

Making a whale out of a guppy

Malcolm Cook and Fergus Hanson

The Australian Financial Review

23 May 2011

P. 55

Last month, Japan was deeply touched by Prime Minister Julia Gillard's visit to the epicentre of the triple disaster that has stunned the country.

She was the first foreign leader to do so and she went despite her government rating this a level 5 "do not enter" danger zone along with Afghanistan and Libya. The Prime Minister's trip was a true success, one of her first in foreign policy.

The Gillard government, however, may toss away some of this goodwill if it continues down the path first laid by Kevin Rudd. It has just lodged in the International Court of Justice a case against Japan, Australia's largest source of Asian investment, most important regional security partner and second largest trading partner, over whaling in the Southern Ocean.

Oprah Winfrey's hyperventilating and jubilant audiences bemused most Australians when they descended on us as they were so different from our own proud self-image of a country of laid-back people not prone to overreaction. But when it comes to whales in the Southern Ocean, all bets are off.

A list circulated in diplomatic circles ranking states on their positions on whaling placed Australia in a thin red band at the top of the list, denoting states with the most extreme anti-whaling views.

Extreme is not an adjective usually associated with Australia nor fitting for Canberra's pretensions to be a creative middle power and a good international citizen focused on engaging Asia. The fact that few in any other countries have joined Australia in its pursuit of Japan in the International Court of Justice suggests that the labelling of Canberra as extremist is accurate.

When it comes to whaling though, the Rudd and Gillard governments are simply "leading from behind".

Australians are besotted by whales. A 2008 Lowy poll found a majority of us want the government to do even more to stop all Japanese whaling even if we risk losing valuable trade deals. Such widespread whale-hugging has proven very hard to resist. The Coalition, led by the irrepressible Greg Hunt, upped the stakes by repeatedly criticising the Rudd government for not living up to its promise to take Japan, and only Japan, to court over whaling.

WikiLeaks suggests that senior figures in the Rudd (and now Gillard) cabinet disagreed. It is a shame that these brave few did not carry the day as the extremist Australian approach, supported by so few other governments, does not serve Australia's national interest.

Instead it could well strengthen Japan's whaling policy to the detriment of the very mammals we so embrace while undercutting our long-nurtured self-image as a good international citizen actively supporting multilateral organisations.

WikiLeaks also reveals the uncertainty over whether the case, paid for by the Australian taxpayers, will succeed, a point echoed by other legal experts. Failure would provide Japan's whaling practices a stronger legal basis and even if it is successful it is far from clear this would lead a smarting Japan to end its whale hunt. Instead, it could feed the nationalist embers at the centre of Japan's pro-whaling arguments.

Worse, Canberra's extremist position on Japanese (in particular) whaling has ruled out more feasible policy avenues that could have seen us saving many more whales.

Along with taking Japan to court, the Rudd government publicly opposed the International Whaling Commission's compromise deal aimed squarely at finding a way out of the annual stand-off between Japan and Australia.

This compromise, spearheaded by the United States (not known as pro-whaling or susceptible to bribes by pro-whaling forces) would have brought all whaling under stricter commission control and led to a sharp fall in Japan's announced catch targets in the Southern Ocean. This compromise has widespread support internationally, would strengthen the commission and save whales.

This is exactly the type of innovative deal a creative middle power supportive of strengthening global institutions, friendly to Japan and keen on saving whales should support. Handing out stuffed kangaroos in disaster areas is easy. Admitting you are wrong is not. Canberra should lead the Australian public from the front on whaling.

It should drop the expensive, unfriendly and highly uncertain case against Japan in the International Court of Justice and support the International Whaling Commission's compromise deal.

This would give the Gillard government another rare foreign policy win and should help our whale-watching industry to boot.

Malcolm Cook is the dean of the School of International Studies at Flinders University; and Fergus Hanson is a research fellow at the Lowy Institute for International Policy.