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**JAPAN'S WHALING POLICY DILEMMA IN
CONTEMPORARY ANTI-WHALING INTERNATIONAL
ORDER**

Bachelor's Thesis

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I declare I have written the bachelor's thesis independently.

All works and major viewpoints by other authors, data from other sources of literature and elsewhere used for writing this paper have been referenced.

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ABSTRACT

This paper takes a comprehensive look at the whaling policy of contemporary Japan with the utilization of constructivist theory and relying on relevant literature and other sources on the matter. It also discusses the relationship between Japan and the International Whaling Commission (IWC), the latter's stance on the issue, brief history of whaling in Japan and relevant controversial and important issues related to the dispute and controversy over Japan's whaling activities. It makes the central claim that Japan's seemingly irrational persistence with the IWC is, from an international perspective, due to counter-balancing against the western hegemony and dominance over the issue and, domestically, due to Japan's overall foreign policy goals and aspirations.

Key Words: Whaling, Japan, IWC, International Relations, Constructivism, International Norms

APPENDIX: ABBREVIATIONS & TERMINOLOGY

Amakudari - A so-called 'revolving door' custom in Japanese politics

ASW - Aboriginal Subsistence Whaling

AWI - Animal Welfare Institute

Cetacean - Marine mammal (whales, dolphins and porpoises)

CITES - Convention on International Trade in Endangered Species in Wild Fauna and Flora

EEZ - Exclusive Economic Zone

FA - Fisheries Agency

Factory Ship - Whale or fish processing vessel

ICJ - International Court of Justice

ICR - Institute of Cetacean Research

ICRW - International Convention for the Regulation of Whaling

IFAW - International Fund for Animal Welfare

IKAN - *Iruka & Kujira* (Dolphin & Whale) Action Network

INGO - International Non-Governmental Organization

IO - International Organization

IWC - International Whaling Commission

JARPA - The Japanese Whale Research Program under Special Permit in the Antarctic

JARPN - The Japanese Whale Research Program in the North Pacific

JFA - Japan Fisheries Association

JPY - Japanese Yen

MAFF - Ministry of Agriculture, Forestry, and Fisheries

MOFA - Ministry of Foreign Affairs of Japan

NAMMCO - The North Atlantic Marine Mammal Commission

ODA - Official Development Assistance

Pelagic Whaling - Whaling conducted far from the coastline

RMP - Revised Management Procedure

RMS - Revised Management Scheme

SSCS - The Sea Shepherd Conservation Society

STCW - Small Type Coastal Whaling

TPP - Trans-Pacific Partnership

UNCLOS - United Nations Convention on the Law of the Sea

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INTRODUCTION

Ever since the global prohibition on commercial whaling of 1985-1986, Japan has been the target of continuing criticism for its controversial scientific whaling activities and the promotion of what it considers as sustainable whaling in the IWC. This controversial and confrontational issue does not include just the few pro-whaling member states and the majority of anti-whaling IWC member states, but also prominent and well-funded international conservationist non-governmental organizations (INGOs) such as the *Greenpeace* and the *Sea Shepherd Conservation Society* (SSCS). The issue is a complex one involving cultural factors, international environmental and prohibitionist norms, culinary preferences, resource use security, and, perhaps most importantly the unique characteristics of the Japanese domestic political system and the latter's links to a number of economic-political interest groups.

In the non-political and non-rhetorical dimension actual direct confrontations have taken place in the Southern Ocean (also known as the Antarctic Ocean) between Japanese research whalers and the SSCS. In 2010, a vessel operated by SSCS collided with a Japanese whaling ship and subsequently sank. In addition, the SSCS has used "stink bombs" (butyric acid) and crude entanglements in order to freeze the ship's propeller and have resorted to even colliding with whaling vessels in order to terminate the whaling activities in the Antarctic waters. Such extreme actions are not supported by *Greenpeace* and other conservationist INGOs (Doby 2013, 135-136). Japan is arguably the most vocal contemporary supporter of whaling and it strongly objects and lobbies in favor of lifting the global moratorium on commercial whaling in the IWC.

These actions and the mainly western perceptions of whales as endangered and exceptionally intelligent species of marine life have generated much hatred and animosity towards Japan. It has undoubtedly damaged Japan's image as an environmentally progressive nation globally known for its efficient mass transit and recycling systems, but also as the birthplace of the Kyoto Protocol to combat climate change. As the Japanese whaling industry employs at most a few hundred people and generates only marginal profits (Hirata 2005, 129-130), a further crucial question that arises from all these factors is as follows: why does the Japanese government so stubbornly oppose the international anti-whaling norm and western perception on whaling and risk so much in process? Japan is possibly the closest ally in East-

Asia of the US, Australia and New Zealand. In the case of the two latter states, the whaling issue separates the three states into two completely opposing camps, as Australia and New Zealand are vocal supporters for the complete conservation of whales and critics of Japanese whaling in any possible form. Considering the close cooperation and value sharing between Japan and its western allies and partners, the issue of whaling constitutes a true anomaly in Japanese foreign policy and diplomacy. The constructivism-driven theoretical framework will be used as a tool in the process of explaining these apparent paradoxes in the subsequent chapter. The main justification for this is the fact that the issues and conflicts at hand descent largely from non-material elements and as the topic touches the theme of the spread of norms in the international system, which is a phenomena that constructivist writers often seek to explain.

In a July 2014 meeting between the Japanese Prime Minister Shinzo Abe and former Australian Prime Minister Tony Abbott, the different perceptions on whaling between the two Pacific nations were discussed in hindsight to the then recent ruling of the International Court of Justice (ICJ) in favour of Australia and New Zealand. Both Prime Ministers essentially agreed to disagree on the matter, but not to let the issue complicate bilateral relations in other more crucial fields. According to Abe Japan will fully abide by the court's ruling however, it will still seek for improved methods and protocols to conduct research whaling for the proper management of whale resources (Milman 2014; ICJ 2014). In fact, the Japanese government has recently announced a re-launch of its whaling program in the Southern Ocean however, this time on a smaller scale and in order to assimilate it to the ICJ verdict (Japan to resume whaling in Antarctic despite court ruling 2015). To conclude, even after the ruling of the ICJ Japan is not willing to give up on its scientific research whaling program and neither side is willing to truly escalate the disagreement i.e. by introducing economic sanctions on Japan by the anti-whaling states or from Japan's perspective leaving the restricting IWC and seceding from its founding treaty the International Convention for the Regulation of Whaling (ICRW). This controversy will be deeply analyzed in the further sections of this article.

As the international organisation in charge of the preservation of whale stocks and limitation of whaling, a brief history of the IWC needs to be looked at. Historically, whaling of varying scales has been practiced by numerous countries including the western states, such as the UK and the USA (Mageli 2006, 4) up until the establishment of the ICRW

in 1946. Through this Convention the IWC was established during the same year in order to preserve the sustainability and profitability of the whaling industry by agreeing on catch quotas on certain species of cetaceans agreed upon by the whaling member nations. Due to the increased scale and efficiency of the whaling techniques practiced during the 1970s, the overuse and sustainability of this marine resource became a serious concern for both the whaling industries worldwide and the IWC. However, due to the rise of green political movements in the west, increased number of members in the organization and also due to the rising influence of environmental INGOs, an amendment was added to the Convention which mandated a prohibition on all commercial whaling starting from the whaling season of 1985-1986. This halt on all commercial whaling was expected to be only a temporary measure; however, it is still in force today. Consequently the IWC had gone from an organization for sustainable whaling to an organization dedicated to the conservation of all cetaceans (Catalinac & Chan 2005, 134). As of now only Iceland and Norway conduct whaling on a commercial basis, as these member states have filed an objection or reservation against the moratorium (Commercial Whaling 2015).

Japan has been a very active member of the organization and also one of the most prominent and vocal of all IWC member states. Consequently currently the vice chair of the IWC is occupied by the commissioner of Japan to the IWC, Joji Morishita (Membership 2015; Lies 2014). There is a substantial amount of controversy regarding the legality of Japan's research whaling activities in the North Pacific and the Southern Ocean. Some scholars argue (Goodman 2010) that such programs as they have been conducted do not violate the ICRW nor the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), while other scholars (Papastavrou & Ramage 2010) assert the opposite. The main issues behind this controversy are the scope, scale and published research results of especially the Japanese research whaling programmes in the Southern Ocean (The Japanese Whale Research Program under Special Permit in the Antarctic, JARPA & JARPA II) have been the target of much criticism by the international community, especially by Australia and New Zealand due to the close proximity of the whaling region to their oceanic territory. Because of the lack of any major support for its whaling agenda in the IWC the main research question to be answered in this paper is the following: *which are the domestic and international factors that affect Japan's continuing membership in the IWC despite the hostility of most of the organisation's members against Japanese whaling ambitions?*

As one of the members of the proposed Trans-Pacific Partnership (TPP) trade agreement whaling and dolphin hunting, which both annually take place in Japan, might become even more serious stumbling blocks as in the environmental clause of the treaty, these marine mammals have been described as vulnerable species and in need of long term protection (Weisman 2015). Under such a treaty economic sanctions could truly materialize if Japan does not fundamentally change its policy on whaling and on the hunting of dolphins. However, whether such a normative belief of total conservation is worth risking crucial trade relations is another factor to consider in the equation.

This paper will continue with a theoretical section concentrating on the IWC, the two competing factions inside it and Japan through the lenses of constructivism. The latter major theory fits the theme of this paper due to its immaterial and sociological background and focus. However, mere theory is not enough regarding analyses of Japan of any kind, or of any other rather exceptional international actor. The second chapter will give a brief history of Japanese whaling practices, international linkages and pave the ground for the modern cultural and traditionalist arguments that the pro-whaling propagators prefer to use frequently in both domestic and international discourses on the legitimacy and ethicality of whaling. The subsequent chapter will analyse Japan's membership, activities and aspirations in the IWC in the post-moratorium era. Three following sections will outline and discuss some controversial or infamous aspects, events and proposals that have taken place during the recent history of Japan's membership in the organization. In the final sections of the paper, the domestic discourses, actors, interest groups and government-industry linkages behind Japan's pro-whaling stance will be revealed and analyzed prior to final concluding remarks.

1. THEORETICAL FRAMEWORK

The international relations theory most suitable in author's opinion for analyzing the Japanese whaling controversy is constructivism. As a theory most concerned with ideas, norms, identity and beliefs it closely relates to the both domestic and international debates, perceptions and opinions over the ethical and environmental controversy of modern whaling. The same can be said about perceptions on sustainable marine resource use and on animal rights and welfare which differ drastically between Japan and the west. The issue also has potential in regards to the research on the spread of norms in the international system and on why certain norms do not have a universal appeal, due to cultural, structural and political differences. According to Hirata (2004, 177, 194), scholars representing various theoretical affiliations have tended to ignore the cases of unsuccessful diffusions of norms, while emphasizing the trans-national structures and ignoring or downplaying the importance of domestic political and cultural structures and factors. Therefore further research on the matter is definitely required, in order to develop improved understanding of the phenomenon.

Jackson and Sorensen (2013, 223) cited Peter Katzenstein's statement in relation to domestic norms in Japan: "systemic theorizing is inadequate, because it does not sufficiently appreciate how the internal make-up of states affects their behavior in the international system". It was made in relation to the shift from militarism to pacifism in Japanese security and defense policy in general; however, a similar notion can be extended to other areas of politics. This context also demonstrates how a fundamental shift from one extreme to the other is possible to occur in crucial governmental policies and laws (including the constitution), although in the case of the latter it is clearly more of a normalization than a return to Second World War era colonial militarism. In case of whaling an extreme shift would mean moving from commercial or scientific research whaling to a total conservationist prohibition (excluding possibly Aboriginal Subsistence Whaling (ASW) or Small Type Coastal Whaling (STCW)). Although in strict relevance to Japan's whaling policy the crucial elements in domestic politics and administration that influence it the most are the Ministry of Agriculture Forestry and Fisheries (MAFF) and even more importantly the Fisheries Agency (FA) which operates under the auspices of MAFF. Additionally, the Japan Fisheries Association (JFA) also plays a significant role in the power structure. In relation to these structural factors, Alexander Wendt who is considered to be the pioneer of social

constructivist theory has put forward the argument that “states are intentional, corporate actors whose identities and interests are in important part determined by domestic politics rather than the international system” (Wendt 1999, 246).

Now when it comes to the IWC, constructivist theory can help us in comprehending the fundamental transformation of the organization when it comes to its core purpose of existence. In general constructivist scholars have highlighted the significance of transnational environmental activist organizations in the permeation of the anti-whaling norm into the IWC. This sort of permeation has not taken place domestically in Japan so far, as a consequence of the so called green movement not achieving such momentum in Japan as in the west due to various cultural, philosophical, religious and political factors (Hirata 2004, 177), which are discussed in subsequent parts of this paper. In essence this is one factor that explains the rejection of the anti-whaling norm on a societal level. In addition, as more and more non-whaling states have joined the IWC, they tend to gravitate towards the anti-whaling norm, as there is no domestic resonance in favour of whaling nor any cultural or historical linkages to whaling practices or to the consumption of whale meat, baleen, whale oil and other whale-derived raw materials. Even though some developing non-whaling states that have recently joined the Commission have decided to vote with Japan in the IWC allegedly due to monetary gain, the majority of new non-whaling members tend to vote against Japanese proposals and in favor of total conservation of cetaceans.

According to constructivist scholars Martha Finnemore and Michael N. Barnett cited by Jackson and Sorensen (2013, 220), “International Organizations (IOs) are powerful because they are bureaucracies and because they pursue liberal social goals considered attractive by other major actors”. In the case of the IWC, the liberal environmental goal, which is supported by the US, UK, Australia, New Zealand among others, is the complete conservation of whales. Now due to the exceptionality of the ASW and the scientific research whaling it is possible to conclude that the Commission has not reached its ultimate normative goal yet. Considering how the IWC transformed originally from an ‘international whalers club’ into an international whale conservationist organization, such a remarkable transformation has no parallel in the history of IOs.

Transnational environmental INGOs, most prominently the *Greenpeace* and the *World Wide Fund for Nature* (WWF), have been highly successful in their anti-whaling campaign and in influencing IWC members and even in gaining direct access to IWC

meetings. It is not uncommon to see their representatives taking part in the organization's annual meetings, thanks to the resolution passed in 1978 that granted NGOs observant non-voting status in the IWC which was supported by the US (Hirata 2004, 183). As there are no pro-whaling NGOs operating internationally nor much of an attraction or ideology associated with whaling (excluding Japanese nationalism to some extent), from the battle for minds point of view the pro-whaling camp has lost the battle decades ago. It would be extremely difficult to reverse the trend internationally and in such a western dominated organization. The only significant reasons for pro-whaling states to participate in the IWC are to try to minimise the damage, appear legitimate and law abiding among trading partners and allies and finally to protect national interests and cultural heritage.

Identity is a crucial point of focus in constructivist theory and as such the core characteristics of Japanese self-perception and outside perceptions of Japan in international relations need to be discussed. Wendt (1999, 224) described the significance of identity in the following manner: "a property of international actors that generates motivational and behavioral dispositions". Thus, from a constructivist viewpoint, the characteristics of identity fundamentally influence actor's decision-making, alliances, ideology and preferences. Fundamentally, there is no easy route to describe or formulate the Japanese identity while keeping it strictly relevant to Japan's whaling policy and international affairs. However, because of the nation's unique history, characteristics and contemporary culture there is surely some characteristic of core identity that can be formulated and revealed here. Through its history of the past two centuries Japan as a country, nation and as an international political entity has gone through multiple phases, but a single characteristic can be seen as carrying through to the modern times. That is a staunch fear of colonialism and the loss or substitution of domestic culture with a foreign one. As in substituting the culinary and traditionalist fish culture (of which whale meat is a component) with foreign meat culture with its additional baggage, fast food.

Furthermore on the subject of identity, Blok (2008, 60-63) has framed the pro-whaling rhetoric in Japan as a part of 'identity politics'. His article also defends the notion that, the so called status quo in Japan is very much defiant to the absolutist conservationist stance on whaling, which can be considered as the most prominent stance globally. This *status quo* can in other words be described as a countermovement initiated and driven by the bureaucratic, political, cultural and industrial elites of Japan.

Whaling is no stand alone or minor issue especially considering how the Japanese Ministry of Foreign Affairs (MOFA) has been very keen on providing their perspectives and counter-arguments against the anti-whaling narratives internationally. As a nation so far heavily restricted in military terms by its pacifist constitution, it has been seeking especially during the new millennium to gain higher soft power status in the international system. Issues like whaling are one of the most prominent obstacles standing in between this goal. One of the provided arguments in defense of the contemporary Japanese whaling policy by MOFA is the cultural one (Japan and the Management of Whales 2014). Culture and specifically culinary culture is an important part of the Japanese individual and collective identity. Therefore international criticism and condemnation of Japanese whaling are often viewed as attacks against domestic cultural practices and as modern forms of western cultural imperialism or as eco-imperialism.

In relation to norms in the international political system, Wendt states (Wendt 1999, 44) three reasons or coercive factors which cause a state to accept an international norm, namely: “self-interest, coercion and legitimacy” In consideration of the stalemate in the IWC and Japan’s relatively fruitless efforts inside the Commission, one can conclude that all three reasons are relevant in the analysis of why Japan has not resigned from the organization and the ICRW. The coercive factor played a role in how Japan dropped its original objection against the moratorium on commercial whaling in 1987 due to heavy pressure from the US (Hirata 2004, 184), which would have had negative consequences on the Japanese fishing industry. Legitimacy is possibly the most important reason for the continuing membership, as Japan wishes to be perceived as an active, accountable and law abiding member of the international community. For one of the few remaining major whaling nations there are no alternative international forums where whaling related matters can be discussed and decided multilaterally, except the CITES convention in regards to international trade of whale meat and other controversial animal and plant derived products.

In regards to the ICJ decision on the legality of JARPA II, the 2015 Diplomatic Bluebook by MOFA comments the matter in the following way: “Japan announced that, while being disappointed and regretful of the Judgment of the Court, it would abide by the Judgment as a State that places a great importance on the international legal order and the rule of law as a basis of the international community, and consequently, it canceled JARPA II” (MOFA 2015, 231). This demonstrates the importance of legitimacy and

the rule of international law to the government of Japan. Subsequently, as Japan seems to be re-launching the program (Japan whaling ships to set sail for Antarctic on 1 December 2015) under new policies and catch quota, it will be very interesting to see how the ICJ, the IWC scientific committee and the Commission as a whole will respond to it.

In terms of self-interest it is at first difficult to comprehend which underlying factors contribute to Japan's persistent participation in the IWC. Undoubtedly Japan receives a great amount of media exposure and public attention because of its participation in the IWC however, since it is mostly portrayed in a negative light outside Japan it seems counterintuitive to Japan's contemporary pursuit of greater soft power and achieving the status of a global cultural superpower. However, if one considers the fact that Japan has been very active in its participation in different IOs and international forums ever since its democratization and pacification, one can come to the conclusion that because of its still relatively heavy reliance on the US in national defense and in trade with also its other western allies, whaling acts as a field of international politics in which it is relatively safe for Japan to defy the west and the US, without sacrificing too much in the process. In addition, as the IWC nor any national government cannot physically intervene in Japanese whaling, it is a relatively safe way to defy a relatively new international norm that lacks universal cultural resonance. The defiance is strengthened by the fact that there are public and private agencies that support it, domestic public opinion shows no significant opposition to it and it is also an old tradition. Therefore, the IWC serves as a public international arena for Japan's norm defiance, cultural defense and as an IO, Japan simply needs to be part of it as a responsible international actor that respects the rule of law.

In conclusion, constructivism is an excellent theoretical tool in analyzing the spread, adoption and defiance of norms in the international system and especially that of those norms that contain ethical and moral dilemmas and controversies. In contrast to the classical international relations theories of liberalism and realism, it focuses more on non-material factors and on the identities and foundations of actors in the global arena. In consideration to these factors it is definitely a more holistic approach to international relations in an increasingly complex international order. Even though the theory alone cannot reveal to us the entire and fully certain motive(s) behind Japan's controversial and sometimes seemingly incomprehensible whaling policy, it is nevertheless possible to get substantially closer to the truth with the utilization of constructivism as a theoretical tool.

2. BRIEF HISTORY OF WHALING IN JAPAN

The practice of hunting cetaceans for subsistence and other purposes in Japan undoubtedly dates back several centuries, but it was not until the late XIX century that large scale modern whaling started to be practiced following the example and adoption of Norwegian harpoon vessel techniques and technology (Takahashi et al. 1989; Mageli 2006). Prior to this successful technology transfer, the modernization of Japanese whaling and the subsequent establishment of a large scale whaling industry, the hunting of whales was mostly a passive and rather opportunistic activity. In other words beached whales, which were often deceased to begin with were utilized and processed by the local coastal communities.

During these pre-modern times whales were also hunted using regular fishing nets, bows and arrows and it was a completely non-commercial activity involving communities that were dependent on the oceanic resources for their survival (Takahashi et al. 1989, 107). Due to the labour intensity of primitive whaling and the subsequent processing of the whale for different uses, the whole process often involved the entire community and no part of the whale carcass was wasted (Catalinac & Chan 2005, 136). This resembles the way how contemporary aboriginal subsistence whaling is conducted by native groups and tribes in various regions of the world. In addition as there are still some small coastal communities in Japan that would like to practice non-commercial community based coastal whaling under IWC permission and quotas. However, this has not been granted to any Japanese whaling communities so far despite Japan's consistent lobbying efforts in the annual IWC meetings.

Whaling on an industrial scale became the norm in Japan in the beginning of the early XX century. This development was strongly supported by the Imperial government in order to increase the exports of whale oil. Because of the adoption of Norwegian style whaling and technology, Japanese whaling fleets were able to reach as far as the Antarctic waters (Southern Ocean). Through these developments Japan became one of the most successful whaling countries of modern history. Contrary to the developments in the European and North American countries that also practiced whaling on a large scale, the Japanese whaling industry and its output grew significantly during the 1930s and 1940s as the domestic demand for whale meat and other whale derived products grew (Catalinac & Chan 2005, 136). The nostalgia factor associated with especially whale meat that the elderly generations of Japanese often recall derives from this era. During and after the World War II

other sources of protein were often very limited in quantities, thus the consumption of whale meat was exceptionally high for a non-aboriginal society. However, as we will later find out in this paper the arguments for a nationwide immemorial whaling culture of Japan are exaggerated to some extent.

Back when the discussions on the moratorium on commercial whaling were ongoing in the IWC in the early 1980s, Japan and the other major whaling nations of the time, including the former Soviet Union, were against introducing a total worldwide prohibition. However, the increasing number of newly joined conservationist members outnumbered the pro-whalers. The moratorium was not supported by the scientific committee of the IWC and no distinctions or comprehensive surveys on whale stocks of different species in different regions were made (Danaher 2002). These contradictions and the implied lack of scientific evidence for a total ban on the hunting of all whale species on a commercial basis, even on those with healthy harvestable stock has been one of Japan's central arguments against the ongoing moratorium in the IWC.

The way how Japan came to accept the 1985-1986 moratorium on commercial whaling was due to significant pressure from the US, which was the driving force behind the proposal in the Commission. Relying on US domestic law specifically the 1979 Packwood-Magnuson amendment to the Magnuson Fishery Conservation and Management Act, the US threatened Japan of losing fishing rights in its Exclusive Economic Zone (EEZ) in the Pacific Ocean if Japan were not to agree to the proposed moratorium. Since the economic and political significance of this was much greater than that of commercial whaling, Japan conformed with the moratorium and dropped its objection in the IWC by signing the *Murazawa-Baldrige* deal bilaterally with the US in 1987 (Hirata 2004, 184).

What can be observed here is the significant economic dependence Japan has with the US. Such dependence on a major global economic power does not seem to be the case when it comes to Norway and Iceland, which have defied the moratorium on commercial whaling for almost three decades now without any economic sanctions materializing. From this perspective Japan is a rather unique case among the contemporary whaling states and it also explains to some extent Japan's insistence on whaling scientifically instead of commercially. On the other hand there is no certain guarantee that conducting whaling under the premise of scientific research will prevent sanctions being imposed later on in the future, even though it is currently by default legal according to the Convention.

During the period when the moratorium was accepted by the Japanese government in 1987, the whaling industry employed just 1,300 employees and the demand for whale meat in Japan has been in constant decline decade after decade (Blok 2008, 45). As the economic importance of whaling has dwindled especially in comparison to the 'golden era' of Japanese whaling, which took place during and after the World War II, there are other identity and culture related influences behind defying the western led anti-whaling momentum. That is in addition to the bureaucratic and political factors.

In the continuing post-moratorium era, Japan finds itself in the company of the Nordic states Iceland and Norway (excluding aboriginal subsistence whaling) that still practice commercial whaling despite international criticism and condemnation. As is commonly known what separates Japanese whaling from the whaling of Norway and Iceland is the scientific justification for hunting whales, which needless to say is a very controversial topic. Although other whaling nations have also issued scientific permits during the past three decades, Japan stands out for the long running consistency and substantially large catches in its scientific whaling programs. For this specific reason and because of the outspokenness of the Japanese government in defense of whaling, the overwhelming majority of criticism on contemporary whaling is directed towards Japan and not so much towards the other whaling nations or ethnic groups.

3. JAPAN AND THE IWC

There are two main factors, which have confused scholars, politicians and analysts in regards to Japan and the IWC. Firstly, the lack of success of Japan in numerous IWC annual meetings and negotiations for its defensive pro-whaling cause and the fact that by declaring an objection or reservation against the moratorium on commercial whaling, Japan could freely conduct commercial whaling without the need to camouflage it as ‘scientific whaling’ and having to deal with the administration and the scientific committee of the IWC on a constant basis – that is in addition to foreign criticisms and condemnations. A further alternative would be to cut ties and membership with the IWC completely, which might actually complete the normative transformation of the Commission as the last major defender of whaling would be outside of the regulatory framework and discourse. These alternative courses of action could not most likely be done without any political or economic consequences and opportunity losses to Japan, but principally it would be possible following the examples of Norway, Iceland and Canada. The main goal of this chapter and, in fact, in a broader scheme the ultimate goal of this entire paper is to comprehend and seek to explain the apparent paradox between Japan’s pro-whaling stance and the overwhelming opposite status quo in the IWC, while remaining a prominent long-time member of the organization.

A significant number of scholars for example, (Kagawa-Fox 2009; Catalinac & Chan 2005; Danaher 2002; Hirata 2005; Miller & Dolšak 2007) and others while analysing the subject seem to take it for granted that the ultimate goal of Japan in the IWC is the abolishment of the moratorium and the return to sustainable commercial whaling. However, in contrast to this mainstream conclusion two Japanese scholars have proposed alternative motives and explanations behind the stalemate and lack of comprehensive solution in the IWC regarding the Japanese whaling conundrum (Ishii & Okubo 2007). The central hypothesis of these two authors is that Japan does not actually want to end the moratorium and continue whaling commercially, but instead to continue its whaling under the label of scientific research. According to their thesis, it is in the core interest of whaling associated government agencies, namely the Fisheries Agency (FA) and the associated Institute of Cetacean Research (ICR) to keep Japanese whaling the way it is. Considering the general paradox regarding Japan’s IWC membership and the lack of sufficient success of its whaling diplomacy, this consideration of underlying motives and wished outcomes definitely deserves further attention and analysis from scholars. The lack of success in this regard refers to the fact that

Japan has not been able to attract sufficient support or understanding towards its position on whaling inside the Whaling Commission nor elsewhere, not in the sense that it would seek to encourage other states to adopt similar policies as well.

But on the other hand on a broader policy advocacy perspective on the use of animal resources, there is some general consistency as Japan has supported African nations under the CITES framework to hunt elephants for ivory, as long as it is conducted on a sustainable basis (Couzens 2002). This is essentially what the dispute over whaling is all about. The Japanese have consistently made the claim that it can be done sustainably and that the stocks of several species of whales have recovered, while the opposition claims that it is false and condemn the practice as unsustainable, brutal and even as barbaric. To laymen the most major debates inside the Commission can essentially be simplified as such.

The original plan behind the moratorium on commercial whaling, which was passed in the IWC in 1982, was the suspension of commercial whaling for a period of five years beginning from the 1985-1986 pelagic whaling season until reliable data of whaling stocks were to be gathered. The scientific committee of the IWC did conduct the research and recommended the adoption of the so called Revised Management Procedure (RMP), which would have enabled commercial whaling on a sustainable basis (Hirata 2005, 132-133). Even though the RMP was approved by the Commission in 1994, the Commission also came to the conclusion that an additional regulatory scheme was needed before the moratorium could be lifted through the adoption of the RMP. This additional regulatory scheme is known as the Revised Management Scheme (RMS). In essence it is defined by the IWC as an “inspection and observation scheme” which would guarantee that catch limits are abided by whalers (The Revised Management Procedure 2015). The RMS failed to gain sufficient support in the 2006 annual meeting of the Commission and thus both RMP and RMS have been so far disregarded (Miller & Dolšak 2007, 77), but the topic does come up frequently in IWC meetings. However, because of the deep running disagreements between the pro- and anti-whaling coalitions inside the Commission the end result has remained the same (Stoett 2011).

The subject of whale sanctuaries is also relevant to Japanese whaling ambitions and the IWC as the Southern Ocean whale sanctuary proposal passed in the Commission in 1994, which was for a large degree targeted towards Japanese whaling aspirations (Hirata 2005, 132-133). However, because scientific research whaling is allowed under IWC regulations even in whale sanctuaries (Whale Sanctuaries 2015), scientific

programs such as JARPA and JARPA II are in principle completely legal inside the framework of the IWC.

Now when it comes to the fully fledged IWC member states in their stance on whaling (as in conservationism vs. moderate lethal usage of cetacean resources), it is hardly a surprising list although there are a few oddities to be observed. The most influential members of the conservationist block in the organization are: United States, United Kingdom, Australia, New Zealand, Netherlands, France, Germany, Spain, Brazil, Chile and Finland among others (Miller & Dolšak 2007, 74). Surprisingly, Canada, despite its liberal international image, is no longer a part of this block nor the IWC as a whole since 1982 because it would not accept the moratorium (Stoett 2011). The pro-whaling bloc on the other hand consists of: Japan, Iceland, Norway and the Russian Federation in addition to a group of developing states located mainly in the Caribbean region, Africa and the Pacific region (Miller & Dolšak 2007, 74, 78). China's (PRC) stance in the Commission seems to have fluctuated as in the 2000 IWC annual meeting in Adelaide Australia, it voted against the motion of establishing a third cetacean sanctuary in the South Pacific with Japan and other pro-whaling members (Danaher 2002, 110). However, in the 2005 meeting of the Commission in Ulsan South Korea, China voted against the Japanese proposal to end the moratorium on commercial whaling (China supports whaling ban: Official 2005). This change of heart most likely had more to do with the state of Sino-Japanese relations at the time than with eco-consciousness raising its head in Beijing.

The inherent paradox of the contemporary IWC and the ICRW that established it in 1946 is the fact that it was established in order to safeguard the sustainability of whaling, in other words by limiting the overexploitation of whale resources it would essentially safeguard the future of the whaling industry (Smith 2014, 303-304). Because of the Convention's and the IWC's open access nature any state whether it has a whaling industry or not could join it, as a consequence the de facto emphasis of the organization has completely changed from sustainable use to absolute conservation. The few states still practicing whaling in one form or another represent a small minority of IWC members and as a consequence its essential guiding document the ICRW should be revised to reflect the contemporary nature of the organization and the aspirations of the majority of its current member states. Perhaps most importantly if the article VIII of the Convention would be revised to exclude lethal research or completely removed from the Convention, it would complete the normative transformation of

the IWC. Such a complete paradigm shift would most likely alienate the few whaling states from this environmental regime, but on the other hand it might also encourage them to cease whaling activities completely and focus on the non-lethal economic utilization of whale resources (eco-tourism).

The decades-long stalemate in the Commission and the smearing sensationalism in media coverage and even in diplomatic rhetoric against the few whaling states almost seems like an intentional effort to drive them out of the IWC. Regionalization of whale resource management might take off as a consequence as Iceland, Norway, Greenland and the Faroe Islands have established a regional management organization called The North Atlantic Marine Mammal Commission (NAMMCO). However, because of the special mandate given to the IWC by the United Nations Convention on the Law of the Sea (UNCLOS) it cannot completely create its own framework of regulation (Stoett 2011). Similarly to Japan's defensive hard science based rhetoric over whaling, NAMMCO also claims to uphold science and economic realities of coastal communities over political and ideological rhetoric and arguments.

In addition to the IWC, the CITES Convention also has relevance to Japan's whaling activities and aspirations, as it functions as an international control mechanism to the international trade on whale meat and as such it complements the IWC and its regulatory framework. In the 1997 conference of CITES in Harare, Zimbabwe, Japan in addition to Norway, gave their support for South African nations regarding the sustainable usage of their animal resources (ivory in this context). Notably other developed states part of the Convention came to the opposite conclusion (Couzens 2002). In regards to this Japan can be given some respect for its consistency in terms of international natural resource use advocacy. Whales (*cetacea*) as a category of mammals in terms of international trade are protected under CITES from trade to a varying degree depending on the species and stock (The CITES Species 2013). Norway and Japan have separately tried to achieve the down-listing of certain whale species from category Appendix I to Appendix II, which would have allowed commercial trade to a certain degree but their attempts have failed due to substantial opposition (Couzens 2002). Both Norway and Iceland have defied the Convention by exporting or attempting to export whale meat into the Japanese market, often with the risk of downgrading bilateral relations with the US respectively (Norway Defies International Trade Ban, Exports Tons of Whale Products to Japan 2013).

The IWC is quite a peculiar IO as its founding Convention; the ICRW has not been at least sufficiently revised to reflect the contemporary conservationist and environmentally conscious status quo of most of its members. Japan clearly stands out even in contrast to Iceland and Norway as it has accepted the moratorium, but still conducts extensive whaling under the label of scientific research in the Southern Ocean which has been classified as a cetacean sanctuary by the IWC. It also does it on such a scale that to many observers it closely resembles commercial whaling. Nevertheless in principle Japan's research whaling in the sanctuary is completely legal under the regulations of the Commission, although as of March 2014 the ICJ ruled it illegal but as the whaling activities have now been restarted after a revision of the program, it does not seem sufficient to deter Japan from whaling in this region. In regards to the Commission itself it either needs to complete its normative transformation while abandoning or being able to convince the whaling states to switch their stance or nullify the moratorium and monitor that the whalers abide by the quotas and follow the necessary protocols.

3.1 Scientific Research Whaling

The scientific research whaling programs have so far been conducted under three different titles since 1987 based on the harvesting region namely: JARPA and JARPA II and the Japanese Whale Research Program in the North Pacific (JARPN & JARPN II). Even though such programs are by default completely legal under the ICRW, all of them were heavily criticized by the IWC, several member states of the organization and by academics, scientists, journalists and NGOs for being cruel and unnecessary for the progress of marine mammal research (Hirata 2005, 134 - 136). The Japanese have been mostly catching minke whales which are by far the most abundant species since the start of the moratorium. Additional catches include Bryde's, Sei, Fin, Sperm and Humpback Whales to a lesser extent (Special Permit Catches Since 1985 2015; Kagawa-Fox 2009, 403; Status of Whales 2015).

The opponents of whaling often accuse Japan of using the scientific whaling clause of the ICRW as a loophole to conduct whaling for economic and political purposes. The list includes the WWF, perhaps the least controversial and unbiased of the internationally prominent conservationist INGOs (Steuer 2005). The majority of the controversy stems from mainly two factors. The first being the necessity of killing whales in order to conduct

scientific research on cetaceans. As stated by various opponents, modern technology has expanded the horizon of non-lethal cetacean research tremendously, as the movements of whales can be tracked with a GPS chip and from relatively small tissue samples, knowledge about the health of contemporary whale populations and in general about their biology and evolutionary development can be gathered rather easily and economically.

The second controversy relates to the fact that the whale meat from Japanese research whaling ends up mostly for sale in fish markets, restaurants and occasionally in communal lunches such as in schools and hospitals. On the other hand, undoubtedly this is the least wasteful option and other alternatives could be even more controversial, unsustainable and most importantly wasteful. Additionally as the second clause of the ICRW article VIII mandates the whales to be processed and the profits to be distributed as the national government sees fit (Special Permit Whaling 2015) it is a consistent practice in regard to the regulations. Therefore Japan is not actually breaking any rules of the ICRW in strictly this regard, but on the contrary acting according to them.

The organizational structure and linkages behind the scientific whaling program are rather interesting and peculiar. The main organization responsible for the scientific research whaling is the Institute of Cetacean Research (ICR) and the actual hunting, subsequent processing and selling of the resulting whale meat are done by a closely government and ICR linked private company the *Kyodo Senpaku* (Kyodo Shipping). Both are closely linked and associated with the Fisheries Agency (FA). Prior to the moratorium *Kyodo Senpaku* used to be an ordinary private commercial whaling company, but since the switch from commercial to scientific whaling it has only been active in regards to the scientific whaling programs. Additionally the ICR itself has close links with the Japanese fishing industry (Kagawa-Fox 2009, 406-407). The latter factor demonstrates the close economic and political ties between the fishing industry and the scientific whaling associates in Japan and in a broader sense the crucial importance of marine resources to Japan.

The ICR vehemently defends its lethal research activities to be providing valuable insight into the effects of cetaceans to the marine ecosystems and fish stocks. Their dietary habits, contamination levels in cetacean meat and tissues and the reproduction and age of maturity of cetacean species have also been focuses of their research. As of 2014, a total of 133 peer reviewed articles have been published based on the results of JARPA and its sequel program according to the Institute (Scientific Contribution 2011). On the opposite side of the

debate for instance the WWF claims that scientific whaling purposefully ignores the advances and technological development of non-lethal research because of political and economic reasons (Steuer 2005). In addition a revealing statement has been made public by the former head of ICR Dr. Seiji Ohsumi, who stated that: “though scientific research we have continued to strive for [a resumption of whaling] while safeguarding our whaling culture and whaling technology” (Papastavrou & Ramage 2010, 186). In light of this statement the accusation made and maintained by *Greenpeace* and other conservationist parties which implies that science is not the primary motive behind Japan’s special permit whaling programs for the last two decades and more seem to be accurate.

Possibly, the most significant blowback of the last two decades against Japanese research whaling materialized in 2014, as the ICJ ruled in favour of Australia and New Zealand that JARPA II was violating the rules of the article VIII of the ICRW. The court’s findings and conclusions were rather interesting, as they categorized JARPA II as containing a significant commercial element due to its long term duration, use of factory ships, extent of the catch and finally due to the fact that the meat resulting from this lethal research was destined to the open commercial market of Japan (Smith 2014). However, despite the court’s decision Japan is continuing the Antarctic program with a reduced catch quota of one third of the original number and for the first time including non-lethal sampling in addition to lethal catches (Japan whaling ships to set sail for Antarctic on 1 December, 2015). An additional factor that makes JARPA much more controversial compared to the JARPN is the fact that the Southern Ocean has been declared a whale sanctuary since 1994, which prohibits commercial whaling in the area (Whale Sanctuaries 2015). Thus the crucial importance of the matter is whether Japanese scientific whaling programs are indeed scientific, commercial or both in nature. In author’s opinion it is in fact both however, whether the commercial element is substantial and large enough to violate the rules of the Convention and international law is up to the international legal experts.

As a result of these research expeditions, scientific articles and papers have been submitted to the scientific committee of the IWC and to international scientific journals, however the extent of results and their legitimacy considering the duration and number of whales killed remains a source of great controversy (Japan Asked to Prove its Whaling is for Scientific Research 2015), especially now considering the recent ICJ ruling against Japan. It has been argued by many scholars that the true goal of JARPA, JARPN and their sequel

programs is to gather evidence that whale stocks (in general) have recovered to healthy harvestable levels and thus a return to commercial whaling is possible and that it can be conducted completely sustainably. An additional goal is to supply the domestic whale meat market, which keeps the culture and tradition of whale meat consumption alive in Japan.

In conclusion the main point of all international whaling opponents is that Japan is simply using scientific whaling to circumvent the moratorium on commercial whaling. As the both sides vehemently oppose each other occasionally culminating in actual physical confrontations in international waters and IWC meetings, there appears to be a total lack of any kind of compromise between the two sides. This situation is not beneficial to anyone including the whales themselves and their wellbeing. At its core the debate and controversy over Japanese whaling is due to major cultural differences and due to the difference in perspectives to nature and animals.

3.2 The Development Assistance Controversy

Japan has repeatedly been accused of vote buying and sponsorship of a pro-whaling front in the IWC through its Official Development Assistance (ODA) program by anti-whaling member states and environmental INGOs. However, despite some minor successes it has not been a totally successful strategy as most IWC members vote against Japan in practically all proposals and as a two thirds majority is required for a proposal to pass and become binding. This issue is possibly the easiest for whaling opponents to prove and the most embarrassing for the Japanese, as detailed evidence and observations of the matter have been gathered by scholars (Miller & Dolšák 2007; Couzens 2002) and by environmental activists (Steuer 2005; Ganderton 2014). Firstly a few facts and observations about the characteristics of Japanese ODA need to be mentioned.

Japan as many other developed and wealthy states donates funds based on its own strategic, political and economic interests. It is also a firm believer in the principle of self-help, which implies that Japan only assists those states who have the capacity and political will to help themselves. Because of this, the absolutely neediest of states might not receive any aid whatsoever from Japan, if they lack the stability, power or the ingenuity of government. The ODA program also demands pro-activity on the part of the receiving states, as they must apply for the aid themselves and plan their developmental projects on their own.

The use of ODA as a tool to foster diplomatic relations and outcomes became a habit in Japan after the oil crisis of 1973 (Miller & Dolšak 2007, 81-84). In a way this relates to the whaling debate as both oil and whales are a natural resource, and as a natural resource deprived island nation, it highlights the importance of resource extraction, use and importation for the Japanese state. This is also an important underlying factor behind Japan's whaling policy in the post-moratorium era.

Japan has also been accused of paying the membership fees of poor developing nations that could not have joined the IWC on their own. However, the transnational conservationist INGOs have also used this tactic in order to boost the numbers and strength of the anti-whaling coalition in the organization (Hirata 2004, 183). Consequently their criticism of Japan acting in a similar manner is hypocritical, although the Japanese state undoubtedly has more funds and means to successfully do it. In this regard criticism on the matter towards Japan from other actual member states can be considered more legitimate.

During 1986 the same year the moratorium on commercial whaling became binding, Japan started to give significant technological and financial support to a bloc of Caribbean nations that subsequently joined the IWC, despite most of them having no association with whaling activities. Allegedly even their membership costs in the Commission are paid by the Japanese government. In response to these allegations the Caribbean recipients of ODA and participants of the IWC have stated their support for the management of whale resources based on purely science and moderate use of non-endangered animal resources. The strategy has been successful in some instances, as in the case of the annual meeting of the IWC in Adelaide Australia in 2000, where a proposal to establish a cetacean sanctuary in the South Pacific failed due to objecting votes of the Caribbean members (Danaher 2002, 108, 110). The most typical counter-argument from Japanese government officials to the accusations is the fact that Japan gives ODA to more than 150 states worldwide, some of which vote with Japan on international forums on some matters and some do not (Danaher 2002, 118).

Cited by Miller and Dolšak (2007, 71-72), Joji Morishita currently the vice-chair and a long-time veteran representative of Japan in the IWC gave a response to the longstanding accusations:

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.

Outside of monetary considerations, there appears to be a mutual sharing of the same principles when it comes to the use of animal resources between Japan and certain Caribbean and African nations. Their voting co-operation has not only been evident in the IWC, but also in the annual meetings of the CITES Convention, particularly during the 1990s (Blok 2008, 61-62). Even though on many aspects of international relations, Japan can be seen as a very close ally of the western powers, through sharing several common values such as democracy and the rule of law however, on this particular issue it finds allies mostly in the developing world. From the point of view of the African and Caribbean nations, considering the not so distant colonial past, siding and cooperating with Japan on the use of animal resources is an excellent alternative to having to accommodate to western imposed models of absolute conservation. For Japan on the other hand, in addition to supporting its agenda in the IWC and CITES framework, this strategy can also serve as a countermeasure to growing Chinese influence in the developing world, especially in Africa.

3.3 The Case for Japanese Subsistence Whaling

Currently members of the IWC can practice whaling under three specific conditions: scientific whaling, under objection or reservation to the moratorium and under Aboriginal Subsistence Whaling (ASW) quotas (Miller & Dolšák 2007, 75). As of now, ASW catch quotas have been granted to natives of Chukotka in Russia, several different categories of quotas to the natives in Greenland and Alaska and finally to tribes of Grenadines and St Vincent in the Caribbean (Catch Limits & Catches Taken 2015). In essence, these permissions are granted by the IWC to native groups that have vivid nutritional, cultural and social affiliation and necessity to whaling. It is undoubtedly quite a challenge to find similar communities so dependent on

whaling in modern high tech Japan that would fit all of these criteria, although the Japanese delegation in the IWC cannot be blamed for a lack of perseverance on the matter.

For instance in the 2002 annual meeting of the IWC which took place in Shimonoseki, Japan, 20 members voted in favor of granting a quota to Japanese whaling communities while 21 members voted against it and three members abstained. As a three quarters majority is required for a proposal to pass and become binding (2002 Meeting 2015), in the climate of the contemporary IWC it is extremely difficult to gain such wide support for non-protectionist proposals. It is especially the case with Japanese proposals due to its negative image among a significant percentage of membership and due to accusations of working behind the scenes of the Commission (vote buying and sponsorship through the ODA program).

That being said there is an additional loophole in addition to scientific whaling and ASW, which is STCW. Permits for STCW are granted by national governments and in the case of Japan, the quota for 2007 whaling season was 66 whales divided between small coastal operators in traditionally whaling associated communities. However, for significantly larger quotas permission from the IWC is required (Japan Kicks off Whaling Season Along Coast 2007). When it comes to non-whale cetaceans i.e. dolphins and porpoises, they are outside the jurisdiction of the IWC hence completely under the judgment of national governments (Small Cetaceans 2015). In the case of Japan it is the FA which decides the national quotas for each prefecture (Matsutani 2009). The hunting and capture of dolphins is also an additional point of criticism directed towards Japan.

According to the IWC statements the main reason for the refusal of granting Japanese coastal communities the permission for subsistence whaling is the commercial element in their conduct of whaling and subsequent activities, thus in defiance of the moratorium. Over the years Japan has repeatedly demanded for a relief quota of 50 minke whales in the IWC for its traditional whaling communities and sees the chronic refusal as discriminatory and unjust as for instance the Eskimos of Alaska are allowed to hunt critically endangered bowhead whales with full approval of the IWC (Hirata 2004, 187). According to an IWC document from the 65th annual meeting, the four communities in question are: *Taiji*, *Abashiri*, *Ayukawa* and *Wada* (IWC/65/09 Agenda item 5 2014). *Taiji* gained worldwide notoriety when being featured in the sensational documentary of 2009 *The Cove* regarding its annual dolphin hunt (*The Cove* 2009).

The Japanese attempts to convince the IWC to reach the opposite conclusion have been quite elaborate and their ingenuity and persistence might surprise many. Foreign anthropologists have been hired to do research that would provide evidence of the crucial importance of whaling to the coastal communities. An effort was made to de-commercialize the whaling activities of these communities, which was actually given praise by the anti-whaling bloc in the Commission (Ishii & Okubo 2007, 60). In Adelaide Australia during the 2000 IWC annual meeting, members of the Japanese delegation gave out pamphlets to the public which made a comparison between a ban on aboriginal kangaroo hunting and that of traditional Japanese coastal whaling being denied ASW permits. It also presented an alternative scenario in which outsiders mandated Australians not to enjoy meat pies anymore (Danaher 2002, 119) and thus made the suggestion that whaling and the consumption of whale meat is a similar relatively harmless tradition with importance to national food culture in Japan which is simply misunderstood or overreacted to by misguided foreigners.

4. DOMESTIC STRUCTURES BEHIND JAPAN'S PRO-WHALING STANCE

As stated previously whaling is not and has not been since the aftermath of World War II a significant industry in Japan, but as it is strongly associated with the fishing industry international bans and moratoriums against whaling are taken as a threat against the Japanese fishing industry in its entirety. As a state with high population density and not blessed with much land suitable for agriculture, nor many natural resources, limitations and threats imposed by external actors on the use of marine resources are taken very seriously by the Japanese state. In addition some peculiarities of the Japanese domestic political system are relevant considerations in this analysis. In particular, the so called *amakudari* custom in which affluent and prominent politicians and bureaucrats when officially retiring from the public sector, often move to prominent positions in the private sector or in governmental agencies. Their powerful contacts and relations with important figures in Japanese society play a key role in this practice. Between government agencies there exists also a strong competition for government allocated funds, which can lead to a lot of haggling between the agencies and it can even lead to some seemingly irrational policies being implemented. In fact the current Japanese government policy on whaling can be considered as such, especially considering their persistence in dealing with the IWC on an annual basis for several decades now.

The government entities most specifically affecting the whaling policy are: the Whaling Department of the FA, the ICR and the JFA. The Whaling Department is responsible of PR activities while the ICR manages and conducts the research whaling programs in very close collaboration with the *Kyodo Senpaku*, which officially is a private entity despite strong links to the public sector. In terms of funding the ICR is completely dependent on substantial government subsidies which are funneled from the FA to the Institute. From 2006 to 2009, the FA assured the Institute an annual funding of 540 million JPY, which in total adds up to a cost of 2,2 billion JPY for the four year period (Kagawa-Fox 2009, 403 - 407). This is essentially the cost of Japan's scientific research whaling to the Japanese taxpayers. An annual estimate included in an *International Fund for Animal Welfare* (IFAW) report (IFAW 2013, 4) suggests an even higher annual figure of 782 million JPY, which at the current JPY/EUR exchange rate comes down to 5,83 million euros (Currencies Quote 2015). The

profits from the sale of the whale meat should cover the operational expenses of the ICR however, during the period from 2006 to 2011 the expenses have increasingly exceeded the revenues and thus government support has been crucial for its operational capacity (IFAW 2013, 4-5). The IFAW report even goes as far as accusing the Japanese government of reallocating funds to the ICR, that were meant for rebuilding areas affected by the Great East Japan Earthquake and the subsequent tsunami and the nuclear disaster of 2011 (IFAW 2013, 10).

The JFA on the other hand resembles in certain perspectives a chamber of commerce for the Japanese fishing industry and it has a very long history dating back to the *Meiji*-era of Japan's modernization. Because of its extensive history and the fact that it represents and advances the interests of the entire fishing industry in Japan ever since the Imperial government was in power and there was no FA, it is blessed with strong ties with the government and the political sector. It is a strong proponent for the scientific research whaling programs, due to the expectation that these programs will advance the future resumption of commercial whaling and thus increase business opportunities for the fishing industry as a whole (Kagawa-Fox 2009, 403 - 407). The latter goes against the central claim of Ishii and Okubo (2007), as one can hardly speak of substantial profits when it comes to contemporary scientific research whaling according to an IFAW report on the matter (IFAW 2013, 4) and in consideration of the size of the so called industry in relation to the Japanese economy or even the domestic fishing industry as a whole. Even if Japan finally decided to object to the moratorium or leave the IWC framework completely, it is not certain by any means that the demand for whale meat would be sufficient enough to cover the expenses of commercial whaling and still generate profit to the operators.

When the first scientific research whaling program (JARPA) was being initiated back in 1987, there was a significant clash between the Prime Minister of the time Yasuhiro Nakasone and the FA. Similarly to contemporary international controversies regarding the matter, it was about the catch limits and species targeted in the hunt as Nakasone based his criticism on the worry that these factors might jeopardize bilateral relations with the US and Japan's general reputation internationally. The program was supposed to originally target 825 minke whales and also 50 sperm whales, which was the most worrisome factor about it, as the species is classified as an endangered and protected species in several prominent states. These research plans also alarmed the IWC as it

recommended Japan to nullify the quotas and it placed further regulatory restrictions on scientific whaling. This action and counteraction sequence between Japan and the IWC has become almost an annual ritual ever since then. Eventually Nakasone was able to convince the FA on the excessive amount of minke whales and dropping the quota for sperm whales completely by making a public statement on the matter. Subsequently the FA reduced the quota of minke whales to 300 and the sperm whales of the Southern Ocean were saved thanks to Nakasone's bold action (Ishii & Okubo 2007, 59-60).

This confrontation demonstrates the significant influence, independent policy projecting power and political clout that the FA and other whaling associated public agencies mentioned in this paper have in Japanese domestic politics. It is quite extraordinary in intra-state politics in general that such an incident takes place, especially in a highly hierarchical society like Japan. This leads us to the speculation that perhaps, the FA backed down because Nakasone made the matter public and as a consequence the FA did not wish him to "lose his face" or appear as a weak leader in the eyes of the public and the mass media. Conservationists around the world should be grateful to the former Prime Minister Nakasone's outspokenness as it saved the lives of several hundred whales in the Southern Ocean.

4.1 The Domestic Discourse on Whaling

There exists a fundamental lack of public comprehension in Japan of why whale resources should be left completely unutilized due to their exceptional intelligence level, sociability or anthropomorphist behavior and interaction. In the Japanese mindset influenced by animistic beliefs all forms of life including what in the west would be described as inanimate objects such as trees and minerals have a soul, as westerners from Judeo-Christian background would describe it. It is also widely accepted that life forms depend on the use of other life forms for their subsistence. Because of the influence of Buddhism animals and humans are regarded as equal while at the same time, there is an acceptance of consuming animals for human survival. As a sign of respect Japanese whaling communities have traditionally erected monuments as kind of tombstones for the souls of the hunted whales and held ceremonies honoring their sacrifice (Ishige 2009, 304).

Contrary to developments in western nations in recent decades, the so called animal rights movement has never so far gained any major momentum in Japan. Additionally there is a lack of public sympathy in Japan for the anti-whaling cause and in general Japanese environmentalism tends to focus on air and water pollution, not on animal rights or welfare as in the west. Since whaling as well as the culinary and other use of whale-derived products have a long history in Japan, the demand to ban whaling is often interpreted in Japan as western cultural imperialism (Catalinac & Chan 2005, 144-149).

It is no surprise in itself that the domestic conservationist organizations have not been successful in changing the government's policy on whaling. Connections to interest groups and politicians are vital for successful lobbying, seconded by using the mass media according to experts on Japanese media and politics. Usage of media can prove successful when the cause is journalistically attractive (Campbell 1996, 193). However, indications so far prove that anti-whaling views are not considered attractive by the Japanese mass media. Also because of the political clout and influence of the FA and the JFA, creating favorable connections and influencing lawmakers and politicians is very challenging for pro-conservationists. Despite these factors it would be extremely biased and foolish to claim that the entire population of Japan supports the slaughter of whales for scientific research, or that the consumption of whale meat is something inherently important for Japanese food culture or for Japanese culture as a whole. On the other hand, if one concentrates on the official governmental rhetoric only, one might get this impression (Japan and the Management of Whales 2014). If the current trends in regards to the demand of whale meat and the overall demographical decline inside the nation are to continue progressively in the future, it is reasonable to expect a decline in the importance and popularity of this notion.

According to surveys one of three Japanese citizens view the practice of whale meat consumption negatively while just 50 % of the general population are in favor of the custom in general. Therefore from this perspective there are two different groups of culinary and ethicality based factions inside Japan (Sugimoto 2009, 4), though based on the coverage of western mass media and general perceptions in the west there only exists one, which is in favor of whaling and whale meat consumption. Needless to say this kind of generalization and even hate inducing rhetoric is not helpful at all to finding a compromise or solution to this international environmental issue.

Just as *Greenpeace* and the *SSCS* advocate the termination of all forms of whaling internationally, the *Iruka & Kujira (Dolphin & Whale) Action Network (IKAN)* conduct similar direct actions, protests and rhetoric domestically inside Japan (About Us, History and Accomplishments 2015). Unlike *Greenpeace Japan* branch, the *IKAN* is a completely domestically grown civil society organization and as such demonstrates the lack of absolute public consensus on the matter inside the nation.

Whaling is no longer the only economic activity associated with cetaceans. With the growing trend of ecotourism worldwide, whale watching has become an attractive, trendy, less controversial and more sustainable alternative. It can prove to be a viable economic alternative not just for Japan but also for aboriginal communities worldwide traditionally associated with whaling and Norway and Iceland (in the case of the latter whale watching tours are already organized). Japan also has some private entrepreneurs and organizations organizing whale watching activities and also recreational dolphin swimming.

These are growing industries in Japan, as in 1998 the industries generated a profit of 33 million USD and attracted the participation of 103,000 whale and dolphin enthusiasts (Danaher 2002, 113). This rate of profit is actually more than what scholars have calculated to be the profit of contemporary commercial whaling, which turned out to be just 31 million USD per whaling season (Good Whale Hunting 2012) According to the IFAW organization, the whale watching industry in Japan has grown at an annual rate of approximately 6.8 % since 1988 (IFAW 2013, 18). However, the expectation that these growing industries would shift the majority of public opinion against whaling in Japan might be short-sighted, as the demographic of whale and dolphin meat consumers is completely different from of those who wish to admire cetaceans alive in their natural habitat (Danaher, 2002, 113). On the other hand, because of the impact of Buddhist beliefs and influences on society, both recreational whale watching and whaling can co-exist in the same society, as there is a deep underlying respect for nature and animals (Danaher 2002, 120). Thus between these two activities there is no such moral and ethical incompatibility as in the west. That being said according to public surveys done in Japan by *Nippon Research Center* in 2012, 54,7 % of the respondents had no strong feelings for or against their country's whaling policy (IFAW 2013, 13). This is one of the most important reasons why the government of Japan continues its internationally controversial whaling policy decade after decade, as there is no controversy or any major opposition to it domestically.

Some Japanese commentators have described the controversy over whaling as a clash of meat consuming and fish consuming cultures. Comments made by the IWC Commissioner Joji Morishita also reflect this sentiment (Lies 2014). When considering the culinary history of Japan the description is fairly accurate as for instance the consumption of beef is a rather new imported phenomenon in Japan from a historical point of view (Catalinac & Chan 2005, 149). It is a similar analogy as Samuel Huntington's theory on the clash of civilizations, but strictly in terms of culinary culture and freedom of choice regarding subsistence and oceanic resources. Through this rhetoric a notion has come up in Japan, especially in nationalistic circles which presumes that opposition to Japanese whaling is connected to general anti-Japanese views among foreign publics. Japanese scholars Tanno and Hamazaki (2000, 87) have done survey research on college students about the matter in the US, where there is a historical legacy of anti-Japanese attitudes and views. Their results demonstrated that negative views of Japanese whaling were mostly due to ethnocentrism and whale anthropomorphism however, as whaling by the Japanese was most opposed to compared to whaling conducted by other nations and ethnic groups, the association between anti-Japanese and anti-whaling sentiments in the US cannot be completely discredited based on their findings.

CONCLUSIONS & FINAL REMARKS

From an objective and holistic point of view it should be kept in mind that contemporary whaling, which is very limited and practiced by less than a handful of states and a few aboriginal groups, is one of the minor contemporary threats to whales. Oceanic pollution, collisions with large ships, entanglement in fishing nets, climate change and the destruction of biodiversity and habitat of the seas (Smith 2014, 302; Ship Strikes 2015) represent a much larger threat to cetaceans than modern limited whaling as it is. Therefore, an improved strategy for those international actors opposed to whaling of any form could be to try to establish a compromise on the matter with Iceland, Norway and most importantly with Japan. This would constitute the first initial step towards more long term and comprehensive solutions to limit whaling to a reasonable degree and to monitor that quotas are abided by whalers worldwide. In addition combating the more substantial existential threats to marine life in cooperation with whalers, could in a long term perspective be much more beneficial than the current antagonistic situation.

Because of the lack of compromise that seems to characterize both sides of the controversy, the whaling debate has not made much progress in the IWC and elsewhere since the moratorium came to force during the whaling season of 1985-1986. *The Economist* has proposed a creative solution to the problem, which monetizes whales as a kind of commodity and thus affluent conservationist INGOs such as the *Greenpeace* could essentially pay whalers a certain sum per whale to not be hunted (Good Whale Hunting 2012). It is hard to estimate whether such a purely economic approach would work in the case of Japanese whalers (namely the ICR & *Kyodo Senpaku*), as the cultural defense factor lingers strongly over the matter and as the profits associated with Japanese whaling are at best meager. Whaling in general has a very paradoxical nature in Japanese society. There is no doubt that the practice has long roots in Japanese history and so does the culinary use of whale meat however, because of the relatively low demand for whale meat and the low economic significance, one can conclude that contemporary whaling is more about national pride and politics than any material gains.

Considering the relations between Japan and its western allies and its foreign policy in general, the issue at hand is a true oddity, which could in the near future transform into a much more serious issue for Japan. This is firstly due to the ruling of the ICJ, which

probably is not the end of the case as, Japan is continuing with its modified scientific whaling program in the Southern Ocean, which will likely trigger another legal challenge from Australia and New Zealand. Secondly if the TPP agreement becomes a reality, it will complicate matters as in the environmental clauses of the agreement dolphins and whales are recognized as threatened species and in need of conservation.

In consideration of all the evidence and the verdict of the ICJ, it is certain that Japan is abusing the provisions of the ICRW that enable scientific research whaling, as a consequence of the long term length and large scale of the whaling programmes in the Southern Ocean. In essence it is not the manner how scientific research whaling was intended to be conducted by the founding convention. The only way to truly save face, safeguard international legitimacy of the state and reputation while continuing whaling in the future, would be to resign from the restricting and stalling regulatory framework and continue to whale completely under domestic controls. As discussed and demonstrated in this paper, there is no widespread opposition in Japan against whaling. In fact most of the public seem indifferent towards the issue and there are no powerful lobbying groups or organizations dedicated to end whaling as there are in the west.

This paper has demonstrated the strong influence that the Japanese fishing industry and related government agencies have on its controversial whaling policy. It has also discussed the cultural perspectives of the debate, three important cases related to the topic, the history of Japanese whaling, Japan's activities in the whaling commission and theoretical perspectives on the matter. Through all of this discussion it has come to the conclusion that Japan's persisting membership in the IWC despite all odds is domestically due to its diplomatic goals, aspirations and also due to the pure sake of participation and safeguarding national interests. From an international system point of view it can be seen as a counter-balancing strategy against the US-led western hegemony in terms of the international status quo over whaling, but also in much broader international political perspective. In the event of Japan's withdrawal from the Commission, or if it ever accepts the prevailing international anti-whaling norm, a definitive answer to these speculations will surely be revealed. Japan has also been successful in gaining allies in relation to this matter, mostly in the developing world which has stirred great controversy and accusations of bribery against it in the IWC. The connections made due to this might have some important implications and consequences in other fields of international relations as well in the future.

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