

# A deal with Japan on whaling?

There may be a reason for renewed hope in reaching a compromise on the global management of large whales following the May 2015 meeting of the International Whaling Commission (IWC) Scientific Committee. Given diverging perspectives about the appropriate use of whales, the IWC has reached a stalemate due to conflicting ideologies between several of its member countries. As a result, whaling by Japan, Norway, and Iceland is largely unregulated. Although decades of negotiations have failed to yield an agreement about whale management, an emerging discussion on the sidelines of the IWC meetings centers on developing a compromise proposal to better achieve shared goals of sustainability and conservation. The 1982 moratorium – which banned harvesting after 1985 but allowed for exceptions, described below – has largely succeeded. Progress has been made in identifying points of agreement (eg managing ship strikes and entanglement) rather than points of disagreement (eg whether commercial whaling is right or wrong). But recent chatter on social and other media (M Simmonds. 2015. Should we make a deal with Japan over whaling? <http://huff.to/1Eju0ZM>) threatens this progress by arguing for “defiance” in any attempt to cultivate agreement on the global management of whales. I argue that a process to reconcile disputes is critical to resolving the current deadlock at the IWC.

There are many reasons for striking a deal with Japan regarding commercial whaling: the moratorium is at an impasse that suits no one, commercial whaling is going ahead anyway, and the future of the IWC as an effective management body remains precarious. The rationale for a compromise proposal is to find middle ground that would improve the current conservation status of large whales while still being acceptable to all IWC members. This means that all parties would have to be willing to agree to *some* shared objectives. Japan has indicated a willingness to consider an agreement, including such provisions as placement of independent observers, satellite-based vessel-monitoring systems, and a mandatory DNA registry of whales caught. However, a willingness among at least a three-quarters majority of IWC members to support a comprehensive whale management scheme has proven elusive. While only one population of large whales is currently at risk due to anthropogenic removals (Minke whales whose range includes the Yellow Sea, East China Sea, and Sea of Japan), the fact that future harvests by Japan, Norway, and Iceland are basically unregulated by the IWC is cause for concern. Efforts to strike a deal must recognize that an agreement can emerge even without concurrence on everything.

The moratorium is not a complete ban on whaling but a temporary management strategy that defines a process for resuming whaling and includes exceptions for whaling under objection and whaling under the authority of a scientific permit. Without a functional agreement on global management, any nation could decide to scientifically whale or to join IWC under an objection to the moratorium. Further, and contrary to the misperception that the recent International Court of Justice Judgment bans all scientific whaling, this judgement applies only to a small Japanese whaling program in the Southern Ocean known as JARPA II. Some contend that even if a sustainable harvest level is agreed to by the IWC, as would be determined by application of the Revised Management Plan (RMP), whalers may cheat due to logistical challenges and the costs of properly managing commercial whaling in international waters or within the Exclusive Economic Zone of an IWC member nation. While there are currently no mechanisms in place to detect cheating, the RMP calculates sustainable quotas for an entire region for each species, even if the harvest is conducted in a subarea of the whole migratory range of the population. With modern DNA techniques, vessel-monitoring systems, electronic monitoring, and experience with best practices in running observer programs, whaling could be conducted with virtually no cheating. A compromise proposal could require monitoring and enforcement programs, paid for by industry or government. The cost of implementing such programs would be considerable, and IWC members would have to agree to any related proposal.

Even before the moratorium was established, the debate had shifted from sustainability to ethical issues, focusing instead on whether it is ethically right to kill whales. An attempt to impose a largely ethical argument on the global management of whales is likely transitory, given impending changes to the food security of nation states likely to be affected by climate change over the next 50 years. The plurality of values associated with whales should not stall progress, but should be embraced in reaching an agreement that ensures sustainability and effective conservation of large whales.



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