

# CHAPTER I

## INTRODUCTION

### A. Background

In today's era, the natural resources of the world are significantly decreasing year by year with low-recovery progress including flora and fauna. There are a lot of species threatened to be extinct caused by human exploitation. According to the Oxford dictionary, "extinction" is defined as a situation in which a plant, animal, etc. stops existing.<sup>1</sup> Human beings should protect and take care of the world to conserve the resources they have. Meanwhile, the overexploitation issue has become an unfinished problem in decades. One of the cases of this problem is the degradation of maritime resources especially whales.

The whales are categorized as endangered living animals. This issue was caused by the massive commercial whaling in the past. The word of "whaling" means an activity or business of hunting and killing whales.<sup>2</sup> The whales' ability to reproduce was categorized as one of the slowest ones of all animals in the world and it becomes an obstacle for whales on recovering their population. Whales have many risks of threat such as whaling, ship strikes, being ensnared in fishing nets, disease, chemical pollution, and being stranded which are adding more possibility of extinction. According to the Red List of Threatened Species from World Conservation Union (WCU), there are seven from thirteen whale's species at very high risk of extinction.<sup>3</sup>

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<sup>1</sup> Oxford University Press, *Oxford: Learner's Pocket Dictionary* (Oxford: Oxford University Press, 2008), 156.

<sup>2</sup> Ibid, 505.

<sup>3</sup> Defra, *Protecting Whales: a global responsibility* (Policy Paper, 2007), 4-10.

The first history of whaling began from 4,000 years ago by the Norwegians.<sup>4</sup> Japanese was also predicted of doing it even earlier than them. Many tribes have been whaling because of their tradition and as a source of goods such as Inuit who hunts in the Arctic Ocean, Basque who hunted in the Atlantic and Japanese who hunted in the Pacific.<sup>5</sup> The other reason why people whaling is that they take advantage on every single part of whales like meat, skin, and organs as a source of proteins, minerals, and vitamins. The bones are also used for the accessories such as masks for the ceremonial items.

The overfishing of whales that happened in the past, emerges possibility of whale's extinction which was concerned by the whaling industry countries such as Norway, Iceland, Russia, Japan, etc. The whale stocks significantly decrease every year by the cause of over-exploitation of whales. The countries realize that the whale's extinction would lead to the end of their commercial whaling. After that, the whaling industry countries planned to discuss their concern on International Convention for the Regulation of Whaling (ICRW) to provide the proper conservation of whale stocks and thus to make the possibility of the development of whaling industry in the future.<sup>6</sup>

Today, the story of whaling is conducted by the International Whaling Commission (IWC) as an intergovernmental organization which purposes to manage the

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<sup>4</sup> Meghan E. Marrero and Stuart Thornton, National Geographic, *Big Fish: A Brief History of Whaling*. Retrieved from <http://www.nationalgeographic.org/news/big-fish-history-whaling/> on January 31, 2017.

<sup>5</sup> Ibid.

<sup>6</sup> *International Convention for the Regulation of Whaling*, (Washington, 1946), 2. Retrieved from IWC database at <https://archive.iwc.int/pages/view.php?ref=3607&k=> on January 31, 2017.

whaling and conservates the whales.<sup>7</sup> The IWC obligates the member states to implement the International Convention for the Regulation of Whaling (ICRW) since it was signed in 1946. The number of IWC member is 88 countries concerning on the conservation of whales. The secretariat of IWC's head office is located in the City of Cambridge, United Kingdom.<sup>8</sup>

Normally IWC meets every two years to review the condition of whales and to modify conservation measures, as appropriate as possible. The IWC regulates the provisions of commercial whaling including open and close seasons, open and close areas, protected species, size limits of each species, and limits on the catch of whales of each season. The 1946 Convention allows countries to catch whale under a special permit for the purpose of scientific research.

The IWC's moratorium on commercial whaling took effect in 1986 and have still been enforced until today. The moratorium's goal is to recover the whale stocks by prohibits any commercial whaling in the world. After three decades of the implementation, the whale's population is still endangered. The number of 240,000 of blue whales in Southern Hemisphere decrease to less than 2,000 now. The humpback whale population also is cut from 115,000 to 25,000. Furthermore, there are only 150 western gray whales in the ocean including 30 females that are capable to breed.<sup>9</sup>

Towards the moratorium, Norway and Japan strictly voted against to the policy. Norway encourages for whaling minke whales for meat, while Japan supports whaling for scientific research. Even many experts are wondering that the whaling would kill more whales than that are necessary. Meat from the scientific research is sold as food.<sup>10</sup>

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<sup>7</sup> International Whaling Commission, *Overview*. Retrieved from <https://iwc.int/iwcmain> on January 31, 2017.

<sup>8</sup> Ibid.

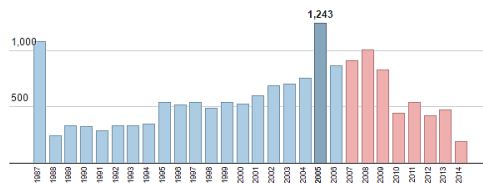
<sup>9</sup> Defra, Loc. Cit.

<sup>10</sup> Defra, Loc.Cit.

The whaling still continues, especially when Japan become the member of IWC in 1951.<sup>11</sup> In the past decade, Japan has been a state that contributes to the environmental regimes and called to prevent global warming and ozone depletion.<sup>12</sup> Only if, Japan seriously committed toward those movements they should have become a “green contributor” but on the other side, Japan is a pro-whaling.

In 1987 Japan has successfully received the special permit to conduct scientific whaling.<sup>13</sup> Based on the Japanese Whale Research Program under Special Permit in the Antarctic (JARPA I) commenced in the 1987-1988 and (JARPA II) commenced in the 2005-2006, they started to continue the whaling for hundreds of whales every year. Basically, JARPA II does not have the duration of its research. In 2005, Japan has the biggest number of whaling in the Antarctic which is when the JARPA II just started.<sup>14</sup>

*Figure 1.1. Total Whaling in Japan (1987-2014)*



Source: Whale and Dolphin Conservation, *Whaling in Japan*. Retrieved from <http://us.whales.org> on January 31, 2017.

<sup>11</sup> International Whaling Commission. Membership and Contracting Governments. Retrieved from <https://iwc.net/members> on January 31, 2017.

<sup>12</sup> I Miyaoka, *1980s and Early 1990s: Changing from an Eco-outlaw to a Green*, (Tokyo: 16 NEWSL. INST. SOC. SCI. U.,1999).

<sup>13</sup> The Institute of Cetacean Research, *Scientific Contribution*. Retrieved from <http://www.icrwhale.org/scJARPA.html> on February 5, 2017.

<sup>14</sup> Whale and Dolphin Conservation, *Whaling in Japan* Retrieved from <http://us.whales.org> on January 31, 2017.

The objectives of JARPA II are the following:

1. Monitoring the Antarctic ecosystem (whale abundance trends and biological parameters; krill abundance and the feeding ecology of whales; effects of contaminants on cetaceans; cetacean habitat);
2. Modeling competition among whale species and future management objectives (constructing a model of competition among whale species; new management objectives including the restoration of the cetacean ecosystem);
3. Elucidation of temporal and spatial changes in stock structure; and
4. Improving the management procedure for Antarctic minke whale stocks.<sup>15</sup>

A lot of anti-whaling countries inveigh against Japanese act on whaling including Australia which is geographically near to the Antarctic Ocean. The Australian ambassador to the Kingdom of the Netherlands asks to proceed the dispute in International Court of Justice concerning Japan's JARPA II program over its scientific whaling.<sup>16</sup> Afterward, on March 31, 2014, the ICJ issued that Japanese Antarctic whaling was declared as an illegal act.

The court found that Japan's whaling program in the Antarctic (JARPA II) was not in accordance with the three provisions of the Schedule to the International Convention for the Regulations of Whaling. Finally, the Remedies section of the ICJ's ruling letter states that "Japan should revoke any extant authorization, permit or licence to kill, take or treat whales in relation to JARPA II, and refrain from granting any

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<sup>15</sup> The Institute of Cetacean Research, Scientific Contribution, Loc. Cit.

<sup>16</sup> International Court of Justice, *List of Cases referred to the Court since 1946 by date of introduction*. Retrieved from <http://www.icj-cij.org> on January 31, 2017.

further permits under Article VIII, paragraph 1, of the Convention, in pursuance of that programme.”<sup>17</sup>

The chairperson of the court, Peter Tomka from Slovakia says that special permit for Japan on whaling is tended to be commercial whaling rather than scientific research. JARPA II was rated ineffective because the evidence stated that Japan already killed 3600 minke whales since 2005. The research was reflecting an overexploitation of endangered species which is contradictory to the ICRW. He also adds that the recent results of the scientific research were not much.<sup>18</sup>

The court found that JARPA II has violated the Schedule of the ICRW. First, in paragraph 7 (b), the ICRW has assigned to prohibit any whaling activity in the Southern Hemisphere. Meanwhile, they did a commercial whaling, taking from the Southern Ocean Sanctuary in each season during fin whales have been taken. Secondly, paragraph 10 (e) states about the moratorium of factory ships to refrain any kind of whaling to certain species such as sperm whales, killer whales, and baleen whales, except minke whales. JARPA II violates the factory ship moratorium in each seasons during when fin whales (categorized as baleen whales or whalebone in the mouth) were killed and taken advantage of. The last, according to the paragraph 10 (d) the catch limits for the commercial whaling should be zero for any kind of whale stocks. Whereas, Japan did commercial whaling. JARPA II has sold the meat of the whales to their national market during its scientific research.<sup>19</sup>

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<sup>17</sup> International Court of Justice, *Judgments, Advisory opinions and Orders by chronological order*. Retrieved from <http://www.icj-cij.org> on January 31, 2017.

<sup>18</sup> Deutsche Welle, *Mahkamah Internasional Larang Jepang Berburu Ikan Paus*. Retrieved from <http://www.dw.com> on January 31, 2017.

<sup>19</sup> International Court of Justice, *The Court finds that Japan's whaling programme in the Antarctic (JARPA II) is not in accordance with three provisions of the Schedule to the International Convention for the Regulation of Whaling*, (The Hague: Press Release, 2014), 3-4.

After the revoke of Japanese special permit or JARPA II, the government of Japan have decided to develop the New Scientific Whale Research Program in the Antarctic Ocean (NEWREP-A), complying the rules in the convention. The research was submitted in the November 2014, which was few months after the ICJ's sanction. However, the IWC gave the special permit to the government of Japan. The NEWREP-A has started in the austral summer season 2015/16 and approved to be operated for 12 years ahead.<sup>20</sup>

Through all of the problems mentioned above, the author concluded that this action was strictly defiance towards the IWC and ICJ ruling. As an intergovernmental organization proposed to protect whales, IWC was failed in tackling the Japanese commercial whaling in the sanctuary areas of a certain species under JARPA II. Moreover, since the IWC has approved the recent Japanese research program under NEWREP-A, which means there would be another killings in the future.

## **B. Research Question**

According to the explanation above, the problem was formulated by the author as the key of analysis as follows:

“Why was International Whaling Commission (IWC) failed in tackling Japan's whaling in the Antarctic Ocean ?”

## **C. Theoretical Framework**

To ease the author in analyzing of why IWC was failed in tackling Japan's whaling in the Antarctic Ocean, some concepts or theories were absolutely needed. The concept is an abstraction that represents as an object, the character of an

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<sup>20</sup> The Institute of Cetacean Research, *Scientific Contribution*. Retrieved from <http://icrwhale.org/scJARPA.html> on December 4, 2017.

object, or a certain phenomenon.<sup>21</sup> Meanwhile, theory according to Mohtar Mas'ood is a form of a statement that answers a "why-question", which means theorize is an effort of giving meaning to a phenomenon that happens.<sup>22</sup>

The author would provide a concept and theory fit to the research question which would be used as a basis to formulate the hypothesis. Thus, the theoretical framework was designed as follows:

### **C.1. Concept of International Organization**

The meaning of international organization according to Daniel S. Cheever and H. Field Haviland Jr., is stated as:

"Any cooperative arrangement instituted among states, usually by a basic agreement, to perform some mutually advantageous functions implemented through periodic meetings and staff activities."<sup>23</sup>

From the explanation above, Cheever and Haviland emphasize that there is a background of the establishment of an international organization. It could be a similarity from the member states to mutually try to achieve collective advantages from activities within the international organization. Same as IWC, they had goals to provide the proper conservation of whales and the management of whaling. It consists of the member states who pay attention to the sustainability of endangered species.

Moreover, Jack C Plano also presents his thought about international organization. He says that international organization is a formal tie beyond borders assigned to establish institutional machinery in order to facilitate

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<sup>21</sup> Mochtar Mas'ood, *Hubungan Internasional: Disiplin dan Metodologi* (Jakarta: LP3ES, 1990), 93-94.

<sup>22</sup> Ibid, 186.

<sup>23</sup> T.May Rudy, *Hukum Internasional 2*, (Bandung: PT. Refika Aditama, 2002), 93-94.



cooperation between them in the fields of security, economic, social, etc.<sup>24</sup>

### **C.1.1. Roles and Functions of International Organization**

Every single international organization would have their own roles and functions. These are some of the roles and functions according to experts. Le Roy Bennett in his book “International Organization” proposes as follows:

“As adjuncts of the state system, international organizations can and do play a number of significant roles. Their chief function is to provide the mean of cooperation among states in areas in which cooperation provides advantages for all or a large number of nations. In many cases they furnish not only a place where decisions to cooperate can be reached but also the administrative machinery for translating the decisions into action. Another function is to provide multiple channels of communication among governments so that areas of accommodation may be explored and easy access will be available when problem arise.”<sup>25</sup>

Furthermore, Bennett also categorizes international organization into two main categories, they are Inter-Governmental Organization (IGOs) and Non-Governmental Organization (NGOs/INGOs).<sup>26</sup> Based on the explanation, IWC is categorized as an IGO. The member states are united and regulated by the ICRW in committing their activities, which means they have rules to be followed as an Inter-Governmental Organization.

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<sup>24</sup> Plano, Jack C, Robert E.Riggs dan Helena S. Robin, *Kamus Analisa Politik*, (Jakarta: PT. Rajawali, 1986), 271.

<sup>25</sup> Alvin Le Roy Bennett, James K. Oliver, *International Organization: principles & issue* (New York: Prentice-Hall, 2002), 3.

<sup>26</sup> *Ibid*, 2-3.

Afterward, it could be concluded from the points, that international organization has a role in the development of countries. The other intention is to achieve a national interest from member states collectively. International organization also has a role in encouraging the member states to reach their national interests beyond borders. Lastly, it has a function as a communication media in the international world and also as guidelines to act in a particular situation in an international scope.

Another argument for the roles and functions of the international organization comes from Harold K. Jacobson. He divides it into five:

1. Information

This function deals with the organizational function as a source of information. The international organization collects data to be analyzed, then holds an exchange of data, spreads the data and informs its perspective and opinion.

2. Norm

This function is closely related to the establishment of norms or principles, either in the form of declarations or statements which can affect the domestic environment or the world. This function is not binding the instruments to be involved, but more on a general recognition.

3. Rulemaking

This function relates to the role of an international organization to create a new rule or regulation, an agreement that has been agreed, signed as well as ratified that could bind the parties directly involved.

4. Supervision

This function is related to the supervision or taking action to ensure the enforcement of a regulation by the international actors.

5. Operational

This function includes the utilization and operation of all resources in an international

organization, either in the forms of funding, the operation of sub-organization or the economic development.<sup>27</sup>

Basically, to achieve its goals, an international organization should run its roles and functions well. According to the explanation from Jacobson above, in the function of information, IWC has succeeded to inform and to provide the research data of whales every two years in IWC's meetings. According to the ICRW, IWC states that there is no whaling for commercial purpose to all the member states, but scientific research. Under the special permit for scientific research, Japanese also contribute in providing the data of its scientific research in the Antarctic Ocean called JARPA and JARPA II.

In the function of the norm, IWC called the whaling industry states and the international community that some species of whales are endangered. It also stated over whaling would lead to the extinction of whales which became a serious problem for the future generation and ask international world to stop whaling. This function succeeds, because it proves that the IWC's member states are 88 countries which also consist of the non-whaling industry countries concerning on the conservation of whales. Moreover, many environmental groups support and cooperate with IWC.

The rulemaking of IWC was not running well, the regulations issued from ICRW created a lot of interpretation, under the Article VIII stating that:

“Notwithstanding anything contained in this Convention any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take and treat whales for purposes of scientific research...”<sup>28</sup>

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<sup>27</sup> Harold K. Jacobson, *Networks of Interdependence: International Organization and The Global Political System*, (New York: Alfred A. Knope, Inc, 1979), 88-90.

<sup>28</sup> ICRW, Loc. Cit.

Japan started doing its scientific research right after the moratorium took effect through establishing Japan's Institute of Cetacean Research. The special permit used for Japan as a loophole to continue its commercial whaling which is prohibited by the convention. Basically, only organs of the whales used to be researched while the meat could use for consumption. Thus, make Japan think that JARPA and JARPA II is legally based on the regulations. Many environmental groups condemn toward the Japanese action. Then in 2014, Japanese special permit or JARPA II, founded by ICJ that Japan was guilty of over-exploitation of three provisions in the Schedule of ICRW paragraph 7 (b), 10 (d), and 10 (e). Furthermore, the court's chair Peter Tomka also added that the results of scientific research (JARPA II) were not much.<sup>29</sup> The next reason why this issue could occur is that there is no penalty from the IWC when there is a misappropriation of using scientific research as commercial whaling.

Within the function of supervision, even IWC did meetings every two years, the topic of Japanese whaling seems to be untouched. IWC could not handle the problem which let Japan did it for decades from JARPA until JARPA II (around 25 years). The issue needs Australia government to report it to the ICJ in 2010. The lack of supervision also eases Japan for whaling in the prohibited areas, taking a certain species which is also prohibited and lastly sold the meat to their national market.

The commission sub-groups of IWC consist of The Scientific Committee, The Conservation Committee, The Finance and Administration Committee, and The Aboriginal Subsistence Whaling Sub-committee. The sub-groups of Scientific and Conservation Committee does not seem really effective toward the Japanese special permit of whaling. They used to control and manage the running of JARPA II. However, there is no certain program of the committee on preventing the violation of the Convention.

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<sup>29</sup> Deutsche Welle, Loc. Cit.

The last is operational of IWC. The operating system of the IWC on fund, program, and conservation of whales are well organized under the sub-groups or committees. The member states of IWC contribute to provide aid which is usually used for scientific research under the Scientific Committee.

### **C.2. Theory of International Regimes**

Theory of International Regimes would fit towards the failure of IWC in tackling Japan's whaling in the Antarctic Ocean. Theory of International Regimes is developed by Stephen D. Krasner. According to Krasner, International Regimes is defined as:

“...a set of explicit or implicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given issue-area of international relations. Principles are beliefs of fact, causation, and rectitude. Norms and standards of behavior defined in terms of rights and obligations. Rules are specific proscriptions of action. Decision-making procedures are prevailing practice for making and implementing collective choice.”<sup>30</sup>

This theory elaborates an obedience of each member state against international regimes in order to embody their interest. A regime is organized by a multinational agreement, thus it could be the main source of an international law. Furthermore, the regime could create and influence a state behavior within. Regime undertakes an important function needed in international relations and as an independent actor in international politics.

The establishment of regime indicated by the formation of the convention, declaration, and international agreement. It

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<sup>30</sup> Stephen D. Krasner, *Structural Causes and Regime Consequences: Regimes as Intervening Variables*, International Organization 36/2 (Spring), Reprinted in Stephen D. Krasner, ed., *International Regimes*, Ithaca, (NY: Cornell University Press, 1983).

loads norms and international standard towards a particular issue or problem that bound member states to infuse a regime within themselves. The regime could found in a differ areas such as economic, environment, security, communication, human rights, arms control and even intellectual rights. Then, the countries will meet to discuss the same issue or interest. A regime could be formed whether in bilateral, multilateral, regional or global.<sup>31</sup>

In addressing the whales' extinction, IWC has a set of regulations to be obeyed by the whole member states including the whale industry countries and non-whale industry countries. Those regulations have been issued in the convention. Moreover, in the biennial meeting, the governments have tried to improve the regulations (Schedule) to ensure that it would embody the purpose of IWC. Then, because of this issue, IWC has initiated a set of norms and rules legally bound all the members to manage and to control the whaling activity.

The membership of IWC is genuinely voluntary, and all the institutional rules that govern decision-maker need the three-fourths approval of any regulation.<sup>32</sup> It means that supermajority vote is required to force the serious ban on whaling. However, because membership is voluntary, no enforcement mechanism made into the IWC charter. In case, a particular country violates the regulations, enforcement is only relatively effective to what individual state would impose to the violator.<sup>33</sup> About a half of the IWC's members are small island nations that lack power when they come to the individual enforcement efforts. Meanwhile, the rest of the members are more industrialized countries that could impose costs for noncompliance.<sup>34</sup>

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<sup>31</sup> Martin Griffiths and Terry O'Callaghan, *International Relations: The Key Concepts*, (US and Canada: Routledge, 2002), 272.

<sup>32</sup> Patick M. Regan, *The Politic of Global Climate Change*, (New York: Routledge, 2016).

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

The majority cannot enforce the rules on Japan. Sanctions do not work well because the target is a strong ally, becoming one of the world largest economies and a major trading partner. The United States has already attempted to give sanctions to Japan and Norway as the most active pro-whaling countries. Under the Pelly Amendment, US may impose sanctions to the members that violates the Convention. In the Section 1978(a)(2) stated that:

“When the Secretary of Commerce determines that the nationals of a foreign country are diminishing the effectiveness of an international fishery conservation program (including the IWC's program), the Secretary shall certify this fact to the President.”<sup>35</sup>

The sanctions stated in the Section 1978(a)(4):

“Upon receipt of any certification made under paragraph (1) or (2), the President may direct the Secretary of the Treasury to prohibit the bringing or the importation into the United States of any products from the offending country for any duration as the President determines appropriate [as allowed by the World Trade Organization and other applicable trade law].”<sup>36</sup>

Another attempts from US was the Packwood-Magnuson Amendment. The amendment enforces a sanction when the members violating the IWC's decision, the Secretary of State must reduce that country's fishing allocation in U.S. waters by

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<sup>35</sup> David D. Caron, *The International Whaling Commission and the North Atlantic Marine Mammal Commission: The Institutional Risks of Coercion in Consensual Structures*, (American Society of International Law, 1995), 154-174.

<sup>36</sup> Kristina Alexander, *The International Whaling Convention (IWC) and Legal Issues Related to Aboriginal Rights*, (Congressional Research Service, 2013), 1-13.

at least 50%.<sup>37</sup> Afterwards, Japan and the other whaling nations accept the IWC's moratorium on commercial whaling.

In addition, many of majority countries get the exception of the moratorium by claiming their native population. IWC has set a regulation regarding the native peoples, it allows them to conduct whaling and even give them quotas for the countries such as Canada, Iceland, Greenland, the United States, Norway, Japan, Russia, and others.<sup>38</sup> This exceptional provision is not made for Japanese because they have run the scientific research on whaling.

In accordance with the international regime theory, IWC was lacking of power to enforce its norm which was anti-whaling. The problem comes from the rules that have been formed in the Convention itself. Moreover, IWC is a voluntary organization, and many pro-whaling countries ignored its rules. The enforcement of the individual state towards Japan is not very effective instead. The fact that Japan existence as a major trading partner becomes another reason to influence the small island countries in the IWC. Because Japan could possibly impose costs for the noncompliance.

#### **D. Hypothesis**

From the theoretical framework above the author concluded that the cause of IWC's failure in tackling Japan's whaling in the Antarctic Ocean was as follows:

First, the authority of IWC as an international regime is weak. The IWC has no power, neither to enforce its regulations nor to give sanction to the violator involved because it was working voluntarily. Second, in the rulemaking, there is an ambiguity in the Article VIII of the Convention which allow whaling activities for the scientific research purposes, and thus makes Japan has been used it as a loophole to run commercial whaling under the scientific research program.

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<sup>37</sup> David D. Caron, *Loc. Cit.*

<sup>38</sup> *Ibid.*



### **E. Purpose of Research**

The aims of this research were as follows:

1. This undergraduate thesis aimed to develop and to apply theory or concept during the college. Furthermore, it was to get more knowledge on international relations scope.
2. This research going to examine the phenomenon of the failure of IWC in tackling Japanese whaling in the Antarctic Ocean under the Japanese special permit of whaling called JARPA II.
3. Lastly, the purpose of writing this research was as partial fulfillment of the requirements to get an undergraduate degree in International Relations at Universitas Muhammadiyah Yogyakarta.

### **F. Range of Research**

The range provided by the author towards the IWC failure in tackling Japanese whaling program began from the scientific research of JARPA II until its revoke (2005-2014).

### **G. Research Methodology**

In the writing mechanism of this research, the author used qualitative methods. Evidence that was implied in the data source was the pattern of qualitative methods. After the evidence was collected, the author would give in-depth explanations among evidence which was the important point of this method.

The data process was the secondary data coming from books, texts, journals, encyclopedias, articles and electronic mass media such as the internet or writing reports about the related discussion of this research. Those data obtained would be analyzed using the basic framework of theory or concepts.

### **H. System of Writing**

One of the most important terms of doing a research was a good system of writing which would help the reader to

understand the content of research easily. Thus, the author would arrange the system of writing as follows:

CHAPTER I: This chapter contained the basic explanation of the research which were Background, Research Question, Theoretical Framework, Hypothesis, Purpose of Research, Range of Research, Research Methodology and System of Writing.

CHAPTER II: This chapter would describe the establishment of International Whaling Commission (IWC) including its background, member states, purposes, principles, regulations under ICRW, the structures of the organization, the IWC's enforcement, and effect of the IWC in the international world.

CHAPTER III: This chapter could consist of the background of Japanese whaling history, Japanese whaling as an integrated culture, its special permit on whaling called JARPA, and the issue arising on the violation regarding JARPA II. This chapter also provided the International Court of Justice's ruling toward Japanese infraction.

CHAPTER IV: This chapter would elaborate and analyze the factors affecting on the continuation of Japanese whaling.

CHAPTER V: This chapter was a closing part of this undergraduate thesis which described the conclusion.