

# Japan, the West, and the whaling issue: understanding the Japanese side

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**Abstract:** This article examines the current dispute over whaling from the perspective of Japan, a country that is fiercely protective of its right to whale. It outlines the key role played by transnational environmental actors in defining and instituting an international norm of anti-whaling, symbolized in the passage of the moratorium on commercial whaling in 1982. This signalled a rejection of previously held attitudes towards the use of whales as natural resources and the embracing of a protectionist, hands-off approach. Support for this new stance however was not forthcoming from pro-whaling states Japan, Norway and Iceland.

By analysing Japan's original objection to the moratorium, its later compliance and its commitment to the resumption of limited commercial whaling, this article outlines the principles that underpin Japan's whaling policy. While the Japanese government views the whaling dispute as a threat to resource security and also a danger to inter-state respect for differences in custom and cuisine, the need to be perceived as a responsible member of international society exercises a major influence on the formation of Japan's whaling policy, conditioning its rule compliance and prohibiting the independent action pursued by other pro-whaling states. Recent developments in the whaling dispute, however, may be enough to dislodge Japan's commitment to the moratorium, which would impact upon the legitimacy of the International Whaling Commission itself.

**Keywords:** Japanese whaling, international norms, rule compliance, environmental movements, international legitimacy

## Introduction

During the meeting of the International Whaling Commission each year, considerable outrage is directed towards Japan by anti-whaling countries and environmental non-governmental organizations for its desire to hunt and eat whales. Japanese delegates have been sprayed by red paint and spat at on more than one occasion by impassioned environmental protectionists. Scientists aboard Japanese research vessels face ongoing attacks by environmental groups, and year after year Japanese delegates face children shouting 'shame, shame, shame on Japan for killing whales!' Japan is portrayed as an economic animal and environmental

outlaw, with its traditional custom being painted as barbaric, uncivilized and archaic, something that is out of tune with an environmentally sensitive 'world'. New Zealand and Australia are among the most vocal opponents to this practice and have expressed their staunch commitment to preventing Japan from resuming commercial whaling under *any* circumstances.

However, whaling has not always pitted nation against nation in this manner. Up until the 1970s both Japan and a number of Western countries exploited whales as a natural resource, undertaking large-scale commercial whaling that resulted in the depletion of many species. Against this background, the International Convention for the Regulation of Whaling (ICRW) was signed in 1946, which established the International Whaling Commission (IWC). Reflecting concerns that the over-harvesting of whales would prove detrimental to the economic interests of the whaling industry, it was founded with the explicit mandate of 'providing for the proper conservation of stocks' and the 'orderly development of the whaling industry'. 'Conservation' in this period was construed to mean conservation of the health of the whaling industry, not of the whales.

By 1982, however, the growing power of transnational environmental actors, which included individuals, non-governmental organizations, and governments, succeeded in passing an Amendment to the Schedule of the ICRW, which placed a moratorium – or zero-catch limit – on all commercial whaling. In just a few decades, the IWC had undergone a 'normative transition', from an institution established to ensure the conservation of whales as a natural resource, capable of monitored utilization, to an institution dedicated towards the protection of all whales (Stoett 1995: 126).

These zero-catch limits, however, were passed with the understanding that they would be temporary, a measure taken until a more effective method of managing commercial whaling was developed. This new method, the Revised Management Procedure, was approved by the Scientific Committee of the IWC in 1992. It was acclaimed by scientists for being the 'most cautious and conservative management scheme ever introduced in natural resource management' (Wong 2001: 98). However, a hardening of the anti-whaling platform, reflected in an unwillingness to recognize *any* commercial use of whales, resulted in the rejection of this procedure in 1992 and at every subsequent IWC meeting. Instead, the anti-whalers have continually blocked attempts to reverse the moratorium; have fought for the establishment of the Southern Ocean Sanctuary in 1994, itself contradictory to recommendations of the Scientific Committee; and recently established a Conservation Committee within the IWC.

Despite the huge followings commanded by the 'save the whale' environmental movements in the West,<sup>1</sup> these campaigns had failed to take off in Japan. Its long history of whaling and its consumption of whale meat, especially in the period following the Second World War when food was scarce, and a different cultural attitude towards animals had simply precluded the awareness of whales as special and worth 'total protection'. Moreover, many small Japanese coastal communities

depended on whaling not only for the material benefits it provided but also for the social and cultural benefits. Viewing the moratorium as a political decision, unsubstantiated by strong scientific evidence, counter to the aims and objectives of the IWC mandate and largely the product of environmental lobbying, Japan – alongside other pro-whaling countries such as Norway and Iceland – lodged strong objections. Their subsequent efforts to champion the cause of whaling, however, have achieved very little.

This article seeks to understand the dispute from the side of the Japanese. It seeks to answer fundamental questions such as why the Japanese government is so committed to the resumption of whaling, upon what principles its whaling policy is based, and why it remains within the IWC when it could easily opt out. It will show that, as a nation with great anxiety over resource security, Japan views with disfavour any attempt to bar access to these resources. The idea that whales deserve special treatment or total protection from human use is not widely accepted in Japanese society, reflected in the lack of public support for conservation movements, particularly those dedicated to the protection of wildlife. This lack of a domestic constituency to support the cause of the anti-whalers constitutes the most important reason for the Japanese government's opposition to the moratorium.

And yet Japan eventually did comply with the moratorium. In examining why it did so this article suggests the need to look beyond the threat of US sanctions to the international legitimacy and responsibility that Japan gains from compliance. It further suggests that the need to be perceived as a responsible member of the international community continues to influence the formation of Japanese whaling policy, and this need also accounts for the variations in policy between the pro-whaling countries. The article will conclude by discussing recent developments in the whaling dispute and considering their impact on the IWC as an organization dedicated to the protection of whales.

In his discussion of the emergence of powerful 'global prohibitionist norms' – defined as norms that prohibit the involvement of states and non-state actors in certain activities – Nadelmann argues that the activities these norms seek to prohibit are almost always originally conceived of as 'entirely legitimate', with 'states often the principal protagonists and abettors of the activity' (Nadelmann 1990: 484). Thus 'moral entrepreneurs' must redefine the activity as a problem and as an evil. In doing so they team up with governments, typically those able to exert considerable hegemonic influence in a particular issue area, and act as 'regime proponents', actively agitating for the suppression of the activity and the formation of international conventions to this effect. This agitation may take many forms, ranging from diplomatic pressures, economic inducements and propaganda campaigns, to domestic and transnational lobbying (ibid.: 485). An analysis of the emergence of the global prohibitionist norm against whaling confirms the importance of the role played and strategies adopted by environmental 'transnational moral entrepreneurs' in spreading the anti-whaling message. By illuminating the

various strategies utilized by the environmentalists in spreading their message, the following section provides a window through which we can understand how the Japanese government views the issue.

### **The emergence of an international preservationist norm of anti-whaling: a brief history**

The use of whales as a resource for food, fertilizers, fuel, and other commodities has an extremely long history. The earliest records of whaling in the West belong to the Basques in the eleventh century, with the Norwegians beginning around 1250. By 1500 the Dutch had commenced commercial whaling, followed in 1600 by the French and English and in the 1700s by the Americans. The important role whale products played in the industrialization of Western societies has been well documented, with blubber providing oil for lamps and machine lubrication, and other parts such as baleen being used for umbrellas and corsets (Stoett 1997: 49–50). Over time, technological innovations such as Norway's development of the harpoon whaling technique in 1864, which allowed the catch of larger whales such as the blue and fin, and the creation of the factory ship in the 1920s contributed to the modernization of the whaling industry and its expansion into Antarctic waters (ibid.: 29–61; see also Tonnessen and Johnsen 1982). By the end of the 1930s this area accounted for 85 per cent of the world's catch, and whale oil production was at a record high. Great Britain and Norway were the leaders of the pelagic whaling industry, with the two countries accounting for more than 95 per cent of the world's catch (Wong 2001: 90).

Japan also has a long history of whaling. The taking of beached whales, known as 'passive whaling', was practised by coastal fishing communities long before the advent of active whaling with nets and harpoons, which scholars believe commenced in the village of Taiji in the sixteenth century. By the seventeenth century, whalers in Taiji developed the *amitori* method of net whaling, which spread quickly to other coastal whaling villages. By requiring a large and specialized workforce to capture and process the whale, this method involved the whole community, and multiple uses were found for all whale parts to ensure that nothing would be wasted (Kalland and Moeran 1992). Industrial whaling, on the other hand, began in the early twentieth century, with the Japanese government actively promoting the modernization of whaling for the purpose of generating whale oil for export. The adoption of the Norwegian technique enabled Japanese whalers to reach new whaling grounds such as the Antarctic and expand the volume and variety of catch species. Very quickly, Japan became a major whaling nation. However, unlike most of its Western counterparts, its consumption of whale meat and other by-products meant that Japanese industrial whaling was able to expand in the years when whaling was waning in the West. Japan's earnings from exports of whale oil grew over forty-fold between 1935 and 1939 (Wong 2001: 102).

Against this background, early international attempts at the formal regulation of the whaling industry were motivated by industry concerns that the over-harvesting of whales would prove detrimental to the long-term economic interests of the whaling industry (Stoett 1995: 115). At America's initiative the International Convention for the Regulation of Whaling (ICRW), which legally created the International Whaling Commission (IWC), was signed in 1946 (Stoett 1997: 57).<sup>2</sup> Its preamble reflects the somewhat contradictory purpose of the organization: 'to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry.' As whales are recognized as a common resource, the IWC has an open-access clause and grants membership to any interested country, regardless of its whaling interests. Amendments to the schedule require a three-fourths majority, with decisions binding on all members. However, a contracting government can file an objection within ninety days of a decision to legally exempt itself.

The preoccupation of the founding members with protecting the price of whale oil is apparent in their utilization of the blue whale unit as a management tool.<sup>3</sup> Rather than being based on an estimate of the relative abundance of different species, it was instead based on calculations of how much oil could be extracted from an individual of each species of whale exploited. This quota system encouraged over-investment in whaling equipment as each nation had to try and take as many whales as it could before the season ended. This gave rise to the term 'Olympic whaling' of the 1950s and early 1960s (Wong 2001: 94). In the whaling season of 1961 and 1962 countries such as the UK, America, Japan, and the Soviet Union killed more than 66,900 large whales (Mandel 1980: 105).

However, in the 1960s several factors arose to challenge the legitimacy of whaling as a commercial enterprise. The economic value of whale products began to decrease as alternative products were developed and whale stocks themselves declined, and this caused many countries to scale down their fleets.<sup>4</sup> In addition to this, a powerful evolution in public sentiment towards the environment began to occur in many Western countries, reflected in the proliferation of new, activist environmental organizations (Garner 1993: 40-4).<sup>5</sup> Within this movement the whale began to be seen not merely as another endangered species in need of conservation measures, but as a unique and unusually intelligent form of animal life that should not be killed at all (Wong 2001: 95). In their attempts to pinpoint exactly what features of the whale have facilitated this, observers have noted that the sheer size of the Great Whales seems to increase public empathy, as well as popular perceptions of their intelligence (Stoett 1997: 29; see also Andreson 1989: 108). By visits to aquariums and the portrayal of whales in books such as John C. Lilly's and classics such as *Moby Dick*, people began to be exposed to the 'humanity' of whales.

Coupled with changing views on the part of the public, declining economic value, and the open access clause of the IWC, the emerging environmental groups were afforded considerable opportunity to spread their anti-whaling messages

(Stoett 1995: 118). First, they began to pressure the US government to take action to outlaw domestic whaling, achieving the passage of legislation in 1970 and 1971 that officially ended all whaling by the United States, the classification of eight of the largest whale species as endangered species, and the banning of the importation of whale products (McGonigle 1980: 189–90).<sup>6</sup> More importantly, their pressure led to the passage of amendments to two older pieces of legislation, which effectively threatened the commercial interests of whaling nations: the Pelly Amendment to the Fisheries Protection Act of 1967 gave the President the option of banning any or all fisheries imports from countries that were deemed to be jeopardizing an international fishery conservation agreement; and the Packwood/Magnuson Amendment to the Fishery Conservation Management Act of 1976 authorized the US to block access to US coastal waters to nations that are violating bans on killing endangered marine mammals (Wong 2001: 108–9). The threat and, in some cases, partial implementation of these sanctions – for example, against Peru, Chile, and South Korea to force them to join the IWC in 1979, and also against Japanese research whaling – confirmed the position of the US as on the bandwagon of the anti-whalers.<sup>7</sup>

Under further pressure, in March 1971 the Senate unanimously passed a resolution instructing the Secretary of State to negotiate with the IWC for a ten-year moratorium on killing whales. This led to the introduction by the US of a resolution calling for a ten-year moratorium on the killing of whales at the UN Conference on the Human Environment in Stockholm in 1972 (Mandel 1980: 106–7). The Scientific Committee of the IWC rejected this on the grounds that it could not be justified scientifically. However, the US continued its efforts at pressuring the IWC to this end throughout the 1970s.

With the US government firmly on board, transnational non-governmental organizations such as Friends of the Earth, Greenpeace, the International Society for the Protection of Animals, Project Jonah, and the World Wildlife Fund began to pressure individual governments to change their policies on whaling by way of consumer boycotts and direct protest action. In 1973 the Animal Welfare Institute (AWI) in the United States initiated a consumer boycott against products from the Soviet Union and Japan, the only two countries still conducting commercial whaling (Mandel 1980: 109; Scarff 1977: 369). In 1975 Greenpeace began sending ships to the Pacific to protest against and attempt to block whaling by the Soviet Union (Mandel 1980: 111).

These organizations next turned their attention to pressuring other non-whaling states that had withdrawn from the IWC to re-enter and join in the cause. Pressure from environmentalists persuaded New Zealand to rejoin in 1976, pledging its support for the moratorium (Cawthorn 1999; Kalland and Moeran 1992: 13), while the Netherlands rejoined in 1977. In Australia, the growing salience of anti-whaling campaigns by the group 'Project Jonah' won the backing of 70 per cent of the population and achieved the support of the National Liberal Party, which was elected in 1977, for the moratorium (Peterson 1992: 175).

In their efforts to raise the three-fourths majority needed, these environmental groups went as far as encouraging countries with no obvious direct interest in whaling to join the IWC (*ibid.*: 176; Andreson 1989: 109). The conservation group the Threshold Foundation funded the membership, in 1979, of the Seychelles delegation, which went on to become an active participant in the transnational efforts of the environmentalists by proposing bans on the hunting of sperm whales and the establishment of an Indian Ocean moratorium (Stoett 1995: 123; Peterson 1992: 176–8).<sup>8</sup> Testimony to the efforts of the environmentalists was the rapid growth in IWC membership: ten new states joined in 1981 and five more in 1982, with a proportion of membership fees being paid for by Greenpeace (Spencer *et al.* 1991).<sup>9</sup> This meant that by 1982 twenty-eight of the thirty-nine IWC members, nineteen of whom were new, did not whale. By providing the three-fourths majority necessary to amend the Schedule of the ICRW, these new members formed a 'normative snowball' that eventually resulted in the passage of the moratorium (Stoett 1995: 123).

While calls for the banning of all whaling were deemed unacceptable to the IWC, given the lack of scientific grounds for the decision,<sup>10</sup> pressure from the environmental groups did bring about small changes in IWC policy that signalled a shift towards conservation. These included the allowing of international observers on whaling ships to guarantee quota adherence in 1972, a new management procedure being adopted in 1974, which prohibited the killing of species that had fallen below the level of maximum sustainable yield, and the passage of a ban on the import of whale products from any non-IWC-member state. These policy changes were also responses to pressure from inter-governmental organizations such as the Convention on International Trade in Endangered Species (CITES). In 1979 this organization voted to move all species of whale protected by the IWC into Appendix I, which defined them as endangered and prohibited trade in their products. The idea that whales deserved total protection was slowly commanding more and more support.

Most importantly, the capacity for regime proponents to influence the IWC directly was enhanced by the latter's decision in 1977 to open its meetings to observers from non-governmental organizations and also to appoint inter-governmental organizations as advisors. For the non-governmental organizations this provided opportunities for them to participate and present their arguments.<sup>11</sup> At the 1979 meeting three non-governmental organizations, the People's Trust for Endangered Species, Greenpeace and the Threshold Foundation were able to present evidence of Japan's non-compliance with the ban on pirate whaling (McGonigle 1980: 196).<sup>12</sup> The UN Food and Agriculture Organization (FAO) was able to present research that resulted in the IWC decision to ban sei whaling in the Southern Hemisphere in 1978 (*ibid.*: 194). Both non-governmental organizations and the FAO were also able to present policy papers to the open plenary session of each annual meeting, which commands considerable media attention (*ibid.*: 198).

From the late 1970s until the moratorium in 1982 an increasing number of states and organizations began to pledge their support for the *preservation* of whales, rather than mere conservation. In 1979 the Australian Commissioner justified his proposal for a moratorium by saying that the new policy 'represents a change in emphasis from one of the conservative utilization of whale stocks to promoting a policy of banning whaling and protecting whale population', citing as several reasons for the change the potentially high intelligence of whales, a growing conviction that whaling was immoral, the imminent availability of substitutes for whale products and the inhumane way whales were killed (D'Amato and Chopra 1991: 42).

Not only were states within the IWC slowly pledging their support for the preservationist cause, the international organizations with observer status at the IWC were also vocally expressing their support. In 1981 the International Union for the Conservation of Nature (IUCN) stated: 'the view is now held by the people of the majority of nations of the world that for scientific, ecological and aesthetic reasons whales should no longer be killed for industry' (Stoett 1995: 123). Together with the increase in the number of non-whaling states in the IWC, the presence of these international organizations, which grew in number from twenty-four in 1978, to thirty in 1980, then to fifty throughout the 1980s, contributed greatly to the change in atmosphere at IWC meetings. The 'old whalers' club' was gradually giving way to a 'new organization with different political interests and priorities' (Andreson 1989: 109).

In the 1981 meeting many new members, such as Costa Rica and India, made strong statements in favour of the total protection of whales, and a moratorium was proposed by the UK with support from the United States, Sweden, France, and New Zealand. This effort failed. By 1982, however, eight new non-whaling members had joined, making the prospects for moratorium 'brighter than ever before'. The Seychelles presented their proposal for a 'phase-out' of commercial whaling, which would 'facilitate the adjustment that whaling nations will have to make if the whale be saved from extinction'. This sought zero quotas for all commercial whaling by the end of the 1986 coastal and the 1985–6 pelagic seasons, and was adopted by a vote of twenty-five in favour, with seven against and five abstentions (D'Amato and Chopra 1991: 46).

By placing a blanket ban on the hunting of all species of whale, the moratorium failed to distinguish between stocks that were endangered, depleted, declining, stable, or increasing at the time. For this reason it did not have the full endorsement of the Scientific Committee of the IWC (Danaher 2002: 105).<sup>13</sup> However, it was the first sign of an evolving preservationist attitude that would grow to take precedence over scientific fact in informing IWC decisions. Despite the formulation and adoption by the Scientific Committee, in 1992, of the Revised Management Procedure, which is an extremely conservative method that would allow a return to commercial whaling on a sustainable basis, the anti-whaling majority was able to reject its implementation. This disregard for scientific argument prompted the



resignation of the Chairman of the Scientific Committee, Paul Hammond, in 1993. In his statement he asked: 'what is the point of having a Scientific Committee if its unanimous recommendations on a matter of primary importance are treated with such contempt?' (Skare 1994: 18)

Other measures adopted by the anti-whaling majority to safeguard against the resumption of commercial whaling include the 1994 designation by the IWC of a whaling sanctuary in the Southern Ocean, itself not endorsed by the Scientific Committee (Stoett 1997: 72); the repeated denial of an interim quota for Japan's coastal whaling communities, despite the Scientific Committee unanimously agreeing in 1991 that minke whales in the Antarctic numbered around 760,000 (Skare 1994: 18); and the establishment of a Conservation Committee in 2003 (IWC 2003). Governments such as New Zealand and Australia have reiterated their unwillingness to tolerate even a monitored return to commercial whaling, whatever the stock estimates show.

This brief history of the emergence of the international prohibitionist norm against commercial whaling has highlighted how environmentalists, against the background of declining economic demand for whale products, succeeded in delegitimizing what had originally been conceived of as a legitimate and extremely worthwhile activity. They had brought about a 'normative change' in the mission of the international organization that had been set up to regulate the whaling industry. Through their efforts and the receptivity showed by governments and individuals it was transformed from a 'whalers' club' into an 'official agent of the growing conservation movement' (Stoett 1995: 111).

### **The reaction of Japan and the other whaling countries**

Japan, Norway, and Iceland are the three major countries that not only have voiced their disapproval of the moratorium but also are actively dedicated to the resumption of commercial whaling. All three countries demand that commercial whaling should be able to resume on a sustainable basis following the guidelines of the Revised Management Procedure (RMP), approved by the Scientific Committee in 1992. However, each country has taken a slightly different stance on the issue. In order to gauge the full range of factors that influence the formation of Japan's whaling policy – including factors that may serve to limit Japan's policy options – it is helpful to compare its actions with those of the other pro-whalers.

Following the passage of the moratorium in 1982, Japan filed a formal objection at the 1983 IWC meeting, pursuant to its right under Article V (IIIa) of the ICRW. Under US pressure it then shifted its position in 1985, stating that, while still maintaining an informal objection on technical grounds, it would withdraw its formal objection (D'Amato and Chopra 1991: 46–7). With that decision, the Japanese government ended all commercial whaling in the 1986/7 whaling season.

As noted above, however, the moratorium was not supposed to be permanent or indefinite. It suspended commercial whaling for a five-year period starting in

1986, and this was scheduled for review by the time a comprehensive assessment of stock levels was complete, expected in 1990. To this end, the Japanese government, exercising its right under Article VIII of the ICRW, launched a 'research whaling' programme with the objective of identifying whale stocks for sustainable use under a new scientific management regime (Komatsu and Misaki 2001: 65). This research programme is conducted by the Institute of Cetacean Research, funded in part by the Ministry of Agriculture, Forestry and Fisheries, and takes an average of 300–400 minke whales each year from the Antarctic (Wong 2001: 106). Based on Japanese assessment of stocks, the Scientific Committee of the IWC unanimously agreed in 1991 that Antarctic minke whales numbered around 760,000, and that up to 2,000 whales could be taken each year without threat to the stock (De Alessi 1995: 25; Caron 1995: 160).

The anti-whaling majority, however, have expressed their unwillingness to acknowledge the contribution this research makes to the study of cetaceans. At a recent anti-whaling assembly hosted by Greenpeace the New Zealand Prime Minister Helen Clark stated: 'the New Zealand government does not accept Japan's contention that it is whaling for scientific purposes' (quoted in Umezaki 2000: 6). Instead, the New Zealand government echoes the sentiments of the anti-whaling environmental groups by asserting that Japan's research programme is really 'commercial whaling in disguise' (quoted in Ohsumi 2000a). In defiance of this criticism, the Japanese government has extended this research programme several times: in 1994 to cover minke whales in the South Pacific and in April 2000 by adding two new species, sperm and Bryde's whales.

Alongside its research whaling, from 1988 the Japanese delegation has repeatedly asked the IWC for an 'interim relief allocation' of fifty minke whales for its coastal whaling communities, which the Japanese government argues is necessary to limit the economic displacement caused to these communities by the moratorium. At the 1993 meeting Japan introduced an 'Action Plan for Community-based Whaling', in which the Japanese government requested that small-scale coastal whaling be considered under the term 'aboriginal subsistence whaling' (D'Amato and Chopra 1991: 47; see also Kalland and Moeran 1992; Ryan 1989: 52–3).<sup>14</sup> This term refers to whaling that is conducted in small coastal communities for cultural and subsistence ends and no commercial benefit. Under this category, aborigines such as the Inuit in the US have been able to gain quotas for obviously endangered whales (bowheads are near extinction) based on their communities' historical and cultural ties to whaling (Stoett 1997: 70). Since the early 1990s the Japanese government has commissioned and presented many papers written by scientists from all over the world on the cultural aspects of their coastal whaling activities (The Government of Japan 1997). These seek to provide evidence that, for Japanese coastal whaling communities, the moratorium has not only destroyed the town's central source of income, but has also contributed to declining community solidarity and the loss of a rich cultural tradition as many customs, such as the gift giving of whale meat, can no longer be fulfilled.<sup>15</sup>

More recently, these efforts to achieve recognition of the cultural importance of its coastal whaling operations have extended to a significant public relations campaign targeted at both anti-whaling members of the IWC and Western publics, and carried out by the Japan Whaling Association, a public relations body affiliated with the government. These efforts include the publication and distribution of pamphlets and brochures detailing the role whale meat plays in the culture and traditions of the Japanese people, especially in the coastal whaling communities, and in some case likening whale meat to lamb (in NZ) or meat pies (in Australia).<sup>16</sup> Public relations organizations such as the Japan Small-Type Whaling Association have also been established, which publish information aimed at Western publics.

More recently, Japan's capacity to rally support from some of the small member states of the IWC – those in the Caribbean and elsewhere – has resulted in minor successes such as blocking the adoption of sanctuaries in the South Pacific and South Atlantic in 2003, and temporarily blocking the granting of aboriginal whaling quotas to the Alaskan Eskimos and native peoples of Chukotka in 2002 (see IWC 2002, 2003). This has led to allegations of Japanese vote-buying: using foreign aid to secure support for its initiatives. Despite denial of these accusations, Japan has acknowledged that foreign aid is one of the few foreign-policy options available to it.<sup>17</sup>

Despite Japan's reluctance to comply with the moratorium and its manifest dedication to resuming commercial whaling, it is important to note that Japan chooses to remain within the IWC and mount its campaign while abiding by its rules. Japanese officials point out that both the moratorium and the designation of the Southern Ocean Sanctuary technically contravene the Schedule of the ICRW, which provides that 'the amendments of the Schedule shall be based on scientific findings'. The Japanese government argues that this provides more than enough grounds for their lodging of an objection, the right of which is similarly guaranteed in the ICRW.

Even Japan's research programme is conducted in accordance with the ICRW, which states that members may grant permits for their nationals to kill, take, or treat whales for the purposes of scientific research.<sup>18</sup> Japan conducts its research in an open manner, publishing material for the public – in both English and Japanese – detailing its methods, findings, and rationale for lethal research. These have been commended by the Scientific Committee of the IWC.<sup>19</sup> Even in selling the whale meat Japan is technically acting within the rules of the ICRW, which stipulate that 'any whales taken under these special permits shall so far as practicable be processed and the proceeds be dealt with in accordance with directions issued by the Governments'. Japanese government officials insist that the proceeds of the sales go directly back into the cost of the research.<sup>20</sup>

Japan's reaction to the impasse that has developed within the IWC has differed somewhat from two other states with pro-whaling foreign policies: Norway and Iceland. The former, a state with a firmly established whaling tradition, lodged a formal reservation to the moratorium in 1992 after the RMP was rejected, with the

Norwegian representative to the IWC declaring: '[Norway] no longer accepts what she perceives as cultural imperialism imposed by the majority of the members of the IWC on the local communities of the nations and people who want to exercise their sovereign cultural right to be different' (quoted in Stoett 1997: 79). Norway resumed commercial whaling in 1993 under a quota it has set itself – initially of 296 minke whales – and has threatened to leave the IWC if the RMP is not implemented (*ibid.*: 80).

Iceland, like Norway and Japan, voted against the moratorium in 1992, and launched a research programme of its own in 1986, beginning with 117 sei and fin whales. When the RMP was rejected in 1992, Iceland immediately left the IWC in protest. Since then it has faced ongoing international condemnation for its whaling activities – which include its export of whale meat to Japan – and its whalers have been the target of violent attacks (*ibid.*). Reflecting its dissatisfaction with the IWC and its incapacity to implement the RMP, Iceland played a key role in the 1993 creation of the North Atlantic Marine Mammal Commission (NAMMCO) in Nuuk, Greenland. An organization made up of pro-whalers, including Japan and some Maori interest groups in New Zealand, NAMMCO aims to advance the 'scientific study, conservation and management of marine mammals in the North Atlantic region' and was born out of dissatisfaction with the moratorium (Caron 1995: 164). Iceland has since rejoined the IWC with a highly controversial objection to the moratorium, and has resumed scientific whaling (IWC 2003).<sup>21</sup>

While the actions of all three pro-whaling countries reflect their dissatisfaction with the continuing moratorium and the dominance of the anti-whaling majority within the IWC, the steps taken by Japan differ from those taken by Iceland and Norway. The Japanese government's determination to resume commercial whaling seems to exist alongside an equally strong determination to stay within the bounds of the IWC and mount its campaign while abiding by its rules. Japan has sought to use the mandate of the IWC, its rules regarding amendments to the Schedule, and scientific argument to make its voice heard. Unlike Norway and Iceland, it has not resumed commercial whaling, despite scientific evidence of the abundance of minke whales and also Japan's right as a member to lodge a legal objection to the moratorium. The next section examines why the Japanese are so dedicated to the resumption of commercial whaling and what principles the government seeks to uphold in the formation of the whaling policy. The following section then delves into Japanese foreign policy-making in other areas to consider the factors that led Japan to accept the moratorium.

### **Understanding Japan's whaling policy: objection to the moratorium**

It is necessary to make clear that, despite allegations to the contrary by anti-whaling groups, economic profits from whaling are not the main reason for the Japanese government's opposition to the moratorium. IWC quota cuts throughout

the 1970s had forced the industry to downscale, and alternative sources of protein, made possible by economic growth, were replacing whale meat in the Japanese diet. The entire Japanese whaling industry was worth merely one billion yen annually (Wong 2001: 140). Instead, the Japanese government's concerns centre on the possible impact the moratorium could have on other resource use regimes and on the principle of the sustainable management of natural resources. This section combines observations about Japanese foreign environmental policy with specific statements made by Japanese government officials and industry representatives.

First, the Japanese government objected to the moratorium because it viewed it as a direct threat to Japan's national interest (Danaher 2002: 107). The fact that Japan suffers from a lack of natural resources and a high population ensures that its dependence on external sources of energy and raw materials influences the Japanese conception of its national security (Wong 2002: 112). These concerns are reflected in the 1981 Defense White Paper: 'Japan is dependent for her survival on the bulk of its resources and energy. Among the possible threats to its safety and existence are the restrictions or suspensions of supplies of resources, energies and foodstuffs, as well as armed aggression' (The Japan Institute of International Affairs 1981: 37–8). The unilateral action taken by the Japanese in the face of the 1973 oil shocks, whereby they 'launched an independent and vigorous campaign of resource diplomacy', challenging the foundations of US leadership, provides proof of the extent the Japanese government will go to protect access to resources (Hook *et al.* 2001: 32). A recent example is the oil deal that Japan struck with Iran in February 2004, a deal which irritated the US.

Among these resources, the importance of fisheries for the Japanese people cannot be overestimated. The sea has always been an important source of food for the Japanese people, and 40 per cent of the Japanese diet derives from fish and other marine products. Although Japan has a mere 2 per cent of the world's population, it consumes 8 per cent of the global fisheries resource and is the top importer of marine products, importing twice as much as the second largest importer, the US (Fisher 2001). For this reason, while the Japanese government supports the idea of the *conservation* of natural resources for future generations, attempts to block access to a shared resource on the basis of moral or ethical values are viewed with grave concern. Thus the Japanese view conservation of natural resources not as an end in itself, but as a means to promote sustainable resource development for future use (Wong 2001: 7).

On the other hand, the Japanese government claims that it is prepared to accept any regulation of fisheries, or any other resource, provided that it exists on a scientific base of securing the continual productivity of the resource (Sugiyama 1978: 225). The value placed upon science in the formation of Japanese environmental policy is great. Japanese officials consider it to be the only reliable means of presenting an argument in a politically charged atmosphere, and as a non-culturally biased and rational way to settle disputes (Wong 2001: 112). For the Japanese government, the passing of the moratorium without the support of the Scientific

Committee, and against the advice of the UN's Food and Agriculture Organization, which made a strong statement in March 1982 against the moratorium on the grounds of its lack of scientific justification, meant that it posed a threat not only to the scientific management of whales, but also to the integrity of all international conservation regimes (Andreson 1989: 10). Former Japanese Commissioner to the IWC, Yonezawa Kunio, articulates this view: '[the whaling issue is about] the fundamental human and sovereign right to use natural resources responsibly . . . and respect for scientific practice' (quoted in Danaher 2002: 118).

However, the most important factor in accounting for the government's *capacity* to object to the moratorium was that it simply did not resonate with any significant domestic constituency. Despite many accounts of Japanese foreign policy pointing to its reactive nature, especially with regard to environmental policy (see, for example, Calder 1987; Pyle 1992; with regard to environmental policy: Weidner 1989; Holliman 1990; Millar and Moore 1991; Maull 1992), Schreurs notes that foreign pressure will not usually give rise to policy change 'until linked to the interests of domestic policy actors' (1995). This has been supported by scholars in many areas of Japanese policy-making (see, for example, Allinson 1993; Calder 1988; Pempel 1987). In his attempt to explain *when* and *how* domestic politics will be affected by international relations, Putnam's two-level game model posits that, while international negotiations provide governments with the opportunity to adopt policies they would not otherwise accept, this adoption will be equally dependent upon whether domestic support for this policy exists (1988: 428).

With regard to the moratorium, it is clear that Western environmentalist demands for the cessation of whaling did not align with any powerful or even minority domestic constituencies. There are two reasons for this. First, the traditionally close links between the whaling industry, considered part of the fishing industry in Japan, and the Japanese government gives whaling companies considerable 'clout' in Japanese politics (Hirasawa 1978; Peterson 1992: 171). Moreover, Wong has shown that the key player in the formulation of Japanese whaling policy has been the Fisheries Agency within the Ministry of Agriculture, Forestry and Fisheries, whose main priority is to protect access to fisheries resources worldwide. The Fisheries Agency was concerned that accepting the moratorium could threaten other Japanese fisheries policies as well as the development of fisheries regimes worldwide, especially tuna fishing. They were also concerned with how the moratorium came about – particularly the political tactics employed by the anti-whaling groups – and the way it was forced on Japan. These officials have devoted considerable energy and resources to IWC meetings in their efforts to have the moratorium overturned (Wong 2002: 114–18).

The second, and more illuminating, reason is simply that, compared to its counterparts in Western countries, Japan has a weak and scattered domestic environmental movement, commanding nowhere near as high membership or donation levels as its Western counterparts (Holliman 1990: 285). With regard to whaling, only a small number of environmental NGOs, such as Greenpeace Japan, the

Japan Wildlife Conservation Society and the Ikura and Kujira Action Network, carry out any sort of anti-whaling campaigning, and most of this takes its lead from foreign residents in Japan. There is also hardly any media coverage of the anti-whaling movement and no significant public debate over the issue (Danaher 2002: 116). Explanations that account for this lack of support fall into two major categories, one arguing that Japanese concern for the environment manifests itself differently than in the West, which has precluded the awareness of the need for a 'hands off' approach to whales and other wildlife; and the other, which emphasizes the obstacles faced by non-governmental organizations in Japan in their attempts to garner public support.

First of all, the Japanese are often accused of having a lack of concern for the environment. A 1989 survey undertaken by the United Nations Environment Program, for example, which sought to gauge the environmental attitudes held by public and policy-makers in fourteen different countries, showed that Japan had the lowest concern and awareness of all the countries surveyed, and had the lowest percentage of people believing they should contribute time and money to environmental groups (Holliman 1990: 286). Environmental anthropologists note that large-scale movements concerning wilderness and wildlife protection do not occur in Japan to the same extent as in many Western countries (Kalland and Persoon 1998: 26; Danaher 1997: 34), and an extensive survey of Japanese concern for the environment placed whaling at the very bottom of a list of eighteen environmental issues (Danaher 1998: 34).<sup>22</sup>

Without resorting to culturalist arguments, it is worth noting that the notion that whales should be protected on account of their intrinsic value is essentially an argument based on *animal rights*. This has almost no resonance in Japan, where 'traditions combine reverence for animals with an acceptance of their taking in a way that makes the Western preservationists' goals incomprehensible' (Peterson 1992: 171). In direct contrast to citizens of many Western countries, many Japanese people do not differentiate between the killing of marine mammals such as whales, seals, and dolphins, and the killing of domestic animals such as cows or sheep. The pamphlets published by the Japanese government that liken whale meat to lamb or beef provide evidence that the Japanese simply have no affinity for and do not understand the environmental consciousness that fuels the anti-whaling sentiment (Glass and Englund 1989: 49). Japanese concerns about the environment tend to centre on water and air pollution, which has prompted anthropologists to suggest that, in Japan, environmental problems are defined narrowly in terms of human health and well-being (Danaher 1997: 17). This explains why global environmental issues – such as the need for wildlife protection – are de-prioritized, as they do not affect Japanese people directly (*ibid.*: 36).

Coupled with these differing attitudes, the difficulties faced by both domestic-based and transnational environmental non-governmental organizations have been well documented. Obstacles include: the public's 'misunderstanding of the role, activities and functions of non-governmental organizations, which are

mistakenly regarded in Japan as anti-governmental organizations'; the 'absence [in Japanese society] of a charitable tradition of donating money and time'; and also historical circumstances, whereby a certain level of environmental degradation was socially permissible provided it was in keeping with the government's goal to resurrect Japan from its wartime defeat and build a powerful international economy (Brazil 1992: 336). With regard to domestic anti-whaling groups, problems include a lack of media sympathy for the anti-whaling cause, a lack of access to policy-making, which was due to the dominance of the Fisheries Agency, on the one hand, and the marginalization of the Environmental Agency, on the other (see Wong 2001: 115),<sup>23</sup> and a lack of credibility with the public, which stemmed from factors such as the lack of formal education in science among many of the activists and the perception that they were radical or anti-establishment (see *ibid.*: 123).<sup>24</sup>

Transnational environmental groups such as Greenpeace, World Wide Fund for Nature (WWF) and Friends of the Earth (FoE) have also faced considerable problems rallying support for the anti-whaling cause in Japan. This has largely been due to their tactics, which have ranged from chastising Japan in publications and public announcements for its whaling activities, to harshly condemning Japan in high-profile anti-whaling demonstrations for its consumption of whale meat. Despite the support garnered by such strategies in Western countries, in Japan they have the effect of making Japanese government and media claims of racism and cultural imperialism more persuasive to the public (*ibid.*). The inability of these groups to formulate their message in a way that resonated with the Japanese people or to form any effective links with Japan-based anti-whaling groups accounts for the trouble the Japanese branches of these anti-whaling groups had in increasing membership. Most of the Japanese branches of these environmental groups have since abandoned their anti-whaling campaigns in Japan (see Wong 2001: 142; see also Misaki 2003).<sup>25</sup>

Whether or not the lack of public support for the anti-whaling campaign is due to fundamentally different environmental concerns on the part of the Japanese people, or merely to misplaced strategies on the part of the anti-whaling groups, it was a crucial factor in the Japanese government's decision to object to the moratorium. Indeed, despite its declining popularity compared with beef or chicken, many Japanese people want to eat whale meat. It was served in school lunches as a source of protein for many years in the period following the Second World War, where it accounted for 47 per cent of all animal protein (Glass and Englund 1989). A number of polls have shown overall support for a return to commercial whaling under controlled conditions (Government of Japan 2002b; IFAW 2002).<sup>26</sup>

Against this background, the harsh criticism faced by the Japanese government over the issue of whaling has had the effect of cementing both its opposition to the moratorium and its commitment to the resumption of whaling. Not only is Japan's research whaling constantly derided, but also criticism has degenerated into equating whaling and the consumption of whale meat with being uncivilized



and immoral. This is obvious at all levels of the debate. A former official of the US Marine Mammal Commission, for example, argued 'caring for whales is a sign of personal and social maturity' (quoted in Kalland 1994). On the academic level, an article in the *American Journal of International Law* contained the contention that the state of mind that condones the killing of whales 'overlaps with the mindset that accepts the genocide of inferior human beings' (D'Amato and Chopra 1991: 27). On the popular level, criticism levelled by the British tabloid the *Daily Star* in 1991 included a front-page article with the headline 'Sickest dinner ever served. Japs feast on whale' (see article in Kalland and Moeran 1992).

For the Japanese government, this criticism reflects the unwillingness of the anti-whalers to consider the existence of different ethical standards. Considering that the Japanese have been eating whale for over one thousand years and beef since only the late nineteenth century, Japanese newspapers have claimed that the arguments of the anti-whalers represents 'the opinion of one race forcing its ideas on the traditional eating habits of another' (*Yomiuri Shimbun* 1982). Some have likened the whaling dispute to a 'clash of civilizations' (*Asahi Shimbun* 2002). This has led the Japanese government to view the international attacks on whaling not only as an attack on Japanese culture but also, and more broadly, as a hazard to mutual respect for divergent cultural and ethical values.

In summary, the Japanese government considers the moratorium and anti-whaling majority within the IWC to pose a threat to 1) the principle of the sustainable use of natural resources; 2) the principle of science-based management of natural resources; 3) the need to ensure a continued food supply; and 4) esteem for traditional cultures (quoted in Government of Japan 2002c). While commitment to these principles explains both Japan's original objection to the moratorium in 1982 and also its determination to resume commercial whaling, one must also examine reasons for Japan's eventual and longstanding compliance with a measure it deemed unfair and antithetical to its national interests.

### **Understanding Japan's whaling policy: rule compliance**

Despite Japan's initial objection to the moratorium, it changed its position in 1985, arguing that 'in order to avoid a head-on conflict' with the United States, it would withdraw its formal objection. This suggests that the threat of sanctions by the US provided the main impetus to Japan's compliance. While this did play a crucial role in securing Japan's initial compliance, this section will show that the capacity of the US to apply these sanctions declined in the 1980s, yet Japan maintained its compliance. This suggests that other factors influenced Japanese policy-makers. This section will argue that both legitimacy and Japan's identity in the international community were major factors.

Several factors existed that limited the capacity of the US to apply sanctions. First, US amendments to the Fisheries Conservation and Management Act in 1982 signalled the government's intention to phase out foreign fishing from its

200-mile zone by 1988, which would make the application of the Packwood-Magnunson amendment irrelevant. Second, the Pelly Amendment also became less of a threat to Japan due to changes in fish product trade patterns: by 1985 the value of US fish exports to Japan was almost twice that of US imports from Japan (for details, see Peterson 1992: 180). To counter any possible certification under the Pelly Amendment there is evidence that the Japanese government planned to counter this by charging the US with unfair trading practices under the General Agreement on Tariffs and Trade (GATT) (Friedham and Akaha 1989: 141; Miyaoka 2000).<sup>27</sup>

Third, joint ventures by US Pacific Coast fisheries with the Japanese fishing industry acted to further deter the US government from threatening sanctions, as this would have an adverse impact upon US fisheries. Peterson describes how the powerful lobby groups formed by these fishermen had influential connections within the House Committee on Merchant Marine and Fisheries and gradually began to take power from the environmentalist lobby. This ensured the refusal of the US administration in 1985 to certify Japan under the Packwood-Magnunson Amendment, and instead resulted in the negotiation of a deal whereby Japan would withdraw its objection in return for not being certified, but with the condition that it not become effective until 1988 (Peterson 1992: 181; Holt 1985: 209).

It is thus necessary to look beyond the threat of sanctions to find reasons for Japanese compliance in the face of a lack of domestic support. International relations scholars – especially those working in the field of constructivism – have recently identified ‘international legitimacy’ as a powerful motivation for states to adopt international norms – such as anti-whaling – even if these norms run counter to domestic norms (see, for example, Risse *et al.* 1999; Klotz 1995; Finnemore and Sikkink 1998; Franck 1990). By acknowledging the norms of international society as standards of appropriate behaviour and complying with these norms, states are able to confirm their legitimacy and establish a good reputation among other states (Franck 1990: 191). In their study of the global dissemination of the norms of human rights, Risse *et al.* (1999) argue that international legitimacy was a major motivation for adopting these norms.

Several recent studies argue that the pursuit of international legitimacy may characterize Japanese policy-making. For example, Gurowitz’ study of discriminatory practices towards Koreans and migrant workers in Japan notes that Japan often responds to international norms because they represent ‘the necessary price of existence in the outside world’. She concludes that Japan’s ‘insecure’ position in international society prompted the policy change in favour of immigrant groups in Japan (1999: 422). Flowers (2002) has noted that the desire for international legitimacy caused Japanese policy-makers to adopt international norms such as the Refugee Convention in 1981 and the Convention for the Elimination of all Forms of Discrimination against Women (CEDAW) in 1980, both of which clashed considerably with widely-held domestic norms.

In his study of Japanese compliance with the 1991 global prohibitionist ban on driftnet fishing, an industry that netted \$40 billion annually, Miyaoka confirms that 'foreign pressure *can* lead to a policy change even without powerful environmental policy sponsors at home' due to the capacity for international regulatory norms to constrain Japan's behaviour via reputation. Evidence for this was found in the explanation provided by the Minister for Agriculture, Forestry and Fisheries for Japan's compliance with the ban: the Japanese government had to 'consider Japan's position in international society and accept the ban' (quoted in Miyaoka 2000).<sup>28</sup>

These studies also show that the domestic and international context into which a norm emerges is crucial. The existence of a negative international identity in an area can be a further motivation for adopting an international norm. Pressure for Japan to sign the refugee convention, for example, arose at a time when Japan's desire for international legitimacy was high and its identity was insecure: it was under pressure for not fulfilling its obligations associated with its economic superpower status and was often accused of unfair trading practices (Flowers 2002). Miyaoka confirms that the existence of a negative identity with regard to the global environment was a factor in propelling Japanese policy-makers to comply with the global prohibitionist ban on the importation of ivory in 1989 (Miyaoka 1998: 171).

An analysis of debates in the Diet over the issue of whaling in the period between 1986 and 1988 highlights that the Japanese officials placed great importance on staying within the IWC and abiding by the rules of the ICRW (Flowers 2003). We have seen how the Japanese determination to stay within the IWC has lasted throughout the 1990s despite rejection of the RMP and Japan's request for interim quotas. A reason for this is given by a former Japanese Commissioner to the IWC, Komatsu Masayuki, who argued that the IWC is the 'official instrument' for diplomatic negotiations on the whaling issue, and, given Japan's past (i.e. the Japanese delegation walking out of the League of Nations in 1933), Japan is unable to simply walk out of the organization in the same way as other states (Komatsu and Misaki 2001: 108; see also Flowers 2003: 27).

Alongside the need for Japan to stay within the IWC, Japanese officials were somewhat divided over the issue of research whaling, which the Fisheries Agency deemed essential to forward the Japanese cause. These concerns were expressed by Ministry of Foreign Affairs officials and also by Prime Minister Nakasone, and focused on the possible damage to Japan's international reputation (Wong 2001: 117–19). After trying to persuade the Fisheries Agency to give up its research programme in 1987, to no avail, Nakasone went as far as to declare publicly in 1987 that the number of whales that were to be taken was too high, which forced the Fisheries Agency to cut the numbers down. This reflected his concerns that research whaling would give Japan an 'unfair image' (ibid.: 117).

These comments indicate that Japanese whaling policy may be informed partly by the desire to be seen as a legitimate and responsible member of the international community. By alluding to Japan's past, the comments made by the IWC

Commissioner confirm that the domestic context into which a norm emerges can impact upon compliance. Two particular aspects of the Japanese domestic context – namely, what scholars have termed a post-war ‘legitimacy deficit’ and the related desire to be seen as legitimate and responsible (see Rapkin 1990: 195–6), and also an extremely poor reputation with regard to the environment – may be invoked to explain why Iceland and Norway have been able to pursue a more independent and adventurous pro-whaling policy and Japan has not.

First, Japanese foreign and domestic policy has been influenced by a strong desire to ‘catch up’ to and be treated as ‘equal’ by the dominant Western powers since its emergence into international society in the mid-nineteenth century (Hook *et al.* 2001: 28). This has manifested itself in policies ranging from the Meiji-era adoption of policies to create ‘a wealthy country and a strong army’, to its involvement in wars with China and Russia and the Second World War, to its post-war choice of role in the world: dependence on and alignment with the US (*ibid.*: 28–30). The 1991 Foreign Ministry *Blue Book* confirmed this foreign policy orientation, stating that Japan’s international role in the period from 1946 until the 1970s consisted of ‘trying to return to the international community by restoring the Japanese economy’, and then from the 1970s until the 1980s attempting to increase its international role and responsibility as a ‘member of the western democratic advanced nations’ (Kamo 1994: 123).

Second, at the time of the moratorium Japan was suffering from an extremely negative identity with regard to the global environment. Holliman writes that Japan’s weak response to worldwide environmental problems such as atmospheric warming, destruction of the ozone layer, over-fishing and tropical deforestation produced a stream of articles and television programmes in the international media denouncing Japan for its ‘crimes against the environment’. *Newsweek* referred to Japan as an ‘eco-outlaw’, a front cover of *Time* declared ‘Japan – Environmental Predator?’ and a *Business Week* article was entitled ‘Charging Japan with crimes against the Earth’ (Holliman 1990: 284).<sup>29</sup> The Japanese government was also under international scrutiny for its handling of the pollution debacle of the 1970s, which proved to be a key factor in encouraging the government to take action, rather than any action by environmental pressure groups (Pharr 1990: 231). At a time when caring for the environment was becoming one of the hallmarks of an advanced, modern society, such a reputation was undesirable and strengthened Japan’s desire to abide by the moratorium and work within its bounds to see it overturned.

However, while a desire to be seen as a legitimate and responsible member of the international community may influence Japan’s whaling policy, recent advances on the part of the anti-whalers at the expense of the Japanese may soon prove too much for the Japanese government to take. There is considerable evidence not only that Japan has stepped up its efforts to challenge the legitimacy of the norm of anti-whaling, but also that it is prepared to consider other policy options, such as leaving the IWC. This would in turn have a drastic effect on the legitimacy of

the IWC as an organization established to protect whales. The concluding section will consider the impact of the whaling dispute on Japanese foreign policy as a whole and on the IWC itself.

## Conclusion

This analysis of Japan's whaling policy, in particular its objection to the moratorium, its commitment to the resumption of commercial whaling, and its eventual compliance, has attempted to uncover the principles and motivations underlying the Japanese position. It has shown that Japanese officials view the preservationist goals of the anti-whaling majority – reflected in the persistent refusal to implement the RMP despite scientific evidence as to the robust nature of some stocks – as a threat to *all* resource use regimes, hence also to Japan's national interest. Different views towards nature, combined with a traditional dependence on marine resources, has meant that Japan's whaling policy is based on an extremely straightforward rationale: being a valuable food resource, if whale populations can sustain a controlled harvest then there is no reason to prohibit their utilization for human consumption. This is consistent with the idea of sustainable development, which was articulated and promoted by the UN-sponsored Earth Summit held in Rio de Janeiro in 1992 (for details, see Caron 1995: 162).

Moreover, the Japanese government has attempted to point out that a blanket ban on the commercial use of all whales, in the face of scientific evidence as to the robust nature of certain stocks, merely serves to undermine the viability and threaten the livelihood of whaling communities all over the world. It notes that many IWC members also support the World Conservation Strategy, which encompasses the idea that human life depends upon the sustainable and equitable utilization of environmental resources, and that governments should promote sustainable development to ensure the livelihoods of their people (see Freeman 1997).

Despite commitment to these clearly defined principles, however, this article has also shown that, Japanese whaling policy is influenced by a concern for its international reputation, which acts to prevent the Japanese government from issuing a formal objection to the moratorium, like Norway, which is well within its rights as a member state, or pulling out of the organization, like Iceland. Contrary to what the anti-whaling groups may assert, a majority-held opinion in the IWC – an organization that currently has fifty member states out of over 200 – does not necessarily equal 'world opinion.'<sup>30</sup> It is within Japan's rights as a sovereign state not only to object to the moratorium, but also to pursue the harvesting of its natural resources as it sees fit. However, the double impact of Japan's past and its reputation as an environmental predator meant that Japan values the 'reputational benefits' it gains from compliance to a greater extent than other states.

However, Japan's compliance with the IWC is by no means a constant and unchanging position, and it has been placed under considerable stress in the past few

years. This stress is the result of the anti-whalers' unrelenting dedication to the preservation of whales, which is reflected in their refusal to work towards the implementation of the Revised Management Scheme (1992–2003), their continual rejection of Japanese requests for an interim quota (1993–2003), their attempts to designate a number of non-whaling sanctuaries (most recently, in the South Pacific and South Atlantic), and their recent efforts to create a Conservation Committee within the IWC (2003). The latter attempt, which involves the establishment of a panel to work with wildlife conservation groups to protect whales, has prompted Japanese officials to seriously consider whether or not to leave the organization before the IWC meeting in 2004. In the words of a Japanese delegate to the IWC, 'the new panel makes it virtually meaningless for Japan to stay in the IWC' (McAvoy 2003).

The major sticking point for the Japanese government is the issue of aboriginal subsistence whaling, which is the only form of whaling activity the preservationists in the IWC not only allow, but also actively support (for details on American commitment, see Stoett 1997: 88). This practice allows the granting of whale quotas to aboriginal groups such as the Alaskan Inuits and Makah tribe in the US, providing their whaling activities are conducted for cultural or subsistence purposes only and contain no commercial element. Under this provision, the Japanese and Norwegians have sought to show that their small coastal whaling communities have equally significant historical and cultural ties to whaling, and should therefore be permitted to resume a limited hunt of their own. The anti-whaling majority in the IWC, however, has blocked this proposal. The element of commerce in Japanese coastal whaling is seen to override all cultural significance, which is a position the Japanese find galling, given that their intended prey – the minke whale – is no longer endangered and the aborigines in the US are allowed to catch the much larger and endangered bowhead whale. Estimates place the bowhead whale at a mere 8,000, versus over 700,000 minke whales (*ibid.*: 123).

The refusal to grant the Japanese an interim quota for minke whales – despite evidence of the abundance of stocks – highlights the inability of the anti-whalers to acknowledge that whaling could have any value to the Japanese aside from commercial value. Allowing indigenous whaling communities – some of which have not whaled in over seventy years – to retain the right to whale while punishing other communities that may be just as reliant on whaling creates acute controversy. From the point of view of Japan, the aboriginal whaling quotas provide a convenient means by which countries such as the US can attempt to address past injustices by taking measures to 'preserve' the indigenous culture and way of life. This poses a legitimate question: which indigenous cultures deserve to be 'preserved', while others have to be 'civilized'? Why is a 'modern' country such as Japan supposed to be beyond the pull of primitive cultures, while other 'modern' countries are allowed to sustain and nurture them?

In summary, the insensitivity on the part of the 'international community' for Japan's traditional whaling activities has had the effect of turning whale meat into a symbol for Japanese culture. Eating whale meat has acquired new meaning for the Japanese: it has become a ritual act by which participants can claim their 'Japaneseness' (Kalland 1998). This is epitomized by the comments '[eating whale meat in Japan] is a function of dietary customs, religious beliefs, cultural backgrounds and emotional sensibilities. . . . For the Japanese people, the whale is not only a food source, but also a basis of culture' (quoted in D'Amato and Chopra 1991: 57). For the Japanese government, whaling has come to represent the right of Japan to be different and the right of its communities to pursue self-determination and harvest their traditional resources in their own way.

In this vein, Japan's campaign to resume commercial whaling is no longer confined to mere criticism of the IWC, but involves spreading its view that in any resource use regime 'regional idiosyncrasies with regard to food culture and fisheries must be respected' (Komatsu and Misaki 2001: 36).<sup>31</sup> There is no sign, therefore, that the Japanese will give up their position, and become 'civilized', and in tune with the rest of the 'modern' world. Instead, Japan has intensified threats to leave the organization, which would present a severe challenge to the integrity of the IWC and its capacity to ensure the long-term survival of cetaceans. It would, in short, set a terrible precedent for the much-needed international co-operation that is needed to manage the world's resources.

By way of conclusion, several points should be noted. The first is that while the moratorium was passed with the genuine hope that it would protect whale populations and allow for their recovery after years of exploitation, it is 'slowly rendering the IWC a less effective body' (Stoett 1997: 5). It has created an impasse between the conservationists – those who support a return to whaling provided it is conducted sustainably – and the preservationists – those who deny the validity of commercial whaling altogether. What further complicates the issue is the fact that the preservationists also support aboriginal subsistence whaling, the definition of which is vague and unclear. It is problematic to declare that the commercial element in Japanese coastal whaling overrides consideration of any cultural element. In short, the commitment by both the pro-whalers and the anti-whalers to the idea that 'some whaling is justified, some of the time' may mean that the best solution is to implement the RMP, and 'dedicate ourselves to effective multi-lateral management for a limited and strictly controlled kill' (ibid.: 123). The changed attitudes towards whales would render a large market for whale products extremely unlikely. Even in Japan, whale meat is now considered a delicacy and its popularity has declined since the moratorium (ibid.: 77, 105).

Second, Stoett notes that while focusing on condemning the practice of commercial whaling, the 'save the whale' movement thus far threatens to obscure what constitutes the largest threat to whales today: habitat alteration. While focusing on the plight of the great whale has brought many species back from the brink of

extinction and should be heralded as a success for the environmentalists, this is no longer enough to ensure their continual survival. Any attempts to save cetaceans must be combined with efforts to address the myriad problems affecting the ecological health of the oceans, problems that include over-fishing, pollution, climate change, and ozone depletion (*ibid.*: 145–6).<sup>32</sup>

It is clear that a higher level of international co-operation is needed to combat these very real threats. Our analysis of the dispute over whaling has shown that moral arguments that exalt the superiority of one culture's ethics while ignoring the value of another's confound efforts at meaningful co-operation and fuel racism, which merely adds to the obstacles to communication and understanding. The intolerance embodied in the position of the anti-whalers will likely push Japan – as it has other countries – to abandon compliance altogether, which would create an unfortunate precedent for future co-operation. Only through respect for one another's concerns and differences will genuine and sincere international co-operation be achieved.

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## **Notes**

1. The 'West' as used in this essay refers to those Western countries at the head of the debate against whaling. Former Japanese Commissioner to the IWC, Masayuki Komatsu, defines these countries as New Zealand, Australia, the United States and the United Kingdom. See Komatsu and Misaki (2001: 51).
2. The US felt that promoting an orderly trade in whale products would contribute towards bringing Japan into the larger economic system 'while also exercising some control over the activities of the USSR' (Stoett 1997: 57).
3. Given that the ICRW directed the IWC to protect whaling interests as well as whales, commercial whaling interests were able to dominate. Quota allocations were based on the commercial requirements of the whaling states in the 1950s and 1960s.



4. While 70 per cent of the global whaling industry in 1949 consisted of British, Japanese, Norwegian, and Soviet whalers, the British and the Dutch had quit by 1965, and the Norwegians operated their last Antarctic expedition in the 1967–8 season. The Japanese and Soviets, however, remained in whaling due to their home markets for whale meat (Peterson 1992: 162).
5. In the United States and Britain the period of the 1970s and 1980s saw a marked increase in both the number of groups and membership: the membership of the World Wide Fund for Nature increased from 12,000 in 1971 to 124,000 in 1987; Friends of the Earth from 1,000 to 55,000 in the same period.
6. A change of responsibility for the whaling issue in the US bureaucracy in 1971 led to increased environmentalist involvement via membership in an interagency group set up to advise the IWC Commissioner (Peterson 1992: 173).
7. These successes included changing the conduct of whaling by the Republic of Korea (1980), the ending of pirate whaling by Taiwan (1980), the banning of whaling in China (1992), acceptance of the fin whale quota by Spain (1979), among others. It was used in protest against Japanese research whaling in 1988, 1995 and 2000 (see Stoett 1995: 120; Danaher 2002: 116).
8. The Seychelles allowed various environmentalists to use its Washington embassy as a base for lobbying, and included the preservationist-minded Sidney Holt in its delegation after his retirement from the FAO. The government of Panama was persuaded to allow the environmental activist Jean-Paul Fortrun-Gouin in its delegation to the IWC.
9. This article describes how Greenpeace targeted these small states, appointed members of the anti-whaling movement to represent them at IWC meetings, and paid their \$20–30,000 annual membership fees.
10. Article V(2) of the ICRW states that all regulations 'shall be based on scientific findings'.
11. This provision was made to increase the weight of independent scientific advice (Peterson 1992: 176).
12. Many of these groups received considerable funding to facilitate this information-gathering role from organizations such as the prestigious Stern Fund in New York (McGonigle 1980: 171).
13. Aron notes 'of all the species targeted by Japanese fleets at the time, only the sperm whale had been classified as endangered. The other species – the minke, pilot, Bryde's and Baird's beaked whale – were among the 57 species of cetacean that were recognized to be at or near their original level of abundance' (Aron 1988: 104).
14. Kalland and Moeran, in *Japanese Whaling: End of an Era?*, studied in detail the role of the whaling industry in these coastal communities. They have found that, far from being limited to an economic role (although whaling did provide the principal source of income and occupation for the village's residents), whaling has been an important source of social interaction and community integration, evidenced in time-honoured customs such as the gift-giving of whale meat, celebrating occasions such as a child's first day of school and weddings with whale meat, and also joining others in praying for the souls of the whales killed at Buddhist temples. The authors show that in these communities 'whale meat is an indispensable part of any type of community gathering or celebration' (1992: 148).
15. Field trip of co-author of this article to Ayukawa, a whaling community some 100 miles north-east of Tokyo, on 28–9 November 2001.
16. The pamphlet distributed in New Zealand was entitled: 'New Zealand Lamb – What would you do if Japanese people told New Zealanders "no more Sunday lamb roast"?'. Other publications include *Misinformation: The Protest against Japan's Whale Research Program*, *Whales Are Abundant: Here Are the Facts!*, *Management of Cetaceans*, *What is the IWC?*, *Whaling: The Facts, What Has Been Achieved by the Antarctic Whale Research Program?*, which are all published and distributed by the Institute of Cetacean Research in Tokyo.
17. On 13 August 2003 New Zealand's *The Dominion Post* reported that in a recent interview the Ambassador of Japan in New Zealand, Masaki Saito, stated that overseas aid for economic

development was used to leverage support for Japan's position on a range of issues, including whaling (*The Dominion Post* 13 August 2003). On the other hand, a Japanese government publication entitled *Greenpeace Antarctic Campaign a Failure* argues that Japan is the world's largest aid donor, providing aid to over 150 countries, and the aid is by no means linked to the policies of recipient nations. The statement goes on to say that Japan also provides aid to countries that are opposed to whaling, such as India, Argentina, Brazil, and Kenya (Government of Japan 2002a).

18. This is specified in Article VIII of the ICRW. The Japanese government has pointed out that such permits have been obtained a total of forty-six times (up until 1999), targeting nine (out of the thirteen) species regulated by the IWC, and involving eleven countries, including Australia, New Zealand, and the United States (Ohsumi 2000b: 21).
19. In 1997 the Scientific Committee completed a review of Japan's Antarctic Research Programme and concluded: 'at this half point in the JARPA programme, it has already made a major contribution to understanding of certain biological parameters pertaining to minke whales. The results of the JARPA programme have the potential to improve the management of minke whales in the Southern Ocean' (Umezaki 2000: 10).
20. The Japanese government makes it a rule for the distribution of whale meat to be non-profit and fairly channelled to the regions that traditionally depend on whale meat. The six-month-long research programme in the Antarctic Ocean costs 3.5–4 billion yen, with the proceeds from the sale of whale meat funding this. However, these proceeds actually cover only 80 per cent of those costs. The rest is borne by the government (Umezaki 2000: 6).
21. Iceland expressed its desire to rejoin the IWC, with a formal reservation to the moratorium, at the 2001 and 2002 meetings. The Commission finally agreed – by nineteen votes to eighteen – at a Special Meeting held in October 2002.
22. The survey found that issues of concern were ranked in the following order: air pollution, water pollution, deforestation, ozone destruction, land clearing, recycling, global warming, afforestation, traffic noise pollution, illegal hunting of wildlife, importing rainforest timber, illegal trade in endangered wildlife, urban blight, land reclamation by drainage, straightening rivers, dam construction, driftnet fishing, whaling.
23. Wong cites two reasons why the Environmental Agency of Japan has no say in the whaling issue. First, MAFF exercises bureaucratic leadership over all natural resource matters; second, the JEA was created in 1971 largely as a response to the pollution crisis, meaning that the JEA can only really assert itself in bureaucratic policy-making where pollution is concerned (Wong 2001: 115).
24. Wong, in *The Roots of Japan's International Environmental Policies* (2001: 123), notes that lack of a formal education in the environmental sciences was a severe handicap in a 'culture that greatly values knowledge and in a policy setting where the most powerful actors frame the issue in a highly scientific and technical context'. He also notes that, in a society that values conformity, it was easy for the pro-whalers to cast these activists as radicals or traitors, based on the fact that whaling was already a patriotic issue.
25. FoE and WWF (Japan) made their last public statements on whaling in 1993, while Greenpeace Japan carried out its only major anti-whaling campaign in 1988 to protest the beginning of Japan's research whaling.
26. The government-sponsored poll, conducted on 16 March 2002, found that 75 per cent of respondents favoured a return to commercial whaling under controlled conditions. The *Asahi* poll, conducted on 30 March 2002, showed that 47 per cent agreed with whaling, while 30 per cent opposed it.
27. In 1987 a draft bill was proposed by Japan's four main opposition parties (the Japan Socialist Party, Clean Government Party, Democratic Socialist Party, and the Japan Communist Party), which aimed to restrict imports of fisheries products from nations that sought to regulate the

- operation of Japanese fishing vessels inappropriately (such as by application of the 1971 Pelly Amendment). Although this bill was eventually dropped due to its own possible violation of GATT provisions, the Ministry of Agriculture, Forestry and Fisheries did warn the US of this domestic opposition to their tactics (Miyaoaka 2000).
28. The *Nihon Keizai Shimbun* editorial of 27 November 1991 supported this decision, arguing that the decision was unavoidable for Japan, 'a nation that has to live in international society'.
  29. Miyaoaka (1998) quotes the *Globe & Mail*, a major Canadian newspaper, in 1990: 'Japan has achieved its global [economic] dominance with increasingly high ecological costs. Japan can now claim to be the world's richest nation, but the world's rainforests, oceans and atmosphere are much poorer for it. Japan has rapidly earned a dark reputation as the world's boldest "eco-outlaw".'
  30. Claims that anti-whaling equates to 'world opinion' are apparent at every level of the debate. For example, *Time Asia's* 'Asia Buzz' published an article in which the author described Japan as the 'world's dumbest government', claiming that the 'world' had decided whaling was undesirable back in the 1970s. It also stated that Japan's position 'reinforces its image as a nation out of touch with the need for an environmentally sustainable world' (McKillop 2000).
  31. In 1995 Japan hosted an FAO-sponsored conference on the 'Sustainable Contribution of Fisheries to Food Security', which was attended by ninety-five countries. It adopted an action plan that confirmed the need to utilize *all* components of the marine ecosystem evenly and specified the need to respect regional food cultures.
  32. International frameworks in place to address these issues include Chapter 17 of Agenda 21, entitled 'Safeguarding the oceans' resources', and Global Environmental Facility, administered by the World Bank, United Nations Development Programme and the UN Environmental Programme.

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