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(Formerly)

D/10/47/A IV

D/10/47A/IV

INTERNATIONAL WHALING

CONVENTIONS IN FRACTIONS.

Vols I + II Post on the file 9/3/59 Commencing with folio 133

CONNECTED FILES.

NUMBER





With the compliments of

A. St. J. Sugg.



Commonwealth Office

~~COMMONWEALTH OFFICE~~
GREAT SMITH STREET
LONDON E.W.1

18th August, 1966.

INTERNATIONAL WHALING COMMISSION
EAST BLOCK, WHITEHALL PLACE, LONDON, S.W.1
Telephone: TRAFALGAR 7711 (Extension 543)

~~Chairman: M. N. SUKHORUCHENKO (U.S.S.R.)~~ ~~Vice-Chairman: W. C. TAME (U.K.)~~
Secretary: R. S. WIMPENNY

Chairman: W. C. TAME (U.K.)

Vice-Chairman: I. FUJITA (JAPAN)

EST. 54/57/02
WI.XVIII

5th August, 1966

CIRCULAR COMMUNICATION TO CONTRACTING GOVERNMENTS AND COMMISSIONERS
INFRACTIONS - 1966/67 Season (Antarctic) and
1966 Season (Outside Antarctic)

at b.c.

The enclosed supply of forms A & B are forwarded in order that Contracting Governments may, in accordance with the requirement of Article IX(4) of the International Whaling Convention of 1946, transmit to the Commission full details of each infraction of the Convention.

As Commissioners will be aware, a summary of the infraction reports must be prepared for circulation at the Annual Meeting of the Commission. To allow for completion of the summary in time for the Nineteenth Meeting Contracting Governments are asked to ensure that their reports are despatched to reach the Secretariat not later than 1st June, 1967.

If there are no infractions it would be helpful if the Secretariat could be so informed. In this connection it should also be pointed out that even if there are no infractions the Commission still requires all Contracting Governments to submit complete details of the catch in the space provided at the foot of page 3 of form B.

*Since there will be no whaling this season
this does not seem to apply. However let us wait a few
months before sending NIC returns.*

J BU 15-1/67

DECODE.

TELEGRAM.

134

From Administrative Officer, South Georgia

To Colonial Secretary, Stanley

Despatched : 30th November, 19 66 Time : 1240

Received : 30th November, 19 66 Time :

131
folio 128 in
D10147/Aluu

See also 129
in D/1947/Aluu

No 253 Your telegram No 137 and Memorandum D/10/47/A
Whaling Infractions NSK 1965. Have checked calculations
attached to your Memorandum and find the amount £2219/1/6
correct

Adminoff

C.T. For information
✓ 13712/66

P/L : ER
Intld. H.L.B.

L.G.
13712/66

DECODE.

135

TELEGRAM SENT.

From GOVERNOR to SECRETARY OF STATE

Despatched: 29.12.66 Time: 0915 Received: Time

130

No SG 14 My telegram No SG7 confirm calculations correct

Governor

ER

la

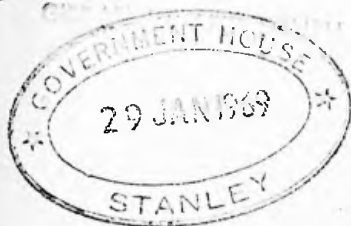
Sir Cosmo Haskard
KCMG, M.B.E.



Falkland
Islands

With the compliments of

FOREIGN AND COMMONWEALTH
OFFICE



FR
7/3/69

13.1.69,
LONDON, S.W.1

Cs. This should have
been passed to Secretariat
long ago. However NFAN
4/4/69

~~136~~
136

INTERNATIONAL WHALING COMMISSION

Schedule to the International Whaling Convention, 1946, revised to include the amendments that came into operation after the twentieth meeting in Tokyo, 1968

The Commission has 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 twentieth meeting in Tokyo in 1968. The amendments occur in paragraphs 1 (a), 1 (b) and 8 (a) and are shown in thick type except that the amendments to paragraph 1 (a) consisted of the deletion of a reference to the Antarctic. The amended paragraphs came into operation on 10th October, 1968.

This Schedule replaces that dated November, 1967.

December, 1968.

SCHEDULE

(As amended by the Commission at its twentieth 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 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. There shall be maintained such observers as the member countries having jurisdiction over land stations may arrange to place at each other's land stations. 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 1968/69.

(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 carcasses 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, 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.

* *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.

DECODE.

#8

TELEGRAM SENT.

140

From SECRETARY OF STATE to GOVERNOR

Despatched: 25th June Time: 1240 Received: 25th June Time: 1130

135

No. 83. My saving despatch 27 of 20th June 1969 uncollected whaling revenue. The figure in the second paragraph should be £1,200 16s. 7d. error regretted.

Stewart.

Arms
Ask Mr. [unclear] if he can suggest which Capt. [unclear] reports to

27.6.69

C.T. [unclear] 139/140

P/L : AR.

LG
23/7/69

21.7.69

Pa

F. I. ref: D/10/47/A/IV

C. O. ref:

Copy: C.T.

137

SAVING DESPATCH.

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

To: The Secretary of State for Commonwealth Affairs.

Date: 20th February 1969

No. 36. SAVING. COLONY

During the 1963/64 and 1964/65 whaling seasons at South Georgia a Japanese firm, International Fisheries Co. Ltd., operated from the Albion Star station at Grytviken. One condition of the licence was that the production bonuses earned on what are termed "illegally" caught whales (I shall not expand on this for it would not contribute to the object) must be paid to the Dependency revenue.

There existed an approved formula for assessing these bonuses which appears to have been slightly misapplied by British, Norwegian and Argentine companies when they operated at South Georgia. These companies hunted whales mainly for oil but there were some by-products, notably guano. The value of the by-products was small when compared with that of the oil and no official protest was raised when the statement of forfeited bonuses was produced based on oil production only.

When the Japanese commenced operations the emphasis on products other than oil greatly increased. Meat production was a particular case in point. The Japanese firm employed a Norwegian experienced in whaling accounting procedure to produce their statement of bonuses forfeited, and following previously accepted practice he based it on oil production only. The Administrative Officer at South Georgia took up the question of the other products for, according to his calculations, the bonuses on the other products added a further £1,200. 16. 7d. to the figure of £1,697. 6. 8. that the oil calculation produced.

A lengthy telegraphic correspondence followed with no acceptance by International Fisheries that this further amount was also payable. The Colonial Secretary (in Stanley) wrote to the Company at their Tokyo address on 29th October 1965 but no reply was received. The Company ceased to operate from South Georgia after the 1964/65 season.

See
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Whether further pressure would have resulted in payment of the additional amount that the Administrative Officer considers is due cannot now be stated: the company put great emphasis on the fact that by-products were not included in the penalties imposed on British, Norwegian and Argentine companies and it was extremely difficult, in fact impossible, to convey to them that the circumstances were so different. Meat to the earlier operators had no commercial significance whatever - to the Japanese it represented one of the principal reasons for operating from South Georgia.

In the circumstances I feel it would be best to drop the matter and to this end I seek approval not to pursue it further. This involves the formal write off of uncollected revenue of an unconfirmed amount of £1200. 16. 7.

GOVERNOR

137

Governor, Falkland Islands.

~~136~~



159

With the compliments of

D.F.E. Wellman,

Gibraltar and South Atlantic Dept.

22.3.67.

COMMONWEALTH OFFICE
Great Smith Street, London, S.W.1



INTERNATIONAL WHALING COMMISSION

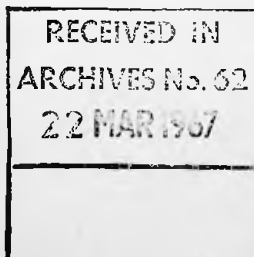
Schedule to the International Whaling Convention, 1946, revised to include the amendments that came into operation after the eighteenth meeting in London, 1966

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 eighteenth meeting in London in 1966. The amendments occur in Paragraphs 6(4), 7(a) and 8(a) and are shown in thick type but the amendment to Paragraph 7(a) consisted of the deletion of a clause relating to the killing of blue whales. The amendments were not objected to and came into operation on 5th October, 1966.

This Schedule replaces that dated February, 1966.

November, 1966.



SCHEDULE

(As amended by the Commission at its eighteenth 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 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 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 1967 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 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 3,500 blue whale units in 1966/67. The total catch for 1967/68 shall 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

* 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, 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.

* 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 carcasses 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 carcass (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 also 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, 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. brydetti*)

* 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.

* *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.

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HGF 5/12

UNCLASSIFIED

SAVING DESPATCH



C.T.
10/10/69

10/10/69

From the Secretary of State for Foreign and Commonwealth Affairs.
To the Officer Adminstrating the Government of the FALKLAND ISLANDS.

No. 27

Date 20.6.69.

Your reference D/10/47/A/IV

Your saving number 36 dated 20 February, 1969.

14
See [initials]

Uncollected Whaling Revenues 1963/64
and 1964/65 - South Georgia.

From the circumstances outlined in your Saving Despatch it would appear that the South Georgia administration had a lawful claim against the International Fisheries Company Limited for the recovery of uncollected revenues on by-products, although the Company was not specifically advised that by-products other than whale oil would attract production bonuses. However after a lapse of three years it would be unlikely that a claim against International Fisheries Company Limited could now be successfully pursued, and accordingly it would be appropriate to treat this case as a claim abandoned.

2. The write-off of uncollected revenue of an unconfirmed amount of ~~£142~~ 16: 7d is approved.

£1200

See 140