



## Can bargaining resolve the international conflict over whaling?



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### ABSTRACT

As the International Whaling Commission has failed to establish a consensus on the interpretation and enforcement of a moratorium on commercial whaling, the disagreement between Australia and Japan over whaling has recently escalated. Australia, a leading opponent of whaling, questioned Japan's scientific whaling program in the Antarctic at the International Court of Justice (ICJ). The ICJ ruled in 2014 that the Japanese whaling program is unscientific, but Japan revised the program and implemented it after the court ruling. To overcome the current international stalemate regarding whaling, this paper examines the possibility of a bargaining solution to this conflict, particularly through voluntary monetary compensation from Australia to Japan to halt whaling activities. The results of nationwide surveys indicate that Australia's total willingness to pay for the discontinuation of whaling by Japan is significantly greater than Japan's willingness to accept to abandon whaling in the high seas despite a substantial population difference between the two countries. The results suggest that a financial transfer could be a win-win strategy to resolve this long-standing international conflict.

### 1. Introduction

In 1946, the International Whaling Commission (IWC) was established “to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry” [1, p. 1]. The IWC's own Scientific Committee has never recommended a moratorium on all commercial whaling, but it has been adopted in 1982, by when anti-whaling has become a new international norm as spread greatly by environmental non-governmental organizations (NGOs) [2]. Some countries, now a minority at IWC meetings, continue to practice whaling, and more than one thousand whales<sup>1</sup> were hunted in 2013 alone. Norway openly objects to the ban,<sup>2</sup> whereas Japan claims that its whaling in the Antarctic and North Pacific is conducted for scientific research purposes [3].<sup>3</sup>

The withdrawal from whaling by IWC members, along with a steadily increasing demand for whale watching, has sharpened the conflict between IWC members with opposing interests regarding whaling [6,7]. In particular, the conflict between Australia and Japan has escalated in recent years. Australia took legal action against the Japanese Whale Research Program under Special Permit in the

Antarctic (JARPA) at the International Court of Justice (ICJ) in 2010; the case is known as *Whaling in the Antarctic (Australia v. Japan: New Zealand intervening)* [8]. The court, after assessing whether the killing, taking, and treating of whales under JARPA could qualify as scientific research, ruled against Japan in 2014. Japan resumed whaling with a revised program after a temporary suspension following the court ruling [9]. The dispute over whether Japanese research whaling is ‘scientific’ has continued outside of the court, particularly through publications [10,11]. Past proposals, including a market quota on whaling [12–15], failed to resolve the dispute over whaling, which is often characterized as a deadlock [13,16]. Moreover, the current situation fails to produce consensus on whether the market provides the incentives to conserve whales [17–19].

Given the current stalemate over whaling policy, this study examines whether bargaining is a possible resolution for the international whaling conflict [20]. Assuming that Japan is initially entitled to their current whaling activities, the paper calculates Australians' willingness to pay (WTP), which is the maximum payment that Australians would be willing to pay Japan to discontinue whaling. The paper also presents Japanese' willingness to accept (WTA), which is the minimum amount

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<sup>1</sup> The number excludes Aboriginal subsistence.

<sup>2</sup> Norway catches whales commercially under objection to the moratorium and thus is not bound by the moratorium.

<sup>3</sup> Japan initially objected to the moratorium, but withdrew its objection in 1984 due to the pressure of the United States [4,5]. Soon after, the Japanese government, which faced the pro-whaling Diet, has initiated the scientific whaling programs under Article VIII of the Convention [5].

of compensation that Japanese would require from Australians in order to willingly terminate current whaling activities. A win-win solution through bargaining exists if Australian WTP is greater than Japanese WTA.

## 2. Whaling and whale conservation

### 2.1. From whaling to whale conservation in the West

During the 20th century, nearly three million large whales were hunted worldwide as a major source of oil and meat [21]. As early as just before World War I some scientists and diplomats expressed concern about whales, but their voice had never generated conservation actions partly because whaling had been bolstering the welfare of the Western countries [22]. In the late 1920s the whaling industry was booming, and in a season of 1930–31, more than 29,000 blue whales and 10,000 fin whales were hunted [22]. However, it was not until 1924 that any attempt to regulate whaling occurred. The members of the League of Nations, notably Norway and Britain, and a non-member state, the United States, agreed and signed the 1931 Convention for the Regulation of Whaling followed by the 1937 Convention in addition to Norwegians' and Britons' voluntary quota deals, but they did little to conserve whales [22,23]. With the end of World War II and the emergence of the United States as a new leader in whaling diplomacy the International Convention for the Regulation of Whaling (ICRW) was signed in 1946, which resulted in the establishment of a permanent commission, the International Whaling Commission (IWC) and a permanent global quota, and inherited other measures such as limited open season from the antecedent agreements.

During its early period all the stakeholders with the IWC agreed that whaling was acceptable as indicated by its primary purpose, and the difficulty of coordination lay in setting up the quota between the scientists who wanted to reduce it for a sustainable use and the whalers who wanted to ensure a profitable return from investment [22]. The Antarctic quota, which was set at 16,000 blue whale units (BWU) at the inception of the IWC, remained unchanged until 1953 [22]. The IWC failed to make any progress over the quota decisions although the Scientific Committee recommended a reduction to 10,000 BWU [22]. Even Australia opposed to reduce the quota at that time [22].

In the 1970s, the whale protection movement to end commercial whaling surged, which led to the adoption of a ten-year zero-catch quota (usually referred to as a “moratorium”) on commercial whaling in 1982. As vegetable oils replace whale oils for margarine production, the importance of whaling as a lucrative business declined and only Japan, the Soviet Union, and few others maintained the industry [22]. The rapid change in the IWC stemmed from the long-standing concern for endangered whales and the environmentalist and civil rights movements accelerated by the NGOs [2,22]. General publics in former whaling countries have also formed the idea that whales are an animal not fish and should not be killed when they become increasingly familiar with whales via the media and/or through whale watching and aquarium visits [2,22].

### 2.2. Whaling in Japan

Japan's coastal waters are one of the richest in whale resources. In the early 19th century, American whalers discovered this productive whaling ground, and Japanese coastal waters thereafter became one of the destinations of Western ships for whale hunting [24]. In the whaling heyday of the 1840s, about a hundred American whale vessels on average each year were estimated to have set sail for Japanese coastal waters [24].

Archaeological records show that Japan has been utilizing whale resources since the *Jomon* period from approximately 14,000 BC to

approximately a few hundred BC, especially in the western region [24]. The records also suggest that *Taiji* in *Wakayama* Prefecture, known as the birthplace of ancient whaling in Japan, possessed the technology of dissecting and processing dead whales for human use in the 11th century or earlier. Japan's tradition of processing and distributing whale products involved a different use of whale resources from that of major Western countries that solely sought whale oil and left abundant debris (unused parts of whales) in the ocean [24,25].

During the *Meiji* period from 1868 to 1912, Japanese whaling villages began introducing modern whaling methods, specifically, ships equipped with cannons that fired explosive harpoons, which were developed by Svend Foyn [24]. At that time, the Japanese whaling industry had been disappearing because of social and environmental changes [24]. The employment of modern whaling enabled Japan to achieve technological advancement as well as expansion of its fishing grounds [24].

As the importance of whale meat in Japanese diets has declined, the rationale for whaling has shifted from food security and sustainable use to cultural identity and cultural diversity [2]. However, it was not until after World War II that the custom of eating whale meat spread throughout the country [24]. During the postwar period of the Allied Occupation of Japan, whaling was promoted to alleviate food shortages and whale meat was distributed in school lunches [26]. The use of whales as a result of promotion of the whale-eating culture may need to be re-evaluated in light of modern society, in which the movement towards environmental protection has been inevitable. An old whaling town, *Taiji*, still active in hunting for dolphins, has adapted to the changing environment by developing educational programs on the consumptive and non-consumptive value of whales and building a museum of whales [24].

## 3. Methods and materials

### 3.1. Survey

Simultaneous Internet-based surveys were conducted in Australia and Japan in February 2016. The questionnaire was prepared in English for Australia and in Japanese for Japan, and the respondents were recruited through existing online panels of local research companies in each country. Upon initial contact in the recruitment process, potential respondents were asked to participate in the survey titled “Survey on the Environment and Marine Life”; the title did not mention the subject of whaling to avoid possible selection bias. Candidates were pre-screened to ensure that the sample distributions approximated the distributions of the general population with respect to gender and age; for Japan, residential region was also considered. Through the screening process, a sample was collected with similar demographic characteristics as those of the general population for each country (Table 1).

To ensure data quality, those respondents who completed the survey in less than 30% of the average response time were excluded, where the average time was calculated by taking the average response time of responses that fell between the 10th and the 90th percentiles of the response time distribution for each country's sample. The final sample for the analysis contained 2254 respondents for Australia and 5100 respondents for Japan.

According to the survey data, the political positions of the two countries align with the contrasting opinions of their citizens (Fig. 1). More than 80% of Australians oppose whaling, whereas the majority of Japanese support whaling (Fig. 1). This result is consistent with the result of a previous survey published in [27]. In the Japanese sample, nearly 40% of respondents responded ‘neutral’ to the initial question regarding their position on whaling. This percentage is similar to the percentage of 44% of 1051 respondents who, in a 2008 survey conducted by Nippon Research Center [28], responded ‘neither’ to

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