CONFIDENTIAL

D

(Formerly)

D/10/47/III

D/10/47/III

SUBJECT:

Control of whaling International Agreement.

Volume I. [illegible]

CONNECTED FILES.

NUMBER	
D/4/47/III	Limitation of shore whaling & number of catchers operating
D/4/58	Whale fishing Amendment Ordinance
D/16/46/III	" " " Regs 1946

Treaty Series No. 27 (1959)

Schedule to the International Whaling Convention, 1946

Revised to include the Amendments that came into Operation after the Tenth Meeting of the International Whaling Commission at The Hague, June 1958

[In continuation of "Treaty Series No. 6 (1954)," Cmd. 9048]

Presented to Parliament by the Secretary of State for Foreign Affairs by Command of Her Majesty March 1959

LONDON
HER MAJESTY'S STATIONERY OFFICE
SIXPENCE NET

Cmnd. 694

SCHEDULE TO THE INTERNATIONAL WHALING CONVENTION, 1946[1]

(As amended by the Commission at its first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth meetings and subsequently brought into force)

1.—(*a*) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship.

(*b*) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

2. It is forbidden to take or kill gray whales or right whiles, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

3. It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

4.—(1) It is forbidden to kill or attempt to kill blue whales in the North Atlantic Ocean for a period of five years.*

(2) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in any of the following areas:

(*a*) in the waters north of 66° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(*b*) in the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(*c*) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(*d*) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(*e*) in the Indian Ocean and its dependent waters north of 40° South Latitude.

5. It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude. [This article, as the result of the seventh meeting at Moscow, was rendered inoperative for a period of three years from 8th November, 1955, and as a result of the ninth meeting in London was rendered inoperative for a further period from 8th November, 1958, after which it will automatically become operative again on 8th November, 1959.]

6.—(1) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period ending on 8th November, 1964.

(2) It is forbidden to kill or attempt to kill humpback whales in the waters south of 40° South Latitude between 0° Longitude and 60° West Longitude for a period ending on 8th November, 1964.

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(1) "Treaty Series No. 5 (1949)," Cmd. 7604.

* This paragraph was objected to within the prescribed period ending 7th November, 1954, by the Government of Iceland, and subsequently by that of Denmark. Neither objection was withdrawn and the paragraph came into force on 24th February, 1955, but is not binding on Iceland and Denmark. It ceases to operate as from 24th February, 1960.

(3) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill humpback whales in any waters south of 40° South Latitude except on the 1st, 2nd, 3rd and 4th February in any year.

7.—(*a*) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from 7th January to 7th April, following, both days inclusive; and no such whale catcher shall be used for the purpose of killing or attempting to kill blue whales before the 1st February in any year.

(*b*) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm or minke whales, except as permitted by the Contracting Governments in accordance with sub-paragraphs (*c*), (*d*) and (*e*) of this paragraph.

(*c*) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted; provided that a separate open season may be declared for each factory ship and the whale catchers attached thereto.

(*d*) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted.

Provided that:

(i) a separate open season may be declared for each factory ship and the whale catchers attached thereto;

(ii) the open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to sub-paragraph (*a*) of this paragraph.

(*e*) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted.

8.—(*a*) The number of baleen whales taken during the open season caught in waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed fifteen thousand blue-whale units in any one season, provided that in the season 1958/59† the number of baleen whales taken as aforesaid shall not exceed fourteen thousand five hundred blue-whale units.

(*b*) For the purposes of sub-paragraph (*a*) of this paragraph, blue-whale units shall be calculated on the basis that one blue whale equals:

(1) Two fin whales or

(2) Two and a half humpback whales or

(3) Six sei whales.

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† The amendment of these dates at the tenth meeting of the Commission, which had the effect of maintaining the blue-whale unit limit for pelagic whaling in the Antarctic at 14,500 blue-whale units was objected to by the Governments of Norway, the Netherlands, the United Kingdom, Japan and the U.S.S.R. It came into force on 29th January, 1959, but is not binding on these countries.

(*c*) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government; provided that when the number of blue-whale units is deemed by the Bureau of International Whaling Statistics to have reached 13,500 (but 13,000 in the season 1958/59†) notification shall be given as aforesaid at the end of each day of data on the number of blue-whale units taken.

(*d*) If it appears that the maximum catch of whales permitted by sub-paragraph (*a*) of this paragraph may be reached before 7th April of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The killing or attempting to kill baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

(*e*)‡ Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

9.—(*a*) It is forbidden to take or kill any blue, sei or humpback whales below the following lengths:

Blue whales 70 feet (21·3 metres)
Sei whales 40 feet (12·2 metres)
Humpback whales 35 feet (10·7 metres)

except that blue whales of not less than 65 feet (19·8 metres) and sei whales of not less than 35 feet (10·7 metres) in length may be taken for delivery to land stations, provided that the meat of such whales is to be used for local consumption as human or animal food.

(*b*) It is forbidden to take or kill any fin whales below 57 feet (17·4 metres) in length for delivery to factory ships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16·8 metres) for delivery to factory ships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16·8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15·2 metres) may be taken for delivery to land stations in the Northern Hemisphere provided in each case that the meat of such whales is to be used for local consumption as human or animal food.

(*c*) It is forbidden to take or kill any sperm whales below 38 feet (11·6 metres) in length, except that sperm whales of not less than 35 feet (10·7 metres) in length may be taken for delivery to land stations.

(*d*) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast

† The amendment of these dates at the tenth meeting of the Commission, which had the effect of maintaining the blue-whale unit limit for pelagic whaling in the Antarctic at 14,500 blue-whale units was objected to by the Governments of Norway, the Netherlands, the United Kingdom, Japan and the U.S.S.R. It came into force on 29th January, 1959, but is not binding on these countries.

‡ *Note.*—Paragraph (*e*) which followed in earlier copies was deleted by the Commission at its fourth meeting in 1952 and the deletion became effective on 12th September, 1952. Original paragraph (*f*) consequently becomes paragraph (*e*).

of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e.g., 76 feet 6 inches precisely shall be logged as 77 feet.

10.—(*a*) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with sub-paragraphs (*b*), (*c*) and (*d*) of this paragraph.

(*b*) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government; provided that a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(*c*)§ Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in sub-paragraph (*b*) of this paragraph; provided that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.

(*d*) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in sub-paragraph (*b*) of this paragraph); provided that a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating

§ *Note.*—This sub-paragraph 10 (*c*) came into force as from 21st February, 1952, in respect of all Contracting Governments, except the Commonwealth of Australia, who lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this sub-paragraph are not therefore binding on the Commonwealth of Australia.

of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this sub-paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

(*e*) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of paragraph 17 of this Schedule.

11. It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season; provided that this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

12.—(*a*) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of paragraphs 2, 4, 5, 6, 7, 8 or 10 of this Schedule.

(*b*) All other whales (except minke whales) taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

(*c*) Complete treatment of the carcases of " Dauhval " and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

13.—(*a*) The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcase (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.

(*b*) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(*c*) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

(1) The time when each whale is taken
(2) Its species, and
(3) Its marking effected pursuant to sub-paragraph (*b*) of this paragraph.

(*d*) The information reported by radio pursuant to sub-paragraph (*c*) of this paragraph shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

(1) Time of hauling up for treatment,
(2) Length, measured pursuant to sub-paragraph (*d*) of paragraph 9,

(3) Sex,
(4) If female, whether milk-filled or lactating,
(5) Length and sex of foetus, if present, and
(6) A full explanation of each infraction.

(*e*) A record similar to that described in sub-paragraph (*d*) of this paragraph shall be maintained by land stations, and all of the information mentioned in the said sub-paragraph shall be entered therein as soon as available.

14. Gunners and crews of factory ships, land stations, and whale catchers, shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of milk-filled or lactating whales.

15. Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

16. Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (*a*) concerning the number of whales of each species taken, the number thereof lost and the number treated at each factory ship or land station, and (*b*) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (*c*) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in (*a*) and (*c*) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales.

In communicating this information there shall be specified:

(*a*) The name and gross tonnage of each factory ship
(*b*) The number and aggregate gross tonnage of the whale catchers
(*c*) A list of the land stations which were in operation during the period concerned.

17.—(*a*) A factory ship which operates solely within territorial waters in one of the areas specified in sub-paragraph (*c*) of this paragraph, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

(*b*) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in sub-paragraph (*c*) of this paragraph or south of 40° South Latitude.

(*c*) The areas referred to in sub-paragraphs (*a*) and (*b*) are:

(1) On the coast of Madgascar and its dependencies
(2) On the west coasts of French Africa

(3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany.‖

18.—(1) The following expressions have the meanings respectively assigned to them, that is to say:

"baleen whale" means any whale which has baleen or whale bone in the mouth, i.e., any whale other than a toothed whale

"blue whale" (*Balaenoptera* or *Sibbaldus musculus*) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom

"dauhval" means any unclaimed dead whale found floating

"fin whale" (*Balaenoptera physalus*) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale

"gray whale" (*Rhachianectes glaucus*) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back or rip sack

"humpback whale" (*Megaptera nodosa* or *novaeangliae*) means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale

"minke whale" (*Balaenoptera acutorostrata, B. Davidsoni, B. huttoni*) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp headed finner

"right whale" (*Balaena mysticetus; Eubalaena glacialis, E. australis, &c.; Neobalaena marginata*) means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale

"sei whale" (*Balaenoptera borealis*) means any whale known by the name of sei whale, Ruldophi's rorqual, pollack whale, or coalfish whale and shall be taken to include Bryde's whale (*B. brydei*)

"sperm whale" (*Physeter catodon*) means any whale known by the name of sperm whale, spermacet whale, cachalot or pot whale

"toothed whale" means any whale which has teeth in the jaws.

(2) "Whales taken" means whales that have been killed and either flagged or made fast to catchers.

‖ *Note.*—This paragraph 17 was inserted by the Commission at its first meeting in 1949, and came into force on 11th January, 1950, as regards all Contracting Governments except FRANCE, who therefore remain bound by the provisions of the original paragraph 17, which reads as follows:

17. Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

(*a*) on the coast of Madagascar and its dependencies, and on the west coasts of French Africa;

(*b*) on the west coast of Australia in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay.

19162—17 54726 Wt. 1390/1802 K11 3/59 F.O.P. PRINTED IN GREAT BRITAIN

NOTE:-

4

2 spare copies of Amend. 694 Rec[illegible]

A.O., S.G. under a Comp. Slip.

Fol.

12/5/59.

5

Mss.

J. i.

12/5/59.

6.

Act. C.S.

We should I think ask Sir Henry

whether any further amendment

to our laws is necessary as a result of the

1958 amendments. I would like to keep

abreast with these International whaling regulations.

[illegible]

15.5.59.

7.

[redacted]/10/47/III

19th ~~April~~ May, 1959

Dear Sir Henry,

On the last mail we received, under cover of the Secretary of State's Savingram No. 26 of the 7th April, 1959, a copy of Command 694 which revises the schedule to the International Whaling Convention, 1946, to include the amendments that came into operation after the tenth meeting of the International Whaling Commission at The Hague in June, 1958. As a result of the 1958 amendment we should be glad of your advice whether any further amendment to our laws is necessary.

Yours sincerely,

John Bound.

Sir H. Webb, Kt.,
c/o Crown Agents for Oversea
Governments and Administrations,
4, Millbank,
LONDON, S.W.1.

JB/MP

Rec. 17/7/59 (mail)

D/10/47/III

8

602/214
King Edward Point,
South Georgia,
~~9th April~~, 1959.
3rd May

From The Administrative Officer,
South Georgia,

To The Colonial Secretary,
Port Stanley,

Reports on infractions of the International Whaling Convention

9

On file to be put with D/4/58 when action on that file is completed.

I attach herewith copies of the reports on the infractions of the International Whaling Convention on the International Whaling Commission's Forms "A" and "B" in respect of :-

12 Husvik Harbour Land Station
11 Leith Harbour " "
13 Grytviken " "

The same in triplicate have been sent under third personal note as previously to the Secretary of State for the Colonies by air mail by RRS John Biscoe because I did not have sufficient forms "B" until Col/Secy Stn arrived end April.

2. You will observe that each Company has for the first time claimed whales taken for local consumption as human food under Section 9 of the Form "B". This is claimed to be in accordancewith Regulation 17 (a) made under of the Falkland Islands and Dependencies Whale Fishery Ordinance and with Para: 9 of the Schedule (21st October 1957) to the International Whaling Convention (Which is in fact what we go by here in practice even if not always backed with the sanction of the Colonial Laws).

Reply at 15

3. A few hundred-weight from time to time possibly running to 2 or 3 tons a year are used for local human consumption. But so far as I am aware no Company has either instructed or has any intention of instructing a Gunner to shoot a whale within only the human consumption minimum limit for local consumption. Nor do I forsee such an eventuality in time of peace.

4. There appear to be two courses of action open to settling this matter. Either His Excellency may wish to instruct that

each station should be allowed one Fin Whale of not less than 55 ft or one Sei whale of not less than 35 ft each season without incurring the usual penalty of forfeiting all bonus payable on whales taken below the minimum commercial use taking length; or Companies should be instructed that if it is wished to take a whale for local human comsumption it may be taken after application to the Administrative Officer and that not more than one such should normally be allowed annually. It appears to me that the first alternative would be equitable. No one whale could ever be used here entirely for human consumption so long as the population remains about as it is now; but whale meat is used for human consumption locall

A.O. discretion.
Blue - not less than 65 ft.
Fin " " 55 ft
Sei 35 ft

5. I have to collect here the bonus to be forfeited by the Compania Argentina De Pesca, so I would appreciate a definite decision on this matter before the 1st December, 1959. You will also wish to inform Salvesen's and Tonsbergs Hvalfangeri and the Crown Agents what is the decision so that payment may be made corredtly in the first instance.

6. There is also some doubt in the minds of Managers here as to whether bonus on "Milk filled" or lactating whales is forfeitable. Under Section 14 of the Schedule (21st Octbber, 1957) to the International Convention it is forfeitable. I am sure Head Offices will be Au fait with this, but you may like to check that Tonsberg and Salvesens do pay.

J.W. Matthews
Administrative Officer,
South Georgia.

P.S. On British Pelagic expeditions the Form "B" is completed by the Senior Whaling Inspector on board each ship. I will suggest to my successor that the forms should be completed by the Whaling Inspectors here in future instead of by the Companies as in the past, unless either there are no more Inspectors or you instruct to the contrary.

J.W.M.

Form B

INTERNATIONAL WHALING COMMISSION

Infractions of the International Whaling Convention 1946

(a) Factory Ship ..... Season .....

Name of: Company .....

(b) Land Station LEITH HARBOUR, SOUTH GEORGIA Season 1958/59.

Company Messrs. Chr. Salvesen & Co., Leith, Scotland

(1) Manner in which inspection was carried out.

By Whaling inspectors :

R. TUCKETT

J. Marshall

(2) Whether any factory ships or whale catchers operated in prohibited areas. Give specific details of each instance and action taken.

(3) Whether a report has been furnished in accordance with Article VII of the convention.

(4) Undersized and other whales taken.

Date of violation	Species	Sex	Length	Whether accomp. by calf	Lactating	Explanation	Action or Penalty
1/10	Fin	M	52	-	-	Misjudgment	No bonus paid
12/10	"	F	54	No	No	do	do
14/10	"	F	52	No	No	do	do
7/12	"	M	56	-	-	do	do
8/12	"	F	56	No	No	do	do
13/12	"	F	55	No	No	do	do
1959.							
15/1	Fin	F	52	No	No	do	do
18/1	"	F	53	No	No	do	do
29/1	"	M	50	-	-	do	do
31/1	"	M	54	-	-	do	do
"	"	M	55	-	-	do	do
1/2	"	M	54	-	-	do	do
8/2	"	F	54	No	No	do	do
28/2	"	F	52	No	No	do	do
15/3	"	M	54	-	-	do	do
19/3	"	M	52	-	-	do	do
27/3	"	F	54	No	No	do	do
28/3	"	M	49	-	-	do	do
				MILKFILLED			
27/12	Fin	F	75	No	Yes	-	do
1959							
5/2	Fin	F	69	No	Yes	-	do
8/2	Sei	F	50	No	Yes	-	do

Note—Whales to be listed by species and in descending order of size, e.g. Blue Whales 69 ft., 68 ft., etc., and the total number of undersized and/or lactating whales should be given at the end of each species.

Date of violation	Species	Sex	Length	Whether accomp. by calf	Lactating	Explanation	Action or Penalty

TOTAL* SPERM 65

	Total* catch	Number undersized	Percentage of undersized to total catch
Blue			
Fin	410	18 + 2 Milkfilled	4.4%
Humpback			
Sei	339	1 Milkfilled	
Gray			
Right			
Others			
TOTALS	749		

*This total applies to **all** whales caught, not only the undersized and lactating whales.

(5) Report in detail concerning each instance where complete utilisation was not effected, including whales which have been taken and subsequently lost, dauhval and whales used as fenders; and state action taken and penalties imposed.

(6) Report in detail in each case where whales have been taken outside the period of the current season, with an explanation of the circumstances and particulars of the numbers, species and date on which the whales were taken.

(6) Number of whales remaining in the sea in excess of 33 hours from the time of killing EXCLUDING whales used as fenders.

Hours	Blue	Fin	Sei	Humpback	Sperm	
TOTALS						

8 (7) Statement of cases in which Factory Ships operated in contravention of para. 17 (b) of the amended Schedule which came into force on 12th September, 1952. State action taken and penalties imposed.

9 (8) Number of whales taken legitimately for local consumption as human or animal food.

Blue (below 70 feet)

Sei (below 40 feet)

Fin (below 57 feet. Southern Hemisphere)

1 Fin 55' Human Consumption

Fin (below 55 feet. Northern Hemisphere)

(106869) Wt 56018/2038 500 12/54 FJP694

Form B

INTERNATIONAL WHALING COMMISSION

Infractions of the International Whaling Convention 1946

(a) Factory Ship ..... Season .....

Company .....

(b) Land Station Husvik Harbour Season 1958/59.

Company A/S Tönsbergs Hvalfangeri, Tönsberg, Norway.

(1) Manner in which inspection was carried out.

By Whaling Inspector

(2) Whether any factory ships or whale catchers operated in prohibited areas. Give specific details of each instance and action taken.

(3) Whether a report has been furnished in accordance with Article VII of the convention.

(4) Undersized and other whales taken.

Date of violation	Species	Sex	Length	Whether accompanied by calf	Lactating	Explanation	Action or Penalty
3/11/58	Fin		74	F	Yes	Taken by mistake	
3/10/58	"		56	M		"	
9/10/58	"		56	M		"	
8/10/58	"		55	F		"	
9/10/58	"		55	M		"	
3/11/58	"		55	M		"	
28/11/58	"		55	M		"	
6/12/58	"		55	M		"	
12/12/58	"		55	F		"	
3/10/58	"		54	F		"	
29/1/59	"		54	M		"	
6/11/58	"		53	F		"	
11/12/58	"		53	M		"	
6/10/58	"		52	F		"	
24/10/58	"		52	M		"	
29/1/59	"		52	F		"	
1/2/59	"		52	M		"	
19/3/59	"		52	M		"	
24/2/59	"		51	F		"	

Note—Whales to be listed by species and in descending order of size, e.g., Blue Whales 69 ft, 68 ft, etc., and the total number of undersized and/or lactating whales should be given at the end of each species.

Date of violation	Species	Sex	Length	Whether accompanied by calf	Lactating	Explanation	Action or Penalty

TOTAL* SPERM 93

	Total catch*	*Number undersized*	*Percentage of undersized to total catch*
Blue			
Fin	345	18	5,2 %
Humpback			
Sei	332		
Gray			
Right			
Others	677		
TOTALS			

*This total applies to **all** whales caught, not only the undersized and lactating whales.

(5) Report in detail concerning each instance where complete utilisation was not effected, including whales which have been taken and subsequently lost, dauhval and whales used as fenders; and state action taken and penalties imposed.

Lost in flag :

13/10/58	1 Fin	"Busen 7"
19/10/58	1 "	"Busen 6"
3/11/58	1 "	"Busen 4"
5/1/59	1 "	"Busen 6"
18/2/59	1 Sei	"Busen 5"
13/3/59	1 "	"Busen 3"
14/3/59	1 "	"Busen 6"
"	1 "	"Busen 7"
"	1 "	"Busen 4"

(6) Report in detail in each case where whales have been taken outside the period of the current season, with an explanation of the circumstances and particulars of the numbers, species and date on which the whales were taken.

(7) Number of whales remaining in the sea in excess of 33 hours from the time of killing EXCLUDING whales used as fenders.

Hours	Blue	Fin	Sei	Humpback	Sperm	
TOTALS						

(8) Statement of cases in which Factory Ships operated in contravention of para. 17 (b) of the amended Schedule which came into force on 12th September, 1952. State action taken and penalties imposed.

(9) Number of whales taken legitimately for local consumption as human or animal food.

Blue (below 70 feet)

Sei (below 40 feet)

17/2/59	1 sei	38'	M

Fin (below 57 feet. Southern Hemisphere)

2/2/59	1 fin	56'	M
26/2/59	1 "	55'	M

Fin (below 55 feet. Northern Hemisphere)

(110738) Wt P67852/204 700 8/56 FJP994

Form B

INTERNATIONAL WHALING COMMISSION

Infractions of the International Whaling Convention 1946

(a) Factory Ship ..... Season .....

Company .....

(b) Land Station Grytviken Season 1958/59

Company Compañia Argentina de Pesca S/A

(1) Manner in which inspection was carried out.

Whaling Inspector

(2) Whether any factory ships or whale catchers operated in prohibited areas. Give specific details of each instance and action taken.

(3) Whether a report has been furnished in accordance with Article VII of the convention.

(4) Undersized and other whales taken.

Date of violation	Species	Sex	Length	Whether accompanied by calf	Lactating	Explanation	Action or Penalty
10/10/58	Fin	M	54'			By mistake	
12/10/58	"	F	56'			-"-	
-"-	"	M	54'			-"-	
5/11/58	"	F	56'			-"-	
29/11/58	"	M	54'			-"-	
16/12/58	"	F	55'			-"-	
18/12/58	"	F	54'			-"-	
19/12/58	"	F	56'			-"-	
21/1/59	"	F	53'			-"-	
25/1/59	"	M	53'			-"-	
31/1/59	"	F	54'			-"-	
-"-	"	F	54'			-"-	
5/2/59	"	M	52'			-"-	
7/2/59	Blue	M	64'			-"-	
12/3/59	Fin	M	49'			-"-	
27/3/59	"	F	52'			-"-	
-"-	"	F	68'		Yes	-"-	

Note—Whales to be listed by species and in descending order of size, e.g., Blue Whales 69 ft, 68 ft, etc., and the total number of undersized and/or lactating whales should be given at the end of each species.

Date of violation	Species	Sex	Length	Whether accompanied by calf	Lactating	Explanation	Action or Penalty

TOTAL* SPERM.....

	Total catch*	*Number undersized*	*Percentage of undersized to total catch*
Blue	1	1	100 %
Fin	521	15	2.9 %
Humpback			
Sei			
Gray			
Right			
Others			
TOTALS			

*This total applies to **all** whales caught, not only the undersized and lactating whales.

(5) Report in detail concerning each instance where complete utilisation was not effected, including whales which have been taken and subsequently lost, dauhval and whales used as fenders; and state action taken and penalties imposed.

(6) Report in detail in each case where whales have been taken outside the period of the current season, with an explanation of the circumstances and particulars of the numbers, species and date on which the whales were taken.

(7) Number of whales remaining in the sea in excess of 33 hours from the time of killing EXCLUDING whales used as fenders.

Hours	Blue	Fin	Sei	Humpback	Sperm	
TOTALS						

(8) Statement of cases in which Factory Ships operated in contravention of para. 17 (b) of the amended Schedule which came into force on 12th September, 1952. State action taken and penalties imposed.

(9) Number of whales taken legitimately for local consumption as human or animal food.

Blue (below 70 feet)

Sei (below 40 feet)

Fin (below 57 feet. Southern Hemisphere)

25/2/1959	55'
15/3/1959	55'

Fin (below 55 feet. Northern Hemisphere)

(110738) Wt P67852/204 700 8/58 FJP894

2nd June, 57.

Administrative Officer,

South Georgia.

Acting Colonial Secretary.

Your memorandum No. 602/214 of the 3rd May. Infractions of the International Whaling Convention.

Regulations that are now being considered by the Secretary of State and the Ministry of Agriculture and Fisheries provide that whales of specified sizes may be taken for local consumption with the prior approval of the Administrative Officer.

JB/SM

CONFIDENTIAL

C
King Edward Point,
South Georgia.
9th June, 1959.

From The Administrative Officer,
South Georgia,

To The Colonial Secretary,
Port Stanley,

Confidential Report on Whaling Inspectors

Commander H.M.Hughes

Extracted to P/821.

Very conscientious. Respected on the Whaling Stations. He is really a bit old for this sort of work and finds it very difficult to keep his feet on the plan.

J.Marshall

Extracted to P/822.

Conscientious and careful. Quiet and appeared to get on well at Leith but had little conversation and so was not really at home in the Villa with Olsen or at Malbo at Husvik.

Commander D.Marks

Extracted to P/823.

Capable but idle and drank too much. Frequently unshaven and usually dirty in dress. Not recommended for re-employment. He does not intend to apply.

Mr R.Tuckett

Extracted to P/817/II.

Repatriated in December, 1958.

J.W. Matthews
Administrative Officer,
South Georgia.

17

610/74
King Edward Point,
South Georgia.
9th June, 1959.

From The Administrative Officer,
South Georgia,
To The Colonial Secretary,
Port Stanley.

Memo: by Commander D.Marks R.N.(Retd:)

18

I enclose herewith a memo: by Commander Marks on the employment of Whaling Inspectors at South Georgia. Some of the statistics which he quotes may interest you. The rest, I think, is generally agreed : namely that Inspectors are superfluous. If we have to have them, then I do not agree that those connected with the sea are not generally speaking the most suitable persons. They undoubtedly are.

J.H. Matthews
Administrative Officer,
South Georgia.

Grytviken,
South Georgia.

30 March, 1959.

Sir,

I have the honour to submit the following report on the employment of Whale Fishery Inspectors in South Georgia, based on experience gained during the 1958/59 whaling season, the first season that full time inspectors have been employed in the island - 1 inspector to each of the 3 stations, plus 1 Senior Inspector.

2. As I am returning to the United Kingdom tomorrow, the figures I quote below are of necessity incomplete. They cover, however, all but the last two days of the season and can be considered as being comprehensive enough for certain conclusions to be drawn from them.

3. This season has been described to me by many of the employees at this station as being a very bad one. This may well be so, and in view of the percentage of Seiwhale in the total catch, it probably is. However, an inspector is only concerned with the number of whales that arrive at the factory and from that aspect the season has been an average one.

4. The following table gives the total Grytviken catch, together with infractions, from the 1952/53 season to date :-

Season	Total Catch	Infractions	% Undersized
1952/53	666	12	1.8
1953/54	1075	34	3.2
1954/55	934	10	1.1
1955/56	801	6	0.7
1956/57	1095	5	0.5
Total 1952/57	4571 (Av.=914)	67	1.5
1957/58	1841	28	1.5
Total 1952/58	6412 (Av.=1069)	95	1.5
1958/59 (to 29 Mch.)	913	17	1.9

Note.- The 1957/58 season has been kept separate in the above table as the company was then employing 10 catchers and 2 Buoy boats, as opposed to 6 catchers and 1 Buoy boat for all the other seasons quoted, including this one. With the figures for the 1957/58 season included, a false perspective is obtained, as the average annual catch is increased by over 150 whales whereas the average catch per catcher for that season is almost identical with both that of the preceding year and that of the 1953/54 season

5. Allowing for another dozen whales to be caught today and tomorrow, the company's total catch for this season will be over 920 which is more than the average for the 5 seasons 1952/57.

6. It is thus clear that, from the Whaling Inspector's point of view this season can be regarded as approximating the average

7. Of the.....

7. Of the 180 days under review, whales have been produced for inspection on the plan on 120 days (exactly $\frac{2}{3}$ of the total). This has meant that for one third of the time during the season the inspector is completely unemployed and that for the remaining two-thirds of the time he is employed in inspecting an average of 7.6 whales every 24 hours.

8. As the measuring of a whale takes no more than 2 minutes at the outside, it might be thought that one inspector should be capable of giving 100% coverage to whales produced on the plan. This is regrettably not so for the following reason.

9. Whales are worked around the clock and are taken up as, or very shortly after, they are brought into the station. An analysis of the 913 whales taken up so far this season shows the following :-

Taken up between	No.	Taken up between	No.
0100 - 0200	65	1300 - 1400	40
0200 - 0300	60	1400 - 1500	41
0300 - 0400	30	1500 - 1600	21
0400 - 0500	48	1600 - 1700	26
0500 - 0600	62	1700 - 1800	20
0600 - 0700	63	1800 - 1900	23
0700 - 0800	71	1900 - 2000	30
0800 - 0900	33	2000 - 2100	11
0900 - 1000	56	2100 - 2200	31
1000 - 1100	58	2200 - 2300	39
1100 - 1200	41	2300 - 2400	37
1200 - 1300	6	0000 - 0100	3

10. The percentage throught the day is :-

Between 0100 and 0800	44%
Between 0800 and 1800	37%
Between 1800 and 0100	19%

11. In spite of the fact that the inspector is only required on the plan for a few minutes every hour (the average flensing time per whale is between 25 and 50 minutes depending on the type and size of whale) and in spite of the fact that he has, in theory, every third day to rest in (this latter does not, unfortunately, come with clockwork regularity) there are occasions when it becomes physically impracticable for an inspector to measure personally (or even to sight - for lactation) each whale that is brought up. It can, moreover, be taken for granted that this state of affairs will continue as long as the companys work whales around the clock and there is only one inspector per station. I estimate that I have measured 95%, more or less, of all whales taken up since I have been at the station (I arrived 2nd November) which means that approximately 39 whales have not been officially inspected by me.

12. During this season paragraphs 10, 11 and 12 of the Whaling Regulations have not had to be invoked and there has only been (to the best of my knowledge) one lactating whale taken. For practical purposes, therefore, my work has consisted in measuring whales, keeping a log and informing the company of all infractions

13. From the table..

13. From the table in paragraph 4 above it will be seen that the percentage of undersized whales taken during this season is not very much higher than the average for the preceding six seasons. It could, indeed, have been less than it is as I have only invoked the last part of paragraph 17A of the Whaling Regulations on two occasions. This regulation might have been used on four other occasions (once prior to my arrival and three times since) which would have brought the number of undersized whales down to 13, or 1.4%, this figure being below the average.

14. I have deliberately been somewhat austere over allowing the additional latitude available under this regulation, as I have reason to believe that some of the gunners (two of them in particular) have not been as selective as they could have been.

15. In attempting to assess the question of whether the presence of a Government inspector on the station has produced any practical result in the conservation of whale stocks one comes up against two imponderables. Firstly, to what extent, if any, has the company cheated in its figures of infractions in the preceding years and secondly, to what extent, if any, does the presence of an inspector make the gunners more judicious in their selection of whales to be shot.

16. As regards the first loophole, it is impossible to tell but, as the result of a good deal of conversation with all grades of employees on the station, I am absolutely certain that there has never been any large scale cheating here, or even anything approaching it, but that there has, in the past, been a certain amount of "hedging", particularly in the years after the 1953/54 season when there was a very large proportion of undersized whales. To offset this however, the company has never, as far as I can make out, availed itself of the additional latitude allowed under paragraph 17A of the Whaling Regulations (Indeed, everyone from the Station Manager downwards, seemed to be unaware of this provision in the regulations). If this is so, then the company's figures undoubtedly err to the advantage of the conservation of stocks.

17. I am under no delusions, however, that when an Inspector is on the station and is not on the plan to measure a whale when it is brought up, that whale will not be undersized. The opinion of foremen, flensers and others on the plan is that if an inspector is appointed to bowl out short whales it ceases to be their business and, if he can't be bothered to be around at the right time, then he becomes fair game. I doubt if more then one or two short whales have slipped through this season in this manner - and the one or two that may have done are covered by my restricted use of paragraph 17A of the Whaling Regulations.

18. I am of the opinion that the presence of an inspector on the station does have some effect on the gunners' discriminatic in taking whales (It is only the catchers' crews, not the shore based personnel, who suffer financially from the effect of killing and undersized whale). For example, on more than one occasion, different gunners have asked me what the length was of a particula whale, as other boats had left it alone, considering it to be too short; they, however, had thought it was long enough and shot it accordingly. On the other hand, it must be remembered that the gunners have been whaling for many years, that they reason that the more whales they catch the more money they get, and finally they are too old to change their temperaments. The difference in temperament among individual gunners is clearly apparent and the man who tends to throw caution to the winds when chasing a whale, is not likely to cease doing so simply because an inspector is present. For this reason I doubt that any more discriminating approach to whales by the gunners, induced by the presence of an inspector at the station, will have a practical long term effect on the number of undersized whales caught.

19. Whilst.....

19. Whilst appreciating that this is only the first season that inspectors have been stationed in South Georgia, I considered that figures so far obtained can be taken as sufficient evidence to show that this company's reports can be relied upon from the point of view of conservation of whale stocks - and I see no reason to suppose that other company's reports should not do the same.

20. As I have reported above it is simply not practicable for one inspector to control personally 100% of the whales taken up on the plan. If this statement is accepted it means that when a company is working around the clock, one inspector per station is inadequate, if Government requirements are that control is to be 100% effective, and that two inspectors are therefore required. In view of (a) the actual amount of work the two would be required to do (see paragraph 7 above) and (b) the conclusion I have drawn in paragraph 19 above, I simply cannot conceive that any Government would countenance such an expenditure of public money.

21. The fact that one additional (Senior) is provided for in the estimates does not help matters one bit. He is presumably appointed as a travelling check on individual inspectors and as adviser to the Government on whaling matters. As he cannot time his visits to the stations to coincide with periods of large catches when the inspectors could do with a relief - and might even be tempted to be less than conscientious in their work - his presence is of no practical value whatsoever. The officer employed on this particular job must consequently suffer through spending a season in South Georgiawith no work whatsoever to do, and it is scarcely credible that the administration requires the services of even a part time adviser. All in all, the decision to make this appointment can only be regarded as unfortunate.

22. If, however, Government do not require control over whales at land stations in South Georgia to be 100% effective, the following would appear to be the case :-

(a) Inspectors are being appointed for political effect, the practical implementation of the policy of the conservation of whale stocks being of secondary importance.

(b) Government are putting themselves straight into the hands of the individual inspectors, and the value they obtain for their money will be in direct proportion to the conscientiousness of each man.

23. In connection with paragraph 22 (b) above it should not be entirely ruled out that an inspector, faced with prolonged periods of complete inactivity interspersed with periods of employment at the most erratic and inconvenient hours, might allow his conscientiousness to fall off, particularly if he has arrived at a conclusion similar to that drawn in paragraph 19 above.

24. Itwould thus seem that, in South Georgia, an efficient and comprehensive implementation of the policy of conservation of whale stocks is just not practicable on economic, if on no other grounds. This of course ignores the question as to whether it is, apart from political reasons, necessary.

25. It is assumed.....

25. It is assumed that, for political reasons, Governmental inspection ofwwhales is a necessity. If this is so and if it can be agreed that it is impracticable (for economic and other reasons) to obtain foolproof control of each station, then it is submitted that the aim should be to provide the mimimum control consistent with fulfilling political obligations. It is further submitted that this aim can be achieved by :-

(a) Requiring all companys operating in the island to maintain a Whaling Inspectors Log Book.

(b) Employing one man, under some such stylish title as "Whaling Inspector, South Georgia" or even "Whaling Inspector, Falkland Island Dependencies", as a travelling inspector and as practical evidence of Great Britain's determination to implement her commitments in the field of international whaling. (Even the necessity for one man is debatable as it could be argued - and argued with some force - that one of the existing Government employees in the island could assume the title and carry out all necessary periodical checks without overstraining himself; however, it is probable that international whaling opinion would be more content with the knowledge that there was one full time "inspector" in the island).

26. I estimate that my own activities in South Georgia are costing the Government approximately £1200 a year, net. With an establishment of four inspectors, as at present approved for the island, the total cost to public funds cannot lie far short of £5,000 a year. By reducing the number of inspectors to one, an annual savingof some £3,500, or 70% of the present estimate, would be effected - with, to the best of my belief, no loss of practical efficiency over the present arrangements.

27. Regardless of whether the submission in paragraph 25 above is acceptable I feel that consideration should be given to making the job of inspector sufficiently attractive to entice the most suitable type of man (or men) to return again and again to the island. This will not be easy. It is clearly impossible to put the job on any sort of established basis and I judge that it will be almost equally impossible to effect any sort of tie-in with pelagic whaling, in view of the difference between the length of the two seasons. If however, any future international agreement regarding pelagic whaling resulted in the lengthening of the latter's season, some form of interchange between ship/shore might be worth investigating - without however relinquishing the right to offer different pay, etc., scales, on the grounds of different conditions of service.

28. The following proposals are accordingly submitted for consideration, with a view to retaining employees as long as possible :-

(a) Abolition of the two grades of inspector as they exist at present.

(b) Introduction of one grade of inspector with pay, etc., based on previous experience.

(c) An inspector to receive automatically a higher rate of pay on return to the island after one season, or on coming to the island after one season in a factory ship.

(d) Basic pay.....

(d) Basic pay for the first season to be considerably lower than at present, and for succeeding seasons to be slightly higher than the present Senior Inspector's rate; small annual increments are worth considering.

(e) A nominal retaining fee during the off-season period to be paid to inspector(s) who have agreed to return to the island.

(f) Clothing allowance to be paid annually. (A good £10 worth of clothes need to be thrown away at the end of each season).

(g) Leave, passage, bonus and other (e.g. medical, etc.) arrangements :-

(i) For first season - as at present.

(ii) For subsequent seasons - brought into line with all other Government employees on the island.

29. In view of the type of work, the conditions in which it is carried out (e.g. South Georgia itself), the rates of pay, etc., that can be offered and, finally, the length of time that an inspector is required to be away from the United Kingdom in any one year (a minimum period of 8 months), it is highly improbable that a suitable man (or men) will be found to do the job year after year. Further, apart from integrity, conscientiousness and the temperament to stand 6 months in South Georgia under working conditions described previously, the mental requirements for the job are virtually nil - a moron would possibly not be a success but a schoolgirl of 12 could do the work standing on her head. As the average man of working age is averse to letting his brains atrophy over lengthy periods of time, I consider it most improbable that anybody between the ages of, say, 20 and 55 will be found willing to continue after, at the most, a couple of seasons.

30. There are no additional requirements for the job; if an inspector has a knowledge of Norwegian, he will find that life is considerably pleasanter socially, at any rate in two of the three stations in the island. I do not consider that there is any need whatsoever for an inspector to have had previous seagoing experience - it may be different with pelagic whaling, but at a land station I have found that my own seagoing experience has been neither necessary nor desirable, also that the lack of it would have made no difference to my relations to the gunners or any other of the company's employees.

31. To sum up.....

31. To sum up, I consider that no more than one full time inspector is necessary or desirable in the island, that efforts should be made to encourage him to return, and that the most suitable type of person to employ as a Whaling Inspector is an elderly widower with no dependant family (an ex-professional man on pension, for choice) who is willing and able to spend the evening of his life jogging peacefully backwards and forwards between the United Kingdom and South Georgia.

I have the honour to Be,

Sir,

Your obedient Servant,

(D.A.MARKS)
Whaling Inspector,
South Georgia.

The Administrative Officer,
South Georgia.
(through The Senior Whaling Inspector,
South Georgia).

II

Forwarded in haste before leaving.
No opportunity for comment.

H. L. Hughes
Senior Whale Inspector

1/4/59

Mail from
16

19

Y.H.

16 onwards J. i.

2/7/59.

NCS Read with great interest. NS 2/7/59

Rec. on NCS's return 20/8/59

7/7/59

21 ~~95~~

613/62
King Edward Point,
South georgia.
12th May,1959.

From The Administrative Officer,
South Georgia,
To The Colonial Secretary,
Port Stanley,

Whaling Inspectors' Log Books

attached

I have assumed that you may like to see the Whaling Inspectors' Log Books but that they will find their eventual resting place at the National Institute of Oceanography, Wormley, where the information contained therein will be available for scientific research.

J.H. Matthews
Administrative Officer,
South Georgia

22.

Y. H.

Bu 20/8

The Log Books are massive things & I am not quite sure what we shd. do with them - perhaps send them to S/S 'for information & record' & then to the National Institute of Oceanography'?

26/8/59.

23

Act. C.S.

Yes - ask S.of.S. first whether we should send them to the Institute or somewhere else. Savigram will do. C.S.O.T. 21.8.59.

24

Draft, pl. 21.8.59.

25

HCS

Draft etc

22.8.59

26

24.8.59.

D/18/5/10.

21.

Communications to be addressed to
THE CROWN AGENTS
FOR OVERSEA GOVERNMENTS AND ADMINISTRATIONS
the following reference and the date
of this letter being quoted.

4, MILLBANK,
LONDON, S.W.1.

M6/Gen.109/1

TELEGRAMS { INLAND: "CROWN, SOWEST LONDON."
OVERSEAS: "CROWN, LONDON."

TELEPHONE: ABBEY 7730.
TELEX No. 24209.

30th June, 1959.

Sir,

I am directed to refer to your recent notification of the loss of mail connected with the S.S. Darwin, and to enclose a copy of the Crown Agents' letter M6/44861 of the 19th February, in case the original did not reach you.

28

I am, Sir,

Your obedient servant,

The Colonial Secretary,
Port Stanley,
Falkland Islands.

SA/AMD

M6/44861

19th February, 1959.

Sir,

I am directed to refer to your letter D/10/47/11 of the 20th January, and to inform you that future agreements for Whale Fishery Inspectors will read:-

"Accommodation and food will be provided free of charge while the person engaged is travelling to and from South Georgia, and while he is resident in South Georgia under this agreement. Accommodation and food will not be provided during the period of leave on completion of the tour of service".

It is much regretted that the clause inserted in the agreements for the officers recently appointed was not as precisely worded.

I am, Sir,
Your obedient servant,

The Colonial Secretary,
Stanley,
Falkland Islands.

KR

DRJ

1st copy filed in P/822

COPY

25th July, 59

Gentlemen,

I am directed to refer to your letter M6/44863 of the 29th May, 1959, regarding a claim for rail fare from Mr. J. W. Marshall formerly Junior Whale Fishery Inspector and to inform you that it is regretted that this claim cannot be met. Government's liability ceases on disembarkation at any United Kingdom port. This will apply to any future claims which may be received from Whale Fishery Inspectors or any other officials of this Government unless you are informed to the contrary.

I am,
Gentlemen,
Your obedient servant,

(Sgd.) D. R. Morrison.

for ACTING COLONIAL SECRETARY.

Crown Agents for Oversea Governments and Administrations,
Millbank,
LONDON, S.W.1.

Bu 20/8/59.

JB/

D/10/47/10

F. I. ref: ~~I/343/58~~

C. O. ref:

~~#5~~ ~~33~~ 30

SAVING TELEGRAM.

From: The Officer Administering the Government of the Falkland Islands.

To: The Secretary of State for the Colonies.

Date: 24th August, 1959.

No. 29 SAVING. DEPENDENCIES.

Whale Fishery Inspectors' Log Books.

The Log Books of the Whale Fishery Inspectors who were stationed at each of the 3 whaling stations in South Georgia during the 1958/59 whaling season are held in Stanley and I should be grateful for disposal instructions. They would probably prove of value to the National Institute of Oceanography?

OFFICER ADMINISTERING THE GOVERNMENT

DRM/FH

Reply at 37

20

KIV

Bul. 3/9

31

A/Sec.

Council can Lindley prepare an amending Reg. to incorporate the amendments to the Whale Fishery Regs as suggested by Sir Henry G.

21.X.59.

32

H. C. S.,

Draft Regulations submitted herewith, pl.

RR.

A/R.S.C.
22.10.59.

A.C.S.

1. Pl. note for next Exclo.

2. B.U. for memo. in one month.

B.U. 2/12/59

File No. FST.54/105/01.
Yr. ref: D/AC/4/7/III.

Saving

From the Secretary of State for the Colonies.
To the Officer Administering the Government of FALKLAND ISLANDS.

Date 17 September, 1959.

No. 105 Saving

30

Your No.29 Saving Dependencies.

Whale Fishery Inspectors' Log Books.

The National Institute of Oceanography would be very pleased to have the Log Books for the 1958/59 and subsequent Whaling seasons.

2. I should be grateful if you would send the Log Books to the Institute direct.

SECRET.

Office. 385

For necessary action pl.

D.C.F.
2/11/59

385

ACS

Draft S/T to Dep Gov

3.11.59

They should go to the Inst. not the S/S

Copy

~~Lost~~

~~38~~

ACS

37. Draft o/c

10.11.5

Ref: D/10/47/111.

39

FALKLAND ISLANDS.

The Colonial Secretary of the Falkland Islands presents his compliments to the Director of the National Institute of Oceanography and in accordance with instructions received from the Secretary of State has the honour to enclose herewith three Whale Fishery Inspector's Log Books covering the 1958/59 whaling season at South Georgia.

34

Colonial Secretary's Office,
Stanley,
FALKLAND ISLANDS.

26th November, 1959.

Rec 54

Rec. 3.1.60. (36)

M

4D

NCS

(28) para 2 Bell army. Pl.

4/1/60

~~28~~ 41

Registry.

Pl. look out the papers connected with the proceedings which took place either last year or - if I remember correctly, early in 1958. I take that that f 30 & 31 & the draft at b.c. should be on one file. But pl. look them out and let me discuss early with me.

9.1.60

P.A. 29.1.60

Savingram

C.O. 1

From the Secretary of State for the Colonies.

To the Officer Administering the Government of FALKLAND ISLANDS.

Date 9 NOV 1959 **No.** 135

Colonial Office Reference LIB/S.028 Your reference

With reference to my / your despatch / savingram / telegram No.

of the , I enclose, for your

information,
consideration, a copy of the paper noted below.
observations,

SECER

Originator and date	Subject
bmd. 849	

Off. 43 Take a copy of the encl. & send original to A.O. S.G. next opportunity - probably Feb 10th

S/C 44 Copy of encl. typed & attached. Original sent to A.O., S.G. & Comp. Sec. 28/1/60.

22.1.60.

(E708) Wt 53621—7557 10m 1/58 V.B. Gp 791

Copy

45

WHALING

Treaty Series No. 68 (1959)

PROTOCOL

to the International Convention for the Regulation of Whaling signed at Washington on December 2, 1946.

Washington, November 19, 1956

(The United Kingdom ratification was deposited on May 23, 1957)

Presented to Parliament by the Secretary of State for Foreign Affairs by Command of Her Majesty

November 1959

LONDON
HER MAJESTY'S STATIONERY OFFICE

Fourpence net.

Cmnd. 849.

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING SIGNED AT WASHINGTON UNDER DATE OF DECEMBER 2, 1946

The Contracting Governments to the International Convention for the Regulation of Whaling signed at Washington under date of December 2, 1946, (1) which Convention is hereinafter referred to as the 1946 Whaling Convention, desiring to extend the application of that Convention to helicopters and other aircraft and to include provisions on methods of inspection among those Schedule provisions which may be amended by the Commission, agree as follows:-

ARTICLE I

Subparagraph 3 of Article II of the 1946 Whaling Convention shall be amended to read as follows:-

"3. 'whale catcher' means a helicopter, or other aircraft, or a ship, used for the purpose of hunting, taking, killing, towing, holding on to, or scouting for whales."

ARTICLE II

Paragraph 1 of Article V of the 1946 Whaling Convention shall be amended by deleting the word "and" preceding clause (h), substituting a semicolon for the period at the end of the paragraph, and adding the following language: "and (i) methods of inspection".

ARTICLE III

1. This Protocol shall be open for signature and ratification or for adherence on behalf of any Contracting Government to the 1946 Whaling Convention.

2. This Protocol shall enter into force on the date upon which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America on behalf of all the Contracting Governments to the 1946 Whaling Convention. (2)

3. The Government of the United States of America shall inform all Governments signatory or adhering to the 1946 Whaling Convention of all ratifications deposited and adherences received.

4. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Protocol.

DONE in Washington this nineteenth day of November 1956, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all Governments signatory or adhering to the 1946 Whaling Convention.

For Australia:
F. J. BLAKENEY.

For Brazil:
ERNANI DO AMARAL PEIXOTO.

For Canada:
A. D. P. HEENEY.

For Denmark:
HENRIK KAUFFMANN.

For France:
HERVÉ ALPHAND.

For Iceland:
THOR THORS.

For Japan:
MASAYUKI TANI.

For Mexico:
MANUEL TELLO.

For the Netherlands:
J. H. VAN ROIJEN.
For the Kingdom in Europe.

For New Zealand:
G. D. L. WHITE.

For Norway:
WILHELM MORGENSTIERNE.

For Panama:
J. M. MÉNDEZ M.

For Sweden:
ERIK BOHEMAN.

For the Union of South Africa:
W. C. DU PLESSIS.

For the Union of Soviet Socialist Republics:
G. ZAROUBIN

For the United Kingdom of Great Britain and Northern Ireland.
HAROLD CACCIA.

For the United States of America:
HERBERT HOOVER, Jr.

Ratifications	Date of Deposit
United Kingdom	May 23, 1957.
Canada	June 14, 1957.
Australia	April 8, 1957.
New Zealand	June 21, 1957.
South Africa	April 25, 1957.
Brazil	May 4, 1959.
Denmark	July 26, 1957.
France	April 14, 1958.
Iceland	November 23, 1956.
Japan	May 24, 1957.
Mexico	March 9, 1959.
Netherlands	December 23, 1957.
Norway	April 15, 1957.
Panama	February 9, 1959.
Soviet Union	July 3, 1957.
Sweden	June 6, 1957.
United States of America	August 30, 1957.

Printed and published in Great Britain by
HER MAJESTY'S STATIONERY OFFICE

19162-72 55356 Wt.760/1970 K14 11/59 F.O.P.

(1) "Treaty Series No.5 (1949)," Cmnd. 7604.
(2) May 4, 1959.

49

C.O. 1

Savingram

From the Secretary of State for the Colonies.

To the Officer Administering the Government of Falkland Islands

Date 12 JAN 1960 **No.** 7

Colonial Office Reference FST 54/105/01 Your reference

~~With reference to~~ ~~my~~ ~~your~~ ~~despatch~~ ~~savingram~~ ~~No.~~ ~~telegram~~

~~of the~~, I enclose, for your

information,
~~consideration,~~ a copy of the paper noted below.
~~observations,~~

SECER

Originator and date	Subject
Ch. Salvesen & Co. 7.1.60	Whaling Inspectors,

(E708) Wt 53621—7557 10m 1/58 V.B. Gp 791

50

FST 54/105/01 11 January, 1960

Gentlemen,

I am directed by Mr. Secretary Macleod to enclose a copy of a letter together with a cheque for the sum of £197 from Chr Salvesen and Company. You will see from the enclosed letter that due to a misunderstanding Salvesen's account in respect of whaling inspectors has been paid twice from Falkland Islands Dependencies funds.

51

2. I am to ask therefore if you would arrange for the cheque for £197 from Chr Salvesen and Company to be paid into the Falkland Islands Dependencies account.

I am,
Gentlemen,
Your obedient servant,

THE CROWN AGENTS FOR OVERSEA
GOVERNMENTS AND ADMINISTRATIONS.

51

Chr Salvesen & Co.
G.P.O. Box 217
29, Bernard Street,
Leith.

Your ref. FST 54/105/01

7th January, 1960

Our ref. RC/KLD

The Colonial Office,
Great Smith Street,
London, S.W.1.

Dear Sirs,

We refer to our letter dated 21st May 1959 and your letter dated 3rd June 1959 regarding the board and lodging of the whaling inspectors at our Leith Harbour Whaling Station, South Georgia.

We have just received a cash statement for the winter period from our Manager at Leith Harbour and it would appear that the Magistrate at South Georgia paid, on 4th May 1959, £197 in case in respect of the above. As we also received a cheque for £197 from the Crown Agents for Overseas Governments and Administration in settlement of this account we now enclose our cheque to them in order to square their books.

We apologise for this mistake having arisen but we would point out that we gave explicit instructions to our Manager at South Georgia that we would render the account. Unfortunately, after his departure from South Georgia the Magistrate paid this amount in cash to the Winter Manager.

Yours faithfully,

(Sgd) Chr Salvesen & Co.

52

A.O. F.D.T.
To see 49 pl.
8.2.60

53

H.C.S. Noted. Thank you.
The accounts concerned are South Georgia April 1959 account and Crown Agents June 1959 account but there is no indication that one is a duplicate payment. The refund should be in new January account.
9/1/60

54

NATIONAL INSTITUTE OF OCEANOGRAPHY

TEL. WORMLEY 370, 371 & 372
TEL. ADDRESS: OCEANS, WORMLEY, SURREY
RLY. STATION: WITLEY

WORMLEY, GODALMING,
SURREY.

COLONIAL SECRETARY'S OFFICE
- 4 MAR 1960
FALKLAND ISLANDS

OUR REF. 183/60

YOUR REF D/10/47/111

12th February 1960

The Colonial Secretary's Office,
Stanley,
Falkland Islands.

Receipt is acknowledged of three Whale Inspectors Log Books covering the 1958/59 whaling season, accompanied by covering memorandum dated 26th November 1959.

39

(i)

GOVERNMENT TELEGRAPH SERVICE

FALKLAND ISLANDS

SENT

W. & T. LTD.

Number	Office of Origin	Words	Handed in at	Date
	PSY			6. 4. 60.

To

PRIORITY ADMINOFF SOUTH GEORGIA (DEPS A/C)

NO. 76. PLEASE ADVISE THAT IF AS A RESULT OF MEETING OF INTERNATIONAL WHALING COMMISSION LONDON JUNE/JULY 1959 PELAGIC SEASON WAS EXTENDED TO 17TH APRIL FOR 1959/60 SEASON STOP AN EARLY REPLY WOULD BE APPRECIATED

COLONIAL SECRETARY

Time JB/IM

Reply 8-5-60

5 6

DECODE.

TELEGRAM.

From Administrative Officer, South Georgia.

To Colonial Secretary, Stanley.

Despatched : 7th April, *19* 60. *Time :* 1940.

Received : 8th April, *19* 60. *Time :* 1000.

55 rejoin

No. 87. Understand season 1958/59 was for period 7th January to 7th April season 1959/60 for period 28th December 1959 to 7th April 1960.

Administrative Officer.

57

(Intld.)

AGDT

P/L : DM

PA

57

Savingram

C.O. 1

From the Secretary of State for the Colonies.

To the Officer Administering the Government of FALKLAND ISLANDS

Date 11 JUL 1961 No. 65

Colonial Office Reference CMN) 1404 Your reference

COLONIAL SECRETARY'S OFFICE
4 AUG 1961
FALKLAND ISLANDS

~~With reference to~~ my ~~despatch~~ / ~~savingram~~ / your ~~telegram~~ No.

~~of the~~, I enclose, for your information, ~~a~~ distribution ~~consideration,~~ a copy of the paper noted below. ~~observations,~~

SECER

Originator and date	Subject
Copy of 58 sent to OC S.S. JH 14/8/61	See WP minute now until we get to Convention. 21/8/61

(E2917) Wt 68130—8073 10m 5/60 V.B. Gp 791

FALKLAND IS.

58

WHALING

Treaty Series No. 49 (1961)

Schedule to the International Whaling Convention, 1946

Revised to include the Amendments that came into Operation after the Eleventh and Twelfth Meetings of the International Whaling Commission in London, 1959–1960

[In continuation of "Treaty Series No. 27 (1959)", Cmnd. 694]

Presented to Parliament by the Secretary of State for Foreign Affairs
by Command of Her Majesty
July 1961

LONDON
HER MAJESTY'S STATIONERY OFFICE
NINEPENCE NET

Cmnd. 1404

SCHEDULE TO THE INTERNATIONAL WHALING CONVENTION, 1946[1]

(As amended by the Commission at its first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth meetings and subsequently brought into force)

1.—(*a*) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship; provided that inspectors need not be appointed to ships which, apart from the storage of products, are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

(*b*) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

2. It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

3. It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

4.—(1) It is forbidden to kill blue whales in the North Atlantic Ocean for five years ending on 24th February, 1965.*

(2) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in any of the following areas:

(*a*) in the waters north of 66° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(*b*) in the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(*c*) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(*d*) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(*e*) in the Indian Ocean and its dependent waters north of 40° South Latitude.

---

(1) "Treaty Series No. 5 (1949)", Cmd. 7604.

* This paragraph was objected to within the prescribed period ending 4th October, 1959, by the Government of Iceland. The objection was not withdrawn and the paragraph became operative from 3rd January, 1960, in respect of all contracting Governments except Iceland.

5. It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in the waters south of 40° South Latitude from 70° West Longitude westwards as far as 160° West Longitude. [This article, as the result of the seventh meeting at Moscow, was rendered inoperative for a period of three years from 8th November, 1955, and as a result of the ninth meeting in London was rendered inoperative for a further period from 8th November, 1958, and again as a result of the eleventh meeting in London was rendered inoperative for a period of three years from 8th November, 1959.]

6.—(1) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period ending on 8th November, 1964.

(2) (*a*) It is forbidden to kill or attempt to kill humpback whales in the waters south of 40° South Latitude between 0° Longitude and 60° West Longitude for a period ending on 8th November, 1964.

(*b*) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill humpback whales in waters south of 40° South Latitude between 70° East Longitude and 130° East Longitude during 1961, 1962 and 1963.†

(3) (*a*) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill humpback whales in the waters south of 40° South Latitude between 130° East Longitude and 170° West Longitude during 1961, 1962 and 1963 except for three days commencing the 20th January in each year.†

(*b*) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill humpback whales in any other waters south of 40° South Latitude except for four days commencing 20th January in any year.

7.—(*a*) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from 28th December to 7th April, following, both days inclusive; and no such whale catcher shall be used for the purpose of killing or attempting to kill blue whales before the 14th February in any year.†

(*b*) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm or minke whales, except as permitted by the Contracting Governments in accordance with sub-paragraphs (*c*), (*d*) and (*e*) of this paragraph.

(*c*) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted; provided that a separate open season may be declared for each factory ship and the whale catchers attached thereto.

---

† The amendments to paragraphs 6 (2), 6 (3), and 7 (*a*) were objected to within the prescribed period by the Governments of Japan, Norway, the United Kingdom and the U.S.S.R. Paragraphs 6 (2) (*b*) and 6 (3) (*a*) came into force on 25th January, 1961, and paragraph 7 (*a*) on 26th January, 1961, but are not binding on these countries.

(*d*) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted.

Provided that:

(i) a separate open season may be declared for each factory ship and the whale catchers attached thereto:

(ii) the open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to sub-paragraph (*a*) of this paragraph.

(*e*) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted.

8.—(*a*) The number of baleen whales taken during the open season caught in waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed fifteen thousand blue-whale units in 1962–63 or in any subsequent season.‡

(*b*) For the purposes of sub-paragraph (*a*) of this paragraph, blue-whale units shall be calculated on the basis that one blue whale equals:

(1) Two fin whales or

(2) Two and a half humpback whales or

(3) Six sei whales.

(*c*) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government; provided that when the number of blue-whale units is deemed by the Bureau of International Whaling Statistics to have reached 13,500 notification shall be given as aforesaid at the end of each day of data on the number of blue-whale units taken.

(*d*) If it appears that the maximum catch of whales permitted by sub-paragraph (*a*) of this paragraph may be reached before 7th April of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The killing or attempting to kill baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

‡ The amendment to this paragraph was objected to within the prescribed period by the Governments of Japan and the U.S.S.R. The amendment came into force on 23rd January, 1961, but is not binding on these countries.

(*e*)§ Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

9.—(*a*) It is forbidden to take or kill any blue, sei or humpback whales below the following lengths:

Blue whales 70 feet (21·3 metres)
Sei whales 40 feet (12·2 metres)
Humpback whales 35 feet (10·7 metres)

except that blue whales of not less than 65 feet (19·8 metres) and sei whales of not less than 35 feet (10·7 metres) in length may be taken for delivery to land stations, provided that the meat of such whales is to be used for local consumption as human or animal food.

(*b*) It is forbidden to take or kill any fin whales below 57 feet (17·4 metres) in length for delivery to factory ships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16·8 metres) for delivery to factory ships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16·8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15·2 metres) may be taken for delivery to land stations in the Northern Hemisphere provided in each case that the meat of such whales is to be used for local consumption as human or animal food.

(*c*) It is forbidden to take or kill any sperm whales below 38 feet (11·6 metres) in length, except that sperm whales of not less than 35 feet (10·7 metres) in length may be taken for delivery to land stations.

(*d*) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, *e.g.*, 76 feet 6 inches precisely shall be logged as 77 feet.

10.—(*a*) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with sub-paragraphs (*b*), (*c*) and (*d*) of this paragraph.

(*b*) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a

§ *Note.*—Paragraph 8 (*e*) which followed in earlier copies was deleted by the Commission at its fourth meeting in 1952 and the deletion became effective on 12th September, 1952. Original paragraph (*f*) consequently becomes paragraph (*e*).

period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government; provided that a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(*c*)‖ Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in sub-paragraph (*b*) of this paragraph; provided that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.

(*d*) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in sub-paragraph (*b*) of this paragraph); provided that a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this sub-paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

(*e*) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of paragraph 17 of this Schedule.

11. It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season; provided that this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

‖ *Note.*—This sub-paragraph 10 (*c*) came into force as from 21st February, 1952, in respect of all Contracting Governments, except the Commonwealth of Australia, who lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this sub-paragraph are not therefore binding on the Commonwealth of Australia.

12.—(*a*) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of paragraphs 2, 4, 5, 6, 7, 8 or 10 of this Schedule.

(*b*) All other whales (except minke whales) taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

(*c*) Complete treatment of the carcases of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

13.—(*a*) The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcase (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.

(*b*) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(*c*) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

(1) The time when each whale is taken
(2) Its species, and
(3) Its marking effected pursuant to sub-paragraph (*b*) of this paragraph.

(*d*) The information reported by radio pursuant to sub-paragraph (*c*) of this paragraph shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

(1) Time of hauling up for treatment,
(2) Length, measured pursuant to sub-paragraph (*d*) of paragraph 9,
(3) Sex,
(4) If female, whether milk-filled or lactating,
(5) Length and sex of foetus, if present, and
(6) A full explanation of each infraction.

(*e*) A record similar to that described in sub-paragraph (*d*) of this paragraph shall be maintained by land stations, and all of the information mentioned in the said sub-paragraph shall be entered therein as soon as available.

14. Gunners and crews of factory ships, land stations, and whale catchers, shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of milk-filled or lactating whales.

15. Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

16. Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (*a*) concerning the number of whales of each species taken, the number thereof lost and the number treated at each factory ship or land station, and (*b*) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (*c*) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in (*a*) and (*c*) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales.

In communicating this information there shall be specified:

(*a*) The name and gross tonnage of each factory ship.

(*b*) The number of whale catchers, including separate totals for surface vessels and aircraft and specifying, in the case of surface vessels, the average length and horse power of whale catchers.

(*c*) A list of the land stations which were in operation during the period concerned.

17.—(*a*) A factory ship which operates solely within territorial waters in one of the areas specified in sub-paragraph (*c*) of this paragraph, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

(*b*) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in sub-paragraph (*c*) of this paragraph or south of 40° South Latitude.

(*c*) The areas referred to in sub-paragraphs (*a*) and (*b*) are:

(1) On the coast of Madagascar and its dependencies

(2) On the west coasts of French Africa

(3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to North-west Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany.

(4) On the Pacific coast of the United States of America between 35° North Latitude and 49° North Latitude.¶

18.—(1) The following expressions have the meanings respectively assigned to them, that is to say:

" baleen whale " means any whale which has baleen or whale bone in the mouth, *i.e.*, any whale other than a toothed whale

" blue whale " (*Balaenoptera* or *Sibbaldus musculus*) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom

" dauhval " means any unclaimed dead whale found floating

" fin whale " (*Balaenoptera physalus*) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale

" gray whale " (*Rhachianectes glaucus*) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back or rip sack

" humpback whale " (*Megaptera nodosa or novaeangliae*) means any whale known by the name of bunch, humpback, humpback whale, hump-backed whale, hump whale or hunchbacked whale

" minke whale " (*Balaenoptera acutorostrata, B. Davidsoni, B. huttoni*) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp headed finner

" right whale " (*Balaena mysticetus; Eubalaena glacialis, E. australis*, &c.; *Neobalaena marginata*) means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale or Southern right whale

¶ *Note.*—Paragraph 17 (*a*), (*b*) and (*c*) (1) to (3) was inserted by the Commission at its first meeting in 1949, and came into force on 11th January, 1950, as regards all Contracting Governments except France, who therefore remain bound by the provisions of the original paragraph 17, which reads as follows:

17. Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

(*a*) on the coast of Madagascar and its dependencies, and on the west coasts of French Africa;

(*b*) on the west coast of Australia in the area known as Shark Bay and northward to North-west Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany; and on the east Coast of Australia, in Twofold Bay and Jervis Bay.

Paragraph 17 (*c*) (4) was inserted by the Commission at its eleventh meeting in 1959 and came into force on 5th October, 1959, as regards all Contracting Governments.

59

"sei whale" (*Balaenoptera borealis*) means any whale known by the name of sei whale, Ruldophi's rorqual, pollack whale or coalfish whale and shall be taken to include Bryde's whale (*B. brydei*)

"sperm whale" (*Physeter catodon*) means any whale known by the name of sperm whale, spermacet whale, cachalot or pot whale

"toothed whale" means any whale which has teeth in the jaws.

(2) "Whales taken" means whales that have been killed and either flagged or made fast to catchers.

BU 8.9.61
A convention from Crown

BU 14.9.61 (mail)

No mail

BU 24.10.61 (mail)

No mail

Printed in England and published by
HER MAJESTY'S STATIONERY OFFICE

19437—30 58637 Wt. 282/67 K11 7/61 F.O.P.

14.9.61

No mail

BU 4.10.61 (mail)

No mail

H.C.S.,

Two copies of the International Whaling Convention 1946 and subsequent amendments have been received.

One copy of each is at b.c., the other copies, which were for South Georgia, have been handed to Capt. Lockman.

8. 11. 61.

61

Perhaps we might now write to Sir Harry Walker & say that the amended convention has so far not been found.

It has since been brought to my notice that most of the requirements as regards size of whales etc are provided for in the International Whaling Convention. and ask him And with his whole all these detailed provisions need also be embodied in our ~~the~~ law. Many of them are already embodied in the law.

We can tell him where the convention can be obtained or have we with the cost if he wants a copy

9/11/61

Copy filed in 3/4/58.

D/10/47/I

62

Savingram

C.O. 1

From the Secretary of State for the Colonies.

To the Officer Administering the Government of FALKLAND ISLANDS

Date 23 JAN 1962 **No.** 6

Colonial Office Reference LIB / S. 028 Your reference

GOVERNOR'S SECRETARY'S OFFICE 12 FEB 1962 FALKLAND ISLANDS

With ~~reference to~~ ~~my~~ ~~your~~ ~~despatch~~ ~~savingram~~ ~~telegram~~ No.

of the, I enclose, for your

information, 2 COPIES

~~consideration,~~ ~~a copy~~ of the paper noted below.

~~observations,~~

SECER

Originator and date	Subject
Acknd.	1560
Please pass copy to the Administrative Officer South Georgia	
Copy Sent to A/O S.G. JH. 14. 2. 62.	

(E2917) Wt 68130—8073 10m 5/60 V.B. Gp 791

Treaty Series No. 113 (1961)

Schedule to the International Whaling Convention, 1946

Revised to include the Amendments that came into Operation after the Thirteenth Meeting of the International Whaling Commission in London, 1961

[In continuation of "Treaty Series No. 49 (1961)" Cmnd. 1404]

Presented to Parliament by the Secretary of State for Foreign Affairs by Command of Her Majesty December 1961

LONDON
HER MAJESTY'S STATIONERY OFFICE
ONE SHILLING NET

Cmnd. 1560

SCHEDULE TO THE INTERNATIONAL WHALING CONVENTION, 1946[1]

(As amended by the Commission at its thirteenth and all preceding meetings and subsequently brought into force)

1.—(*a*) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship; provided that inspectors need not be appointed to ships which, apart from the storage of products, are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

(*b*) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

2. It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

3. It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

4.—(1) It is forbidden to kill blue whales in the North Atlantic Ocean for five years ending on 24th February, 1965.*

(2) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in any of the following areas:

(*a*) in the waters north of 66° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(*b*) in the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(*c*) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(*d*) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(*e*) in the Indian Ocean and its dependent waters north of 40° South Latitude.

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(1) "Treaty Series No. 5 (1949)", Cmd. 7604.

* This paragraph was objected to within the prescribed period ending 4th October, 1959, by the Government of Iceland. The objection was not withdrawn and the paragraph became operative from 3rd January, 1960, in respect of all contracting Governments except Iceland.

5. It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in the waters south of 40° South Latitude from 70° West Longitude westwards as far as 160° West Longitude. [This article as the result of the seventh meeting at Moscow, was rendered inoperative for a period of three years from 8th November, 1955, and as a result of the ninth meeting in London was rendered inoperative for a further period from 8th November, 1958, and again as a result of the eleventh meeting in London was rendered inoperative for a period of three years from 8th November, 1959.]

6.—(1) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period ending on 8th November, 1964. Notwithstanding this close season the taking of 10 humpback whales per year is permitted in Greenland waters provided that whale catchers of less than 50 gross register tonnage are used for this purpose.

(2) (*a*) It is forbidden to kill or attempt to kill humpback whales in the waters south of 40° South Latitude between 0° Longitude and 60° West Longitude for a period ending on 8th November, 1964.

(*b*) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill humpback whales in waters south of 40° South Latitude between 70° East Longitude and 130° East Longitude during 1961, 1962 and 1963.†

(3) (*a*) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill humpback whales in the waters south of 40° South Latitude, between 130° East Longitude and 170° West Longitude during 1961, 1962 and 1963 except for three days commencing the 20th January in each year.†

(*b*) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill humpback whales in any other waters south of 40° South Latitude except for four days commencing 20th January in any year.

7.—(*a*) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from 12th December to 7th April, following, both days inclusive; and no such whale catcher shall be used for the purpose of killing or attempting to kill blue whales before the 14th February in any year.†

(*b*) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm or minke whales, except as permitted by the Contracting Governments in accordance with sub-paragraphs (*c*), (*d*) and (*e*) of this paragraph.

(*c*) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during

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† The amendments to paragraphs 6 (2), 6 (3), and 7 (*a*) were objected to within the prescribed period by the Governments of Japan, Norway, the United Kingdom and the U.S.S.R. Paragraphs 6 (2) (*b*) and 6 (3) (*a*) came into force on 25th January, 1961, and paragraph 7 (*a*) on 26th January, 1961, but are not binding on these countries.

which the taking or killing of sperm whales by whale catchers may be permitted; provided that a separate open season may be declared for each factory ship and the whale catchers attached thereto.

(*d*) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted.

Provided that:

(i) a separate open season may be declared for each factory ship and the whale catchers attached thereto:

(ii) the open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to sub-paragraph (*a*) of this paragraph.

(*e*) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted. Notwithstanding this paragraph one continuous open season not to exceed eight months may be implemented so far as Greenland is concerned.

8.—(*a*) The number of baleen whales taken during the open season caught in waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed ~~fifteen~~ thousand blue-whale units in 1963-64 ~~or in any subsequent season~~.‡

(*b*) For the purposes of sub-paragraph (*a*) of this paragraph, blue-whale units shall be calculated on the basis that one blue whale equals:

(1) Two fin whales or

(2) Two and a half humpback whales or

(3) Six sei whales.

(*c*) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government; provided that when the number of blue-whale units is deemed by the Bureau of International Whaling Statistics to have reached 14,500 notification shall be given as aforesaid at the end of each day of data on the number of blue-whale units taken.

(*d*) If it appears that the maximum catch of whales permitted by sub-paragraph (*a*) of this paragraph may be reached before 7th April of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four

‡ The amendment to this paragraph was objected to within the prescribed period by the Governments of Japan and the U.S.S.R. The amendment came into force on 23rd January, 1961, but is not binding on these countries.

days in advance thereof. The killing or attempting to kill baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

(*e*)§ Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

9.—(*a*) It is forbidden to take or kill any blue, sei or humpback whales below the following lengths:

Blue whales 70 feet (21·3 metres)
Sei whales 40 feet (12·2 metres)
Humpback whales 35 feet (10·7 metres)

except that blue whales of not less than 65 feet (19·8 metres) and sei whales of not less than 35 feet (10·7 metres) in length may be taken for delivery to land stations, provided that, except in the North-east Pacific area for a period of three years starting 1st April, 1962, the meat of such whales is to be used for local consumption as human or animal food.

(*b*) It is forbidden to take or kill any fin whales below 57 feet (17·4 metres) in length for delivery to factory ships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16·8 metres) for delivery to factory ships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16·8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15·2 metres) may be taken for delivery to land stations in the Northern Hemisphere provided that, except in the North-east Pacific area for a period of three years starting 1st April, 1962, in each case the meat of such whales is to be used for local consumption as human or animal food.

(*c*) It is forbidden to take or kill any sperm whales below 38 feet (11·6 metres) in length, except that sperm whales of not less than 35 feet (10·7 metres) in length may be taken for delivery to land stations.

(*d*) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, *e.g.*, 76 feet 6 inches precisely shall be logged as 77 feet.

10.—(*a*) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with sub-paragraphs (*b*), (*c*) and (*d*) of this paragraph.

§ *Note.*—Paragraph 8 (*e*) which followed in earlier copies was deleted by the Commission at its fourth meeting in 1952 and the deletion became effective on 12th September, 1952. Original paragraph (*f*) consequently becomes paragraph (*e*).

(*b*) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government; provided that a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(*c*)‖ Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in sub-paragraph (*b*) of this paragraph; provided that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.

(*d*) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in sub-paragraph (*b*) of this paragraph); provided that a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this sub-paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

(*e*) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of paragraph 17 of this Schedule.

‖ *Note.*—This sub-paragraph 10 (*c*) came into force as from 21st February, 1952, in respect of all Contracting Governments, except the Commonwealth of Australia, who lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this sub-paragraph are not therefore binding on the Commonwealth of Australia.

11. It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season; provided that this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

12.—(*a*) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of paragraphs 2, 4, 5, 6, 7, 8 or 10 of this Schedule.

(*b*) All other whales (except minke whales) taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals. A Contracting Government may in less developed regions exceptionally permit treating of whales without use of land stations, provided that such whales are fully utilised in accordance with this paragraph.

(*c*) Complete treatment of the carcases of " Dauhval " and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

13.—(*a*) The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcase (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.

(*b*) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(*c*) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

(1) The time when each whale is taken

(2) Its species, and

(3) Its marking effected pursuant to sub-paragraph (*b*) of this paragraph.

(*d*) The information reported by radio pursuant to sub-paragraph (*c*) of this paragraph shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

(1) Time of hauling up for treatment,

(2) Length, measured pursuant to sub-paragraph (*d*) of paragraph 9,

(3) Sex,

(4) If female, whether milk-filled or lactating,

(5) Length and sex of foetus, if present, and

(6) A full explanation of each infraction.

(*e*) A record similar to that described in sub-paragraph (*d*) of this paragraph shall be maintained by land stations, and all of the information mentioned in the said sub-paragraph shall be entered therein as soon as available.

14. Gunners and crews of factory ships, land stations, and whale catchers, shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of milk-filled or lactating whales.

15. Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

16. Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (*a*) concerning the number of whales of each species taken, the number thereof lost and the number treated at each factory ship or land station, and (*b*) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (*c*) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in (*a*) and (*c*) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales.

In communicating this information there shall be specified:

(*a*) The name and gross tonnage of each factory ship.

(*b*) The number of whale catchers, including separate totals for surface vessels and aircraft and specifying, in the case of surface vessels, the average length and horse power of whale catchers.

(*c*) A list of the land stations which were in operation during the period concerned.

17.—(*a*) A factory ship which operates solely within territorial waters in one of the areas specified in sub-paragraph (*c*) of this paragraph, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

(*b*) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in sub-paragraph (*c*) of this paragraph or south of 40° South Latitude.

(*c*) The areas referred to in sub-paragraphs (*a*) and (*b*) are:

(1) On the coast of Madagascar and its dependencies

(2) On the west coasts of French Africa

(3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to North-west Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany.

(4) On the Pacific coast of the United States of America between 35° North Latitude and 49° North Latitude.¶

18.—(1) The following expressions have the meanings respectively assigned to them, that is to say:

"baleen whale" means any whale which has baleen or whale bone in the mouth, *i.e.*, any whale other than a toothed whale

"blue whale" (*Balaenoptera* or *Sibbaldus musculus*) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom

"dauhval" means any unclaimed dead whale found floating

"fin whale" (*Balaenoptera physalus*) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale

"gray whale" (*Rhachianectes glaucus*) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back or rip sack

"humpback whale" (*Megaptera nodosa or novaeangliae*) means any whale known by the name of bunch, humpback, humpback whale, hump-backed whale, hump whale or hunchbacked whale

"minke whale" (*Balaenoptera acutorostrata, B. Davidsoni, B. huttoni*) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp headed finner

"right whale" (*Balaena mysticetus; Eubalaena glacialis, E. australis,* &c.; *Neobalaena marginata*) means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale or Southern right whale

¶ *Note.*—Paragraph 17 (*a*), (*b*) and (*c*) (1) to (3) was inserted by the Commission at its first meeting in 1949, and came into force on 11th January, 1950, as regards all Contracting Governments except France, who therefore remain bound by the provisions of the original paragraph 17, which reads as follows:

17. Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

(*a*) on the coast of Madagascar and its dependencies, and on the west coasts of French Africa;

(*b*) on the west coast of Australia in the area known as Shark Bay and northward to North-west Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany; and on the east Coast of Australia, in Twofold Bay and Jervis Bay.

Paragraph 17 (*c*) (4) was inserted by the Commission at its eleventh meeting in 1959 and came into force on 5th October, 1959, as regards all Contracting Governments.

3

"sei whale" (*Balaenoptera borealis*) means any whale known by the name of sei whale, Ruldophi's rorqual, pollack whale or coal[redacted] whale and shall be taken to include Bryde's whale (*B. brydei*)

"sperm whale" (*Physeter catodon*) means any whale known by the name of sperm whale, spermacet whale, cachalot or pot whale

"toothed whale" means any whale which has teeth in the jaws.

(2) "Whales taken" means whales that have been killed and either flagged or made fast to catchers.

Printed in England and published by

HER MAJESTY'S STATIONERY OFFICE

19137—140 59825 Wt. 856/227 K14 12/61 F.O.P.

PA H

BRITISH ANTARCTIC TERRITORY.

B/12A

- 7 SEP 1962

With the compliments of

THE UNDER-SECRETARY OF STATE

FOR THE COLONIES

This weekly is of interest to S. Georgia & we should find it useful for Colonies

COLONIAL OFFICE

GREAT SMITH STREET

LONDON S.W.1.

Copy sent to MO Sh under Comp. Slip. JH. 2/10/62.

LIBRARY.

65

WHALING

Miscellaneous No. 26 (1962)

Arrangements for the Regulation of Antarctic Pelagic Whaling

London, June 6, 1962

[The United Kingdom has not accepted these arrangements]

Presented to Parliament by the Secretary of State for Foreign Affairs by Command of Her Majesty August 1962

LONDON
HER MAJESTY'S STATIONERY OFFICE
EIGHTPENCE NET

Cmnd. 1817

ARRANGEMENTS FOR THE REGULATION OF ANTARCTIC PELAGIC WHALING

The Governments of Japan, the Kingdom of the Netherlands, the Kingdom of Norway, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland, being Parties to the International Convention for the Regulation of Whaling, signed at Washington on December 2, 1946[1] (hereinafter referred to as "the Convention");

Have agreed upon the following Arrangements:

ARTICLE 1

For the purposes of the present Arrangements the term "season" shall mean the season during which the taking of baleen whales is permitted under paragraph 7(*a*) of the Schedule to the Convention.

ARTICLE 2

The present Arrangements shall be operative until the end of the 1965–66 season.

ARTICLE 3

The total annual catch authorised under the Convention shall be divided among the countries of the Contracting Governments in the following quotas:

Japan	33%
Netherlands	6%
Norway	32%
Union of Soviet Socialist Republics ...	20%
United Kingdom	9%

These quotas are not transferable except as provided in Article 5 hereof and in Articles 3 and 4 of the Supplementary Arrangements signed at London on this day's date.

ARTICLE 4

None of the Contracting Governments shall permit any increase in the number of factory ships under its jurisdiction operating in the Antarctic except by purchase from the country of another Contracting Government of factory ships engaged at the time of purchase in Antarctic pelagic whaling, save that the Government of the Union of Soviet Socialist Republics may permit one additional factory ship to be added to the fleet operating during the 1960–61 whaling season.

ARTICLE 5

(1) None of the factory ships under the jurisdiction of any of the Contracting Governments shall be transferred to the jurisdiction of another Government which is a party to the Convention, unless a part of the

[1] "Treaty Series No. 5 (1949)", Cmd. 7604.

quota of the transferor Government is allocated to the transferee Government and the latter agrees to accept the obligations of the present Arrangements, or unless the transferee country gives a satisfactory guarantee that the factory ship will not be used as such in Antarctic pelagic whaling during the period of the present Arrangements.

(2) The part of the quota of the transferor country to be allocated shall be settled between the two Governments concerned, provided that no such allocation shall result in any country with only one factory ship having a quota exceeding 6% of the total annual catch authorised under the Convention. The part of the quota allocated shall be notified by the two Governments concerned to the Government of the United Kingdom of Great Britain and Northern Ireland, which shall notify the other signatory Governments.

ARTICLE 6

If a factory ship under the jurisdiction of a Government which is not a party to the present Arrangements should engage in Antarctic pelagic whaling otherwise than as a result of a transfer as provided under Article 5 above, and that Government is or becomes a Party to the Convention, the present Arrangements shall be terminated.

ARTICLE 7

The present Arrangements shall enter into force on the date on which all the signatory Governments shall have notified their acceptance to the Government of the United Kingdom of Great Britain and Northern Ireland.

In witness whereof the undersigned, being duly authorised thereto by their respective Governments, have signed the present Arrangements.

Done at London the 6th day of June, 1962 in the English language in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland. The Government of the United Kingdom shall transmit certified copies thereof to all other signatory Governments.

For the Government of Japan:

KATSUMI OHNO

For the Government of the Kingdom of the Netherlands:

C. W. BOETZELAER

on behalf of the European part of the Kingdom

For the Government of the Kingdom of Norway:

E. ULSTEIN

For the Government of the Union of Soviet Socialist Republics:

A. SOLDATOV

For the Government of the United Kingdom of Great Britain and Northern Ireland:

DUNDEE

SUPPLEMENTARY ARRANGEMENTS FOR THE REGULATION OF ANTARCTIC PELAGIC WHALING

The Governments of Japan, the Kingdom of the Netherlands, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland, having agreed upon the Arrangements for the Regulation of Antarctic Pelagic Whaling signed at London on this day's date (hereinafter referred to as " the Main Arrangements ");

Have agreed upon the following Supplementary Arrangements:

ARTICLE 1

For the purposes of the present Supplementary Arrangements

(*a*) the term " blue whale unit " shall have the meaning given to it in paragraphs 8 and 18 of the Schedule to the International Convention for the Regulation of Whaling, 1946 (hereinafter referred to as " the Convention ");

(*b*) the term " season " shall mean the season during which the taking of baleen whales is permitted under paragraph 7(*a*) of the Schedule to the Convention;

(*c*) the term " due date " shall mean in relation to any season the date on which 80% of the season shall have elapsed.

ARTICLE 2

The present Supplementary Arrangements shall be operative during the period of operation of the Main Arrangements and shall be terminated by the termination of the Main Arrangements.

ARTICLE 3

(1) An additional number of blue whale units shall be allowed to the Kingdom of the Netherlands in accordance with the following provisions:

If by the due date in any season the Kingdom of the Netherlands shall have caught

(*a*) not less than 75% of their quota under the Main Arrangement but less than 80%, the number of additional blue whale units for that season shall be 45;

(*b*) not less than 80% but less than 85% of their quota, the number of additional units for that season shall be 60;

(*c*) not less than 85% of their quota, the number of additional units for that season shall be 70.

(2) The number of additional units, if any, to be allowed to the Kingdom of the Netherlands in respect of each season shall be determined by the Bureau of International Whaling Statistics, and the Bureau shall inform the

Contracting Governments of their determination. The Contracting Governments shall furnish the Bureau with such information as the Bureau may require, additional to that required to be provided pursuant to Article VII of the Convention, for the purposes of these provisions.

(3) Any additional units allowed to the Kingdom of the Netherlands under the present Supplementary Arrangements shall not be transferable to any other country.

Article 4

The Governments of Japan, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland shall reduce the catches made by their countries within their permitted quotas under the Main Arrangements by the number of blue whale units allowed to the Kingdom of the Netherlands under Article 3 of the present Supplementary Arrangements. The number of blue whale units to be contributed to the Kingdom of the Netherlands by each of the three Governments mentioned above shall be determined by agreement between the three Governments

Article 5

The present Supplementary Arrangements shall enter into force on the date on which all the Governments shall have notified their acceptance to the Government of the United Kingdom of Great Britain and Northern Ireland.

In witness whereof the undersigned, being duly authorised thereto by their respective Governments, have signed the present Supplementary Arrangements.

Done at London the 6th day of June, 1962 in the English language in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland. The Government of the United Kingdom shall transmit certified copies thereof to all other signatory Governments.

For the Government of Japan:

KATSUMI OHNO

For the Government of the Kingdom of the Netherlands:

C. W. BOETZELAER

on behalf of the European part of the Kingdom

For the Government of the Kingdom of Norway:

E. ULSTEIN

For the Government of the United Kingdom of Great Britain and Northern Ireland:

DUNDEE

91609—58 61000 Wt. 560/130 K11 8/62 F.O.P.

Printed and published by
HER MAJESTY'S STATIONERY OFFICE

To be purchased from
York House, Kingsway, London W.C.2
423 Oxford Street, London W.1
13A Castle Street, Edinburgh 2
109 St. Mary Street, Cardiff
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Printed in England

mail from H.

PA

66

S A V I N G

File No. FST.54/57/04.

From the Secretary of State for the Colonies.

To the Officer Administering the Government of, FALKLAND ISLANDS.

Date 20 August, 1963.

No 79 Saving

International Whaling Convention

At the last meeting in July 1963, the Commission banned the taking of blue whales, whether by factory ships or land stations, in all waters south of 40° south latitude, except in the waters north of 55° south latitude from 0° to 80° east longitude. As the excepted area is far distant from South Georgia, the ban will operate there and will necessitate a regulation by the Governor in Council under the Falkland Islands Whale Fisheries Ordnance (Cap. 76).

The Commission also decided that humpback whales should have total protection south of the Equator, but this will not necessitate legislation for South Georgia as the taking of humpbacks is already banned under an earlier prohibition covering the waters south of 40° south latitude between 0° and 60° west longitude.

67

Enclosed is a copy of a letter from the Secretary of the Commission setting out the schedule amendments agreed to. The amendments in paragraph 6(2)(a) and 6(3)(a) cover the humpback and blue whale prohibitions mentioned above. The other amendments concern only Antarctic pelagic whaling.

The objection procedure referred to by the Secretary is one laid down by the Convention which allows a Contracting Government to opt out of a schedule provision within a prescribed period. It is most unlikely to be invoked on this occasion, so that the amendments mentioned will almost certainly take effect on 10th October.

A copy of this savingram has been sent to Sir Henry Webb.

The measures taken by the Commission at the last meeting, which included a one-third reduction in the Antarctic pelagic catch limit, follows a report on the state of the Antarctic whale stocks by three independent scientists appointed by the Commission in 1960. The report, (in three parts - interim, final and supplementary), will probably be of interest to you or to the South Georgia administration and copies are enclosed. The reports showed the stock position to be seriously threatened and clearly called for even more stringent measures than the Commission adopted. However the big whaling powers wanted more time for re-organisation of industrial interests, and the question of bringing the Antarctic catch limit into line with the scientific evidence will come up again at the next meeting. Meantime arrangements are being made for the continuation of the special work on the stock assessments. The 12th and 13th Reports of the Commission, copies enclosed, may also be of interest, containing the background to the setting up of the special group of scientists and the group's first interim report.

in envelope at back

at back cover

SECER

COPY

67

INTERNATIONAL WHALING COMMISSION
East Block,
Whitehall Place,
London, S.W.1.

XV.

10th July, 1963.

Sir,

Circular letter letter to all Contracting Governments
International Whaling Convention 1946

Amendments to the Schedule

The Commission's Fifteenth Annual Meeting was concluded on Friday 5th July, 1963. You will be advised in due course of the various decisions taken at the meeting. This letter is to inform you without delay of the amendments to the Schedule which the Commission made at the meeting.

The Schedule amendments are as follows:-

Paragraph 1(a): Insert the following words at the end of the first sentence "and also such observers as the member countries engaged in the Antarctic pelagic whaling may arrange to place on each others' factory ships".

Paragraph 5: For the existing sentence in brackets substitute the following sentence "This paragraph as a result of a decision of the Fourteenth Meeting was rendered inoperative until the Commission otherwise decides".

Paragraph 6(2)(a): Delete (a): Delete all the words in the second and third lines and substitute the words "of the Equator".

Paragraph 6(2)(b): Delete.

Paragraph 6(3)(a): Delete (a). Delete the existing wording and substitute the words "It is forbidden to kill or attempt to kill blue whales in the waters south of 40° south latitude, except in the waters north of 55° south latitude from 0° eastwards to 80° east longitude".

Paragraph 6(3)(b): Delete.

Paragraph 8(a): Delete the words "fifteen thousand blue-whale units in 1962/63 or in any subsequent season" and insert the words "ten thousand blue-whale units in 1963/64".

Paragraph 8(c): Delete the figure 13,500 and insert 9,000.

In accordance with the provisions of Article V of the Convention these amendments will become effective with respect to each Contracting Government ninety days following the date of this letter, unless any Contracting Government lodges an objection in which case the procedure under Article V(3) will be followed.

The ninety-day period is deemed to expire at midnight on 8th October 1963, and in the absence of objections by that date the amendments will become effective and you will be notified accordingly.

It is requested that you acknowledge the receipt of this letter, a copy of which is being sent to each Commissioner.

I am, Sir,
Your obedient servant,

(Sgd.) R.S. Wimpenny))

Secretary to the Commission

DECODE.

No. 12

TELEGRAM SENT.

From SECRETARY OF STATE *to* GOVERNOR

Despatched : 14.10.63. *Time :* 1315 *Received :* 14.10.63. *Time* 1450

S.G. 28. Your telegram to M.A.F.F.

Ban on taking Blue Whale operative from October 9.

G.T.C. : ER

GOVERNMENT TELEGRAPH SERVICE

FALKLAND ISLANDS

SENT

Wt. P2809 5/61

Number	Office of Origin	Words	Handed in at	Date
	Psy			14.10.63

To

etat OFFICER IN CHARGE ZBH SGA/c

65 No. 190. Following from Secretary of State quote ban on taking blue whale operative from October 9th unquote

Secretary

LH

Lg

KIV

Ag R.S.C.,

70

Can you please advise on the action we should take arising from (66). I note that Sir Henry Weld has been sent a copy of the convention but there is no suggestion that he is drafting any legislation as a result of it.

L.G.

18.10.63

71.

H.C.S.,

I suggest that we write to Sir Henry Weld, referring to the copy of (66) which has already been sent to him, and asking him to draft the necessary legislation (- this should, of course, correspond exactly with the requirements of the Convention as any difference between local whaling legislation and the International Whaling Conventions could cause embarrassment). He could readily refer to the Secretary to the Commission, or obtain copies of the conventions (see x| at (61)), if necessary.

Ag. R.S.C.
22.10.63.

72

B. U. 7. 11. 63

to see if his H.S.
has done anything for
us.

Saving FST 54/37/04

73

From the Secretary of State for the Colonies.

To the Officer Administering the Government of FALKLAND ISLANDS

Date 18 October, 1963.

No. 113 Saving

66

Colonial Office savingram No. 79 of 20th August, 1963.

International Whaling Convention

As forecast in paragraph 4 of the above-mentioned savingram no objections to the amendments were received from contracting Governments within the 90-day period which ended at midnight on 8th October, 1963 and in accordance with Article V(3) of the Convention the amendments to the schedule of the International Whaling Convention 1946 which the Commissio made at the 15th meeting became binding on all contracting Governments as from 9th October 1963.

This means notably that the ban on the taking of blue whales became operative from 9th October, 1963.

SECER.

B. U.
7.11.63

74

on. Col. Sec.

We discussed 66 and 67. Small amendments are essential to our whaling law as a result of the amendments to the Convention.

Before proceeding with these amendments, I should be grateful if you could say whether the amending draft Ord. and draft regs. which I drafted shortly before I went on leave have been enacted by H. E. or the legislature.

H. B.
Registrar
12. XI. 63.

75

A. C. S.,

Where or what are these please.

L. G.
18.11.63

See 125-127 of D/4/58 attached

23.11.63

76

R. S. C.

Answer to 74 is no. Please see attached file.

L. G. 26.11.63

Hon. Col. Sec.,

Redrafted Whale Fishery (Amending) Bill and redrafted Whale Fishery (Amending) Regulations submitted, please.

Any of the recent amendments to the International Whaling Convention, 1946, which affect us have been incorporated in the draft legislation.

The words "or factory ship" should be deleted from the new regulation 11 and marginal note, originally drafted by Sir. H. Webb. As it stands it conflicts with the Convention.

Under para. 13 (a), of the Convention which makes no provision regarding land stations, whale carcasses must be utilised by a factory ship within 33 hours. We have apparently agreed to a time limit of 36 hours for our land stations.

H.B.
6. xii. 63.

B.U.
2.1.64

CONFIDENTIAL

Copy in D/4/58.

SMP D/10/47/III
22nd January, 1964.

MEMORANDUM NO. 5/64 FOR EXECUTIVE COUNCIL

18a Whale Fishery (Amendment) Ordinance 1964 and
18b Whale Fishery (Amendment) Regulations 1964

The International Whaling Convention 1946 has recently been amended, and the draft Amendment Ordinance and Regulations bring Colony legislation into line, and, up to date.

G H Thompson

COLONIAL SECRETARY

WT/LH

Issued today
LH
27/1/64

CONFIDENTIAL

Draft

The Whale Fishery Ordinance (Cap. 76).

REGULATIONS

(under section 11 of the Ordinance)

No. 1964.

Governor.

Cap. 76.

His Excellency the Governor in exercise of the powers vested in him by section 11 of the Whale Fishery Ordinance, is pleased by and with the advice of the Executive Council to make the following Regulations:

Short title. Revised Edition Vol. II p. 323.

1. These Regulations may be cited as the Whaling (Amendment) Regulations, 1964, and shall be read as one with the Whaling Regulations hereinafter referred to as the principal Regulations.

Amendment of regulation 3 of the principal Regulations.

2. Regulation 3 of the principal Regulations is amended -

(a) by deleting the place "(c) South Shetlands" from the places listed in that regulation;

(b) by re-lettering places (d) and (e) as (c) and (d) respectively.

Amendment of regulation 5 of the principal Regulations.

3. Regulation 5 of the principal Regulations is amended by deleting paragraph (c) and substituting the following -

"(c) The names and description of all ships and whale catchers to be employed including separate totals for surface vessels and aircraft, and specifying in the case of surface vessels, the average length and horse-power of whale catchers.".

Amendment of regulation 9 of the principal Regulations.

4. Regulation 9 of the principal Regulations is amended -

(a) by deleting the words "maintain a spare whale catcher" and substituting the words "maintain spare whale catchers";

(b) by deleting paragraph (i) and substituting the following -

" (i) Before a spare catcher is used for catching whales a transfer of the licence from the licensed catcher so laid up must be obtained from a whaling officer, who is hereby authorised to grant the same";

(c) by deleting the word "catcher" in paragraph (ii) and substituting the word "catchers";

(d) by deleting the words "the spare catcher" in paragraph (iii) and substituting the words "a spare catcher".

Amendment of regulation 11 of the principal Regulations.

5. Regulation 11 of the principal Regulations is revoked and replaced as follows -

"Limit on number of carcases at factory or factory ship.

11. The number of carcases waiting to be dealt with at any one time in the vicinity of a factory or factory ship shall not exceed the number that the factory or factory ship is normally able, when working at full capacity, to utilise fully within 36 hours in the case of a factory; and 33 hours in the case of a factory ship."

Amendment of regulation 14 of the principal Regulations.

6. Paragraph (a) of regulation 14 is amended by adding the following new sub-paragraph after sub-paragraph (x) -

"(xi) Any information which may have been collected or obtained concerning the calving grounds and migration routes of whales.".

Amendment of regulation 17 of the principal Regulations.

7. Regulation 17 of the principal Regulations is amended -

(a) by deleting the whale listed "(i) Blue whale, 70 feet (21.3 metres)" in paragraph (a);

(b) by renumbering whales (ii), (iii) and (iv) as (i) (ii) and (iii) respectively in paragraph (a);

(c) by deleting the words and figures "blue whales of not less than 65 feet (19.8 metres) and" from paragraph (a);

(d) by deleting the words "other upper jaw" in paragraph (b) and substituting the words "upper jaw";

(e) by deleting paragraph (c) and substituting the following -

"(c) In this regulation "Blue Whale", "Fin Whale", "Sperm Whale" and "Sei Whale" shall have the same meaning as in the Whale Fishery Ordinance.".

Made by the Governor in Council this day of , 1964.

Clerk of the Executive Council.

Bu xco 10/4/64
~~24/3/64~~

BU Xco. ~~28-2-64~~

HB/LH

79

Extract from Minutes of Meeting No. 1/64 of Executive Council held on the 13th, 14th, 15th & 16th April, 1964.

5. WHALE FISHERY AMENDMENT ORDINANCE AND REGULATIONS (Memo 5/64)

Council advised that the Regulations be adopted and that the amending Bill be submitted to the Legislature.

Clerk of the Executive Council

2.7.64

Copy in D/4/58.

80

S/C

Please have a copy of the Regs. sent to H.P. & then return file to me so that action can start on presenting the Bill to Leg.

11.7.64

S/C

A copy of 78b has been sent to H.P. for printing.

B 18/8/64.

BU 10.8.64

BK 12.8.64

Pl. let me know if the Bill has yet been printed.

12.8.64

ACS

It has not been printed yet.

17.8.64

Record Bill is now in proofing stage

18.8.64

BU Leg Co 15.10.64.

81a

A Bill for

An Ordinance

Further to amend the Whale Fishery Ordinance. Title.

[, *19*] Date of commencement.

BE IT ENACTED by the Legislature of the Colony of the Falkland Islands, as follows — Enacting clause.

1. This Ordinance may be cited as the Whale Fishery (Amendment) Ordinance, 1964, and shall be read as one with the Whale Fishery Ordinance hereinafter referred to as the principal Ordinance. Short title. Cap. 76.

2. Section 2 of the principal Ordinance is amended by the addition of the following definitions — Amendment of section 2 of the principal Ordinance.

" "Blue Whale", "Fin Whale", "Humpback Whale", "Right Whale", "Sei Whale", and "Sperm Whale", mean whales known by any of the names set out under those respective headings in the First Schedule to this Ordinance.".

3. Section 3 of the principal Ordinance is amended — Amendment of section 3 of the principal Ordinance.

(a) by adding the word "or" at the end of paragraph (c) of subsection (1);

(b) by substituting a comma for the semi-colon at the end of paragraph (d) of subsection (1);

(c) by adding the word "or" at the end of paragraph (d) in subsection (1);

(d) by inserting after paragraph (d) of subsection (1) the following new paragraph —

"(e) a blue whale;";

(e) by substituting a full stop for the colon at the end of subsection (2);

(f) by deleting the proviso to subsection (2);

(g) by repealing and replacing subsection (3) as follows —

"(3) In this section the expression "calf" includes a suckling whale.".

Amendment of section 7 of the principal Ordinance.

4. Section 7 of the principal Ordinance is amended by deleting the word "thereunder" and substituting the word "hereunder".

Amendment of section 9 of the principal Ordinance.

5. Section 9 of the principal Ordinance is amended by inserting after subsection (1) the following new subsection —

"(1A) When a whale, the killing or taking of which is prohibited, has been killed or taken by any factory ship or whale catcher the amount of the bonus or remuneration which would have been payable to the gunners or crew of such factory ship or whale catcher if the killing or taking of such whale had not been prohibited shall be paid to the Government by the owner or charterer of the factory ship or whale catcher".

Amendment of the First Schedule to the principal Ordinance.

6. The First Schedule to the principal Ordinance is repealed and replaced by the following —

"FIRST SCHEDULE

Names of whales —

BLUE WHALES

Blue whale Sibbald's rorqual Sulphur bottom.

FIN WHALES

Common finback Common finner Common rorqual Finback
Fin whale Herring whale Razor back True fin whale.

HUMPBACK WHALES

Bunch Humpback Humpback whale Humpbacked whale
Hump whale Hunchbacked whale.

RIGHT WHALES

Atlantic right whale
Biscayan right whale
Greenland right whale
Nordkaper
North Cape whale
Pigmy right whale
Southern right whale.
Arctic right whale
Bowhead
Greenland whale
North Atlantic right whale
Pacific right whale
Southern pigmy right whale

SEI WHALES

Bryce's whale Coalfish whale Pollack whale
Rudoph's rorqual Sei whale.

SPERM WHALES

Cachalot Pot whale Sperm whale
Spermacet whale."

OBJECTS AND REASONS

The object of this Bill is to amend the existing local whaling law to coincide with recent amendments to the Schedule to the International Whaling Convention, 1946.

Ref. D/4/58.

82

RSC.

I am about to have the Bill at 81a passed to Printer for publication as an Ordinance.

Could you pl. advise on the correct "date of Commencement" 73 states that the law on the taking of Blue whales became operative on 9th Oct. 1963. Does this mean that this shd be the operative date of our amending ordinance, or could the date it was enacted in Council be inserted?

83

23.10.64.

C. S.

Unless ~~the~~ an Ordinance expressly provides its date of commencement is the day on which it is published in the Gazette.

This ordinance does not provide for retrospective effect and brings our law into line with the International Convention. Even if we had no whaling law, all the ~~major~~ whaling countries, as signatories to the Convention would be obliged to observe its provisions.

H. B
24.X.64

Assented to in Her Majesty's name this 30th day of October, 1964.

C. HASKARD,
Governor.

LS

No. 13  1964

Colony of the Falkland Islands.

IN THE THIRTEENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II.

Cosmo Dugal Patrick Thomas Haskard, C.M.G., M.B.E.
Governor.

An Ordinance

Further to amend the Whale Fishery Ordinance.

Title.

[*1st November, 1964*]

Date of commencement.

ENACTED by the Legislature of the Colony of the Falkland Islands as follows —

Enacting clause.

1. This Ordinance may be cited as the Whale Fishery (Amendment) Ordinance, 1964, and shall be read as one with the Whale Fishery Ordinance hereinafter referred to as the principal Ordinance.

Short title.

Cap. 76.

2. Section 2 of the principal Ordinance is amended by the addition of the following definitions —

Amendment of section 2 of the principal Ordinance.

" "Blue Whale", "Fin Whale", "Humpback Whale", "Right Whale", "Sei Whale", and "Sperm Whale", mean whales known by any of the names set out under those respective headings in the First Schedule to this Ordinance.".

3. Section 3 of the principal Ordinance is amended —

Amendment of section 3 of the principal Ordinance.

(a) by adding the word "or" at the end of paragraph (c) of subsection (1);

(b) by substituting a comma for the semi-colon at the end of paragraph (d) of subsection (1);

(c) by adding the word "or" at the end of paragraph (d) in subsection (1);

(d) by inserting after paragraph (d) of subsection (1) the following new paragraph —

"(e) a blue whale;";

(e) by substituting a full stop for the colon at the end of subsection (2);

(f) by deleting the proviso to subsection (2);

(g) by repealing and replacing subsection (3) as follows —

"(3) In this section the expression "calf" includes a suckling whale.".

4. Section 7 of the principal Ordinance is amended by deleting the word "thereunder" and substituting the word "hereunder".

Amendment of section 7 of the principal Ordinance.

5. Section 9 of the principal Ordinance is amended by inserting after subsection (1) the following new subsection —

Amendment of section 9 of the principal Ordinance.

"(1A) When a whale, the killing or taking of which is prohibited, has been killed or taken by any factory ship or whale catcher the amount of the bonus or remuneration which would have been payable to the gunners or crew of such factory ship or whale catcher if the killing or taking of such whale had not been prohibited shall be paid to the Government by the owner or charterer of the factory ship or whale catcher".

6. The First Schedule to the principal Ordinance is repealed and replaced by the following —

Amendment of the First Schedule to the principal Ordinance.

"FIRST SCHEDULE

Names of whales —

BLUE WHALES

Blue whale Sibbald's rorqual Sulphur bottom.

FIN WHALES

Common finback Common finner Common rorqual Finback
Fin whale Herring whale Razor back True fin whale.

HUMPBACK WHALES

Bunch Humpback Humpback whale Humpbacked whale
Hump whale Hunchbacked whale.

RIGHT WHALES

Atlantic right whale
Arctic right whale
Biscayan right whale
Bowhead
Greenland right whale
Greenland whale
Nordkaper
North Atlantic right whale
North Cape whale
Pacific right whale
Pigmy right whale
Southern pigmy right whale
Southern right whale.

SEI WHALES

Bryce's whale Coalfish whale Pollack whale
Rudoph's rorqual Sei whale.

SPERM WHALES

Cachalot Pot whale Sperm whale
Spermacet whale."

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

H. L. BOUND,
Clerk of the Legislative Council.

Ref. D/4/58.

FALKLAND ISLANDS:
Printed at the Government Printing Office by V. T. King.

Extract from The Times of 8th May 1965.

AGREEMENT ON CONSERVATION OF WHALES

Thirteen whaling nations meeting in London this week reached agreement on the first effective plan to conserve whales in the Antarctic. After a prolonged discussion the International Whaling Commission approved a Japanese proposal that for the Antarctic season 1965-66 the quota should be 4,500 blue whale units.

Governments will also be recommended to make further reductions in the 1966-67 and 1967-68 seasons "so that the quota for the 1967-68 season would be less than the combined sustainable yields of the fin and sei stocks as determined on the basis of more scientific evidence".

A press notice released yesterday said that the effect of the Japanese proposal would be that by the 1967-68 season the number of fin and sei whales taken would be such that their stocks would tend to increase thereafter towards a level from which the maximum sustainable yield could be taken.

The Governments represented were Argentina, Australia, Canada, Denmark, France, Japan, the Netherlands, New Zealand, Norway, South Africa, the United Kingdom, the United States, and the Soviet Union. Observers were present from Chile, Portugal, the Food and Agriculture Organisation of the United Nations and other interested bodies.

Addressing the opening session, Mr. Wo., Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food said the problems were urgent and pressing. The whaling industry had either to accept drastic restrictions of the Antarctic catch for a considerable time until the stocks of whales recovered, or to carry on for a few brief years until these stocks were reduced to a level which made the whaling expeditions unable to operate.

The commission had, to its credit, completely protected the humpback and the blue whale in the Southern Hemisphere except for a very small area.

86

Cs. I have had this letter copied from the Times. Please have it brought up on a file which indicates the quotas agreed in previous years.

lw 9/6/65

Spare copy for SG 4/w

Discussed with Mr
on 9/6
PCG

87

Falkland Islands

10 JUN 1965

With the compliments of

THE UNDER-SECRETARY OF STATE
FOR THE COLONIES

COLONIAL OFFICE
GREAT SMITH STREET
LONDON S.W.1

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WHALING

Treaty Series No. 44 (1965)

Schedule to the International Whaling Convention, 1946

Revised to include the Amendments adopted at the Fifteenth and Sixteenth Meetings of the International Whaling Commission

[In continuation of "Treaty Series No. 113 (1961)", Cmnd. 1560]

Presented to Parliament by the Secretary of State for Foreign Affairs by Command of Her Majesty
June 1965

LONDON
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PRICE 1*s.* 3*d.* NET

Cmnd. 2669

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SCHEDULE TO THE INTERNATIONAL WHALING CONVENTION, 1946

The Schedule printed on the following pages contains the amendments made by the International Whaling Commission at its fifteenth meeting in London in 1963 and its sixteenth meeting in Sandefjord, Norway in 1964.

The 1963 amendments occur in paragraphs 1 (*a*), 5, 6 (2) and 8 (*a*) and 8 (*c*) and are shown in italics. No objections to these amendments were received within the prescribed period and they consequently came into operation on 9th October, 1963.

The 1964 amendments occur in paragraphs 2, 4 (1), 6 (1), 6 (3), 9 (*a*) and 9 (*b*) and are shown in bold type. Except for the amendment to paragraph 6 (3) the amendments were not objected to and came into operation on 1st October, 1964. Paragraph 6 (3) was amended at the fifteenth meeting to read "It is forbidden to kill or attempt to kill blue whales in the waters south of 40° South Latitude, except in the waters north of 55° South Latitude from 0° eastwards to 80° East Longitude." The amendments were not objected to and came into operation on 9th October, 1963. It was further amended at the sixteenth meeting by the deletion of the words "except in the waters north of 55° South Latitude from 0° eastwards to 80° East Longitude". This amendment was objected to within the prescribed period by the Governments of Japan, Norway, the United Kingdom and the Union of Soviet Socialist Republics. The objections were not withdrawn and the amendment came into force on 22nd January, 1965 but is not binding upon Japan, Norway, the United Kingdom and the Union of Soviet Socialist Republics.

SCHEDULE TO THE INTERNATIONAL WHALING CONVENTION, 1946[1]

(Revised to include the Amendments adopted at the Fifteenth and Sixteenth Meetings of the International Whaling Commission)

1.—(*a*) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection *and also such observers as the member countries engaged in the Antarctic pelagic whaling may arrange to place on each other's factory ships.* These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship; provided that inspectors need not be appointed to ships which, apart from the storage of products, are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

(*b*) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

2. It is forbidden to take or kill gray whales or right whales except **by aborigines or a Contracting Government on behalf of aborigines and only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.**

3. It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

4.—(1) It is forbidden to kill blue whales in the North Atlantic Ocean for five years ending on 24th February, **1970.**

(2) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in any of the following areas:

(*a*) in the waters north of 66° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(*b*) in the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(*c*) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(*d*) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(*e*) in the Indian Ocean and its dependent waters north of 40° South Latitude.

5. It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as

[1] "Treaty Series No. 5 (1949)", Cmd. 7604.

160° West Longitude. [*This paragraph as a result of a decision of the fourteenth meeting was rendered inoperative until the Commission otherwise decides.*]

6.—(1) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period ending on 8th November, **1969.** Notwithstanding this close season the taking of 10 humpback whales per year is permitted in Greenland waters provided that whale catchers of less than 50 gross register tonnage are used for this purpose.

(2) It is forbidden to kill or attempt to kill humpback whales in the waters south *of the Equator.*

(3) **It is forbidden to kill or attempt to kill blue whales in the waters south of 40° South Latitude.***

7.—(*a*) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from 12th December to 7th April, following, both days inclusive; and no such whale catcher shall be used for the purpose of killing or attempting to kill blue whales before the 14th February† in any year.

(*b*) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm or minke whales, except as permitted by the Contracting Governments in accordance with sub-paragraphs (*c*), (*d*) and (*e*) of this paragraph.

(*c*) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted; provided that a separate open season may be declared for each factory ship and the whale catchers attached thereto.

(*d*) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted.

Provided that:

(i) a separate open season may be declared for each factory ship and the whale catchers attached thereto;

(ii) the open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to sub-paragraph (*a*) of this paragraph.

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* See foreword.

† The amendment in paragraph 7 (*a*) of the starting date of the blue whale season from 1st February to 14th February was objected to within the prescribed period by the Governments of Japan, the Netherlands, Norway, the United Kingdom and the Union of Soviet Socialist Republics. The objections were not withdrawn and the amendment came into force on 26th January, 1961, but is not binding upon Japan, the Netherlands, Norway, the United Kingdom and the Union of Soviet Socialist Republics.

(*e*) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted. Notwithstanding this paragraph one continuous open season not to exceed eight months may be implemented so far as Greenland is concerned.

8.—(*a*) The number of baleen whales taken during the open season caught in waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed *ten thousand blue-whale units in 1963–64.*

(*b*) For the purposes of sub-paragraph (*a*) of this paragraph, blue-whale units shall be calculated on the basis that one blue whale equals:

(1) Two fin whales or

(2) Two and a half humpback whales or

(3) Six sei whales.

(*c*) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government; provided that when the number of blue-whale units is deemed by the Bureau of International Whaling Statistics to have reached *9,000* notification shall be given as aforesaid at the end of each day of data on the number of blue-whale units taken.

(*d*) If it appears that the maximum catch of whales permitted by sub-paragraph (*a*) of this paragraph may be reached before 7th April of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The killing or attempting to kill baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

(*e*) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

9.—(*a*) It is forbidden to take or kill any blue, sei or humpback whales below the following lengths:

Blue whales 70 feet (21·3 metres)
Sei whales 40 feet (12·2 metres)
Humpback whales 35 feet (10·7 metres)

except that blue whales of not less than 65 feet (19·8 metres) and sei whales of not less than 35 feet (10·7 metres) in length may be taken for delivery to land stations, provided that, except in the North-east Pacific area for a period of three years starting 1st April, **1965,** the meat of such whales is to be used for local consumption as human or animal food.

(*b*) It is forbidden to take or kill any fin whales below 57 feet (17·4 metres) in length for delivery to factory ships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16·8 metres) for delivery to factory ships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16·8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15·2 metres) may be taken for delivery to land stations in the Northern Hemisphere, provided that, except in the North-east Pacific area for a period of three years starting 1st April, **1965**, in each case the meat of such whales is to be used for local consumption as human or animal food.

(*c*) It is forbidden to take or kill any sperm whales below 38 feet (11·6 metres) in length, except that sperm whales of not less than 35 feet (10·7 metres) in length may be taken for delivery to land stations.

(*d*) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurment purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, *e.g.*, 76 feet 6 inches precisely shall be logged as 77 feet.

10.—(*a*) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with sub-paragraphs (*b*), (*c*) and (*d*) of this paragraph.

(*b*) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government; provided that a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(*c*) *Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period

* *Note.*—This sub-paragraph 10 (*c*) came into force as from 21st February, 1952, in respect of all Contracting Governments, except the Commonwealth of Australia, who lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this sub-paragraph are not therefore binding on the Commonwealth of Australia.

of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in sub-paragraph (*b*) of this paragraph; provided that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.

(*d*) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in sub-paragraph (*b*) of this paragraph); provided that a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this sub-paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

(*e*) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of paragraph 17 of this Schedule.

11. It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season; provided that this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

12.—(*a*) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of paragraphs 2, 4, 5, 6, 7, 8 or 10 of this Schedule.

(*b*) All other whales (except minke whales) taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for

human food or feeding animals. A Contracting Government may in less developed regions exceptionally permit treating of whales without use of land stations, provided that such whales are fully utilised in accordance with this paragraph.

(*c*) Complete treatment of the carcases of " Dauhval " and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

13.—(*a*) The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcase (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.

(*b*) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(*c*) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

(1) The time when each whale is taken

(2) Its species, and

(3) Its marking effected pursuant to sub-paragraph (*b*) of this paragraph.

(*d*) The information reported by radio pursuant to sub-paragraph (*c*) of this paragraph shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

(1) Time of hauling up for treatment

(2) Length, measured pursuant to sub-paragraph (*d*) of paragraph 9

(3) Sex

(4) If female, whether milk-filled or lactating

(5) Length and sex of foetus, if present, and

(6) A full explanation of each infraction.

(*e*) A record similar to that described in sub-paragraph (*d*) of this paragraph shall be maintained by land stations, and all of the information mentioned in the said sub-paragraph shall be entered therein as soon as available.

14. Gunners and crews of factory ships, land stations, and whale catchers, shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of milk-filled or lactating whales.

15. Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

16. Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (*a*) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (*b*) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (*c*) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in (*a*) and (*c*) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales.

In communicating this information there shall be specified:

(*a*) The name and gross tonnage of each factory ship

(*b*) The number of whale catchers, including separate totals for surface vessels and aircraft and specifying, in the case of surface vessels, the average length and horse power of whale catchers

(*c*) A list of the land stations which were in operation during the period concerned.

*17.—(*a*) A factory ship which operates solely within territorial waters in one of the areas specified in sub-paragraph (*c*) of this paragraph, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

(*b*) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in sub-paragraph (*c*) of this paragraph or south of 40° South Latitude.

(*c*) The areas referred to in sub-paragraphs (*a*) and (*b*) are:

(1) On the coast of Madagascar and its dependencies

(2) On the west coasts of French Africa

(3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northwards to North-west Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany*

(4) On the Pacific coast of the United States of America between 35° North Latitude and 49° North Latitude.

18.—(1) The following expressions have the meanings respectively assigned to them, that is to say:

" baleen whale " means any whale which has baleen or whale bone in the mouth, *i.e.*, any whale other than a toothed whale

" blue whale " (*Balaenoptera* or *Sibbaldus musculus*) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom

* See note on page 10.

"dauhval" means any unclaimed dead whale found floating

"fin whale" (*Balaenoptera physalus*) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale

"gray whale" (*Rhachianectes glaucus*) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back or rip sack

"humpback whale" (*Megaptera nodosa* or *novaeangliae*) means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale

"minke whale" (*Balaenoptera acutorostrata, B. Davidsoni, B. huttoni*) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp headed finner

"right whale" (*Balaena mysticetus, Eubalaena, glacialis, E. australis,* etc.; *Neobalaena marginata*) means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale

"sei whale" (*Balaenoptera borealis*) means any whale known by the name of sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale and shall be taken to include Bryde's whale (*B. brydei*)

"sperm whale" (*Physeter catodon*) means any whale known by the name of sperm whale, spermacet whale, cachalot or pot whale

"toothed whale" means any whale which has teeth in the jaws.

(2) "Whales taken" means whales that have been killed and either flagged or made fast to catchers.

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* *Note.*—Paragraph 17 (*a*), (*b*) and (*c*) (1) to (3) was inserted by the Commission at its first meeting in 1949, and came into force on 11th January, 1950, as regards all Contracting Governments except FRANCE, who therefore remain bound by the provisions of the original paragraph 17, which reads as follows:

17. Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

(*a*) on the coast of Madagascar and its dependencies, and on the west coasts of French Africa;

(*b*) on the west coast of Australia in the area known as Shark Bay and northward to North-west Cape and including Exmouth Gulf and King George's Sound, including the port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay.

Paragraph 17 (*c*) (4) was inserted by the Commission at its eleventh meeting in 1959 and came into force on 5th October, 1959, as regards all Contracting Governments.

Printed in England and published by
HER MAJESTY'S STATIONERY OFFICE

20116—2 35275 Dd. 117351 K12 6/65

88

WHALING

Treaty Series No. 15 (1966)

Schedule to the International Whaling Convention, 1946

Revised to include the Amendments adopted at the Seventeenth Meeting of the International Whaling Commission

[In continuation of "Treaty Series No. 44 (1965)", Cmnd. 2669]

Presented to Parliament by the Secretary of State for Foreign Affairs by Command of Her Majesty
May 1966

LONDON
HER MAJESTY'S STATIONERY OFFICE
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Cmnd. 2962

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SCHEDULE TO THE INTERNATIONAL WHALING CONVENTION, 1946

The Schedule printed on the following pages contains the amendments made by the International Whaling Commission at its seventeenth meeting in London from 28 June to 2 July 1965.

The 1965 amendments occur in paragraphs 4 (1), 6 (4), 6 (5), 8 (*a*) and 8 (*c*) and are shown in bold type.

No objections were received to the amendments to paragraphs 4 (1), 6 (4), 8 (*a*) and 8 (*c*) of the Schedule, and these amendments therefore became binding on all Contracting Governments from 6 October 1965. The amendment to paragraph 6 (5) did not operate until 4 January 1966 owing to objections received within the prescribed period.

SCHEDULE TO THE INTERNATIONAL WHALING CONVENTION, 1946[1]

(Revised to include the Amendments adopted at the Seventeenth Meeting of the International Whaling Commission)

1.—(*a*) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection and also such observers as the member countries engaged in the Antarctic pelagic whaling may arrange to place on each other's factory ships. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship; provided that inspectors need not be appointed to ships which, apart from the storage of products, are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

(*b*) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

2. It is forbidden to take or kill gray whales or right whales except by aborigines or a Contracting Government on behalf of aborigines and only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

3. It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

4.—(1) (*a*) It is forbidden to kill blue whales in the North Atlantic Ocean for the five years ending on 24th February, 1970.

(*b*) **It is forbidden to kill or attempt to kill blue whales in the North Pacific Ocean and its dependent waters north of the Equator for five years beginning with the 1966 season.**

(2) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in any of the following areas:

(*a*) in the waters north of 66° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(*b*) in the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(*c*) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(*d*) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(*e*) in the Indian Ocean and its dependent waters north of 40° South Latitude.

5. It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as

[1] "Treaty Series No. 5 (1949)", Cmd. 7604.

160° West Longitude. [*This paragraph as a result of a decision of the fourteenth meeting was rendered inoperative until the Commission otherwise decides.*]

6.—(1) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period ending on 8th November, 1969. Notwithstanding this close season the taking of 10 humpback whales per year is permitted in Greenland waters provided that whale catchers of less than 50 gross register tonnage are used for this purpose.

(2) It is forbidden to kill or attempt to kill humpback whales in the waters south of the Equator.

(3) It is forbidden to kill or attempt to kill blue whales in the waters south of 40° South Latitude.

(4) **It is forbidden to kill or attempt to kill humpback whales in the North Pacific Ocean and its dependent waters north of the Equator during the 1966 season.**

(5) **It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm whales in the waters between 40° South Latitude and 40° North Latitude.***

7.—(*a*) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from 12th December to 7th April, following, both days inclusive; and no such whale catcher shall be used for the purpose of killing or attempting to kill blue whales before the 14th February in any year.

(*b*) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm or minke whales, except as permitted by the Contracting Governments in accordance with sub-paragraphs (*c*), (*d*) and (*e*) of this paragraph.

(*c*) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted; provided that a separate open season may be declared for each factory ship and the whale catchers attached thereto.

(*d*) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted.

Provided that:

(i) a separate open season may be declared for each factory ship and the whale catchers attached thereto;

* The amendment to paragraph 6 (5) was objected to within the prescribed period by the Governments of Japan, Norway and the Soviet Union. The objections were not withdrawn and the amendment came into force from midnight, 3 January, 1966, but is not binding upon Japan, Norway and the Soviet Union.

(ii) the open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to sub-paragraph (*a*) of this paragraph.

(*e*) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted. Notwithstanding this paragraph one continuous open season not to exceed eight months may be implemented so far as Greenland is concerned.

8.—(*a*) The number of baleen whales taken during the open season caught in waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed **4,500 blue whale units in 1965/66. There shall be further reductions for the years 1966/67 and 1967/68 that will assure that the total catch for 1967/68 will be less than the combined sustainable yields of the fin and sei stocks as determined on the basis of more precise scientific evidence.**

(*b*) For the purposes of sub-paragraph (*a*) of this paragraph, blue-whale units shall be calculated on the basis that one blue whale equals:

(1) Two fin whales or
(2) Two and a half humpback whales or
(3) Six sei whales.

(*c*) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government; provided that when the number of blue-whale units is deemed by the Bureau of International Whaling Statistics to have reached **85 per cent of whatever total catch limit is imposed by the Commission.** Notification shall be given as aforesaid at the end of each day of data on the number of blue-whale units taken.

(*d*) If it appears that the maximum catch of whales permitted by sub-paragraph (*a*) of this paragraph may be reached before 7th April of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The killing or attempting to kill baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

(*e*) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

9.—(*a*) It is forbidden to take or kill any blue, sei or humpback whales below the following lengths:

Blue whales 70 feet (21·3 metres)
Sei whales 40 feet (12·2 metres)
Humpback whales 35 feet (10·7 metres)

except that blue whales of not less than 65 feet (19·8 metres) and se[illegible]hales of not less than 35 feet (10·7 metres) in length may be taken for delivery to land stations, provided that, except in the North-east Pacific area for a period of three years starting 1st April, 1965, the meat of such whales is to be used for local consumption as human or animal food.

(*b*) It is forbidden to take or kill any fin whales below 57 feet (17·4 metres) in length for delivery to factory ships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16·8 metres) for delivery to factory ships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16·8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15·2 metres) may be taken for delivery to land stations in the Northern Hemisphere, provided that, except in the North-east Pacific area for a period of three years starting 1st April, 1965, in each case the meat of such whales is to be used for local consumption as human or animal food.

(*c*) It is forbidden to take or kill any sperm whales below 38 feet (11·6 metres) in length, except that sperm whales of not less than 35 feet (10·7 metres) in length may be taken for delivery to land stations.

(*d*) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, *e.g.*, 76 feet 6 inches precisely shall be logged as 77 feet.

10.—(*a*) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with sub-paragraphs (*b*), (*c*) and (*d*) of this paragraph.

(*b*) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government; provided that a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(*c*)* Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in sub-paragraph (*b*) of this paragraph; provided that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.

(*d*) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in sub-paragraph (*b*) of this paragraph); provided that a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this sub-paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

(*e*) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of paragraph 17 of this Schedule.

11. It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season; provided that this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

12.—(*a*) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by

* *Note.*—This sub-paragraph 10 (*c*) came into force as from 21st February, 1952, in respect of all Contracting Governments, except the Commonwealth of Australia, who lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this sub-paragraph are not therefore binding on the Commonwealth of Australia.

whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of paragraphs 2, 4, 5, 6, 7, 8 or 10 of this Schedule.

(*b*) All other whales (except minke whales) taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals. A Contracting Government may in less developed regions exceptionally permit treating of whales without use of land stations, provided that such whales are fully utilised in accordance with this paragraph.

(*c*) Complete treatment of the carcases of " Dauhval " and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

13.—(*a*) The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcase (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.

(*b*) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(*c*) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

(1) The time when each whale is taken

(2) Its species, and

(3) Its marking effected pursuant to sub-paragraph (*b*) of this paragraph.

(*d*) The information reported by radio pursuant to sub-paragraph (*c*) of this paragraph shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

(1) Time of hauling up for treatment

(2) Length, measured pursuant to sub-paragraph (*d*) of paragraph 9

(3) Sex

(4) If female, whether milk-filled or lactating

(5) Length and sex of foetus, if present, and

(6) A full explanation of each infraction.

(*e*) A record similar to that described in sub-paragraph (*d*) of this paragraph shall be maintained by land stations, and all of the information mentioned in the said sub-paragraph shall be entered therein as soon as available.

14. Gunners and crews of factory ships, land stations, and whale catchers, shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales

taken and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of milk-filled or lactating whales.

15. Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

16. Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (*a*) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (*b*) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (*c*) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in (*a*) and (*c*) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales.

In communicating this information there shall be specified:

(*a*) The name and gross tonnage of each factory ship

(*b*) The number of whale catchers, including separate totals for surface vessels and aircraft and specifying, in the case of surface vessels, the average length and horse power of whale catchers

(*c*) A list of the land stations which were in operation during the period concerned.

*17.—(*a*) A factory ship which operates solely within territorial waters in one of the areas specified in sub-paragraph (*c*) of this paragraph, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

(*b*) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in sub-paragraph (*c*) of this paragraph or south of 40° South Latitude.

(*c*) The areas referred to in sub-paragraphs (*a*) and (*b*) are:

(1) On the coast of Madagascar and its dependencies

(2) On the west coasts of French Africa

(3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northwards to North-west Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany*

(4) On the Pacific coast of the United States of America between 35° North Latitude and 49° North Latitude.

* See note on page 10.

18.—(1) The following expressions have the meanings respectively assigned to them, that is to say:

" baleen whale " means any whale which has baleen or whale bone in the mouth, *i.e.*, any whale other than a toothed whale

" blue whale " (*Balaenoptera* or *Sibbaldus musculus*) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom

" dauhval " means any unclaimed dead whale found floating

" fin whale " (*Balaenoptera physalus*) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale

" gray whale " (*Rhachianectes glaucus*) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back or rip sack

" humpback whale " (*Megaptera nodosa* or *novaeangliae*) means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale

" minke whale " (*Balaenoptera acutorostrata, B. Davidsoni, B. huttoni*) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp headed finner

" right whale " (*Balaena mysticetus, Eubalaena, glacialis, E. australis,* etc.; *Neobalaena marginata*) means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale

" sei whale " (*Balaenoptera borealis*) means any whale known by the name of sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale and shall be taken to include Bryde's whale (*B. brydei*)

" sperm whale " (*Physeter catodon*) means any whale known by the name of sperm whale, spermacet whale, cachalot or pot whale

" toothed whale " means any whale which has teeth in the jaws.

(2) " Whales taken " means whales that have been killed and either flagged or made fast to catchers.

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* *Note.*—Paragraph 17 (*a*), (*b*) and (*c*) (1) to (3) was inserted by the Commission at its first meeting in 1949, and came into force on 11th January, 1950, as regards all Contracting Governments except FRANCE, who therefore remain bound by the provisions of the original paragraph 17, which reads as follows:

17. Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

(*a*) on the coast of Madagascar and its dependencies, and on the west coasts of French Africa;

(*b*) on the west coast of Australia in the area known as Shark Bay and northward to North-west Cape and including Exmouth Gulf and King George's Sound, including the port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay.

Paragraph 17 (*c*) (4) was inserted by the Commission at its eleventh meeting in 1959 and came into force on 5th October, 1959, as regards all Contracting Governments.

Printed in England and published by
HER MAJESTY'S STATIONERY OFFICE

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With the compliments of

COMMONWEALTH OFFICE

A. St. J. Sugg.

GIBRALTAR AND SOUTH ATLANTIC

Our ref: YC 7/3.

LONDON, S.W.1.

P.A.

GOVERNMENT HOUSE
29 DEC 1967
STANLEY

20/11/67.

INTERNATIONAL WHALING COMMISSION

Schedule to the International Whaling Convention, 1946, revised to include the amendments that came into operation after the nineteenth meeting in London, 1967

The Commission have given standing instructions that the Schedule to the International Whaling Convention, 1946, shall be reprinted whenever any amendments made by the Commission come into operation.

The Schedule printed on the following pages contains the amendments made by the Commission at its nineteenth meeting in London in 1967. The amendments occur in Paragraphs 6(3), 6(4), 8(*a*), 9(*a*) and 9(*b*) and are shown in thick type and came into operation on 6th October, 1967.

This Schedule replaces that dated November, 1966.

November, 1967.

SCHEDULE

(As amended by the Commission at its nineteenth and all preceding meetings and subsequently brought into force)

1.—(*a*) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection and also such observers as the member countries engaged in the Antarctic pelagic whaling may arrange to place on each other's factory ships. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship; provided that inspectors need not be appointed to ships which, apart from the storage of products, are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

(*b*) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

2. It is forbidden to take or kill gray whales or right whales, except by aborigines or a Contracting Government on behalf of aborigines and only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

3. It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

4.—(1)(*a*) It is forbidden to kill blue whales in the North Atlantic Ocean for five years ending on 24th February, 1970.

(*b*) It is forbidden to kill or attempt to kill blue whales in the North Pacific Ocean and its dependent waters north of the Equator for five years beginning with the 1966 season.

(2) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in any of the following areas:

(*a*) in the waters north of 66° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(*b*) in the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(*c*) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(*d*) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(*e*) in the Indian Ocean and its dependent waters north of 40° South Latitude.

5. It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude. [This paragraph as a result of a decision of the fourteenth meeting was rendered inoperative until the Commission otherwise decides.]

6.—(1) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period ending on 8th November, 1969. Notwithstanding this close season the taking of 10 humpback whales per year is permitted in Greenland waters provided that whale catchers of less than 50 gross register tonnage are used for this purpose.

(2) It is forbidden to kill or attempt to kill humpback whales in the waters south of the Equator.

(3) It is forbidden to kill or attempt to kill blue whales in the waters south of the Equator.

(4) It is forbidden to kill or attempt to kill humpback whales in the North Pacific Ocean and its dependent waters north of the Equator for three years beginning with the 1968 season.

(5) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm whales in the waters between 40° South Latitude and 40° North Latitude.*

7.—(*a*) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from 12th December to 7th April following, both days inclusive.

(*b*) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm or minke whales, except as permitted by the Contracting Governments in accordance with sub-paragraphs (*c*), (*d*) and (*e*) of this paragraph.

(*c*) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted; provided that a separate open season may be declared for each factory ship and the whale catchers attached thereto.

(*d*) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted.

Provided that:

(i) a separate open season may be declared for each factory ship and the whale catchers attached thereto;

(ii) the open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to sub-paragraph (*a*) of this paragraph.

(*e*) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted. Notwithstanding this paragraph one continuous open season not to exceed eight months may be implemented so far as Greenland is concerned.

8.—(*a*) **The number of baleen whales taken during the open season in waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed 3,200 blue whale units in 1967/68.**

(*b*) For the purposes of sub-paragraph (*a*) of this paragraph, blue whale units shall be calculated on the basis that one blue whale equals:

(1) Two fin whales or

(2) Two and a half humpback whales or

(3) Six sei whales.

(*c*) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government; provided that when the number of blue whale units is deemed by the

* Paragraph 6(5) came into force on 4th January, 1966 but is not binding on Japan, Norway and the Union of Soviet Socialist Republics, all of whom objected within the prescribed period.

Bureau of International Whaling Statistics to have reached 85 per cent of whatever total catch limit is imposed by the Commission notification shall be given as aforesaid at the end of each day of data on the number of blue whale units taken.

(*d*) If it appears that the maximum catch of whales permitted by sub-paragraph (*a*) of this paragraph may be reached before 7th April of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The killing or attempting to kill baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

(*e*) * Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

9.—(*a*) It is forbidden to take or kill any blue, sei or humpback whales below the following lengths:

Blue whales 70 feet (21·3 metres)

Sei whales 40 feet (12·2 metres)

Humpback whales 35 feet (10·7 metres)

except that blue whales of not less than 65 feet (19·8 metres) and sei whales of not less than 35 feet (10·7 metres) in length may be taken for delivery to land stations, provided that, except in the North-east Pacific area for a period of three years starting 1st April, **1968**, the meat of such whales is to be used for local consumption as human or animal food.

(*b*) It is forbidden to take or kill any fin whales below 57 feet (17·4 metres) in length for delivery to factory ships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16·8 metres) for delivery to factory ships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16·8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15·2 metres) may be taken for delivery to land stations in the Northern Hemisphere, provided that, except in the North-east Pacific area for a period of three years starting 1st April, **1968**, in each case the meat of such whales is to be used for local consumption as human or animal food.

(*c*) It is forbidden to take or kill any sperm whales below 38 feet (11·6 metres) in length, except that sperm whales of not less than 35 feet (10·7 metres) in length may be taken for delivery to land stations.

(*d*) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e.g. 76 feet 6 inches precisely shall be logged as 77 feet.

10.—(*a*) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with sub-paragraphs (*b*), (*c*) and (*d*) of this paragraph.

* *Note.*—Paragraph 8(*e*) which followed in earlier copies was deleted by the Commission at its fourth meeting in 1952 and the deletion became effective on 12th September, 1952. Original paragraph (*f*) consequently becomes paragraph (*e*).

(*b*) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government; provided that a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(*c*) *Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in sub-paragraph (*b*) of this paragraph; provided that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.

(*d*) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in sub-paragraph (*b*) of this paragraph); provided that a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this sub-paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

(*e*) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of paragraph 17 of this Schedule.

11. It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season; provided that this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

12.—(*a*) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of paragraphs 2, 4, 5, 6, 7, 8 or 10 of this Schedule.

* *Note.*—This sub-paragraph 10 (*c*) came into force as from 21st February, 1952, in respect of all Contracting Governments, except the Commonwealth of Australia, who lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this sub-paragraph are not therefore binding on the Commonwealth of Australia.

(*b*) All other whales (except minke whales) taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals. A Contracting Government may in less developed regions exceptionally permit treating of whales without use of land stations, provided that such whales are fully utilised in accordance with this paragraph.

(*c*) Complete treatment of the carcases of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

13.—(*a*) The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcase (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.

(*b*) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(*c*) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

(1) The time when each whale is taken
(2) Its species, and
(3) Its marking effected pursuant to sub-paragraph (*b*) of this paragraph.

(*d*) The information reported by radio pursuant to sub-paragraph (*c*) of this paragraph shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

(1) Time of hauling up for treatment
(2) Length, measured pursuant to sub-paragraph (*d*) of paragraph 9
(3) Sex
(4) If female, whether milk-filled or lactating
(5) Length and sex of foetus, if present, and
(6) A full explanation of each infraction.

(*e*) A record similar to that described in sub-paragraph (*d*) of this paragraph shall be maintained by land stations, and all of the information mentioned in the said sub-paragraph shall be entered therein as soon as available.

14. Gunners and crews of factory ships, land stations, and whale catchers, shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of milk-filled or lactating whales.

15. Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

16. Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (*a*) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (*b*) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (*c*) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in (*a*) and (*c*) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales.

communicating this information there shall be specified:

(*a*) The name and gross tonnage of each factory ship

(*b*) The number of whale catchers, including separate totals for surface vessels and aircraft and specifying, in the case of surface vessels, the average length and horse power of whale catchers

(*c*) A list of the land stations which were in operation during the period concerned.

*17.—(*a*) A factory ship which operates solely within territorial waters in one of the areas specified in sub-paragraph (*c*) of this paragraph, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

(*b*) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in sub-paragraph (*c*) of this paragraph or south of 40° South Latitude.

(*c*) The areas referred to in sub-paragraphs (*a*) and (*b*) are:

(1) On the coast of Madagascar and its dependencies
(2) On the west coasts of French Africa
(3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to North-west Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany*
(4) On the Pacific coast of the United States of America between 35° North Latitude and 49° North Latitude.

18.—(1) The following expressions have the meanings respectively assigned to them, that is to say:

"baleen whale" means any whale which has baleen or whale bone in the mouth, i.e. any whale other than a toothed whale

"blue whale" (*Balaenoptera* or *Sibbaldus musculus*) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom

"dauhval" means any unclaimed dead whale found floating

"fin whale" (*Balaenoptera physalus*) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale

"gray whale" (*Rhachianectes glaucus*) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back or rip sack

"humpback whale" (*Megaptera nodosa* or *novaeangliae*) means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale

"minke whale" (*Balaenoptera acutorostrata*, *B. Davidsoni*, *B. huttoni*) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp headed finner

"right whale" (*Balaena mysticetus*, *Eubalaena glacialis*, *E. australis*, etc.; *Neobalaena marginata*) means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pygmy right whale, Southern pygmy right whale, or Southern right whale

"sei whale" (*Balaenoptera borealis*) means any whale known by the name of sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale and shall be taken to include Bryde's whale (*B. brydei*)

* See note on page 8.

"sperm whale" (*Physeter catodon*) means any whale known by the name of sperm whale, spermacet whale, cachalot or pot whale

"toothed whale" means any whale which has teeth in the jaws.

(2) "Whales taken" means whales that have been killed and either flagged or made fast to catchers.

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* *Note.*—Paragraph 17 (a), (b) and (c) (1) to (3) was inserted by the Commission at its first meeting in 1949, and came into force on 11th January, 1950, as regards all Contracting Governments except FRANCE, who therefore remain bound by the provisions of the original paragraph 17, which reads as follows:

17. Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

(*a*) on the coast of Madagascar and its dependencies, and on the west coasts of French Africa;

(*b*) on the west coast of Australia in the area known as Shark Bay and northward to North-west Cape and including Exmouth Gulf and King George's Sound, including the port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay.

Paragraph 17 (c) (4) was inserted by the Commission at its eleventh meeting in 1959 and came into force on 5th October, 1959 as regards all Contracting Governments.

Printed by Her Majesty's Stationery Office, St. Stephen's Parliamentary Press
565687 Dd. 053387 300 11/67 (*T.S. 34343*)