

Haozhe Chen

Writing 150: Section 64640

Dr. Mandy Hobmeier

30 November 2016

Assignment #4

Writing 150: Writing and Critical Reasoning—Thematic Approaches

Globalization

Fall 2016

Biodiversity Loss and Possible Solutions: A Focus On Cetacean

The world has a long history of killing marine mammals, especially cetacean species, which includes whales, dolphins and porpoises. Yangtze River dolphin, or Baiji, a freshwater dolphin found only in Yangtze River in China, was pushed to extinction during the last century by harmful human activity including overfishing and water pollution. During the eighteenth century, there was massive persecution of Atlantic gray whale, *Eschrichtius robustus*, a whale population distributed in eastern North Pacific hunted to endangered (Flemming, p.335). In fact, the world has been killing whales since hundreds of years ago. And whaling culminated during the whaling era, which occurred between the seventeenth and twentieth century. Whaling has created devastating damage to whale species, which plays an important role in the health of our environment. Finally, in 1946, International Whaling Commission (IWC) was established to regulate commercial whaling and conserve whale population. In 1986, IWC instituted an indefinite ban on commercial whaling. However, there are some exceptions such as Japan and Norway, who have not honored the ban and commercial whaling is still prevailing in some places around the world. It is urgent to revise some regulations in IWC in order to solve the stalemate between member countries and protect whales from endangerment or even extinction. IWC should update its codes regarding

several regulations in order to monitor and reduce whaling around the world more easily and effectively.

Commercial whaling has a long history that can be traced back to the seventeenth century and has created serious damage to whale population as a species since then. These marine mammals, which could grow up to one hundred feet long, have long been hunted by human for their oil, blubber, meat and whalebone. All these raw materials can be used to produce various products. For example, whale oil can be used to make lamp oil, soap, perfume, candles and cosmetics. People also utilize whale meat to make cooking oil and margarine and use other parts of whale's body to produce tools such as fishing hooks. It is estimated that during the whaling era from the seventeenth century to the late twentieth century, more than a million sperm whales were killed and 2.9 million whales were killed in the nineteenth century (Rocha et al., p.80). And one of the biggest reason for such massive hunting of sperm whale was for their spermaceti oil, which is produced by the spermaceti organ located in its head. Even after the whaling era ended, nowadays there are still people in a few countries hunting sperm whale for their meat and oil. Today, sperm whale is considered endangered species, which is estimated with only about one million individuals remaining in existence in the world. And the main reason why whales are ranked in the endangered animals list is because of harmful whaling activities throughout history.

During the twentieth century, people started to realize the cruelty of commercial whaling and felt the urgency to stop whaling. In 1946, fifteen nations gathered in Washington D.C. and the International Convention for the Regulation of Whaling (ICRW) was drafted. The ICRW intended to establish a detailed schedule of whaling regulations and quotas for the next decades of years, which generally set restrictions and limits on commercial whaling. In 1986, the International Whaling Commission (IWC) was then created to amend the schedule set by ICRW and enforce the provisions of ICRW. IWC aims to "provide for the proper

conservation of whale stocks and thus make possible the orderly development of the whaling industry” (IWC, 2015). In 1986, IWC instituted a moratorium, an infinite and absolute ban on commercial whaling. Although IWC has played an essential role in the international effort to protect whale population from extinction, it kept receiving harsh criticism ever since its establishment for “many of its rules have left it without the weapons to enforce its own regulations” (Lessoff, p.11). IWC regulations have failed to be effective and powerful in several ways.

First, ironically, the absolute ban on commercial whaling issued by IWC is not completely “absolute” because the treaty still allows for subsistence whaling and scientific whaling. Since the moratorium was proposed, these exceptions have become “loopholes” and have given some countries chances to continue their whaling industry. The first loophole is subsistence whaling exception, which allows whaling by “local aboriginal, indigenous or native people who share strong, community, family, social and cultural ties related to a continuing traditional dependence on whaling and on the use of whales” (IWC, 2015). IWC made an exception for these people to keep their whaling practices to meet their nutritional subsistence and cultural requirements. And the key distinction adopted by IWC between commercial whaling and subsistence whaling is that the former is for economical profits and the latter one is only for survival and cultural purposes. Unfortunately, this distinction proves to be ambiguous and problematic and easily leads to loophole within the regulation of commercial whaling. Researchers Hodges criticized this subsistence whaling exception employed by IWC and stated that it is problematic because “in the modern world it is virtually impossible to distinguish nutritional subsistence from economic subsistence” and because “concessions have allowed some who were granted aboriginal subsistence rights to engage in limited commerce with whale products” (p.20). Subsistence whaling exception has really caused a lot of problems and conflicts between member countries of IWC. The

subsistence whaling exemption is stated by IWC in a quite ambiguous way and has granted many people the rights to resume their whaling practices, causing great threat to whales population.

In order to solve the problem caused by subsistence whaling exception, IWC should really update its regulations and evaluation process regarding this exception. The Makah, a native American tribe, sought for the rights to hunt whales annually and eventually was approved by IWC to resume whaling for subsistence purposes. Makah people's succeeded by focusing their claim on the "importance of whaling to their culture and the positive effect that the whale hunt would have on their community's ills" (Lang, p.6). One thing led to another, Makah's petition encouraged another group of people who argue that the subsistence whaling exception should extend to Norwegian coastal fisherman and Alaskan Inuit. Researcher Hodges, who has long been opposing to whaling exceptions adopted by IWC, stated that "allowing the Makah to resume whaling under the aboriginal subsistence exemption has expanded the ambiguity of the already ambiguous exemption" (p.22). In order to stop these people from abusing the exception to make it an excuse for their whaling practice, IWC should really need to revise its codes regarding this issue. IWC should work with UN and establish a special commission to monitor the so-called subsistence whaling. The key issue here is that currently there is no existing good standard to evaluate who is hunting whales for cultural subsistence reasons and who is not. As a result, it is urgent to make the statement and requirements of the exception more clear and tangible. Also, in order to generate a credible enough set of requirements, the whole determining process should be as transparent as possible and the board should not just limit to a dozens of people already in the committee- more people should participate in the process, including scientists, anthropologists, citizen representatives and so on. The commission should hold many hearings because it is wise and necessary to listen carefully to public opinions and collect useful advice from ordinary

people. IWC should work with public to revise its current rules of subsistence whaling exception and try to make it clear and easy to monitor in order to solve this loophole.

The second loophole is scientific whaling exception, which is also loosely-examined and weakly-monitored by IWC, utilized by several countries to undermine IWC's moratorium on whaling since 1986 to kill numerous whales every year. Scientific whaling exemption mainly stated that "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" and "researching countries are permitted to use the whale meat collected after experimentation in any manner they deem acceptable as long as the meat is not exported outside of the country" (IWC, 2015). For decades, many researchers have believed that scientific whaling exception is problematic and susceptible to becoming loophole and undermining the overall policy of moratorium on commercial whaling. Researcher Ruffle criticized that "scientific whaling exception has become an excuse to continue commercial whaling" and "the provision of the ICRW providing for a scientific research exception has been the most controversial of all the ICRW provisions" (p.20). The scientific whaling exemption adopted by IWC has allowed many countries to use it as an excuse to hunt a great many of whales annually and proves to be harmful to the preservation of whale population.

IWC should make the statement of scientific whaling exception well-defined by conducting a set of authentic and thorough research to determine the most appropriate requirements any group or entity would need to satisfy if they want scientific whaling exemption. And the lack of a clear evaluation process has led to a lot of people finding a way to use this exemption to make profits from commercial whaling activities. A typical example is Japan, who in 1987 "announced its intention to use Article VIII (the scientific whaling exemption) to hunt hundreds of whales annually on their Antarctic feeding grounds in a feasibility study" and in 1989 "became the 12 year (but subsequently extended) Japanese

Whale Research Program under Special Permit in the Antarctic” (Fisher, p.7). Studies conducted by researchers Gales et al. showed that “since 1987, Japan has taken approximately 7,900 minke whales, 243 Bryde’s whales, 140 sei whales and 38 sperm whales for scientific purposes” (p.83). Researchers Gales et al. showed how unsuccessful scientific whaling exception was to help conserve the whale populations around the world (p.2). They challenged the idea that “IWC can deliver a robust framework for whale conservation or a sustainable whaling industry” because of “the lack of a science-based regulatory process to manage scientific whaling, and the escalation of this whaling to commercial scales on the basis of poorly established and controversial scientific claims” (Gales et al., p.2). Since the first day it was adopted by IWC, scientific whaling exception has been constantly utilized by some countries as an excuse to continue their harmful and cruel commercial whaling industry. IWC should reconsider its current codes regarding scientific whaling exemption. One possible solution is to establish a special scientific whaling organization which is in charge of hunting whales and assessing the application from entities who need whales to do scientific research. IWC can make this special organization the only one that is allowed to hunt whales in the world and anyone other than this organization trying to hunt whales would be severely punished and even subjected to against the international law. Any scientific entity in want of whale samples for scientific research purpose should submit application to this organization since it is the only way to get whales in the whole world. In this way, it is a lot easier to monitor and control whaling activity and is also practical because at the same time the need of scientific research is met. By establishing special whaling organization, which would limit the right to hunt whales within itself exclusively, IWC could largely improve its regulation of scientific whaling exception and prevent possible loophole.

Besides the two troublesome loopholes within the whaling moratorium, IWC regulations failed to protect whale populations being severely hunted by allowing countries to file

objections to moratorium. Researchers Gales et al. have long been accusing IWC regulations as ineffectual and believe that “many of IWC rules have left it without the weapons to enforce its own regulations” (p.10). They pointed out the fact is that “any country that disagrees with the IWC’s quotas may, by filing a timely objection, exempt itself from following these set quotas” and “the country is then not bound by any restrictions on the number of whales it harvests” (p.10). According to researchers Gales et al., the commission has “extremely limited power in terms of actual regulation” (p.10). Nowadays, significant amount of people around the world are involved with commercial whaling because their countries filed timely objection to IWC’s moratorium. Although all other remaining commercial whaling nations (Brazil, Spain, Korea, Iceland and the Philippines) ceased whaling in accordance with the moratorium, Japan, Norway, Peru and the Soviet Union lodged objections (IWC, 1982). IWC’s allowing countries to sign up for objection and continue their whaling practices has been a main reason why a few countries nowadays still hunt whales, which is posing great threat to whale populations around the world.

Regarding the failure of IWC to handle countries who want to file objection to whaling moratorium, it is urgent to revise the requirements and rules related to it. Currently, it is way too easy for countries to not conform to IWC’s regulation by simply filing objection and it has caused many problems as well. IWC currently allows Norway to hunt whales “under an objection to the ban” (IWC, 2015). Iceland left the commission in 1992 and “re-joined” ten years later, currently claiming it is allowed to break the ban and hunting numerous whales every year. One possible solution is to make it not as easy as now for member countries to successfully file an objection. One way to do that is to let them pay the price if they want to quit IWC and resume their commercial whaling industry. IWC can make certain international law to force the countries who wanted to file objection to pay a huge amount of money, as a “quit fee” or “objection fee”. Also, the law can state that these countries would receive

punishment every year when they hunt whales under objection in terms of huge tax on its whaling industry and all kinds of fines. In addition, people around the world should boycott the product made from the whaling industry in these countries. The famous saying is that “No buying, no killing.” IWC should work with people around the world to fight against anyone trying to make profit from whales and any activities that would hurt the whale population as a whole.

Nowadays, commercial whaling has become one of the most urgent issue around the world and whale species is currently under great pressure of extinction. Fortunately, people realized the importance and urgency to protect whales from harmful commercial whaling activities by creating IWC, which has played a major role in controlling commercial whaling around the globe since its establishment. But the fact is that current IWC regulations have several loopholes that are allowing many people to continue their whaling practices every year. And there are several possible solutions to solve IWC’s awkward situation including forming a special whaling organization that hunt whales exclusively in the world, re-defining the requirements of subsistence whaling exemption and making international laws to punish the countries who file objection and continue their whaling industry. These possible solutions may be a great help to control whaling and preserve whale populations around the world.

Works cited

- Chen P, Hua Y. "Distribution, population size and protection of *Lipotes vexillifer*". 1989. *Occ. Papers IUCN SSC*. 3:78–81.
- Fisher, Sue. "Japanese Small Type Coastal Whaling". 18 July, 2016. *Frontiers in Marine Science*. 10.3389/fmars.2016.00121.
- Flemming C. "Requiem æternam: the last five hundred years of mammalian species extinctions". 1999. *Kluwer Academic/Plenum*. New York, NY: pp. 333–371.
- Gales, Nicholas J. Kasuya, Toshio. Clapham, Phillip J. Brownell, Robert L, Jr Nature. "Japan's whaling plan under scrutiny". 16 June, 2005. 435, *ProQuest*. 7044. pg. 883
- Hodges, C. "The Cracking Façade of the International Whaling Commission as an Institution of International Law". 2000. *Envtl. L. & Litig*. 15 J. 295.
- IWC (1982). International Convention for the Regulation of Whaling, Schedule Art. III, 10(e), 62 Stat. 1716, 161 U.N.T.S. 72, IWC.
- IWC (2015). *Schedule As amended by the Commission at the 65th Meeting Portorož, Slovenia*.
<https://iwc.int/convention>
- Lang, Angela. "Detailed Discussion: The Global Protection of Whales". 2002. *Michigan State University College of Law*.
- Lessoff, C. "Jonah Swallows the Whale". 1996. *Envtl. L. & Litig*. 11 J. 413.
www.animallaw.info/articles/arus11jenvtllandlitig413
- Rocha, R. C., Clapham, P. J., and Ivashchenko, Y. V. 2014. "Emptying the oceans: a summary of industrial whaling catches in the 20th century". *Marine Fish. Rev.* 76, 37–48.
- Ruffle, D. "Resurrecting the International Whaling Commission". 2002. *27 Brooklyn J. Int'l L.*
www.animallaw.info/articles/arus27brooklynjintll639.
- Wu J, Huang J, Han X, Xie Z, Gao X. "Three-Gorges Dam-Experiment in Habitat Fragmentation?". 23 May, 2003. *Science*, New Series, Vol. 300, No. 5623.