

Why anti-whaling norms fail to preserve whales - Three hypotheses

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1. Introduction

Japan's recent withdrawal from the IWC and whaling in the Antarctic may look like a reconfirmation that the case of the International Whaling Commission (IWC) is the classic case of a polarized conflict of norms between anti- and pro-whaling camps. Indeed, the existing literature often assumes, diagnoses, and/or refers to the whaling case as a norm conflict. However, the reality is that, anti-whaling countries have not taken action to bring ongoing whaling activities (except the aboriginal subsistence whaling) under the control of the IWC in order to strengthen cetacean conservation. In search for a more plausible explanation of anti-whaling countries' negotiation behavior in the IWC, this paper first critically reviews the existing literature to identify its explanatory capacity and then it suggests three alternative hypotheses.

2. Critical review of the existing literature

The most fundamental mistake in the existing literature is that it too easily and automatically equates the anti-whaling norm with conservationism or preservationism and don't elaborate the nature and content of the anti-whaling norm furthermore; the simple basic fact is that being against whaling (=anti-whaling) and pursuing conservationism or preservationism are not the same. As argued in the paper, there are even some political situations that pursuing anti-whaling becomes an obstacle for pursuing conservationism and/or preservationism.

While we do not deny the importance of norms in the whaling debate, the existing literature on the anti-whaling norms is not only unsuccessful in explaining the IWC negotiations but also in need of a fresh perspective focusing more on the interaction between the two forces.

3. Three alternative hypotheses

Symbolic politics hypothesis (H1) assumes that the behavior of anti-whaling countries in the IWC meetings is a kind of "symbolic politics", in which these countries use the moratorium and other conservative proposals as symbols to demonstrate their determination to never accept whaling (except for aboriginal subsistence whaling). Their objective of doing so is not that they are trying to save the whales, but it is because they can evade criticism that they do not take effective actions to conserve cetaceans. *"Symbiotic and scheduled confrontation" hypothesis*

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(H2) suggests that the status-quo confrontation in the IWC has been needed by both pro- and anti-whaling countries to pursue their domestic interests. It posits that the long-standing contested interaction between them has generated a symbiotic relationship between pro- and anti-whaling countries. Whereas H1 focuses on political behavior announcing goals and measures without actual intention to implement while shifting responsibility to the other side, H2 grasps advantages for each side gained from the status-quo. For anti-whaling countries, the confrontation with pro-whaling countries those who challenged the moratorium provision has continuously provided favorable opportunities to gain domestic support by appealing their hard-line attitude toward whaling. *Clash of identities discourse hypothesis (H3)* attributes the intransigent attitude of anti-whaling countries to the anti-whaling identity discourses where anti-whalers are categorized as environmentally-friendly, humane, democratic, and so on in contrast with anti-environmental, inhumane, and undemocratic whalers. On the other hand, pro-whaling nations' identity discourse is closely connected with its national and cultural values and, frame anti-whaling as negating such their values. As anti- and pro-whaling identity discourses are positioning themselves as fundamentally opposite to each other, they "clash" with each other, making concessions to the other side extremely difficult, if not impossible.

4. Discussion and Conclusion

The important characteristic that three hypotheses have in common is that they focus on the interactive, relational tension between pro- and anti-whaling. The presence and behavior of the opposing side has, we argue, served as an important determinant of behavior of both pro- and anti-whaling countries. For each side, the opposing side has been: a scapegoat to evade own responsibility (as in H1); a provider of domestic interests (as in H2); and providing the "other" side of the binary-opposing categories of anti- and pro-whaling which is indispensable to construct and reconstruct their identities (as in H3).

Although the explanatory power of each hypothesis needs to be subject to further empirical analysis, Japan's recent withdrawal from the IWC may provide a difficult case for H2 since Japan is to abandon its own interest it has symbiotically gained from the confrontation with the anti-whaling countries in the IWC. On the other hand, H1 and H3 are still likely to be valid for explaining the state negotiation behavior in the IWC even after Japan's withdrawal. Both cases, needless to say, must be tested through rigorous analyses using systematic and comprehensive critical discourse analysis which, as for the former, reveal the hidden intention of the states' behavior, and, as for the latter, reveal the identity categories in use and the relative discursive positionings of the relevant actors. We believe that a systematic and comprehensive testing of our hypotheses will provide a better understanding of the long-standing whaling debate and also further contribute to the study of norms, identities and discourses in international settings.