

1982 IWC Moratorium – Failure Prelude of the Japanese Scientific and Commercial Whaling Scandal: An Analysis Under Actor Network Theory

STS Research Paper
Presented to the Faculty of the
School of Engineering and Applied Science
University of Virginia

By

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May 10th, 2022

On my honor as a University student, I have neither given nor received unauthorized aid on this assignment as defined by the Honor Guidelines for Thesis-Related Assignments.

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Introduction

Japan, a country with a long history and culture of whale meat consumption, withdrew membership from the International Whaling Commission (IWC) on December 26th, 2018, and restarted commercial whaling activities within their water territory on July 1st, 2019 (Birdseye 2019). This decision poses threats to both animal conservation and international law enforcement because the separation of a major nation from a major organization can hinder the progress of reaching further sustainable consensus and become exemplary for other entities to evade regulations and inspections. Scholars like Imawan *et al.* (2021) have examined the issue from the Japanese perspective and rationalized their rejection of the international anti-whaling norm with considerations including international relations, economy, and indigenous culture. Other scholars like Scott *et al.* (2019) have evaluated the western standpoint represented by Australia's victory in the International Court of Justice (ICJ) against Japanese scientific whaling in the southern sanctuary. However, these unilateral standpoints can easily cast blame on Japan for persisting in the outdated norms or the western world for ruthlessly putting pressure on whaling countries. They also fail to represent interrelated roles which are crucial for understanding the occurrence of the unideal. While acknowledging the heterogeneity of relevant parties' agendas, I plan to apply Actor Network Theory to explain how these actors failed in the translational processes of building a stable network (Latour 1987, Callon 1986). I argue that every actor's egocentric stance, limitation, and irresponsibility to other actors in the translational processes caused failure in the translational processes and ultimately led to the collapse of the network. To support this claim, I will analyze scholarly publications like *The Origin of the US-Japan Dispute over the Whaling Moratorium* to provide historical context (Masaru 2020), I will quote primary sources like *Diary of Ohkita* to provide direct evidence (Ohkita 1972), and I will allude to *Some*

Elements of a Sociology of Translation: Domestication of the Scallops and the Fishermen of St. Brieuc Bay as a template for ANT analysis focusing on the translation processes (Callon 1986).

Background

Japan, a nation with a whaling tradition dating back to the Jomon period from 10,000 to 300 BC became a member of the International Whaling Commission (an organization for whale conservation and whaling management) in 1951 (AWI 2020). In 1982, a moratorium aiming to temporarily ban commercial whaling proposed by the United States Nixon administration was approved by IWC voting even with the strong objection from Japan. Under diplomatic pressure from the US, Japan withdrew the objection in 1986 to conform to the anti-whaling norm. The situation deteriorated when the US fishermen and NGOs judicially tightened Japan's fish quota on the west coast from 900,000 tons to zero within three years (Black 2007). In response, Japan announced the beginning of their controversial scientific whaling in the Antarctic Ocean (JARPA I from 1988 to 2005 and JARPA II from 2005 to 2014) and Northeastern Pacific Ocean (JARPN I from 1994 to 1999 and JARPN II from 2000 to 2001) (ICR 2011, three sources). Followed by a case filed to the ICJ by Australia in 2014, Japan was found guilty of commercial whaling with scientific purpose in disguise and was deprived of any active or future authorizations (Telesetsky *et al.* 2014). Finally, in 2018, the prime minister of Japan announced the withdrawal from the IWC, which granted the 2019 reopening of commercial whaling in their own territory without international limitations (Birdseye 2019).

Literature review

These unpleasant results of the 2018 withdrawal and 2019 reopening had the seed planted since the 1982 IWC moratorium. Scholars have investigated the history and prognosis of this incident from either pro-whaling or anti-whaling standpoints, hence the extensive understanding of the unilateral justification for either side. Nevertheless, little effort has been done to analyze the cause of this step back using ANT from a multilateral perspective.

In the article *Japan, the West, and the Whaling Issue: Understanding the Japanese Side*, Amy L. Catalinac and Gerald Chan (2005) summarized the reasoning for the initial objection to the 1982 moratorium. First, Japan considered IWC violating the international consensus made upon sustainable use and scientific-based management of natural resources which has its roots in fundamental human rights and respectful scientific practice (Kunio, quoted in Danaher 2002). Second, the geographical and demographical characteristics of Japan made the acceptance of anti-whaling sentiment harder than in the western world. Confined to an island with limited natural resources, 40% of the Japanese diet is sourced from marine products, whereas this 2% of the world's population consumes 8% of the global seafood (Fisher 2001). The eradication of commercial whaling would pose threat to Japan's dependence on external resources and national security (Wong 2001). Third, whale conservation did not gain sufficient recognition from the public compared to other environmental issues, intrinsically because whales were largely thought of as a protein source (Imawan *et al.* 2021) and NGO efforts were sporadic. Scholars also evaluated the interior rationale of the 1986 compliance with the moratorium and summarized them from two perspectives in addition to the exterior pressure from the United States (Catalinac & Chan, 2005). First, post-World-War-II Japan strived for equality with western superpowers by attempting restoration in the international community and taking responsibility for the western

democracy (Hook *et al.* 2001, Kamo 1994). Second, the desperate economic expansion made Japan overlook important environmental issues and brought them a notorious reputation as an “eco-outlaw”. Thus, abiding by the moratorium met Japan’s hope for improving its international recognition.

A similar analysis of the opposite standpoint was also conducted as exemplified in *The History of Australian Legal Opposition to Japanese Antarctic Whaling* (Scott *et al.* 2019). Simultaneously promoted with the IWC moratorium, Australia’s Whale Protection Act in 1980 imposed a prohibition against harming the whales in any form by any person within 200 miles of the Australian Fishing Zone, and banned Australia-affiliated personnel and vessels from engaging in whaling activities elsewhere (Attorney-General’s Department 1980). Further, Australia established the Southern Ocean Sanctuary with the hope of protecting all whales in the southern waters and eventually put a brake on the JARPA program. Being one of the western leaders, Australian officials also collaborated with NGOs such as Humane Society International and Sea Shepherd to guard the coast from being poached. Australia’s legal interests in Antarctica were faced antagonistically by the Japanese government with their compromising resolutions such as issuing 330 minke whale permits in the Southern Ocean, and finally led to the ICJ case between the two countries. Scholars maintained that Australia’s “long-term legal agitation” was a contributing factor to Japan’s 2018 IWC withdrawal (Scott *et al.* 2019).

Both publications provide us with ample historical, cultural, and political background of Japan and Australia respectively from a unilateral standpoint. Their analysis shows us how each country contributed to the result in 2018 and 2019. However, these dichotomous evaluations may mislead the audience to biased perceptions by oversimplification such as 1) Japan was to blame due to their outdated social norms, or 2) Australia was to blame due to overpressure with ICJ

judgement. My analysis with ANT will acknowledge the multilateral nature by inviting more actors including the US, USSR, Norway, Iceland, the Japanese whaler community, and whale meat consumers. ANT framework will prove that the failure was due to inequality, discord, and negligence among all actors in the translational processes.

Conceptual framework

Whaling management is a multilateral effort involving many governments, civilian groups, and technologies, so studying the intercorrelation among all participants using Actor Network Theory (ANT) can be helpful. ANT is a relatively new ethical framework developed in the 1970s by Bruno Latour, Michel Callon, and John Law. In Latour's *Science Inaction* (1987) and Callon's *Some Elements of a Sociology of Translation: Domestication of the Scallops and the Fishermen of St. Brieuc Bay* (1986), ANT was initially introduced as a method to understand the societal relations of science. ANT views the society from a materialistic standpoint, treating all the participants as actors that are associated with one another in a network. Latour maintained that the actors should include human and non-human entities and emphasized that all the actors should be treated with equal importance (Latour 1987). This characteristic of ANT allows it to avoid hegemonic thoughts and in turn, promotes more objective and extensive analysis (Waniak-Michalak *et al.* 2019). The nature of a "network" implies that all associated actors are interconnected to other alliances and thus will somewhat influence the decision-making of adjacent parties. This quality will avoid dichotomous perspectives such as human versus nature or, in this case, pro-whaling versus anti-whaling, that tends to bias the interpretation by presenting disproportionated evidence (Park *et al.* 2020).

To explain how actors perform collectively to form a stable network, two important concepts about ANT are “black box” and “punctualization” (Park *et al.* 2020). Once the actors of a specific network successfully achieve a stable and functioning network, this heterogeneous association can be encapsulated into an integrated assembly known as the black box. When zoomed out, we will see the black boxes organically form into a bigger network and start to take responsibility for the black boxes around them. This iterative maximization of the network is described as punctualization.

To evaluate a network, it is imperative to examine the process of how a successful network was supported throughout layers of punctualization or what caused a network to fail to achieve harmony. Under the emphasis on explaining the formation of a network, Callon proposed a focal element of ANT known as “Translation,” identified by four processes: problematization, interessement, enrolment, and mobilization (Callon 1986). In problematization a focal actor will define the overarching shared concern and recruit relevant major actors to determine the necessity of further negotiation. The focal actor will treat itself as the obligatory passage point (OPP) which is a required junction for all actors to pass through to reach a stable network (Law 1986). Interessement is the phase where major actors start to identify and engage peripheral actors to build up the network. With more involved, actors start to negotiate their positions within the network and try to align with the OPP. Enrolment is when the actors acknowledge their participation in the network and their roles endowed by the focal actor. Mobilization is the final stage where all actors engage in their role within the network and start to take action as a cohesive collective (Gunawong *et al.*).

In the analysis that follows, I will mainly focus on the 1982 IWC moratorium as the first erroneous black box that embedded a time bomb for the network’s collapse in the 2018

withdrawal and 2019 reopening. I will examine examples from focal, major, and peripheral actors to understand their participation in Callon's translational processes and how they failed to form a functional network.

Analysis

Network construction

To analyze the 1982 IWC moratorium through the lens of ANT, it is necessary to identify actors and their respective roles within the network. Since the United States initially proposed the moratorium to the UNCHE and IWC (Masaru 2020), I suggest we treat it as the focal actor that is responsible for starting the problematization process. Since the conservation of whales is an international effort regardless of whether there are whaling activities in the nation, I would like to consider all IWC member state governments as major actors to be included in the network buildup process. However, we should analyze pro-whaling and anti-whaling nations separately because their different agendas may entail opposite opinions and decisions. Moreover, peripheral actors to be engaged in the interessement process should include both human entities such as the Japanese whaler communities and non-human factors such as lethal sampling technologies used in scientific research. Their existence in the network is by no means less important than focal and major actors in that they provide unique and urgent opinions on the subject. In the following discussion, I will allude to primary and secondary sources to prove that all focal, major, and peripheral actors contributed to the collapse of the network because they failed in the translational processes in their respective ways.

The United States:

As the focal actor of the network, the United States successfully recruited relevant IWC member nations as major actors but failed to generate a problem that resonated with all participants' shared concerns or identify a practical OPP to facilitate other actors' compliance. Even though the moratorium is superficially aimed at whale conservation and whaling management, America's underlying domestic political purposes for the presidential election and international diplomatic purposes for its hegemonic stance both blemished the purity of animal conservation (Masaru 2020). The Nixon administration took a firm and proactive stance supporting the moratorium not because an outright ban was thought to be the optimal solution in consensus, but because this was the best way to diffuse political tension. Disappointed by Japan's and Soviet Union's falsification of catch quantity and scientific data, conservationist groups in the USA like the Sierra Club and the Wilderness Society demanded the Nixon administration take actions to prevent whale slaughtering. The US House and Senate passed resolutions to urge the Department of State to draft the moratorium. The US Congress pressed more than 30 bills on the issue of marine mammal protection (AWI 2022, NOAA 2021). All these unilateral efforts put the Nixon administration under pressure even though they were aware that the legislation passed by the Senator and the House had more emotional basis than rational science and that an abrupt prohibition of domestic whaling would lead to extreme population fluctuations (Masaru 2020). Conversely, NASA, the US Navy, and the Department of Commerce did not fully support the whaling moratorium because sperm whale oil was an important strategic resource (Roberts 2014). To ease the growth of domestic pressure, the Nixon administration sought out the UNCHE and IWC attempting to put the issue under international speculation. Even though Nixon himself did not have a strong opinion on whale conservation, applying tighter pressure on Japan and the Soviet Union would surely help Nixon maintain unity within

the nation because of the US's tension with the Soviet Union during the Cold War and the hegemonic presence to Japan from the World War II. This proactive stance was also beneficial for Nixon's re-election in 1972 as it coincided with the growing concerns for the environment in states like California, Florida, and the Great Lakes (Masaru 2020). Since the Nixon administration problematized the whaling issue from a rather political standpoint unique to the USA, the overarching concern was not shared by pro-whaling countries like Japan, as shown in the unpreparedness and asynchronized opinions among Japanese delegates prior to the IWC voting (Yonezawa 2001). The moratorium, as the OPP, also failed to consider feasibility from the whaling countries' perspective, and therefore made it hard for every actor to voluntarily conform to the interessement and enrolment processes.

Japan:

Japan was an involuntary actor brought into the moratorium discussion by the United States and was forced to embrace the anti-whaling norm based on international reputation, development, and economic concerns. To give credits to Japan, it was a major actor that truly negotiated with actors from both pro and anti-whaling sides. Its effort in contacting 148 nations to discuss its amendment got limited support from only the whaling nations including USSR, Norway, Brazil, Panama, and Peru, while other nations were mostly reluctant to express interest in the whaling issue (Masaru 2020). The negligence between two sides and reluctance to consider a more practical amendment showed that negotiations in the interessement process failed to align actors' opinions with the OPP. Economist(Ohkita), the Governor of Mie Prefecture(Satoru Tanaka), and the international economic division and the public relations division of the Ministry of Foreign Affairs all agreed that perhaps it was time for Japan to cease commercial whaling as an effort to form a positive image on animal preservation and make

progress in more pressing issues such as nuclear weapons and pollution (Masaru 2020, Isao 1999, Ohkita 1989). The Director General of the Japanese EPA, Buichi Oishi, admitted to Train that more accumulation from future scientific investigation will prepare Japan to “impose in due course a total ban on whaling,” which was then denounced by other fellow Japanese delegates as merely his personal opinion (Masaru 2020). These concessive claims from the Japanese delegates did not agree with their domestic voices, indicating two failures in the network construction: 1) Japan failed to incorporate peripheral actors like domestic whalers and whale meat consumers to directly participate in a wholistic discussion, and 2) Japanese people lacked solidarity on this issue which prevented the passing through OPP as a functioning unity. The involuntary and passive participation of Japan in the moratorium qualifies the premise of a working translational process where constructive negotiation brings relevant peripheral actors and organizes compromise to follow the focal actor’s proposal. Japan’s biggest concern was mainly focused on their unique exterior relations and reputation and thus overlooked the effects of the moratorium on whaling economy and culture which could be somewhat generalized to other pro-whaling nations. Therefore, I would assume that the problematization was not well achieved by Japan’s egocentric stance.

USSR, Norway, and Iceland:

As three major commercial whaling nations, they unconstructively declined active participation in interessement and enrolment within the network and partially resulted in unbalanced voices. As a response to the moratorium, USSR and Norway registered a direct objection to the proposal, while Iceland seconded at that moment but withdrew IWC membership in 1992 and re-joined later with reservation to the moratorium (IWC 1983, IWC 2022). The rejections from USSR and Norway failed to positively build up the network through negotiation

and invitation to peripheral actors. In the 1986/87 season, the USSR's final commercial catch quantity from Antarctica was 3028, well exceeding Japan and Norway combined (IWC 2022), and yet the nation managed to cease commercial whaling in 1988. Why was USSR able to make such abrupt change without causing a biological or economic disturbance? Why did USSR catch so many whales when there was only one commercial whaling fleet documented as operating (Sovetskaya Ukraina) (Ivashchenko *et al.* 2014)? The acting participants that held answers to these critical questions were missing from the network due to the USSR's refusal of profound discussions.

Japanese whaler community and whale meat consumers

As a representative of the peripheral actors, their connection to focal and major actors was too weak to draw attention, and thus led to negligible role enrolment in the network. Because the media coverage and campaigns containing pro-whaling propaganda were so sporadic that I struggled to find primary source evidence from the 1980s, I present here several primary comments from contemporary whalers and media that still shows that part of the Japanese population, though limited, care for whaling culture. According to the government, roughly about 300 people in Japan whale for living and approximately 5000 tons of whale meat goes to Japanese market every year (McCurry 2021). The president of the Gaibo Hogeï whaling company, Yoshinori Shoji, contends that whale is only a protein source and there is nothing wrong about consuming local wildlife, especially as a tradition that needs to be promoted by servings to primary school and flensing displays (McCurry 2021). A statistic done by NHK also showed that 53% of sampled Japanese thought it was good for Japan to withdraw from IWC (Sekiguchi, NHK 2019, Fig. 1). Even today, there are not a lot of official acknowledgements for pro-whaling sentiments because they are usually deemed unethical, let alone the situation in

1982. The moratorium was led by western countries that had better NGO recognition, more media utilization, and a higher emphasis on animal conservation (Masaru 2020). Thus, it was likely that these traditional voices from Japan were overlooked by other actors in the network.

As I have shown the absence of Japanese pro-whaling civilians in the network, some might argue that the moratorium had legal implications that carried normative functions to urge the world to embrace the advanced idea. These arguments may suggest that since whale is only 0.1% of the total Japanese meat consumption (McCurry 2021), it is unnecessary to include their consideration in the network because the voices would be negligible. Yet it should be noted that granting exceptions has been done to many countries prohibiting commercial whaling to account for the culture and traditions of aboriginals. Aboriginal whaling in Canada, Faros, Greenland, Indonesia, Russia, St. V+Grenadines, and the USA combined equals almost 3 times the total of commercial hunts from Norway, South Korea, Japan, and Iceland (WP 2020, Fig. 2). The fact that these networks protecting aboriginal whaling are still stable and functional proves that including these minority perspectives is the key to making a well-rounded decision.

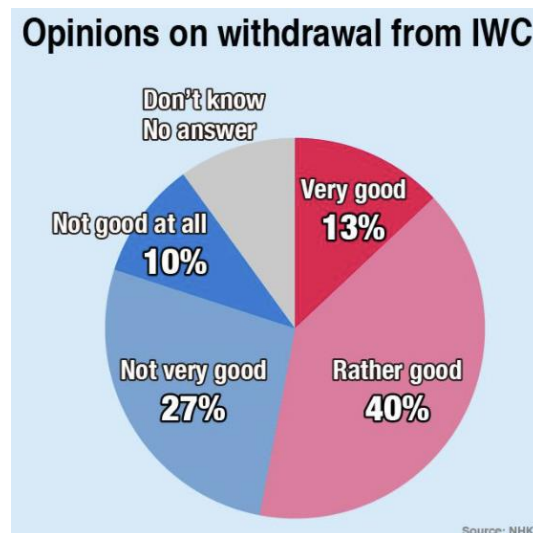


Fig.1. NHK statistics on Japanese opinions on IWC withdrawal.

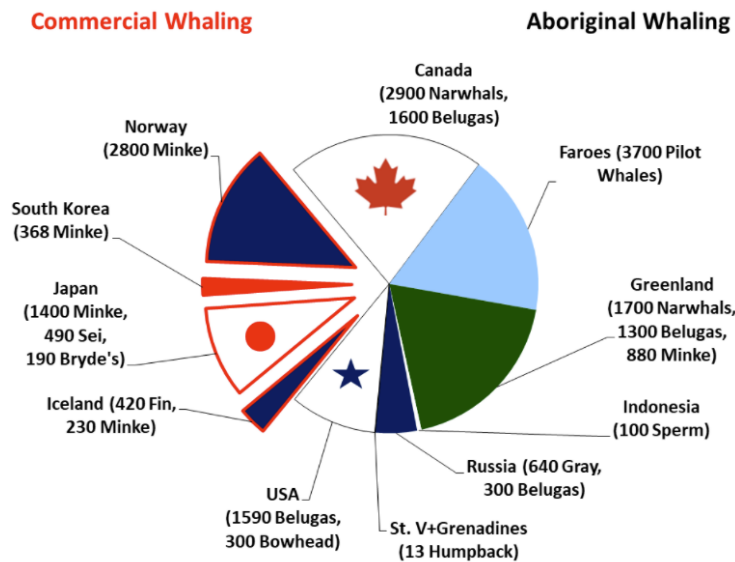


Fig. 2. Statistics on 2020 commercial versus aboriginal whaling catches.

Conclusion

In this paper, I analyzed the reasoning behind the emergence of the Japanese whaling scandal under the actor network theory ethical framework. Through examining participants in the actor network, I conclude that the 1982 IWC moratorium on commercial whaling was the fallacious black box that ultimately led to the collapse of the network, which manifested as the 2018 withdrawal and 2019 reopening. In addition to existing scholarly analysis on unilateral standpoints for pro-whaling and anti-whaling parties, the usage of ANT was able to stress the interrelationship among actors and observe their specific roles in the network. With the help of Callon's translational processes, I concluded that all actors directly or indirectly involved in the IWC moratorium were contributing factors to the network's failure, rather than blaming a single entity.

Word Count: 3578

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