An Analysis of Preservation Versus Conservation: The Future of Whaling

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by

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The whalers fired a harpoon over our heads and hit a female whale in the head. She screamed. There was a fountain of blood. She made a sound like a woman's scream. Just then one of the largest males I've ever seen slapped his tail hard against the water and hurled himself right at the Soviet vessel. Just before he could strike, the whalers harpooned him too. He fell back and swam right at us. He reared out of the water. I thought, this is it, it's all over, he's going to slam down on the boat. But instead, he pulled back. I saw his muscles pull back into the water, drowning in his own blood, I looked into his eye and I saw recognition. Empathy. What I saw in his eye as he looked at me would change my life forever. He saved my life and I would return the favor. – Paul Watson¹

Paul Watson's overwhelmingly violent experience with the murder of whales forever changed the game of modern whaling. Scenes like this undoubtedly trigger emotions and evoke the moral question, is this right? The popular answer is no. However, popular opinion does not include everyone. Today, Iceland, Norway, and Japan all continue to commercially hunt whales despite the International Whaling Commission's moratorium on whaling. This temporary moratorium infuriates pro-whaling and anti-whaling people alike since a permanent resolution has yet to be determined. Therefore, activists, the most famous of whom is Paul Watson, continuously battle these whaling countries and strive for a permanent solution. Within this struggle lies another issue that is almost as controversial as the entire commercial whaling debate; aboriginal subsistence whaling. Activists like Paul Watson reject any whaling, even traditional whaling, but whaling scholars such as Milton Freeman believe that aboriginal subsistence whaling can help to preserve the diversity and strengthen the overall health of whale populations while providing for aboriginal tribes.

It is beyond difficult to create a permanent solution to today's whale debate. However, professor and author Robert L. Friedheim attempts a solution. He acknowledges all the conflicts surrounding the International Whaling Commission's current status. Friedheim argues that the only way out of the current stalemate over whaling is to decide whether to preserve whale stocks

Peter Heller, *The Whale Warriors* (New York: Free Press, 2007), 6.

or to practice sustainable whaling. I agree with Friedheim in that there is not even a slight possibility that reverting back to commercial whaling is an option, however, I do not agree that we need to choose between preserving whale stocks or practicing sustainable whaling, but rather that we should use a combination of the two in order to create a long-lasting solution.

It is my goal with this essay to prove that aboriginal subsistence whaling, on a closely monitored regiment, can in fact be sustainable and therefore be allowed under the International Whaling Commission. I will also cover the commercial whaling controversy by looking at its history to prove that the human race can never again be allowed to hunt whales commercially. In order for this to be implemented, changes need to be made within the IWC so that no loopholes are available for abuse. Also, the IWC needs to specifically define its regulations for aboriginal subsistence whaling so that it may not be abused either.

In this essay, I will jump headfirst into the history of commercial whaling, through D. Graham Barnett's five episodes of commercial whaling. These episodes lead up to the creation of the International Whaling Commission and the moratorium placed on commercial whaling. I will then look into the problems within the IWC's framework that caused much debate from the beginning up until today. Within the main argument against the IWC lies the aboriginal subsistence whaling question as well as the scientific research question. I will dive into both of these issues by studying whale hunting Inuit tribes as well as the Japanese scientific whalers.

Last, I will review author Friedheim's thorough proposal of changes for the IWC, and critique it in order to fit my personal opinions on the future of whaling.

The controversy surrounding whaling greatly increased with the International Whaling Commission's moratorium on whaling, enacted in 1986. The debate has greatly progressed since then, and moved into an environment of eco-terrorism and illegal whaling. It is no longer an

option for the IWC to hold the temporary moratorium because it is causing greater turmoil than it solves. A change needs to be made, and quickly, before whale stocks are forever extinct and before more people die in this fight. In order to find a solution, it is necessary to investigate the roots of the issue and how it grew into the monstrosity it has become.

Whales were once elusive creatures that fascinated and stunned those who were lucky enough to get a glimpse of them. However, the mystery of these creatures soon dissolved as technology advanced and mankind evolved to dominate the largest beasts on earth through hunting scenes almost identical to Paul Watson's. Whaling began as a means of sustenance and progressed into an industry centralized on oil made from whale fat. The whaling industry boomed into an unstoppable force, which left many whale species in critical danger of extinction. With the incorporation of crude oil, the need for whale fat significantly decreased, but was not completely eliminated.

In D. Graham Burnett's chronicle of science in the history of whaling, *The Sounding of the Whale*, he distinguishes five separate episodes of intensive commercial whaling throughout the world. These five distinct phases chronicle the course of the destructive relationship between whales and humans and how it led to the stalemate we find ourselves in today. These episodes of modern whaling led to the extinction of some whales, and the endangerment of the rest. The first of these episodes marks the beginning of modern whaling in the northern waters of Western Europe. Known as the northern fishery, this area was used by the French, Dutch, and British to hunt bowhead whales.² This fishery ran from the Middle Ages up until the early twentieth century. Following the Europeans, a southern fishery developed in the Pacific Ocean by

² D. Graham Burnett, *The Sounding of the Whale* (Chicago: University of Chicago Press, 2012), 10.

Americans.³ Unlike the northern fishery, the Americans focused on the sperm and right whales. However, this fishery lasted for only about a century. The third episode of modern whaling was sparked by advancement in harpoon technology, developed by a Norwegian sealer Svend Foyn.⁵ Foyn's advanced harpoon was used mostly in the northern Atlantic oceans. This period only lasted around forty years, but did spark the fourth episode. In the early twentieth century, the richness of whales in the Antarctic was discovered. 8 With this discovery came the development of many uses for whale oil. This period proved to be even more detrimental to whales than all of the previous ones not only because of advancement in technology, but also because of the involvement of many more countries. The last episode was defined by commercial independence in the twentieth century. With the development of "pelagic factories," there was no need for vessels to dock in harbors and could process whole whales on deck. 9 This enabled industries to get out of government regulatory systems. 10 This proved to be dangerously successful, and was only stopped by the whaling moratorium enacted in 1986.

Besides location and time, what really set these episodes apart was the technology used to hunt whales. During the first two episodes, whales were pursued by sailing vessels and were attacked with a harpoon with a strong line attached in order to prohibit the escape of the whale.¹¹ Once secured, the whale would be killed by several strikes from a lance. ¹² Even without advanced technology, the northern and southern fisheries were incredibly successful, and in fact

³ Burnett, 10.

⁴ Burnett, 10.

⁵ Burnett, 12.

⁶ Burnett, 12.

⁷ Burnett, 12.

⁸ Burnett, 12.

⁹ Burnett, 15.

¹⁰ Burnett, 15.

¹¹ Burnett, 10.

¹² Burnett, 10.

led to almost complete commercial extinction in the Northern Atlantic.¹³ The third episode was really a turning point for commercial whaling because of the development of Foyn's harpoon that would inflate whale carcasses in order to keep them from sinking.¹⁴ With this invention, as well as the discovery of whales in the Antarctic, the fourth episode of whaling proved to have the most technological advancement. In order for these countries to invest more time and money into whaling efforts, they needed to make sure there was enough for them to gain out of it, which there was. With dangerous weather, it was hard to maintain productive processing of whales on ships.¹⁵ The most logical idea to resolve this was "pelagic factories."¹⁶ Developed in 1925, these factories made it possible to not only get the entire carcass on the ship without cutting it up, but also to process the entire whale on the deck.¹⁷ Without the need for processing factories on land, the whaling industry controlled the monopoly on whales.¹⁸

During the twentieth century, more than two million great whales were killed in the southern hemisphere alone, compared to 800,000 in the northern hemisphere. ¹⁹ It is estimated that 50,000 whales were killed each year at the height of commercial whaling. ²⁰ For these reasons, it is no surprise that almost every whale stock was on the verge of extinction.

"The history of whale conservation – perhaps one of the saddest oxymorons of our time – has been characterized by the phrase 'too little, too late." It never occurred to anyone to apply

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¹³ Burnett, 11.

¹⁴ Burnett, 12.

¹⁵ Burnett, 14.

¹⁶ Burnett, 15.

¹⁷ Burnett, 15.

¹⁸ Burnett, 16.

¹⁹ James A. Estes, et al., *Whales, Whaling, and Ocean Ecosystems* (Los Angeles, CA: University of California Press, 2006), 263.

²⁰ SeaWeb, "Ocean Briefing Book: Commercial Whaling," SeaWeb, http://www.seaweb.org/resources/briefings/commer_whaling.php (accessed March 1, 2012).

²¹ Richard Ellis, *Men and Whales* (New York: Alfred A. Knopf, Inc., 1991), 386.

any type of protective measures on whales until it appeared that a whale species was too scarce.²² By the time any protective measures were discussed, none of the whales were safe from whalers. In the decade before World War II, discussions began over the conservation of whales, however, not much was accomplished due to the impending war.²³ During the war, whaling was almost completely halted due to the need for money, ships, and the need to focus on national security rather than whales. Once the war concluded, talks of whaling once again continued. In 1946, an International Whaling Convention was held in Washington, which was based on the 1937 London Agreement and the signed protocols of that agreement.²⁴ This convention, as well as the 1937 and 1945 London Agreements, led directly to the establishment of the International Whaling Commission.²⁵

Australia, Canada, Denmark, France, Iceland, Mexico, the Netherlands, New Zealand, Norway, Panama, South Africa, Sweden, Great Britain, the United States and the Soviet Union were all signatories to the 1949 agreement. The IWC was composed of one member from each of the Contracting Governments and had one vote within the Commission. Stated on their website, the IWC's main duty is to keep the measures laid down in the Schedule to the Convention under review. However, these measures have caused great upset for much of the world. In 1986, the IWC passed the international moratorium on commercial whaling, which affected all people and countries that participated in any type of whaling. Two of these groups stand out more than others in the whaling debate today, aboriginal tribes and Japan. The

²² Ellis, 386.

²³ Ellis, 387.

²⁴ Ellis, 388.

²⁵ Ellis, 388.

²⁶ Ellis, 388.

²⁷ Ellis, 389.

²⁸ International Whaling Commission, "History and Purpose," International Whaling Commission, http://iwcoffice.org/commission/iwcmain.htm#history (accessed January 29, 2012).

differences between these two are significant and account for the majority of activist's attentions. The International Whaling Commission's moratorium affects each group differently, and therefore I believe the future decisions made by the IWC should appropriately govern each of these groups based on their differences.

Sadly, Inuits have no written history, so we will never know the origins of their whaling. ²⁹ However, it is estimated that they have been hunting whales from eight hundred to four thousand years ago. ³⁰ Aboriginal whalers, especially near the Arctic, are incredibly efficient because of their need for developed techniques necessary to hunt and survive in their ruthless weather conditions. ³¹ Whaling is an extremely important part of aboriginal life because it is a major factor within all systems of their lives. In Milton R. Freeman's book "Inuit, Whaling, and Sustainability," he states that the Inuit hunt whales to fulfill social, economic, cultural, as well as nutritional needs. ³² Whale hunts are not just about killing a whale, but it is also about the cultural tradition and elaborate ritual. ³³ The social order during whale hunts revolves around the most experienced and eldest hunters. These hunters are leaders for the Inuits and their hunts bring closer relations within the community. ³⁴ These relations strengthen cooperation within the tribe as well as social solidarity. ³⁵ The hunt itself is a major event for the entire tribe and brings together all members of the tribe, who otherwise would not do so.

The economic needs of Inuit tribes are met by a variety of things, including whale products. The exchange of goods within the tribes allows for maintaining relations and processes

²⁹ Ellis, 298.

³⁰ Ellis, 298.

³¹ Ellis, 296.

³² Milton M. R. Freeman, et al., *Inuit, Whaling, and Sustainability* (Walnut Creek, CA: AltaMira Press, 1998), 29.

³³ Freeman, 31.

³⁴ Freeman, 31.

³⁵ Freeman, 31.

of production that are deeply rooted in their traditions and cultural identity.³⁶ The meat that comes from the whales is taken and distributed to everyone within the tribe. However, for those who are not close enough to be involved in the hunt, they can purchase the leftover meat that is not needed by the hunting tribe.³⁷ This fact raises the issue of locally hunted foods. It is not always possible for tribes to substitute fish or other marine mammals for whale. Also, the amount of meat from whale can go very far within the tribe and usually can feed everyone within the tribe. The leftovers, however, are very valuable and local peoples are willing to pay for the whale meat. This money goes a long way to economically supporting Inuit tribes.

Whales have been tied to aboriginal cultures for thousands of years. This can be seen in their art, heard in their songs and legends, and identified in the names of certain places. ³⁸ The way in which Inuits regard whales is through a mutual dependence as well as respect. According to Milton Freeman.

"Inuit came to understand that animals provide people with the necessities of life in this world, and people, by observing the appropriate rituals and etiquette when animals are killed and consumed, are able to ensure that animal populations will remain healthy and ever-present." ³⁹

The Inuit see all that is given to them by the whales as gifts and treat them as such. This tradition is why Inuits acquire, share, and consume whales in a way that ensures the future of whales.

The nutritional needs met with oil, blubber, and meat from whales play a large role within the health of Inuit tribes. Freeman states that scientific studies have proven that whale meat and other local foods have far superior nutritional value compared to imported meat.⁴⁰

Danish and Norwegian physicians and scientists found that whale meat contains rich sources of

³⁶ Freeman, 49.

³⁷ Freeman, 50.

³⁸ Freeman, 38.

Freeman, 40.

⁴⁰ Freeman, 45.

vitamins A and C, thiamin, riboflavin, and niacin, which provides protection against scurvy. ⁴¹ Besides these benefits, as well as the iron from blood, the fat from whales is very important for Inuits since they are high in omega-3 polyunsaturated fatty acids. ⁴² This protects the Inuits from cardiovascular diseases. These benefits are very important to the overall health of Inuit tribes and even with the moderation of whale hunts, Inuits will continue to get these benefits from eating whale meat.

A majority of the whales that Inuits hunt are gray, minke, and bowhead whales. In 2010, 118 gray whales, 195 minke whales, and 76 bowhead whales were caught under the IWC's aboriginal subsistence whaling. However, the North Pacific population has recovered to about its pre-exploitation level, around 26,000. According to the IWC, the minke whales in the North Pacific are in a healthy state. Their populations are estimated to be around 180,000. The bowhead stocks, unlike the gray and minke whales, have not recovered to pre-exploitation levels. Stocks in the North Pacific were estimated to be between 30,000 and 50,000, but commercial whaling brought the population down to about 3,000. Today, the population is only about 7,000.

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⁴¹ Freeman, 45.

⁴² Freeman, 47.

⁴³ International Whaling Commission, "Aboriginal Subsistence Whaling Catches since 1985," International Whaling Commission, http://www.iwcoffice.org/conservation/table_aboriginal.htm (accessed February 26, 2012).

International Whaling Commission, "Estimates," International Whaling Commission, http://www.iwcoffice.org/conservation/estimate.htm (accessed February 26, 2012).

⁴⁵ International Whaling Commission, "A Brief Overview of the 'Status' of Whale Populations," International Whaling Commission, http://www.iwcoffice.org/conservation/status.htm (accessed February 26, 2012).

⁴⁶ International Whaling Commission, "A Brief Overview of the 'Status' of Whale Populations," International Whaling Commission, http://www.iwcoffice.org/conservation/status.htm (accessed February 26, 2012).

⁴⁷ NOAA Fisheries, "Bowhead Whale," NOAA Fisheries, http://www.nmfs.noaa.gov/pr/species/mammals/cetaceans/bowheadwhale.htm (accessed February 27, 2012).

to 10,000.⁴⁸ So far, Inuit tribes have kept their hunts under the catch limits set by the International Whaling Commission.

The most important concern of opponents to aboriginal whaling is the possibility of aboriginals allying themselves with whaling nations who aim to promote whaling. According to the Sea Shepherd Conservation Society "aboriginal groups are acting as apologists, propaganda tools, and fronts for commercial Japanese and Norwegian whaling interests." Also, the Japanese have been accused of buying IWC votes from small whaling nations in attempt to overturn the ban on whaling. Problems like these are the reason why the IWC's future is threatened. This cycle of abuse has the potential to lead to over hunting. In order to make sure this does not happen, the IWC needs to eliminate the ability to buy votes as well as the aboriginals' ability to sell their excess whale meat. With a system in place that prohibits abuses like these, some of the major arguments against aboriginal whaling would become invalid.

The second, and more publicized, critique of the IWC's current structure is Japan's "scientific whaling." Scientific whaling is legal under Article VIII of the 1946 Convention:

"Any Contracting Government may grant to any of its nationals a special permit authorizing that nation to kill, take and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Contracting Government thinks fit, and the killing, taking and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of the Convention." ⁵¹

The Institute of Cetacean Research leads Japan's whaling efforts. According to the ICR's research plan, their scientific research consists of examining whale's consumption of fish,

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NOAA Fisheries, "Bowhead Whale," NOAA Fisheries, http://www.nmfs.noaa.gov/pr/species/mammals/cetaceans/bowheadwhale.htm (accessed February 27, 2012).

Sea Shepherd Conservation Society, "Position on Aboriginal Whaling," Sea Shepherd Conservation Society, http://www.seashepherd.org/whales/whaling-around-the-world.html (accessed March 5, 2012).

Sea Shepherd Conservation Society, "Position on Aboriginal Whaling," Sea Shepherd Conservation Society, http://www.seashepherd.org/whales/whaling-around-the-world.html (accessed March 5, 2012).

⁵¹ International Whaling Commission, "Scientific Permits: Notes and Details," International Whaling Commission, http://www.iwcoffice.org/conservation/permits.htm#notes (accessed March 5, 2012).

monitoring environmental pollutants in cetaceans and the marine ecosystem, examining the yearly trend in biological parameters, monitoring yearly trends of blubber thickness, and monitoring the population trend of certain cetaceans.⁵² Once the scientific research is completed, the byproducts are processed and sold within Japan.⁵³

Japan is accused of exploiting a loophole within the International Regulation of Whaling Convention, which never intended to allow commercial whaling.⁵⁴ Although Japan claims they truly are only hunting whales for scientific purposes, there is evidence that proves that killing whales is not necessary to obtain scientific information about them. In 1995, 25 whale specialists met in Galway, Ireland to draw up a plan for whale research. These specialists found that "all of this research can be done without killing a single whale – a far cry from current programs which take hundreds of whales a year for thinly disguised commercial purposes."55 If the IWC banned all lethal scientific whaling, Japan's entire whaling program would fall apart.

In a poll taken by Greenpeace Japan in 2008, it was revealed that 71% of the Japanese polled supported an end to whaling on the high seas. 56 Also revealed in this poll was the fact that many Japanese were not aware of what the Japanese government did in regard to whaling.⁵⁷ Even within the few that were aware of Japan's whaling regiment, only a very small percentage

⁵² The Institute of Cetacean Research, "Research Plan: JARPA II Plan," The Institute of Cetacean Research, http://www.icrwhale.org/JARPAIIResearchPlan.html (accessed March 5, 2012).

The Institute of Cetacean Research, "Whale research byproducts," The Institute of Cetacean Research,

http://www.icrwhale.org/abouticr-6.html (accessed March 5, 2012).

Sea Shepherd Conservation Society, "Japan – A Whale Killing Nation," Sea Shepherd Conservation Society, http://www.seashepherd.org/whales/japan.html (accessed March 5, 2012).

Greenpeace, "Studying Whales without Killing Them," Greenpeace, http://archive.greenpeace.org/majordomo/index-oldgopher/9505/msg00013.html (accessed March 6, 2012).

⁵⁶ Greenpeace, "Opinion Poll on Research Whaling," Greenpeace, http://www.greenpeace.org/international/en/publications/reports/japanese-opinion-whaling-2008/ (accessed March 2, 2012).

⁵⁷ Greenpeace, "Opinion Poll on Research Whaling," Greenpeace, http://www.greenpeace.org/international/en/publications/reports/japanese-opinion-whaling-2008/ (accessed March 2, 2012).

supported whaling.⁵⁸ This information is not well known by the rest of the world, who assume that Japan as a nation supports whaling. If the citizens of Japan were educated on their own government's whaling regiment, there is a strong possibility that the public would be able to change the course of action in regards to Japan's whaling future.

One way in which the Japanese public has become more aware of Japan's whaling is through the arrest of two Japanese Greenpeace activists in 2008. After exposing a major corruption within the whaling industry, Junichi Sato and Toru Suzuki were held in custody for 23 days without charge. These Greenpeace activists revealed that the crew members aboard the whaling vessel Nisshin Maru were "openly taking the best cuts of whale meat during the so-called scientific hunt, smuggling it ashore disguised as personal luggage and then passing it to traders for illegal sales." In September of 2008, the "Tokyo Two" were wrongfully convicted and put in jail for one year.

Japan's illegal activity only makes their image worse in the eyes of the rest of the world. Despite their image, Japan continues this activity because the IWC is not punishing them. If this continues, the IWC may lose all support and be dismantled. The only way to save the IWC is to restructure and update its regulations to resolve today's issues and those that may arise in the future.

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http://www.greenpeace.org/international/en/news/features/Whaling-whale-meat-vindication-231210/ (accessed March 2, 2012).

⁵⁸ Greenpeace, "Opinion Poll on Research Whaling," Greenpeace, http://www.greenpeace.org/international/en/publications/reports/japanese-opinion-whaling-2008/ (accessed March 2, 2012).

Greenpeace, "Japan holds whale activists without charge," Greenpeace, http://www.greenpeace.org/international/en/news/features/activists-arrested-200608/ (accessed March 2, 2012). Greenpeace, "Japan holds whale activists without charge," Greenpeace,

http://www.greenpeace.org/international/en/news/features/activists-arrested-200608/ (accessed March 2, 2012). Greenpeace, "Whaling on trial: Vindication!" Greenpeace,

Robert Friedheim is one of many who believe the International Whaling Commission's future may be in doubt if the current moratorium is not repealed and something more concrete and long-lasting is put in place because neither side of the debate is willing to accept the current regime as a permanent outcome. This current regime includes a formal ban on whaling through a moratorium and Southern Ocean sanctuary, an informal and grudging tolerance of Japanese scientific whaling, equally grudging acceptance of indigenous whaling, and no provision for whaling rights for artisanal claimants. Due to the fact that no parties seem happy with any of these outcomes, Friedheim created a new proposal to be brought into discussion.

There are three parts to Friedheim's proposal. The first of which is to develop and approve an effective Revised Management Scheme (RMS).⁶⁴ In order to get an effective RMS, the adoption of a Revised Management Procedure is necessary (RMP). The RMP is based on a mathematical algorithm used to determine the stock size of whales and can be adjusted to the current impacts.⁶⁵ After the moratorium was enacted, the Scientific Committee of the IWC developed the RMP to set safe catch limits for certain stocks.⁶⁶ The IWC has since been working on a RMS to ensure that catch limits are not exceeded.⁶⁷ Friedheim believes that the whaling proponents and opponents should create the proposal for this scheme.⁶⁸ This collaboration is quite the impossible task and even Friedheim acknowledges this. Also within this scheme is the IWC's power to control the entry of whalers into the ocean to hunt whales. In order for an RMS

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Friedheim, 317.

 $^{^{62}}$ Robert L. Friedheim, *Toward a Sustainable Whaling Regime* (Seattle: University of Washington Press, 2001), 311.

⁶³ Friedheim, 311-312.

⁶⁴ Friedheim, 316.

⁶⁵ Friedheim, 317.

⁶⁶ International Whaling Commission, "Revised Management Scheme," International Whaling Commission, http://iwcoffice.org/conservation/rms.htm (accessed March 2, 2012).

⁶⁷ International Whaling Commission, "Revised Management Scheme," International Whaling Commission, http://iwcoffice.org/conservation/rms.htm (accessed March 2, 2012).

to be implemented, Friedheim argues that the RMP must be adequate for predicting the effects on stocks, accurate data must be necessary for making good management decisions, and that whalers do not exploit in a manner inconsistent with the rules or take more than allotted.⁶⁹

First, it will not be easy to predict the effects of takings on stocks since monitoring whales is not easy to begin with. In order for us to be able to judge how stocks react to hunts is to start at a level playing field and let whale stocks even out to what they were before whaling. Then can we get a truly accurate reading on how whale stocks react to hunts. Second, having accurate data to make sound management decisions goes along with my previous argument. Some whale stocks are easier to collect data on than others, and since the ocean is a very fast and deep body, our data will never be truly accurate. Lastly, it is almost a joke to say that whalers cannot exploit in a manner inconsistent with the rules or take more whales than is allotted to them. History, and current events, has shown that whalers typically do not follow these rules. That is one of the main reasons why we find ourselves in this predicament in the first place. I do think that the IWC needs an RMS, except one that is only created for aboriginal subsistence whaling, at least for now.

The second part to Friedheim's proposal is to develop a management scheme for coastal whaling that will attract the many states that conduct coastal whaling.⁷⁰ Friedheim argues that the reasons for developing a management scheme for coastal whaling is to restore the IWC as a relevant force in coastal whaling, and justice.⁷¹ The Exclusive Economic Zone, under Part V of the Preamble to the United Nations Convention of the Law of the Sea, is

"An area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the

⁶⁹ Friedheim, 321.

⁷⁰ Friedheim, 316.

⁷¹ Friedheim, 324.

coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention."⁷²

These economic zones create a problem for the IWC because it is not clear if the IWC has jurisdiction over whaling in this area. I agree with Friedheim that this poses a big problem for the IWC. Also, there is little incentive for coastal states to join the IWC since there are no benefits to do so. 73 If the IWC did have jurisdiction over the EEZs, then the protection of whales would be more widespread. However, in order to do this, the IWC needs the support of the coastal states, and it will be hard to convince them to do so unless the IWC can find a good enough reason.

The last part of Friedheim's proposal is to create a limited exception to the Southern Ocean Sanctuary. 74 The greatest fear for everyone within the whaling world regarding the Southern Ocean Sanctuary is that the "whaling Olympics" will occur again. Friedheim acknowledges this fear but argues that in order to avoid defections from the committee, it must allow for some whaling within the sanctuary. ⁷⁵ Friedheim argues that what is needed is not to eliminate it, but to limit the scope of the sanctuary. ⁷⁶ Within this exception, Friedheim believes that it is possible to have a limited and effectively regulated Southern Ocean minke-whaling fishery for the Japanese. 77 Any hunt that would take place within the Southern Ocean would no doubt be very closely regulated, but I wonder how the IWC would be able to do this. The threat of another "whaling Olympics" always looms on the horizon when talks of the Southern Ocean arise. I believe that it is much better to be safe and to keep the Southern Ocean Sanctuary a closed off area to all whaling than it would be to allow limited exceptions into the sanctuary and

⁷² United Nations, *Preamble to the United Nations Convention on the Law of the Sea – Part V, Article 55*, United Nations, http://www.un.org/Depts/los/convention_agreements/texts/unclos/part5.htm (accessed March 1, 2012).

⁷³ Friedheim, 324.

⁷⁴ Friedheim, 316.

⁷⁵ Friedheim, 327.

⁷⁶ Friedheim, 328.

⁷⁷ Friedheim, 329.

allow for the possibility of abuse. We would once again find ourselves in the same position we are in today, or maybe even worse.

I am in no position to create a solution complex enough to fix today's whaling debate, but I do believe that voicing my opinion could inspire further debate and possibly get us closer to a permanent, or very long term, solution. Each side of the whaling debate has its pros and cons, but I stand on the side of permanently banning commercial whaling. However, I do understand that I am a minority within this group by supporting aboriginal subsistence whaling. As stated earlier, the only way I believe that aboriginal subsistence whaling can happen is if the IWC keeps very strict regulations on the tribes that are allowed to whale.

I know I will not be the driving force of change that will impact the IWC enough to inspire a transformation, but I do believe that I can help add to the great debate over the future of whales. I also want to inspire the thoughts of others in regards to a considering a different opinion than their own, which is why I have my own proposal for changes within the IWC. There are three, and very large at that, revisions I would like to propose for the future of whaling. First, I propose the complete extinction of commercial whaling. There is absolutely no reason for us to return to hunting whales for oil, meat, bones, or anything else for that matter. Our species has advanced so much since commercial whaling emerged, and there is nothing we received from whaling that we cannot create or produce that would replace everything we gained from whaling. By eliminating the temporary moratorium, which several nations have been dreaming about, there will no longer be doubts or hopes for the reopening of commercial whaling. Instead, a permanent moratorium will be placed on commercial whaling and all activities that disguise commercial efforts. This permanent ban on commercial whaling will lead to the growth and preservation of whale stocks throughout every ocean.

Second, I propose that the only whaling allowed is aboriginal subsistence whaling. However, there are conditions to this proposition. The IWC needs to better define "aboriginal" and "subsistence" so there is no confusion or room for negotiation within these terms. Also, there should be extensive research into tribes and the role that whaling plays within these tribes. If the tribe greatly depends on whaling, then the tribe will be closely monitored and will be given strict rules on how to hunt whales. The IWC will regulate what whales they can and cannot hunt. Endangered stocks will not be considered until the stocks are restored to healthy levels. Also, if there is leftover meat after the entire tribe is provided for, and then the tribe can sell it to other tribes who are not whalers. Violation of this by selling to anyone besides other aboriginal tribes will not be tolerated. Another restriction to aboriginal subsistence whaling is the technology they are able to use. Since whaling plays a large role in aboriginal cultures and traditions, tribes should continue to hunt whales in their traditional methods and rituals. The exception to this is the weapons they can use to kill the whales. The most advanced weapons should be used in order to kill whales quickly and without as much pain and suffering as possible.

Lastly, I propose that all scientific whaling be nonlethal. Our biological technology has greatly improved in the last few decades, and there are now many methods in which scientific data can be extracted from whales without the need to kill them. However, I understand that there are few cases in which whales may need to be killed due to the nature of the research, but these should be individual cases determined by the IWC and their scientific committee. I believe that countries that wish to participate in scientific whaling research should apply for scientific research permits and must be approved by the IWC before they may participate. Also, these countries must work alongside the IWC's scientific committee to ensure that their research is legitimate and benefitting the scientific world as well as the whales.

This proposal is far from perfect and only covers a very small portion of the IWC and the issues surrounding it today. I am very passionate about the magnificent creatures that roam our oceans, and I do realize that by supporting some type of whaling, my opinions may be criticized and looked down upon. However, I am trying to be realistic and I do believe that aboriginals who rely on whales should be able to hunt them, but on a very small and limited scale. My biggest critic would most likely be Paul Watson and the Sea Shepherd Conservation Society. While I agree with them on most issues regarding whaling, I know they would not support my acceptance of strictly monitored aboriginal whaling. According to their website, the Sea Shepherd Conservation Society "is opposed in principle to all whaling by any people, anywhere for any reason."

My proposal will also be criticized by Japan, who believes that their whaling is legal and is truly benefitting the scientific community. However, their abuse of scientific whaling was exposed and now it will be incredibly hard to trust the Japanese with any type of whaling at all. Also, the argument can be made that all coastal societies at some point depended on whales for sustenance. This may be true, but all of those societies have modernized and can live without whales. Also, they proved that without regulation, their whaling industries have the possibility of becoming completely independent of their governments and creating a monopoly over the whaling industry. Aboriginals on the other hand, have maintained their traditional culture and have proved that they can sustainably hunt whales. Another reason to allow limited whaling to aboriginals is that there are not many aboriginal tribes, meaning that it takes only a small amount of whale to sustain everyone within these tribes.

⁷⁸ Sea Shepherd Conservation Society, "Position on Aboriginal Whaling," Sea Shepherd Conservation Society, http://www.seashepherd.org/whales/whaling-around-the-world.html (accessed March 5, 2012).

I respect the opinions of others who have an opinion on whaling, but I will stand with my proposal and hope that the public educates themselves on the issues surrounding whaling and support the growth and future of the largest and most serene creatures on earth. Through education, everyone has the ability to understand the reasons behind the IWC as well as Paul Watson's Sea Shepherd Conservation Society and myself. Even in Japan where whaling plays a large role in their country's image, the public is unaware of their own government's actions regarding whaling. I hope that this will soon change and every other country will follow suit. It is extremely important for today's youth to be aware of major controversies that will affect them for the rest of their lives. For this reason, I chose to research the issues surrounding whaling and the IWC. I hope to make a difference for a cause I care deeply about.