はとて効果的だ)

各選択肢について、適切な回答を選択してください。

効果的さ 1 2 3 4 5

* **E4:** 鯨種保護において、IWCがどのくらい効果的だと思いますか？

(1は一ぜん効果的ではない、5はとて効果的だ)

各選択肢について、適切な回答を選択してください。

効果的さ 1 2 3 4 5

* **E5:** IWCの中ではIWCの将来に関する議論が行われていますか、あなたの団体・組織は将来IWCがどうすべきだと思いますか？

以下から**ひとつだけ**を選んでください。

- 正常化する (条文の本来の解釈にもとどる)
- 現代化する (抜け穴を取り除いて、現状に適應するように条文を改正する)
- 何も変わりが必要ではない
- 新しい国際条約を結ぶ
- IWCを国際連合などの国際機構の指揮下に置く
- その他

* **E6:** 建設的な議論により、反捕鯨キャンペーンと捕鯨支持キャンペーンの妥協できると思いますか？

以下から**ひとつだけ**を選んでください。

- はい
- いいえ

F NGOと協力

* **F1:** あなたの団体・組織はNGOですか？

以下から**ひとつだけ**を選んでください。

- はい
- いいえ

* **F2:** 国内の他の団体・組織と協力合っていますか？

以下から**ひとつだけ**を選んでください。

- はい
- いいえ

[Only answer this question 回答した場合 'はい' to question 'F2']

* **F2.2:** 上記で「はい」と答えた場合は、協力関係にある団体・組織数と団体・組織の名前を書きください。

ここに回答を記入してください。

[Only answer this question 回答した場合 'はい' to question 'F2']

* **F2.3:** 上記で「はいえ」と答えた場合は、どうしてですか？

以下から****ひとつだけ****選んでください。

- 他の団体・組織からの要請がないから
- 協力するにはコストが高すぎるから
- 協力しにくい団体・組織の場所が私たちの団体・組織から遠すぎるから
- その他

* **F3:** 捕鯨に関し、国外の団体・組織と協力し合っていますか？

以下から****ひとつだけ****選んでください。

- はい
- はいえ

* **F4:** 同じ考えを持った団体・組織と協力し合うのは、あなたの団体・組織の目標の達成により影響をもたらすと思いますか？

以下から****ひとつだけ****選んでください。

- はい
- はいえ

* **F5:** 捕鯨問題に関して、他の団体・組織と接触を保っていますか？

以下から****ひとつだけ****選んでください。

- はい
- はいえ

* **F6:** 見解の異なる団体・組織であっても、そのような団体・組織の見方も理解できると思えますか？

以下から****ひとつだけ****選んでください。

- はい
- はいえ

* **F7:** 共通目標を持つ100の環境関連の団体・組織からなる南極及び、南大洋連合 (ASOC) は、政策決定に影響を与えている統括団体の例です。捕鯨問題に関しても、ASOCのように、同じ考えを持った統括団体を作るべきだと思いますか？

以下から****ひとつだけ****選んでください。

- はい
- はいえ

* **F8:** 日本でそのような団体があれば、一員になりたいと思いますか？

以下から****ひとつだけ****選んでください。

- はい
- はいえ

* **F9:** より多くの支援を受けるために、団体・組織が事実を歪曲して、報告することは珍しくありません。あなたの団体・組織は、以前情報を歪曲したことがありますか？

以下から****ひとつだけ****選んでください。

- はい
- はいえ

[Only answer this question 回答した場合 'はい' to question 'F9']

* **F9.2:** 上記で「はい」と答えた場合は、どの様に情報を歪曲したことがありますか？

以下から****ひとつだけ****選んでください。

- 事実を誇張する
- 正しくないが、より説得力のある情報を与える
- 事実なのに、反対キャンペーンの言うことを否定する
- 十分な調査に基づかず報告する
- その他

* **F10:** 捕鯨問題に関して、他の団体・組織が事実を歪曲している思うことがありますか？

以下から****ひとつだけ****選んでください。

- はい
- はいえ

[Only answer this question 回答した場合 'はい' to question 'F10']

* **F10.2:** 上記で「はい」と答えた場合は、歪曲したのはどのキャンプですか？

以下から****ひとつだけ****選んでください。

- 反捕鯨
- 捕鯨支持
- 両方

* **F11:** 捕鯨問題に関して、日本の政府機関が以前事実を歪曲したことがありますか？

以下から****ひとつだけ****選んでください。

- はい
- はいえ

* **G1:** このアンケートには脅迫的と感じた質問がありましたか？

以下から****ひとつだけ****選んでください。

- はい
- はいえ

[Only answer this question 回答した場合 'はい' to question 'G1']

G 評価

* G1・2: どのグループの質問でしたか？

以下からひとつだけ選んでください。

- 団体・組織について
- 捕鯨についての意見
- 現代の日本の捕鯨
- 今後の捕鯨
- ICRWとIWC
- NGOと協力

* G2: このアンケート結果のレポートに、あなたの団体・組織の名前を使ってもよろしいですか？

以下からひとつだけ選んでください。

- はい
- いいえ

回答を投稿してください。

アンケートはこれで完了です。御協力ありがとうございました。．．

各章抄訳

序論

1960年代以来、クジラは環境保護運動の象徴になっていった。その頃までに、多数の鯨類が絶滅の瀬戸際に立たされていた。多くの人々にクジラが他の動物より頭がよく、優しい動物だから、鯨資源の大きさにも拘らず、絶滅を避けるべきだと思われる。その西洋のクジラへの立場のため、ほとんどの欧米諸国が商業的捕鯨作業に猛烈に反対している。国際捕鯨委員会もこの欧米諸国の観点を支持している。1986年から2006年まで捕鯨支持国が反対捕鯨国を超え、過半数を獲得したことがなかった。その間日本が毎回提出した提案が否決された。国際捕鯨取締条約の第八条の下、現代日本が南極海と北西太平洋で調査捕鯨を行っている。この作業も国際捕鯨委員会(IWC)及び非政府組織(NGO)によって「他の名の下での商業捕鯨」として痛烈に批判されている。

本稿は、「捕鯨問題の発端と解決法は何か」という質問を幾つかの他の質問に答えることにより明らかにすることを目的としている。この質問は、まず「日本はどの論議で捕鯨の継続を正当化するか」、そして「日本の内外でどのように日本のIWCでの立場と日本の捕鯨作業は反応するか」、最後に「実は日本政府がどうして、経済に対する利益がなく国際的に摩擦を生じる作業に固執しているか」である。

国際捕鯨委員会の背景、日本捕鯨の歴史、「日本はどうして捕鯨をあきらめたくないか」に関するさまざまな文献を参照した。さらに「日本国内外の反応」に関してはNGOを対象にアンケート調査を行った。日本のNGOへのアンケートは日本語で、国外のNGOへのアンケートは英語で行った。

第一章：国際捕鯨委員会(IWC)の紹介

1.1 背景

捕鯨歴史は、早ければ西暦紀元前6000年に中国に始まり、続いてアラスカのイヌピア人が西暦紀元前2000-1000年に、チュクチ半島の先住民が西暦紀元前1000年に鯨の捕獲を開始した。初めてより組織的に大型の鯨を捕獲した民族はバスク人だったと見られている。バスク人の捕鯨業が完全に発達した12世紀の同じ頃、日本で手投げ用の銚を使う捕鯨作業が始まった。バスク人は17世紀に捕鯨から撤退したが、日本人が漁村で編成された集団で、より大きな規模で手投げ用銚捕鯨をし始めた。同時期に次々に米国、イギリス、オランダ、とドイツも捕鯨業界に参入した。

この頃、西欧諸国は、鯨油が良い光源だったから、鯨を主に油のために捕った。鯨油精製所捕鯨砲と捕鯨汽船など18-19世紀のいくつかの発明は捕鯨業の急速な発展を可能にした。1900年代初期にバネ鋼、ビニール、ケロシンなどの発見がさまざまな製品に鯨の部分の使用と取って代わった。しかしながら、1907年から鯨油が初めてマーガリンの製造に使われ、第一次世界大戦は鯨油から作ったグリセリン爆弾に市場を提供した。戦後、船尾のスリップウエーの考案は再びさらなる発展を可能にした。第二次世界大戦中に、鯨の獲量は戦前と比べると捕獲した鯨の数のほんの一部でしかなかった。しかも、大部分の捕鯨国はまだ鯨油に興味を持っており、全面的な捕鯨作業を再開しなかった。鯨肉はタンパク質源で、流通量が多いので、特に日本とソビエト連邦で空腹の戦争犠牲者食料として鯨肉を与えるという考えが生まれた。この二つの理由で世界の捕鯨会社は再び鯨を追い、出帆した。最大の捕鯨時代の一つになり、多くの鯨類を絶滅の瀬戸際に立たせた。

1.2 国際捕鯨取締条約(ICRW)とIWCの誕生

徐々に世界はクジラの頭数が急激に減っていることに気が付き、1930年代以降科学者が捕鯨の国際的な管理機関に陳情した。1929年にノルウェーの捕鯨議定書(Norwegian Whaling Act)が可決され、外海の捕鯨を管理するの初めての試みとなった。1931年に22カ国がジュネーブの捕鯨管理条約(Geneva Convention to Regulate Whaling)に署名した。1937年に国際捕鯨管理協定(International Agreement for the Regulation of Whaling)、次の年にプロトコルの修正がロンドンで署名された。この試みは特に経済的な理由に基づいており、あまり目標を達成していなかったにもかかわらず、国際的な管理機関の確立の大事な前例になった。

1946年にワシントンで国際捕鯨取締条約(ICRW)が15カ国に署名され、採択された。条文の第11条に条約の目的と意図が記載されている。ICRWの前文に規定されているように、条約の二つの主な目的は鯨資源を保護しながら、捕鯨業を健全に発展させることである。1948年に発効した。同年国際捕鯨委員会(IWC)は、ICRWの執行機関として設立された。

1.3 IWCの機能

ICRWに加盟する必要な唯一の条件は国際法の下での国家の地位を持つことだ。つまり、捕鯨への参加は必要ではなく、会費の負担に同意するどの国も条約に加盟できる。各加盟国は専門家と顧問に援助されている政府代表がいる。委員長と副委員長は政府代表の中から選ばれ、普通2-3年間努める。IWCは科学・工学・財政・管理・保護の委員会がある。委員会と作業部会は環境問題から違反までの広範な題材を扱っている。

IWCの事務局はイギリスのケンブリッジにあり、クジラ資源の保存と利用に関する研究・調査の調整・主催をしたり、年次会議の準備を行う。年次会議は3部構成である。まず、2週間ほどの科学委員会の会議があり、その次に4日間ぐらいかかる他の委員会の会議がある、最後に4-5日IWCの本会議が催される。

各加盟国は出される提案に対して一票を投じる権利がある。付表の改定を除く提案には単純多数が十分だが、付表の変更には四分の三の賛成票が必要である。加盟国も決定に異議を唱える権利がある。この場合、その決定は、異議を取り下げない場合、その加盟国には当てはまらない。規則に従うことは加盟国の裁量に委されている。ICRWの変更には満場一致の同意が要求される。

IWCの構成は、グループを三つ分けることができる。まず、反捕鯨国があり、その主な一員は米国、イギリス、フランス、ドイツ、ベルギー、オーストラリア、とニュージーランドである。次に、捕鯨支持国があり、その主な一員は日本、アイスランド、とノルウェーである。最後に、より中立なグループもある。

1.4 IWCの規則

主なIWCの条項はICRWの付表に規定されている。条項は捕鯨期、捕獲制限、禁止された用具、捕獲のデータを報告する要件などがある。他の管理システムを下記に説明する。

1.4.1 シロナガスクジラ単位(BWU)

シロナガスクジラ単位(BWU)は1930年代に考案され、その時鯨類の豊富さデータが入手できなかったため、BWUは捕獲制限をシロナガスクジラの当量として表明し、各鯨類の一頭からどのくらいの油が抽出できらかという計算に基づいている。つまり、BWUはクジラ一頭の鯨油生産量を基準に計算する。これは、シロナガスクジラ一頭を1BWUとし、ナガスクジラは二頭、ザトウクジラは2.5頭、イワシクジラは六頭であった。しかし、このシステムは豊富な鯨類と絶滅危惧鯨類を区別せず、マッコウクジラにも当てはまらなかった。IWC内外の圧力と鯨資源の続いた低下のため、BWUシステムは年を追って修正され、1972年について廃止された。

1.4.2 新管理方式 (NMP)

IWCがBWU規制の失敗を受け、1975年次会に新管理方式という捕獲規制方式を採択した。科学委員会の助言で鯨資源が三つのカテゴリーに分類された。この分類はその時の鯨類の生息数と最大持続生産量(Maximum Sustainable Yield: MSY)の比較に基づいていた。つまり、NMPは資源量増加が最大となる資源水準 (MSY Level: MSYL) を資源管理の指標とする方式である。三つのグループは：

- ・ 資源がまだ初期の状態にあつてMSYの90%まで捕獲が可能とされる初期管理資源 (Initial Management Stocks)
- ・ 資源がMSYレベル付近にあり、0からMSYの90%まで資源量に応じて捕獲枠が設定される維持管理資源 (Sustained Management Stocks)
- ・ 保護資源は一切の捕獲を認めないとされる (Protected Stocks)

BWUよりいい捕鯨管理方式にもかかわらず、鯨資源算定の基準とする初期資源量や自然死亡率などの科学データが不足していたので、捕獲枠の算定を不可能にし、NMPの使用は難しいものだと分かった。

1.4.3 商業捕鯨モラトリアム

1982年のIWC年次会でオーストラリア、フランス、セイシェル、イギリスと米国に五つの一時中止の商業捕鯨モラトリアムが提案された。一つの企画に集約され、提案が27-7-5の票で採択された。商業捕鯨モラトリアムは1982年から1985-86捕鯨期までの三年間の移行期間を課した。一時的捕鯨中止は三重の目的がある。一番目はクジラの生息数を回復させることで、二番目は各種鯨類の総合的に評価することで、三番目はNMPを替える新管理方式を設けることだった。モラトリアムは1990年までにIWCがモラトリアムがまだ適していない捕鯨管理制度かどうかとゼロの捕獲制限を再考しなければならなかった。1990年に加盟国の大多数でモラトリアムを続けることが決定された。今日でもまだ効力を発している。

1.4.4 改訂管理方式 (RMP) と改訂管理制度 (RMS)

1982年のモラトリアムは一時的な手段とし、NMPの失敗を受け、IWC科学委員会により改訂管理方式が策定された。RMPの開発は8年間もかかり、1992年のIWC年次会に初めて提案された。RMPは得られるデータだけのもとに、鯨資源保護に資する捕獲枠の算定を行う。1992年にRMPが全会一致で可決されたが、1993年まで科学委員会による、ある細部がまだ完結されなければならなかった。しかしながら、1993年にIWCの加盟国の大半に完成されたRMPが否決され、科学委員会の会長のフィリップ・ハモンドが辞職したが、1994年次会にやはり採択された。しかし、その間RMPと改訂管理制度(RMS)の区別がつけられてしまった。後者は非科学的な管理問題を解決しなくてはならなかった。RMSに関する論点は、国際監視員制度、捕獲時の致死時間に関するデータの提供、操業船舶に対する衛星監視システムの導入、行為規範(code of conduct)などである。RMSが完成されるまで、RMPの導入が延期された。今日まで完成したRMSがなく、IWCによるとRMSに関する討議は無期延期になった。

1.4.5 サンクチュアリー

1979年にインド洋捕鯨サンクチュアリーと、1994年に南大洋捕鯨サンクチュアリーが採択された。つい最近、ブラジルが南大西洋捕鯨サンクチュアリー、オーストラリアとニュージーランドが南太平洋捕鯨サンクチュアリーをIWC年次会に提案した。しかし、今まで、新しいサンクチュアリーを採択する必要の四分の三の賛成票は達せられていない。現存捕鯨サンクチュアリーの有効性に欠点がある。特別科学強化のもとの捕鯨はこの海域で禁止

されていなく、日本はこの許可を使い南大洋サンクチュアリーが採択されてから今日まで南極海での捕鯨を続けている。さらに、サンクチュアリーは国際水域の一部であり、サンクチュアリーでの商業捕鯨禁止はIRWCの加盟国ではない国にとっては拘束力がない。最後に、日本などのサンクチュアリーの設立に違反した国にも当てはまらない。

1.5 IWCでの重要な話題

1.5.1 科学と予防原則

ICRWの本文の第五条には、付表の改定が科学的知見に基かなければならないことが定められている。しかしながら、IWCは、クジラとその生息数に関する多くの純粋な科学がより有効な政策をもたらすわけではないことを明確に示した。それどころか、1931年から科学者はクジラの生息数が著しく減っていることが分かったのに、その状況が次の何十年にさらに悪化し続けた。不確実性はあまりに頻繁に口実として用いられている。捕鯨管理の場合、この概念は1960年代のクジラの乱獲も1980年代以降の商業捕鯨禁止も、両方の例を正当化することに用いられた。

なぜかという、やはり証明する方法がないと断言することは、経済・道徳・文化・政治に基づいた思考を説明するより簡単であるからである。気候変動とかクジラの移住パターンなどの因子のため、捕鯨管理はいつも不確実性を伴う。学者は、科学的不確実性とそれに関連した予防原則がIWCの現在の行き詰まりを形成する一因になったことを主張する。

1.5.2 保存と持続可能な利用

IWCの捕鯨管理アプローチとしては、持続可能な利用・保護と保全の中ではどれがいいのだろうか。現在、捕鯨支持国は持続可能な利用の立場をとり、反捕鯨国は保全の立場をとる。基本的に持続可能な利用と保全の違いは何か。保護主義者が鯨資源を保護しようと試みるがその持続可能な利用に反対していない。一方、保全主義者は鯨資源を全体を保護したく、鯨資源の生息数にかかわらず、クジラの致命的利用に反対している。

1.5.3 地域的捕鯨文化、先住民による捕鯨、商業捕鯨

1977年にIWCの会議中に先住民の文化的、生存的なニーズという新しい概念が持ち出された。それ以後、商業捕鯨は「悪い」、先住民生存捕鯨は「文化的」または「エキゾチック」という言外の意味があるようになった。

その結果として、クジラの生息数が減っているのに先住民は捕鯨を続けることができる一方、普通の捕鯨者は鯨資源が豊富で、科学委員会によるその捕獲が持続可能な場合にも、捕鯨してはいけないという現実になった。反捕鯨者の多くは、先住民の捕鯨者とその家族が社会の本流から孤立し、機会の欠如と貧乏に苦しんでいることを思うので、先住民による捕鯨を容認する。

一方、日本はある漁村の捕鯨作業が伝統的で、IWCで「小型沿岸捕鯨」として特別な分類すべきだと議論する。それにIWCの日本代表によると、この日本の捕鯨コミュニティの状況は先住民の文化的と生存的状況によく似ている。

第二章：1951年までの日本の捕鯨史

2.1 古代の捕鯨

クジラに関する一番古い考古学的なものは北海道のアイヌに見つけられる。この日本の白人種の先住民が過去八千年間北海道に住んでいた。北海道の先住民は打ち上げられたクジラの遺体を使う以外、縄文時代からクジラを捕獲したという考古学の証拠もある。この習慣は初めて北海道に

住んでいた人々からオホーツク人(500-1200 A.D.)に、次にアイヌに伝えられた。

アイヌのクジラとの関係は地名とアイヌの民間説話・歌・踊りを検討すると、明らかになる。食事と料理以外にもクジラの部分が各種用途を果たした。鯨油は照明、クジラのひげは船の構築、クジラの骨は銚とナイフの柄に使われた。

20世紀間にアイヌは日本人に打ち上げられたクジラを使う権利を失った。そのためアイヌ人はクジラとの長年にわたっての関係が変わったにもかかわらず、クジラと捕鯨がアイヌの信念体系の大事な部分であり続けている。

日本人も打ち上げられたクジラを使用した歴史がある。仏教信念がこの鯨肉を食べる習慣に影響を及ぼした。奈良時代中に、仏教が普及し、哺乳動物を殺し、その肉を食べるのは悪いことだという信念をもたらした。結果として、6・7世紀の徒の仏教天皇は肉を食べる全体を禁じた。しかし、この規則は、クジラは哺乳動物じゃなく、万葉種で書いたように勇魚(*isana*)だと考え、この規則から免れた。このように、日本で海洋資源への依存がより大事になった。

2.2 受身的捕鯨から活動的捕鯨まで

徳川時代には、パッシブ捕鯨、アクティブ捕鯨、とイルカの追い込み、クジラ類捕鯨の三種類があった。

人は、打ち上げられた、または、海に漂流の負傷した、不健全な、または、死んでいるクジラを捕獲すると、「受身的捕鯨」と呼ぶ。しかし、捕鯨は移住のクジラを追うと専門の捕鯨者を伴うと、「活動的捕鯨」と呼ぶ。アクティブ捕鯨は16世紀に始まり、世紀末に大規模産業に発達した。この時の捕鯨方法は突き取り法と呼ぶ。この方法で銚を使い、クジラを捕獲し、岸に死んだクジラが加工された。

数十年経って、網取り法で新しい捕鯨時代が始まった。この方法で、クジラは、狭い入り江に追い込まれた。入り口に網が張られているので、クジラが逃げられない。この方法は早く普及したのに、1675年に、より効果的、新しい網取りの方法が使われ始めた。今度、クジラが入り江じゃなく、沖に網に追い込まれ、(銚を)打たれた。

この時代の網取り法で捕鯨準備が、新しい捕鯨期の準備、捕獲、クジラの加工の三つのカテゴリーに分類できる。シーズン前に捕鯨に使う道具を新造・修理する作業を「前作事」と言う。この準備は普通8月に始まり、船とか銚や網などの作り、いろいろな活動を含んだ。

捕獲それ自身も数多くの活動を伴った。まず、丘の頂上の監視所、または、船からクジラを探す。クジラが確認したら、勢子船10-20つが出航する。そして、勢子船が三つのグループに分裂し、三方からクジラを包囲する。クジラを網船の方に追ってから、捕鯨者がクジラに銚を打ち込む。その次、銚者がクジラの背中にのぼり、クジラが逃げられないように噴気孔のとなりに穴二つを開け、縄を穴に通す。その後、クジラを持双船に結ぶために、人が縄を持ちクジラの下に飛び込む。それができてから、最後に、クジラが剣で殺される。

クジラの加工は三つのステージがあった。まず、魚断中に皮下脂肪がはがし取られる。次に、中断中に鯨肉と皮下脂肪が細かくに裂かれる。最後に、この部分はかさねてより小さく切られる。クジラの大部分は鯨肉として市場に売られたが、皮下脂肪、ヒゲと内臓も文楽人形の糸から扇子まで、様々な製品に使用された。

大きい労働力、捕鯨作業の激しさ、それに必要な資本投資のため、徳川時代に捕鯨が複雑な、最大規模の産業だった。鯨組は労働者400から1000人から成った。言うまでもなく、捕鯨作業は経営能力と十分な金融資産を必要とした。

網取り法は日本の捕鯨を19世紀末まで占め、南西日本の全域に普及した。学者によると、網取り法の導入で、日本の商業捕鯨が九州の太地という町から18世紀に日本の南部、19世紀に日本の北部に広がり、国家の鯨食文化をもたらした。

しかし、19世紀末に、イギリスと米国も日本海で捕鯨作業を行い、日本人が捕獲できる鯨の数が激しく減った。日本が捕鯨を続けたかったら、西洋と競争できるように日本捕鯨作業は捕鯨方法をその国々の水準にまで近代化しなければならなかった。まず、日本人が国内の様々な地域で先端部に爆薬を装着した銚子を使い、米国の捕鯨法に適應することを試みた。しかし、この試みは短命で、日本捕鯨の発展にあまり影響を与えなかった。

2.3 ノルウェー風の捕鯨

明治時代初めに、国外の捕鯨作業を觀察するために欧州と米国に派遣された岡十郎は、ノルウェーの捕鯨方法が一番優れているという結論に達した。しかしながら、ノルウェーの捕鯨作業は油産業に基づいていた一方で、日本の作業は鯨肉の加工と市販に基づいていた。このため、日本の捕鯨者はノルウェーの捕鯨方法をそのまま採用できなかった。ノルウェーの捕鯨方法は日本にロシアの捕鯨者によって伝えられた。ロシアの捕鯨会社が1900年代初めまでには鯨肉を日本に輸送していた。もうノルウェーの方法を採用しており、日本人の先駆的な捕鯨者はそのロシアの捕鯨船で働き、ノルウェーの方法を日本に導入したかった。

1899年に岡は日本遠洋漁業株式会社を設立した。1904年にこの会社は東洋漁業株式会社に改組した。

1904-1905年の日露戦争で捕鯨作業が中止されるというわけではなかった。日本は戦勝国で、結果としてロシア人が韓国の水域から追い出されたから、日本の捕鯨者が北のサハリンと南の台湾・小笠原の間の水域を捕鯨場として独占できた。それに、ロシアの捕鯨船団の大部分が日本人に拿捕され、東洋漁業に渡された。

日露戦争後日本の捕鯨産業が1906-1909年に拡大の時代に入った。この拡大には六つの特徴がある。第一に、大手三社は捕獲能力を三倍にした。第二に、捕鯨場を他の水域へ拡大した。第三に、多数の新しい捕鯨会社が設立された。第四に、借り切る捕鯨船の数が減り、日本で構造された捕鯨船の数が増えた。第五に、鯨肉の価格が下落していたので、捕鯨社は鯨油も生産し始めた。最後に、より豊富な資金を入手できるように多くの会社が合併した。この拡大時代中に、東洋漁業は非常に成功を収めた。1906-1907年にクジラを633匹捕獲した。現代式捕鯨開始以来、これは一シーズンとしてはどの会社より一番大きい漁獲高だった。

この間に新しい捕鯨会社が12つも設立され、捕鯨船の数も増えていたので、日本政府が介入した。会社は協力したり合併したりすることを命じられる。その結果として、1916から独立した捕鯨会社3社しか残らなかった。この捕鯨業の変更の背景に、1908年に日本捕鯨業水産組合が設立された。本部は大阪、長官は岡十郎だった。捕鯨業水産組合は厳格な規則を定めた。全社は、捕鯨業の収益の向上、捕鯨業の発展、鯨資源の維持を目的とした組合に一員になる義務があった。次の年に、政府が日本で初めての捕鯨規制を制定した。規制には、捕鯨期、猟地、どの鯨類を捕獲していいか、どうやって捕鯨許可を得るかなどが含まれた。このように、会社の協力と政府支援のため、10-15年間にノルウェーの捕鯨法の影響から脱し、日本が自分の捕鯨法を発展させた。

この時から数十年間に、捕鯨業は5つの重要な変化があった。まず第一に、解剖は捕鯨船でする変わりに、この時から初めて捕鯨根拠地で行われた。第二に、捕鯨場はボニン諸島、サハリン、千島列島、台湾に拡大された。第三に、全国の捕鯨根拠地のため、捕鯨船は一年中捕鯨作業を行えた。ナガスクジラ、シロナガスクジラ、ザトウクジラは減った一方、マッコウクジラの数が増加した。最後に、捕鯨社はもっと縮小し、1930年代終わりまでに、大型沿岸捕鯨は日本水産、大洋漁業、極洋漁業の3社に独占された。

2.4 沿岸捕鯨から遠洋捕鯨まで

日本での次の捕鯨時代は海洋の捕鯨時代だった。この時代は1934年に始まった。次の数年間に日本の南極捕鯨は急速に発展し、英国、ノルウェー、ドイツにとって最大のライバルになった。結果として、日本の南極捕鯨は米国とノルウェーの捕鯨会社を廃業に追いやり、鯨油の市場混乱を起こし、鯨資源を絶滅の危機にさらす恐れがあった。1941年に、日本の鯨油と鯨肉の生産は国際南極捕鯨作業の59%も占めた。

この期間中は、海洋の捕鯨船乗組員の多くが九州・和歌山・宮城県の出身だったので、西南日本の無職の捕鯨者にとって新しい可能性を広げた。このように、捕鯨作業は伝統的な捕鯨地域で捕鯨文化を持続することに重要な役割を果たした。

第二次世界大戦中も日本による捕鯨が続いた。戦争終了時に、すべての沿岸捕鯨に参加していた捕鯨船が連合軍に乗っ取られてしまい、捕鯨業に影響が出た。1941年から海洋の捕鯨が中止になるが、食料不足のため沿岸捕鯨に特別な注意が払われた。緊急措置としては、沿岸捕鯨船は大型鯨を捕獲することが許可された。戦争後、捕鯨船の半分ぐらいがなくなり、それに、日本が朝鮮、台湾、千島列島から撤退しなければならなかったため戦前の捕鯨場の半分以上もなくなった。しかしながら、終戦直後、食料不足のため日本人は鯨肉に非常に依存するようになった。鯨肉は、海洋捕鯨がもうなく、沿岸捕鯨からの鯨肉生産も25%に縮小したので、日本の食糧供給へ深刻な脅威をもたらした。結果として、1946年に米国の陸軍省は日本に南極とボニン諸島で捕鯨を再開することを認める権限を連合軍最高司令官のマッカーサー将軍に与えた。このように、1947年に動物性タンパク質の供給源は47%鯨肉になった。ついに、1951年4月21日に日本が国際捕鯨委員会に加盟した。

第三章：IWCと1951年からの日本の捕鯨史

3.1 1951-1959：捕鯨国のサロン

1952年にボニン諸島周辺の捕鯨の短い期間（1946-1952）が終わった。同じ年に日本が初めての戦後の捕鯨船団を北洋へ送った。IWCは北洋での捕鯨作業の範囲が小さかったので規制す必要性を認めていなかったが、1957年までにこの水域で鯨が11,000頭捕獲され、全体の南極捕鯨の漁獲の3分の1になった。

1955年に鯨肉生産が1941年世界生産高の23%から44%にのぼった。学校では、1947-1955年に学校給食として鯨肉だけがあった。結果として、鯨肉の販売に捕鯨社は経済的基礎があり、他の捕鯨国とは違って鯨油の販売とその変動価格だけに依存しなかった。1955年後日本の捕鯨作業はさらに拡大した。日本政府に南極での捕鯨許可を受けた捕鯨社の日水・大洋・極洋が外国捕鯨船の購入に非常に投資した。

1956年に捕鯨船協定の1957-1959年の更新交渉で、捕鯨船団一つにつき、日本が捕鯨船を9から11に増加してもいいことが決断された。この協定のある条項は日本がノルウェー・米国の捕鯨船を一隻とそれに属する捕鯨枠を借り切ることを許可した。日本人にとっては、この余分な枠の価値は船の使用料をはるかに超えたので、日本が協定に従うための米国とノルウェーの譲歩だった。この条項は、船のためではなく、枠のために船の販売と購入をする時代の始まりとなった。同じ年に、大洋と日東は琉球諸島に沿岸捕鯨作業を始めた。

この時代に（1951-1959年）鯨の数に関するSCによるの調査がまだ未成熟で、SCはIWC加盟国に捕鯨の適切な管理について助言できなかった。結果として、鯨の数は急激に減った。

3.2 1960-1971：捕鯨の正常化時代

クジラの数が急速に減ったことの結果として、南極の鯨資源を総合的に評価するために1960年に非捕鯨国の科学者三人（三人委員会）が任命された。捕鯨業が不採算になったので、この年までに西洋諸国が次々に南極の捕鯨から離脱し、南極に捕鯨を続ける加盟国は30%未満だった。

それに、1960までに日本は主要な捕鯨国としてノルウェーを追い付いた。日本は、1960-1961の捕鯨期に捕鯨船団を7団南極に送り、1961-1962捕鯨期にかつてない30000トンの鯨油と鯨肉を生産した。しかし、南極と北洋の捕鯨場で鯨資源が枯渇していくことが加盟国に極めて明白になった。結果として、1960年からIWCがより強化した規制を果たし

た。

財政難と非効率のせいで沿岸捕鯨船の数を削減しないといけなかった。小型沿岸捕鯨（STCW）の船は1951年の68隻が1961年までに32隻に、大型沿岸捕鯨（LTCW）の船は1952年の42隻が1970年までに12隻に縮小された。意外にも、この船の削減はより小さい鯨の捕獲という結果にならなかった。その後、6年後に琉球諸島の沿岸捕鯨が不採算になり、終結した。1962年に日本は日本の捕鯨史に過去最高の226,000トンの生産に達した。この年から、一番大きい捕鯨社の3社が捕鯨船団を一団ずつ北洋に送る許可をもらった。この年にもこの水域でより厳しい規制が出され、鯨資源を研究するために特別な北洋委員会が組織された。1964年のIWC年次会に北洋委員会は北洋での1961-1963年の捕獲の急騰を強調した。しかし、より厳しい規制を助言しなかった。北洋委員会の規制は日本とソビエト連邦だけに影響を与え、どの提案でも日本とソ連も拒否する権限があったので、どの規制を果たすかは、彼らの掌中にあった。

1966年は日本がもはや魚介類の輸出国ではない年となった。原因の一部は鯨肉の供給の低下だった。結果として、鯨製品の最適副産物の最大生産量を保証するために、捕鯨が注意深く規制された。1958-1959年の捕鯨期に副産物の平均生産量は18.9トンだったが、1966-1968年までに60トン以上だった。他の戦略は沿岸捕鯨社が遠洋で作業を行うことだった。1960年代後半から1980年代初めまでサウスジョージア島・バンクーバー島・ニューファンドランド州・ブラジル・チリ・ペルで沿岸根拠地から捕鯨を行った。

この「捕鯨の正常化」時代に三人委員会の下でIWCがより厳しい規制を出したので、オランダ・南アフリカ・イギリス・ノルウェーなどの捕鯨業が完全に鯨油だった国は、1960年代には次々に南極での捕鯨を中止した。1968年後、南極と北洋の両方で捕鯨作業を行った国は、日本とソビエト連邦の2国だけだった。1972年までに海外の捕鯨を続けた国は加盟国の25%に減少した。沿岸捕鯨を含んでもたった半分ぐらいだけが捕鯨作業を行った。

3.3 1972-1981: 新管理方式時代

日本でさらなる捕鯨業の削減と再編の必要性があった。1975年までに南極で捕鯨船団が一団しか残らなかった。1975-1976年の捕鯨期に日水・大洋・極洋の大手の海外捕鯨社は日本共同捕鯨に合併しないといけなかった。沿岸捕鯨船の数も減少し、1975年にLTCWの船が11隻、STCWの船が8隻だけ残る。それに、1976年に日水と大洋は沿岸捕鯨から脱退した。どうして日本は、たった捕鯨船団を一団使い、1977-1978捕鯨期の捕獲はBWU295だけで、捕鯨業を続けたかったのだろうか。これは捕鯨業が雇用・食糧供給・捕鯨社の財政状態の緊急ニーズに応えたからなのだろう。

1976年のIWC年次会議に、日本はICRWの第8条の基で調査捕鯨のための特別評価を提出すると公表した。南半球ニタリクジラの捕獲枠は0に設定されたのに、この評価を使い日本はニタリクジラを225頭殺せた。1977-1978捕鯨期にまた114頭捕獲した。

1977年に国際捕鯨作業の90%は日本（44%）とソビエト連邦（56%）に分裂していた。この「新管理方式」時代にIWCはBWUシステムを廃止し、捕鯨管理により適したNMPを採用した。しかしながら、反捕鯨国はまだ管理に不満で、IWCに加盟しモラトリウムに賛成票を投じるよう、フィリピン諸島・カリブ海諸国などを説得することによって、商業捕鯨のモラトリウムの採用に必要な4分の3の大多数を得ようと試みた。1981-1982の期間にこのように反捕鯨国として16国を説得した。

3.4 1982-1996: 反捕鯨勢力全盛期

1982年のIWC年次会議に1986年に実施される商業捕鯨のモラトリアムが可決され、日本は異議を申し立てた。1984年のIWC年次会議でマッコウクジラの捕獲制限は0に決定していたにもかかわらず、日本は北洋でこの鯨種を追うために1984年12月に出港した。しかしながら、米国は、日本がモラトリアムに対する異議を取り下げないと制裁を課すという脅しをかけた。1986年に日本は渋々異議申立を撤回し、1987年に南極海で捕鯨作業を終えた。

同年、日本政府はICRWの条約第8条の基で特別科学許可を得り、JARPA (Japanese Whale Research Program under Special Permit in the Antarctic) という調査捕鯨プログラムを開始した。JARPAの目的はある鯨類は豊富であることを証明するために科学的証拠を集めることだった。JARPAは農林水産省(MAFF)の専属管下にあり、1987年に設立した日本鯨類研究所(ICR)の指導で行われている。この背景で、同年に日本共同捕鯨は解散され、共同船舶会社が設立された。ICRは捕鯨作業に船を装備し、共同船舶を国内市場で鯨肉を公定の価格で売ることが命ずる。しかし、日本の調査捕鯨船団が1987年12月に出帆した時、これは調査捕鯨に反対したIWC決議を無視したとして、1988年4月に米国は米国の領海での日本の漁業権を撤回した。

1990年までにIWCのSCはモラトリアムを訂正し、ある鯨類は豊富なので、持続可能な利用は問題ではないと結論した。それにもかかわらず、反捕鯨国が大多数で、新たな捕獲制限についての採決を拒絶した。1994年にIWCは、日本を対象に南極海をサンクチュアリーとして決定した。同年、日本は北洋でミンククジラを110頭捕獲する背景でJARPAN (Japanese Research Whaling Program under Special Permit in the North Pacific) と言った新しい調査捕鯨プログラムを始め、1995年にJARPAを追加のミンククジラ100頭で拡大した。

3.5 1997-2005: 機能不全期

1997年にアイルランドは、IWCでの膠着状態を打開するために、いわゆる「アイリッシュ妥協案」を提示した。次の具体的な提案から成った：(1) RMSを完成し、採用する、(2) グローバルな捕鯨サンクチュアリーを指定する、(3) 領海で習慣的捕鯨地域による厳密に規制された沿岸捕鯨を許可する、(4) 鯨品の国際貿易を禁止する、(5) 調査捕鯨を禁止する。アイリッシュ妥協案は反捕鯨国からも捕鯨支持国からも激しい反発にあった。

2000年に日本はJARPANを拡大することを公表した。結果として、米国はまた日本に対する経済制裁を発動するという脅しをかけた。日本の習慣的捕鯨地域による小型沿岸捕鯨に捕獲制限の要請が毎年次会議で否決され、日本はこれは反捕鯨国のダブルスタンダードだと考えたので、2001年に米国とロシアの先住民の捕鯨制限の要請を却下することを試みた。それに、同年にJARPANをJARPANIIという第二段階に拡大した。2003年の年次会議で保護委員会が設立され、それは日本にとって深刻な痛手だった。この設立に反応して、日本はIWCが反捕鯨国のせいで機能不全になったと考え、IWCへの参加を拒否したり、IWCから脱退し他の捕鯨取締の委員会を設置したりすると発言した。今も日本は保護委員会に参加していない。

日本は2005年にJARPAを2007年からJARPAIIという第二段階に拡大すると公表した。ミンククジラの捕獲が400頭から800頭に、二倍になり、そしてはじめてザトウクジラも捕獲されたので、IWCの反捕鯨国も反捕鯨のNGOもこのプログラムの拡大を熱しく非難した。結果として、日本は外圧のためザトウクジラを捕獲する計画を中止した。

3.6 2006~: 正常化志向期

2006年にRMS部会の会期間の会議で「IWCの正常化に向かって」という書類が提出された。この書類は、ある反捕鯨国の代表団のRMS部会がRMS交渉の進展と完成に失敗したという遺憾を公明

した。日本にとっては、正常化がICRWの最初の意図と正確な言い回しに戻ることを表す。日本はこの問題を次のIWC年次会の議題に載せることを勧めた。この背景で、セントキッツ島とネビス島が正常化をトピックとした「セントキッツとネビス宣言」を作ると提案した。2006年の年次会で宣言が提出され、33-32-1で採用された。この決議文は24年間に反捕鯨国の初めての得た票で、日本と他の反捕鯨国にとっては極めて重要な業績だった。しかし、同会議で、SCが日本のJARPAプログラムを検討し、JARPAに関する深刻な問題を提起した背景で、日本に調査捕鯨作業を中止するよう決議文も40-2-1で採用された。結果として、日本はまたIWCから撤退すると要請した。

IWCの将来についてさらに協議するために、これを主題とした小業部会（SWG）が設立された。2009年2月にロームの会期間でSWGは「デソト提案」という妥協案を提示した。日本の沿岸捕鯨については5年間太地・網走・鮎川・和田の四つの習慣的沿岸捕鯨地域で5隻以下のミンククジラ捕獲を認めることが提案された。日本による特別科学許可捕鯨（調査捕鯨）については、二つの提案があり、（1）ナガス・ザトウクジラを捕獲しないで、ミンククジラの捕獲を毎年20%で削減する、（2）SCのアドバイスの基、5年間の捕鯨を継続する、という内容となっている。

第四章：日本の反捕鯨運動と捕鯨支持運動

4.1 反捕鯨運動

4.1.1 主な担い手

NGO

日本では非政府組織（NGO）を法人と市民団体に分ける。日本のNGOの大部分は市民団体で、この組織は法的地位がなく、政府に登録されていない。このNGOは法的保護と経済的な安全性の不足に困っているが、一方、政府から独立して、自分で決断ことができる。一方、法人のカテゴリーのNGOは、厳重な政府の監督下にある。捕鯨に関する運動は、反捕鯨のNGOはだいたい市民団体で、捕鯨支持のNGOはだいたい法人であるという。

反捕鯨の一番活動的なNGOは、「イルカとクジラアクション・ネットワーク（IKAN）」、「グリーンピースジャパン」、「IFAW ジャパン」、「エルサ自然保護の会」、「日本クジラ保護ネットワーク（Japan Whale Conservation Network）」である。

世論調査

世論調査は捕鯨と鯨食が日本人の皆に支持されていないことを示す。1992年のギャラップ調査によると、回答者のたった33%が鯨食文化を支持する。1999年のMORI世論調査によると、回答者のたった11%は捕鯨を支持し（55%は「分からない」と回答した）、61%は子供のころから鯨肉を食べなく、は現在時々鯨肉を食べると回答したのは1%のみであった。2006年にとまた2008年に日本リサーチセンターはインターネット投票を行った。「支持する」と回答した人は、2006年に35%、2008年31%はにとどまっていた。それに、2006と2008年に回答者の約90%は日本政府が調査捕鯨作業に約5億円の助成金を払っていることを知らなかった。それに、約40%はこの作業で得た鯨肉が日本市場で売られていることも知らなかった。

メディア

市民運動には、メディアは実力のあるが、予測もできない。つまり、今日はある問題を支持するが、明日は同じ問題をからかうかもしれない。それに、日本の大手新聞社とテレビ局の大部分は捕鯨を支持する。そのため、反捕鯨のNGOはブログ、ニュースレター、ウェブサイトを使い、自

分の情報ネットワークを築いた。もちろん、このようなコミュニケーション形態は時間と労力を必要とし、それに、大衆にも届かないが、でも少なくとも、NGOは情報の内容をコントロールできる。

4.1.2 重要な話題

海賊捕鯨への日本の関与

1950年代から海賊捕鯨船は、国際捕鯨規制に従わず、大西洋と太平洋に隠れた。鯨肉は、海賊捕鯨船が地方市場と取引した場合もあったが、普通は鯨肉を冷凍し、日本市場で売った。IWCの1977年次会議で非加盟国からの鯨肉輸入が禁止された。しかしながら、海賊捕鯨が1980と1990年代にも続き、チリ・ペル・韓国・スペイン・フィリピン・台湾で海賊捕鯨作業が監視され、主に大洋の日本の捕鯨会社に関係していた。

日本による違反

国際法では、日本の南極海と北太平洋での調査捕鯨はワシントン条約（CITES）の第三条（5）（c）（公海で2001年から保護されたイワシクジラを捕獲するから）と第八条（7）（a）（もうはや海洋生物についてCITESに報告しないから）への違反だ。それに、モラトリアムが採用されてから、IWCは日本の調査捕鯨プログラムを止めることを求める決議案を20も可決した。その上、SCは、日本によって提出されたプログラムの提案も、調査捕鯨プログラムの結果もICRW第八条の要件に対応しないことを指摘した。

汚染された鯨肉

研究者によると、日本市場で売られているイルカとクジラの肉はPCB、農薬、マーキュリーに汚染されている。そして、ミンククジラもブルセラ菌にも検査で陽性と出た。つまり、大量の鯨肉を食べると健康に有害である。

日本政府開発援助での票の買収

反捕鯨のNGOは、日本が政府開発援助（ODA）を途上国のIWCでの支持と票を買収するための道具として使うと断言する。そのNGOによると、日本は、援助配分でこれまで約25国をIWCに採用した。この国の大部分はカリブ、西アフリカ、南太平洋の国だ。この採用キャンペーンは「漁業無償資金協力」というODAのカテゴリーに深いつながりを持つ。だいたいすべての採用された国は日本と漁業の関係を持つので、漁業無償資金協力は日本政府にとっては適した外交の道具だ。この援助の予算は正式に外務省の下にあるが、水産庁がこれに関する決定をする。外務省と水産庁のつながりは、外務省で働き、無償資金協力の要請を処理する水産庁の役人によって促進されている。

鯨肉の横領事件

2008年5月に、グリーンピース・ジャパン（GJ）は、調査捕鯨船の「日新丸」の乗組員12人が調査捕鯨で捕獲された鯨肉の一部を大量に持ち出した非難した。乗組員12人が鯨肉を「塩物」などと書かれた伝票の段ボールに入れ、47箱を宅配便で送った。GJのボランティアは宅配便の配送所に立ち入り、1箱を持ち出し、中から23・5キロの鯨肉を見つけた。結果として、水産庁は実態調査に乗り出すことを決め、東京地検当局も調査を始めると発表した。しかしながら、5月20日にボランティアが窃盗で逮捕され、地検当局が調査を取り下げた。国内の批判のため、26日間の警察での拘留後、6月25日について保釈になった。現在、ボランティア2人がさらなる研究の結果を待つ。

4.2 捕鯨支持運動

4.2.1 主な担い手

政府体：MAFF、FA、MOFA

日本で捕鯨は農漁食料省（MAFF）・水産庁（FA）と外務省（MOFA）の管下にある。水産庁は捕鯨に関するすべての決定をするが、MAFF の監視の下にある。FA の役人は捕鯨に関する政策の決定するだけでなく、この役人も捕鯨に関する政府の対応を形作り、国内の捕鯨支持非政府組織のネットワークも起動した。外務省は MAFF と FA と一緒に IWC 年次会議で日本を代表し、日本捕鯨作業に対する批判応対し、反捕鯨国との軋轢をやわらげようとする。

国会議員と政党

政党の大半は捕鯨を支持する。日本の二大政党、捕鯨支持グループを作った。自民党（LDP）は「捕鯨議員連盟」、民主党（DPJ）は「捕鯨対策議員協会」を作った。LDP の反捕鯨連盟の一員は麻生太郎、安倍晋三、横浜の市長などがある。公明党と日本共産党などのより小さい政党にも捕鯨の提唱者いる。

政府関係機関：ICR と鯨食ラボ

日本鯨類研究所（ICR）は 1987 年に認可法人、非営利組織として設立された。MAFF と FA は ICR に深い影響を与える。ICR の目的は、ある鯨類が豊富であることを証明するために、共同船舶の調査捕鯨社が捕獲したクジラを研究することだ。

鯨肉の増えている貯蔵量を全国的に売り込むために、2006 年に FA と ICR の支援によって「鯨食ラボ」が設立した。

メディア

主要新聞の大半も捕鯨を支持する。新聞で捕鯨問題はモラトリアムが習慣的捕鯨地域に経済的と文化的な影響を与えることの観点から説明している。日本で記者クラブがあるので、捕鯨に関する情報は普通に日本政府の報道発表に基づいている。

NGO

最も顕著な捕鯨支持 NGO は「海の幸に感謝する会」、「捕鯨を守る会」、「自然資源保全協会」、「クジラ食文化を守る会」、「大日本水産会」、「日本小型捕鯨協会」、「日本捕鯨協会」、「クジラ料理を伝える会」、「ウーマンズフォーラム魚」である。反捕鯨 NGO より、捕鯨支持 NGO が多い。この NGO の大部分は、1980－1990 年代に活動的に政府の捕鯨に対してのスタンスを支持し、このスタンスに対する国民の支持を広げるために設けられた。

世論調査

2001 年に内閣府は日本人 3435 人で捕鯨について面接調査を行った。「どんな場合でも捕鯨を禁止するべきだと思う人がいる。あなたはどう思いますか」に回答者の 53% ぐらいは不賛成の意見を持っていた。科学に基づいた、持続可能な沿岸捕鯨は許可されるべきかどうかの質問に、回答者の 72% ぐらいが許可されるべきだと思った。2006 年に Yahoo 投票で回答者の 90% ぐらいは「商業捕鯨をどう思いますか」という質問に「賛成する」と答えました。しかし、無作為抽出がなく、回答者が一つ以上の票を投じることができるので、グリーンピースはこの投票の妥当性を疑う。

4.2.2 重要な話題

科学、持続可能な捕鯨、IWC の正常化

国際環境管理では、科学は自然資源の持続的利用のレベルを決めるために適用されている。日本政府は、クジラが普遍的資源なので、捕鯨管理の場合にも適用されるべきだとの意見を持つ。この背景で、日本は商業捕鯨のモラトリアムが SC の助言を無視して採用されたので、モラトリアムを解禁するべきだと考える。2006 年に日本が他の IWC の捕鯨支持国と一緒に正常化への働きかけを始めた。このように、ICRW の原初の意図、つまり、クジラの保護ではなく、持続可能な捕鯨に戻りたいと考えている。

捕鯨と食料危機

国際人口増加のため、日本は、将来に IWC がクジラが減っている海洋資源を食べ、生態系に悪い影響を与え、更に、鯨肉が食糧危機に解決策になれることを両方認識しないといけないと述べている。日本政府によるとクジラが魚を得ようとして人と競争する。1994 年に ICR は南極海地域のクジラだけで毎年 2・4 億トンを取られていると推定した。それに対して、同じ年の食料農業機関 (FAO) の推定により、人が毎年 0・8 億トンしか摂取しない。

商業捕鯨モラトリアムの天然資源への懸念

上に述べたように、科学に基づいていなく、ICRW の意図に反すると考えるので、日本政府はモラトリアムの採用に不賛成で、他の自然資源規制に脅威を与えることを主張する (日本は、日本が強く批判を受ける黒マグロの捕獲がより厳しく規制されるのではないかとの恐れがある)。更に、日本はモラトリアムが自然資源の科学的管理や持続可能な利用の原則に悪い影響を与えると心配している。

鯨との文化的関係

日本政府の捕鯨に対するスタンスは、昔の頃から日本人とクジラは深い文化的な関係があるということだ。この関係は鯨食文化、美術、文学、祭り、宗教で見られる。クジラと捕鯨が日本文化の一部なので、捕鯨は西洋に尊重されるべきだと主張する。

ジャパンバッシングと文化帝国主義

反捕鯨スタンスからしばしば捕鯨は野蛮で、残虐な作業と見なされる。同様に、鯨肉を食べることは不道徳、共食いに等しいと見なされることもある。このように、反捕鯨運動は国境を越えた鯨肉食タブーの構築を生じさせた。これに反応して、日本人は愛国の誇りの組み合わせの複雑な気持ちを起こした。捕鯨支持運動は、鯨肉を食べるのは野蛮で、してはいけないと言うのは文化帝国主義に基づいたジャパンバッシングだと思っている。どの文化でも自分の習慣を守る権利があると出張する。

4.3 実証的研究: アンケート

捕鯨分野での市民団体についての情報は乏しい。このグループの構成についての更なる理解を得るために、日本国内と国外の捕鯨支持運動と反捕鯨運動、両方に関するアンケートを作った。アンケートは日本団体 16 団体、国際団体 106 団体に送られた。回答率はそれぞれ 31.25%と 17%だった。

4.3.1 国内のアンケート

国内的に、捕鯨支持運動と反捕鯨運動の文化についての意見に隔たりがあった。5 のうち 2 の回答者は捕鯨支持運動だった。両方は捕鯨が日本文化の伝統的アспектだと答えたのに、3 の反

捕鯨運動はそう思わなかった。アンケートの結果から反捕鯨運動の NGO も捕鯨支持運動の NGO も IWC と ICRW にいら立っていることも分かった。反捕鯨キャンプと捕鯨支持キャンプの間に、建設的な討議を行って妥協に至るのは可能だと考えるのは団体一つもなかった。それに、両方のキャンプの回答者の NGO は IWC の捕鯨の管理も、鯨種の生息数の保護も、有効性が低いと思っている。他の面白い結果は、自分で情報を歪曲したことを認めた NGO がなかったのに、全部の NGO は他のキャンプの NGO が従来でそうしたと思っていることだった。

4.3.2 国外のアンケート

国際的アンケートは同様の結果があった。国際的に、全ての回答者の NGO は反捕鯨の NGO だが、国内の反捕鯨 NGO と違って、沿岸捕鯨はやはり日本の伝統的な文化だと認めるグループもあった。しかし、全ての NGO は日本の捕鯨作業は科学的ではなく、商業的だという意見に賛成した。国内のアンケートのように、NGO は IWC と ICRW の有効性にいら立っている。また国内アンケートの結果と違って、回答者の 50%は建設的な討議を行って妥協に至るのは可能だと思った。しかし、国内アンケート同様に、情報を歪曲したことを認めた NGO がなかったのに、大部分の国際アンケートの回答者は反捕鯨運動と捕鯨支持運動も NGO と政府機関も従来にそうしたことと考えている。

第五章：日本の捕鯨推進を研究する

5.1 経済的な理由

現代の日本の捕鯨業は有利か。または、将来的に有利になるか。日本鯨類研究所の会計報告書によると現在の日本捕鯨業は赤字を生む。ICR は借金しており、捕鯨社の共同船舶は捕鯨設備を更新するために不足である。捕鯨作業に伴う経費が高い。それに、上昇している燃料価格、日新丸の捕鯨舟が限界に近く、南極で日本政府がエコ・テロリストと呼ぶ反捕鯨 NGO の活動に対策を取るための追加予算が必要である。これは経費がもっと増加することを意味している。

日本は将来に利益をもたらすスケールで商業捕鯨を再開する意向があっても、誰が赤字をうむ産業に多額の金を投資したいか明らかではない。今、日本人はもう毎年日本の調査捕鯨作業のための助成金 500 万ドルの税金を払う。日本は今より大きいスケールで捕鯨したかったら、この金額はさらに増加するのに、日本人にとってメリットがない。鯨肉はもう供給過剰であるから。日本政府は本当に経済的利益を追求したなら、捕鯨より随分利益になるホエール・ウォッチングに投資するだろう。

5.2 文化的な理由

次に、文化的な理由を研究しよう。

日本政府は、商業モラトリアムが採用されてから、「鯨職文化」論議と「捕鯨文化」論議を使い、調査捕鯨を弁明する。しかし、捕鯨はある漁村だけで長い歴史を持ち、ノルウェー風捕鯨で全国に広まり始めたとき、捕鯨作業は拡張政策に強く影響を受けた。それに、この作業はノルウェー人に先導された。このような産業は本当に日本の文化と呼べるか。

同様に、鯨肉の消費はノルウェー風の捕鯨が導入してから、捕鯨業は捕鯨の漁村以外に広がり始めた。

それに、ある調査によると、捕鯨文脈での「文化」については新聞と日本国会の議事録に 1970 年代の終わりの前に言及しなかった。それで、多くの学者は捕鯨に関する日本政府に使われた文化についての論議は政治目的のために組み立てられと考える。日本政府は捕鯨と捕鯨業が「日本の文化」だと言うと、これは民族意識を煽って、捕鯨作業への支持を得ることができる。

しかし、日本人と鯨の複数個の関係がある。ある漁村で捕鯨は文化であるのに、日本で他の鯨に関する文化も依存する。ある場所で鯨の助けで魚を捕まえ、他の場所で鯨は神と考えられる。ホエール・ウォッチングと水族館での鯨とイルカが果たす役割も忘れていけない。これも全部「日本の文化」だと言えるだろう。

5.3 日本主権と食糧安全保障の理由

前の可能な理由より日本政府は日本主権と食糧安全保障に関して危機感を持っているだろう。水産庁は(FA)、戦後貧しい日本人をタンパク質を豊富に含んだ鯨肉で助けた産業が削減することによって、捕鯨に関する権限を失うことを懸念している。日本は天然資源があまりなく、海洋資源には多くを頼っている。従って、漁業が一番大切な食料供給源だ。国際的にたくさんの魚種資源を使い切っているのに、鯨の生息数が回復してから日本の人口を養うことができる、と日本政府が期待しているかもしれない。

モラトリアムの採用で MAFF は、この天然資源管理の新しい考え方が、黒マグロなど、他の日本が多く頼っていた天然資源にスピル・オーバー効果を持つかもしれないという恐れがあった。

しかし、天然資源の利用に関する主権は日本が捕鯨を止めたくないことの根拠だったら、IWC から脱退したり、条件を設けたりすることしただろう。それに、日本は本当に食糧安全保障に関する懸念を抱ければ、今より持続的漁業に投資するのだろう。

5.4 政治的な理由

最後の日本政府が捕鯨を続けたい理由は政治に関する理由であろう。私は、捕鯨事項に関する政策決定の独占権を持っている FA が、官職・予算・権限、つまり政治的影響力を減らすので、自発的に捕鯨を止めないという仮説を立てている。しかし、この FA の恐れは必ずしも正しくない。FA での捕鯨部は、鯨種の保護・ホエール・ウォッチング・鯨の非致死調査と主に関係している政策決定団体に転向させられる。このように、FA はまだ ICR を鯨の調査を委託でき、共同船舶はまだ ICR に装備を供与でき、ホエール・ウォッチングの産業にも利益を追求できる。

私が立てた仮説は本当に FA の政治力の減退こそが日本政府の捕鯨推進の根拠であるという仮説が本当であれば、だという仮説、FA が捕鯨作業をやめることを熟考するように、代替の予算と権威を新設する必要があるかもしれない。

結論

本稿では、過去と現在の日本の捕鯨政策目標の根拠を明らかにしてみた。第一章では、鯨に関する決定が行われる国際政治団体の IWC について説明した。第二章では、1951 年までの日本の捕鯨史の歴史的概観を述べた。捕鯨業はさまざまな段階を経て発達したことが分かった。しかしながら、捕鯨が全国的な産業になったのは第二次世界大戦後である。第三章では、1951 年から 2009 年までの IWC と日本の相互作用について説明した。1986 年に商業捕鯨のモラトリアムが採用されたのに、日本はとめどなく捕鯨作業を続けた。商業捕鯨を止める代わりに、1987 年から ICRW の第八条の基で調査捕鯨を始めた。その年から、日本は調査捕鯨プログラムを海域でも鯨種でも今、大体工業規模で捕鯨している程度まで拡充した。第四章では、国内の反捕鯨運動と捕鯨支持運動の主な担い手と話題の概観を述べた。本章は、日本の捕鯨支持運動の担い手のより多くが、2008 の鯨肉横領事件があってから、日本の捕鯨作業に対しての批判の声は強くなっていることを示した。

最後に、第五章では、経済的利益も国家的伝統文化を失う恐れも日本の捕鯨政策目標の根拠ではないことを仮説として取り上げた。それよりも、食糧安全保障、日本の主権、FA の政治力は大事な役割を果たす。日本は強く海洋資源に頼っているのに、日本の人口を養うために鯨やイルカ

などの共有資源を使うのは国権だと思っている。しかし、特に官職・予算・権威、つまり政治力を失う FA での捕鯨部の心配が日本の捕鯨政策を決定する。それ故に、私は、FA の捕鯨部に非致命的な鯨とイルカの使用に関して官職・予算・政治力を保持できるように代替の権威を与えると、捕鯨問題に解決策を与えられると考える。

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