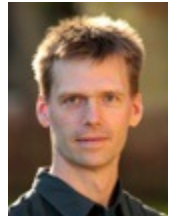


## Whaling in Europe is dependent on the continued willingness of governments to fund it at a loss.

Blog Admin

*Hunting whales for commercial purposes has been prohibited by international treaties since the 1980s. Despite this, several countries, including Norway and Iceland, still participate in whaling. [Ian Hurd](#) assesses the continued existence of whaling in Europe, noting that due to falling demand for whale products, the practice generally relies on government subsidies. Tackling the incentives which encourage governments to support whaling may help to further reduce the market for whale products.*



The market for whale products is today a tiny fraction of what it was in the first half of the 20<sup>th</sup> century. This is true both in terms of international trade and domestic consumption in every country. From a peak in the 1930s, the annual catch of whales around the world [has fallen](#) from over 40,000 per year to perhaps 3,000 per year today. The fall is of course due to a combination of dramatically depleted stocks, the rise of anti-whaling rules and norms, and the substitution of non-whale products in fuel, food, and industrial products. How these three forces are related to each other remains greatly debated, but it is clear that all three have worked in the same direction: downward.

The whale hunting that remains is extremely controversial. It exists in the face of these three strong countervailing forces: international norms, international regulation, and vanishing markets. The international legal regime on whale hunting is formed by the intersection of the [CITES](#) treaty (on the trade in endangered species) and the [International Convention for the Regulation of Whaling](#) (ICRW – 1946). The ICRW created the International Whaling Commission (IWC) which sets quotas on whale catches for its members.

The overall effect of the regime is that today hunting whales for commercial purposes is forbidden (by the IWC) and the international trade of whale products is banned for those species that are considered endangered (by CITES). However, these treaties apply in a country only to the extent that the government has agreed to it, and this extent varies greatly, which makes the legal and political terrain very complicated. To understand contemporary whale hunting it is necessary to pay attention to the peculiarities of each whale-hunting country and their relationship to the international system.



Credit: Zoran Kovacevic (CC BY 2.0)

### Who Hunts Whales in Europe?

Four political entities in Europe currently engage in whale hunting: Iceland, Norway, Greenland, and the Faroe Islands. All are members of the International Whaling Commission and none is a member of the European Union. The four have distinct industrial structures and legal arrangements for whaling and need to be examined individually before making any generalisations.

Norway reports that its whalers took 533 whales in 2011, though the government issued permits for

around 1,200 whales. These are [minke whales](#), which are hunted in the summer months off the northern coasts of Norway. They are hunted from small boats using grenades attached to harpoons, which are shot from cannons into the thorax of the whale. The meat is almost all sold and consumed locally, with small quantities exported to the Faroe Islands and (in recent years) to Japan.

Iceland hunts minke whales (about 215 in 2012) in the North Atlantic, as well as [fin whales](#). The minke whale is consumed locally in Iceland, while the fin whales are exported to Japan. Fin whales are classified as endangered species by the CITES treaty. They are an 'Appendix I species' in CITES, meaning that they are "threatened with extinction" and international trade in their products is illegal. The number of fin whales killed in Iceland's hunt spiked to 148 in 2010, but seems likely to return to zero given the failure of the Japanese market after 2011.

Greenland and the Faroe Islands are both parts of the Kingdom of Denmark, but for whaling matters (and much more) they are autonomous from the Danish government. They allow whale hunting even though Denmark itself does not. (This makes for a difficult position for the Danish representative at the International Whaling Commission meetings, who must speak on behalf of all three entities). Greenland has a seasonal whale hunt by aboriginal groups, taking about 100 minke and 10 fin whales per year, along with a small number of [bowhead](#) and [humpback whales](#).

The Faroe Islands' hunt is distinctive in that it takes place on-shore after the whales have been chased by small boats and made to beach themselves. About 1,000 [pilot whales](#) are killed this way each summer, and the practice takes the form of a community festival. The whale meat is then taken home by the participants. It is therefore mainly consumed by those who participate in the activity and does not enter into a market.

Together, these four territories kill about 2,000 whales per year. The other whaling countries around the world kill about 1,500 more. This is mostly done by Japan (about 1,200, mainly in the southern ocean), but also in smaller numbers by aboriginal groups in Russia (about 150 per year) and the US (about 100 per year), and by a handful of other countries.

### **The International Whaling Commission**

All the main players in large-scale whale hunting are members of the International Whaling Commission and its rules are therefore the starting point for their activities. The most important component of the whaling regime is the ban on commercial whale hunting. This came about after the IWC reduced the annual catch quota of whales to zero in the mid-1980s. This represented a victory for anti-whaling nations and activists.

However, there are two big caveats to the IWC's quota system. First, the quota applies only to "commercial" catches. Hunting for commercial purposes is regulated collectively by the IWC, but for other kinds of whale hunting, the IWC allows national governments to decide on their own catch limits. In particular, the treaty recognises that governments may issue permits for whaling that is carried out in the interest of scientific research (Article VIII(1)) and for whaling done by aboriginal groups. The size of these permits is a national decision for individual governments and not the collective responsibility of the IWC.

Second, the treaty contains an opt-out clause that applies to amendments. This was designed to protect signatories from changes in the treaty that might affect their interests. Decisions at the IWC are taken by a two-thirds majority vote, and so Article V(3) of the ICRW allows governments in the minority to declare that they will not be bound by the change. As the IWC shifted from a pro-whaling to an anti-whaling majority by the 1980s, several pro-whaling states invoked Article 5. By declaring that it objects to the change in quotas, a member has a legal path by which it can claim that the whaling moratorium has no effect on it.

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Among the European whalers, Norway and Iceland have lodged such objections to the quota moratorium. They are therefore in the strange legal position of being members of the International Whaling Commission, but not obligated by its central rule. Greenland authorises its whale hunts under the aboriginal exemption. It has recently faced trouble justifying this authorisation in view of the fact that whale meat is available in many retail markets, making it appear that the hunt has a commercial purpose rather than existing purely for aboriginal subsistence. At the IWC meetings in 2010, the other representatives of EU states made a formal objection to Greenland's aboriginal permit system. Finally, the hunt in the Faroe Islands targets pilot whales, which are not within the IWC's legal purview — small cetaceans (such as dolphins) are not regulated by the IWC, and the Faroese claim that pilot whales should be included in this category. Therefore, the Faroe Islands does not provide further legal justification to the organisation for its behaviour.



The international trade in whale products is constrained further by other international regulations, including CITES and European Union rules. The CITES agreement bans exports and imports of products derived from those whale species which it recognises as endangered. As noted above, this includes fin whales, but does not include minke whales. The EU has banned all imports of whale products since 1982 (not only those that are endangered). The IWC also regulates some aspects of international trade in that it forbids members from trading in whale products with non-IWC countries. The effect of this rule is to induce whale-hunting states to remain inside the organisation: because Japan, the main international market for whale products, is a member, it is necessary that those countries hoping to export whale products remain members as well.

The European Union has an impact on whaling in two further ways, even though none of the European whalers is an EU member. First, and most directly, it bans commercial whale hunting and whale imports by its members. Thus, this large market is unavailable to Icelandic and Norwegian firms wishing to export whale products, and any expansion in European whaling will come from the existing whale hunting territories and not from EU Member States. Second, the prospect of joining the EU appears to be closed to these entities as long as they continue to be whale hunters. While it remains to be seen how this might change in the future, at present commercial whale hunting is an absolute bar to EU membership. The issue has been raised directly in the negotiations over Iceland's accession, where the Commission noted that for further progress to happen, "necessary steps will need to be undertaken as regards to the protection of cetaceans."

### **States and Markets**

Consumer demand for whale meat is very low by historic standards and only shows signs of falling further. While it is difficult to gain reliable information on whale purchases and consumption, there is strong circumstantial evidence that the retail market has shrunk considerably across the main consumer countries. Among other indicators are a falling retail price (in Japan and in Norway), reports of growing stockpiles of frozen meat in warehouses, periodic government intervention to destroy these stockpiles, and government funds for marketing campaigns to promote whale as a food product. All of these suggest an oversupply relative to demand.

It is interesting also that the market for whale products is increasingly local rather than global — consumption is now typically closely connected to hunting, where communities that hunt are also those that consume; prices tend to be local rather than international; and trade is a small component of production. One can see here the reverse of what we typically associate with contemporary globalisation. This marks a dramatic change for an industry that is often seen as an archetypal example of the first wave of globalisation in the early 20<sup>th</sup> century.

As markets have disappeared, European whaling is now dependent on government subsidies of various kinds, from permits to market support to vessel subsidies to marketing. The same is true of Japanese whaling. Therefore, the continued existence of the practice as an industrial enterprise depends on the continued willingness of the state to fund it at a loss. This support presumably follows from the calculation by the governments that they are serving some important constituency, either electoral or economic, by this support, and varies by country.

## Future Strategies

The key role of governments in perpetuating national whale hunts suggests a number of strategies that might help reduce whale hunting in the future. First and most obviously, governments that are committed to austerity budgets might wisely look at whaling subsidies as relatively easy places to save some money. The economic return from whaling is not strong, and so these subsidies, while small, are logically at the top of the list of things to be cut.

Second, Iceland's EU accession negotiations help to show how the EU might provide some political 'cover' for governments that seek to end their whaling subsidies. The EU could take the heat if the Icelandic government chose to end its whale hunt. This is analogous to the way in which borrowing countries often blame the International Monetary Fund for unpopular policy changes that the government would have carried out regardless.

Finally, constitutional norms on the rule of law seem to work against the whale hunt, and this may help to shrink the market for whale meat even further. Whale hunting states are committed to certain legal categories (such as 'scientific research' and 'aboriginal use') which they find difficult to sustain in practice. When whales killed under aboriginal permits turn up in grocery stores, whalers and their governments find themselves having to offer a defence against the accusation that whaling is carried out for commercial purposes. Similarly, Japan's 'scientific permit' system depends on continually justifying the whale hunt as necessary for scientific research, and this grows increasingly difficult as time goes on. It may therefore be a useful strategy to use domestic legal institutions to hold governments to their own rules and statements, or to use the International Court of Justice to hold them to their international legal commitments (as Australia has done toward Japan).

Each of these strategies takes advantage of the fact that the tide seems to have turned against whaling, in the economic, cultural, and legal domains. Pro-whaling legal justifications are increasingly costly, given the broad normative shift against whaling and the consequent evaporation of consumer demand. No doubt some governments will continue to be willing to pay for a domestic whaling industry, but the best evidence suggests that the price of doing so is rising.

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*Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.*

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