

Comments on “Moderation in the Pursuit of Justice: Explaining Japan’s Failure in the International Whaling Negotiations” — Paper presented by Prof. Robert L. Friedheim

EDAMURA Sumio

Ministry of Foreign Affairs

The first and fundamental doubt concerning Prof. Friedheim’s paper is that it tries to pass judgement on the performance of the Japanese diplomacy, basing itself solely on the consequences of the events which have taken place in the confined and peculiar forum of the International Whaling Commission (IWC).

I would like to begin my comments by answering the question posed by the author at the end of his paper. Yes, Japan will remain a member and continue on in the IWC even under adverse circumstances. It will do so, however, not to “save face,” but to defend a principle, that is, to defend the principle of sustainable utilization.

Why does Japan adhere so persistently to this principle? It is for the survival of mankind. The world population, if unchecked, is estimated to reach 10 billion by 2050, while there is a view that, based on a biological analysis, the maximum carrying capacity of the earth is in the range of 7 billion. Unless we take urgent and effective measures both on the fronts of population control and of food production increase, there is a possibility that mankind might face a serious food crisis already in the early years of the next century.

In such a contingency, even anti-whaling fanatics might have to face the question as to which would be more important, to save millions of starving children in the poor regions of the earth, or to save the cute, special and intelligent animals in the sea.

Can we convincingly deny the possibility that the food production on earth, especially that of animal protein, is approaching its limit? If we attempted to satisfy increasing demand of animal protein food with increased production of cattle meat, we might be compelled to cut down a great part of the forest remaining on earth for the cultivation of feed crops. In order to avoid this situation, it is necessary, among others, to make better utilization of edible resources obtainable from the ocean which covers a two thirds of the surface of the earth. The cetacean species altogether is estimated to consume 500 million tons of marine resources annually. If we consider this figure against the annual global fish catch of 100 billion tons, the need to place under reasonable control the procreation of the cetacean species appears to be too clear to anyone with rational judgement.

The Japanese delegation is acting the way it has been, anticipating that the world public opinion as well as responsible governments concerned seriously with the future of mankind

will awaken to this harsh reality hopefully not too late. If seen in this broad context, the author's assessment that "Japan almost always reacted, almost never anticipated" would appear not quite justified. Of course, in view of the current trend in the IWC, it appears rather unlikely that this anticipation may be realized in the foreseeable future. However, there are some faint signs that the situation may not be altogether hopeless.

A resolution was proposed by the United States and adopted by consensus at this year's annual meeting of the IWC to confirm the support for the work to complete the Revised Management Scheme, even though the motive behind the support given to this resolution by the anti-whaling forces may be just tactical. Another development of some interest was seen outside the IWC. When there was a move to ban the catch of blue fins within the framework of the Washington treaty for the protection of wild animals, it was resisted both by the Department of State and by the Department of Commerce of the United States.

The first point I have tried to establish above, therefore, is that, if seen not in the narrow perspective confined to the IWC forum but in a broader global context such as explained above, the behaviour of the Japanese delegation may deserve an assessment quite different from that given in the paper.

The next point I would like to make is the lack of academic fairness observed throughout the presented paper.

The author appears to ignore such viewpoints or facts as mentioned above, which might contradict the conclusion that Japan did very poorly at the IWC. Furthermore, the author himself admits that the anti-whaling forces which have captured major state delegations are not normal kind of people. I quote from Page 16 of the paper "— many of the representatives of the NGOs that harrassed Japan in the IWC were American, they and their allies in developed-state delegations were different breed than "normal" developed state negotiators. They were committed to a new "ethics," their sense of commitment quasi-religious. From their perspective, they were morally correct and they were not going to compromise, —" It is hard to imagine how a negotiation could come to a successful conclusion if it is known from the outset that one of the parties refuses to compromise to the end.

I shall rely on another quotation to illustrate further this point. In Page 17 the paper states "One key element needed for a positive-sum outcome is trust. It is in very short supply in the IWC, making it problematic as to whether there can be a positive-sum outcome, instead of an imposed outcome." Is it fair to accuse Japan of not adopting a bargaining stance, as does the paper in Page 15, under these circumstances where there is no hope of a positive-sum outcome?

These few quotations from the paper itself convincingly prove that the international whaling negotiations are so abnormal and so atypical as to make them inappropriate to be taken up as a subject in the "international comparative studies on the negotiating behaviour" we are engaged in. It would be more appropriate perhaps to take it up as a case of crisis management involving fanatics.

My question is this. Is it fair to use such a biased litmus paper so stained with extraneous

factors as the IWC in an attempt to discern the Japanese national trait in the negotiating behaviour?

Another point I shall have to make is the lack of fairness in the method used in collecting information regarding to the Japanese position on the whaling issue. I shall not burden the audience with lengthy quotations this time. Suffice it to refer to the author's own admission in Page 23 of his paper that his evidence is anecdotal. Indeed, I have made some checking, and found out that no senior officials in the competent agencies in the Japanese Government have ever been approached by the author for comments. Is it fair not to listen to the views of the people concerned before submitting them to unrelenting and often insulting accusations with which the paper is filled?

The paper relies on the author's limited observation of the peculiar developments in the most peculiar environment of the IWC and generalizes it, without sufficient verification under the pretext that it is outside his specialty, to draw the conclusion that the most likely explanation (for repeating the failure to match means to ends) is found in culture (Page 22). I believe that before coming to such a serious conclusion, which questions the ability of a nation to fare well in the international community, it would have been only fair to go through a more thorough analysis.

I apologize, if the way and tone in which my comments have been presented are not quite consonant with academic courtesy. I have acted the way I have out of the wish to show in concrete, as someone long engaged in Japanese diplomacy, that Japanese diplomacy possesses the capacity to react and respond to unfair criticism, even when *it goes against the grain* of the traditional Japanese courtesy.

As I believe that it meets Prof. Friedheim's wish, I would attach to my comments, with Prof. Kimura's permission, the comments contributed by Mr. Kenrou Iino, Director of the Fisheries Division in the Ministry of Foreign Affairs.