Whaling or wailing?

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Among the many legal regimes that deal in various ways with whaling, the most significant is the 1946 International Convention for the Regulation of Whaling (ICRW), of which the governing body is the International Whaling Commission (IWC). With regard to the themes explored in this issue, the IWC offers a striking example of the increasingly complex and indeterminate nature of contemporary attitudes towards the environment and the regulation of activities that impact on it (Bridgewater 1995). While there is very broad support in many countries for some form of prohibition of whale hunting, and while that sentiment seems consonant with the indefinite moratorium currently overseen by the IWC, there are in fact, below the surface, numerous tensions, discrepancies, and gaps. The ICRW is at some variance with the current forms of ecological concern and knowledge, and now stands in an uneasy relationship to the diverse cultural contexts within which whaling – as tradition to be preserved, abomination to be outlawed, or environmental challenge to be managed – is set. Within this complex picture, and in line with the general theme of this issue, the role of NGOs is itself variegated. In particular, there are sharply different views on the relative priority of protecting whales and responding to the culturally framed claims of indigenous peoples. It follows that, as on other issues, whaling cannot be thought of in terms of a confrontation between an international community composed of states concerned primarily with sovereignty and a international civil society driven by global concerns. The dynamics are far more complicated. The view that I propose to defend here is that, while legal whaling regimes are needed to ensure adequate and appropriate conservation and management, there should also be a matrix of cultural forms which form the worldviews for whales and their relationship with people. The paper does not pretend to solve the issues of whales and the IWC, but uses the issues as exemplary of human–wildlife problems more generally.

The International Whaling Commission was established under the 1946 International Convention for the Regulation of Whaling (ICRW), which enshrined an attempt to ensure that the gross overexploitation of great whales which occurred in the 1930s was not repeated when commercial whaling resumed after the Second World War. The ICRW had, as its twin objectives: the proper conservation of whale stocks, so as to make possible the orderly development of the whaling industry. Needless to say, the subsequent emergence of ethical concerns as well as clear evidence of unsustainable levels of hunting has transformed the relation between these objectives and considerably modified the thrust of the
regulatory framework. From the 1960s, as certain species of whales were protected, national bans were implemented in some states with whaling industries, and sanctuaries were created in the Southern and the Indian Oceans, the balance of the utilitarian calculus shifted. In parallel, the calculus itself was challenged by the arguments that no humane method of killing whales was available and, more radically, that whales were inherently special and therefore inappropriate for consumptive use by humans. Since the introduction of the moratorium on whaling by the IWC in 1982, populations of many species have shown an ability to recover, although the blue whale is still in very low numbers. Bryden (1993) shows, however, that the situation is much more complex ecologically than had previously been thought.

Yet the regulatory framework itself has remained essentially unchanged, even as the objectives to which it needs to respond have become more complex. The focus within the IWC has shifted progressively towards exclusive consideration of the conservation of whale stocks, and the most recent meetings might indeed suggest a movement towards complete deadlock.

In the eleven years since the United Nations Conference on Environment and Development (UNCED, Rio de Janeiro, 1992), significant advances have been made in the management of global biodiversity. But while environmental problems have become globalised, their potential management solutions have become more localised. Global conventions, from the Convention on Biological Diversity (CBD) through the Convention to Combat Desertification (CCD), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), as well as the ICRW, among others, have tended to create a “lowest common denominator” approach to resource management. Such an approach often ignores — or even militates against — aspects of cultural diversity, including adequate respect and understanding of issues facing traditional or indigenous people. The Commission on Sustainable Development and its priorities also contribute to this blandly globalising effect. Lyne (1993) has noted the close links between the question of sustainable use of wildlife, the rights of indigenous peoples and the issue of genetic resources.

Yet the tension between global problems and local solutions is not simply a policy inadequacy or an obstacle to be overcome. It is, in many ways, inherent in the issue of global biodiversity itself. Living systems, regardless of their level of organisation, are simply not linear systems. The challenges to management, using, sharing, and conserving biological diversity are:

– to contain crises;
– to control the potential for conflict;
– to avoid seemingly simple linear approaches and solutions, by calling on a more integrative creativity.

One of the significant problems in any discussion of ecosystem management and conservation is to maintain an awareness of scale and of the existence of more than one scale. In purely human terms, this corresponds, at any given scale, to the confrontation between the concerns of and concern for the individual and those of and that for the group; or again balancing self-interest with wider interests. Furthermore, the same issues arise across scales, since it is rarely simply “in the nature of the problem” that the human groups involved should be defined at some particular level. Whaling is exemplary of issues that bring into play scales from the most local to the radically global, and it is not incidental that considerations of the interests of indigenous peoples raise the question “diversity for whom?”.

Similarly, from a conservation perspective, the concerns can be expressed in a continuum from species populations to earthscapes. In the final analysis, there are legitimate and proper concerns at all scales. Conflict arises in the establishment of priorities and the allocation of resources. Most issues can be selectively and variously scaled, depending upon the associated values and beliefs. Certainly the Ecosystem Approach, endorsed by the CBD, is absolutely about scale.

Taking account of all these dimensions points to the complexity of the issue of diversity. There are three basic and interactive elements of diversity: cultural, biological, and place. The importance of all three elements should not be minimised, nor should one be allowed to dominate. Human identity is derived from the intellectual interpretations of the interactions of these elements. And this is where globalisation...
has most impact. Prevailing values derived from the current beliefs of society can be influenced and shaped over time by scientifically gathered information, but at any given moment those values and beliefs are more important in the shaping of public policy than the results of the latest scientific research.

In this respect, it is important to emphasise that human destructive capacity is an intrinsic component of the ecosystem, rather than something outside and separable from it. The diversity of species with which we interact on a more or less intimate basis is very great and the frequency of contact extends from symbiosis, with those that are virtually permanent residents on or with us, to highly unusual with respect to species rarely encountered. No doubt consideration of humans as a biological species subject to the broad ecological principles applicable to other species is not without opposition, and there are those who would view humans as being somehow outside or distinct from the natural world. Nevertheless we prey on other species (carnivorously and herbivorously) for food and other resources. Like other species, we alter the place where we live and are quite capable of making that place uninhabitable. And we compete with other species for resources, including those in the oceans. Indeed, one argument advanced for whaling of certain species (e.g. minke whales) is that they compete with fishers for fish stocks. As Stevenson (1997) notes, drawing on a Canadian Department of Fisheries and Oceans report, "where human beings see themselves as an integral part of natural ecosystems, use is and can be an excellent conservation strategy. For example, both Inuit and scientists have recognised that whale populations that are hunted on a sustainable basis have less disease, more food, and reproduce faster than whale populations not hunted sustainably".

In most countries, strong lobbies drive wildlife policies, whether for conservation, hunting, or management. Ironically there are also strong NGO lobbies that argue for nations to take action against the wildlife policies of other nations through international vehicles such as CITES and ICRW. I am not trying to suggest here what or who is right or wrong, merely to identify the multifaceted approach we have to local, national, and global wildlife management issues. If we understand that many of our land- and seascapes are now unstable, with populations out of their natural balance, then it is clear that management of wildlife populations has a key role to play, despite the ecologically undesirable connotations of the word "management" from certain environmental perspectives.

In the current context of debates about international whaling policy, given the diverse and complex tensions at work, the issue of management, in the broad sense, is inescapable. In view of the recovery of some whale populations, overriding concern about extinction, while not discarded, is now attaining less prominence than concerns about, e.g., the humaneness of the whale kill, underlined by the lack of need for whale products. It is striking, however, that all these views are set in the context of Western supermarkets and coffee bars, and take no account of the concerns of whaling communities. This emphasises the continuing and in some ways heightened tension between the original objectives of the IWC: the conservation of whale resources and the orderly development of the whaling industry.

A more recent development that complicates things even from the narrowest utilitarian perspective has been the extent to which communities worldwide are increasingly recognising and benefiting from non-consumptive uses of cetaceans. Whale watching and dolphin watching tours are now an important industry for communities for which, in some cases, there may be few alternative economic opportunities. An example is a Maori Community in the South Island of New Zealand, operating whale watching tours. Such questions inevitably create tensions between anthropocentric and anti-anthropocentric approaches to conservation.

Perhaps the ICRW most eloquently displays the contradictions and enigmas we face. As Ray Gambell, the former Secretary of the IWC, put it in 1997, developing views expressed in a key earlier paper (Gambell 1995): "The tensions between the objectives of the conservation of the whale resources and the orderly development of the whaling industry continue today. Some governments, such as Iceland, Japan and Norway, argue for a resumption of commercial whaling as an example of sustainable development of the resource now that the scientific aspects of a revised management procedure have
been agreed. Others, including Australia, France, Germany, Netherlands, UK and USA, taking a more protectionist position and are reluctant to do anything which could lead to a repetition of the past over-catching of whales” (Gambell 1997).

Yet the IWC, as the governing body of the ICRW, maintains its position on aboriginal subsistence whaling, which is subject to a special management procedure involving consideration not only of the status of the affected whale stocks, but also of the perceived subsistence and cultural needs of the aboriginal peoples. Such operations are in place in the Russian Federation, the USA (Alaska and Northwest Pacific coast), Greenland and St Vincent and the Grenadines (Island of Bequia). Such carefully regulated operations would seem above reproach.

But there is a problem – confusion between the original aims of the Convention and its modern interpretation. Many parties are now interpreting the Convention much more as a conservation instrument in tune with the current global environmental ethic. The restrictions imposed in implementing this approach are not, however, universally agreed or accepted by some of the communities most affected.

Furthermore, what is at stake operationally in a hypothetical relaxation of the IWC moratorium would appear to be not greatly different from aboriginal operations, which – whatever may be their cultural and economic significance – use similar hunting techniques. The arguments go back and forth, focusing on aspects of commerciality of the Japanese and Norwegian operations – and the purported lack of the same in aboriginal communities. Indeed, there are regularly requests to recommence some aspects of whaling from Japan and Norway, who argue cogently in the Commission that the ban on small-type whaling operations from their coastal communities is unjustified since the operational aspects would appear to be not greatly different from aboriginal operations in some other countries. Discussion on this issue – with respect to which, clearly, a global instrument is drawing a “line in the sand”, where there is in fact a continuum – is an annual ritual. In May 2002, in particular, following a Japanese-led challenge to “double standards” with respect to whaling, the IWC turned down requests from the United States and Russia to renew quotas that allow their native peoples to hunt whales. A solution was eventually found, but nonetheless, at the 2003 meeting of the IWC, more resolutions were adopted that emphasised conservation needs only, neglecting or ignoring other issues. At the heart of international regulation of whaling thus lies a clash of cultures with hunting communities concerning the responsible use of the resource, which currently plays out as the ascendency of global orthodoxy over cultural imperatives. And as I write this paper (September 2003), news is at hand that Iceland has despatched some whaling ships to hunt minke whales in the unendangered central Atlantic population.

Yet what is probably of much greater significance is the increasing awareness that whales should not be considered apart from the marine environment that they inhabit, and the detrimental changes to it that threaten whale stocks, as well as most other marine biodiversity. These environmental uncertainties, coupled with uncertainties involved in whale stock assessment, management, and regulation, have only served to reinforce the views of those people and nations who are opposed to a resumption of commercial whaling. An expression of that concern is the need articulated for a large sanctuary to provide a pool of whales that are sure to be safe from hunting. And, indeed, protected areas of some sort are clearly part of an ecosystem approach.

The Australian Government produced, some years ago, a report entitled The Universal Metaphor (National Task Force on Whaling 1997). This publication sought to argue a case for the complete prohibition of whaling of any kind, and suggested, as a practical means to achieve the objective, the extension of existing sanctuaries to cover all international waters. Such a measure is probably unnecessary from a purely conservationist perspective, and relies ultimately on the view that whales are inherently special, and therefore that each whale deserves individual sanctuary: a claim considerably beyond the demands of either conservation or the precautionary principle, which are concerned with species of whales. What is missing from this analysis of whales as a “metaphor” is that whales and humans share a globe on which their interactions have been complex and sophisticated. Undoubtedly, in the last 100 years, these interactions have been especially brutal and detrimental to the whales, but this is not
universally or necessarily so. Whales and people can continue to co-inhabit the globe, but better ways are needed to express the complex relationships that exist, especially in indigenous societies. As discussed earlier, in many of the current discussions about environmental issues at a national and international level, people are not often treated or regarded as part of the biosphere and certainly not as part of biodiversity. Conservation of biodiversity is rooted in a subset of values drawn from broader cultural values, values that determine how we deal with nature. Broadly speaking, these values remain uncomfortably ambivalent as to the status of humans with respect to nature.

The various scientific disciplines that make up conservation are vulnerable to what people, including scientists and economists, view as the crisis of the moment, ignoring the need to focus on the longer view. Resources of all kinds may be directed towards a particular threat, sometimes without any reasonable appraisal of the importance or complexity of the threat relative to other needs. Indeed, the expansion of the range of considerations incorporated in the environmental perspective, which reflects among other things the range of actors and interests represented in the field, may eventually blur the urgency of the straightforward, albeit in some respects old-fashioned, conservationist perspective. Yet, in the end, arguing over the rights of hunting for whales, when the oceans comprise marine mammal populations at wide variance with their previous balance, that are responding in unknown and unpredictable ways, is Nerosim – fiddling while Rome burns.

References


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