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ANALYSIS OF COMMERCIAL WHALING- Navin Kumar¹**Abstract**

Commercial hunting of the four stocks of bowhead whales by countries in Europe and North America began in 1540 and effectively ended with the start of World War I. At this point, all four strains were nearly extinct. Whalers from many countries participated, but the most important ones were from the Basque Country, the Netherlands, Germany, the United Kingdom, and the United States. Svalbard stocks were the first depleted, followed by western Greenland to eastern Canada.

(including whaling activities in Hudson Bay and the Strait of Belle Isle), and finally, Okhotsk and Bering-Chukchi-Beaufort stocks. The whaling industry has repeatedly waxed and waned due to competition from other products (such as gas lighting and oil), political factors (such as the Civil War), and changes in demand (such as women's fashion). Whaling was stopped. Although indigenous peoples throughout the Arctic suffered greatly, commercial whalers sometimes developed good relationships with the indigenous peoples they encountered. Despite all good intentions, the result was overall negative and significantly changed the affected indigenous cultures.

Keywords: Whaling, Phytoplankton, Marine Ecosystems, Financial Incentive, Ecosystem Balance

Introduction

If we go back in time, we can see how commercial whaling was popularised by the British and Dutch in the 16th century.² In 1712,³ the first humans captured the sperm whale. This was very

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²'EARLY COMMERCIAL WHALING' (*Britannica*) < <https://www.britannica.com/topic/whaling/Early-commercial-whaling> > accessed January 24 2024.

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important because sperm whales are usually found in deep waters. Therefore, one has to make a long journey to catch them. People hunted whales to extract whale oil. It was used as a lubricant for lighting in factories and homes, and its demand increased during the 18th and 19th centuries.

It was not until 1879⁵ that petroleum oil was discovered in Pennsylvania, and demand for sperm whale oil declined. However, decades later, as supplies of oil and fat for soap production dried up, demand for whaling increased again. In the early 20th century, 2,000 to 2,000 whales were killed by these people each year. Norway became influential in whaling after the first steam-powered whaling boat was invented by Norwegian Sven Foyn.⁶ He patented a harpoon gun for ships. He patented a ship's harpoon gun with a grenade tip for killing whales. After World War II,⁷ whale oil became vital to Europe. Demand for whale meat was high in countries such as Japan and Russia. Great Britain and the Norwegian states controlled over 80% of the trade. Moreover, their success attracted other countries to whaling.

The Netherlands, the Soviet Union, and Japan. Around this time, people realised that whales would eventually become extinct if whaling continued. In 1946, the International Whaling Commission imposed limits on the number of whales caught annually. It took much work to police the border. The upper limit was set at 15,000 blue whales. Then, in 1962, the number of blue whales was adjusted to 2,300.⁸ However, they soon realised that the number of whales was decreasing. They were on the verge of extinction. In 1963, humpback whales were protected. Blue whales were protected in 1965, and the International Whaling Commission banned commercial whaling in 1982.⁹ Thanks to the ban, some whale species have made a significant

³*Ibid.*

⁴Hannah Ritchie' GLOBAL WHALING PEAKED IN THE 1960s' (*Our World in Data*, November 30 2022) < <https://ourworldindata.org/whaling> > accessed January 24 2024.

⁵'A HISTORY OF WHALING' (*Science+ Media Museum*, 10 February 2022) < <https://www.scienceandmediamuseum.org.uk/objects-and-stories/history-whaling> > accessed 24 January 2024.

⁶*Ibid.*

⁷'MODERN WHALING' (*Britannica*) < <https://www.britannica.com/topic/whaling/Modern-whaling> > accessed January 24 2024.

⁸*Ibid.*

⁹'THE MORATORIUM' (*International Whaling Commission*) < <https://iwc.int/management-and-conservation/whaling/commercial#:~:text=In%201982%20the%20IWC%20decided,it%20remains%20in%20place%20today> > accessed January 24 2024.

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recovery. Like humpback whales, for example. In the 1950s, that number was less than 500¹⁰; today, that number is more than 25,000. The whale was moved from the endangered species category to the Least Concern category. Furthermore, the original population has recovered by up to 93%.¹¹ Unfortunately, the same thing did not happen for all whale species. Blue whales remain endangered. Sperm whales remain endangered. Despite the ban on commercial whaling, the three countries still refuse to accept this ban. Iceland, Norway, and Japan. Iceland is the least worried, as it is expected to ban commercial whaling this year.¹² Meanwhile, Norway supports the capture of Minke whales for meat.

Furthermore, Japan allows commercial whaling for 'scientific purposes'. Scientific purposes are just an excuse used by Japan, as the meat of whales killed for research and scientific purposes is harvested and sold for human consumption. Between 2010 and 2020, Japanese vessels entered Antarctic protected waters several times to hunt whales. One may remember the show "Whale Wars" on the Discovery Channel. An environmental group called Sea Shepherd¹³ sent ships to intercept the whalers. Physically stop them. If a Japanese ship were hunting whales there, they would put their ship in front of the other ship and stop it to protect the whales. Founder Paul Watson revealed that Japan has declared coming within 500 meters¹⁴ of a whaling vessel an act of terrorism. The situation changed in 2018 when Japan withdrew from the International

¹⁰Kent Olofsson' RECORD NUMBERS OF NEW HUMPBACK WHALES' (*Warp News*, December 13 2021) < <https://www.warpnews.org/human-progress/record-number-of-new-humpback-whales/> > accessed January 24 2024.

¹¹'THE SECRET LIFE OF WHALES' (*United Nations Climate Change*, July 4 2022) < <https://unfccc.int/news/the-secret-life-of-whales#:~:text=For%20example%2C%20while%20there%20were,to%20have%20almost%20fully%20recovered> > accessed January 24 2024.

¹²Reykjavik' ICELAND TO END WHALING IN 2024 AS DEMAND DWINDLES' (*The Guardian*, February 4 2022) < <https://www.theguardian.com/environment/2022/feb/04/iceland-to-end-whaling-in-2024-demand-dwindles> > accessed January 24 2024.

¹³'DISCOVERY CHANNEL FOLLOWS CRUSADERS OF THE SEA SHEPHERD CONSERVATION SOCIETY IN WHALE WARS' (*Discovery*, October 12) < <https://press.discovery.com/asia-pacific/dsc/programs/whale-wars/> > accessed January 24 2024.

¹⁴'SEA SHEPHERD ACTIVIST TO TESTIFY IN COURT OVER RAIDS ON JAPANESE WHALING SHIPS' (*The Guardian*, November 6 2013) < <https://www.theguardian.com/environment/2013/nov/06/sea-shepherd-whaling-testify-court> > accessed January 24 2024.

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Whaling Commission¹⁵. This excuse of whaling for scientific purposes has been refuted. Currently, the IWC considers Japan to be a pirate whaling country. This violates international law. Japan, on the other hand, argues that the IWC is not doing enough to promote sustainable commercial whaling. In their opinion, protecting whales should not be the only goal. Moreover, that whaling needs to be allowed to a certain extent.

All about Whales

Whales are the largest animals on Earth and live in all oceans¹⁶. Giant mammals range from the 600-pound pygmy sperm whale, which can weigh over 200 tons and grow to be 100 feet long (about the length of a professional basketball court). Whales are warm-blooded animals that suckle their young. There are two types of whales. Toothed whales and baleen whales. As their name suggests, toothed whales have teeth to hunt and eat squid, fish, and seals. Toothed whales include not only sperm whales but also dolphins, porpoises, and killer whales. A narwhal's "horn" is a long tooth that protrudes from its lip. Most baleen whales are more significant than toothed whales. These include blue whales, humpback whales, right whales, bowhead whales, and more.

They feed by pulling small shrimp-like creatures called krill through plates made of long claw-like substances called barbells attached to their upper jaws. Whale sounds: whales, especially humpback whales, make otherworldly calls that can be heard underwater for miles. The song is a complex combination of moans, howls, and screams that can last hours. It is performed by the whale, which pumps air inside its head and amplifies the sound with the fat pads in its upper jaw. Occurs in whales are thought to communicate using vocalisations, which researchers say can be heard thousands of miles away. Threat Although significant population declines due to hunting

¹⁵Linda Sieg and Kiyoshi Takenaka' JAPAN TO RESUME COMMERCIAL WHALING AFTER PULLING OUT OF IWC' (*Reuters*, December 26 2018) < <https://www.reuters.com/article/idUSKCN1OP03O/> > accessed January 24 2024.

¹⁶The Editors of Encyclopaedia Britannica 'WHALES' (*Britannica*, January 3 2024) < <https://www.britannica.com/animal/whale> > accessed January 24 2024.

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have primarily stopped, several cetacean species, including blue whales, are threatened or endangered by a combination of entanglement in fishing nets and collisions with ships.¹⁷

Why are whales so crucial to the planet?

Whales are vital. First, whales play an essential role in the environment. Whales fight climate change by capturing and storing large amounts of carbon from the atmosphere. Interestingly, their faeces also play a similar role. Whale poop promotes plankton growth in the ocean. In turn, plankton helps bind carbon from the atmosphere. It is a win-win situation. In addition, whales maintain the balance of ocean ecosystems by regulating food supplies and controlling the overpopulation of prey. This may come as a surprise, but whales are also vital to the economies of developing countries. It is all thanks to whale watching. Whale watching brings millions and even billions of dollars into these economies, and that money is reinvested into building the infrastructure needed to ensure whale protection. Additionally, whale watching provides an opportunity to educate individuals about the importance and beauty of whales, thereby strengthening conservation and legal regulation efforts. Currently, there are about 90 species of whales, and they come in various sizes and shapes. Whales, from the smallest at 3 meters long and 135 kilograms to the largest at 29. Nine meters long and 190 tons, they spend their entire lives in the ocean and are essential to survival on Earth.

Protecting whales is essential to preventing the extinction of this charismatic marine creature with a unique evolutionary path. It is also crucial in the desperate fight against climate change. These whales provide an invaluable ecosystem service. Whales can sequester large amounts of carbon from the atmosphere, helping fight global warming.¹⁸

Additionally, whales play an essential role in ecosystems and in maintaining our oceans' health. Over the years, declines in whale populations have changed the structure and function of the ocean, showing that these animals have a significant impact on marine ecosystems.

¹⁷*Ibid.*

¹⁸'WHY ARE WHALES IMPORTANT? ENVIRONMENT AND ECOSYSTEM IMPACT' (*Whale Facts*) < <https://www.whalefacts.org/why-are-whales-important/> > accessed January 24 2024.

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Why do people hunt whales? And how?

More than 1,000 whales¹⁹ are killed every year because people try to make money by selling their meat and body parts. Its oils, fats, and cartilage are used in medicines and nutritional supplements. Whale meat is sometimes used as animal feed or served to tourists as a "traditional dish.

A majestic minke whale emerges from the Atlantic Ocean for a breath of air. When she broke the water's surface, there was an explosive sound, followed by a dull thud, and the harpoon entered her head, penetrating to a depth of half a meter. As the defenceless whale tried to escape in fear and agony, a grenade in her harpoon exploded, and its fragments flew into her body. If they are lucky, they will die right away, but it often takes an hour or more. This horrifying scenario is repeated in oceans around the world where whales are kept in captivity. It has to stop.

Why are whales Endangered?

Several species of whales, including the blue whale and southern right whale, are currently at risk of extinction. So the question arises: "Why are whales endangered?"

Reason 1: Commercial Whaling Again, various factors contribute to the decline of whale populations. On the other hand, there is commercial whaling. Although whaling has declined since the 20th century, commercial whaling remains a problem today, with approximately 1,000 whales being killed each year by commercial whaling.²⁰ These whales are typically hunted for fat and oil, used to make clothing, products, and food. Commercial whaling can also become highly competitive, increasing the threat to these animals.

Reason 2: Environmental Pollution Another factor contributing to the extinction of whales is environmental pollution, especially chemical pollution. Oil spills and trash are primarily responsible for this, as they are toxic to all marine life, not just whales. Another form of pollution

¹⁹'STOP WHALING' (U K Whales) < [²⁰\[24\] 'REASONS WHY WHALES ARE IMPORTANT' \(Harbor Breeze\) < <https://2seewhales.com/blog/reasons-why-whales-are-important/> > accessed January 24 2024.](https://uk.whales.org/our-4-goals/stop-whaling/#:~:text=Why%20do%20people%20hunt%20whales,as%20a%20'traditional%20dish'> accessed January 24 2024.</p></div><div data-bbox=)

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that affects whales is noise pollution. Noise pollution is harmful because it affects whales' ability to effectively use echolocation, the way whales hear and determine their location.

Reason 3: Overfishing and Habitat Loss Overfishing and habitat loss have also been identified as significant causes of many whale deaths. Overfishing is dangerous because it limits the supply of prey available to whales, ultimately impacting their ability to survive and reproduce. Climate change and rising temperatures also affect whale habitat and prey.

History of Commercial Whaling

Whaling harvests whale meat, bones, and blubber, which are used to make various products and chemicals, including gear oil, candles, margarine, jewellery, toys, and tools. Although most people think of whaling in recent years, its history dates back to at least 3,000 BC.²¹ Some researchers have obtained evidence that this practice may date back to 6,000 B.C. Some of this evidence includes observing ancient tools and using propellants, which may have been early harpoons with attached ropes or lines. One of the oldest known methods of capturing whales was to place several small boats next to the whale and scare it away to shore, where it would be beached and killed. Although whaling has existed for thousands of years, the whaling industry only emerged around the 17th century due to increased demand for supplies and technological advances that improved the success rate of hunting and whaling.

During the 18th and 19th centuries, whaling developed into a highly competitive business. Demand for whale parts increased in part due to the boom of the industrial era when both small and large businesses increased their use of whale oil. In the 20th century, the concept of whaling began to grow with the introduction of factory ships that could hunt, capture, and transport whales.

more efficiently. As technology and demand for whale products increased, whale populations began to decline significantly, resulting in many species becoming endangered. In the late 1930s, more than 50,000 whales were killed each year. The rapid decline in whale populations has

²¹'HISTORY OF WHALING, WHY IT BEGAN AND WHERE IT IS NOW' (*Whale Facts*) < <https://www.whalefacts.org/history-of-whaling/> > accessed January 24 2024.

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raised concerns among groups and organisations who fear that some species of whales may be at risk of extinction or even extinction.

It has increased. Despite these associations, "whaling ship" often conjures images of tall ships with sails, 19th-century ships, and Captain Ahab. However, whaling has a long history in different cultures and eras. Whaling for various purposes dates back to 3,000 BC. Since 400 BC, whaling and its impact on the world's whale population has evolved significantly. Following anti-whaling protests in the late 20th century and the banning of most whaling activities, whaling continues today in a limited capacity. "Commercial Whaling" refers to capturing whales solely for their meat or for whale oil or other substances that may be used as light, lubricants, or food. In general, a whaler is an ocean-going vessel used to hunt whales. According to this definition, anything from a small canoe to a huge industrial factory ship would be considered a whaling vessel. However, in modern discourse, the term "whaling vessel" refers to the capture of whales on an industrial scale. It is interpreted to mean the latter ship that is processed.

Whaling originates in small boats used to hunt whales as part of the subsistence efforts of various traditional cultures. Most traditional whaling techniques date back thousands of years. Early human communities living in coastal areas initially captured whales by herding them into groups in boats and driving them onto land. Later, various groups began hunting using spears and harpoons made of bone and metal. Whalers tied their weapons to floating objects or floats to prevent whales from escaping. Industrial whaling began in the 17th century when he searched for whale oil, an important light source in an era without electricity. Extensive fishing began for these and other uses of whales.

The early modern whaling ships, made famous by Melville's *Moby Dick*, were large sailing ships that launched smaller open boats to track and capture large whales. Whalers brought the captured whales to ships, slaughtered them, and processed them into oil. By the end of the 19th century²², fast, highly manoeuvrable steamships and cannon-firing harpoons revolutionised whaling. No longer limited by the wind or the strength of the harpooner's arm, whalers could continuously

²²Jennifer Mishler' WHALE HUNTING STILL EXISTS IN 3 COUNTRIES BUT IT IS DECLINING (*Sentient Media*, September 1 2023) < <https://sentientmedia.org/whale-hunting/> > accessed January 24 2024.

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pursue even the most giant whales and catch thousands of them. By 1930, these high-tech whaling fleets were killing approximately 50,000 whales annually around the world.²³ Early subsistence whaling did not capture whales on such a large scale. In the 1940s, many commonly hunted whale species, such as blue and sperm whales, were at risk of extinction²⁴.

In 1986, the International Whaling Commission banned almost all whaling, and although many whale populations have recovered significantly, their numbers remain well below pre-20th century levels, and many species are still on the verge of extinction.²⁵ Whaling, which continues today, can be broadly divided into two types. First, local and international authorities allow some communities with a history of subsistence whaling to continue such traditional practices. Examples include the Inuit of Canada and some groups in Indonesia.²⁶ Representatives of these groups claim that whaling is an integral part of their culture and an essential source of food.

In these communities, whalers traditionally hunted whales in small boats, although harpoons and spears are now often replaced by rifles. The second category includes hunting permitted by the IWC under the so-called scientific exception, which allows whaling on a limited basis for research purposes.²⁷ Japan's controversial whaling in the Southern Ocean is an example of modern whaling research.²⁸ Critics argue that the exemption is just a cover for whaling for meat and oil and that killing whales for research and conservation reasons is unnecessary.

²³Maris Fessenden' WE NOW HAVE A TOLL OF ALL THE WHALES KILLED BY HUNTING IN THE WHALES KILLED BY HUNTING IN THE LAST CENTURY' (*Smithsonian Magazine*, March 12 2015) < <https://www.smithsonianmag.com/smart-news/we-now-have-toll-all-whales-killed-hunting-last-century-180954537/> > accessed January 24 2024.

²⁴Scott McVay, 'THE LAST OF THE GREAT WHALES' (1966) 215(2) JSTOR< <https://www.jstor.org/stable/24931018> > accessed January 24 2024.

²⁵'COMMERCIAL WHALING: UNSUSTAINABLE, INHUMANE, UNNECESSARY' (*Environmental Investigation Agency*, September 2018) < [https://reports.eia-international.org/keeptheban/#:~:text=The%201986%20moratorium%20on%20commercial,and%20Iceland%20contineue%20commercial%20whaling](https://reports.eia-international.org/keeptheban/#:~:text=The%201986%20moratorium%20on%20commercial,and%20Iceland%20continue%20commercial%20whaling) > accessed January 24 2024.

²⁶'HISTORY OF WHALING, WHY IT BEGAN AND WHERE IT IS NOW' (*Whale Facts*) < <https://www.whalefacts.org/history-of-whaling/> > accessed January 24 2024.

²⁷'SPECIAL PERMITS TO KILL, TAKE AND TREAT WHALES FOR SCIENTIFIC RESEARCH' (*International Whaling Commission*) < <https://iwc.int/management-and-conservation/whaling/permits> > accessed January 24 2024.

²⁸Peter H. Sand, 'JAPAN'S RESEARCH WHALING IN THE ANTARCTIC SOUTHERN OCEAN AND THE NORTH PACIFIC OCEAN IN THE FACE OF THE ENDANGERED SPECIES CONVENTION' (2008) *Research Gate* 17(1) < https://www.researchgate.net/publication/227718839_Japan's_Research_Whaling_in_the_Antarctic_Southern_Ocean_and_the_North_Pacific_Ocean_in_the_Face_of_the_Endangered_Species_Convention_CITES > accessed January 24 2024.

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Additionally, IWC regulations do not regulate the hunting of small cetaceans, such as dolphins and pilot whales, and hunting of this species continues in certain areas, such as the Faroe Islands in Denmark.²⁹

Creation of IWC and their features

The International Whaling Commission is a global organisation established to "ensure the appropriate protection of whale resources and enable the orderly development of the whaling industry". As the Convention's decision-making body, the IWC reviews and updates the rules in the Convention's Annexes, establishing global whaling regulations. These measures include granting complete protection to certain species, designating certain areas as whale sanctuaries, imposing limits on the amount and size of whales that can be taken, and restricting whaling start and end times. These include establishing whaling areas and banning the capture of female whales with calves.³⁰

History International Convention for the Regulation of Whaling, adopted in Washington, D.C., on December 2, 1946. It was signed, forming the framework for the establishment of the IWC. The preamble to the Convention states that its objective is to protect whale populations and enable the industry's adequately orderly growth. The legally binding 'schedule' of the treaty is an important part. This schedule outlines specific measures the IWC considers necessary to manage whaling and protect whale stocks. These measures include limiting the number of fish caught depending on species and region (sometimes as low as zero, as in the case of commercial whaling) and designating certain areas as whale sanctuaries. This includes protecting the calves and females that carry the whales—restrictions on the types of hunting allowed.

Unlike a treaty, the schedule can be changed and amended during the committee meeting (changes require at least three-quarters consent). One may need to change your schedule for a variety of reasons. These include updating the scientific committee and changing requirements

²⁹EU MEMBER STATES CONDEMN FOROE ISLANDS DRIVE HUNTS' (*Ocean care*, December 21 2021) < https://www.oceancare.org/en/stories_and_news/eu-faroese-hunts/ > accessed January 24 2024.

³⁰IWC, *International Rules for the Regulation of Whaling* (1946).

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for indigenous peoples.³¹ Functions of the IWC The International Whaling Commission (IWC) is established by the voluntary consent of its member states and serves as the sole governing body with the authority to take action under the International Convention for the Regulation of Whaling.

These ensure the proper conservation of whale resources and enable the industry to develop properly and achieve its economic and environmental goals.

The Commission's mandate is to assess and update the Convention's annexes regularly. Whaling serves to protect certain species, and whaling is regulated. It is imposing limits on catch and size. Defines open and closed seasons for whaling, location, tactics, intensity, gear types, measurement techniques, and maximum catches.

Number of Whales killed between 1985 – 2022 Worldwide

Commercial whaling was banned in 1986. However, Japan, Norway, and Iceland have killed nearly 40,000 large whales since then. Over 100,000 dolphins, small whales and porpoises are also killed in various countries each year.³² After commercial whaling was banned in 1986 due to overfishing, and the number of whales killed decreased dramatically. It is one of only three countries that hunt whales for commercial purposes. Norway, Japan and Iceland have announced their intention to end commercial whaling by 2024. Additionally, whaling is permitted for indigenous reasons in Denmark (Faroe Islands and Greenland), Russia (Siberia), Saint Vincent and the Grenadines (Bequia), and the United States (Alaska). Although the trade ban has helped stabilise whale populations, it remains highly controversial due to the hunting method, which allows some whales to remain alive for several minutes after being hit with a harpoon. In 2022, 1,364 whales were killed worldwide, 999 of which were killed for commercial purposes.

Number of whales killed by Japan between 2013 – 2022

³¹IWC, *The Schedule to the International Convention on the Regulation of whaling* (2022).

³²'WHALING WORLDWIDE – NUMBER OF WHALES KILLED 1985 – 2022' (*Statista Research Department*, January 9 2024) < <https://www.statista.com/statistics/264842/number-of-whales-killed-worldwide/> > accessed January 24 2024.

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In 2022, Japan will kill 270 whales through commercial whaling, down from 640 in 2018.³³ 2019 After withdrawing from the IWC, Japan resumed commercial whaling within its territorial waters.

History of Whaling in Japan: Japan has a long history of coastal whaling. Archaeological evidence shows that harpoon whaling began in Japan in the 12th century, and organised deep-sea hunting emerged four centuries later. Traditional whaling was confined to a few coastal areas and served as a means of livelihood for coastal villages.

Modern industrial whaling carried out by Japanese ships rapidly expanded beyond Japan's territorial waters, ignoring whale sanctuaries protected by other countries. Japan's Antarctic whaling program was declared illegal by a United Nations court in 2014.³⁴

In response, the Japanese government withdrew from the IWC to resume commercial whaling within its territorial waters^[55]. However, Japanese ships continued to hunt in Antarctica and mainland waters, allowing the hunting of three species.

Future of Whaling in Japan

After World War 2, significant-scale commercial whaling in Japan increased as domestic animal protein supplies declined. An island nation, Japan's fishing industry is a significant supplier of the country's animal product needs. However, in modern Japan, whale meat has become a niche product. As dietary habits change, Japanese consumers become more aware of sustainable fishing practices. Change may be slow, but Japan's whaling industry could disappear as demand in its home market declines.³⁵

³³Catharina Klein' NUMBER OF WHALES KILLED JAPAN 2013 – 2022' (*Statista*, August 22 2024) < <https://www.statista.com/statistics/1186214/japan-whaling-number/> > accessed January 24 2024.

³⁴'UN COURT RULES AGAINST JAPAN'S WHALING ACTIVITIES IN THE ANTARCTIC' (*United Nations*, March 31 2014) < <https://news.un.org/en/story/2014/03/465062#:~:text=The%20United%20Nations%20International%20Court,whaling%20venture%20in%20the%20Antarctic> > accessed January 24 2024

[55] Linda Sieg and Kiyoshi Takenaka' JAPAN TO RESUME COMMERCIAL WHALING AFTER PULLING OUT OF IWC' (*Reuters*, December 26 2018) < [https://www.reuters.com/article/idUSKCN1OP03O/#:~:text=TOKYO%20\(Reuters\)%20%2D%20Japan%20will,I nternational%20Whaling%20Commission%20\(IWC\)](https://www.reuters.com/article/idUSKCN1OP03O/#:~:text=TOKYO%20(Reuters)%20%2D%20Japan%20will,I nternational%20Whaling%20Commission%20(IWC)) > accessed January 24 2024.

³⁵Catharina Klein' THE FUTURE OF WHALING IN JAPAN' (*Statista*, August 22 2023) < <https://www.statista.com/statistics/1186214/japan-whaling-number/> > accessed January 25 2024.

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What are the laws regarding commercial whaling across the world?

I. United States Law:

A. Marine Mammal Protection Act In 1972³⁶, the United States Congress passed the Marine Mammal Protection Act (MMPA). This law makes it illegal for any person residing in the United States to kill, hunt, harm, or harass any marine mammal, regardless of habitat. Additionally, the MMPA prohibits the importation of marine mammals or products derived from them into the United States.

B. Endangered Species Act the Endangered Species Act (ESA) is a federal law passed by the United States Congress in 1973. This law protects both endangered species at risk of extinction and endangered species that are likely to become endangered soon. All large whales are classified as endangered by the ESA. Therefore, it is illegal to kill, hunt, collect, harm, harass, or destroy their habitat in any way. Buying and selling whales is also illegal.

C. Perry Amendment Congress enacted this law in 1971.³⁷ The law directs retailers to impose import sanctions on seafood from countries that violate international fisheries conservation programs, such as the International Whaling Convention.

D. Packwood-Magnuson Amendment Congress enacted this law in 1979.³⁸ The amendment would require the Department of Commerce to impose sanctions on countries that violate the International Fisheries Conservation Plan. The sanctions are a restriction on their fishing rights in U.S. waters.

II. International Law:

A. International Whaling Convention In 1946, the International Whaling Convention (IWC) was established to oversee the management of the whaling industry around the world. It was established in response to the rapid decline in whale populations due to whaling. In 1986, the

³⁶Angela lang, 'Overview of laws and Regulations Protecting Whales' (2002) Legal and Historical Center < <https://www.animallaw.info/article/overview-laws-and-regulations-protecting-whales> > accessed January 26 2024.

³⁷John A. Duff, 'Recent Applications of United States to conserve Marine Species Worldwide: Should trade sanctions be mandatory?' (1996) 2(1) OCLJ < <https://digitalcommons.maine.gov/oclj/vol2/iss1/2/> > accessed 26 January 2024.

³⁸'PACKWOOD – MAGNUSON' (*Animal legal & historical center*, May 2023) < <https://digitalcommons.maine.gov/oclj/vol2/iss1/2/> > accessed January 26 2024.

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IWC introduced an indefinite ban on commercial whaling. This prohibition continues to apply, with some exceptions. Countries such as Japan and Norway do not respect this ban.³⁹

B. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) CITES is an international agreement that guarantees the protection of wild fauna and flora in international trade. It aims to promote the conservation of endangered species while enabling trade in particular wild animals. The Convention provides for three categories of protection. Species listed in Appendix I are threatened with extinction and are or may be affected by trade. Therefore, commercial transactions are strictly prohibited.

C. United Nations Convention on the Law of the Sea (UNCLOS) UNCLOS imposes obligations on countries that have signed the Convention. First, they must protect marine mammals. Second, there is an obligation to follow the guidelines of the International Whaling Convention. The obligations imposed by the United Nations Convention on the Law of the Sea are considered more stringent than those under the International Whaling Convention.

III. Additional Regulations to Protect Whales:

A. Net Regulations Driftnets and gillnets kill thousands of whales each year. In 1991, the United Nations passed a resolution establishing an international ban on driftnet fishing. Gillnet regulations were enacted in Hawaii, where gillnets were primarily used in 1993, making it illegal for people fishing with gillnets to leave them unattended for more than two hours.⁴⁰

B. Pollution PCBs in the ocean and ozone layer depletion kill the whale population⁴¹. The International Whaling Convention recently added pollution to its annual conference schedule. Regulations should be followed.

C. Whale Watching Local laws may make it illegal to approach whales within a certain walking distance. The MMPA also regulates whale watching because it can disturb whales.

³⁹Angela lang, 'Overview of laws and Regulations Protecting Whales' (2002) Legal and Historical Center < <https://www.animallaw.info/article/overview-laws-and-regulations-protecting-whales> > accessed January 26 2024.

⁴⁰'U.N. ADOPTS GLOBAL DRIFT – NET BAN' (*Los Angeles Times*, December 21 1991) < <https://www.latimes.com/archives/la-xpm-1991-12-21-mn-624-story.html> > accessed January 26 2024.

⁴¹'OCEAN POLLUTION' (WDC) < <https://us.whales.org/our-4-goals/create-healthy-seas/ocean-pollution/> > accessed January 26 2024.

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D. Marine Noise, Pollution Underwater noise, is thought to be caused by whale strandings. Military sonar tests at sea primarily cause this noise. The MMPA regulates noise pollution. Before

The military can inspect, but one must apply the MMPA.⁴²

E. Whale-Ship Collisions: Ship collisions significantly cause injury and death for many whales. The U.S. Coast Guard has implemented a mandatory vessel reporting system.⁴³ When a vessel enters a specific cetacean habitat, it must report to a station on land. Vessels then receive messages about attacks on whales by ships, steps to be taken to avoid attacks by ships, and where whales have been recently sighted.

Why is Japan still allowed to hunt whales?

Until now, Japanese whalers have exploited a loophole in International Whaling Commission (IWC) rules that allow whaling for "scientific research purposes". They have been doing this for decades, but in 2014, the United Nations International Court of Justice ordered Japan to halt its whaling program in Antarctica.⁴⁴

Why does whaling continue?

Although whaling is illegal in most countries, Iceland, Norway, and Japan still actively hunt whales. Every year, more than 1,000 whales are killed for their meat and body parts to be sold for commercial purposes.⁴⁵ Its oils, fats, and cartilage are used in medicines and nutritional supplements. Whale meat is sometimes used as animal feed or served to tourists as a "traditional dish".

⁴²Trudy E. Cordora, 'Regulating a Growing whales – watching Industry: How Effective is the Marine Mammal Protection Act' (2006) 14(2) Penn state Environmental law Review accessed January 26 2024.

⁴³'UNDERSTANDING VESSEL STRIKES' (NOAA Fisheries) < <https://www.fisheries.noaa.gov/insight/understanding-vessel-strikes> > accessed January 26 2024.

⁴⁴'WHALING IN JAPAN' (WDC) < <https://us.whales.org/our-4-goals/stop-whaling/whaling-in-japan/#:~:text=Until%20now%2C%20Japan's%20whalers%20exploited,its%20whaling%20program%20in%20Antarctica> > accessed January 26 2024.

⁴⁵'STOP WHALING' (WDC) < <https://us.whales.org/our-4-goals/stop-whaling/#:~:text=Whaling%20is%20illegal%20in%20most,in%20pharmaceuticals%20and%20health%20suppleme> > accessed January 26 2024.

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Why does not a whaling ban work?

Although commercial whaling was banned in 1986, Japan, Iceland, and Norway continue to kill fin, minke, and sei whales each year. All three countries believe they have the right to hunt whales. Japan claims it is for scientific research, Norway opposes the whaling ban, and Iceland hunts whaling under dubious "reservations" to the ban.

Few strategies have been successful in protecting whales around the world

International Whaling Moratorium: With the establishment of the International Whaling Commission (IWC) and the implementation of the Commercial Whaling Moratorium in 1986, the number of whales killed for commercial purposes has decreased significantly.⁴⁶ **Marine Protected Areas (MPAs):** Marine reserves and sanctuaries are created in critical cetacean habitats to provide whales with access to breed, feed, and migrate undisturbed by human activities.⁴⁷ A safe space was provided.

Reducing bycatch: The development and adoption of more whale-friendly fishing gear and techniques has reduced the chance of whales becoming accidentally entangled in fishing gear (bycatch) in some areas.

Public Awareness and Education: outreach campaigns and education programs have increased public awareness of the importance of whale conservation and the threats they face. This increased awareness has led to increased public support for whale conservation efforts.

Whale Watching Regulations: Implementing responsible whale-watching policies and regulations helps minimise disruption to whales and their habitat and promotes sustainable ecotourism while protecting animals.

⁴⁶'THE MORATORIUM' (*International Whaling Commission*) < <https://iwc.int/management-and-conservation/whaling/commercial> > accessed January 26 2024.

⁴⁷Erich Hoyt' MARINE PROTECTED AREAS (MPAs) AND SANCTUARIES FOR WHALES, DOLPHINS AND PORPOISES: THE STATE OF CETACEAN HABITAT PROTECTION AND MPA MANAGEMENT WORLDWIDE (*Cetacean Habitat*) accessed January 26 2024.

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Monitoring and Research: Ongoing research and monitoring of cetacean populations and their behaviour provides valuable data for conservation efforts and enables informed decision-making and targeted conservation actions.

Technology for Conservation: Advances in technology, such as satellite tracking and acoustic monitoring, are allowing scientists to better understand whale movements, migration patterns, and behaviours, allowing them to detect and respond to threats more effectively.

Reducing marine noise: Some shipping companies have voluntarily reduced speeds or changed routes to reduce underwater noise. This benefits the whales by minimising disruption to their communications and navigation.

Collaborative efforts: International cooperation between governments, NGOs, scientists, and local communities has proven effective in implementing conservation efforts across national borders and different jurisdictions.

Sustainable Fisheries Management: Sustainable fishing practices help maintain healthy fish populations, ensure an adequate food supply for cetaceans, and reduce competition from human fishing activities.

Laws and Policies: The development and enforcement of laws and policies at national and international levels have contributed to the conservation of cetaceans and their habitats.

Success Story: Some whale species, such as humpback and grey whales have recovered in certain areas following conservation efforts, demonstrating the positive effects of conservation efforts.

Why should we protect them?

Until now, protecting large whales was considered a human benefit. However, there is also a financial incentive to protect whales, as International Monetary Fund research has found that whales provide a crucial natural solution for sequestering carbon from human emissions.

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"The carbon sequestration capacity of whales is truly remarkable," the report states.

"Our conservative estimates place the average value of large whales, based on various activities, at more than \$2 million, and the current large whale population is valued at well over \$1 trillion".⁴⁸ Some last for over 200 years and accumulate carbon in the body. They take their carbon with them when they die and sink to the ocean floor. Research shows that, on average, large whales bind about 33 tons of carbon dioxide. Trees contribute only 3% of whales' carbon intake over the same period.

Phytoplankton can also be found where whales are found. These tiny creatures contribute to at least 50 per cent of all the oxygen in the atmosphere,⁴⁹ which we produce every time we breathe. It will also sequester approximately 37 billion tons of carbon dioxide, the equivalent of four Amazon forests. Whale faeces synergistically affect phytoplankton because they contain iron and nitrogen, which are necessary for their growth.

The more whales there are, the more oxygen there is. The findings of the International Monetary Fund report demonstrate the surprising connections between some of the smallest and largest life forms on Earth. Understanding the critical role of nature, not just for their intrinsic value: "Understanding also helps us survive," says a wildlife expert from the United Nations Environment Programme. Doreen Robinson says.⁵⁰ The whale population is now only a fraction of what it once was. Biologists estimate there are just over 1.3 million whales in the ocean, a quarter of the 4 million to 5 million before whaling.⁵¹

⁴⁸'PROTECTING WHALES TO PROTECT THE PLANET' (U.N. environment programme, October 14 2019) < <https://www.unep.org/news-and-stories/story/protecting-whales-protect-planet#:~:text=Up%20until%20now%2C%20protecting%20great,capturing%20carbon%20from%20human%20emissions> > accessed January 26 2024.

⁴⁹'PROTECTING WHALES TO PROTECT THE PLANET' (U.N. Environment Programme, October 14 2019) < <https://www.unep.org/news-and-stories/story/protecting-whales-protect-planet#:~:text=Wherever%20whales%20are%20found%2C%20so,or%20four%20Amazon%20forests'%20worth> > accessed January 26 2024.

⁵⁰[79] 'THE FUTURE IS CIRCULAR: WHAT BIODIVERSITY REALLY MEANS' (U.N. environment programme, September 30 2020) < <https://www.unep.org/news-and-stories/story/future-circular-what-biodiversity-really-means> > accessed January 26 2024.

⁵¹'PROTECTING WHALES TO PROTECT THE PLANET' (U.N. Environment Programme, October 14 2019) < <https://www.unep.org/news-and-stories/story/protecting-whales-protect-planet#:~:text=Wherever%20whales%20are%20found%2C%20so,or%20four%20Amazon%20forests'%20worth> > accessed January 26 2024.

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Some species, especially the blue whale, have only 3% of their original population left.⁵² Protecting whale populations requires reducing the many threats to whales in our oceans. One possibility is using the UN-REDD program model to protect forests. The UN-REDD program recognises deforestation is responsible for 17% of carbon emissions and incentivises countries to conserve forests to prevent carbon dioxide from entering the atmosphere.⁵³

"Similarly, financial mechanisms could be developed to support the recovery of whale populations worldwide," The report's authors said. "Incentives in the form of subsidies and other compensation could help those who incur high costs due to whale conservation, for example, changing transport routes to reduce the risk of collisions. We can compensate shipping companies for the cost of making the change. Reduce the world's whale population now or cancel it. Researchers estimate that without developing new methods, it will take more than 30 years for the current whale population to double and several generations to return to pre-whaling levels. "For the sake of society and our survival, we cannot afford to wait this long," they said.⁵⁴

Conclusion

This article makes a compelling argument for the critical importance of whale populations in maintaining the health of marine ecosystems and their impact on global oxygen production and carbon sequestration. The interrelationship between whales, phytoplankton, and the environment highlights the need for urgent action to protect and restore whale populations. The role of phytoplankton in oxygen production and carbon dioxide sequestration is highlighted, emphasising that these tiny organisms are essential for maintaining atmospheric balance. The article also highlights the vital contribution of whale faeces, which contain essential nutrients for

⁵²'NATURE'S SOLUTION TO CLIMATE CHANGE' (*International Monetary Fund*, December 2019) < <https://www.imf.org/en/Publications/fandd/issues/2019/12/natures-solution-to-climate-change-chami> > accessed January 26 2024.

⁵³'REDUCING EMISSIONS FROM DEFORESTATION AND FOREST DEGRADATION' (*U.N. environment programme*) < <https://www.unep.org/explore-topics/climate-action/what-we-do/redd#:~:text=Currently%2011%25%20of%20all%20carbon,than%205%20gigatons%20CO2e%2Fyear> > accessed January 26 2024.

⁵⁴'PROTECTING WHALES TO PROTECT THE PLANET' (*U.N. Environment Programme*, October 14 2019) < <https://www.unep.org/news-and-stories/story/protecting-whales-protect-planet#:~:text=Wherever%20whales%20are%20found%2C%20so,or%20four%20Amazon%20forests'%20worth> > accessed January 26 2024.

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phytoplankton growth, and the critical relationship between whales and phytoplankton. The dramatic decline in whale populations due to historic commercial whaling is underlined by alarming statistics, with only a fraction of the original population remaining for some species. This highlights the urgency of addressing the threats facing whales in our oceans. The proposal to use the UN-REDD program model as a possible solution to protect whale populations is an innovative and practical approach.

This model reduces the costs associated with whale conservation by providing financial incentives and compensation to support whale conservation efforts; for example, changing transport routes to reduce the risk of collisions may be helpful. The article highlights the need for immediate action to protect and recover whale populations. The report emphasises that the natural recovery of populations will require an extended period, and given the vital role whales play in maintaining healthy marine ecosystems and mitigating climate change, society should emphasise that they cannot afford to wait that long.

This article effectively communicates the relationship between whales, phytoplankton, and global environmental health. It calls for urgent action to protect and recover whale populations. It emphasises the need for innovative financial mechanisms and international cooperation to address the threats facing whales and their habitats. The article's conclusions highlight the "importance of decisive action to ensure the survival and recovery of whale populations, for the benefit of both marine ecosystems and human society".

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