UNCC100 HOT TOPIC:

Whale Wars: Politics, Science and the World’s Largest Mammal

Contents

- Introduction
- Background
- Perspectives overview
- Perspective 1: The International Whaling Commission
- Perspective 2: Pro-whaling nations, focusing particularly on Japan
- Perspective 3: Conservation groups and anti-whaling activists
- Perspective 4: The Australian Government
- Perspective 5: A Religious Perspective (Christian)
- Ethical questions
- Which approach would most effectively promote the common good?
Whale Wars: Politics, Science and the World’s Largest Mammal

A number of resources have been provided for you in this package. Use any/all of the material to complete your analysis.

Introduction

The whaling industry was for many years a commercially profitable business undertaken by many nations. Great whaling fleets set sail from Europe and North America. They were an important source of oil, whalebone for corsets and ambergris for perfume in the 18th, 19th and 20th century. Whaling was so profitable during this period that many species were almost hunted to extinction. This 1970s documentary (transcript) outlines the whaling industry and its consequences. This timeline of the whaling industry provides interesting data.

Eventually, the world realised that the continuation of unbridled commercial whaling would result in the decimation and extinction of some species and finally acted to protect the whale. The International Convention for the Regulation of Whaling (ICRW) was signed in Washington DC on 2nd December 1946. Whaling today is regulated by the International Whaling Commission. This body, an inter-governmental agency made up of 88 member states, was established under ICRW. In the early days of ICRW commercial whaling continued and scientific study of whales was dramatically increased to help determine a quota of whales able to be killed each year. In 1986, the IWC introduced zero catch limits for commercial whaling. While whaling is still allowed for indigenous populations who use traditional hunting methods to capture and kill whales for food and other products, large scale whaling was effectively outlawed. Despite the moratorium on commercial whaling, a loophole existed which allowed for the hunting of whales for scientific research purposes. This loophole was exploited by a few countries, notably Japan, Norway and Iceland.
Background

Community interest in the issue of Whaling has increased, especially in the last decade or so. This has resulted in some governments, particularly those of Australia and New Zealand, supporting the position held by conservationists to curtail commercial whaling and, in particular, the so-called scientific whaling conducted by the Japanese.

Watch this brief video (transcript available) for an overview of the history of whaling and the current controversy.

The forum in which official protests against whaling are expressed is the International Whaling Commission (IWC). The IWC sets quotas on the number and species of whales which may be hunted each year. In 1982 it imposed a moratorium on commercial whaling to take effect in 1986. Debate over the ban has continued ever since. The following articles provide two different points of view on the issue:


Protests against whaling, especially Japan’s whale catch in the Southern Ocean, have been conducted by groups such as Greenpeace and Sea Shepherd and have escalated in recent years. These activists have sought support from the Australian Government in monitoring activities in the Southern Ocean.

When the powers of the IWC were deemed inadequate, the Australian Government on 31 May 2010 instituted proceedings against Japan in the International Court of Justice at The Hague. The decision of the International Court of Justice was handed down on 31 March 2014, in Australia’s favour.

However, while Japan has not conducted whaling in the Southern Ocean in the 2014 season it intends to resume whaling in 2015.

Some of the major issues raised by commercial or scientific whaling include:

- Wildlife conservation of whales, as an endangered species, and the cruel treatment of living creatures, as well as the scientific assessment of whale stocks.
- The right to pursue cultural practices. This includes theoretical issues, legal issues, and practical questions, such as: What rights do nations have to dictate to other nations with regard to cultural practices?; How "genuine" are these cultural practices?; Can cruelty to whales be justified?; Is there a need for whale meat as food?
- The International Whaling Commission (IWC): its role; a possible conflict between its "conservation" and "management" roles; how decisions are reached; its powers to implement its decisions; tactics used by nations to contravene IWC directives.
- Anti-whaling arguments: reasons for objecting to whaling, for example, principles, such as conservation; relations between nations; legal issues, for example, the legitimacy and implementation of decisions of international bodies such as the IWC.
- The role of the Australian Government in taking action against Japanese whaling in the Southern Ocean: government-to-government communications; legal action, for example, taking the case to the International Court of Justice (ICJ); relationship with activists in the Southern Ocean and Australian territorial waters.
- Protest and activist behaviour: the tactics used by anti-whaling activists; what actions are acceptable; what actions are unacceptable; legal consequences of activism.

The broader issues involved in the whaling controversy may be summed up as the conservation of wildlife vs. the rights of sovereign nations, and the status of international law– the capacity of international organisations, such as the IWC and the ICJ to enforce their decisions.
Perspectives

There are various groups ("stakeholders") that are involved in this issue in some way. In this section, please reflect on the information from the previous section and from the following resources. In reviewing the information from these sources, identify the perspectives and interests of each stakeholder group. As you read through these perspectives, consider the "Questions to Guide your Preparation" in the introduction to this Hot Topic.

- Perspective 1: The International Whaling Commission
- Perspective 2: Pro-whaling nations, focussing particularly on Japan
- Perspective 3: Conservation groups and anti-whaling activists
- Perspective 4: The Australian Government
- Perspective 5: A Religious Perspective (Christian)
Perspective 1: The International Whaling Commission

The International Whaling Commission (IWC) was set up in 1946 "charged with the conservation of whales and the management of whaling". Read about the history and purpose of the IWC and browse the website for further information. The Australian Whale Conservation Society (AWCS) also provides information on the IWC.

Over the years the IWC imposed quotas on the number of whales which could be caught according to the sustainability of the different species, and established two whale sanctuaries: in the Indian Ocean in 1979, and in the Southern Ocean in 1994.

"In 1982 the IWC decided that there should be a pause in commercial whaling", starting from the 1985/1986 season. This moratorium is still in force and bans commercial whaling.

Some countries, such as Australia and New Zealand, strongly support the ban. They are sympathetic towards conservationists who are not only concerned about maintaining the numbers of whales but are also concerned about the perceived cruelty towards the whales.

The current membership of the IWC consists of 88 Governments representing countries with vastly different positions on whaling. Countries differ over the limitations which need to be imposed to sustain whale stocks, the limits set on each year's catch, and whether the moratorium on commercial whaling should become a permanent ban.

The procedures for decision-making in meetings of the IWC are set out in the Rules of Procedure. In most cases decisions are reached by a simple majority of votes. However, to overturn the moratorium, 75% of the members have to agree. IWC meetings have been held annually until 2012 when it was decided to meet biennially (every two years).

The IWC is in a difficult position. Like all international organisations, the IWC has limited powers of enforcement of its directives. Some countries, for example, Norway, Greenland and Iceland, have objected to the ban and continue whaling. Japan has taken advantage of loopholes in the wording of the ban to continue whaling, claiming that they are engaged in scientific research.

Success in gaining support at meetings of the IWC to protect whales depends upon lobbying and securing support from a sufficient number of member states to support one's position, for example, maintaining or opposing the moratorium on commercial whaling. It has been argued that Japan has been using bribery to secure votes in the IWC for its pro-whaling position. Read these articles for more information:


Recent IWC meetings have revealed deep divisions among the members. Even a former Chairman of the IWC has expressed the view that the moratorium should be overturned. This report on SBS World News outlines his position: "No deal: A proposal to stop the international ban on whaling has been given support by IWC Chairman, William Hogarth. At the moment Japan uses a loophole of whaling under the guise of science whilst Norway & Iceland ignore the ban." World News Australia (SBS Melbourne), 26 June 2009, (read the transcript here).

There have also been disagreements between nations over how to achieve mutually agreed objectives. At the 2010 meeting, a compromise supported by New Zealand to allow a reduced quota of whales to be caught by Japan, Norway and Iceland was put forward as a way of trying to control the number of whales taken. Watch this report from ABC Lateline (or read the transcript) which outlines why New Zealand took this position.

The proposed compromise led to an escalation of tensions between nations.

The counter-argument, that a compromise would mean the end of the moratorium, was successful. The proposal did not proceed and the moratorium on commercial whaling remained as this article explains: "Global Whaling Moratorium Stands as IWC Shelves Compromise Plan." Environment News Service [Lincoln City] 23 June 2010.

The 2012 meeting of the IWC in Panama again ended with deep divisions apparent. Watch this SBS World News report (or read the transcript).

The latest meeting of the IWC was held in Slovenia from 15-18 September 2014, and was the first meeting after the judgment handed down by the International Court of Justice (ICJ) which found in favour of Australia’s claim that Japanese whaling in the Southern Ocean was not “scientific”. The following news report summarises the ways the different parties responded to the judgment of the ICJ and illustrates the inability of the IWC and the ICJ to enforce their decisions: “Japan announces plan to restart whaling in Southern Ocean.” ABC RN, AM, Updated 18 Sep 2014, 9:49am. (Audio with transcript available).
Ethical Questions for Reflection

- In what circumstances is the killing of wildlife justified?
- Is it ethically responsible of whaling nations to ignore the restrictions imposed by the IWC?
- Is it acceptable for Japan to use loopholes in the Convention to continue whaling?
- What are the ethics involved in nations’ votes at IWC Meetings being “bought” in order to influence the outcome?
- Are there ethical issues raised by the fact that international bodies such as the IWC and the ICJ cannot enforce their decisions?


2 The IWC site refers to 88 member countries; some other references, for example, the Australian Whale Conservation Society, state that there are 89 member countries.

Perspective 2: Pro-whaling nations, focussing particularly on Japan

Countries such as Norway, Iceland, Greenland, the Faroes and Japan claim that whaling is part of their indigenous culture and that whale meat is a part of their traditional diet. They resent other countries curtailing what they see as their right to engage in whaling.

Many nations have a long tradition of whaling particularly by indigenous people. This video shows a traditional whale hunt by the Iñupiaq people (transcript). The Iñupiaq have been hunting whales for thousands of years, and many of their hunting methods and traditions continue to be passed down from generation to generation. Such practices are echoed by many indigenous peoples of many regions and are allowed under the IWC regulations.

For example, Greenland has been granted permission (not without controversy) to continue to hunt whales by the IWC under indigenous hunting provisions. See this news report for details: “Hunt approved” World News Australia (SBS Melbourne), 26 June 2010. (Transcript)

Japan regards whaling as part of its traditional culture and whale meat as part of the Japanese diet. Watch this BBC report why whale meat is popular (or read the transcript) which explores the place of whale meat in Japanese culture. But Japanese opinion is divided (video with full subtitles). This article questions Japan’s claim that whale meat is part of their traditional diet: Smyth, Chris. *Whale meat and greet: [Should we eat whales or greet whales?]* [online]. Habitat Australia, Vol. 33, No. 4, Aug 2005: 12-13.

When the International Whaling Commission (IWC) introduced a moratorium on whaling in 1986, Japan objected. Other whaling nations, such as Norway, Iceland and Greenland also objected and ignored the ban. These nations claim a traditional link with whaling.


A similar argument is mounted in this brief article: Clancy, Glen. *Whale Wars* [online]. Arena Magazine (Fitzroy, Vic.), No. 116, Feb/Mar 2012:11-12.

Japan’s response to the ban on commercial whaling has been two-fold:

i. They have taken advantage of a loophole in the wording of the ban and continued their whaling activities, claiming that they are engaged in scientific whaling. Japanese whaling in the Southern Ocean, which was declared a whale sanctuary in 1994, has resulted in disagreements and tension between Japan and anti-whaling nations like Australia, New Zealand, the United States, Britain and others;

ii. Japan has continued its efforts to have the ban overturned in meetings of the IWC. Critics have argued that Japan has tried to influence the votes in meetings of the IWC in a number of ways, including bribery.

In recent years anti-whaling activists have had an impact on the length of the whale hunt and the size of the catch: “Whaling Fight: Japan has been forced to cut its annual whale hunt short because of constant harassment by environmentalists.” World News Australia (SBS Melbourne), 19 February 2011. (Transcript)
Japan and the International Court of Justice

The decision of the ICJ was handed down on 31 March 2014 and found in Australia’s favour. This decision has devastated many in Japan who claim it is an attack on their traditions and culture. Watch this ABC News report Japanese whaling, Local Impact (or read the transcript) for the local impact of the Court’s decision.

As a result of the ICJ decision, Japan has suspended whaling in the Southern Ocean for the 2014 season, but has subsequently indicated that it will resume whaling elsewhere (Video and transcript).

By May 2014 Japan had resumed whaling in the north-west Pacific (Video and transcript). At the 2014 meeting of the IWC, September 15-18, New Zealand “put forward a motion to have the Commission formally recognise” the ruling of the ICJ on 30 March 2014. However, Japan has indicated that it will resume what it calls scientific whaling program in the Southern Ocean whale sanctuary (Audio and transcript).

This brief podcast analyses this action of defiance by Japan in some detail: “Japan seeking amendment to resume commercial whaling,” ABC RN, Breakfast, 18 September 2014. (Transcript)

This story from ABC’s Catalyst program examines Japan’s claim that they are engaged in scientific whaling: “Whale science,” Catalyst, ABC TV, 8 June 2006. [Video and transcript]

It seems the controversy over Japanese whaling is set to continue.

Ethical Questions for Reflection

- What are the rights of indigenous cultures to continue whaling as part of their culture? Is the practice necessary?
- What are the ethical issues which arise in the arguments put forward by the pro-whaling side of the debate?
- Do other nations have the right to stand in the way of whaling by countries which have whaling and the eating of whale meat as part of their culture?
- Is Japan’s claim to be engaged in “scientific whaling” credible and legitimate?
- What is the effect on the whales of continued “scientific whaling” by Japan in the Southern Ocean?
Perspective 3: Conservation groups and anti-whaling activists

Conservationists are concerned to preserve all existing whale species, with special consideration given to ensure that endangered species survive. They are also concerned about cruelty to whales.

Conservationist organisations which seek to protect whales include those which engage in canvassing and arguing their case. There are numerous organisations and publications worldwide which provide information and canvassing on behalf of whales. Australian organisations include:

- Australian Whale Conservation Society: (read the ‘About Us’ page and browse the links on the left)
- Australian Conservation Foundation (read about the principles of this organisation, then read about their work on the issue of whaling)
- Greenpeace Australia

Greenpeace and the Sea Shepherd Conservation Society are two activist organisations that have been prominent in harassing Japanese whaling vessels in the Southern Ocean and the seas in Australia’s Economic Exclusion Zone (EEZ). The following link from Greenpeace shows pictures of their activities. Sea Shepherd Australia’s “Mission Statement” refers to direct action.

Greenpeace has also used other forms of activism apart from direct action at sea. They have investigated what happens to the whale meat taken to Japan. They allege corruption and the illegal sale of whale meat. After reading this short introduction, access the two videos on the same page: “Whaling on Trial” (18 April 2009, read transcript here), and “Shedding light on Japan’s whaling scandal” (20 March 2009, transcript here).

Part of the dispute between whaling nations and conservationists is in terms of estimating the number of particular whales in each species and whether or not certain species are sufficiently numerous to allow commercial whaling. The establishment of the International Whaling Commission (IWC) in 1946 was an expression of the perceived need for conservation of whales and management of whaling.

Many conservationists go beyond debates over numbers to argue that whaling practices are cruel and inflict unacceptable pain on sentient creatures. Whales are portrayed as magnificent creatures, among the largest of the mammals, and have intrinsic worth.

The principal tactic of activists is to engage with the Japanese vessels, to harass them, and to try to disrupt the killing of whales. At times they have put their own vessels in between the larger Japanese ships. On other occasions activists registered their protest by boarding Japanese vessels. Apart from such actions being dangerous, boarding ships is illegal. Activists leave themselves open to charges in the Japanese courts. Such rash action is condemned even by nations who oppose whaling. See the following article: “Battle Lines Drawn for 2013-2014 Antarctic Whaling Season,” Environment News Service [Lincoln City], 26 December 2013.

Activists claim that the tactics they adopt are meeting with success. See: “Sea Shepherd harassment suspends Japanese whaling.” Lateline, ABC, 16 February 2011. (Transcript and video).

Increasingly, however, the tactics of activists have led to dangerous confrontations with the Japanese whaling fleet. See this article and this Lateline report (video and transcript) from February, 2014. In 2010, a Japanese whaler sheared off the bow of a Sea Shepherd vessel as reported by the ABC, Australia’s whaling war with Japan (read transcript). These confrontations have led to increasing tension between Japan and Australia on a diplomatic level, as SBS World News reports (read transcript), and has led to serious international incidents (read transcript).

The following article considers the legality of activism in terms of international laws against piracy: Rae, Charlie. “Are environmental activists pirates?” Precedent (Sydney, N.S.W.), No. 120, Jan/Feb 2014: 28-31.

Activist groups have frequently called on the Australian Government to send naval vessels to the Southern Ocean to monitor the activities of the Japanese, including the actions which the Japanese ships have taken to deter the activists. However, any presence can also be seen as a way of monitoring what some describe as the reckless and dangerous actions of some activists. Listen to this discussion of the issue on ABC Radio National Breakfast (read transcript).
Ethical Questions for Reflection

- Are whale numbers in need of conservation?
- What is the effect of whaling – on whale numbers and in terms of the suffering of the animals?
- Are conservationists overstating their case: Is the suffering of whales any different from the suffering of other animals farmed for food?
- Consider the ethical dimensions of the claim that many activists would make: “the ends justify the means”. Do the “scientific” benefits of whaling justify the practice?
- What tactics are ethically justifiable?
- What tactics cannot be justified ethically?
- Is it ethically acceptable to put oneself in danger in order to prevent whale hunting?
Perspective 4: The Australian Government

A perusal of the media and reporting on whaling indicates that on the whole the Australian people tend to be anti-whaling, or at least they are critical of Japan’s whaling activities in the Southern Ocean south of the Australian mainland. Public opinion polls readily substantiate this claim.

There has been criticism of the response of successive Australian governments, who have been perceived as not taking a strong enough stance against Japan. There has been criticism of Japan and its continuation of whaling, which can affect Australians’ perception of Japan as a friendly neighbour in our region. However, many Australians who support the anti-whaling case, would not necessarily support the behaviour of some of the activists.

Successive Australian governments have sought to protect the whales, largely through representations made at meetings of the International Whaling Commission, which Australia joined in 1948, and by their voting on IWC measures, for example, the moratorium on commercial whaling.

Irrespective of the political party in power, Australian governments have supported the moratorium on commercial whaling at International Whaling Commission meetings and have been critical of Japan’s continued whaling operations in the Southern Ocean. Both Liberal and Labor governments have been criticised by activists for not doing enough to resist Japanese whaling but some Australian surveillance of the activity of Japanese whalers has taken place. This is by no means a consistent approach of Australia however.

The most significant decision made by an Australian government was that of the Rudd Labor Government to institute proceedings against Japan in the International Court of Justice (ICJ) on 31 May 2010. On the eve of the decision of the ICJ the issue again was featured in the media: “The United Nations top court will decide tomorrow if Japan has the right to hunt whales.” ABC News QLD (ABC1 Brisbane), 7 pm, 30th March 2014. (Video and synopsis.) (Transcript)
However, in the years before the case was heard by the ICJ action continued at the IWC and on the high seas:

- “Government in talks to free whaling activists from ship: The Australian Government says it is doing everything it can to try to ensure the safe release of three anti-whaling activists being held on board a Japanese surveillance boat,” ABC Premium News [Sydney], 8 January 2012.

The differences between Australia and Japan over whaling, especially Australia’s decision to take Japan to the International Court of Justice, presents some difficulties at a diplomatic level, which both governments seek to manage judiciously.

The decision of the International Court of Justice was handed down on 31 March 2014, in Australia’s favour. See, “Australia wins historic ICJ whaling case” (transcript). Initially, Japan pledged to abide by the Court’s ruling and cease its whaling program, however it has since done a backflip on this promise (transcript) and will resume whaling in the Southern Ocean whale sanctuary after only one year of abstention. Japan believes it can circumvent the ruling of the ICJ by undertaking more rigorous scientific research in future whale hunts.

**Ethical Questions for Reflection**

- What are the ethical issues involved for Australian citizens with regard to whaling, especially whaling by Japan in the Southern Ocean adjacent to Australian waters?
- Does the Australian government have an ethical responsibility to take action with regard to whaling in waters near Australia? What ‘action’ would be appropriate?
- The Australian government took legal action against Japan in the International Court of Justice. Was that action ethical?
- Would it be ethical for the Australian government to support protestors harassing Japanese whaling ships?
- Is there an ethical issue for the Australian government in balancing the diplomatic issues and the conservation issues in relation to whaling by Japan, in the Southern Ocean?


Perspective 5: A Religious Perspective (Christian)

This Hot Topic has considered the hunting of whales. Key issues raised include considering the balance between preserving species which have, in the past, been almost hunted to extinction, and hunting limited numbers of whales for food or commercial purposes.

In the past, a common attitude was that the goods of Earth were given to humans to use as they see fit. This attitude meant that humans were able to exploit the riches of nature for their purposes without compunction. Such a view among Christians was often based on an interpretation of Genesis 1:28 in which God tells humans to ‘be fruitful and multiply and fill the earth and subdue it; and have dominion over the fish of the sea and over the birds of the air and over every living thing that moves upon the earth.’

In more recent times, with the growth of an ecological awareness, people of faith are moving towards a renewed understanding of the relationship between humans and the rest of creation. A biblical text often used to illustrate this shift in understanding comes from the second creation story in Genesis (2:15) where humans have a quite different task set by God. Here, God creates a garden and places the human into the garden ‘to til it and keep it’. This text is more about the responsibility of human kind to care for all creation and to preserve and keep it for future generations. There is recognition that all life on Earth has an intrinsic value in its own right, simply because it exists, and not only through the value assigned to it by its usefulness to humans.

This site from the BBC Religion page explores the attitudes towards animals in Christianity generally and the specific teachings of a number of Christian churches. See this further exploration of animal rights according to various Christian Churches.

The organisation, Catholic Concern for Animals, provides an example of Catholics, working in an ecumenical context, expressing care and concern for animals. This organisation operates according to a set of basic principles and has papal support.

In recent years Popes John Paul II, Benedict XVI and now Pope Francis have spoken on ecology from a Christian perspective (however, they have not mentioned whales!). The following message on World Peace Day, 1 January 2010, contains some sections in which our relationship with animals is embedded. Look particularly at the following sections: #1; #3 (contains a contemporary understanding of Genesis 1 and 2); #5; #7 (second, short, paragraph); #14; #16.

Ethical Questions for Reflection

- How does the application of a Christian perspective affect one’s perception of how to respond to the issues raised in relation to whaling?
- What role do people coming from a Christian perspective have in furthering the cause of the ethical treatment of whales?
- How might Christians come to different conclusions with regard to our treatment of sentient creatures such as whales?
Ethical questions

There are numerous questions we need to ask, from an ethical point of view, in relation to WHALING. Many of these questions have been asked through the examination of the various perspectives. A few more are listed here. Can you think of any others?

- In terms of the common good, is whale hunting ethical? Is it relevant whether whales are killed as a cultural practice or for commercial reasons?
- In terms of the common good, do nations have a responsibility to abide by the decisions of international bodies such as the International Whaling Commission and the International Court of Justice?
- Is activism, such as the harassment of vessels at sea, ethical?
- From the perspective of the common good, are there limits to the kinds of inducements offered to countries to gain their vote on the International Whaling Commission?
- To what extent was the Australian government acting in the interests of the common good by taking legal action in the International Court of Justice against Japanese whaling in the Southern Ocean?
- Is the Australian government acting in the interests of the common good when its protests against Japanese whaling may result in adverse diplomatic and economic consequences for Australia?
Which approach would most effectively promote the common good?

Consider all that you have read in this module. Think about the history and background to the issue, and the diversity of perspectives and interests among the various stakeholders. Think about the ethical questions, and how the different positions dispose us to thinking differently about what the stakeholders should or should not do. Now ask yourself what the **best course of action** would be for securing the **common good**. What should the **Japanese whalers** do to bring about the common good? What should the **Australian Government** do? How will the common good be realized in this situation, and who must contribute?

And what about us? What should **we** do?