

PERBURUAN PAUS

Dalam Norma Internasional

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CV. STRATA PERSADA ACADEMIA

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Edior:
Zaid, S.M., M.H

Desain Cover:
Tim Creative

Tata Letak:
Katon Pratondo

Ukuran:
i - vi, 1- 111, uk: 15.5x23 cm

ISBN:
978-623-09-9698-6

Cetakan Pertama:
April 2024

Hak Cipta 2024, Pada Penulis

Hak Cipta Dilindungi Oleh Undang-Undang

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KATA PENGANTAR PENULIS

Dengan rendah hati, saya mempersembahkan buku ini, "Perburuan Paus dalam Norma Internasional" sebagai kontribusi penting terhadap diskusi global mengenai perburuan paus dan dinamika norma internasional yang mengaturnya. Karya ini bertujuan untuk menjelajahi, menganalisis, dan membahas bagaimana aktivitas perburuan paus telah menimbulkan pertanyaan mendalam tentang etika, keberlanjutan, dan tanggung jawab internasional dalam beberapa dekade terakhir.

Perjalanan penulisan buku ini dimulai dari keingintahuan pribadi saya terhadap kompleksitas interaksi antara kepentingan nasional dan komitmen global terhadap pelestarian lingkungan. Di tengah berbagai pandangan dan argumen yang terkadang bertentangan, perburuan paus muncul sebagai topik yang mampu mempertemukan serta memisahkan komunitas, negara, dan individu berdasarkan nilai, tradisi, dan pandangan terhadap konservasi dan keberlanjutan.

Dalam buku ini, kita akan menyelami sejarah perburuan paus dan bagaimana praktik tersebut telah berkembang seiring waktu, dipengaruhi oleh teknologi, politik, ekonomi, dan tentunya, oleh norma-norma internasional yang terus berubah. Melalui analisis mendalam terhadap peran International Whaling Commission (IWC) dan bagaimana tekanan dari negara-negara besar seperti Amerika Serikat telah membentuk kebijakan dan praktik, buku ini mengajak pembaca untuk memahami kerumitan isu yang sering kali hanya dipandang dari satu sisi.

Kita juga akan memperhatikan kritik dan tantangan yang dihadapi dalam menerapkan serta menegakkan norma

internasional terkait perburuan paus, terutama ketika berhadapan dengan klaim kedaulatan nasional dan identitas budaya. Kasus-kasus spesifik, seperti penolakan Jepang terhadap moratorium perburuan paus IWC dan upaya Australia untuk membawa masalah ini ke Mahkamah Internasional, juga akan menjadi pembahasan untuk memberikan wawasan tentang dinamika kekuatan, politik, dan hukum internasional.

Melalui pembahasan ini, saya berharap dapat memberikan perspektif baru dan memperkaya pemahaman kita tentang perburuan paus tidak hanya sebagai isu lingkungan atau ekonomi, tetapi sebagai cerminan dari bagaimana norma internasional dibentuk, ditantang, dan diperjuangkan. Buku ini ditujukan untuk para akademisi, pembuat kebijakan, aktivis lingkungan, dan siapa saja yang tertarik untuk lebih dalam memahami bagaimana kita, sebagai komunitas global, menghadapi salah satu isu paling memecah belah dan mendesak di dunia saat ini.

Saya mengucapkan terima kasih kepada semua pihak yang telah mendukung proses penulisan buku ini, termasuk para ahli yang telah berbagi pengetahuan dan wawasannya, komunitas yang terdampak langsung oleh perburuan paus, serta Anda, pembaca, yang kritis dan peduli terhadap masa depan planet ini.

Yogyakarta, 20 Maret 2024

Riswanda Imawan

DAFTAR SINGKATAN

AS	: Amerika Serikat
BWU	: Blue Whale Unit
CITES	: Convention on Internastional Trade in Endagered Species of Wild Flora and Fauna
FAO	: Food and Agriculture Organization
ICRW	: International Convention for the Regulations of whaling
ICJ	: International Court of Justice
ICR	: Institute of Cetacean Research
IFAW	: International Fund for Animal Welfare
IWC	: International Whaling Comission
JARPA	: Japanese Antartic Research Program
JARPN	: Japanese Research Whaling Program in the North Pacific
LSM	: Lembaga Swadaya Masyarakat
NEWREAP-A	: New Scientific Whale Research Program in the Antartic Ocean
NOAA	: National Oceanic and Atmospheric Administration
NGO	: Non-govermental Organization
NMP	: New Management Procedure
UNCHE	: United Nations Conference on the Human Enviroment
UN	: United Nations
RMS	: Revised Management Scheme
PBB	: Perserikatan Bangsa-Bangsa
WWF	: World Wide Fund
ZEE	: Zona Ekonomi Eksklusif

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- Apelgren, N., & Brooks, C. M. (2021). Norwegian interests and participation towards the creation of marine protected areas in the Southern Ocean. *Polar Journal*, 11(2), 393–412. <https://doi.org/10.1080/2154896X.2021.1994197>
- Caddell, R. (2014). Science friction: Antarctic research whaling and the international court of justice. *Journal of Environmental Law*, 26(2), 331–340. <https://doi.org/10.1093/jel/equ018>
- Caron, D. D. (1995). The International Whaling Commission and the North Atlantic Marine Mammal Commission: The Institutional Risks of Coercion in Consensual Structures. *Proceedings of the American Society of International Law at Its Annual Meeting*, 19(1), vii–x. <https://doi.org/10.1017/s0272503700032948>
- Catalinac, A. L., & Chan, G. (2005). Japan, the west, and the whaling issue: understanding the japanese side. *Japan Forum*, 17(1), 133–163. <https://doi.org/10.1080/0955580052000337512>
- Davis, A. L. E., Gallman, R. E., & Hutchins, T. D. (2008). TECHNOLOGY, PRODUCTIVITY, AND PROFITS: BRITISH-AMERICAN WHALING COMPETITION IN THE NORTH ATLANTIC, 1816-1842*. *Oxford Economic Papers*, 39(4), 738–759.
- Denyer, S., & Kashiwagi, A. (2018). Japan to leave International Whaling Commission, resume commercial hunting. *The Washington Post*.
- Doyle, A. (2008). *Iceland and Norway resume whale exports to Japan*. Reuters. <https://www.reuters.com/article/us-whaling-idUSL0257551520080602>
- Edubila. (n.d.). *Svend Foyn - Famous Inventor*. Edubila. <http://www.edubilla.com/inventor/svend-foyn/>
- Elliott, B. (2020). *A Review of Regional Fisheries Management Organization Efforts in Addressing Cetacean Bycatch: Report to the International Whaling Commission*. September.

- Escritt, T. (2013). *Australia and Japan in court battle over whaling*. Reuters.
<https://www.reuters.com/article/idUSBRE95O1HI20130625>
- Framestica, C. C. D., Pradana, H. A., & Rijal, N. K. (2022). Pemanfaatan Hukum Internasional oleh Pemerintah Denmark sebagai Upaya Perlindungan Tradisi Grindadrap di Kepulauan Faroe. *Indonesian Journal of Peace and Security Studies (IJPSS)*, 4(2), 30–45.
<https://doi.org/10.29303/ijpss.v4i2.107>
- Gambell, R. (1976). World whale stocks. *Mammal Review*, 6(1), 41–53. <https://doi.org/10.1111/j.1365-2907.1976.tb00200.x>
- Halverson, S. M. (2004). Small State with a Big Tradition: Norway Continues Whaling at the Expense of Integration and Nordic Cooperation. *Syracuse Journal of International Law and Commerce Art. 9*, 31(1), 1–28.
- Heazle, M. (2001). The International Whaling Commission 1949–1959: An Exercise in Uncertainty Becoming Certainty. *The Ritsumeikan Economic Review*, 50(4), 168–197.
- Hirata, K. (2005). Why Japan Supports Whaling. *Journal of International Wildlife Law and Policy*, 8(3), 129–149.
<https://doi.org/10.1080/13880290590965276>
- Hofman, R. J. (2019). Stopping overexploitation of living resources on the high seas. *Marine Policy*, 103(April 2018), 91–100. <https://doi.org/10.1016/j.marpol.2019.02.037>
- Holm, F. (2019). Japan's Whaling Policy: The Reasons for Leaving the International Whaling Commission 1. *Japan 2019: Politik, Wirtschaft, Gesellschaft*, November, 126–151.
<https://doi.org/10.13140/RG.2.2.27540.45441>
- Hoyt, E., & Hvenegaard, G. T. (2002). A review of whale-watching and whaling with applications for the Caribbean. *Coastal Management*, 30(4), 381–399.
<https://doi.org/10.1080/089207502900273>
- IFAW. (n.d.). *About the Campaign*. IFAW.
<https://www.ifaw.is/about-the-campaign/>
- Imawan, R., Wirasenjaya, A. M., & Zhafran, M. Y. (2021). Japan's

- rejection of international norms against whaling. *E3S Web of Conferences*, 316.
<https://doi.org/10.1051/e3sconf/202131604016>
- IWC. (n.d.-a). *Aboriginal Subsistence Whaling*. IWC.
<https://iwc.int/management-and-conservation/whaling/aboriginal>
- IWC. (n.d.-b). *Commercial Whaling*.
[https://iwc.int/management-and-conservation/whaling/commercial#:~:text=The "Moratorium",it remains in place today.](https://iwc.int/management-and-conservation/whaling/commercial#:~:text=The%20%22Moratorium%22,it%20remains%20in%20place%20today.)
- IWC. (n.d.-c). *Diplomatic path to the creation of the IWC*. IWC.
<https://iwc.int/commission/creation-of-the-iwc>
- IWC. (n.d.-d). *History and purpose*.
<https://archive.iwc.int/pages/view.php?ref=3607&k=>
- IWC. (n.d.-e). *Special Permit Whaling*. IWC.
<https://iwc.int/permits>
- IWC. (2021). *Aboriginal Subsistence Whaling*.
https://iwc.int/index.php?cID=html_498
- Junichi Takahashi, D., Kalland, A., Moeran, B., & Bestor, T. C. (1989). Japanese Whaling Culture; Continuities and Diversities. *Maritime Anthropological Studies(MAST)*, 2(2), 105-133.
- Kolmaš, M. (2020). International pressure and Japanese withdrawal from the International Whaling Commission: when shaming fails International pressure and Japanese withdrawal from the International Whaling Commission: when shaming fails. *Australian Journal of International Affairs*, 0(0), 1-20. <https://doi.org/10.1080/10357718.2020.1799936>
- Lowe, J., Tejada, J. F. C., & Meekan, M. G. (2019). Linking livelihoods to improved biodiversity conservation through sustainable integrated coastal management and community based dive tourism: Oslob Whale Sharks. *Marine Policy*, 108(October 2018).
<https://doi.org/10.1016/j.marpol.2019.103630>
- Malinauskaite, L., Cook, D., Davíðsdóttir, B., Ögmundardóttir, H., & Roman, J. (2020). Willingness to pay for expansion of

- the whale sanctuary in Faxaflói Bay, Iceland: A contingent valuation study. *Ocean and Coastal Management*, 183(September).
<https://doi.org/10.1016/j.ocecoaman.2019.105026>
- Mamzer, H. M. (2021). Ritual Slaughter: The Tradition of Pilot Whale Hunting on the Faroe Islands. *Frontiers in Veterinary Science*, 8(April), 1–13.
<https://doi.org/10.3389/fvets.2021.552465>
- McLeod, B. A., Brown, M. W., Moore, M. J., Stevens, W., Barkham, S. H., Barkham, M., & White, B. N. (2008). Bowhead whales, and not right whales, were the primary target of 16th- to 17th-century Basque whalers in the western North Atlantic. *Arctic*, 61(1), 61–75.
<https://doi.org/10.14430/arctic7>
- Morishita, J., & Goodman, D. (2011). The IWC moratorium on commercial whaling was not a value judgment and was not intended as a permanent prohibition. *Aegean Review of the Law of the Sea and Maritime Law*, 1(2), 301–311.
<https://doi.org/10.1007/s12180-011-0020-z>
- Nelissen, F. A., & van der Velde, S. (2010). Australia Attempts to Harpoon Japanese Whaling Program. *The Hague Justice Portal*, 1–8.
- NGSSO. (2023). *Whaling*. Norwegian Government Security and Service Organisation.
<https://www.regjeringen.no/en/id4/>
- Nishikawa, M. (2020). The Origin of the U.S. – Japan Dispute over the Whaling Moratorium. *Oxford Academic: Diplomatic History*, 44(2), 1–22.
- NOAA Fisheries. (2023). *Marine Mammal Protection Act Policies, Guidance, and Regulations*.
<https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-protection-act-policies-guidance-and-regulations#:~:text=The Marine Mammal Protection Act was enacted on October 21,which they are a part.>
- Nussbaum Wichert, R., & Nussbaum, M. C. (2017). Scientific

- Whaling? The Scientific Research Exception and the Future of the International Whaling Commission. *Journal of Human Development and Capabilities*, 18(3), 356–369. <https://doi.org/10.1080/19452829.2017.1342386>
- Petersson, M. T., Dellmuth, L. M., Merrie, A., & Österblom, H. (2019). Patterns and trends in non-state actor participation in regional fisheries management organizations. *Marine Policy*, 104(December 2017), 146–156. <https://doi.org/10.1016/j.marpol.2019.02.025>
- Pratama, A. M. (2019). Efektifitas International Whaling Commission (Iwc) Dalam Perburuan Lumba-Lumba Di Taiji Jepang 2013 2017. *Journal of International Relations*, 5(2), 388–394.
- Press, H. (2019). *Norway Now Kills More Whales Than Japan*. International Marine Mammal Project. <https://savedolphins.eii.org/news/norway-now-kills-more-whales-than-japan>
- Roed, F. (2015). *A brief history of Norwegian whaling*. The Norwegian American. <https://www.norwegianamerican.com/a-brief-history-of-norwegian-whaling/>
- Ryall, J. (2022). *Is Japan's whaling industry going under?* DW.Com. <https://www.dw.com/en/is-japans-whaling-industry-going-under-as-demand-sinks/a-62626007>
- Ryan, C., Papastavrou, V., & Sand, P. H. (2021). Ethical and Legal Considerations for Scientists Collaborating with Whalers: A Case Study of International Research Using the Outcome of Contemporary Whaling by Iceland. *Journal of International Wildlife Law and Policy*, 24(1), 1–25. <https://doi.org/10.1080/13880292.2021.1909807>
- Scoresby, W. (1820). An Account of the Arctic Regions with History and Description of the Whale Fishery. In *Edinburgh: Archibald Constable & Co.: Vol. XXX*.
- Skjærseth, J. B. (2018). International regimes and norway's environmental policy: Crossfire and coherence. In *International Regimes and Norway's Environmental Policy*:

- Crossfire* and *Coherence*.
<https://doi.org/10.4324/9781351155403>
- Skodvin, T., & Andresen, S. (2004). Nonstate Influence in the International Whaling Commission, 1970 - 1990. *Global Environmental Politics*, 3(4), 61-86.
- SLED. (2022). *No Title*.
- SMITH, R. D. (2008). Food Security and International Fisheries Policy in Japan's Postwar Planning. *Social Science Japan Journal*, 11(2), 259-276.
- Soulsby, B. H. (2017). Early Dutch and English Voyages to Spitsbergen in the Seventeenth Century. In *Early Dutch and English Voyages to Spitsbergen in the Seventeenth Century*. <https://doi.org/10.4324/9781315578378>
- Steenhuisen, L. H. F., & Waterbolk, H. (2003). English and Dutch Whaling Trade and Whaling Stations in Spitsbergen (Svalbard) before 1660. *International Journal of Maritime History*, XV(2), 117-134.
- Strausz, M. (2014). Executives, legislatures, and whales: The birth of Japan's scientific whaling regime. *International Relations of the Asia-Pacific*, 14(3), 455-478. <https://doi.org/10.1093/irap/lcu007>
- Teleti, P. R., Rees, W. G., Dowdeswell, J. A., & Wilkinson, C. (2019). A historical Southern Ocean climate dataset from whaling ships' logbooks. *Geoscience Data Journal*, 6(1), 30-40. <https://doi.org/10.1002/gdj3.65>
- The Guardian. (2015). *Iceland sends shipment of 1,700 tonnes of whale meat to Japan*. <https://www.theguardian.com/environment/2015/jun/05/iceland-sends-shipment-of-1700-tonnes-of-whale-meat-to-japan>
- The Institute of Cetacean Research. (n.d.). *Overview of the Antarctic Cetacean Capture Survey (JARPA)*. The Institute of Cetacean Research. <https://www.icrwhale.org/JARPAgaiyou.html>.
- Tulloch, V. J. D., Plagányi, É. E., Brown, C., Richardson, A. J., & Matear, R. (2019). Future recovery of baleen whales is imperiled by climate change. *Global Change Biology*, 25(4),

- 1263–1281. <https://doi.org/10.1111/gcb.14573>
- UK Government. (2014). *Protecting Whales*. 16.
- United Nations. (n.d.). *United Nations Conference on the Human Environment, 5-16 June 1972, Stockholm*. United Nations. <https://www.un.org/en/conferences/environment/stockholm1972>
- US Department of State. (2022). *Iceland Rejoining International Whaling Commission*. US Department of State. <https://2001-2009.state.gov/p/eur/rls/fs/10228.htm>
- Viikari, L. (2022). International Whaling Commission as a Natural Resource Management Regime: Quest for Balance Between Western Science, State Governance and Indigenous Self-Determination. *International Journal on Minority and Group Rights*, 30(2), 274–300. <https://doi.org/https://doi.org/10.1163/15718115-bja10092>
- Whaling History. (n.d.). *BRITISH SOUTHERN WHALE FISHERY*. <https://whalinghistory.org/bv/#:~:text=For 350 years%2C until the,trade%2C from 1904 to 1963.>
- World Fishing and Aquaculture. (2013). *Norway exports whale products to Japan*. World Fishing and Aquaculture. <https://www.worldfishing.net/norway-exports-whale-products-to-japan/136987.article>
- World Population Review. (2023). *Whaling Countries 2023*.