

Nonstate Influence in the International Whaling Commission, 1970–1990

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1. Introduction

The roots to the current international regime for the regulation of whaling can be traced back to the early 1930s when the first conventions for the regulation of whaling were signed. The International Convention for the Regulation of Whaling (ICRW) was set up at an international conference in Washington in 1946 and came into force in 1948. By 1950, 16 nations had ratified the convention. The International Whaling Commission (IWC) held its initial meeting in 1949.

Few international organizations have undergone more dramatic changes than the IWC.¹ Starting out as a “whaling club,” completely dominated by the short-term interests of the whaling industry, it evolved into an international regime that has maintained a moratorium on all commercial whaling for the last couple of decades. Currently, aboriginal subsistence whaling is the only type of whaling endorsed by the majority of IWC members. The commercial whaling that is currently taking place, therefore, is not internationally managed. Recently, the IWC has also sought to strictly limit lethal research whaling.

To what extent, and under which conditions, have nonstate actors influenced the international regime for the regulation of whaling? Many scholars have studied the role of nonstate actors in international decision-making. Most of them focus, however, on direct nonstate influence at the *international* decision-making level.² One main objective of this article is to develop a *multi-level* approach to explore nonstate influence on international decision making using the case of the International Whaling Commission as a point of departure.

In our empirical analysis, we focus on two major changes in IWC regulation. The first was linked to the adoption of a new management procedure in 1974 and consisted of a stronger link between scientific assessments of whale

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1. Andresen 1998.

2. Betsill and Corell 2001.

stocks and the allocation of catch quotas. The second was linked to the moratorium decision in 1982 (to take effect in 1985/6), which imposed a ban on commercial whaling.³ Both changes in policy correspond to shifts in the influence of different groups of nonstate actors.⁴ The first of these changes occurred as the scientific community gained increased influence on IWC policies in the beginning of the 1970s. The second change took place as the environmental and animal rights movement entered the scene and succeeded in mobilizing support for a moratorium on commercial whaling in the early 1980s.⁵

The article is organized as follows: In section 2, we briefly discuss the term “nonstate actor” within the context of the IWC. The theoretical approach for the analysis is outlined in section 3. The empirical analysis of nonstate influence in this case is undertaken in section 4. After introducing the general background of the IWC process, section 4.1 is devoted to assessing the level of influence of the two main nonstate actors in focus: the scientific community and the environmental and animal rights movement. In section 4.2, we explore explanatory factors under the guidance of the theoretical perspectives outlined in section 3. In section 4.2.1, we analyze the phase running from the early 1970s to the early 1980s. This phase is characterized by a predominant scientific influence on IWC policies. The second phase, analyzed in section 4.2.2, runs from the early 1980s to the early 1990s and represents a shift in influence from the scientific community to the environmental and animal rights movement. The article does not explicitly analyze the period from the beginning of the 1990s until present time, but trends and tendencies are briefly discussed in the conclusion of the paper in section 5.

2. Nonstate Actors in the IWC

The term “nonstate actor” refers to groups of actors participating in international policy-making efforts that do not act on behalf of a government or an intergovernmental organization. Within the IWC, three groups of actors may fall within this category: the whaling industry (and more recently, proponents of the whaling “industry”), the scientific community, and the environmental and animal rights movement.⁶

The latter group of actors fits this term most closely. It is organized in various nongovernmental organizations (NGOs) that started to show up at IWC

3. Peterson 1992; Andresen 1998; and Andresen 2000.

4. Peterson 1992. It should be noted that these shifts in influence were gradual and incremental and not as clear-cut as suggested here. This simplification, however, is useful for our analytical purposes.

5. This does not mean that nonstate actors were the only important actors. Key states, most notably the US, had a significant impact, a point to which we return below.

6. The environmental movement and the animal rights movement differ in their arguments and positions on the whaling issue. In this paper, however, we will not go into these distinctions in any detail. Henceforth, therefore, for practical purposes, we refer to this group as the environmental movement. Furthermore, while there is no doubt that a whaling *industry* once existed, it hardly makes sense to label current small-scale coastal whaling an “industry.”

meetings as observers in the mid-1960s. While representatives of these NGOs may appear as members of national delegations in some cases, they nevertheless operate independently of national governments. Even when a strong alliance exists between the environmental movement and national governments, the two constitute distinct groups.

The whaling industry, on the other hand, can be said to fall within this category to varying degrees at different phases in the history of the IWC. During the early phase (before 1960), the whaling industry dominated the scene. Even though the whaling industry developed networks through which they attempted to wield influence on IWC regulatory policies, this group's main channel of influence was through home governments. Before 1960, the majority of IWC members were engaged in whaling activities, and in many cases national interests *were* whaling industry interests. As a result, to identify the whaling industry as a distinct nonstate actor during this phase may be problematic. Representatives of this group, organized more or less as transnational NGOs, have reappeared as observers at IWC meetings since the early 1990s. Some of these are to a much larger extent independent of national governments, but the remnants of the whaling industry are routinely represented on the delegations of (previous) whaling nations.

Throughout the IWC history, science has played an important role. At the first IWC meeting in 1949, a (joint) standing Scientific and Technical Committee was set up. While the IWC agenda and the number of working groups and sub-committees on scientific issues have vastly expanded, the basic structure of the organization still has a Scientific Committee at the very heart of its activities.⁷ Consequently, in contrast to other nonstate actors, scientists have a formally institutionalized channel of influence *at the international level*.

Does this group, however, qualify as a nonstate actor? Do scientists operate independently of national governments? To be considered a nonstate actor, two requirements need to be satisfied: First, the community of scientists (i.e., the Scientific Committee), needs to operate independently of the Commission. Second, participating scientists need to operate independently of their national governments. While the Scientific Committee has operated relatively independently of the Commission during the whole process, individual scientists have not always operated independently of national governments, particularly during the early phase. As further discussed below, the Scientific Committee underwent changes during the 1970s that also served to strengthen its autonomy. Thus, in an analysis of the autonomy of the Scientific Committee, Andresen argues that both requirements are satisfied.⁸ He also points out, however, that links among individual scientists and both the environmental movement and national governments are often strengthened during periods of strong polarization, implying a weaker scientific autonomy during such periods as well as a weaker internal unity within the scientific community.⁹ Nevertheless, on this

7. Andresen 2000.

8. Andresen 2000, 50–51.

9. See also Schweder 2000; and Schweder 2001.

basis we conclude that scientists seem largely to operate in their capacity as scientists, not as representatives of the governments or organizations that have nominated them, and that the community of scientists thus constitutes a nonstate actor during the phase of the IWC process under scrutiny here.

In different phases of the process, these groups of nonstate actors have represented competing interests to varying degrees.¹⁰ For one thing, as noted above, the groups have neither been active during the whole process nor necessarily at the same time. Indeed, only scientists have been active from the early phases of the process until now. Whalers were active from the beginning until the late 1960s, when so few whalers remained that we can hardly speak of a whaling “industry” any more.¹¹ While environmental groups started showing up as observers at IWC meetings in the 1960s, they can only be considered an active nonstate force in the IWC as of the early 1970s. In this analysis, we focus on scientists and environmentalists.

Initially scientists and environmentalists shared the same concern: the rate at which whales were harvested represented a serious threat to their survival and, as such, greater restrictions on whaling were necessary. Contentions between these two groups and *within* the scientific community started to show during the late 1970s and became explicit with the moratorium decision at the beginning of the 1980s. The environmentalists pushed for a full moratorium on all species but the majority of scientists argued that this was unnecessary and not scientifically warranted.¹² Concurrently, a strong minority within the scientific community supported the moratorium decision. Since the late 1980s/early 1990s, however, the two groups have had clear differences of opinion: The large majority of scientists in the Scientific Committee argues that new and improved knowledge indicates abundance of certain species (notably minke whales). Environmentalists, on the other hand, either do not accept the scientific estimates of whale stocks (i.e., they argue that the estimates are more uncertain than scientists acknowledge and/or too uncertain to warrant commercial whaling), or they oppose whaling more generally for ethical or political reasons.

3. Theoretical Framework for Analysis

During the last decade, increased scholarly attention has been paid to the role of nonstate actors in international policy-making.¹³ While many scholars note that the role of nonstate actors on the international political scene has changed over time, few have undertaken systematic analysis of the manners and conditions under which nonstate actors actually exert influence on the outcome of interna-

10. Peterson 1992.

11. At least it was severely diminished, but there was a whaling industry in Japan and the Soviet Union until the mid-1980s.

12. Andresen 1989.

13. See, *inter alia*, Princen and Finger 1994; Princen et al. 1995; Raustiala 1997; Ringius 1997; Keck and Sikkink 1998; and Newell 2000.

tional political processes. Recently, however, Betsill and Corell have provided a more carefully designed and theoretically stringent analytical framework for analyzing nonstate influence.¹⁴

In their approach, nonstate influence is limited to the *international level*: to international environmental negotiations. At this level, the influence tactic available to nonstate actors is *persuasion*: "Nonstate actors can only try to influence the talks by persuading or convincing government representatives, who have formal power to make the decisions, to accept the nonstate actors' perspective."¹⁵ On the basis of this reasoning and the definition of influence developed by Knoke,¹⁶ Betsill and Corell adopt an information-based definition of nonstate influence: "in the context of international environmental negotiations, influence can be said to have occurred when one actor intentionally transmits information to another that alters the latter's actions from what would have occurred without that information."¹⁷

While this definition of influence covers one important mode of influence exerted by nonstate actors within the context of international policy-making, the *instruments* of persuasion employed by distinct nonstate actors may vary and may include persuasion by way of (implicit or explicit) threats and/or promises. This aspect of persuasion seems to be included in Betsill and Corell's approach, albeit implicitly. For instance, they refer to a situation where Greenpeace persuaded Gerber Corporation to stop using genetically modified products in baby food where the information conveyed to the corporation by Greenpeace seems to hold an implicit threat (for instance, of being exposed publicly on this issue). In such situations it is difficult to assess exactly what caused the change in policy. That is, whether it was Greenpeace's information on possible adverse effects of genetically modified products in baby food that persuaded the corporation to drop suppliers that used genetically modified crops or whether it was the implicit threat of Greenpeace's willingness and capacity to mobilize a public opinion on the subject that could potentially harm the corporation's profitability. Thus, we suggest that nonstate actors in some cases have competencies that permit the deployment of a broader set of tactics than the mere dissemination of information, including more coercive tactics that involve the use of sanctions.

Betsill and Corell's explicit limitation to nonstate influence solely at the *international* policy-making level, moreover, may be too narrow. Nonstate actors may influence international policy-making directly at the international level and/or indirectly via domestic channels through capabilities or resources other than information. By excluding nonstate influence on international policy-making that takes place via domestic channels, a significant aspect of nonstate influence may be overlooked and the comparability of analyses of the role of nonstate actors in international policy-making may be compromised. As dem-

14. Betsill and Corell 2001.

15. Betsill and Corell 2001, 74.

16. Knoke 1990.

17. Betsill and Corell 2001, 74 (emphasis deleted).

onstrated in Skjærseth and Skodvin,¹⁸ multi-level approaches to the role nonstate actors play in international regimes are warranted for capturing the interplay and reciprocity that may characterize the influence relationship between nonstate actors and international regime processes—an interplay that may be vital for understanding the regime dynamic that develops.¹⁹

In this analysis, which competencies or resources that give nonstate actors an influence potential is largely seen as an empirical question. In contrast to Betsill and Corell, who include influence tactics (information dissemination) as a defining characteristic of nonstate influence, we separate the definition of influence from the question of which tactics are used to gain this influence. Below, we develop our definition of when nonstate actors can be said to have had influence (section 3.1) before we address the mechanisms through which nonstate actors can exert influence on international policy-making (section 3.2). To incorporate these mechanisms, we develop a multi-level explanatory approach that takes into account both direct nonstate influence at the international level and indirect nonstate influence via domestic channels.

3.1 Nonstate Influence

In the literature, a common indicator for nonstate influence is *goal attainment*.²⁰ This variable is often seen in dichotomous terms: Either the policy response is consistent with the nonstate actor's position (indicating goal attainment) or it is not. In this paper, we argue that goal attainment is a continuous rather than dichotomous variable. The extent to which nonstate actors' positions are reflected in policy outcomes is a matter of degrees.²¹

In an effort to reflect the continuous nature of nonstate influence, we propose conceiving of influence on a cumulative scale of three levels.²² At the lowest level, nonstate actors' positions are not actually reflected in the policy response, but policy-makers acknowledge the actors as representing parties with a legitimate right to being heard in the process. At this level, we may distinguish between nonstate actors that are considered relevant by policy-makers and those that are excluded from the process altogether. At the second level, policy-makers accept nonstate actor positions as premises in the decision-making process. That is, they accept the substantive content of the perspective of nonstate actors as valid arguments that need to be considered in the decision-making process. They may not necessarily accept the policy implications of these arguments however. At this level we would expect the positions of nonstate actors to be reflected to a larger extent in the policy response, although perhaps in modified form or in the sense that some, but not all, and perhaps not the most

18. Skjærseth and Skodvin 2002; and Skjærseth and Skodvin 2003.

19. See also Skjærseth and Skodvin 2001.

20. Betsill and Corell 2001, 71; Corell and Betsill 2001; see also Keck and Sikkink 1998.

21. Also see Deller 2002.

22. This definition is based on previous work in which we defined *scientific* influence on policy-making in these terms (Andresen et al. 2000; see also Skodvin 2000).

central arguments are reflected. At the highest level of influence policy-makers accept both the validity of the substantive arguments presented by the nonstate actors and the policy implications of their positions and design their actions accordingly. It is only at this level that the goals of the nonstate actors are actually attained in the sense that their positions are reflected in the policy response.

3.2 Explanatory Perspective: A Multi-level Approach

Nonstate actors can principally influence international policy-making via two main channels: directly at the international level or indirectly via the domestic channel. To understand the role of nonstate actors in international policy-making and the conditions under which they exert influence, we need to focus on nonstate participation at both of these decision-making levels and on the mechanisms linked to the interface between them.

3.2.1 Nonstate Influence at the Domestic Level

Putnam has coined international negotiations a “two-level game.”²³ Putnam’s thesis is that while negotiators are engaged in deliberations with their international counterparts, they undertake parallel and simultaneous negotiations with significant sub-national interest groups at home. Consequently, the settlement range at the international level (the “win-set” in Putnam’s terminology) is determined not only by the resistance points of the states engaged in the deliberations, but also by the resistance points of significant sub-national groups within each state.²⁴ Building on this thesis, the Domestic Politics model conceives of states as complex organizations where “sub-actors pursue multiple and to some extent conflicting objectives, and where policy decisions are weighted aggregates of sub-actor preferences.”²⁵ Thus, in contrast to the assumption that states are unitary and rational actors, this model contends that states are not in full control over “their” societies but are themselves influenced and constrained by society. This implies that significant sub-national groups may influence both the states’ *positions* in international negotiations and their *implementation* of international commitments.

Many factors may affect a nonstate actor’s ability to influence states’ negotiating positions via the *domestic* channel, but three factors seem to be particularly important:²⁶

- The strength of the nonstate actor in the policy-making process;
- The strength of counterbalancing forces, i.e., other nonstate actors with conflicting positions;
- The “political opportunity structure”; i.e., nonstate actors’ access to central decision-making arenas and processes at the domestic level.

23. Putnam 1988.

24. Putnam 1988.

25. Underdal 1998, 12–13.

26. Skjærseth and Skodvin 2002; and Skjærseth and Skodvin 2003.

In this analysis, the impact of the third factor—the political opportunity structure characterizing the domestic decision-making process—is not explored.

The Strength of Nonstate Actors in Domestic Policy-Making

The strength of nonstate actors in the domestic decision-making process is basically linked to the resources the nonstate actor commands and the demand for these resources by policy-makers.²⁷ Resources may take many forms. One important category of resources is knowledge/information or financial capital.

In this context, however, resources can also take a less concrete form. In particular, a nonstate actor's strength in the decision making process may depend upon the extent to which it commands resources that can be transformed into *political capital*. Political capital concerns the capability of a nonstate actor to *mobilize political support* for its position: The nonstate actor can mobilize political support in society at large, which concerns the mobilization of public opinion in support of its position.²⁸ And/or the nonstate actor can target legislative bodies more specifically particularly to mobilize sufficient political support of its position to block (eventual) ratification of an international agreement (unwanted by the nonstate actor).²⁹

Finally, the strength of nonstate actors in the domestic decision making process depends upon the coherence and unity of the group constituting the nonstate actor in question. This factor is linked to the degree of consensus on goals and targets within the group in the policy area in question.

The more of these resources the nonstate actor commands and the stronger the demand for these resources by policy-makers, the stronger we assume the influence potential ("strength") of the nonstate actor to be.

Strength of Counterbalancing Forces

In general, there are three main types of nonstate actors: environmental NGOs, industrial NGOs, and the scientific community. In some cases these groups may have compatible goals and coordinate their efforts to influence decision-

27. Deller 2002.

28. Capability to mobilize a public opinion may also be linked to the nonstate actor's financial situation since mobilization of public opinion often entails an efficient organization and the initiation of costly public campaigns. But in that case it would not be the nonstate actor's financial resources in themselves that cause an enhanced influence potential.

29. Putnam 1988. Political capital also concerns the ability of a nonstate actor to obstruct the effective implementation of an international agreement. According to Putnam's logic, one primary source of influence lies in the interest group's capability to generate involuntary defection (Putnam 1988). That is, the interest group controls a critical aspect of the implementation process, which would imply that implementation could not take place without its consent. Putnam focuses primarily on the ratification process, but a sub-national actor's status as target group for governmental regulation could constitute a similar power resource. This aspect thus concerns a nonstate actor's control over the behavior that needs to be changed in order to comply with international commitments and is particularly linked to business actors that constitute target groups of international regulation (Skjærseth and Skodvin 2002). This category does not apply in our context, and is thus not further explored.

making. Often, however, they pursue different and incompatible goals and compete for influence. Therefore, the extent to which a nonstate actor exerts influence in the domestic decision-making process is a function of the resources this actor commands and of the resources competing nonstate actors command. Resources are thus seen in relative terms.

3.2.2. Nonstate Influence at the International Level

To explore nonstate influence at the *international* level, we focus on three main factors:

- The political opportunity structure;
- The degree of nonstate actor influence on national positions and the international weight of the states in question;
- The nonstate actor's involvement in transnational coalitions.

Political Opportunity Structure

Kitchelt defines this concept as being "comprised of specific configurations of resources, institutional arrangements and historical precedents for social mobilization, which facilitate the development of protest movements in some instants and constrain them in others."³⁰ Here, we focus on two main factors that may serve to facilitate or constrain nonstate influence at the international level: The presence or absence of formalized channels of influence (at the international level) and the decision-making rules that are employed in the process.

At the international level, political opportunity structure significantly shapes the status nonstate actors have in the decision-making process. Nonstate actors do not have voting power in international decision-making, but they often have access to decision processes through various channels. While most nonstate actors have status as observers, scientists often enjoy a more privileged position. International environmental and resource regimes usually establish formal channels for scientific input at the international level via scientific bodies that constitute integral parts of the institutional structure of the regime. As a result, we may assume that scientific communities have a larger potential to influence policy-making *directly* at the *international level* than other nonstate actors who do not have access to a similarly formalized channel of influence. It should not be assumed, however, that scientists generally are more influential than other nonstate actors, since other, more powerful, channels of influence may exist (for instance at the domestic level) to which scientists do not have similar access.

The decision rule in international negotiations is usually unanimity or consensus. While this is the most demanding decision rule in terms of aggregating and integrating preferences, it is the least demanding for certain types of nonstate influence. In effect a unanimity or consensus rule gives each participat-

30. Kitchelt cited in Weale 1992, 170.

ing state a veto. Thus, at least for nonstate actors that seek to block unwanted decisions, they only need to persuade one state to acquire a substantial influence on the process. To the extent that some sort of majority rule is employed (simple or qualified), the blocking power of nonstate actors is reduced. This, of course, is not the case in situations where only one (state) actor needs to be convinced to establish a winning coalition.

Influence on National Position and International Weight of State in Question

Nonstate actors may exert influence on international policy-making via the domestic level. The extent to which this influence may be transformed into influence on international policy-making is contingent upon the weight the state bears at the international level. This factor, therefore, is linked to the extent to which the state in question represents a “critical” or pivotal actor in the process.

Involvement in Transnational Coalitions

Nonstate actors constitute transnational networks to varying degrees. Some nonstate actors have a firm national foundation and attempt to exert influence primarily through domestic channels in their own home country. Environmental, business and scientific communities, however, are increasingly organized across national boundaries and thus constitute more or less well organized and transnationally coordinated interest groups. According to Risse-Kappen, “transnational relations” signify “regular interactions across national boundaries when at least one actor is a nonstate agent or does not operate on behalf of a national government or an intergovernmental organization.”³¹ To the extent that nonstate actors are organized in transnational networks, they can influence the negotiating position of all the states in which they are represented. While nonstate actors can broaden the basis for their influence in international policy-making by developing transnational coalitions, the extent of their influence depends on the extent to which they can persuade domestic and/or government actors in “target countries” to support their perspective. This dimension corresponds to the mechanisms through which (other) sub-national interest groups acquire influence in the domestic policy-making process. It seems reasonable to assume, however, that nonstate actors involved in transnational coalitions are more likely to influence international policy-making than those that are not.

4. Empirical Analysis

The International Convention for the Regulation of Whaling (ICRW) was adopted in 1946. The IWC was set up two years later and its initial meeting

31. Risse-Kappen 1995, 3.

was held in 1949. Although the Commission was open to all, initially only some 15 members participated, the large majority of which had some connection to whaling. According to the Preamble, the purpose of the Whaling Convention is to conserve the whales in order to secure the orderly development of the whaling industry. This objective was considered novel at the time, as it attempted to strike a balance between conservation and utilization. Considering the official goal, however, conservation can be seen mainly as a means for securing orderly utilization. A Schedule is an integral part of the Convention and this is where the detailed catch regulations are adopted. Changes to the Schedule are adopted with a three-quarters majority. Initially, there were no national quotas, only one total quota existed. This was open to all, meaning that all could compete to catch as much of it as possible. The Convention states that all decisions are to be based on “the best scientific advice,” thereby highlighting the role of science. A Scientific Committee was established where all states could send representatives.

The history of the IWC may be divided into distinct phases. The first phase runs from the establishment of the IWC until the early 1960s and is characterized by *overexploitation* and commercial depletion of whales. The second phase covers the 1970s, after a transitional period during the 1960s, and is characterized by a more *balanced management* of the whaling resource. The third phase mainly covers the 1980s and is characterized by the *protection* of whales. A fourth phase seems to have emerged since the mid-1990s characterized by less support for the ban on commercial whaling. In this paper, we concentrate on the second and third phases. To illustrate the significant changes in the IWC, however, we take a very brief look at the first two decades of the organization’s history.

During the initial period of the IWC, the scientific component was very weak. Few countries sent representatives to the Scientific Committee and the state of knowledge was limited and disputed.³² While the environmental movement was absent from the scene, industry was to a large extent a main player and provided the decision premises for state members. The relevance of scientific input was recognized, given the establishment of the Scientific Committee, but scientific warnings of overexploitation were disregarded.

This state of affairs started to change during the 1960s. The gradual emergence of a “new” IWC was, at least partly, science driven. Around 1960 there was a real risk that the IWC could break up due to disagreements over quotas and catch limits, and some members left the IWC for this reason.³³ On the initiative of the UK, a Committee of three independent scientists (later four) was estab-

32. Schweder 2000.

33. In 1959, Japan, Norway and the Netherlands gave notice of their withdrawal from the Convention, although for different reasons. While Norway threatened to withdraw if the total quota was set above 15,000 units, the Netherlands pressed for an increase in the total quota. Schweder notes: “Norway, still the largest whaling nation, and the Netherlands, eager to increase its catches, both left the IWC. As a consequence, the organization was at the brink of collapse” (2000, 83).

lished. This committee succeeded where the Scientific Committee had failed: it quantified the necessary catch reductions needed. They worked for a few years and their conclusions were generally accepted by the parties. Thus towards the late 1960s, the IWC followed the advice of the Scientific Committee and in 1967 catches were finally within sustainable limits.³⁴ This brings us to the period under study in this paper: 1970–1990.

Our empirical analysis explores two questions: To what extent did nonstate actors influence IWC regulatory policies in the period from 1970 to 1990? Which nonstate actors acquired influence and why? We are thus concerned with a) the relationship between nonstate actors and IWC regulatory policies and b) the relationship between the two main groups of nonstate actors that were active in this phase of the IWC process: the scientific community and the environmental movement.

4.1. Nonstate Influence in the IWC: 1970–1990

During the 1970s, the influence of the scientific community remained fairly high, although it decreased towards the end of the period. This does not mean, however, that scientific advice was automatically followed. There were discrepancies and time lags, but overall, the match between advice and regulations was increasing. A number of new regulations were adopted, implying a much more cautious management of the resource.

Although the 1974 procedure proved hard to implement, it nevertheless represented a step in the right direction. For instance, the arbitrary “blue whale unit”³⁵ was abolished, new species were included in the management repertoire, and those species most at risk of extinction were completely protected.

While the new procedure did not immediately lead to more restrictive regulations, it contributed to raise the level of scientific argumentation that went into decision-making.³⁶ Previously, “the members of the Scientific Committee had given the IWC a unanimous “best estimate” resting as often on political as scientific grounds without giving any explicit account of the criteria actually used in making the estimate.”³⁷ In response to external pressures, inter alia, the Scientific Committee used the adoption of the new procedure to establish a more open process “in which papers were published, commentary was sought, and the scientific basis of the conclusions was made explicit.”³⁸ Most importantly perhaps, the new procedure reinforced the importance of the Scientific Committee itself, since it mandated far more data and more accurate models of

34. Scarff 1977.

35. A “blue whale unit” was equivalent to 1 blue whale, 2 fin whales, 2.5 humpback whales, or 6 sei whales (Schweder 2000).

36. Peterson 1992.

37. Peterson 1992, 164.

38. Peterson 1992, 166.

whale population dynamics. Thus, the number of scientists in the Scientific Committee increased and the workload expanded considerably.³⁹

The development during the 1970s, therefore, went in the direction of a significantly increased scientific impact on IWC regulatory policy. This development, moreover, contributed to a new procedure and institutional arrangements that in turn served to further reinforce scientific impact on the process.

What level of influence does this indicate? While the change that occurred in the early 1970s in the IWC to some extent was science driven, and scientists certainly gained an increased influence on the process, there are other factors that also need to be taken into account to get the full picture. These are primarily related to the state of whale stocks. By the 1970s, some whale stocks were so depleted that most countries had lost interest in large-scale whaling in the Antarctic. Thus, the profitability in industrial whaling was reduced, not because of stricter regulatory policies, but because there simply were not enough whales left to catch. During the 1960s, the level of catches no longer kept pace with the quotas.⁴⁰ Whaling nations only reduced their catch when they no longer were able to fill their quotas.⁴¹ Thus, while the impact of science was increasing during this period, it was not the only reason, and probably not even the most important reason, for the more cautious management policies adopted by the IWC. Given these important “control factors” and the discrepancies and time lags that occurred between advice and (changes in) regulatory policies, we assess the influence of the scientific community to be at a medium level, i.e., level two on our scale (see section 3.1). Nevertheless, scientists set the premises for the debate that took place in the IWC—at least to a much larger extent than during the preceding period, and also to a larger extent than they did during the phase that followed.

In the mid-1970s, scientists were trying to expand their newly acquired influence on IWC policy and thought that the new management procedure would help them in their endeavor.⁴² Instead, a new shift took place in the IWC, in which scientists were overtaken by the environmental movement.

During the 1960s the environmental movement gradually entered the scene and towards the end of the 1970s, this group increasingly made its mark on the process. To the extent that the environmental movement took part in the whaling debate in the 1960s, their arguments were largely in line with the arguments of the scientific community. It should be noted, however, that the environmentalists’ demand for a ten-year moratorium on commercial whaling was successfully put forth as early as 1972, when the UN Conference on the Human Environment (the Stockholm Conference) unanimously adopted a recommendation to that effect.

39. Andresen 2000.

40. Peterson 1992.

41. Andresen 2000.

42. Peterson 1992.

In 1982, however, the environmental movement achieved their goal when the IWC, with a three-quarters majority, adopted a moratorium on commercial whaling to take effect in 1985/6. The moratorium called for a stop in commercial whaling, pending a “comprehensive review” of all whale stocks to be conducted no later than 1990. Today, twenty years later, the moratorium still stands. Norway voted against the moratorium, and is currently the only IWC member that conducts commercial whaling.

The increased influence of the environmental movement seems to have been gained at the expense of scientific influence. That is, from the late 1970s and through the 1980s the influence of the environmental movement is increasing while the influence of the scientific community (notably the Scientific Committee) is decreasing accordingly. Preceding the moratorium decision, the Scientific Committee claimed that a full moratorium was not scientifically warranted and argued that a more nuanced approach was needed.⁴³ It should also be noted, however, that there was no scientific consensus on this point. A significant, able, and vocal minority of the Scientific Committee claimed that a moratorium was exactly what was needed in order to get improved knowledge of whale stocks and whale population dynamics.

From the late 1970s/early 1980s, therefore, influence in the IWC shifted from the Scientific Committee in favor of the (relatively) new nonstate actor on the scene, the environmental movement. In terms of goal attainment, the influence of this group can be assessed to be high—level three on our scale (see section 3.1). Again, however, there are other important factors that need to be taken into account.

The environmental movement had an important ally in the US government. The US had stopped all commercial whaling operations by 1970, the same time that the environmentalists started taking an interest in the whaling issue. Even before 1982, the US can be argued to have been the single most important actor on the whaling scene: “Though entitled only to one vote in the IWC, it had what the IWC and any other single government or group of governments lacked: the ability and the will to enforce restrictions against others by invoking the trade sanction provisions of various domestic laws.”⁴⁴ Thus, given the strong overlap in the interests and positions of the environmental movement and the US government, it is difficult to determine which of these factors that actually caused the change in IWC policy. The US, however, was a key actor in the IWC ever since the early 1970s. Thus, as pointed out by Peterson, a conclusion to the effect that it was US policy alone that brought about the change in the IWC begs the question of why it took them so long to use its capability.⁴⁵ We take this aspect as indication that the environmental movement’s activities may have had an impact on IWC policies and that its alliance with the US,

43. Andresen 1998.

44. Peterson 1992, 172.

45. Peterson 1992, 149.

rather than representing an alternative explanation to *IWC policies*, constitutes a supplementary explanation to *environmentalist influence*, particularly in the sense that the environmental movement's arguments served to legitimize the US position on whaling. With that preliminary conclusion, we have already moved into a discussion of explanations to nonstate influence in the IWC, which is subject to analysis in the next sections.

4.2. Exploring Explanations

Science gained increased influence from the early to mid-1970s, reaching a medium level of influence on our scale. The environmental movement was most influential in the 1980s when the IWC adopted a moratorium on commercial whaling, which was the primary target for this group. These two groups represented at least partially competing forces during the 1980s, and the increase in influence that the environmentalists experienced seems to represent a loss in influence for the scientific community.

In this section, we explore the question of why these groups gained or lost influence on the process and which factors seem to have caused the shift in influence between them. The following represents an *exploration* into possible explanatory factors guided by the theoretical framework developed in section 3, rather than a fully developed, in-depth and methodologically stringent empirical analysis.

4.2.1. The 1970s: Scientific Dominance

Four factors seem important for understanding the level of scientific influence in the IWC during the early to mid-1970s: First, there was an increasing demand for advanced knowledge on stocks and population dynamics, and the quality of the knowledge input was improved significantly as compared to the previous phase. Second, the knowledge generated was associated with a stronger scientific consensus than previously. Third, the scientific body of the regime was strengthened particularly in terms of ensuring a higher level of independency. Fourth, counterbalancing forces were considerably weakened.

Increasing Demand and Improved Quality

By the late 1960s and early 1970s whale stocks were depleted to the extent that whalers no longer managed to fill their quotas and the profitability of (Antarctic) whaling was in sharp decline. Even whaling managers acknowledged the need to adopt a more science-based approach to the regulation of whaling.⁴⁶ During this period, therefore, scientists were in command of a resource—advanced knowledge on whale stocks—for which there was an increasing politi-

46. Peterson 1992.

cal demand. This demand was directed to the scientific body within the IWC organizational structure—the Scientific Committee—it was not directed to individual scientists at the national level. In the early 1970s, the Scientific Committee thus had the initiative and could, at least to some extent, set the premises for the debate that took place within the IWC. One implication of this development seems to be that the main arena for nonstate influence during this period was at the international level, particularly linked to the work of the Scientific Committee and we have no indication that domestic channels of influence were of particular significance for the influence of nonstate actors.

As the profitability of Antarctic whaling declined the importance of whaling in other areas rose, and the IWC started using increasingly precise definitions of stocks. This trend resulted in the adoption of the new management procedure in 1974.⁴⁷ The new procedure mandated more, and more *accurate*, data. Most notably, the new procedure implied a more precise differentiation between stocks in terms of depletion risk. Whale stocks were divided into three classes: initial management stocks, sustained management stocks, and protected stocks. This classification was based on a comparison of current stock population size to the size that would supply the maximum sustainable yield. Quotas were then allocated in accordance with the classification of the whale stock in question.⁴⁸ This differentiation proved very difficult to implement, however, which also was one reason why some scientists later argued in favor of a full moratorium.

Scientific Consensus

The fact that the Scientific Committee managed to adopt a new procedure indicates a relatively high level of scientific consensus, which served to increase the weight of scientists' advice. This was in sharp contrast to the preceding period. Peterson maintains that until the late 1950s, the case for more restrictive whaling management procedures "suffered from the cetologists' inability to present detailed consensual advice or compelling arguments that uncertainty should always be resolved by erring in the more restrictive direction."⁴⁹

A Strengthened Scientific Committee

The period is characterized by a strong institutional build-up, not the least with regard to the scientific component.⁵⁰ In 1974, the IWC got its own secretariat. In the same year, the USA proposed that observers from the FAO and UNEP should be allowed to participate in Scientific Committee discussions. This was accepted

47. Peterson 1992.

48. Peterson 1992, 164; and Andresen 2000.

49. Peterson 1992, 160. For a detailed account of the scientific "battles" that were fought in the Scientific Committee during the 1950s, see Schweder 2000.

50. Andresen 2000.

upon the discretion of the Chairman, and in 1977 scientifically qualified observers were permitted to attend the Scientific Committee for the first time. Since then, they have regularly availed themselves of this right.

During the early phase of the Scientific Committee, relatively few scientists attended, and they often had very close ties to their national governments.⁵¹ The new procedure paved the way for a permanent presence of scientists that were not linked to any particular nation and was meant to remedy the problem of tacit or open pressures for scientists to conform to national preferences. By increasing the number of invited scientists and including scientists from other intergovernmental bodies, the basis and independence of the scientific input generated in the Scientific Committee was broadened and increased. This may have served to reinforce the significance of a formalized channel for scientific influence at the international level. A broader participation of scientists seems to have also reduced the polarization within the IWC somewhat.⁵² In general, we may assume that polarization tends to decrease the likelihood of scientific influence on international decision-making.⁵³

It is interesting to note that a key actor in the process of strengthening the scientific component of the IWC was the US. The US had stopped its commercial whaling activities in 1970 and adopted a more conservationist approach to whaling management. One strategy for introducing a more conservationist element in the IWC was to strengthen the scientific component since scientists had argued for a stronger emphasis on the conservation part of the IWC's purpose since the 1950s. While the shift in US domestic whaling policies took place in 1970, the shift in US policy towards the employment of more coercive policy instruments at the international level did not take place until the late 1970s/early 1980s.

Weaker Counterbalancing Forces

There was no real competition for influence among nonstate actors during this phase. The environmental movement had yet to start mobilizing on this issue and generally supported the position of the scientific community. The only "opponent" to the scientific community, therefore, was the remaining whaling industry, represented by Japan and the Soviet Union.

Even with a gradually increasing influence over IWC policies, scientists were nevertheless frustrated by the slow pace at which changes took place and tried to develop additional channels of influence.⁵⁴ The FAO provided the most prominent channel. It made continued cooperation on whale stock assessment conditional upon the adoption of policies that more closely reflected the growing scientific consensus on quotas. The scientific community also attempted

51. Andresen 2000.

52. Andresen 2000.

53. See, for instance, Underdal 1989.

54. Peterson 1992.

to activate a domestic channel of influence by calling public attention to the issue, but the public interest necessary for this strategy to succeed did not yet exist. By the time that it did, the scientists were overtaken by the environmental movement.⁵⁵

4.2.2. The 1980s: Environmental “Capture”

Four factors seem particularly important for understanding the shift in influence from scientists to environmentalists in the late 1970s/early 1980s: First, the environmental movement successfully mobilized the general public on the whaling issue and thus contributed significantly to a stronger public concern over the state of whale stocks. Second, an increased public concern enhanced the importance of domestic channels of influence. The environmental movement seems to have had a strong impact on national positions on the whaling issue in key IWC member countries and the US government in particular. Third, in addition to powerful political resources, the environmental movement had financial resources that they seem to have used in rather untraditional, but powerful, ways to influence IWC policy. Fourth, counterbalancing forces were weak.

Increased Public Concern

By the late 1970s/early 1980s, the concern and sense of urgency about over-exploitation had spread beyond whalers, cetologists and IWC member countries to the wider public in Western (and eventually also non-Western) countries. This is perhaps the single most important factor to explain the increased influence of the environmental movement.⁵⁶ This development was not least due to the activities and mobilization campaigns orchestrated by the environmental movement.

For mobilizing public opinion, the environmental movement has a broader and more powerful set of means at its disposal than scientific communities. Perhaps most importantly, the scientific community gains its legitimacy from the provision of objective and policy-neutral information. Thus, active mobilization by the scientific community for a specific (political) position on an issue can backfire in the sense that it may jeopardize the very basis upon which its influence rests.

In contrast, one important means of public mobilization employed by the environmental movement in the whaling process was the creation of the whale as a symbol—a “super-whale.” Kalland notes:

[W]e are told that the whale is the largest animal on earth (this applies to the blue whale), that the whale has the largest brain on earth (the sperm

55. Peterson 1992.

56. Peterson 1992.

whale), that the whale has a large brain to body weight ratio (the bottlenose dolphin), that the whale has a pleasant and varied song (the humpback), that the whale is friendly (the gray whale) . . . and so on. By talking about *the* whale, an image of a single whale possessing all of these traits emerges. But such a creature does not exist. It is a mythic creation—a “super-whale,” which has come to represent all species of cetaceans.⁵⁷

Domestic Channels of Influence and Powerful Allies in the US

The increased public interest in the issue contributed to increase the importance of domestic channels of nonstate influence and at that arena the environmental movement seems to have a marked advantage over the scientific community. It is easier to mobilize the general public on a slogan like “Save the whale” than it is to mobilize the public with scientific statements on the conditions and procedures under which whales can be harvested in a sustainable manner. A stronger public concern over the whaling issue and the enhanced significance of domestic channels of influence that followed from this development seem to constitute primary sources of the environmental movement’s enhanced influence on IWC policies.

The environmental movement had a strong ally in the US public, Congress and Administration.⁵⁸ Thus, the environmental movement in the US was in command of powerful political resources on this issue and it is reasonable to assume that this had a considerable impact on US whaling policies.⁵⁹ It is interesting to note, however, that the US government’s support for the Scientific Committee’s conservationist approach during the early to mid-1970s gradually was transferred to a protectionist stance on commercial whaling during the 1980s in which they were in line with the environmental movement.⁶⁰

As noted above, the US was a key actor in IWC not least because of its ability and (increasing) willingness to use sanctions against states that did not comply with their position on the whaling issue. US legislation, notably the Pelly amendment to the Fisherman’s Protective Act, empowers the Secretary of Commerce to certify a state that is acting in a manner that diminishes the effectiveness of a multilateral agreement to which the US is a signatory party.⁶¹ The US

57. Kalland 1993, 126.

58. For analyses of other key actors in the IWC, notably Iceland, Norway and Japan, see Andresen 1998; and Friedheim 1996.

59. It is important to emphasize, however, that it is difficult to assess whether it was the activities of the environmental movement that caused the shift in the US’s international whaling policies, or whether this shift would have come about regardless of the environmental movement’s mobilization on the issue. As noted above, however, Peterson draws our attention to the time lag between the time when the US stopped its commercial whaling activities and its shift in international whaling policies, which may indicate that the environmental movement’s mobilization and the enhanced public concern over this issue in the US may at least be seen as important contributing factors to this shift (Peterson 1992).

60. The US has not adopted the same protectionist stance with regard to aboriginal whaling activities taking place within its own borders.

61. DeSombre 2001.

used this legislation for two main purposes: To bring in states into the agreement that were whaling but were not members, and to bring about changes in the whaling policies of states within the agreement. There is no doubt that the main reason why the number of whaling nations was brought down from twelve to zero from 1985 to 1988 was US power politics.⁶² The US, for instance, threatened Japan, Iceland and Norway with economic sanctions if they did not change their whaling policies in accordance with the US position. So there is little doubt that for the environmental movement, the US government was a powerful ally.

The environmental movement made use of its transnational network to influence national positions on whaling on a broader scale. In combination with the US government's threat to enforce economic sanctions against whaling nations, Greenpeace threatened to enforce boycott actions against the same countries. For example, after the moratorium decision, Greenpeace organized a boycott of Norwegian fish products and the US government threatened with economic sanctions. In 1986, Norway decided to halt its commercial whaling operations.⁶³ Iceland faced similar pressures from Greenpeace and the US and stopped its research whaling in 1989. While disputed, Iceland's loss as a result of the Greenpeace boycott actions is estimated to USD 30 million.⁶⁴ Thus, the environmental movement (together with the US) succeeded in influencing national positions even in whaling nations.

Financial Resources and Untraditional but Powerful "Instruments of Persuasion"

The responsiveness of the general public to the environmental movement's campaigns on the whaling issue seems to have implied that the issue became a source of increased income for environmental organizations. Andresen notes, "it seems fairly safe to assume that some of the major NGOs like Greenpeace have profited greatly in the form of higher contributions resulting from public concern about whaling."⁶⁵ While contested and hard to document, allegations have been repeatedly set forth that the environmental movement used at least part of their newly acquired financial resources to influence IWC policies in rather untraditional ways. In concert with the US, the environmental movement seems to have been instrumental in actively recruiting new members, thereby generating a new, anti-whaling majority in the IWC.

The ICRW is open to all states regardless of their substantive interests in whaling and it adopts changes to the Schedule by qualified majority voting. Beginning in the late 1970s, participation in the IWC skyrocketed and it appears that the environmental movement played a particularly important role in this

62. Andresen 2001a; and Andresen 2001b.

63. This was a temporary halt in operations. Norway resumed its whaling activities in 1993.

64. Andresen 1998.

65. Andresen 1998, 441.

development by “buying” new states into the agreement.⁶⁶ According to DeSombre, “the IWC secretary tells the story of an unnamed member state that simply signed over the check from an environmental organization to pay its dues.”⁶⁷ Similarly, “a former Greenpeace consultant tells of a plan that added at least six new anti-whaling members from 1978 to 1982 through the paying of annual dues, drafting of membership documents, naming of a commissioner to represent these countries, at an annual cost of more than USD 150,000.”⁶⁸

These allegations are controversial and disputed. Whether the environmental movement paid the dues of the new members or not, the recruitment of a new anti-whaling majority within the IWC seems to have been a strategy employed by both the environmental movement and anti-whaling states like the US.⁶⁹ Observers have maintained that “Greenpeace had a deliberate strategy to ‘pack the IWC’ with new non-whaling members . . .”⁷⁰ The result was that the majority of the IWC shifted in favor of a moratorium on commercial whaling: A former legislative director of Greenpeace’s Ocean Ecology Division claims that “with startling speed [environmental and animal welfare groups] carried out what amounted to a coup d’etat in the IWC.”⁷¹ The development after the adoption of the moratorium in 1982 lends support to this story: “As many as two-thirds of the countries whose votes were enlisted to adopt the commercial whaling moratorium have either left the organization or have failed to show up or pay the required fees.”⁷²

Weak Counterbalancing Forces

As noted above, the instruments employed by the environmental movement in this period are unavailable to the scientific community and they were not in command of other, equally powerful instruments. In addition, the increasing polarization between pro- and anti-whaling members of the IWC was reproduced within the scientific community. While the majority of scientists maintained that a full moratorium was not scientifically warranted, a vocal minority supported the moratorium decision, thereby splitting the scientific community.⁷³ Many factors contributed to the contentions characterizing the Scientific Committee in this period, but one may be that the demand for an increasingly accurate and broad knowledge base implied that new disciplines were brought

66. Andresen 1998.

67. DeSombre 2001, 187.

68. DeSombre 2001, 187. These allegations were first put forth in an article in *Forbes Magazine* in 1991 (Spencer et al. 1991).

69. Also pro-whaling countries, notably Japan, used this strategy, although not as successfully (DeSombre 2001).

70. Andresen 1998, 439.

71. Andresen 1998, 440.

72. Andresen 1998, 440.

73. Schweder 2001.

into the Committee's work, in particular marine biologists and statisticians. Andresen maintains that this inclusion gave rise to communication problems among the disciplines within the Committee and potentially to the inability to generate consensual scientific advice, particularly during a period when transparency and polarization was high and increasing.⁷⁴ If this is correct, it is interesting to note that the efforts to strengthen the Scientific Committee by broadening the basis of its conclusions during the previous period may have "backfired" in the long term by making it more difficult to generate consensual scientific advice.

5. Conclusion

At a very general level, the most important conclusion to be drawn from this analysis is that examining the role of the domestic channel is integral to understanding nonstate influence on international policy-making and particularly how some nonstate actors acquire influence at the expense of others. Even if the analysis conducted here is exploratory and based on incomplete and general data, we have enough indications to conclude that a very important channel of influence for the environmental movement during the 1980s was via the domestic level. Other studies have drawn similar conclusions with regard to the role of industrial NGOs in international environmental policy-making.⁷⁵ This argument may be further exemplified by an attempt to use the approach developed by Betsill and Corell to identify nonstate influence.⁷⁶

Betsill and Corell suggest that a number of influence indicators—all related to activities at the *international* level—be used for identifying nonstate influence. This analysis and previous research may indicate that the domestic level is of equal, if not greater, significance and that focusing solely on the international level may give an incomplete picture. As illustrated in Table 1, this approach would give the impression that the scientific community had equal (or even slightly higher) influence to the environmental movement in the IWC during the 1980s. In this case, even if the scientific community had equal access, opportunity and ability at the *international* level to provide decision premises for the debate that took place in the IWC, the international level was *not* the most important decision-making level for nonstate influence during this phase.⁷⁷ The environmental movement could utilize a very powerful channel of influence at the domestic level that gave the environmental movement a much higher influence on the process than the scientific community during this phase.

74. Andresen 2000.

75. Skjærseth and Skodvin 2002; and Skjærseth and Skodvin 2003.

76. Betsill and Corell 2001; and Corell and Betsill 2001.

77. Given that the scientific community had a *formalized* channel for direct influence at the international level (the Scientific Committee) that was not available to the environmental movement, it could be argued that the scientific community actually had better access to key decision-making arenas than the environmental movement.

Table 1

International-Level Indicators Give a False Impression of the Relative Influence of Competing Nonstate Actors in the IWC during the 1980s.

Influence indicator	Scientific community	Environmental movement
Presence at negotiations	Yes	Yes
Provision of written information	Yes	Yes
Provision of verbal information	Yes	Yes
Provision of advice through direct interaction	Yes	Yes
Opportunity to define the issue	Yes	Yes
Opportunity to shape the agenda	Yes	Yes
Ability to incorporate text in the agreement	Yes	Limited+ ⁷⁸
Level of influence	High	High to medium +

Source of the indicators is Corell and Betsill.⁷⁹

In cases where the most important sources of nonstate influence are located at the international level, we may assume that scientific communities are privileged in comparison with other nonstate actors because they usually operate through a formalized and direct channel of influence at this level. This conclusion cannot be drawn on the basis of our analysis, however, since no nonstate actors were “competing” with the scientific community in the IWC during the early to mid-1970s.

A second general conclusion that may be drawn from this analysis is that the perhaps single most important determinant of scientific impact is the scientific community’s ability to generate consensual advice. This is not a novel conclusion. Most studies of the relationship between science and politics have drawn the same conclusion. Scientific consensus does not necessarily generate political consensus. It nevertheless seems to constitute a necessary condition for scientific impact. While consensus and unity may be assumed to be important for other nonstate actors, it seems that these groups have a broader set of instruments both to acquire influence and to maintain unity. Scientific consensus seems more vulnerable to polarization. When polarization is high, the mechanisms through which scientific consensus is established and maintained break down.

78. As *observer*, the environmental movement did not have a formalized capacity to incorporate text. In practice, however, the environmental movement was often represented on national delegations and thus had a *de facto* capacity to incorporate text.

79. Corell and Betsill 2001, 98.

In the case of whaling, moreover, it is important to note the shift in the debate that took place during the course of the process. From being a debate on the sustainable management of the whale resource, it increasingly took the form of a debate on the ethics and morality of whaling more generally. When an issue turns into a debate over values, scientific input will have limited effect.⁸⁰

Since the late 1970s, the environmental movement has been instrumental in maintaining a moratorium on commercial whaling that has an increasingly weaker scientific foundation. The main source of this level of influence seems to have been the environmental movement's political capital, particularly its capability to mobilize the public in support of its position. It is interesting to note that the influence relations among nonstate actors in the international whaling regime seem to be shifting again. First, the science-based approach to whaling management seems to be gaining ground and the support for a continued moratorium on commercial whaling seems to be in decline. The scientific basis for a change in policy is strong and there is a high degree of scientific consensus. Even key (albeit "moderate") environmental NGOs such as WWF are increasingly questioning the basis for maintaining the moratorium.⁸¹ Second, the whaling "community" seems to be re-entering the process after having been absent for two to three decades. This time the whaling "community" is represented by NGOs that operate independently of national governments. Currently, all three nonstate actors are increasingly active, and the pro-whaling forces have much more legitimacy than they have had in the past three to four decades. Thus, it is not unlikely that a reinforced (long-term) impact of science once again gradually may change the curious game that takes place within the IWC.

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80. See Andresen 2000.

81. Andresen Forthcoming.

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