

The roles of activist NGOs in the development and transformation of IWC regime: the interaction of norms and power

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Abstract The International Whaling Commission (IWC) was originally established as a regime to manage whaling under the norm of conservation for use. However, over time it was transformed into a regime to prohibit whaling, largely due to the anti-whaling campaigns that were mounted by activist nongovernmental organizations (NGOs) that favored a norm of pure preservation. This resulted in an IWC decision to place a moratorium on commercial whaling in 1982. In response to this decision, six whaling countries abandoned whaling under threat of US sanctions. In contrast, three countries, Japan, Norway, and Iceland, decided to continue whaling while their attitudes concerning the moratorium decision were rather passive or moderate when it was first introduced. Later, they became highly determined to continue whaling. In fact, they lead an upsurge in pro-whaling participants at the IWC, which is currently deadlocked between pro- and anti-whaling forces. This paper uses the concept of psychological reactance to better understand the behavior of pro-whaling countries in the face of considerable pressures from anti-whaling elements. We argue that the strong resistance of Japan, Norway, and Iceland to the whaling ban can be explained by the social and economic importance of whaling in each country *combined with* the different strategies adopted by the NGOs. Our results suggest that NGOs' strategies vis-à-vis these countries were counterproductive and that persuasion, while more time-consuming and expensive, would have been more effective than pressure in the long run.

Keywords IWC · NGO · Norm · Preservationism · Psychological reactance · Spiral model

Introduction

Based on the evidence—the International Whaling Commission's (IWC) 1982 Moratorium on Whaling—it might seem as if anti-whaling nongovernmental organizations (NGOs) were highly successful in their work to end whaling. However, to this day, Japan, Norway, and Iceland refuse to honor the Moratorium and they now lead a growing bloc of pro-whaling members of the IWC. Furthermore, the conflict between pro- and anti-whaling countries is crippling the commission and preventing any further regulation by the regime. Therefore, we can state that, from the NGOs' perspective, their campaign for the Moratorium was a qualified success at best or a counterproductive failure.

In this paper, we seek to understand the defiant stance of pro-whaling countries not just as a matter of ethical entrenchment but as a complex interaction between social groups that failed to understand each other. Anti-whaling activist NGOs started their intense anti-whaling campaign in the early 1970s and successfully propagated their prohibition norm against whaling in most Western countries (Nadelmann 1990). However, they did not invest in persuasive campaigns in pro-whaling countries, opting instead to push for a moratorium followed by the threat of sanctions. As noted above, three countries strongly resisted these pressures. At the same time, six other whaling countries gave in and complied with the moratorium. We first capitalize on this natural experiment to better understand the effectiveness of NGO strategies in different countries. We find that pressure can be counterproductive when countries attach importance to the freedom to engage in whaling. Next, we examine NGOs' rational for the adoption of pressure over persuasion as a strategy. Ironically, we find that they choose pressure when persuasion is deemed too time consuming and expensive.

While our work focuses on the IWC, it is also an important contribution to the theoretical literature on *global civil*

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politics or *global civil society* (Lipschutz 1992; Wapner 1996). While governments and intergovernmental organizations tend to be biased toward the interest of industries and great powers respectively, civil-society-based activist NGOs are often regarded as representatives of the people. As such, they are thought of as actors that rectify the *democratic deficit* and the adverse effects of a market economy (Jordan and Tuijl 2000). Unfortunately, the research on NGOs is biased toward cases of successful NGO activities (Price 2003). These cases are easiest to identify, but we should also take a similar interest in failed cases, so that we can reach theoretically valid conclusions about the influence of activist NGOs.

Activist NGOs and internalization process of norms

Nonstate actors like NGOs can utilize several different strategies in order to influence international regimes. On the one hand, they can use persuasion, campaigning to convince the public to adapt their preferred normative stance (Andersen and Gulbrandsen 2003). If such persuasion is successful, they can then leverage the concern of civil society to convince decision makers to adapt regulations that formalize their preferred norm. For international issues, NGOs need to undertake this process successfully in many different countries in order to ensure that their preferred norm prevails. However, countries differ in their economic interests, political interests, and cultures, and so the potential for effective persuasion varies from country to country. If persuasion is particularly difficult, NGOs may choose to use pressure instead. When aimed at entire countries, such tactics usually take the form of lobbying for international sanctions against norm breakers. For instance, anti-whaling NGOs, successfully used persuasion in many countries but, when faced with opposition from nine pro-whaling countries, they pushed sympathetic members of the IWC to use the threat of sanctions to enforce the 1982 Moratorium (Keck and Sikkink 1998; Risse et al. 1999).

Several authors have modeled norm diffusion through such a combination of persuasion of sympathetic countries and pressure on resistant countries. One of the most important is Risse and Sikkink's (1999) *spiral model* of the adaptation of human rights norms. According to this spiral model, NGOs push a number of powerful (mostly Western) states that have already adopted human rights norms to impose sanctions on repressive states that refuse to respect such rights. If this pressure is strong enough, those repressive states will promise to comply with human rights norms, but only as a tactical concession in order to lift or avoid sanctions. At this phase, they have not yet internalized human rights norms. Nevertheless, once a country officially accepts these norms, it loses the shield

of the principle of nonintervention in internal affairs. From this point on, the resistant country is forced to engage in dialogue with the outside voice that demands compliance with human rights codes by, for instance, expressing regret or promising improvement. Through repetition of this sort of communication it gradually internalizes the human rights norm that it adapted instrumentally, and at last the state comes to behave consistently with the norm even if the threat of sanctions is removed.¹

Even though the spiral model provides a compelling story about international norm diffusion, it rests on shaky ground empirically. Risse and his group applied the model to nine resistant states, such as Kenya and Chile. From this analysis, they concluded that the spiral model is applicable universally across regions and beyond differences in domestic political structures, although targeted countries undergo may internalize norms at different speeds. Furthermore, they refute *The Clash of Civilization* thesis posted by Samuel P. Huntington (1996) that denies the universality of human rights (Risse and Ropp 1999). However, we note that their results are based on a few cases and that these are not representative of the range norms that are pursued by NGOs generally or by human rights NGOs specifically. In fact, they only analyze the internalization of the norm that says that ordinary people have the right not to be murdered and tortured by their government. Few repressive countries actually defend the murdering or torturing of their citizens as an anti-human rights doctrine. This means that they chose cases in which the validity of norms themselves has already won universal recognition, albeit superficially, before the process of the spiral model starts.

Risse and his colleagues justify their choice to focus on uncontested human rights norms because, "if there is no progress here, we would not expect it in other less consensual areas" (Risse et al. 1999). Pragmatically, this view might sound reasonable, but they still do not provide evidence on the generalizability of the spiral model to the large set of contested international norms. For example, can the spiral model account for the variegated proliferation of international norms on the death penalty, reproductive health and rights, gun control, and other important but still contentious issues? Few international norms have gained global universality yet, so it is important to consider whether the spiral model functions in these cases as well. Based on our research on anti-whaling norms, which are certainly still contested, we believe that norm diffusion based on the spiral model depends heavily on universal acceptance and that the

¹ Though it is not always easy to measure the level of internalization, whether the norm has obtained the status of taken-for-grantedness is a key point to judge (Finnemore and Sikkink 1998).

model must be modified to account for potential backlash in resistant countries.² Furthermore, we believe that the theory of norms can only be advanced through the development of a more broadly applicable model or set of models.

To this end, we propose a *reverse spiral model* of norm diffusion in which the target state adjusts its behavior superficially in compliance with the norm due to material pressures, but, internally, antipathy to the norm grows stronger and stronger. This modification of the spiral model is based on reactance theory from social psychology to explain why, under certain conditions, sanctions and similar pressures can lead to determined resistance (a.k.a. reactance) rather than compliance (Brehm 1966; Brehm and Brehm 1981; Imajo 2001). As explained above, reactance theory argues that strong threats to freedom can sometimes generate reactance in a resistant group—in the context of norm diffusion this is entrenched refusal to accept a norm that is forced on a group through some pressure like sanctions. It can also be thought of as determined adherence to an existing norm that is heightened by pressures rather than gradually reduced. Thus, every new threat may simply increase the group's reactance to the new norm and adherence to an old norm.

It should be noted that, according to social reactance theory, pressure alone is not enough to generate a reverse spiral of increasing resistance to the new norm. This is because pressures or “threats to freedom” do not always arouse a reactive response. Firstly, strong reactance does not occur if the threatened freedom is not very important to the target group. Secondly, if persuasion is used in tandem with pressure, then reactance is determined by relative balance between two factors: “resistance power” and “power to gain consent” (Imajo 2002). Resistance power is essentially the degree of reactance in the target group and power to gain consent is the potential for persuasion of the target group. Both measures are dependent on the strategies used by those who wish to spread the new norm (in our case activist NGOs) and the predisposition of the target group. We will explain more about these factors in a few paragraphs. First, we propose two hypotheses that contextualize the potential for norm diffusion using these factors (see Table 1). Hypothesis 1 describes the condition (power to gain consent > resistance power) under which the spiral model works, while hypothesis 2 describes the condition (power to gain consent < resistance power) under which the reverse spiral model works.

² As a matter of course, Risse and his colleagues can argue that the spiral model only applies to human rights norms and that norms in other fields are totally beyond the scope of the model. However, the model was constructed based on three general factors (norms, power, and communication) and so there is no theoretical reason to limit its scope solely to core human rights norms.

Operationally, we use ideas from *social judgment theory* and *cognitive dissonance theory* to better understand interactions between resistance power and power to gain consent. According to these theories, change in attitude is likely to occur in a conforming way when discrepancy in attitude between a persuader and a persuadee is fairly small. On the other hand, a large discrepancy in attitudes reduces the likelihood of persuasive success because the persuadee will have little respect for the persuader when his or her argument falls far from their current attitude (Festinger 1957; Festinger and Aronson 1960; Hovland et al. 1957; Sherif and Hovland 1961). Therefore, when working to disseminate new norms, it is important for a persuader to post a normative argument in the way that is consistent with, or not too discrete from, the existing norms that a persuadee has already accepted. This might make some persuasive campaigns by activist NGOs seem futile—particularly when they seek to spread new norms which clearly contradict existing norms. However, in practice, norms are intersubjective concepts, and so a persuadee can artificially make a new norm appear consistent with existing norms by using a technique known as “grafting.” Grafting of norms is an attempt to add *legitimacy* to a new norm by tying it to other widely accepted existing norms (Price 2003). This artificially lessens the degree of discrepancy between different norms and increases the NGO's power to gain consent in otherwise hostile environments.

For example, the International Campaign to Ban Landmines (ICBL) interpreted anti-personal landmines as inhumane weapons that kept killing and wounding “civilians” even after the war ended. Then ICBL tried to change the framing of anti-personnel mines from a “security” issue to a “humanitarian” issue. This reframing strategy allowed ICBL to graft the new prohibition norm against anti-personnel landmines upon humanitarian laws of war, or noncombatants protection norms, which had already won the status of international customary law. In this way, the ICBL succeeded in gaining support for the innovative norm. Thus, grafting of norms can reduce the discrepancy between different norms and give significant persuasive power to a newly posted norm.

Returning to our focus on the IWC case, we find that anti-whaling NGOs successfully used grafting to spread the norm of prohibition on whaling (anti-whaling norm) in many countries. However, they also chose to forgo persuasion in some countries and instead resorted to pressure alone as a means to force a few reticent states to accept their anti-whaling norm. Our hypotheses suggest that the anti-whaling norm will be accepted through the mechanisms described in the spiral model in countries that placed a low value on the freedom to engage in whaling and/or where persuasion was used effectively. On the other hand, we expect that the mechanisms of the reverse spiral model will dominate in

Table 1 A set of hypotheses explaining conditions for norm diffusion or resistance in response to imposition of pressures

Hypothesis 1: norm diffusion	Power to gain consent > resistance power. In this case, either the target country places a low value on a threatened freedom OR activists NGOs have strong enough persuasive effects in their arguments so that imposition of intensive pressures (a significant threat to freedom) does not arouse strong reactance in the target country and could be followed by internalization of the norms
Hypothesis 2: resistance to norm	Power to gain consent < resistance power. In this case, the target country places a non-negligible value on a threatened freedom AND activists NGOs do not have enough persuasive effects in their arguments so that imposition of intensive pressures (a significant threat to freedom) arouses strong reactance in the target country and moves the country further away from the norms instead of internalizing them

countries where the freedom to engage in whaling is important and pressure was used with little attempt at effective persuasion. To test these hypotheses, the case we present below provides evidence on the methods used by activist NGOs in many different countries, the relative importance of whaling in these countries, and the in-depth reaction of each country to the methods of persuasion/pressure that were applied.

Formation and development of the IWC regime

Historically, whales were an important source of protein in Japan but were targeted by Western countries because of the high value of whale oil. Sperm whale oil was especially valuable as a lubricant that does not freeze and was used for automobiles and missiles. Whale oil was also used in lamps and to make margarine prior to the development of petroleum products and vegetable oils (Friedman 1975). In order to sustain the valuable whale stocks, the International Convention for the Regulation of Whaling was negotiated in 1946, with the IWC as its governing body. In its treaty text, it is clearly stated that the goal of the Commission is “to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry.” Thus, the IWC was established based on the norm of conservation for use or sustainable use, even though it failed to manage the resource sustainably.

The IWC held its first annual meeting in 1949. Among the parties, five whaling countries engaged in the Antarctic whaling at the time: Japan, the Netherlands, Norway, the Soviet Union (now the Russian Federation), and the UK. Australia, Iceland, and the USA only engaged in small-scale coastal whaling. In its early years, the biggest task for the IWC was to control large-scale Antarctic whaling. The Commission was unsuccessful for several reasons.

First, although the IWC did set catch limits on harvests of several species, they were unable to agree on quotas that were low enough to ensure a sustainable yield. This was partly because management measures could only be passed with a three quarter majority vote, which gave countries more negotiating power. Since there were only 10 to 16 participating members who attended the annual meeting up

until 1977, this voting rule meant that any group of three or four countries could block management altogether if they were dissatisfied with quota allocations. In addition to this, surging demand for whale oil and meat after the devastation of World War II made whaling particularly lucrative, which led to increased political pressures on national decision makers to maintain high national quotas. While the Scientific Committee continued recommending the reduction of quotas throughout the 1950s, the parties, at the plenary, consistently disregarded these recommendations and set large quotas that could not be justified scientifically. Due to this overexploitation, whale stocks were depleted so rapidly that, by 1962, the total catch of whales was well below quota simply because there were so few left (IWC 1964; Elliot 1979).

In response to this steep decline, the IWC began setting lower and lower quotas, but even so, whalers could not catch as many as they were allotted. By 1965, it was clear that the biological collapse of the stocks was imminent. At the same time, synthetic substitutes for whale oil caused a shift in demand, which drove down prices. Combined with high costs of production due to the scarcity of whales, this stagnation in the whale oil market substantially reduced the profitability of the Antarctic whaling in a short period of time. For economic rather than ecological reasons, the UK, the Netherlands, and Norway ceased whaling in the Antarctic Ocean one after another (Doi 1992). This made it much easier for the IWC to win the three quarters majority vote on scientifically recommended quotas. As a result, in 1966 the IWC finally agreed to set the total quota level as recommended by the Scientific Committee. This scientific-based quota setting persisted until early 1980s.

Initiation of anti-whaling campaign

Anti-whaling campaigns by activist NGOs began at the end of 1960s in the USA. At that time, scholars in the USA engaged in the study of intelligence and sociality in cetaceans. Roger Payne was a leader in this field. As a scientist with the World Wildlife Fund, he also ran an educational campaign using whales’ “songs” throughout the USA (Pearce 1991). A record of humpback whales’ songs that

he produced in 1970 quickly went platinum. It contributed considerably to raising public awareness of cetaceans as intelligent and sociable mammals (Day 1987).

In 1971 Friends of the Earth (FoE) set up a special anti-whaling body, Project Jonah, and took the leadership in the US campaign against whaling. Joan McIntyre, head of Project Jonah, was allowed to speak at the 23rd IWC annual meeting in 1971. She declared that, under the current management system, cetaceans were heading for extinction and therefore it was necessary to have a 10-year moratorium on commercial whaling (Umezaki 1986). However, her ultimate reason to oppose whaling was not the danger of extinction. In her book, *Mind in the Waters*, McIntyre (1974) stated that cetaceans' likeness to human beings—their intelligence and awareness—was her reason for working to save them from slaughter. She had a strong admiration for the peaceful society of whales and wished herself to be one of them.

Stressing “aliveness” between cetaceans and human beings in the anti-whaling campaigns, NGOs also used bloody photos of whales being processed on factory ships to convince the US public that whaling was an “inhumane” industry (Kawashima 2011). In other words, anti-whaling NGOs attempted to bestow legitimacy on the prohibition norm of whaling by *grafting* it onto the humanitarian norms that were already held by many US citizens. This was a two-part approach. As noted above, they had laid the groundwork by convincing people that whales were semi-human due to their intelligence and sociability. Once this was accomplished, people began to anthropomorphize whales and so it was not difficult to convince them that humanitarian attitudes should be extended to animals that were perceived to be so human like. In 1971, intensive campaigns by NGOs moved the US government to announce a total ban on domestic commercial whaling by the end of the year (Friedman 1975).

Supported by this surging domestic anti-whaling movement, in 1972, the USA submitted a proposal calling for “a 10-year moratorium on commercial whaling” to the United Nations Conference on the Human Environment at Stockholm. The resolution was adopted, largely due to vigorous lobbying by the USA (Shinobu 2005). However, since this resolution had no legally binding power, the USA also proposed the moratorium at the 24th annual meeting of IWC held later in 1972. This proposal was rejected at the Plenary with unanimous objection from the Scientific Committee (IWC 1974). The biggest reason that the Scientific Committee objected to the moratorium was minke whales. Minke whale had not been the target of the Antarctic whaling prior to the 1970s because of the smallness in size: about 8 m in length. Therefore, it was presumed that the stock of minke whales was in a good shape and that a moratorium on all whales was

unnecessary given the prevalent conservation for use norm held by the IWC (NHK Shuzaihan 1986; Sumi 1989).

In spite of this variation in the biological health of whale stocks, the USA submitted its moratorium proposal every year for the next 3 years. Officially, the USA cited scientific uncertainty as the major motivator for a moratorium, rather than ethical objections to the killing of whales. Their stated intention was to continue scientific surveys during the 10-year moratorium in order to redress the uncertainty problem. However, lacking any support from the Scientific Committee, the US proposal was repeatedly rejected (IWC 1974). Then, at the 26th IWC annual meeting in 1974 Australia proposed introduction of the New Management Procedure (NMP) as an amendment for the US moratorium proposal, and the amended proposal was adopted by the Commission. The NMP was the system which calculates a safe catch quota for each stock based on quantitative criteria. The NMP was implemented in 1975 but in fact it did not work as expected. Although the NMP required detailed data of stock status to calculate a safe catch quota, these data were not available for many stocks. Later, this problem of scientific uncertainty provided a good reason for anti-whaling campaigners to call for a moratorium (Aron 2001).

Moratorium on commercial whaling

Expansion of campaign activities and adoption of the moratorium proposal

Greenpeace International, originally founded as anti-nuclear organization, joined the anti-whaling movement much later than other NGOs. However, they brought radical campaign techniques to the movement that shocked many members of the public, conservation groups, policy makers and the media. In 1975, Greenpeace launched an anti-whaling expedition boat, *Phyllis Cormack*, with an inflatable *Zodiac* on board. They chased the Soviet Union's whaling fleet operating in the Pacific Ocean and took unprecedented action by placing their boat between a whaling vessel and a whale. The explosive harpoon launched toward the whale passed very closely above the Greenpeace boat, and this scene was broadcasted by media throughout the world. Greenpeace continued such expeditions to interrupt the whaling operations of the Soviet Union, Iceland, Spain, and Australia. They used footage of their activities to convince citizens of the USA, Australia, and other countries that whales should be protected at all cost, including the risk of life and limb. By exposing themselves to such dangers, they drew global attention to their cause and convinced many people that whales should be valued purely for their existence, rather than as natural resources. Through these

campaigns, Greenpeace helped to spread the anti-whaling norms into Europe and Oceania (Day 1987).

By 1979, Greenpeace's actions, in combination with local campaigns led by Project Jonah, generated a substantial change in both public opinion and public policy in Australia and New Zealand. Australia used to catch around 600 sperm whales annually in its coastal waters (Brown and May 1991). In that year, Malcolm Fraser's government responded to public outcry by banning whaling domestically. They also announced that they would promote worldwide prohibition of whaling for "ethical reasons" (Sutter 1981). In New Zealand, they had already ceased coastal whaling in 1964, as it was no longer profitable. After Greenpeace and Project Jonah started their intensive *Save the Whales* campaign, New Zealand also joined the anti-whaling block and took so extreme a stance as to ban "aboriginal whaling" as well as commercial whaling in 1979. The Maori people strongly opposed this move but were unable to alter the government's stance (Institute of Cetacean Research 1999).³

Anti-whaling campaigners were also extremely successful in Europe and other countries around the world. Indeed, their success was evident at the 31st IWC annual meeting held in London in 1979. For one thing, about 15,000 people rallied around the meeting venue, protesting in favor of a global ban on whaling in a demonstration that was organized by FoE. At the same meeting, both the USA and Australia proposed moratoria. Although both of these proposals were rejected, a proposal from the Seychelles that created a non-whaling sanctuary in the Indian Ocean was adopted by the Commission (M'Gonigle 1980). The Seychelles is a non-whaling country that became a member of IWC in 1979. Interestingly, Llyall Watson, an anti-whaling activist with the Threshold Foundation, was included in the delegation of the Seychelles. It was he who wrote most of the sanctuary proposal. Thereafter, with cooperation from Greenpeace and other anti-whaling NGOs, the Seychelles began to lead the anti-whaling block at the IWC (Day 1987).

Moratoriums were proposed and rejected consecutively for nearly 10 years, but finally, at the 34th IWC annual meeting in 1982, a Seychelles proposal of a global ban on commercial whaling was adopted (25 voted in favor, 7 opposed, and 5 abstaining). According to this resolution, all commercial whaling was prohibited for the season of 1986 and thereafter. However, the resolution also contained the condition that "by 1990 at the latest the Commission will undertake a comprehensive assessment of effects of this decision on whale stocks and consider modification of this provision and the establishment of other catch limits" than

zero (IWC 1983). Thus, the official purpose of the moratorium was to solve the problem of scientific uncertainty rather than any ethical imperative to stop killing whales.

Why was the moratorium proposal on commercial whaling successfully adopted in 1982 after a series of failure in the previous 10 years? The answer is the large influx of new members. From 1980 to 1982 the number of parties to the IWC increased sharply,⁴ largely because anti-whaling NGOs succeeded in recruiting non-whaling developing countries to the IWC. Greenpeace played a central role in this project. It not only prepared the membership applications but also even paid their annual contributions to the IWC and the travel expenses to send delegates to the annual meetings. Through this maneuver anti-whaling NGOs succeeded in recruiting at least six developing countries for IWC membership and had them nominate the staff of the anti-whaling NGOs to the delegations (Spencer 1992).

Enforcement of the moratorium and US sanctions

In 1982, nine parties to the IWC engaged in commercial whaling: two Antarctic whalers (Japan and the Soviet Union) and seven coastal whalers (Brazil, Chile, Iceland, Norway, Peru, South Korea, and Spain). Since the Scientific Committee did not support the moratorium proposal on commercial whaling, there was a risk that whaling countries would lodge objections one after another. However, anti-whaling NGOs lobbied for US domestic laws that prevented whalers from opting out of a moratorium (Sumi 1989). These included the 1971 Pelly Amendment to the Fishermen's Protective Act and the 1979 Packwood-Magnuson Amendment to the Magnuson Fishery Conservation and Management Act (henceforth the PM Amendment).

The Pelly Amendment provides that when a foreign country is certified as diminishing the effectiveness of an international fishery convention, the president can ban importation of seafood products from the country certified. The Pelly Amendment became an effective weapon against Brazil, Chile, Iceland, Norway, Peru, and South Korea, of which the USA was an important export partner for seafood products. The PM Amendment was enacted through an energetic lobbying by the Defenders of Wildlife (M'Gonigle 1980), and provides that when a country is certified as diminishing the effectiveness of an international fishery convention, the USA shall not give it a fishing allocation in the US exclusive economic zone (EEZ) of 200 nautical miles. The PM Amendment is a strong weapon as it obliges the president to impose the sanction once certified. The PM Amendment became an effective weapon against Japan, South Korea, the Soviet Union, and Spain, which received

³ Because aboriginal subsistence whaling is not considered as commercial whaling, aborigines are legally allowed to catch even those whale species that are protected under the moratorium.

⁴ The number of members of the IWC was originally 12 but increased to 22 in 1980, 29 in 1981, and 37 in 1982.

fishing allocation within the US EEZ (Birnie 1985; DeSombre 2001). However, in 1988 the USA reduced foreign countries' fishing allocation to zero within its EEZ in order to promote the development of its domestic fishing industry and then the PM Amendment lost its effectiveness (Sumi 1989).

Threatened with US sanctions based on these two acts, Brazil, Chile, and Iceland decided not to lodge an objection. Japan, Norway, South Korea, and the Soviet Union eventually lodged an objection. However, Japan, Peru, and South Korea later withdrew their objections. Despite its objection, Norway halted its commercial whaling in 1986 and so did the Soviet Union in 1987. Even though they did not withdraw their objection, they followed the moratorium decision. Due to serious depletion, the catch quotas had already been reduced considerably (see Table 2), and therefore the economic significance of whaling had declined dramatically in all those countries. Therefore, when forced by the USA to choose “whales or fish”, they all chose the latter.

Making the moratorium a permanent measure

The most contested issue when the moratorium was adopted was minke whales. The Antarctic stock of minke whales was considered to be in good shape, because small-type minke whales had not been a target of Antarctic whaling until the 1970s. However, there never existed reliable data on the number of minke whales, which was needed to calculate a proper catch limit. Therefore, owing to the proposal by the USA, a large-scale research program named the International Decade of Cetacean Research started in 1978. As a result of this research, the Scientific Committee reached the consensus in 1991 that approximately 760,000 minke whales lived in the Antarctic Ocean (IWC 1992). In addition, Iceland and Norway conducted a survey respectively in their neighboring waters. Iceland presented stock estimates at the Scientific Committee in 1990, where it was agreed that the estimate of 28,000 central stock of north Atlantic minke whales could be classified as an initial management stock.⁵ In 1992, the Scientific Committee also endorsed the result of the survey conducted by Norway and concluded that the eastern stock of north Atlantic minke whale was approximately 86,700. These surveys led to confirmation that the population of minke whales was healthy and made it difficult for the anti-whalers to assert the continuation of the moratorium based on scientific uncertainty.

For example, in 1991 John Gummer, the UK Minister of Agriculture and Fishery, considering the resumption of

commercial whaling, sent a letter to anti-whaling NGOs in April 1991, stating that, based on the latest scientific report on whales, it was now difficult to say that controlled and highly limited catches of whales would harm the stock. However, as anti-whaling NGOs fiercely opposed this policy, Minister Gummer soon announced that the UK strongly opposed the resumption of whaling due to the inhumanity of the killing method (Miyaoaka 2004). Similarly, the USA, which used to insist a moratorium on the ground of the scientific uncertainty, began to openly say that they were opposed to commercial whaling from an “ethical viewpoint” along with Australia and New Zealand (Aron et al. 1999).

At the 43rd IWC annual meeting in 1991 the Scientific Committee completed revised management procedure (RMP)⁶ as a new management system replacing the NMP, and unanimously recommended adoption. In the original decision in 1982, it was stated that the Commission would reconsider the moratorium by 1990, but the Plenary rejected the adoption of the RMP which was a prerequisite to the resumption of commercial whaling (Iino and Goodman 2003). Furthermore, at the 44th IWC annual meeting in 1992 France presented the southern Antarctic sanctuary proposal in an attempt to overtly block the resumption of commercial whaling. Greenpeace, which actually drafted this proposal, started intensive campaign activities along with other anti-whaling NGOs, and the proposal finally was adopted at the 46th IWC annual meeting in 1994 (Mulvany 1997). In the 1990s, not being able to sustain their argument against whaling based on scientific uncertainty any longer, many anti-whalers began to push the issue of the inhumanity of whaling to the front line and clearly tried to sustain the ban on commercial whaling permanently.

Responses to the prohibition norm of commercial whaling

As described above, anti-whaling NGOs managed to pass the moratorium on commercial whaling. However, below I illustrate how attitudes toward the prohibition of commercial whaling varied among the nine whaling countries after the decision came into effect.

Whaling countries that abided the prohibition norm against whaling

Six nations out of the nine whale-hunting countries in 1982 (Brazil, Chile, Peru, South Korea, the Soviet Union, and Spain) ceased their commercial whaling totally without

⁵ According to NMP, when stock level exceeds marginal sustainable yield level by more than 20 %, it is defined as IMS (Burns 1997).

⁶ Even though RMP was strictly based on precautionary principle, it required much less data to compute catch limits than NMP (Gambell 2003).

Table 2 Number of commercial catch of whales by IWC parties in the Antarctic Ocean and other seas, calculated from the chairman’s reports of the IWC annual meetings

	Year									
	1970	1978	1979	1980	1981	1982	1983	1984	1985	1986
Australia	799	679	0	0	0	0	0	0	0	0
Brazil	n.m.	714	766	932	824	854	625	600	598	0
Chile	n.m.	n.m.	99	94	64	64	3	0	0	0
Iceland	377	589	639	638	598	564	448	440	344	261
Japan	17,047	5,980	5,233	4,998	5,305	4,469	4,246	3,232	2,978	2,769
Norway	228	1,592	1,980	2,002	1,877	1,963	1,869	804	771	379
Peru	n.m.	n.m.	1,042	665	514	149	149	0	0	0
South Korea	n.m.	n.m.	926	932	761	898	485	378	122	69
Soviet Union	18,336	9,203	6,054	3,120	3,577	3,223	3,028	3,027	3,028	3,028
Spain	n.m.	n.m.	547	234	146	150	120	102	48	48

n.m. nonmember of IWC

expressing strong resistance. What these six countries had in common was that whaling had very little significance both economically and culturally.

First of all, for five of the six countries, whale harvests were already very small (see Table 2). Since the 1950s, Japanese whaling companies built coastal whaling stations in the three Latin American countries and exported all the whale meat to Japan (M’Gonigle 1980; NHK Shuzaihan 1986; Palazzo 1999). Since this was a de facto Japanese operation, and also small in scale, the ban had very little adverse impact on the economies of the three countries. The Spanish whaling has been conducted by Industria Ballenera SA (IBSA) with its whaling station in Galicia since the end of World War II. Unlike Latin American cases, it was a purely local whaling with no Japanese crews on board while all the whale meat was exported to Japan. However, with its short history of whaling, they did not have a sense of traditional whaling culture in Spain as they have in Japan and Norway. Moreover, despite its high profitability for IBSA, the catch scale is too small for the government of Spain to perceive the necessity of protection (Hansen 2010).

Historically, the South Korean whaling industry was also quite small. This resulted from two factors: there was very little domestic demand for whale meat due to the Buddhist norm against taking life and the Confucian idea of the humble fishermen prevented growth of the industry. Nevertheless, Korean people started eating whale meat due to the serious food shortage caused by the Korean War. After independence, whaling in Korea was financed by local capital but did not grow much. Moreover, few Korean people had any attachment to whale meat. So, South Korea stopped commercial whaling without showing strong resistance (Byen 2003). In contrast to these small-scale producers, the Soviet Union caught more than 3,000 whales per year consistently even in 1980s and was one of the two largest whaling countries (along with Japan). However, it, too, ceased commercial operations in 1987 albeit retaining

the objection to the moratorium resolution. At that time, its decrepit whaling fleet needed to be replaced, operations were already unprofitable, and wider economic collapse made investment in new, more efficient technology impossible. Thus, they had little incentive to sustain their whaling industry by making further investments (Andresen 1998).

As stated above, the relative economic significance of continuing whaling was extremely low in those six nations. Furthermore, whaling had little cultural importance as they did not have a food culture that valued whale meat. With such small interest in whaling, these six states did not show a strong sense of resentment when they were threatened with sanctions. However, Chile, Peru, South Korea, and the Soviet Union did not internalize the whaling prohibition norm, at least until recently,⁷ and at the IWC annual meetings they would at times support Japan and Norway or remain neutral in discussions of the ban. In contrast, Spain and Brazil soon became active leaders of the anti-whaling block. This happened because anti-whaling NGOs were campaigning in, and succeeded in mobilizing, the civil society of both countries.

Spain, lodged an objection to the commission’s quota allocation scheme when it joined the IWC in 1979. Its fleets continue to recklessly harvest highly endangered blue whales during those early years. Interestingly, the USA threats to sanction Spain (Martin 1989) coincided with the start of anti-whaling campaigns by NGOs. This led to a relatively rapid adaption of anti-whaling norms in Spain. As the result, in December 1981, an overwhelming majority of the Spanish Parliament voted to pass a motion to order Spanish delegation to vote for the moratorium proposal at the next IWC meeting. Thus, Spain was the only country with a whaling industry that voted for the ban in 1982. Thus, Spain voluntarily ceased its whaling and became a strong anti-whaling country (Day 1987).

⁷ However, recently both Chile and Peru joined the anti-whaling group.

Similarly, in Brazil after the regime change to democracy in 1985, International Wildlife Creation established a branch and began campaigns to change citizen's perception of whales with financial assistance from WWF. This campaign was so effective that by 1987 the Brazilian government prohibited whaling permanently through a federal law. From then on, the Brazilian delegation worked with Spain as a leader of the anti-whaling faction at the IWC (Palazzo 1999).

As the cases of these six countries show, when the significance of whaling is low, a material threat to the freedom to hunt whales does not generate strong resistance. Furthermore, it is worth noting that the conditions set by "hypothesis 1" would be satisfied with respect to Spain and Brazil where NGOs engaged with civil society and made persuasive efforts to spread the anti-whaling norm to these countries. As a result, both countries internalized the anti-whaling norm rather than reacting negatively to the threat of sanctions. Thus, the two hypotheses are at work here. First, there was little for the Spanish or Brazilian public to resent in possible sanctions because of their lack of attachment. Second, NGOs worked to ensure that anti-whaling norms were internalized in these countries. These two factors were key in transforming these pro-whaling countries into anti-whaling countries. Furthermore, we argue based on the cases recounted below, that the transformation of these countries from pro-whaling to anti-whaling would not have occurred without this confluence of apathy toward the whaling industry and intensive campaigning to generate public acceptance of the anti-whaling norm.

Whaling countries that resisted the ban on whaling

On the other hand, Japan, Norway, and Iceland chose to continue whaling. What these three nations had in common was that whaling had some kind of cultural or economic significance. Due to the sharp reduction of catch quota, the economic significance of whaling had decreased considerably in Japan⁸ and Norway, but both countries had the culture of eating whale meat for hundreds of years and therefore whaling had cultural significance in these countries at the time of the ban (Komatsu 2001; Broch 1994). Meanwhile, in Iceland eating whale meat was not common at all and most whale products were exported to Japan. However, with a population of only 250,000 and whaling accounting for 1 % of GDP, it had some economic significance (Fridjonsson 1997; Andersen 1998).

Of course, it is necessary to take it into consideration that even in these three states whaling was not indispensable except in very limited areas (several whaling towns). For

⁸ The ratio of whale meat to Japanese meat consumption was 26.7 % in 1960, and then declined to merely 3.5 % in 1975 (NHK Shuzaihan 1986).

this reason their attitudes concerning the moratorium decision were rather passive or moderate when the ban on whaling was first introduced. However, anti-whaling NGOs adopted the strategy of maximizing material pressures on them, and consequently provoked the process of the reversed spiral model. We present evidence both of their initial apathy and the subsequent reverse spiral that lead to the entrenchment of pro-whaling norms below.

Japan

When the moratorium on whaling was first introduced in 1982, the official Japanese response was to passively lodge an objection to the resolution. This moderate position was manifested in statements by Japanese authorities. For instance, Kichiro Tazawa, Minister of Agriculture, Forestry and Fisheries, said, "lodging this objection does not mean we have decided to continue whaling beyond 3 years, but we just intend to reserve our position," thereby leaving room to eventually accept the moratorium (Umezaki 1986). The government led by Prime Minister Yasuhiro Nakasone, who was inaugurated shortly after the moratorium decision, also took a passive position and even considered ending scientific whaling. His government insisted that they should not worsen the Japan–USA relationship further by refusing to cooperate on such a "small issue" as whaling. Though scientific whaling was exempted from the moratorium decision on commercial whaling, it could have brought the approbation of the USA as a disguise of commercial whaling (Wong 2001). At that time, Japanese citizens did not show much interest in the whaling issue at all, as whale meat had already become rare fare in Japan (NHK Shuzaihan 1986).

In November 1984 Japan and the USA entered into negotiations with respect to Japanese whaling activities. During the preliminary negotiations, the US government showed a relatively moderate attitude. For example, they suggested a two decade postponement of banning Japanese coastal whaling of sperm whales. The government of Japan also responded to the USA in a calm manner, examining the plan seriously. However, anti-whaling NGOs in the USA were preparing a lawsuit demanding the application of the PM Amendment to Japan. Therefore, during the negotiation, the US government became very hard-line, referring to the potential lawsuit as a cause for their change in position (Umezaki 1986).

At that time, annual production by Japanese whalers was just 13.7 billion yen while the value of the fishing allocation to Japan in the US EEZ reached as much as 130 billion yen/year. Therefore, the government of Japan made an anguished decision; it agreed to withdraw its objection under the condition that the implementation of the moratorium should be delayed by 2 years (NHK Shuzaihan 1986; Doi 1992). This was a humiliating concession for Japan, and

Hiroya Mizuno, director-general of the Fisheries Agency of Japan, spoke out, “The negotiation was so outrageous that I cannot help feeling a certain sort of emotion” (Doi 1992). However, anti-whaling NGOs were not satisfied with this either and actually sued the US government in pursuit of nullifying their executive agreement on whaling and imposing sanctions on Japan immediately. The US government lost in the district court and subsequently the court of appeals, but won narrowly by a five to four votes in the Supreme Court in June 1986. The extremely belligerent attitude of the anti-whaling NGOs, which demanded an “unconditional surrender,” outraged government officials and fisheries representatives in Japan (NHK Shuzaihan 1986; Umezaki 1986) and initiated the reverse spiral process that entrenched pro-whaling norms in Japan.

Because Japan had already withdrawn its objection, Japanese fleets could not engage in commercial whaling. Therefore, from 1987, Japan took advantage of the exemption clause for scientific whaling in order to “save the whaling.” Anti-whaling NGOs strongly criticized Japanese scientific whaling as disguised commercial whaling, but in 1987 both the House of Representatives and the House of Councilors in Japan *unanimously* adopted a resolution requesting that the government devote itself to conducting scientific whaling as much as possible. Japan started scientific whaling in the Antarctic Ocean in 1987, with 273 catches of minke whales, and gradually expanded catches in the Antarctic Ocean from 440 in 1995 to 935 in 2005, despite the US threat of sanctions. Japan also initiated scientific whaling in the Pacific Ocean for more vulnerable whale stocks; they started with minke whales in 1994, and later began harvesting bryde's, sei, and sperm whales. The Antarctic scientific whaling programme expanded as well; to fin whales and humpback whales in 2005, although the latter plan was suspended (Miyaoka 2004).

It has been a long time since whale meat disappeared from citizens' daily dining tables in Japan but, nevertheless, most of the Japanese now support whaling. For instance, a poll conducted in 2000 showed that 75.4 % of citizens still supported whaling while only 9.9 % of them opposed it (MOFA 2001). This contrasts strongly against the relative apathy of Japanese citizens prior to the reverse spiral of norm diffusion.

Norway

When the moratorium came into effect in 1982, Norway continued whaling under its lodged objection but was threatened with sanctions by the USA based on the Pelly Amendment. Trade with the USA amounted to 15.9 % of the total value of Norwegian seafood exports in 1985. At the same time, Norwegian seafood exports to the USA exceeded US exports to Norway which made Norway doubly vulnerable

to sanctions by the USA since they could not retaliate effectively (DeSombre 2000). For this reason, the whaling issue became a hot topic in the Norwegian media and was vigorously discussed by business communities, NGOs, and scientists. However, the administration of Gro Harlem Brundtland, which began in 1986, expressed skepticism regarding Norway's scientific grounds for whaling. In addition, her government recognized that continued whaling under the objection could damage the Norwegian economy if the USA levied sanctions. This put the whaling industry in a rather isolated position. For example, one of whaling crew in a whalers' town, Lofoten, confessed that “Our politicians tell us that we must take ecological considerations into account when discussing the future of whaling,” and that “How dare the politicians criticize us in these matters?” Thus, the Norwegian whaling industry strongly complained about the cold response and lack of support from their government. Not seeing a substantial interest in whaling and wishing to avoid sanctions, Norway temporarily halted commercial whaling in 1987. In 1988, it launched scientific whaling with the hope of resuming commercial whaling after the survey analysis, but, under pressure from the USA, it reduced its number of catches considerably and stopped even scientific whaling in 1991 (Broch 1994; Andresen 1998).

Thus, Norway, like Japan, abided by whaling ban at times. However, it decided in 1992 to resume commercial whaling in 1993, because the IWC had not made any attempt to adopt the RMP. When announcing this decision, Prime Minister Brundtland expressed her resolution saying: “We are prepared for the storm ahead. We are not going to turn back (Blichfeldt 1992).” In response, the USA certified Norway for sanctions and Greenpeace organized a boycott on Norwegian seafood products. Moreover, a radical anti-whaling NGO, Sea Shepherd, astonishingly, sank one Norwegian whaling vessel and warned that further destruction could take place if Norway did not stop whaling.⁹ These measures were counter-productive and only stimulated backlash among Norwegians, as expected in our reverse spiral model.

There were some voices that oppose the continuation of whaling among the domestic media and industries in Norway prior to the decision to resume commercial whaling. However, those voices weakened substantially after these instigating events. When the final decision to resume whaling was made in 1993, the Minister of Foreign Affairs, Johan Jørgen Holst, asserted that it was important for small countries to fight against pressure from major powers. Although the government of Norway estimated that the effect of such boycotts would be larger than the benefits from

⁹ In Iceland, the Sea Shepherd also sank two catcher ships in 1986 (Ivarsson 1994).

whaling, the government as well as the citizens perceived whaling as an issue related to national independence, and therefore they were ready to accept the sacrifices that accompanied the resumption of whaling. A poll conducted in 1993 showed 70 % of citizens supported whaling, and in the same year, the Norwegian Parliament *unanimously* adopted a resolution to support the resumption of commercial whaling. Thereafter, the government of Norway adopted a determined attitude toward sustaining whaling and began to increase its commercial catches gradually, starting with 226 in 1993 to 625 in 1998 (Ivarsson 1994; Andresen 1998). The firm attitude of the government has not wavered yet. For instance, in 2004, Norway's Parliament passed a resolution to call for an increase in the quota of minke whales and this quota was increased again, to 1,052 animals in 2006 (Morell 2007; Rieser 2009).

Iceland

In Iceland, fisheries are such an indispensable industry that the exportation of seafood consists of about 70 % of the total value of exports. Furthermore, the majority of these exports are purchased by Western countries like members of European Union and the USA (Fridjonsson 1997). Therefore, Iceland was much more vulnerable to the US sanctions and the boycott activities by anti-whaling NGOs than Norway.¹⁰ For this reason, the fishing industry and exporters who were afraid of sanctions strongly opposed lodging an objection to the moratorium resolution. The coalition government, at that time, was split over the issue of whether to lodge the objection, and left the decision to the Parliament. In February 1983, Iceland's Parliament decided not to object by a narrow margin of 29 against to 28 in favor (Ivarsson 1994).

Not being able to conduct commercial whaling, Iceland, in 1987, started scientific whaling, but soon agreed to reduce the quota considerably during bilateral negotiations with the USA in order to avoid the sanctions. The attitude of the USA was still rather moderate at that moment as it did not request a total suspension of scientific whaling. However, Greenpeace, not satisfied with this outcome, launched an intensive boycott of Icelandic seafood and requested that the US government impose sanctions. In 1988, the boycott campaign was so successful that in Germany and the USA, many large supermarkets and restaurants stopped purchasing seafood from Iceland. This made exporters, citizens, and the government of Iceland highly anxious. A public poll conducted in February 1989 showed that 38.5 % of the citizens opposed whaling while a historically low of 46.7 % answered in favor of it. Thus, some citizens were swayed by the potential damage caused by the US

sanctions and the actual damage caused by the boycott. In the same year, the Icelandic government announced it would suspend scientific whaling in the next season (Ivarsson 1994).

Iceland did cease scientific whaling in 1990. At first it may seem that this concession runs contrary to our hypothesis, since sanctions were threatened and a boycott was enacted without generating a reverse spiral. However, around the same time, there was a second, more vital threat to Icelandic freedom that instigated their entrenched resistance to the whaling ban. In March 1989, Greenpeace Denmark revealed in an interview with the National Icelandic Broadcasting Service that they would launch an anti-fishing campaign targeting Iceland in order to secure food for whales. This announcement outraged the government and the citizens of Iceland, and they stopped regarding Greenpeace as a counterpart for dialogue. Thus, Greenpeace unnecessarily increased the importance of the whaling issue by linking it to the overall Icelandic fisheries, and therefore hampered the internalization of the anti-whaling norm. Eventually, in 1992 Iceland withdrew from the IWC in response to the IWC's refusal to adopt the RMP. This decision was widely supported by Icelandic citizens (Ivarsson 1994).

Iceland did not resume whaling for a long time, even after its withdrawal from the IWC. This occurred because little domestic demand for whale products existed in Iceland and the sole export partner, Japan, had prohibited importing whale meat from nonmember countries in order to comply with a resolution adopted by the IWC (Ivarsson 1994; Fridjonsson 1997). However, contrary to the expectations of anti-whaling NGOs, Iceland did not intend to abandon whaling completely. In a poll conducted in Iceland in 1998, 81 % of the respondents were in favor of resuming whaling, higher than ever. In 2002, Iceland rejoined the IWC, however this time it lodged an objection to the 1982 moratorium decision,¹¹ and resumed scientific whaling in 2003 for the first time since 1989. Furthermore, in 2006 Iceland resumed commercial whaling despite considerable pressure and accusations from a number of anti-whaling countries and NGOs (Einarsson 2009).

The strategies of anti-whaling NGOs and the process of reverse spiral model

As showed above, these three countries were not so determined to protect their whaling industries in the beginning, but they later demonstrated a strong resistance to the

¹⁰ In Norway, seafood accounted for less than 10 % of the total export turnover (DeSombre 2000).

¹¹ The Iceland's attempt to rejoin the IWC with an objection to the 1982 moratorium started at the 53rd annual meeting of the IWC in 2001. After a considerable dispute, it was approved by vote at the 54th meeting in 2002.

prohibition norm against commercial whaling. Why did anti-whaling NGOs provoke such a strong negative reaction among these countries instead of convincing them to internalize the anti-whaling norm as occurred in Spain and Brazil? The biggest reason was they did not attempt to mobilize the civil societies in these countries at all, but resorted solely to material pressures. However, according to hypothesis 2, it is particularly for those three countries that NGOs should have engaged in dialogue with civil society and worked to legitimize this new norm by using the grafting technique, before they started imposing material pressures.

Nevertheless, even in the beginning, these anti-whaling NGOs simply believed that it was difficult to persuade whaling countries like Japan and that heavy economic pressures were the sole solution to stop their whaling operations. For example, in 1974 seventeen anti-whaling NGOs from the USA held a joint press conference to criticize Japan and the Soviet Union for their persistent opposition to the moratorium on commercial whaling, and they asserted that severe economic pressures were the sole solution (Sumi 1989). Thus, they did not engage in persistent and widespread campaigning activities to transform the citizens' idea of whales and whaling in these three countries. Instead, NGOs' efforts in these pro-whaling countries were sporadic and stopped well short of the systemic and persistent efforts observed first in the USA and then in other countries (Wong 2001). It can be said this was a serious, but also *structurally invited*, mistake that anti-whaling NGOs made in their strategies.

Why does it mean that this mistake was structurally invited? In general, activist NGOs do not have independent financial resources, therefore, they depend on donations from citizens and corporations to fund their activities. Because of this, they cannot help but attach importance to the profitability of their campaigning activities, which can be expensive. For instance, Greenpeace passed a bylaw which requires that the cost-benefit ratio of any proposed project should be analyzed and that no campaign activities should be undertaken if they cannot expect to "win" in a given issue area and region (Eyerman and Iamison 1989). The rationale of this internal rule is quite clear; if successful they can raise large amounts of money from citizens and corporations in a targeted state, but if they fail they cannot even cover the expenses of their campaign activities. Failure in campaigns can damage their financial foundation and lead to undesirable organizational shrinkage.

Due to this structural restriction, it was very difficult for anti-whaling NGOs to conduct a persistent and zealous campaign in countries like Iceland, Japan, and Norway where whaling had some importance that could not be so easily dismissed. For example, Greenpeace established its branches in Norway and Japan as late as 1988 and 1989

respectively (Brown and May 1991), and has not yet established a branch in Iceland. WWF established its office in Japan in 1971. However, WWF Japan refrained from advocating anti-whaling based on humanitarian consideration as they recognized that such a message was probably interpreted as discriminatory in Japan (WWF Japan 1982). Thus, while there were potential domestic sources of support for anti-whaling norms in Japan, these were marginalized by NGO decisions.

As the result, most anti-whaling NGOs adopted a strategy to maximize pressure on whaling countries through sanctions by the USA and independent boycotts instead of trying to persuade the people of these three countries to accept their anti-whaling norm. However, as efficient as this strategy is from an economic viewpoint, imposing high material pressures in a situation where an extremely large discrepancy in norms still remains between persuaders and persuadees, the condition for hypothesis 2 (power to gain consent < resistance power) is fulfilled, which triggers the process of the reversed spiral model. As shown by the increasing resistance of these three countries, this strategy actually made it much more difficult to achieve their goal of a total ban on whaling in the long term.

Interestingly, it is not well-known that whaling countries such as Japan and Norway actually showed a strong interest in humanitarian aspects of whaling ever since 1950s. For example, Japan and Norway actively participated in the working group on humane whaling, which was set up as the result of the decision taken at the 11th IWC annual meeting in 1959. They also worked to improve killing methods of whales in order to lessen the pain that whales would feel when harpooned. As the result of their efforts, a resolution banning the use of nonexplosive harpoons was adopted for large whale species (IWC 1961; IWC 1962). The issue of humane killing methods came up again after 1975. The main problem this time was minke whale, which is so small that whalers could not use explosive harpoons. Nevertheless, at the 33rd IWC annual meeting in 1981 a proposal submitted by the UK and others to prohibit the use of nonexplosive harpoons for minke whales was adopted. In the discussion, Iceland, Japan, and Norway again acknowledged their own humanitarian concerns regarding the method of killing minke whales and requested a grace period to develop new technologies rather than contradict the proposal (IWC 1981).

Thus, those three countries also recognized the humanitarian aspect of whaling. Therefore, it might have been possible to have them accept the new prohibition norm if NGOs, without sparing time, labor, and funds, had tried persistently to engage in and mobilize, civil societies of the three countries. Taking into account that these three countries showed no strong sense of resent to the moratorium initially, this possibility cannot be discounted lightly. At

least they could have averted the current deadlock between pro-whaling and anti-whaling members of the IWC. This would require that they resort to sanctions and boycotts only after they gained sufficient support from citizens in the targeted countries. However, now that the process of the reversed spiral model has already advanced profoundly, it is just too late to transform the civil societies of the three countries by engaging in them from bottom up and applying the norm grafting technique.

The future of IWC

Since the mid-1990s, the IWC has been in a state of complete dysfunction. The IWC frequently adopts resolutions urging whaling countries to reconsider their continued harvests, but they kept ignoring these resolutions. In addition, though the IWC adopted resolutions calling for the prevention of the overexploitation of small cetaceans (such as dolphins and porpoises), which are currently not regulated by the Convention, whaling countries have repeatedly ignored them by claiming that the IWC does not have the authority to control utilization of small cetaceans (Gillespie 2003). Furthermore, small cetaceans are also caught in large-scale numbers by nonmember states so this stalemate prevents the commission from fully dealing with a real conservation problem because countries that harvest small cetaceans have no incentive to join the IWC while it is dominated by preservationist members (Mulvaney and McKay 2003).

To resolve the impasse caused by the conflicts between whaling and anti-whaling countries, at the 47th IWC annual meeting in 1995, the Irish Minister of Culture and Tourism asserted as a host country: “I believe it would be wrong and in the nature of cultural imperialism to attempt to impose our cultural values on those nations whose populations have depended on whales for generations (Aron et al. 2000).” Then, at the 49th IWC annual meeting in 1997, to forestall the possible break-up of the IWC, Michael Canny, Irish commissioner, proposed a compromise between pro-whalers and anti-whalers known as the *Irish Proposal*, which suggests allowing whaling in their coastal waters in exchange for a total ban on the Antarctic whaling. However, this proposal was not supported by either whaling or non-whaling countries and anti-whaling NGOs requested Ireland to withdraw the proposal (Gambell 2003; Williamson 1997).

In the meantime, due to intensive diplomatic lobbying by the pro-whaling countries, especially Japan, the number of pro-whaling parties to the IWC has gradually increased. As the result, at the 58th annual meeting held in 2006, for the first time since 1982, pro-whaling countries won the majority and succeeded in adopting the *St Kitts and Nevis Declaration* which intended to “normalize” the function of IWC

toward principles of sustainable use. According to Bill Hogart, former US commissioner and newly elected chairman of the IWC, the declaration passed in spite of some of the worst confrontation in the history of the IWC. Since then Hogart has taken the lead to reform the IWC, and under his chairmanship parties have begun to circumvent discussions on sensitive issues in order to avoid deepening the divide (Illif 2010a).

Furthermore, the Small Working Group, established at the 60th annual meeting in 2008 to discuss *The Future of IWC*, produced “Chairs Suggestions” in 2009, which included approving Japan’s small-scale coastal commercial whaling in exchange for phasing out scientific whaling over 5 years. However, again it was bitterly protested by anti-whaling NGOs as “Whalergate” while Japan championed a “Safety Net Initiative” which intended to establish an alternate international organization to the IWC in the event of breakdown of *The Future of the IWC* initiative. Despite all the efforts made by Hogart, once again parties failed to agree to the suggestions in the following annual meetings (Illif 2010a, b). On the one side, Japan still does not have a will to abandon its scientific whaling operations even though no fisheries companies in Japan desire to resume commercial whaling in the Antarctic Ocean because it is clearly a “money losing” business (Sakuma 2011). On the other side, most of the anti-whaling countries and NGOs still stick to the extreme position that favors “modernizing” the IWC as a preservation organization which would end commercial whaling in any form. In this way, the IWC is now a battle arena that exemplifies *the Clash of Civilizations*, and this happened mostly because of the self-defeating strategies pursued by anti-whaling NGOs in Iceland, Japan, and Norway.

Conclusions

Activist NGOs based in civil society are usually considered benign in their nature. However, as revealed in this paper, sometimes activist NGOs lightly resort to material pressures such as boycotts, sanctions, or violent protests rather than try to persuade citizens of a targeted country to accept their norms at the grass-roots level. They avoid persuasion in some cases because it would require a painstaking, resource intensive effort without any guarantee of success. This resort to material pressures happens not only because activist NGOs sometimes believe blindly in the norms they promote but also because they, being dependent on membership fees and donations, are faced with serious financial restrictions. However, this economic decision to promote norms in some places and use material pressures in other places inevitably produces a global divide over norms. Just such a divide now

exists at the IWC and is preventing important conservation actions.

Moreover, if they force countries to succumb to their demands simply by resorting to power politics without engaging their civil societies just because it is troublesome, activist NGOs become agents that impose the values of great powers, usually Western countries, from above, ignoring the voices of minority countries and citizens. As a result, activists NGOs suffer from the same problem of serious “democratic deficit” that governments and intergovernmental organizations often fall into (Jordan and van Tuijl 2000; Jepson 2005).

Here, it could be said that activist NGOs are faced with a dilemma. That is, to avoid producing such a divide and democratic deficit it is necessary to conduct campaign activities persistently in the countries that are less amenable to the new norms. However, this orthodox method reduces the profitability of campaigns considerably, and as already addressed, creates a risk to organizational survival. Faced with this dilemma, NGO influence should be still based on the persuasiveness of normative arguments to develop support from civil societies. Resolution by coercive power should be used only as an additional, final resort, once NGOs gained basic support from civil society in the targeted nation. Activist NGOs should not forget their intrinsic role as civil society actor, and should prioritize their long-term goals over short-term cost-benefit calculation in order to avoid self-defeating strategies and contribute to progressive global governance.

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