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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

AG 800.217 (24 Aug 46)NR
(SCAPIN - 1154)

APD 500
24 August 1946

MEMORANDUM FOR: IMPERIAL JAPANESE GOVERNMENT.

THROUGH : Central Liaison Office, Tokyo.

SUBJECT : Whaling Industry.

1. Reference is made to Memorandum for Imperial Japanese Government from General Headquarters, Supreme Commander for the Allied Powers, AG 800.217 (3 Nov 45)NR, (SCAPIN-233), dated 3 November 1945, subject: "Whaling Industry". The Imperial Japanese Government is hereby advised that paragraph two (2) of this reference is amended to include the following additional protocols:

a. Protocol signed at London, 7 February 1944, amending in certain particulars The International Agreement for the Regulation of Whaling signed at London, 8 June 1937 as amended by the Protocol signed at London, 24 June 1938.

b. Supplementary Protocol concerning whaling signed at London, 5 October 1945.

c. Protocol signed at London, 26 November 1945 and the Final Act of the International Whaling Conference at which the protocol was drafted.

d. Supplementary Protocol signed at London, 15 March 1946.

2. For the information and guidance of the Imperial Japanese Government one copy each of the following documents are attached hereto:

a. International Whaling Convention concluded at Geneva, 24 September 1931.

b. International Whaling Agreement signed at London, 8 June 1937.

c. Protocol signed at London, 24 June 1938 amending the International Agreement for the Regulation of Whaling signed at London, 8 June 1937.

d. Protocol signed at London, 7 February 1944, amending in certain particulars The International Agreement for the Regulation of Whaling signed at London, 8 June 1937 as amended by the Protocol signed at London, 24 June 1938.

Rescinded by Scapin 1942-23 Nov 48

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BASIC: Memo, C I Q SCAP, file AG 800.217 (24 Aug 46)NR, dtd 24 Aug 46,
subject: "Whaling Industry", to Imperial Japanese Government.

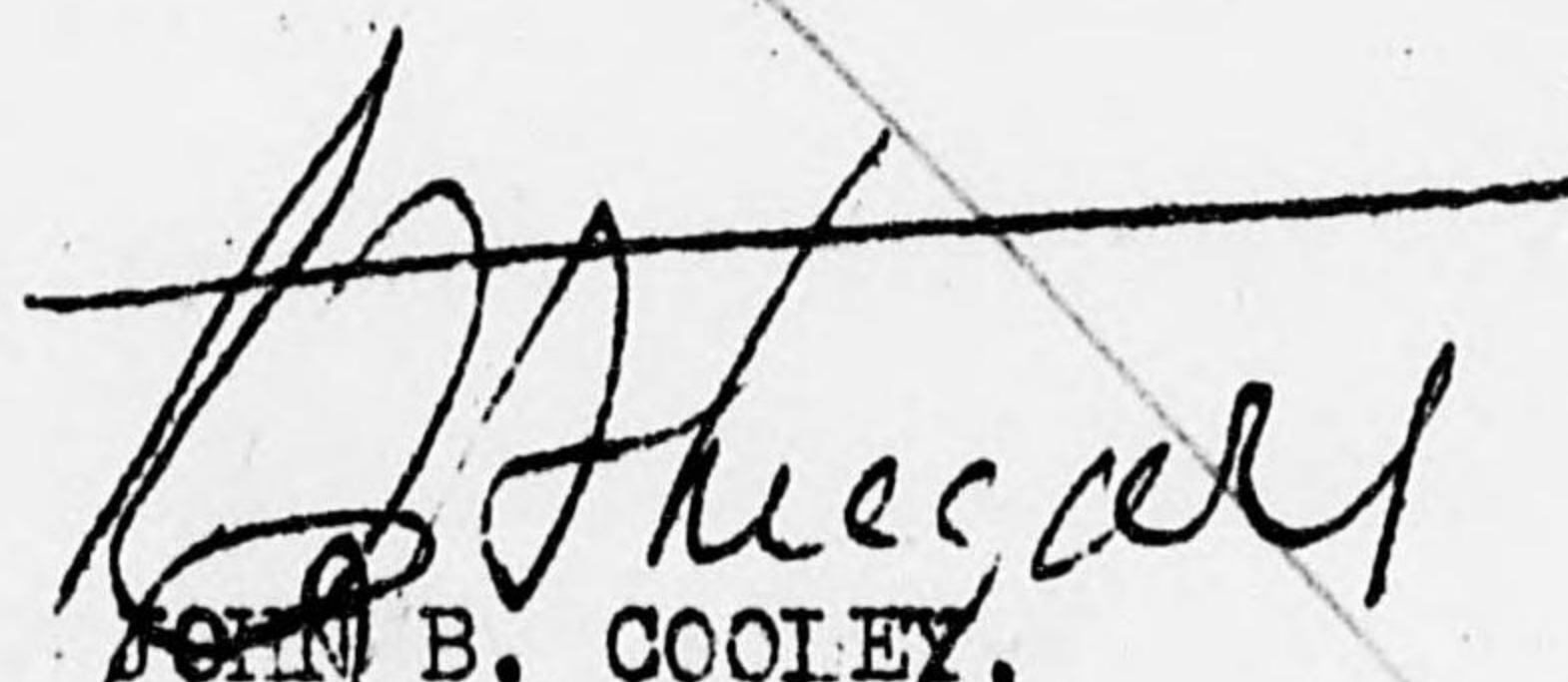
e. Supplementary Protocol concerning whaling signed at London,
5 October 1945.

f. Protocol signed at London, 26 November 1945 and the Final Act
of the International Whaling Conference at which the protocol was drafted.

g. Supplementary Protocol signed at London, 15 March 1946.

3. All notices and reports as required under the terms of the Inter-
national Whaling Agreements will be submitted to the Supreme Commander for
the Allied Powers.

FOR THE SUPREME COMMANDER:


JOHN B. COOLEY,
Colonel, AGD,
Adjutant General.

1 Incl:

As indicated in paragraph 2.
(Distribution to addressee only)

SCAPIN - 1154

Inclosure a to paragraph 2

Text is included in pages 2 - 17 of the attached REGULATION
OF WHALING, Department of State Treaty Series, No. 880.

Record copy of this Inclosure could not be located. December 1964.

TREATY SERIES, No. 880

REGULATION OF WHALING

CONVENTION
BETWEEN THE UNITED STATES OF AMERICA
AND OTHER POWERS

Concluded at Geneva, September 24, 1931; signed on the part of the
United States of America, March 31, 1932.

Ratification advised by the Senate of the United States, June 10, 1932
(legislative day of June 8, 1932).

Ratified by the President of the United States, June 17, 1932.

Ratification of the United States of America deposited at Geneva,
July 7, 1932.

Proclaimed by the President of the United States, January 16, 1935.



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1935

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention for the regulation of whaling, dated Geneva, September 24, 1931, and left open for signature until March 31, 1932, was signed by the respective Plenipotentiaries of the United States of America; Albania; Germany; Belgium; Great Britain and Northern Ireland and all parts of the British Empire which are not separate members of the League of Nations; Canada; Australia; New Zealand; the Union of South Africa; India; Colombia; Denmark; Spain; Finland; France; Greece; Italy; Mexico; Norway; the Netherlands, including the Netherland Indies; Poland; Rumania; Switzerland; Czechoslovakia; Turkey and Yugoslavia; a true copy of which convention in the English and French languages is word for word as follows:

(1)

CONVENTION POUR LA RÉGLEMENTATION DE LA
CHASSE A LA BALEINE

SA MAJESTÉ LE ROI DES ALBANAIS; LE PRÉSIDENT DU REICH ALLEMAND; LE PRÉSIDENT DES ETATS-UNIS D'AMÉRIQUE; SA MAJESTÉ LE ROI DES BELGES; SA MAJESTÉ LE ROI DE GRANDE-BRETAGNE ET D'IRLANDE ET DES DOMINIONS BRITANNIQUES AU DELA DES MERS, EMPEREUR DES INDES; LE PRÉSIDENT DE LA RÉPUBLIQUE DE COLOMBIE; SA MAJESTÉ LE ROI DE DANEMARK ET D'ISLANDE; LE PRÉSIDENT DU GOUVERNEMENT DE LA RÉPUBLIQUE ESPAGNOLE; LE PRÉSIDENT DE LA RÉPUBLIQUE DE FINLANDE; LE PRÉSIDENT DE LA RÉPUBLIQUE FRANÇAISE; LE PRÉSIDENT DE LA RÉPUBLIQUE HELLÉNIQUE; SA MAJESTÉ LE ROI D'ITALIE; LE PRÉSIDENT DES ETATS-UNIS DU MEXIQUE; SA MAJESTÉ LE ROI DE NORVÈGE; SA MAJESTÉ LA REINE DES PAYS-BAS; LE PRÉSIDENT DE LA RÉPUBLIQUE DE POLOGNE; SA MAJESTÉ LE ROI DE ROUMANIE; LE CONSEIL FÉDÉRAL SUISSE; LE PRÉSIDENT DE LA RÉPUBLIQUE TCHÉCOSLOVAQUE; LE PRÉSIDENT DE LA RÉPUBLIQUE DE TURQUIE; SA MAJESTÉ LE ROI DE YOUGOSLAVIE

ont désigné pour leurs plénipotentiaires, savoir:

SA MAJESTÉ LE ROI DES ALBANAIS:

M. Lee KURTI, Ministre résident, Délégué permanent auprès de la Société des Nations.

LE PRÉSIDENT DU REICH ALLEMAND:

M. Hans Hermann VÖLCKERS, Consul général à Genève.

LE PRÉSIDENT DES ETATS-UNIS D'AMÉRIQUE:

M. Hugh R. WILSON, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse.

SA MAJESTÉ LE ROI DES BELGES:

M. P. HYMANS, Ministre des Affaires étrangères.

SA MAJESTÉ LE ROI DE GRANDE-BRETAGNE ET D'IRLANDE ET DES DOMINIONS BRITANNIQUES AU DELA DES MERS, EMPEREUR DES INDES:

Pour la Grande-Bretagne et l'Irlande du Nord, ainsi que toutes parties de l'Empire britannique non membres séparés de la Société des Nations:

Le très honorable vicomte CECIL OF CHELWOOD, K.C.

Pour le Dominion du Canada:

L'honorable Hugh GUTHRIE, P.C., K.C., M.P., Ministre de la Justice, Procureur général.

CONVENTION FOR THE REGULATION OF WHALING.

HIS MAJESTY THE KING OF THE ALBANIANS; THE PRESIDENT OF THE GERMAN REICH; THE PRESIDENT OF THE UNITED STATES OF AMERICA; HIS MAJESTY THE KING OF THE BELGIANS; HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA; THE PRESIDENT OF THE REPUBLIC OF COLOMBIA; HIS MAJESTY THE KING OF DENMARK AND ICELAND; THE PRESIDENT OF THE GOVERNMENT OF THE SPANISH REPUBLIC; THE PRESIDENT OF THE REPUBLIC OF FINLAND; THE PRESIDENT OF THE FRENCH REPUBLIC; THE PRESIDENT OF THE HELLENIC REPUBLIC; HIS MAJESTY THE KING OF ITALY; THE PRESIDENT OF THE UNITED STATES OF MEXICO; HIS MAJESTY THE KING OF NORWAY; HER MAJESTY THE QUEEN OF THE NETHERLANDS; THE PRESIDENT OF THE POLISH REPUBLIC; HIS MAJESTY THE KING OF ROUMANIA; THE SWISS FEDERAL COUNCIL; THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC; THE PRESIDENT OF THE TURKISH REPUBLIC; HIS MAJESTY THE KING OF YUGOSLAVIA

have appointed as their Plenipotentiaries the following:

HIS MAJESTY THE KING OF THE ALBANIANS:

M. Lee KURTI, Resident Minister, Permanent Delegate accredited to the League of Nations.

THE PRESIDENT OF THE GERMAN REICH:

M. Hans Hermann VÖLCKERS, Consul-General at Geneva.

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

Mr. Hugh R. WILSON, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

HIS MAJESTY THE KING OF THE BELGIANS:

M. P. HYMANS, Minister for Foreign Affairs.

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:

For Great Britain and Northern Ireland and all parts of the British Empire which are not separate Members of the League of Nations:

The Right Honourable Viscount CECIL OF CHELWOOD, K.C.

For the Dominion of Canada:

The Honourable Hugh GUTHRIE, P.C., K.C., M.P., Minister of Justice and Attorney-General.

Pour le Commonwealth d'Australie:

Mr. James R. COLLINS, C.M.G., C.B.E., Secrétaire officiel et Conseiller financier au Bureau du Haut Commissaire à Londres.

Pour le Dominion de la Nouvelle-Zélande:

Sir Thomas Mason WILFORD, K.C.M.G., K.C., Haut Commissaire à Londres.

Pour l'Union Sud-Africaine:

Mr. C. T. TE WATER, Haut Commissaire à Londres.

Pour l'Inde:

Sir Brojendra L. MITTER, Kt., Membre juridique du Conseil exécutif du Vice-Roi.

LE PRÉSIDENT DE LA RÉPUBLIQUE DE COLOMBIE:

Le Docteur A. J. RESTREPO, Délégué permanent auprès de la Société des Nations.

SA MAJESTÉ LE ROI DE DANEMARK ET D'ISLANDE:

M. William BORBERG, Délégué permanent auprès de la Société des Nations.

LE PRÉSIDENT DU GOUVERNEMENT DE LA RÉPUBLIQUE ESPAGNOLE:

M. Alejandro LERROUX GARCÍA, Ministre d'Etat.

LE PRÉSIDENT DE LA RÉPUBLIQUE DE FINLANDE:

M. Evald GYLLENBÖGEL, Conseiller de Légation, Délégué permanent *ad. i.* auprès de la Société des Nations.

LE PRÉSIDENT DE LA RÉPUBLIQUE FRANÇAISE:

M. Louis ROLLIN, Député, Ministre du Commerce et de l'Industrie.

LE PRÉSIDENT DE LA RÉPUBLIQUE HELLENIQUE:

M. R. RAPHAËL, Délégué permanent auprès de la Société des Nations.

SA MAJESTÉ LE ROI D'ITALIE:

M. Augusto ROSSO, Ministre plénipotentiaire, Délégué adjoint au Conseil de la Société des Nations.

LE PRÉSIDENT DES ETATS-UNIS DU MEXIQUE:

M. Salvador MARTÍNEZ DE ALVA, Directeur du Bureau permanent auprès de la Société des Nations.

SA MAJESTÉ LE ROI DE NORVÈGE:

M. Birger BRAADLAND, Ministre des Affaires étrangères.

SA MAJESTÉ LA REINE DES PAYS-BAS:

Le Jonkheer F. BEELAERTS VAN BLOKLAND, Ministre des Affaires étrangères.

LE PRÉSIDENT DE LA RÉPUBLIQUE DE POLOGNE:

M. Auguste ZALESKI, Ministre des Affaires étrangères.

For the Commonwealth of Australia:

Mr. James R. COLLINS, C.M.G., C.B.E., Official Secretary and Financial Adviser in the Office of the High Commissioner in London.

For the Dominion of New Zealand:

Sir Thomas Mason WILFORD, K.C.M.G., K.C., High Commissioner in London.

For the Union of South Africa:

Mr. C. T. TE WATER, High Commissioner in London.

For India:

Sir Brojendra L. MITTER, Kt., Law Member of the Viceroy's Executive Council.

THE PRESIDENT OF THE REPUBLIC OF COLOMBIA:

Dr. A. J. RESTREPO, Permanent Delegate accredited to the League of Nations.

HIS MAJESTY THE KING OF DENMARK AND ICELAND:

M. William BORBERG, Permanent Delegate accredited to the League of Nations.

THE PRESIDENT OF THE GOVERNMENT OF THE SPANISH REPUBLIC:

M. Alejandro LERROUX GARCÍA, Minister of State.

THE PRESIDENT OF THE REPUBLIC OF FINLAND:

M. Evald GYLLENBÖGEL, Counsellor of Legation, Permanent Delegate *ad. i.* accredited to the League of Nations.

THE PRESIDENT OF THE FRENCH REPUBLIC:

M. Louis ROLLIN, Deputy, Minister of Commerce and Industry.

THE PRESIDENT OF THE HELLENIC REPUBLIC:

M. R. RAPHAËL, Permanent Delegate accredited to the League of Nations.

HIS MAJESTY THE KING OF ITALY:

M. Augusto ROSSO, Minister Plenipotentiary, Substitute Delegate to the Council of the League of Nations.

THE PRESIDENT OF THE UNITED STATES OF MEXICO:

M. Salvador MARTÍNEZ DE ALVA, Head of the Permanent Office accredited to the League of Nations.

HIS MAJESTY THE KING OF NORWAY:

M. Birger BRAADLAND, Minister for Foreign Affairs.

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

Jonkheer F. BEELAERTS VAN BLOKLAND, Minister for Foreign Affairs.

THE PRESIDENT OF THE POLISH REPUBLIC:

M. Auguste ZALESKI, Minister for Foreign Affairs.

SA MAJESTÉ LE ROI DE ROUMANIE:

M. Constantin ANTONIADÉ, Envoyé extraordinaire et Ministre plénipotentiaire auprès de la Société des Nations.

LE CONSEIL FÉDÉRAL SUISSE:

M. Giuseppe MOTTA, Président de la Confédération suisse, Chef du Département politique fédéral.

LE PRÉSIDENT DE LA RÉPUBLIQUE TCHÉCOSLOVAQUE:

M. Zdeněk FIERLINGER, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse, Délégué permanent auprès de la Société des Nations.

LE PRÉSIDENT DE LA RÉPUBLIQUE DE TURQUIE:

Cemal HÜSNÜ bey, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse.

SA MAJESTÉ LE ROI DE YOUGOSLAVIE:

M. Voislav MARINKOVITCH, Ministre des Affaires étrangères.

Lesquels, après avoir communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

Article premier.

Les Hautes Parties contractantes conviennent de prendre, dans les limites de leurs juridictions respectives, des mesures appropriées pour assurer l'application des dispositions de la présente Convention et pour punir les infractions auxdites dispositions.

Article 2.

La présente Convention est applicable seulement aux baleines à fanons.

Article 3.

La présente Convention ne s'applique pas aux aborigènes habitant les côtes des territoires des Hautes Parties contractantes à la condition que:

- 1° Ils fassent seulement usage de canots, de pirogues ou d'autres embarcations exclusivement indigènes et mues à la voile ou à rames;
- 2° Ils ne se servent pas d'armes à feu;
- 3° Ils ne soient pas au service de personnes non aborigènes;
- 4° Ils ne soient pas tenus de livrer à des tiers le produit de leur chasse.

Article 4.

Il est interdit de capturer ou de tuer les "right whales", qui seront considérées comme comprenant la baleine du cap Nord, la baleine du Groenland, la "right whale" australe, la "right whale" du Pacifique et la "right whale" pygmée australe.

HIS MAJESTY THE KING OF ROUMANIA:

M. Constantin ANTONIADÉ, Envoyé Extraordinary and Minister Plenipotentiary accredited to the League of Nations.

THE SWISS FEDERAL COUNCIL:

M. Giuseppe MOTTA, President of the Swiss Confederation, Head of the Federal Political Department.

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC:

M. Zdeněk FIERLINGER, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, Permanent Delegate accredited to the League of Nations.

THE PRESIDENT OF THE TURKISH REPUBLIC:

Cemal HÜSNÜ Bey, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

HIS MAJESTY THE KING OF YUGOSLAVIA:

M. Voislav MARINKOVITCH, Minister for Foreign Affairs.

Who, having communicated their full powers, found in good and due form, have agreed on the following provisions:

Article 1.

The High Contracting Parties agree to take, within the limits of their respective jurisdictions, appropriate measures to ensure the application of the provisions of the present Convention and the punishment of infractions of the said provisions.

Article 2.

The present Convention applies only to baleens or whalebone whales.

Article 3.

The present Convention does not apply to aborigines dwelling on the coasts of the territories of the High Contracting Parties provided that:

- (1) They only use canoes, pirogues or other exclusively native craft propelled by oars or sails;
- (2) They do not carry firearms;
- (3) They are not in the employment of persons other than aborigines;
- (4) They are not under contract to deliver the products of their whaling to any third person.

Article 4.

The taking or killing of right whales, which shall be deemed to include North-Cape whales, Greenland whales, southern right whales, Pacific right whales and southern pigmy right whales, is prohibited.

Article 5.

Il est interdit de capturer ou de tuer les baleineaux ou jeunes baleines non sevrées, les baleines non adultes et les baleines femelles accompagnées de baleineaux (ou jeunes non sevrés).

Article 6.

Les carcasses de baleines capturées devront être utilisées aussi complètement que possible. En particulier:

1° L'huile devra être extraite, par ébullition ou par tout autre procédé, de tout le blanc ainsi que de la tête et de la langue et, en outre, de la queue jusqu'à l'ouverture extérieure du gros intestin.

Les dispositions du présent paragraphe ne seront applicables qu'aux carcasses ou parties de carcasses non destinées à être utilisées comme comestibles.

2° Toute usine, flottante ou non, servant à traiter les carcasses de baleine, devra être munie de l'outillage nécessaire pour extraire l'huile du blanc, de la chair et des os.

3° Si des baleines sont amenées au rivage, des mesures appropriées devront être prises pour utiliser les résidus après l'extraction de l'huile.

Article 7.

Les canonnières et les équipages des navires baleiniers devront être embauchés à des conditions qui feront, dans une grande mesure, dépendre leur rémunération de facteurs tels que la taille, l'espèce, la valeur des baleines capturées et la quantité d'huile extraite, et non pas seulement du nombre des baleines capturées, pour autant que cette rémunération dépende des résultats de la chasse.

Article 8.

Aucun navire des Hautes Parties contractantes ne pourra se livrer à la capture ou au traitement des baleines sans qu'une licence spéciale ait été concédée à ce navire par la Haute Partie contractante dont il porte le pavillon, ou sans que son propriétaire ou affrèteur ait notifié au gouvernement de cette Haute Partie contractante son intention d'utiliser ce navire pour la chasse à la baleine et qu'il ait reçu dudit gouvernement une attestation de cette notification.

Le présent article ne porte nullement atteinte au droit, pour l'une quelconque des Hautes Parties contractantes, d'exiger, en outre, une licence émanant de ses propres autorités, pour tout navire désireux d'utiliser son territoire ou ses eaux territoriales en vue de capturer, d'amener à terre ou de traiter des baleines. La délivrance de cette licence pourra être, soit refusée, soit subordonnée aux conditions que la Haute Partie contractante intéressée estimera nécessaires ou opportunes, quelle que soit la nationalité du navire.

Article 5.

The taking or killing of calves or suckling whales, immature whales, and female whales which are accompanied by calves (or suckling whales) is prohibited.

Article 6.

The fullest possible use shall be made of the carcasses of whales taken. In particular:

1. There shall be extracted by boiling or otherwise the oil from all blubber and from the head and the tongue and, in addition, from the tail as far forward as the outer opening of the lower intestine.

The provisions of this sub-paragraph shall apply only to such carcasses or parts of carcasses as are not intended to be used for human food.

2. Every factory, whether on shore or afloat, used for treating the carcasses of whales shall be equipped with adequate apparatus for the extraction of oil from the blubber, flesh and bones.

3. In the case of whales brought on shore, adequate arrangements shall be made for utilising the residues after the oil has been extracted.

Article 7.

Gunners and crews of whaling vessels shall be engaged on terms such that their remuneration shall depend to a considerable extent upon such factors as the size, species, value and yield of oil of whales taken, and not merely upon the number of whales taken, in so far as payment is made dependent on results.

Article 8.

No vessel of any of the High Contracting Parties shall engage in taking or treating whales unless a licence authorising such vessel to engage therein shall have been granted in respect of such vessel by the High Contracting Party, whose flag she flies, or unless her owner or charterer has notified the Government of the said High Contracting Party of his intention to employ her in whaling and has received a certificate of notification from the said Government.

Nothing in this article shall prejudice the right of any High Contracting Party to require that, in addition, a licence shall be required from his own authorities by every vessel desirous of using his territory or territorial waters for the purposes of taking, landing or treating whales, and such licence may be refused or may be made subject to such conditions as may be deemed by such High Contracting Party to be necessary or desirable, whatever the nationality of the vessel may be.

Article 9.

La zone géographique d'application des articles de la présente Convention s'étendra à toutes les eaux du monde entier, y compris à la fois la haute mer et les eaux territoriales et nationales.

Article 10.

1. Les Hautes Parties contractantes devront obtenir des navires baleiniers portant leur pavillon les renseignements les plus complets possible au point de vue biologique sur chaque baleine capturée, et en tout cas en ce qui concerne les points suivants:

- a) Date de la capture;
- b) Lieu de la capture;
- c) Espèce;
- d) Sexe;
- e) Longueur, mesurée si l'animal est retiré de l'eau; approximative si la baleine est découpée dans l'eau;
- f) S'il y a un fœtus, longueur du fœtus et son sexe, s'il peut être déterminé;
- g) Renseignements sur le contenu de l'estomac, lorsque cela est possible.

2. La longueur mentionnée aux paragraphes c) et f) du présent article sera celle de la ligne droite depuis l'extrémité du museau jusqu'à l'intersection des nageoires caudales.

Article 11.

Chacune des Hautes Parties contractantes se fera adresser par toutes les usines, flottantes ou établies sur la terre ferme, soumises à sa juridiction, des relevés indiquant le nombre des baleines de chaque espèce traitées dans chacune des usines et les quantités d'huile de chaque qualité, poudre, guano et autres sous-produits tirés de ces baleines.

Article 12.

Chacune des Hautes Parties contractantes communiquera les renseignements statistiques relatifs aux opérations, concernant les baleines, qui ont eu lieu dans le ressort de leur juridiction, au Bureau international de Statistiques baleinières, à Oslo. Les renseignements fournis devront comprendre au moins les détails mentionnés à l'article 10 et: 1° le nom et le tonnage de chaque usine flottante; 2° le nombre et le tonnage global des navires baleiniers; 3° une liste des stations terrestres ayant fonctionné au cours de la période envisagée. Ces renseignements seront fournis à des intervalles appropriés ne dépassant pas une année.

Article 13.

L'obligation, pour l'une quelconque des Hautes Parties contractantes, de prendre des mesures en vue d'assurer l'observation des dispositions de la présente Convention dans ses territoires et dans

Article 9.

The geographical limits within which the articles of this Convention are to be applied shall include all the waters of the world, including both the high seas and territorial and national waters.

Article 10.

1. The High Contracting Parties shall obtain, with regard to the vessels flying their flags and engaged in the taking of whales, the most complete biological information practicable with regard to each whale taken, and in any case on the following points:

- (a) Date of taking;
- (b) Place of taking;
- (c) Species;
- (d) Sex;
- (e) Length; measured, when taken out of water; estimated, if cut up in water;
- (f) When fetus is present, length and sex if ascertainable;
- (g) When practicable, information as to stomach contents.

2. The length referred to in sub-paragraphs (e) and (f) of this article shall be the length of a straight line taken from the tip of the snout to the notch between the flukes of the tail.

Article 11.

Each High Contracting Party shall obtain from all factories, on land or afloat, under his jurisdiction, returns of the number of whales of each species treated at each factory and of the amounts of oil of each grade and the quantities of meal, guano and other products derived from them.

Article 12.

Each of the High Contracting Parties shall communicate statistical information regarding all whaling operations under their jurisdiction to the International Bureau for Whaling Statistics at Oslo. The information given shall comprise at least the particulars mentioned in Article 10 and: (1) the name and tonnage of each floating factory; (2) the number and aggregate tonnage of the whale catchers; (3) a list of the land stations which were in operation during the period concerned. Such information shall be given at convenient intervals not longer than one year.

Article 13.

The obligation of a High Contracting Party to take measures to ensure the observance of the conditions of the present Convention in his territories and territorial waters, and by his vessels, shall not

ses eaux territoriales et par ses navires, sera limitée à ceux de ses territoires auxquels s'applique la Convention et aux eaux territoriales contiguës, ainsi qu'aux navires immatriculés dans ces territoires.

Article 14.

La présente Convention, dont les textes français et anglais feront également foi, pourra être signée, jusqu'au trente et un mars 1932, au nom de tout Membre de la Société des Nations ou de tout Etat non membre.

Article 15.

La présente Convention sera ratifiée. Les instruments de ratification seront déposés auprès du Secrétaire général de la Société des Nations, qui en notifiera le dépôt à tous les Membres de la Société des Nations et aux Etats non membres, en indiquant les dates auxquelles ces dépôts ont été effectués.

Article 16.

A partir du premier avril 1932, tout Membre de la Société des Nations et tout Etat non membre au nom duquel la Convention n'a pas été signée à cette date, pourra y adhérer.

Les instruments d'adhésion seront déposés auprès du Secrétaire général de la Société des Nations, qui notifiera le dépôt et la date de ce dernier à tous les Membres de la Société des Nations et aux Etats non membres.

Article 17.

La présente Convention entrera en vigueur quatre-vingt-dix jours après que le Secrétaire général de la Société des Nations aura reçu des ratifications ou des adhésions au nom d'au moins huit Membres de la Société des Nations ou Etats non membres. Dans ce nombre doivent être compris le Royaume de Norvège et le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord.

A l'égard de chacun des Membres ou Etats non membres au nom desquels un instrument de ratification ou d'adhésion sera ultérieurement déposé, la Convention entrera en vigueur le quatre-vingt-dixième jour après la date du dépôt de cet instrument.

Article 18.

Si, après l'entrée en vigueur de la présente Convention et à la demande de deux Membres de la Société, ou deux Etats non membres, à l'égard desquels la présente Convention sera à ce moment en vigueur, le Conseil de la Société des Nations convoque une conférence pour la révision de la Convention, les Hautes Parties contractantes s'engagent à s'y faire représenter.

apply to those of his territories to which the Convention does not apply, and the territorial waters adjacent thereto, or to vessels registered in such territories.

Article 14.

The present Convention, the French and English texts of which shall both be authoritative, shall remain open until the thirty-first of March 1932 for signature on behalf of any Member of the League of Nations or of any non-member State.

Article 15.

The present Convention shall be ratified. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League of Nations and non-member States indicating the dates of their deposit.

Article 16.

As from the first of April 1932, any Member of the League of Nations and any non-member State, on whose behalf the Convention has not been signed before that date, may accede thereto.

The instruments of accession shall be deposited with the Secretary-General of the League of Nations, who shall notify all the Members of the League of Nations and non-member States of their deposit and the date thereof.

Article 17.

The present Convention shall enter into force on the ninetieth day following the receipt by the Secretary-General of the League of Nations of ratifications or accessions on behalf of not less than eight Members of the League or non-member States, including the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland.

As regards any Member of the League or non-member State on whose behalf an instrument of ratification or accession is subsequently deposited, the Convention shall enter into force on the ninetieth day after the date of the deposit of such instrument.

Article 18.

If after the coming into force of the present Convention the Council of the League of Nations, at the request of any two Members of the League or non-member States with regard to which the Convention is then in force, shall convene a Conference for the revision of the Convention, the High Contracting Parties agree to be represented at any Conference so convened.

Article 19.

1. La présente Convention pourra être dénoncée à l'expiration d'une période de trois années à partir de la date à laquelle elle sera entrée en vigueur.

2. La dénonciation de la Convention s'effectuera par une notification écrite, adressée au Secrétaire général de la Société des Nations, qui informera tous les Membres de la Société et les Etats non membres de chaque notification, ainsi que de la date de la réception.

3. La dénonciation prendra effet six mois après la réception de la notification.

Article 20.

1. Chacune des Hautes Parties contractantes peut déclarer, au moment de la signature, de la ratification ou de l'adhésion, que par son acceptation de la présente Convention, elle n'entend assumer aucune obligation en ce qui concerne l'ensemble ou toute partie de ses colonies, protectorats, territoires d'outre-mer ou territoires placés sous sa suzeraineté ou son mandat; dans ce cas, la présente Convention ne sera pas applicable aux territoires faisant l'objet d'une telle déclaration.

2. Chacune des Hautes Parties contractantes pourra ultérieurement notifier au Secrétaire général de la Société des Nations qu'elle entend rendre la présente Convention applicable à l'ensemble ou à toute partie de ses territoires ayant fait l'objet de la déclaration prévue au paragraphe précédent. Dans ce cas, la Convention s'appliquera à tous les territoires visés dans la notification quatre-vingt-dix jours après la réception de cette notification par le Secrétaire général de la Société des Nations.

3. Chacune des Hautes Parties contractantes peut, à tout moment après l'expiration de la période de trois ans prévue à l'article 19, déclarer qu'elle entend voir cesser l'application de la présente Convention à l'ensemble ou à toute partie de ses colonies, protectorats, territoires d'outre-mer ou territoires placés sous sa suzeraineté ou son mandat; dans ce cas, la Convention cessera d'être applicable aux territoires faisant l'objet d'une telle déclaration six mois après la réception de cette déclaration par le Secrétaire général de la Société des Nations.

4. Le Secrétaire général de la Société des Nations communiquera à tous les Membres de la Société des Nations et aux Etats non membres les déclarations et notifications reçues en vertu du présent article, ainsi que les dates de leur réception.

Article 21.

La présente Convention sera enregistrée par le Secrétaire général de la Société des Nations dès qu'elle sera entrée en vigueur.

Article 19.

1. The present Convention may be denounced after the expiration of three years from the date of its coming into force.

2. Denunciation shall be effected by a written notification addressed to the Secretary-General of the League of Nations, who shall inform all the Members of the League and the non-member States of each notification received and of the date of its receipt.

3. Each denunciation shall take effect six months after the receipt of its notification.

Article 20.

1. Any High Contracting Party may, at the time of signature, ratification or accession, declare that, in accepting the present Convention, he does not assume any obligations in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate; and the present Convention shall not apply to any territories named in such declaration.

2. Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he desires that the Convention shall apply to all or any of his territories which have been made the subject of a declaration under the preceding paragraph, and the Convention shall apply to all the territories named in such notice ninety days after its receipt by the Secretary-General of the League of Nations.

3. Any High Contracting Party may, at any time after the expiration of the period of three years mentioned in Article 19, declare that he desires that the present Convention shall cease to apply to all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate and the Convention shall cease to apply to the territories named in such declaration six months after its receipt by the Secretary-General of the League of Nations.

4. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations and the non-member States all declarations and notices received in virtue of this article and the dates of their receipt.

Article 21.

The present Convention shall be registered by the Secretary-General of the League of Nations as soon as it has entered into force.

EN FOI DE QUOI les Plénipotentiaires susmentionnés ont signé la présente Convention.

FAIT à Genève, le vingt-quatre septembre mil neuf cent trente et un, en un seul exemplaire qui sera conservé dans les archives du Secrétariat de la Société des Nations et dont copie certifiée conforme sera remise à tous les Membres de la Société et aux Etats non membres.

ALBANIE	Lee KURTI	ALBANIA
ALLEMAGNE	Dr. Hans Hermann VÖLCKERS	GERMANY
ETATS-UNIS D'AMÉRIQUE	Hugh R. WILSON	UNITED STATES OF AMERICA
BELGIQUE	HYMANS	BELGIUM
GRANDE-BRETAGNE ET IRLANDE DU NORD, ainsi que toutes parties de l'Empire britannique non membres séparés de la Société des Nations.	CECIL	GREAT BRITAIN AND NORTHERN IRELAND and all parts of the British Empire which are not separate Members of the League of the Nations.
CANADA	H. GUTHRIE	CANADA
COMMONWEALTH D'AUSTRALIE	James R. COLLINS	COMMONWEALTH OF AUSTRALIA
NOUVELLE-ZÉLANDE	Thomas M. WILFORD	NEW ZEALAND
UNION SUD-AFRICAINE	C. T. TE WATER.	UNION OF SOUTH AFRICA
INDE	B. L. MITTER	INDIA
COLOMBIE	A. J. RESTREPO	COLOMBIA

IN FAITH WHEREOF the above-mentioned Plenipotentiaries have signed the present Convention.

DONE at Geneva, on the twenty-fourth day of September one thousand nine hundred and thirty-one, in a single copy which shall be kept in the archives of the Secretariat of the League of Nations and of which certified true copies shall be delivered to all the Members of the League of Nations and to the non-member States.

DANEMARK	Avec réserve, jusqu'à nouvel ordre, pour ce qui concerne le Groenland.* William BORBERG.	DENMARK
ESPAGNE	A. LERROUX	SPAIN
FINLANDE	Evald GYLLENBÖGEL.	FINLAND
FRANCE	Louis ROLLIN	FRANCE
GRÈCE	R. RAPHAËL	GREECE
ITALIE	Augusto ROSO	ITALY
MEXIQUE	S. Martínez DE ALVA	MEXICO
NORVÈGE	Birger BRAADLAND.	NORWAY
PAYS-BAS	Pour le Royaume en Europe et les Indes néerlandaises.† BEELAERTS VAN BLOKLAND	THE NETHERLANDS
POLOGNE	Auguste ZALESKI	POLAND
ROUMANIE	C. ANTONIADE	ROUMANIA
SUISSE	MOTTA.	SWITZERLAND
TCHÉCOSLOVAQUIE	Zd. FIERLINGER	CZECHOSLOVAKIA
TURQUIE	Cemal HÜSNÜ	TURKEY
YOUGOSLAVIE	D ^r . V. MARINKOVITCH	YUGOSLAVIA

* Translation: With reservation, until further notice, as regards Greenland. [Footnote in the certified copy.]
† Translation: For the Kingdom in Europe and the Netherlands Indies. [Footnote in the certified copy.]

AND WHEREAS the said convention has been duly ratified by the Government of the United States of America and its instrument of ratification was deposited with the Secretary General of the League of Nations on July 7, 1932;

AND WHEREAS the number of ratifications or accessions required under Article 17 of the said convention for the entry into force thereof, including, as is required, the ratifications of the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland, were received by the Secretary General of the League of Nations, the latest, the ratification of the Government of the United Kingdom of Great Britain and Northern Ireland, on October 18, 1934, and the fact of the deposit of such ratifications with him was notified to the Government of the United States of America by the Secretary General;¹

AND WHEREAS, in pursuance of Article 17 of the convention, the convention entered into effect on the ninetieth day following October 18, 1934, the date of the deposit of the ratification of the United Kingdom of Great Britain and Northern Ireland, that is to say on January 16, 1935;

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said convention to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this sixteenth day of January, in the year of our Lord one thousand nine hundred and thirty-
[SEAL] five and of the Independence of the United States of America the one hundred and fifty-ninth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

[¹The following ratifications and accessions were received by the Secretary General of the League of Nations on or before Oct. 18, 1934:

Ratifications: United States of America, Czechoslovakia, Denmark (including Greenland), Great Britain and Northern Ireland (not including colonies, protectorates, overseas territories or territories under suzerainty or under mandate exercised by the British Government), Italy (with reservation that the convention can in no way constitute a precedent for future agreements providing for the limitation of fishing in extraterritorial sea), Mexico, Netherlands (including Netherland India, Surinam, and Curaçao), Norway, Poland, Spain, Switzerland, Union of South Africa, Turkey, and Yugoslavia.

Accessions: Brazil, Egypt, Monaco, Nicaragua, and Sudan.]

SCAPIN - 1154

Inclosure b to paragraph 2

Text is included in pages 1 - 7 of the attached REGULATION
OF WHALING, Department of State Treaty Series No. 933.

Record copy of this Inclosure could not be located. December 1964.

TREATY SERIES No. 933

REGULATION OF WHALING

AGREEMENT
BETWEEN THE UNITED STATES OF AMERICA
AND OTHER POWERS

Signed at London, June 8, 1937.

Ratification advised by the Senate of the United States, August
5, 1937.

Ratified by the President of the United States, August 13, 1937.

Ratification of the United States of America deposited at London,
September 3, 1937.

Proclaimed by the President of the United States, May 18, 1938.

AND
FINAL ACT OF THE CONFERENCE



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1938

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS an Agreement for the Regulation of Whaling between the Governments of the United States of America, the Union of South Africa, the Argentine Republic, the Commonwealth of Australia, Germany, the United Kingdom of Great Britain and Northern Ireland, the Irish Free State, New Zealand and Norway, was concluded and signed by their respective plenipotentiaries at London on the eighth day of June, one thousand nine hundred and thirty-seven, a true copy of which Agreement in the English language is word for word as follows :

AGREEMENT FOR THE REGULATION OF WHALING.

The Governments of the Union of South Africa, the United States of America, the Argentine Republic, the Commonwealth of Australia, Germany, the United Kingdom of Great Britain and Northern Ireland, the Irish Free State, New Zealand and Norway, desiring to secure the prosperity of the whaling industry and, for that purpose, to maintain the stock of whales, have agreed as follows:—

ARTICLE 1.

The contracting Governments will take appropriate measures to ensure the application of the provisions of the present Agreement and the punishment of infractions against the said provisions, and, in particular, will maintain at least one inspector of whaling on each factory ship under their jurisdiction. The inspectors shall be appointed and paid by Governments.

ARTICLE 2.

The present Agreement applies to factory ships and whale catchers and to land stations as defined in Article 18 under the jurisdiction of the contracting Governments, and to all waters in which whaling is prosecuted by such factory ships and/or whale catchers.

ARTICLE 3.

Prosecutions for infractions against or contraventions of the present Agreement and the regulations made thereunder shall be instituted by the Government or a Department of the Government.

ARTICLE 4.

It is forbidden to take or kill Grey Whales and or Right Whales.

ARTICLE 5.

It is forbidden to take or kill any Blue, Fin, Humpback or Sperm whales below the following lengths, viz.:—

- (a) Blue whales..... 70 feet.
- (b) Fin whales..... 55 feet.
- (c) Humpback whales..... 35 feet.
- (d) Sperm whales..... 35 feet.

ARTICLE 6.

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

ARTICLE 7.

It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any waters south of 40° South Latitude, except during the period from the 8th day of December to the 7th day of March following, both days inclusive, provided that in the whaling season 1937-38 the period shall extend to the 15th day of March, 1938, inclusive.

ARTICLE 8.

It is forbidden to use a land station or a whale catcher attached thereto for the purpose of taking or treating whales in any area or in any waters for more than six months in any period of twelve months, such period of six months to be continuous.

ARTICLE 9.

It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any of the following areas, viz.:—

- (a) in the Atlantic Ocean north of 40° South Latitude and in the Davis Strait, Ballin Bay and Greenland Sea;
- (b) in the Pacific Ocean east of 150° West Longitude between 40° South Latitude and 35° North Latitude;
- (c) in the Pacific Ocean west of 150° West Longitude between 40° South Latitude and 20° North Latitude;
- (d) in the Indian Ocean north of 40° South Latitude.

ARTICLE 10.

Notwithstanding anything contained in this Agreement, any contracting Government may grant to any of its nationals a special permit authorising that national to kill, take and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the contracting Government thinks fit, and the killing, taking and treating of whales in accordance with the terms in force under this article shall be exempt from the operation of this Agreement.

Any contracting Government may at any time revoke a permit granted by it under this article.

ARTICLE 11.

The fullest possible use shall be made of all whales taken. Except in the case of whales or parts of whales intended for human food or for feeding animals, the oil shall be extracted by boiling or otherwise from all blubber, meat (except the meat of sperm whales) and bones other than the internal organs, whale bone and flippers, of all whales delivered to the factory ship or land station.

ARTICLE 12.

There shall not at any time be taken for delivery to any factory ship or land station a greater number of whales than can be treated efficiently and in accordance with article 11 of the present Agreement by the plant and personnel therein within a period of thirty-six hours from the time of the killing of each whale.

ARTICLE 13.

Gunners and crews of factory ships, land stations and whale catchers shall be engaged on terms such 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, and no bonus or other remuneration, calculated by reference to the results of their work, shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by this Agreement.

ARTICLE 14.

With a view to the enforcement of the preceding article, each contracting Government shall obtain, in respect of every whale catcher under its jurisdiction, an account showing the total

emolument of each gunner and member of the crew and the manner in which the emolument of each of them is calculated.

ARTICLE 15.

Articles 5, 9, 13 and 14 of the present Agreement, in so far as they impose obligations not already in force, shall not until the 1st day of December, 1937, apply to factory ships, land stations or catchers attached thereto which are at present operating or which have already taken practical measures with a view to whaling operations during the period before the said date. In respect of such factory ships, land stations and whale catchers, the Agreement shall in any event come into force on the said date.

ARTICLE 16.

The contracting Governments shall obtain with regard to all factory ships and land stations under their jurisdiction records of the number of whales of each species treated at each factory ship or land station and as to the aggregate amounts of oil of each grade and quantities of meal, guano and other products derived from them, together with particulars with respect to each whale treated in the factory ship or land station as to the date and place 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.

ARTICLE 17.

The contracting Governments shall, with regard to all whaling operations under their jurisdiction, communicate to the International Bureau for Whaling Statistics at Sandefjord in Norway the statistical information specified in Article 16 of the present Agreement together with any information which may be collected or obtained by them in regard to the calving grounds and migration routes of whales. In communicating this information the Governments shall specify:—

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

ARTICLE 18.

In the present Agreement the following expressions have the meanings respectively assigned to them, that is to say:—

- “factory ship” means a ship in which or on which whales are treated whether wholly or in part;
- “whale catcher” means a ship used for the purpose of hunting, taking, towing, holding on to, or scouting for whales;

“land station” means a factory on the land, or in the territorial waters adjacent thereto, in which or at which whales are treated whether wholly or in part;

“baleen whale” means any whale other than a toothed whale;

“blue whale” means any whale known by the name of blue whale, Sibbald's porqual or sulphur bottom;

“fin whale” means any whale known by the name of common finback, common finner, common porqual, finback, fin whale, herring whale, razorback, or true fin whale;

“grey whale” means any whale known by the name of grey whale, California grey, devil fish, hard head, mussel digger, grey back, rip sack;

“humpback whale” means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale;

“right whale” 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;

“sperm whale” means any whale known by the name of sperm whale, spermcet whale, cachalot or pot whale;

“length” in relation to any whale means the distance measured on the level in a straight line between the tip of the upper jaw and the notch between the flukes of the tail.

ARTICLE 19.

The present Agreement shall be ratified and the instruments of ratification shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland as soon as possible. It shall come into force upon the deposit of instruments of ratification by a majority of the signatory Governments, which shall include the Governments of the United Kingdom, Germany and Norway; and for any other Government not included in such majority, on the date of the deposit of its instrument of ratification.

The Government of the United Kingdom will inform the other Governments of the date on which the Agreement thus comes into force and the date of any ratification received subsequently.

ARTICLE 20.

The present Agreement shall come into force provisionally on the 1st day of July, 1937, to the extent to which the signatory Governments are respectively able to enforce it; provided that if any Government within two months of the signature of the Agreement informs the Government of the United Kingdom that it is unwilling to ratify it the provisional application of the Agreement in respect of that Government shall thereupon cease.

The Government of the United Kingdom will communicate the name of any Government which has signified that it is unwilling to ratify the Agreement to the other Governments, any of whom may within one month of such communication withdraw its ratification or accession or signify its unwillingness to ratify as the case may be, and the provisional application of the Agreement in respect of that Government shall thereupon cease. Any such withdrawal or communication shall be notified to the Government of the United Kingdom, by whom it will be transmitted to the other Governments.

ARTICLE 21.

The present Agreement shall, subject to the preceding article, remain in force until the 30th day of June, 1938, and thereafter if, before that date, a majority of the contracting Governments, which shall include the Governments of the United Kingdom, Germany and Norway, shall have agreed to extend its duration. In the event of such extension it shall remain in force until the contracting Governments agree to modify it, provided that any contracting Government may, at any time after the 30th day of June, 1938, by giving notice on or before the 1st day of January in any year to the Government of the United Kingdom (who on receipt of such notice shall at once communicate it to the other contracting Governments) withdraw from the Agreement, so that it shall cease to be in force in respect of that Government after the 30th day of June following, and that any other contracting Government may, by giving notice in the like manner within one month of the receipt of such communication, withdraw also from the Agreement, so that it shall cease to be in force respecting it after the same date.

ARTICLE 22.

Any Government which has not signed the present Agreement may accede thereto at any time after it has come into force. Accession shall be effected by means of a notification in writing addressed to the Government of the United Kingdom and shall take effect immediately after the date of its receipt.

The Government of the United Kingdom will inform all the Governments which have signed or acceded to the present Agreement of all accessions received and the date of their receipt.

In faith whereof the Undersigned, being duly authorised, have signed the present Agreement.

Done in London the 8th day of June, 1937, in a single copy, which shall remain deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, by whom

certified copies will be transmitted to all the other contracting Governments.

For the Government of the Union of South Africa:

F. J. DU TOIT.

For the Government of the United States of America:

HERSCHEL V. JOHNSON.

REMINGTON KELLOGG.

For the Government of the Argentine Republic:

MANUEL E. MALBRÁN.

M. FINEATI.

T. L. MARINI.

For the Government of the Commonwealth of Australia:

S. M. BRUCE.

For the Government of Germany:

WOHLTHAT.

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

HENRY G. MAURICE.

GEO. HOGARTH.

For the Government of the Irish Free State:

SEAN O'FAOLAIN O'DULCHONTIGH.

For the Government of New Zealand:

G. McNAMARA.

For the Government of Norway:

BIRGER BERGERSEN.

AND WHEREAS it is provided in Article 19 thereof that the said Agreement shall come into force upon the deposit with the Government of the United Kingdom of Great Britain and Northern Ireland of instruments of ratification by a majority of the signatory Governments, which shall include the Governments of the United Kingdom, Germany and Norway:

AND WHEREAS the said Agreement has been duly ratified on the parts of a majority of the signatory Governments, including the Governments of the United Kingdom of Great Britain and Northern Ireland, Germany and Norway, that is to say by the Governments of the United States of America, Germany, the United Kingdom of Great Britain and Northern Ireland, Ireland and Norway, and their respective instruments of ratification have been deposited with the Government of the United Kingdom of Great Britain and Northern

Ireland,¹ the latest on the seventh day of May, one thousand nine hundred and thirty-eight, on which day the said Agreement came into force in accordance with Article 19 thereof;

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Agreement for the Regulation of Whaling to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this eighteenth day of May in the year of our Lord one thousand nine hundred and [SEAL] thirty-eight and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

¹On February 8, 1938, notification of adherence to the agreement for the regulation of whaling was given by Mexico to the Government of the United Kingdom of Great Britain and Northern Ireland.

INSERT

[TREATY SERIES No. 333]

AGREEMENT FOR THE REGULATION OF WHALING BETWEEN THE UNITED STATES OF AMERICA AND OTHER POWERS SIGNED AT LONDON JUNE 8, 1937

EXTENSION OF AGREEMENT PURSUANT TO ARTICLE 21

[Note by the Department of State]

The British Ambassador at Washington on November 9, 1938, pursuant to instructions from his Government, transmitted to the Secretary of State a certified copy of the following certificate:

"Whereas the International Agreement for the Regulation of Whaling, signed in London on the 8th June, 1937 has been ratified by the Governments of the United States of America, Germany, the United Kingdom of Great Britain and Northern Ireland, Eire, New Zealand and Norway, and came into force in accordance with the provisions of Article 19 on the 7th day of May, 1938; and

"Whereas the Governments of the United States of Mexico and Canada have acceded, with effect from the 7th May, 1938 and the 14th June, 1938, respectively, to the said Agreement in accordance with Article 22 thereof; and

"Whereas in consequence the Governments of the United States of America, Germany, the United Kingdom of Great Britain and Northern Ireland, Eire, New Zealand, Norway, the United States of Mexico and Canada are contracting Governments; and

"Whereas, according to the provisions of Article 21, the said Agreement remains in force until the 30th June, 1938 and thereafter if, before that date, a majority of the contracting Governments, which shall include the Governments of the United Kingdom, Germany and Norway shall have agreed to extend its duration;

"The Undersigned, Principal Secretary of State for Foreign Affairs of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, hereby certifies that the Governments of the United States of America, Canada, Germany, the United Kingdom of Great Britain and Northern Ireland, Eire, the United States of Mexico, New Zealand and Norway have agreed to extend the duration of the said Agreement, and that the Agreement will accordingly, under the provisions of Article 21, continue in force after the 30th June, 1938.

"Witness my hand this 29th day of June, 1938.

"Given at the Foreign Office, London.

HALIFAX."

FINAL ACT.

THE Conference, having this day signed an Agreement for the Regulation of Whaling, to take immediate effect, desires to add, for the consideration of the Governments represented at the Conference, the following observations:—

2. The Agreement is valid for one year and will, it is hoped, continue in force for future years, unless the Governments, or any of them, decide to the contrary. It is likely, in the opinion of the Conference, to go far towards maintaining the stock of whales, upon which the prosperity of the whaling industry depends.

3. Experience may prove, however, that further measures of conservation are necessary or desirable. The Conference desires, therefore, to suggest that certain further methods of conservation and of preventing wastage of whales should be examined by the Governments concerned without delay, and that the Governments should take the necessary measures by legislation to place themselves in a position to impose such further regulations of whaling as experience may dictate.

4. The Agreement prescribes regulations mainly of general application to whaling from factory ships and land stations alike. The most important of these regulations are those requiring the observance of close seasons, prohibiting the taking of whales of certain species already threatened with extinction, prohibiting the taking of female whales with calves or suckling whales and of whales of different species below size limits prescribed for each species, requiring full commercial use to be made of every part of every whale taken, and limiting the time within which, from the time of catching, whales must be treated in a factory ship or land station as the case may be. The purpose of these regulations is to limit the number of whales killed and to prevent the waste of whale material.

5. Certain provisions of the Agreement, however, affect only pelagic whaling, in particular those provisions which absolutely prohibit pelagic whaling for baleen whales in certain large areas of the sea. This differentiation between whaling prosecuted by means of factory ships and by means of land stations needs explanation. It has been urged that whaling as hitherto prosecuted from some land stations, especially near the equatorial zone, has been wasteful and harmful because the physiological condition of the whales taken was such that their oil yield was low and because whales were taken at

these stations when they were about to throw their calves. Against this it may be argued that the raising of the size limits for various species under the Agreement will greatly restrict the catch brought to the land stations, that the land stations, not enjoying the mobility of the factory ships, are already handicapped in the pursuit of whales, and that whatever catch they take is a comparatively insignificant fraction of the total catch. The Conference recommends that the catch of the land stations should be carefully studied and that the Governments should consider, in the light of such study, what further regulations, if any, should be attached to whaling from land stations, either generally or in particular geographical areas. In the view of the Conference, there is a certain risk that the restrictions imposed on pelagic whaling may lead to a development of whaling from land stations, and the Governments should accordingly place themselves in a position to check or regulate such development should it occur.

6. The Conference further recommends that the Governments should put themselves in a position to limit, if it is thought fit, the number of whale catchers that may be employed in connection with any factory ship or land station with a view to further limitation of the destruction of whales.

7. The Governments are also recommended to take powers, if they do not already possess them, to prohibit whaling entirely in any area of the sea either permanently or for a limited period. It is felt that it may be desirable, in the light of experience gained, to close permanently areas which may be proved to be calving areas, or to close from year to year selected areas of the Antarctic Ocean or elsewhere for the purpose of giving to the whales a sanctuary in which they may escape molestation.

8. The Conference also recommends that the Governments should place themselves in a position to regulate the methods of killing whales. Under existing methods of whaling, whales may be fatally injured, but lost owing to defects in the guns or harpoons in use, including the propelling and bursting charges. This involves waste of whales. It is suggested that it may prove desirable so to regulate the methods of taking whales as to ensure that, by the use of suitable explosive charges, or by the use of a harpoon electrically charged, the whale when hit may be speedily killed and wastage thus avoided. Moreover, a regulation of this character may be expected to abate something of the undoubted cruelty of present methods of whaling.

9. The Conference further recommends that the contracting Governments should take steps to prevent this Agreement and any regulations made thereunder from being defeated by the transfer of ships registered in their territories to the Flag of another Government

not a party to this Agreement, and suggests that for this purpose it might be provided that the transfer of a factory ship or whale catcher from its national Flag to the Flag of any other country should be permitted only under license of the Government.

10. The Conference believes that the regulations upon which it has agreed will certainly contribute to the maintenance of the stock of whales and to the prosperity of the whaling industry. Not all the representatives of Governments present at the Conference have been able to sign the Agreement, some of them not being authorized by their Governments in that behalf. It is hoped that all Governments represented will eventually accede to the Agreement. The Conference desires to urge upon the contracting Governments that they should use their utmost endeavours to secure the adhesion of such Powers as are interested in the whaling industry but were not represented at the present Conference. The Conference recognizes that the purpose of the present Agreement may be defeated by the development of unregulated whaling by other countries, in which case it would be a matter for consideration whether the present Agreement should be continued in force, or whether the contracting Governments should not agree to modify their regulations to meet the situation thus created, or even to permit their nationals to pursue whaling without regulation, so that they may derive from its pursuit such benefit as may be had before the stock of whales has been reduced to a level at which whaling ceases to be remunerative. For the Conference is convinced that, unless whaling is now strictly regulated, that eventuality cannot be regarded as remote.

11. In conclusion, the Conference desires to urge that a further Conference should be held at a convenient time next year, at which the results of the forthcoming season may be studied and the question of the modification or extension of the present Agreement be considered.

Done in London, the 8th day of June, 1937, in a single copy, which shall remain deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, by whom certified copies will be transmitted to the other Governments which have signed the Agreement for the Regulation of Whaling.

For the Government of the Union of South Africa:

F. J. DU TOIT.

For the Government of the United States of America:

HERSCHEL V. JOHNSON,

REMINGTON KELLOGG.

For the Government of the Argentine Republic:

MANUEL E. MALBRÁN.

M. FINCATI.

T. L. MARINI.

For the Government of the Commonwealth of Australia:

S. M. BRUCE.

For the Government of Germany:

WOHLTHAT.

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

HENRY G. MAURICE.

GEO. HOGARTH.

For the Government of the Irish Free State:

SEAN O'FAOLAIN O'DULCHAONTIGH.

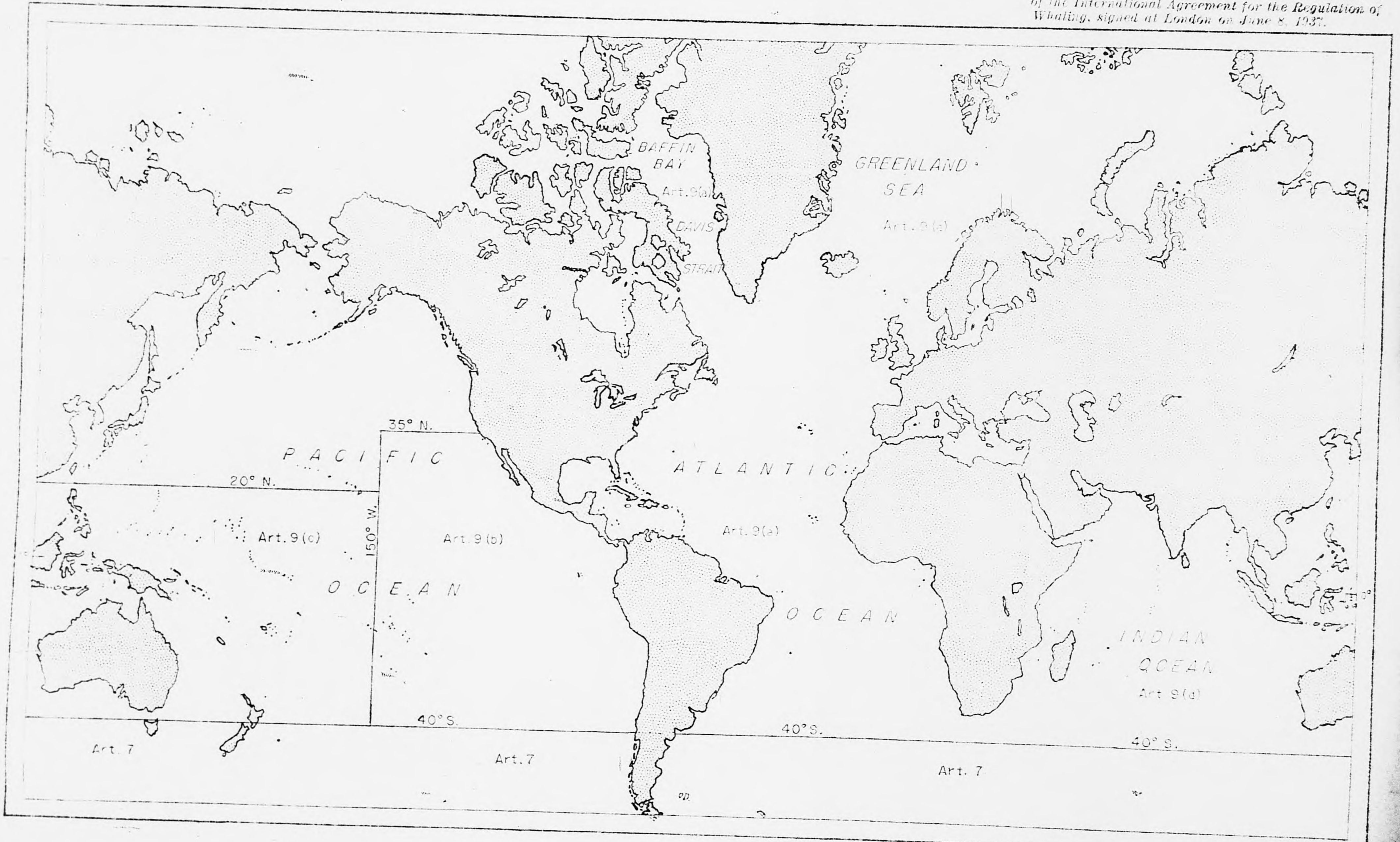
For the Government of New Zealand:

G. McNAMARA.

For the Government of Norway:

BIRGER BERGERSEN.

Map showing waters defined in Articles 7 and 9 of the International Agreement for the Regulation of Whaling, signed at London on June 8, 1937.



SCAPIN - 1154

Inclosure c to paragraph 2

Text is included in pages 1 - 5 of the attached REGULATION
OF WHALING, Department of State Treaty Series No. 944.

Record copy of this Inclosure could not be located. December 1964.

TREATY SERIES No. 944

REGULATION OF WHALING

PROTOCOL

BETWEEN THE UNITED STATES OF AMERICA
AND OTHER POWERS

AMENDING THE INTERNATIONAL AGREEMENT FOR THE
REGULATION OF WHALING, SIGNED IN LONDON JUNE 8, 1937
(TREATY SERIES No. 933)

Signed at London June 24, 1938.

Ratification advised by the Senate of the United States March
8, 1939.

Ratified by the President of the United States March 16, 1939.

Ratification of the United States of America deposited at London
March 30, 1939.

Proclaimed by the President of the United States April 8, 1939.

WITH

CERTIFICATE OF EXTENSION
AND FINAL ACT OF THE CONFERENCE



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1939

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS a Protocol amending the International Agreement for the Regulation of Whaling, signed in London on June 8, 1937, which Agreement was continued in force after June 30, 1938 in the manner prescribed in Article 21 thereof, as is evidenced by a certificate issued by the Foreign Office in London on June 29, 1938, a copy of which is hereto attached,¹ was signed at London on June 24, 1938 by the respective Plenipotentiaries of the Government of the United States of America, the Government of the Union of South Africa, the Government of the Argentine Republic, the Government of the Commonwealth of Australia, the Government of Canada, the Government of Eire, the Government of Germany, the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of New Zealand, and the Government of Norway, a true copy of which Protocol as certified by the Librarian and Keeper of the Papers at the Foreign Office in London, is word for word as follows:

PROTOCOL.

The Governments of the Union of South Africa, the United States of America, the Argentine Republic, the Commonwealth of Australia, Canada, Eire, Germany, the United Kingdom of Great Britain and Northern Ireland, New Zealand and Norway, desiring to introduce certain amendments into the International Agreement for the Regulation of Whaling, signed in London on the 8th June, 1937 (hereinafter referred to as the Principal Agreement) in accordance with the provisions of Article 21 thereof, have agreed as follows:—

ARTICLE 1.

With reference to the provisions of Articles 5 and 7 of the Principal Agreement, it is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating humpback whales in any waters south of 40° South Latitude during the period from the 1st October, 1938, to the 30th September, 1939.

¹ See page 6.

ARTICLE 2.

Notwithstanding the provisions of Article 7 of the Principal Agreement, it is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in the waters south of 40° South Latitude from 70° West Longitude westwards as far as 160° West Longitude for a period of two years from the 8th day of December, 1938.

ARTICLE 3.

(1) No factory ship which has been used for the purpose of treating baleen whales south of 40° South Latitude shall be used for that purpose elsewhere within a period of twelve months from the end of the open season prescribed in Article 7 of the Principal Agreement.

(2) Only such factory ships as have operated during the year 1937 within the territorial waters of any signatory Government shall, after the signature of this Protocol, so operate, and any such ships so operating shall be treated as land stations and remain moored in territorial waters in one position during the season and shall operate for not more than six months in any period of twelve months, such period of six months to be continuous.

ARTICLE 4.

To Article 5 of the Principal Agreement there shall be added the following:—

“except that blue whales of not less than 65 feet, fin whales of not less than 50 feet and sperm whales of not less than 30 feet 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.”

ARTICLE 5.

To Article 7 of the Principal Agreement there shall be added the following:—

“Notwithstanding the above prohibition of treatment during a close season, the treatment of whales which have been taken during the open season may be completed after the end of the open season.”

ARTICLE 6.

In Article 8 of the Principal Agreement the word “baleen” shall be inserted after the word “treating.”

ARTICLE 7.

For the areas specified in (a), (b), (c) and (d) of Article 9 of the Principal Agreement there shall be substituted the following areas, viz.:—

- (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 whales by such ship or catcher shall be permitted between 60° 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.

ARTICLE 8.

For Article 12 of the Principal Agreement there shall be substituted the following, viz.: 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 shall remain in the sea for a longer period than 33 hours from the time of killing to the time when it is taken up on to the deck of the factory ship for treatment.

ARTICLE 9.

The present Protocol shall come into force provisionally on the first day of July, 1938, to the extent to which the signatory Governments are respectively able to enforce it.

ARTICLE 10.

(i) The present Protocol shall be ratified and the instruments of ratification shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland as soon as possible.

(ii) It shall come into force definitively upon the deposit of the instruments of ratification by the Governments of the United Kingdom, Germany and Norway.

(iii) For any other Government which is a party to the Principal Agreement, the present Protocol shall come into force on the date of the deposit of its instrument of ratification or notification of accession.

(iv) The Government of the United Kingdom will inform the other Governments of the date on which the Protocol comes into force and the date of any ratification or accession received subsequently.

ARTICLE 11.

(i) The present Protocol shall be open to accession by any Government which has not signed it and which accedes to the Principal Agreement before the definitive entry into force of the Protocol.

(ii) Accession shall be effected by means of a notification in writing addressed to the Government of the United Kingdom and shall take effect immediately after the date of its receipt.

(iii) The Government of the United Kingdom will inform all the Governments which have signed or acceded to the present Protocol of all accessions received and the date of their receipt.

ARTICLE 12.

Any ratification of or accession to the Principal Agreement which may be deposited or notified after the date of definitive coming into force of the present Protocol shall be deemed to relate to the Principal Agreement as amended by the present Protocol.

In witness whereof the undersigned, duly authorised thereto, have signed the present Protocol.

Done in London the twenty-fourth day of June, 1938, in a single copy, which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, by whom certified copies shall be communicated to all the signatory Governments.

For the Government of the Union of South Africa:

C. T. TE WATER.
F. J. DU TOIT.

For the Government of the United States of America:

HERSCHEL V. JOHNSON.
REMINGTON KELLOGG.
WILFRID N. DERRY.

For the Government of the Argentine Republic:

MANUEL E. MALBRAN.
M. FINCATI.

For the Government of the Commonwealth of Australia:

ROBERT G. MENZIES.

For the Government of Canada:

VINCENT MASSEY.

For the Government of Eire:

SEAN O'FAOLAIN O'DULCHAONTIGH.
J. D. RUSH.

For the Government of Germany:

HELMUTH WOHLTAT.

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

HENRY G. MAURICE.
GEO. HOGARTH.

For the Government of New Zealand:

W. J. JORDAN.

For the Government of Norway:

BIRGER BERGERSEN.

AND WHEREAS the Governments of the United Kingdom of Great Britain and Northern Ireland, Germany, and Norway, having deposited their instruments of ratification of the said Protocol with the Government of the United Kingdom, the last on December 30, 1938, the said Protocol came into force definitively on December 30, 1938, in accordance with Section (ii) of Article 10 thereof;

AND WHEREAS it is provided by Section (iii) of the said Article 10 that for any other Government which is a party to the principal Agreement of June 8, 1937, the Protocol shall come into force on the date of the deposit of that Government's instrument of ratification or notification of accession;

AND WHEREAS the said Protocol has been duly ratified by the Government of the United States of America and its instrument of ratification was deposited with the Government of the United Kingdom of Great Britain and Northern Ireland on March 30, 1939;

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Protocol signed on June 24, 1938, amending the International Agreement for the Regulation of Whaling signed on June 8, 1937, to be made public to the end that the same and every article and clause thereof, and the Agreement of June 8, 1937 as amended thereby, may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have caused the Seal of the United States of America to be hereunto affixed.

DONE at the city of Washington this eighth day of April in the year of our Lord one thousand nine hundred and thirty-nine and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

[SEAL OF BRITISH FOREIGN OFFICE]

[CERTIFICATE OF EXTENSION OF AGREEMENT FOR THE
REGULATION OF WHALING SIGNED JUNE 8, 1937]

Whereas the International Agreement for the Regulation of Whaling, signed in London on the 8th June, 1937 has been ratified by the Governments of the United States of America, Germany, the United Kingdom of Great Britain and Northern Ireland, Eire, New Zealand and Norway, and came into force in accordance with the provisions of Article 19 on the 7th day of May, 1938; and

Whereas the Governments of the United States of Mexico and Canada have acceded, with effect from the 7th May, 1938 and the 14th June, 1938, respectively, to the said Agreement in accordance with Article 22 thereof; and

Whereas in consequence the Governments of the United States of America, Germany, the United Kingdom of Great Britain and Northern Ireland, Eire, New Zealand, Norway, the United States of Mexico and Canada are contracting Governments; and

Whereas, according to the provisions of Article 21, the said Agreement remains in force until the 30th June, 1938 and thereafter if, before that date, a majority of the contracting Governments, which shall include the Governments of the United Kingdom, Germany and Norway shall have agreed to extend its duration:

The Undersigned, Principal Secretary of State for Foreign Affairs of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, hereby certifies that, the Governments of the United States of America, Canada, Germany, the United Kingdom of Great Britain and Northern Ireland, Eire, the United States of Mexico, New Zealand and Norway have agreed to extend the duration of the said Agreement, and that the Agreement will accordingly, under the provisions of Article 21, continue in force after the 30th June, 1938.

Witness my hand this 29th day of June, 1938.

Given at the Foreign Office, London.

HALIFAX.

INTERNATIONAL WHALING CONFERENCE,
LONDON—JUNE 1938.

FINAL ACT OF THE CONFERENCE.

1. In accordance with the Recommendation contained in paragraph 2 of the Final Act, signed in London on the 8th June, 1937, a further Conference met in London on the 14th June, 1938, and subsequent days to consider modifications or extensions of the existing Agreement, hereinafter referred to as the Principal Agreement.

2. The following Governments sent Delegates to the Conference, Union of South Africa, United States of America, Argentina, Australia, Canada, Denmark, Eire, France, Germany, United Kingdom of Great Britain and Northern Ireland, Japan, New Zealand and Norway. An observer also attended on behalf of the Portuguese Government, and the interests of Newfoundland were watched by the United Kingdom Delegation.

3. The Principal Agreement has been ratified by the Governments of Eire, Germany, Norway, United Kingdom of Great Britain and Northern Ireland and United States of America, whilst Canada and Mexico have since acceded to it. With regard to the remaining signatory Governments, New Zealand has actually ratified the Principal Agreement.

The Argentine Republic is enforcing the Principal Agreement by Executive Decree, and formal ratification is only a matter of time. The Conference understands that ratification of the Principal Agreement by the Governments of the Commonwealth of Australia and of the Union of South Africa has been delayed only by constitutional difficulties. The Conference is confident that these Governments will take steps at the earliest possible moment to remove these difficulties and to ratify. The Government of Denmark has notified its intention of acceding to the Principal Agreement and the Protocol as soon as the necessary powers to enforce their provisions have been obtained by legislation. The Government of France is prepared to accede to the Principal Agreement subject to certain reservations affecting land stations, which are dealt with later in this Act. Towards the end of the proceedings of the Conference the Japanese Delegation informed the Conference that their Government was prepared to take the necessary legislative and other measures to

enable them to accede to the Principal Agreement and the Protocol after an interval of a year—subject to a reservation in respect of the first paragraph of Article 5 of the Protocol. The Japanese Government is also prepared to observe the principles of the present Agreement as nearly as possible in the meantime. There is no information at present available as to the attitude of Portugal and the Government of Newfoundland has reserved its decision.

4. The necessary majority required by Article 21 of the Principal Agreement for the extension of its duration after the 30th June, 1938, has been secured.

5. The Conference took note of the fact that, according to the statistics of the catch of the last Antarctic season, the opinion expressed in paragraph 2 of the Final Act of the Conference of 1937, that the Principal Agreement was likely to go far in maintaining the stock of whales, had not been justified by the event, inasmuch as the actual number of whales killed (approximately 44,000) and the number of barrels of oil produced (approximately 3,250,000) were, respectively, some 10,000 and 600,000 in excess of the corresponding figures for the previous season.

6. The Conference had also before it a Resolution of the Whaling Committee of the International Council for the Exploration of the Sea, which met in Copenhagen on the 23rd May, 1938, in the following terms:—

"The Committee, viewing with alarm the evident decline of the stock of Blue Whales, is of opinion that nothing less than a limitation of the total amount of whale oil which may be taken in any whaling season can be effective in preserving the stock of Blue Whales from being reduced to the level at which it can no longer be the object of economic exploitation."

This resolution was adopted by the Council at its concluding Meeting on the 28th May, 1938, with a request that it should be brought to the notice of the Members of the present Conference.

7. In the light of the facts set forth in paragraph 5 above, and the terms of the above Resolution of the Whaling Committee of the International Council for the Exploration of the Sea, the Conference considered the following measures of general application which might be expected to limit the destruction of whales:—

- (a) a further reduction of the open season;
- (b) a limitation of the number of catchers which might be used in connection with each expedition;
- (c) an overhead limitation of output during the Antarctic whaling season, by which is meant that a limit of output should be fixed, after which all whaling should cease, though the limit might be reached before the end of the open season;

- (d) the fixing of a maximum oil production which no expedition should exceed in any one Antarctic season;
- (e) special measures of protection for humpback whales;
- (f) the establishment of a sanctuary in waters south of 40° South Latitude;
- (g) the closure of additional areas against pelagic whaling.

8. With regard to method (a) in the foregoing paragraph, the Conference agreed, with the exception of the Japanese Delegation, who reserved their position for the season 1938-39, that the open season provided for in Article 7 of the Principal Agreement, that is to say, from the 8th day of December to the 7th day of March following, should be maintained. It was felt that few, if any, expeditions would be able to engage profitably in whaling if the open season in the Antarctic were further curtailed; and that a further curtailment of the open season would increase the temptation to evade the provisions of Articles 11 and 12 of the Principal Agreement, which are designed to secure that the fullest possible use shall be made of all whales taken.

9. With regard to method (b), a proposal was put forward that the number of whale catchers attached to any expedition should be limited to seven, but the Conference was unable to reach agreement either upon this proposal or upon any limitation in the number of whale catchers.

10. Although method (c) was advocated by the Whaling Committee of the International Council for the Exploration of the Sea as the most effective restriction of undue exploitation of the whale stock, the Conference did not feel able at the present time to recommend its adoption.

11. The Conference could not agree on the application of method (d). In particular, objection was taken to this method on the ground that its incidence would be unfair, in that it would limit the operations of the most efficient factory ships and have little, if any, effect upon the operations of the smaller and less efficient factory ships. The question whether different maxima might be fixed for different expeditions according to their capacity was raised, but it was clear that agreement would not be reached on this basis.

12. Although the Conference was unable to agree to the immediate adoption of methods (b), (c) or (d), there was a strong feeling that these were matters calling for further expert examination by all the Governments concerned, with a view to their consideration at a subsequent Conference.

13. With regard to method (e), attention was drawn to a Report recently issued by the Discovery Committee concerning the condition of the stock of humpback whales and to other evidence pointing to a serious decline of that stock, and the Conference appointed a

Committee to study this question. The Committee reported that there was ample biological evidence to show that the humpback stock was in very serious danger in all sectors of the southern hemisphere, and recommended that there should be no hunting of this species of whale for at least a year in any waters, or at least in the southern hemisphere and North Atlantic and dependent waters. It proved impossible to obtain the general agreement of the Conference to this proposal, chiefly because some land stations depend mainly upon humpbacks for their output of oil, and it was contended that the total prohibition, even for one year, of the hunting of humpbacks would have an effect on these land stations disproportionate to that which it would have on pelagic expeditions. The Conference, therefore, while admitting the desirability of a total prohibition, agreed that, in the first instance, the hunting of humpbacks by means of pelagic expeditions should be prohibited in the waters south of 40° South Latitude. A provision to this effect has consequently been embodied in the Protocol (Article 1). It is hoped that this measure of protection, coupled with the immunity which all baleen whales would enjoy in the greater part of the waters north of 40° South Latitude, should have useful results, and the Conference strongly recommends the Governments represented thereat and other Governments concerned to study this question further with a view to give complete protection to humpback whales for a suitable period after the 30th September, 1939.

14. With regard to method (f), the Conference agreed that the sector of the waters south of 40° South Latitude which lies between 70° West Longitude and 100° West Longitude should be a sanctuary for whales for at least two years, and provision has been made accordingly in the Protocol (Article 2). In this sector commercial whaling has not hitherto been prosecuted, but the evidence acquired by the Discovery Committee shows that it is frequented by baleen whales, and the Conference agreed that it was highly desirable that the immunity which whales in this area had hitherto enjoyed should be maintained. Little information is available as to the extent to which whales from this area travel into the adjoining areas, or *vice versa*, but there is reason to think that such movement does, to some extent, take place, and that therefore the protection provided in this area may have useful results.

15. With regard to method (g), certain doubts having arisen already as to the limits of the Greenland Sea referred to in Article 9 of the Principal Agreement and as to the extent to which the Arctic Ocean is included within the area protected by that Article, it was suggested that the whole of the waters North of 66° North Latitude should be brought under protection, and that to the Atlantic and Indian Oceans

and to the closed areas of the Pacific Ocean should be added their respective dependent waters. The Japanese Delegation, however, asked for a concession permitting whaling in the Arctic Ocean north of the Pacific Ocean, between 66° North Latitude and 72° North Latitude. In view of the satisfactory declaration as to the position of the Japanese Government referred to in paragraph 3, the Conference agreed to exclude these waters from the restriction. Provision to meet these points has accordingly been made in the Protocol (Article 7).

16. In the fifth paragraph of the Final Act of the Conference of last year attention was drawn to the risk that the restrictions imposed on pelagic whaling might lead to a development of whaling from land stations, and the Governments were accordingly advised to place themselves in a position to check or regulate such development should it occur. Since the Conference of last year an unforeseen development has occurred owing to the assumption in certain quarters that, in spite of the provisions of Article 9 of the Principal Agreement, it was legitimate to use a factory ship as a temporary "land station" when it remained within the territorial waters of a State. In the opinion of the Conference as a whole (United States of America Delegation dissenting), the wording of Article 9 of the Principal Agreement prohibits the use of a factory ship for treating whales in the whole of the areas specified, without exception. Briefly, the majority view of the Conference is that a factory ship does not lose its character of being a ship until at least it loses its power of independent movement, and that a factory ship moored in territorial waters is no less a ship than any other ship which drops its anchor or is moored in a port. Although the Conference has no doubt of the correctness of this interpretation of Article 9, it has been thought desirable, in view of the events which have occurred, to embody in the Protocol an Article (Article 3) which, while placing beyond doubt the fact that it is not permissible to use a factory ship as a "land station," nevertheless makes a concession in respect of existing enterprises.

17. The French Delegation declared that the French Government was ready to accede to the present Agreement subject to the following reservations:—

First, that the term "land station" employed in the Principal Agreement means a factory on land or a factory placed near the coast on a construction fixed or anchored at the same spot during the whole of the hunting season, and one which cannot be subsequently employed as a factory ship fishing in the deep sea.

Secondly, should any regulations be introduced regulating the number of land stations as thus defined, France reserves the right to establish or to maintain three of such stations in her possessions in the Southern hemisphere.

In view of the provisions of Article 3 of the Protocol, coupled with the statement in paragraph 16 of this Final Act, the first reservation of the French Government appears to be satisfied. Furthermore, there is no provision in the Protocol regulating the number of land stations. The way, therefore, is clear for the accession of the Government of the French Republic.

18. It was represented to the Conference by the Danish Delegation that in the Faroe Islands whale hunting was prosecuted mainly to provide food in the form of whale meat for the population of the Islands, and that hitherto whaling had been conducted from two land stations in the Faroe Islands without regard to size limits. They intimated that it would be necessary for them, in order to accede to the Principal Agreement, which Denmark was otherwise ready to accept, to make a reservation in respect of size limits so far as they affected these stations. To meet this particular case and other cases of a similar character, the Conference agreed to attach a proviso to Article 5 of the Principal Agreement. The Protocol (Article 4) provides that the size limit for blue, fin and sperm whales applicable to whales taken by catchers working from land stations may be reduced by 5 feet in each instance provided that the meat of such whales is to be used for local consumption. It is understood that this provision is to be limited in its application to stations which are genuinely intended to supply the local needs of the country in which the station is situated.

19. It was agreed that Article 7 of the Principal Agreement should be amended so as to allow of the treatment of whales after the end of the open season provided that they were killed before midnight on the 7th March. Provision has been made accordingly in the Protocol (Article 5).

20. The Conference considered a statement by the Japanese Delegation with regard to the effect of Article 8 of the Principal Agreement upon land stations in Japan, some of which actually operate for more than six months in any one year, a considerable portion of the catch consisting of sperm whales. In order to meet so far as possible the case of such land stations, the Conference agreed to confine the application of Article 8 to baleen whales, and an amendment to this effect has been included in the Protocol (Article 6).

21. The Conference having considered reports to the effect that some difficulty has been experienced in the application of Article 12 of the Principal Agreement, the purpose of which is to limit the period between the killing and the treatment of a whale, it was agreed to remove the uncertainty as to the exact interpretation of the Article by redrafting it on different lines with the same purpose

in view. Provision has been made accordingly in the Protocol (Article 8).

22. The Conference learned with concern that during the Antarctic whaling season of 1936-37, and the summer of 1937, no less than 15 right whales had been killed. They were informed that some of these whales had been measured, and among them four fetuses were found, the lengths of which were approximately 20 feet, 19 feet, 17 feet and 1 foot respectively. Some of these whales were taken by nationals of Governments which were signatories to the Principal Agreement. The Conference desires to draw the attention of the Governments concerned to these breaches of the Geneva Convention and the Principal Agreement. From the commercial point of view, little advantage can accrue to any expedition by the taking of the few right whales that still exist, and, in the opinion of the Conference, it is deplorable not only that right whales should be killed in spite of the provisions of the Principal Agreement, but that, in particular, as the statistics prove, breeding right whales should have been killed. The Conference, therefore, expresses the hope that, with a view to the preservation of the remainder of these most interesting mammals, the Governments concerned should sternly enforce the provisions of Article 4 of the Principal Agreement.

23. The Conference took note of a statement by Dr. Mackintosh of the proposals of the Discovery Committee for enlisting the support of whaling enterprises in the continuation and development of whale marking as carried out by the Committee. The Conference also heard a statement from the German Delegation as to the steps which the German Government proposes to take for the marking of whales. The Conference expressed the hope that the Governments and the whaling enterprises concerned will do their best to encourage the development of whale marking, which, in the view of the Conference, is likely to make an important contribution to the knowledge of the movement of whales, which has a very close bearing upon the problem of conservation of whales.

24. With reference to paragraph 9 of the Final Act of the Conference of 1937, it was reported that the Governments of Germany and Norway had acquired the necessary powers to deal with transfers of ships registered in their territories, and that the Government of the United States of America already possessed those powers. The Conference expressed the hope that other countries would take steps to acquire similar powers at an early date.

25. In conclusion, the Conference suggested that the question of holding a future Conference should be left to the consideration of the Governments concerned, in the light of developments.

Done in London the 24th day of June, 1938, in a single copy, which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, by whom certified copies shall be communicated to all the signatory Governments.

For the Government of the Union of South Africa:

C. T. DE WATER.
F. J. DU TOIT.

For the Government of the United States of America:

HERSCHEL V. JOHNSON.
REMINGTON KILLOUGG.
WILFRID N. DERBY.

For the Government of the Argentine Republic:

MANUEL E. MALLRÁN.
M. FINCATI.

For the Government of the Commonwealth of Australia:

ROBERT G. MENZIES.

For the Government of Canada:

VINCENT MASSEY.

For the Government of Denmark:

P. F. ERICSEN.

For the Government of Eire:

SEAN O'FAOLAIN O'DULCHAONTIGH.
J. D. RUSH.

For the Government of Germany:

HELMUTH WOHLTAT.

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

HENRY G. MAURICE.
GEO. HOGARTH.

For the Government of Japan:

A. KODAKI.

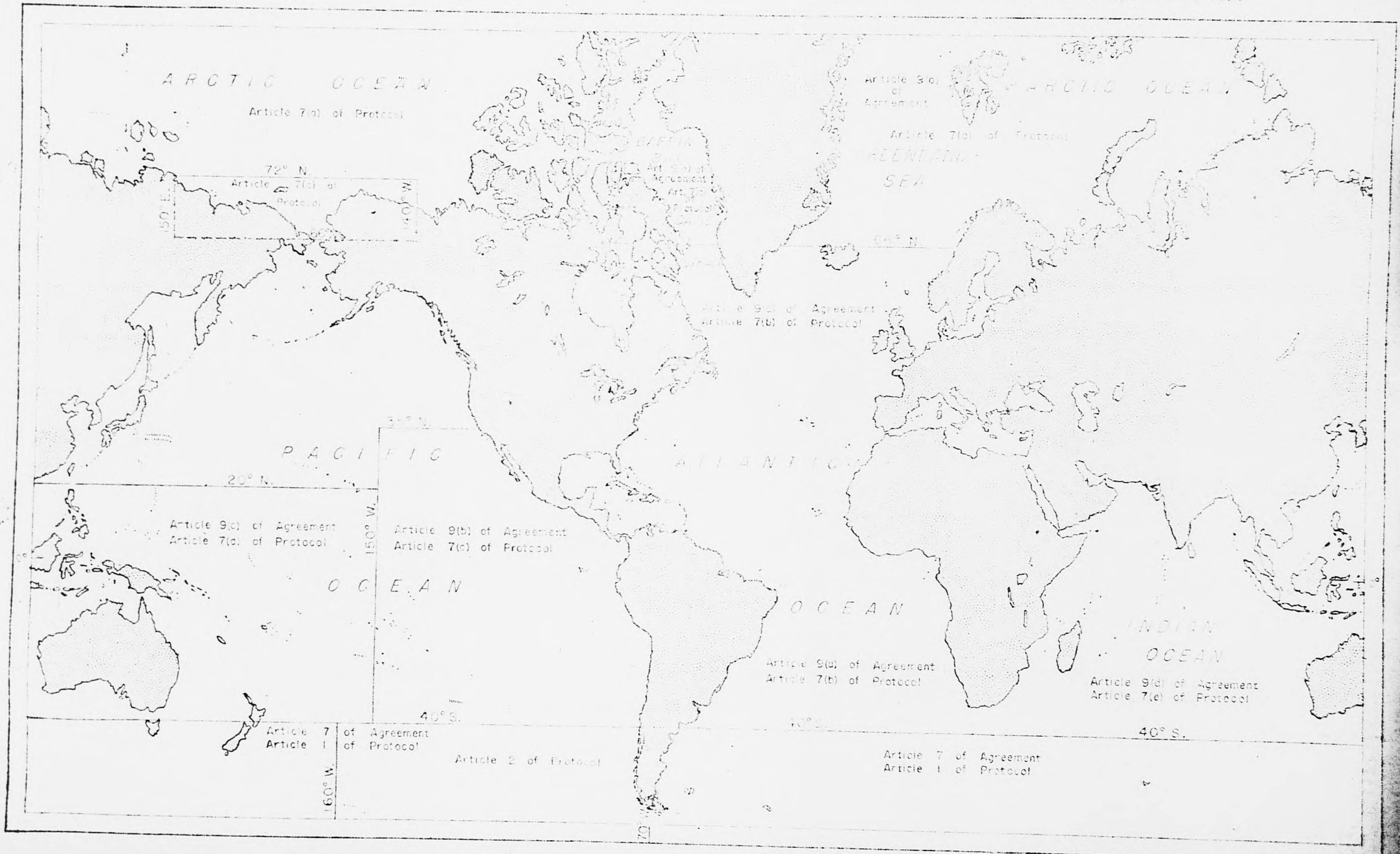
For the Government of New Zealand:

W. J. JORDAN.

For the Government of Norway:

BIRGER BERGERSEN.

Map showing waters defined in Articles 7 and 9 of the International Agreement for the Regulation of Whaling, signed at London June 8, 1937 (Treaty Series No. 935), and in Articles 1, 2 and 7 of the Protocol signed at London June 24, 1938, amending the Agreement of 1937 (Treaty Series No. 944).



SCAPIN - 1154

Inclosure d to paragraph 2

Text is included in pages 3 - 6 of the attached INTERNATIONAL AGREEMENT FOR THE REGULATION OF WHALING, Senate paper Executive D, 2d Session, 78th Congress.

Record copy of this Inclosure could not be located. December 1964.

[CONFIDENTIAL]

78TH CONGRESS }
2d Session { ✓

SENATE

EXECUTIVE
D

INTERNATIONAL AGREEMENT FOR THE REGULATION
OF WHALING

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A CERTIFIED COPY OF A PROTOCOL SIGNED AT LONDON ON FEBRUARY 7, 1944, FOR THE UNITED STATES OF AMERICA, THE UNION OF SOUTH AFRICA, THE COMMONWEALTH OF AUSTRALIA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, CANADA, NEW ZEALAND, AND NORWAY, AMENDING IN CERTAIN PARTICULARS THE INTERNATIONAL AGREEMENT FOR THE REGULATION OF WHALING SIGNED AT LONDON JUNE 8, 1937, AS AMENDED BY THE PROTOCOL SIGNED AT LONDON ON JUNE 24, 1938.

MAY 10 (legislative day, MAY 9), 1944.—Protocol was read the first time and referred to the Committee on Foreign Relations and, together with the message of transmittal, the accompanying report and attached documents, ordered to be printed in confidence for the use of the Senate.

THE WHITE HOUSE, May 10, 1944.

To the Senate of the United States:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a certified copy of a protocol signed at London on February 7, 1944, for the United States of America, the Union of South Africa, the Commonwealth of Australia, the United Kingdom of Great Britain and Northern Ireland, Canada, New Zealand, and Norway, amending in certain particulars the international agreement for the regulation of whaling signed at London on June 8, 1937, as amended by the protocol signed at London on June 24, 1938.

The purpose of the protocol signed at London on February 7, 1944, is set out in the enclosed report of the Secretary of State, with accompanying documents, with which he submitted that protocol to me.

I also transmit a certified copy of the final act of the International Whaling Conference at which the present protocol was drafted and recommended. This final act does not require ratification and is sent to the Senate for its information as explanatory of the amendments made to the whaling agreement of June 8, 1937, and the protocol of June 24, 1938.

-FRANKLIN D. ROOSEVELT.

(Enclosures: (1) Report of the Secretary of State; (2) certified copy of protocol signed at London February 7, 1944; (3) certified copy of final act of the International Whaling Conference held at London January 4, 13, 19, and 31, 1944; (4) report of United States delegation, and enclosures; (5) Treaty Series 933 and 944.)

DEPARTMENT OF STATE,
Washington, April 24, 1944.

The PRESIDENT,
The White House.

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a certified copy of a protocol signed at London on February 7, 1944, for the United States of America, the Union of South Africa, the Commonwealth of Australia, the United Kingdom of Great Britain and Northern Ireland, Canada, New Zealand, and Norway, amending in certain particulars the international agreement for the regulation of whaling, signed at London on June 8, 1937, as amended by the protocol signed at London on June 24, 1938. Copies of the agreement of 1937 (Treaty Series 933) and the protocol thereto of 1938 (Treaty Series 944) are furnished herewith for the information of the Senate.

The provisions of the protocol signed on February 7, 1944, were drafted and recommended by the International Whaling Conference held at London on January 4, 13, 19, and 31, 1944. The principal object of the conference was to consider whether it was necessary or desirable to recommend to the governments concerned that certain provisions of the above-mentioned whaling agreement of 1937, as amended, should be made less restrictive in order to meet increased requirements, resulting from the present war, for whale-oil products.

The undersigned further lays before the President a certified copy of the final act of the conference, which is furnished for the information of the Senate as explanatory of the amendments made to the international agreement for the regulation of whaling of 1937 and the protocol of 1938. The final act does not require ratification.

Article 1 of the present protocol provides for the extension of the whaling season in waters south of 40° south latitude so as to cover the period from November 24 to March 24, both dates inclusive, during the first season in which whaling operations are resumed. Under article 7 of the whaling agreement of 1937 the season during which a

factory ship or a whale catcher attached thereto may be used for taking or treating baleen whales in waters south of 40° south latitude is limited to the period from December 8 to March 7, both dates inclusive. The conference agreed to the lengthening of the whaling season as the principal step by which an increased amount of whale oil could be obtained for meeting anticipated requirements for fats and oils.

Article 2 of the present protocol reimposes, for the "first season," the provisions of article 1 of the protocol of 1938 which forbid the use of a factory ship or a whale catcher attached thereto for the purpose of taking or treating humpback whales in any waters south of 40° south latitude. It has been recognized for a number of years that the humpback-whale stock was suffering severe depletion and that adequate protection must be provided. The probability that the humpback-whale stock might be permanently depleted in two seasons following the war makes it necessary that further protection be accorded that stock in the waters mentioned.

Article 3 of the present protocol, which imposes a limitation on the total catch of whales in the Antarctic, is probably the most important in that protocol. Information considered at the conference led some of the delegations most interested, particularly the United States, British, and Norwegian delegations, to feel that it would be advisable to recommend an amendment to existing agreements that would obviate unforeseen whaling developments which might undermine all efforts to conserve whale stocks.

Article 4 of the present protocol provides that in the absence of agreement to the contrary none of the provisions of the protocol shall operate except in the "first season."

Articles 5, 6, and 7 relate to ratification of and accession to the protocol and its entry into force. Article 7 provides that the protocol shall come into force as soon as ratifications or accessions have been deposited on behalf of the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, Canada, Eire, Mexico, New Zealand, and Norway.

For further information of the Senate, a copy of the report of the delegation of the United States to the International Whaling Conference, held at London January 4, 13, 19, and 31, 1944, is furnished herewith.

Respectfully submitted.

CORDELL HULL.

(Enclosures: (1) Certified copy of protocol signed at London February 7, 1944; (2) certified copy of final act of the International Whaling Conference held at London, January 4, 13, 19, and 31, 1944; (3) report of United States delegation, and enclosures; (4) Treaty Series 933 and 944.)

PROTOCOL.

THE Governments of the Union of South Africa, the United States of America, the Commonwealth of Australia, the United Kingdom of Great Britain and Northern Ireland, Canada, Eire, New Zealand and Norway,

Being parties or signatories to the International Agreement for the Regulation of Whaling signed at London on the 8th June, 1937 (hereinafter referred to as the Agreement of 1937), and to the Protocol

signed at London on the 24th June, 1938, introducing certain amendments into the Agreement of 1937 (hereinafter referred to as the Protocol of 1938); and

Desiring, in view of the fact that pelagic whaling operations in the area to which Article 7 of the 1937 Agreement applies have been interrupted for a considerable period by the existence of hostilities and in order to meet the present emergency without prejudicing the conservation of stocks of whales, to put into force by agreement such provisions as may be necessary with regard to pelagic whaling in this area when whaling operations are resumed there:

Have agreed as follows:—

ARTICLE 1.

(i) The period fixed by Article 7 of the Agreement of 1937, during which factory ships or a whale catcher attached thereto may be used for the purpose of taking or treating baleen whales, shall be extended for the first season in which whaling operations are resumed in the area referred to in the said Article 7, so as to cover the period from the 24th November to the 24th March, both dates inclusive.

(ii) Each Government party to the present protocol shall give notice to the Government of the United Kingdom when whale factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the area defined in Article 7 of the Agreement of 1937. The Government of the United Kingdom will inform the other Governments party to the present protocol of all notices received under this paragraph and shall itself similarly give notice to the other contracting Governments if whale factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the said area.

(iii) For the purposes of paragraph (i) of this article the first season in respect of which any notice has been given under paragraph (ii) above, shall be deemed to be the first season in which whaling operations are resumed. This season is hereinafter referred to as "the first season."

ARTICLE 2.

The provisions of Article 1 of the Protocol of 1938 relating to the taking of humpback whales in any waters south of 40 degrees south latitude shall apply during the first season.

ARTICLE 3.

(i) During the first season, the number of baleen whales caught in the area referred to in Article 7 of the 1937 Agreement shall not exceed 16,000 blue whale units.

(ii) For the purposes of paragraph (i) of this article, blue whale units shall be calculated on the basis that one blue whale equals—

- (a) 2 fin whales, or
- (b) 2½ humpback whales, or
- (c) 6 sei whales.

(iii) The Government of the United Kingdom shall consult all the Governments who have given notice under Article 1 (ii) of this agreement in order to arrange by co-operation and agreement the measures necessary to ensure that the total number of baleen whales caught

during the first season does not exceed the number specified in paragraph (i) of this article.

ARTICLE 4.

In the absence of agreement to the contrary none of the provisions of the present protocol shall operate except in the first season.

ARTICLE 5.

The present protocol shall be ratified and the instruments of ratification deposited as soon as possible with the Government of the United Kingdom.

ARTICLE 6.

(i) The present protocol shall be open to accession on behalf of any Government which was a party to the 1937 Agreement and has not signed the present protocol.

(ii) Accession shall be effected by means of a notification addressed to the Government of the United Kingdom.

ARTICLE 7.

(i) The Government of the United Kingdom shall inform the Governments of the United States of America, Canada, Elze, Mexico, New Zealand and Norway of all ratifications of this protocol or accessions thereto.

(ii) The present protocol shall come into force as soon as ratifications or accessions have been deposited on behalf of all Governments referred to in paragraph (i) of this article and of the Government of the United Kingdom.

(iii) The ratification of or accession to the present protocol by a Government which is a signatory but not a party to the Agreement of 1937 shall not become effective until such Government becomes a party to that agreement by ratification.

In witness whereof the undersigned plenipotentiaries, being duly authorised to this effect by their respective Governments, have signed the present protocol and affixed thereto their seals.

Done at London this 7th day of February, 1944, in a single copy which shall remain deposited in the archives of the Government of the United Kingdom by whom certified copies will be transmitted to all the Governments referred to in Article 7 (i).

For the Government of the Union of South Africa:

[L. S.] DENEYS REITZ.
[L. S.] A. P. VAN DER POST.

For the Government of the United States of America:

[L. S.] LOYD V. STEERE.

For the Government of the Commonwealth of Australia:

[L. S.] S. M. BRUCE.

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

[L. S.] A. T. A. DOBSON.
[L. S.] J. E. DE WATTEVILLE.

For the Government of Canada:

[L. S.] VINCENT MASSEY.

For the Government of Eire:

For the Government of New Zealand:

[L. S.] W. J. JORDAN.

For the Government of Norway:

[L. S.] BIRGER BERGERSEN.

Certified a true copy.

LONDON, 17 February 1944.

[SEAL]

J. F. FRENCH,
*Acting Librarian and Keeper of the Papers for
the Secretary of State for Foreign Affairs.*

[Copy]

(N 729/67/63)

Certified a true copy:

LONDON, 29 March 1944.

[SEAL]

J. F. FRENCH,
Acting Librarian and Keeper of the Papers at the Foreign Office.

INTERNATIONAL WHALING CONFERENCE, LONDON, 1944.

FINAL ACT.

An International Whaling Conference was opened in London on the 4th January, 1944, and continued on the 13th, 19th and 31st January, 1944. The Governments of the countries mentioned below were represented as follows:—

<i>Union of South Africa</i>	Mr. S. MacLeod
Mr. A. P. van der Post	Mr. J. S. Munro
<i>United States of America</i>	Mr. R. H. Burt
	Mr. D. J. Davies (for Newfoundland)
Dr. R. Kellogg	<i>Canada</i>
Mr. L. V. Steere	Mr. E. MacLeod
Mr. J. M. Allison	<i>New Zealand</i>
Captain A. C. Richmond	Mr. W. E. Pratt
<i>Commonwealth of Australia</i>	<i>Norway</i>
Mr. V. C. Duffy	Professor B. Bergersen
<i>United Kingdom of Great Britain and Northern Ireland</i>	Mr. I. Smith-Kielland
Mr. A. T. A. Dobson	Mr. O. Berg
Mr. J. Thomson	Mr. E. A. Colban
Dr. N. A. Mackintosh	

Mr. A. T. A. Dobson (United Kingdom) was invited to preside over the Conference and Mr. A. M. Lowe (United Kingdom) acted as Secretary.

The object of the Conference was to consider whether it is desirable that any special measures should be put in force by agreement to operate when pelagic whaling is resumed in the southern hemisphere, such whaling having, owing to hostilities, not taken place for two or three years. All the Governments represented at the Conference were parties or signatories to the International Agreement for the Regulation of Whaling signed at London on the 8th June, 1937 and the Protocol signed at London on the 24th day of June, 1938.

The Conference, having heard a statement on behalf of the Minister of Food of the Government of the United Kingdom on the present position and future prospects of world stocks of oils and fats, recognised that the position of world supplies of oils and fats was a critical one and agreed that all possible measures should be taken, so far as whaling is concerned, to alleviate the situation during the present emergency and the immediate post-war period. On the other hand, the Conference also recognised that it was a matter of vital importance to further the conservation of existing whale stocks, which prior to the war were showing signs of depletion, and that any relaxation of the Agreement of 1937 and the Protocol of 1938, designed to meet the present critical position of oils and fats, should be for a limited period only and should provide adequate safeguards to ensure that existing stocks of whales shall not be decimated by unexpected developments in whaling operations.

The Conference adopted at its last meeting the following four resolutions:—

(i) That it is desirable that a Protocol, in the terms of the annex to this resolution, should be signed and brought into force as soon as possible; that the Government of the United Kingdom is requested to make early arrangements for the signature of this Protocol by duly accredited representatives; that, as this Protocol makes certain temporary amendments to the Agreement of 1937, all Governments who are parties to that instrument (other than Governments with whom diplomatic relations are suspended by reason of hostilities) should be invited either to sign the present Protocol or to accede thereto; that Governments who are signatories to the Agreement of 1937 but have not become parties thereto by ratification should also be invited to sign the annexed Protocol or to accede thereto; and that copies of this Final Act should be communicated to all such Governments who are not represented at the present Conference.

(ii) That it is recommended that all the Governments represented at the Conference should, pending the coming into force of the Protocol, take all such administrative steps as are possible and necessary to put the provisions of the Protocol into operation forthwith, and the Government of the United Kingdom is requested to make the necessary approaches to them for this purpose.

(iii) That the maintenance of a limitation on the number of whales to be caught in any pelagic season in the waters south of 40 degrees south latitude is necessary if whale stocks are to be preserved and it is accordingly recommended that a limitation, such as that contained

in Article 3 of the draft Protocol annexed to resolution No. (i), should be continued by international agreement after "the first season" referred to in the said draft Protocol; and that the continuance of such a limitation should be considered at the next and subsequent whaling conferences.

(iv) That copies of this Final Act should be communicated as a matter of courtesy to the representatives in London of the Danish Government which is a party to the agreement of 1937 by accession.

Done at London this 31st day of January, 1941 in a single copy which shall remain deposited in the archives of the Government of the United Kingdom which is requested to transmit certified copies to all Governments represented at the Conference.

For the Government of the Union of South Africa:

A. P. VAN DER POST.

For the Government of the United States of America:

REMINGTON KELLOGG.

LOYD V. STIERE.

For the Government of the Commonwealth of Australia:

V. C. DUFFY.

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

A. T. A. DOBSON.

JOHN THOMSON.

N. A. MACKINTOSH.

S. MUNRO.

R. H. BURT.

D. JAMES DAVIES.

For the Government of Canada:

E. MACLEOD.

For the Government of New Zealand:

W. E. PRATT.

For the Government of Norway:

BIRGER BERGERSON.

INGR. SMITH-KIELLAND.

OL. BERG.

E. A. COLBAN.

A. M. LOWE,
Secretary to the Conference.

(N729 67, 63)

ANNEX TO RESOLUTION No. 1

DRAFT PROTOCOL

The Governments of (here insert the names of those Governments on whose behalf the Protocol is signed)

Being parties or signatories to the International Agreement for the Regulation of Whaling signed at London at 8th June, 1937

(hereinafter referred to as the Agreement of 1937) and to the Protocol signed at London on the 24th June, 1938, introducing certain amendments into the Agreement of 1937 (hereinafter referred to as the Protocol of 1938); and

Desiring, in view of the fact that pelagic whaling operations in the area to which Article 7 of the 1937 Agreement applies have been interrupted for a considerable period by the existence of hostilities and in order to meet the present emergency without prejudicing the conservation of stocks of whales, to put into force by agreement such provisions as may be necessary with regard to pelagic whaling in this area when whaling operations are resumed there:

Have agreed as follows:

Article 1.

(i) The period fixed by Article 7 of the Agreement of 1937, during which factory ships or a whale catcher attached thereto may be used for the purpose of taking or treating baleen whales, shall be extended for the first season in which whaling operations are resumed in the area referred to in the said Article 7, so as to cover the period from the 24th November to the 24th March, both dates inclusive.

(ii) Each Government party to the present Protocol shall give notice to the Government of the United Kingdom when whale factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the area defined in Article 7 of the Agreement of 1937. The Government of the United Kingdom will inform the other Governments party to the present Protocol of all notices received under this paragraph and shall itself similarly give notice to the other contracting Governments if whale factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the said area.

(iii) For the purposes of paragraph (i) of this Article the first season in respect of which any notice has been given under paragraph (ii) above shall be deemed to be the first season in which whaling operations are resumed. This season is hereinafter referred to as "the first season".

Article 2.

The provisions of Article 1 of the Protocol of 1938 relating to the taking of humpback whales in any waters south of 40 degrees south latitude shall apply during the first season.

Article 3.

(i) During the first season, the number of baleen whales caught in the area referred to in Article 7 of the 1937 Agreement shall not exceed 16,000 blue whale units.

(ii) For the purposes of paragraph (i) of this Article, blue whale units shall be calculated on the basis that one blue whale equals:—

- (a) 2 fin whales, or
- (b) 2½ humpback whales, or
- (c) 6 sei whales.

(iii) The Government of the United Kingdom shall consult all the Governments who have given notice under Article 1 (ii) of this agreement in order to arrange by co-operation and agreement the measures

necessary to ensure that the total number of baleen whales caught during the first season does not exceed the number specified in paragraph (i) of this Article.

Article 4.

In the absence of Agreement to the contrary none of the provisions of the present Protocol shall operate except in the first season.

Article 5.

The present Protocol shall be ratified and the instruments of ratification deposited as soon as possible with the Government of the United Kingdom.

Article 6.

(i) The present Protocol shall be open to accession on behalf of any Government which was a party to the 1937 Agreement and has not signed the present Protocol.

(ii) Accession shall be effected by means of a notification addressed to the Government of the United Kingdom.

Article 7.

(i) The Government of the United Kingdom shall inform the Governments of the United States of America, Canada, Eire, Mexico, New Zealand and Norway of all ratifications of this Protocol or accessions thereto.

(ii) The present Protocol shall come into force as soon as ratifications or accessions have been deposited on behalf of all Governments referred to in paragraph (i) of this Article and of the Government of the United Kingdom.

(iii) The ratification of or accession to the present Protocol by a Government which is a signatory but not a party to the Agreement of 1937 shall not become effective until such Government becomes a party to that Agreement by ratification.

In Witness whereof the undersigned plenipotentiaries, being duly authorised to this effect by their respective Governments have signed the present Protocol and affixed thereto their seals.

Done at London this _____ day of _____ in a single copy which shall remain deposited in the archives of the Government of the United Kingdom by whom certified copies will be transmitted to all the Governments referred to in Article 7 (i).

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN EMBASSY,
London, February 2, 1944.

REPORT OF THE DELEGATION OF THE UNITED STATES TO THE
INTERNATIONAL WHALING CONFERENCE, HELD AT LONDON,
JANUARY 4, 13, 19 AND 31, 1944

The Honorable, The SECRETARY OF STATE,
Washington, D. C.

SIR: The International Whaling Conference convened in London on January 4, 1944, under the chairmanship of Mr. A. T. A. Dobson, Fisheries Secretary, British Ministry of Agriculture and Fisheries, and head of the British Delegation. The business of the Conference was continued on January 13th and 19th, and concluded on January 31st, 1944, with the signature of the Final Act of the Conference.

The countries represented by official delegates were as follows: Union of South Africa, United States of America, Commonwealth of Australia, United Kingdom of Great Britain and Northern Ireland, Canada, New Zealand, and Norway. A total of nineteen delegates and technical assistants attended the meetings of the Conference.

The American delegates were Dr. Remington Kellogg, of the United States National Museum, and Loyd V. Steere, Agricultural Attaché, London, who were assisted by John M. Allison, Second Secretary of Embassy, London, and Capt. Alfred C. Richmond, U. S. Coast Guard, as technical advisers.

The organization of the Conference was simple; all formal discussions took place in the four plenary sessions. All secretarial work of the conference was performed by personnel of the British Ministry of Fisheries. The only committee appointed was a Drafting Committee to prepare the draft Final Act, of which Mr. Dobson (United Kingdom) was Chairman. The only other countries represented on the Committee were Norway and the United States.

* * * * *

The Agenda listed the following proposals for temporary relaxation or extension of the International Whaling Agreement of 1937 and the Protocol of 1938:

(a) The extension of the period of three months established for Antarctic pelagic whaling by Article 7 of the 1937 Agreement to six or eight months;

(b) The exemption from the requirements of Article 11 of the Agreement as regards the comparatively unprofitable back-meat;

(c) The reduction of the minimum size limit for sperm whales from thirty-five (as provided by Article 5 of the 1937 Agreement) to thirty feet;

(d) The resumption of the embargo on the taking of hump-back whales in waters south of latitude 40° south, which was included in the 1938 Protocol and extended for a year in 1939, but has now lapsed;

(e) The relaxation of Article 9 of the 1937 Agreement and Articles 3 and 7 of the 1938 Protocol so as to permit factory ships that take part in the Antarctic whaling season to operate elsewhere in other seasons, more particularly off the coast of West Australia;

(f) The limitation of the number of whales to be taken annually by factory ships operating south of latitude 40° south.

The results of the Conference were embodied in the Final Act signed at the final session of the Conference, the substance of which consisted of the following four resolutions:

(i) That it is desirable that a Protocol, in the terms of the annex to this resolution, should be signed and brought into force as soon as possible; that the Government of the United Kingdom is requested to make early arrangements for the signature of this Protocol by duly accredited representatives; that, as this Protocol makes certain temporary amendments to the Agreement of 1937, all Governments who are parties to that instrument (other than Governments with whom diplomatic relations are suspended by reason of hostilities) should be invited to sign the present Protocol or accede thereto; that Governments who are signatories to the Agreement of 1937 but have not become parties thereto by ratification should also be invited to sign the annexed Protocol or to accede thereto; and that copies of this Final Act should be communicated to all such Governments who are not represented at the present Conference.

(ii) That it is recommended that all the Governments represented at the Conference should, pending the coming into force of the Protocol, take all such administrative steps as are possible and necessary to put the provisions of the Protocol into operation forthwith, and the Government of the United Kingdom is requested to make the necessary approaches to them for this purpose.

(iii) That the maintenance of a limitation on the number of whales to be caught in any pelagic season in the waters south of 40° south latitude is necessary if whale stocks are to be preserved and it is accordingly recommended that a limitation, such as that contained in Article 3 of the draft Protocol annexed to Resolution No. (i), should be continued by international agreement after "the first season" referred to in the said draft Protocol; and that the continuance of such a limitation should be considered at the next and subsequent whaling conferences.

(iv) That copies of this Final Act should be communicated as a matter of courtesy to the representatives in London of the Danish Government which is a party to the Agreement of 1937 by accession.

It is believed that these Resolutions are entirely self-explanatory, except possibly the clause in Resolution No. (i) reading "that Governments who are signatories to the Agreement of 1937 but have not become parties thereto by ratification should also be invited to sign the

annexed Protocol or to accede thereto". This provision was inserted in order that countries such as Australia and the Union of South Africa, which have not yet ratified the Agreement of 1937 but were participating in the present Conference, might not be excluded from participation in any measures resulting from the present Conference until such time as they had actually ratified the earlier agreements.

The Chairman had informed the Conference at the opening session that it was hoped that it might be possible to secure relaxation of existing whaling agreements without the necessity of a formal agreement, but occasion was taken by the American delegation to inform the Conference that the amendments proposed would substantially modify the existing agreements which had had to be ratified by the Senate under United States constitutional requirements, and, if adopted, would therefore require reference by the Department of State to the Senate for its approval. All delegations thereupon readily assented to following a formal procedure in respect to documentation. The American delegation recommends that favorable consideration be given to the resolutions contained in the Final Act, particularly since the important principle of a limitation of the catch, which has been advocated by our Government for some years, now would be incorporated for the first time in the agreements for the regulation of whaling.

* * * * *

The Department's special attention is called to the annex to Resolution No. (i) of the Final Act, a draft Protocol consisting of a preamble and seven articles amending the Whaling Agreement of 1937 and the Protocol of 1938, which Resolution No. (i) recommends for the signature of Governments at the earliest possible date.

Article 1:

Article 1 provides for the extension of the whaling season in waters south of latitude 40° south so as to cover the period from the 24th November to the 24th March, both dates inclusive, but is restricted to the first season in which whaling operations are resumed. This measure was agreed to as the principal step by which an increased amount of whale oil could be secured. It was approved although it was recognized by the Conference that the lengthening of the season—which under the provisions of the Agreement of 1937 and the 1938 Protocol extends from 8th December to 7th March—to the period from 24th November to 24th March would result at the commencement of the season in the taking of whales which have not spent sufficient time in the Antarctic feeding grounds to accumulate the usual amount of fat, and also in the taking of a much larger number of pregnant females. Recorded data indicate that these pregnant female whales depart from the Antarctic feeding grounds rather early in the season and the establishment of an earlier date was therefore inadvisable. Having given consideration to the requirements of fats and oils during the immediate post-war period, the termination of the season was also extended to 24th March, since this could be justified on biological grounds. It was felt, however, that there was no point in extending the season beyond this date inasmuch as ice conditions make operations impracticable. It was also thought that the number of factory ships * * * available for whaling operations

would not seriously deplete existing stocks of whales because of the extension of the season for pelagic whaling in the Antarctic.

Article 2:

The Conference agreed after some discussion that it would be desirable to re-impose the prohibition on the taking of humpbacks in waters south of latitude 40° south. Among the reasons advanced by the biological experts present were:

(a) That the remnants of the original stock of humpbacks in the Antarctic sector south of the Indian Ocean had been so depleted by the operations of the Japanese factory ships in those waters and by other factory ships that operated off the coast of West Australia during the months of June to October in the years 1936, 1937, and 1938, that relaxation of this provision might result in irreparable damage to the existing stocks of humpback whales.

(b) That the stock of humpbacks in the South Atlantic sectors of the Antarctic was so depleted that very few humpbacks would be taken for reduction by factory ships, and

(c) That the taking of humpbacks in those waters would be less profitable for factory ships than the taking of the larger blue and finback whales, chiefly on account of their much smaller size and correspondingly lesser yield of oil.

This limitation, however, is to apply only to the "first season", and must be brought up again for consideration at subsequent conferences. Since this restriction is imposed because of the present reduced condition of humpback stocks, it presumably would not be removed at subsequent conferences unless the stocks have shown signs of recovery.

Article 3:

This Article, which would impose a limitation on the total catch of whales in the Antarctic, is probably the most important in the Protocol. It had been contemplated before the Conference that the subject of such a limitation would only be explored during the deliberations, but the discussions during and outside of the Conference developed information which led to the feeling by some of the delegations most interested, particularly the Norwegian, British and American, that it would be advisable at this Conference to recommend an amendment to existing agreements that would obviate unforeseen whaling developments which might undermine all the efforts to conserve whale stocks * * *

* * * The American delegation * * * took the view * * * that the proposed relaxations should be accompanied by adequate safeguards; this view eventually prevailed at the Conference and led to the acceptance of the proposal, put forward by the Norwegian delegation, that there should be a limitation of the catch, expressed in terms of 16,000 blue whale units (or approximately 1,600,000 barrels of whale oil). It was the general view that this limit was three or four times in excess of the probable catch and, therefore, fully met the desires of the Ministry of Food to increase the production of whale oil, yet at the same time would prevent depletion of existing

stocks by any unexpected development in the number of available factory ships once whaling is resumed. It should be noted that the delegates were much impressed by reports of recent improvements in acoustic devices that could be used for detecting and tracking whales, which, it was felt, would result in a considerably increased catch even during periods of poor visibility.

* * * It was also the intention of Resolution (iii) that machinery for the control and operation of the limitation of the catch should come within the scope of the matter of limitation left for consideration by a later conference.

Article 4:

It was deemed inadvisable to conclude any agreement for a period beyond the "first season" * * *

Article 5:

This Article is, of course, necessitated by the fact that the Protocol amends existing whaling agreements and will therefore require, at least in the case of the United States, ratification by the Senate.

Article 6:

Since neither Denmark, Eire, nor Mexico were represented at this Conference, the present Protocol was left open for accession by any Government which was a party to the Agreement of 1937 and which has not signed the present Protocol. Denmark in recent years has had no factory ships under her registry. Eire was invited to participate in the Conference but declined the invitation, apparently because of lack of interest since factory ships of British ownership are no longer registered in that country * * *

Article 7:

Paragraph (iii) was adopted primarily to permit signature of the present Protocol by the representatives of the Union of South Africa and the Commonwealth of Australia, both of which Governments have not as yet ratified the Agreement of 1937, as is the case with Argentina. At the final session of the Conference, the South African delegate stated that his Government intended to secure ratification * * *

With regard to item (b) of the Agenda, a proposal that the utilization of unprofitable back-meat should not be required, as provided in Article 11 of the 1937 Agreement, it was agreed that the wording "fullest possible use" could be interpreted as providing some latitude of interpretation during the present emergency and that this matter could be handled by administrative regulations during the "first season." No recommendation to cover this point therefore was required in the Final Act.

The Conference agreed to reject the proposal under item (c) of the Agenda * * * that the minimum size limit for sperm whales be reduced from thirty five feet (as provided by Article 5 of the 1937 Agreement) to thirty feet. Dr. N. A. Mackintosh, Director of the British Discovery Committee and a member of the British delegation, explained to the Conference that the adult male sperm whale was somewhat larger than the adult female sperm whale. Sexual maturity is reached at about 39 feet in male sperm whales and at 30 feet in females. Hence a thirty foot size limit would be useless as a measure of protection. On biological grounds, the rational method for conserving stocks of sperm whales will be to protect the female sperm

whales by fixing a minimum limit of 40 feet, but no action was taken on this suggestion at this time.

Regarding the proposal * * * for relaxation of Article 9 of the 1937 Agreement and Articles 3 and 7 of the 1938 Protocol so as to permit factory ships that take part in the Antarctic whaling season to operate elsewhere in other seasons (see Agenda item (c)), more particularly off the coast of West Australia, the Conference was informed by Dr. Mackintosh of the British delegation that such a relaxation might have a serious effect on the humpback stock in that area. Dr. Mackintosh presented figures of the catch of humpbacks made by factory ships off the West Coast of Australia. Oil production per killer boat fell from 1,692 tons in 1936 to 1,182 tons in 1938, indicating a substantial depletion, especially as the single factory ship in 1938 had no competition. The American delegation concurred with this statement and also supported the view that the humpback stock would suffer materially from the operations of factory ships stationed along the migration route off West Australia. Reference also was made to a report by an American whaling inspector that on occasion the whale carcasses cast adrift by a factory ship washed ashore and became breeding places for the sheep fly and that the resulting infestation had done considerable damage to sheep raised in the vicinity. This condition can be expected again if factory ships are permitted to operate offshore and to throw the back-meat overboard. It was suggested that whaling off the coast of West Australia might be conducted from a land station which would ensure better utilization of whale carcasses, and at the same time remove or reduce any risk to sheep farms by the breeding of the sheep fly in whale meat washed ashore. With the exception of the delegate from the Commonwealth of Australia, who stated that this matter would be referred to his Government for further instructions, the Conference generally was in agreement that existing restrictions on the use of factory ships elsewhere than south of latitude 40° south should not be relaxed * * *

There were no points of any importance raised at the Conference upon which agreement was not reached. * * * the Conference expressed the view that two subjects, namely, research on whales, and whale sanctuaries, were matters which were deserving of discussion at the next international whaling conference.

The Final Act of the Conference was signed on January 31st, 1944, by the accredited representatives of the Union of South Africa, the United States, the United Kingdom, Canada, New Zealand and Norway. The Australian representative stated that he had not yet received authority to sign, whereupon the Conference agreed that his signature might be added at any time within thirteen days of the original signature * * *

The publications arising out of the Conference * * * copies of each of which are attached, numbered as indicated below, were as follows:

- (1) Agenda for the first meeting of the International Whaling Conference held at London on January 4, 1944.

* * * * *

(3) Notes by Dr. Mackintosh on:

- (a) size limit for sperm whales,
- (b) protection of humpbacks,
- (c) use of factory ships elsewhere after close of Antarctic season, and
- (d) Pacific sanctuary.

* * * * *

The American delegation is of the impression that the cause of conservation of existing whale stocks was greatly furthered as a result of the Conference proceedings. While the necessity of limited relaxation of existing agreements, because of the reduced number of factory ships presumably available, was recognized in order to aid in meeting current requirements and the anticipated relief needs for oils and fats, the principle of regulation of whaling operations was maintained and in fact strengthened in a manner which seems to give some assurance that reasonable controls can in future be operated. For the first time the principle of a limitation of the catch has been incorporated in an international whaling agreement and the fact that the Conference recommended that it be continued in subsequent years should bode well for the future of international whaling regulation. * * *

Respectfully yours,

REMINGTON KELLOGG
LOYD V. STEERE

Agricultural Attaché

*Delegates of the United States of America,
International Conference on Whaling.*

(Enclosures: * * * see list, page 8.)

[Enclosure 1 to Report of the Delegation of the United States to the International Whaling Conference held at London, January 4, 13, 19 and 31, 1944]

INTERNATIONAL WHALING CONFERENCE

LONDON 1944

AGENDA FOR MEETING ON 4TH JANUARY, 1944

1. Election of Chairman.
2. Statement by British Delegate.
3. Suggestions for temporary relaxation or extension of the International Whaling Agreements.
 - (a) Antarctic Whaling Season.
 - (b) Use of back-meat.
 - (c) Reduction of Size Limit for Sperm Whales.
 - (d) Protection of Humpbacks.
 - (e) Use of factory ships elsewhere after close of Antarctic Season.
4. Limitation of Total Catch.
5. Any other business.

[Enclosure 3 to Report of the Delegation of the United States to the International Whaling Conference held at London, January 4, 13-19 and 31, 1944]

INTERNATIONAL WHALING CONFERENCE LONDON 1944
(Notes by Dr. Mackintosh)

SIZE LIMIT FOR SPERM WHALES

35 ft. is the existing minimum length.

Unlike the whalebone whales, the male Sperm is considerably larger than the female. Sexual maturity is reached at about 39 ft. in males and 30 ft. in females.

Of 1,708 Sperm whales taken off Peru in 1937 (before the 35-ft. limit was applied) about 50% of females and about 12% of males were less than 35 ft., but only about 5% of females and 2½% of males were less than 30 ft.

A size limit of 30 ft. would therefore appear to be almost useless. Indeed, from the biological point of view, the rational method of conserving the stocks of Sperm whales is to fix a minimum of 40 ft. This would allow the catching of any males except those which are immature, but would protect nearly all the females. Since Sperm whales are polygamous a large number of males can be spared, but every female killed impairs the breeding of the stock and provides a relatively small return of oil.

PROTECTION OF HUMPBACKS

Article 1 of the Protocol of 1938 prohibited the catching of Humpbacks by factory ships anywhere south of 40° S. This provision was to hold for one year and was to be extended for a further period as the result of the International Conference held in 1939. There is no doubt that it should be revived. It had become clear before the war that this species was suffering severe depletion. It was even thought desirable to impose a world wide ban on the catching of Humpbacks, but this was found impracticable because certain tropical land stations were wholly dependent on this species, and the prohibition was therefore confined to the Antarctic. The Humpback is the most vulnerable of all species on account of its regular migration routes, its habit of congregating in tropical coastal waters in winter, and the ease with which it is approached by the catchers. The tropical land stations alone have made severe inroads on the stock, and if the Humpbacks are subjected also to attack in the Antarctic in summer the stock of this species will soon be reduced to a small remnant. A large degree of protection is therefore desirable. The Fin whale should be regarded as the main source of whale oil.

USE OF FACTORY SHIPS ELSEWHERE AFTER CLOSE OF ANTARCTIC SEASON

It appears that this mainly concerns the community of Humpbacks — which is concentrated in W. Australian coastal waters in winter,

and which constitutes one of four or five principal groups of Humpbacks in the Southern Hemisphere;

Pre-war catches by factory ships were as follows:—

Year	Humpbacks	Other whales	Factories	Humpbacks per catcher	Oil per catcher (tons)
1936	3,072	21	2	256	1,692
1937	3,242	4	2	281	1,563
1938	917	—	1	174	1,182

The heavy fall in Humpbacks per catcher indicates substantial depletion, especially as the single factory in 1938 had no competition. Oil production fell from about 10,000 to 7,000 tons per factory.

It is not probable (though possible) that the stock has recovered to the 1936 level. Furthermore, if, say three factories operated in the first post-war season they are not likely to take three times as much as one in such a limited field. 25,000 tons seems possible, but the joint production might be less, perhaps only 18-20,000 if the stock has not recovered.

In a second season with three factories a substantially smaller catch must be expected, and the stock might be permanently depleted.

PACIFIC SANCTUARY

Article 2 of the Protocol of 1938 prescribed, for a period of two years, an Antarctic sanctuary for baleen whales in the Pacific sector south of 40° S and between 70° W and 160° W. This provision has now lapsed, but it seems important that it should be reimposed. This can be done without prejudice to the whaling industry, for the Pacific sector is comparatively remote and has never been developed as a whaling ground. The sanctuary would merely prevent whaling spreading to the last undeveloped part of the Antarctic, and it would harbour a reserve stock of whales.

It is hoped that, in the long run, measures for the post-war regulation of whaling will be effective in permanently maintaining the stock of whales in equilibrium, but no one can be certain that such measures will be wholly successful. It is therefore desirable that some reserve should be guarded, even if it is a relatively small part of the present Antarctic stock.

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SCAPIN - 1154

Inclosure e to paragraph 2

Text is included in pages 2 and 3 of the attached SUPPLEMENTARY PROTOCOL CONCERNING WHALING, Senate paper Executive J, 1st Session, 79th Congress.

Record copy of this Inclosure could not be located. December 1964.

SUPPLEMENTARY PROTOCOL CONCERNING WHALING

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A CERTIFIED COPY OF A SUPPLEMENTARY PROTOCOL CONCERNING WHALING SIGNED AT LONDON ON OCTOBER 5, 1945, FOR THE GOVERNMENTS OF THE UNITED STATES OF AMERICA, CANADA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE REPUBLIC OF MEXICO, NEW ZEALAND, AND NORWAY

NOVEMBER 23, 1945.—Protocol was read the first time, and, together with the message and the accompanying report, was referred to the Committee on Foreign Relations and was ordered to be printed for the use of the Senate

NOVEMBER 26, 1945.—Made public

THE WHITE HOUSE, November 23, 1945.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of a supplementary protocol concerning whaling signed at London on October 5, 1945, for the Governments of the United States of America, Canada, the United Kingdom of Great Britain and Northern Ireland, the Republic of Mexico, New Zealand, and Norway. The purpose of the present protocol is to bring into force, without awaiting the accession thereto of the Government of Eire, the protocol signed at London on February 7, 1944, amending the international agreement for the regulation of whaling signed at London on June 8, 1937, as amended by the protocol signed at London on June 24, 1938.

With the supplementary protocol of October 5, 1945, I transmit for the information of the Senate the report relating thereto made to me by the Secretary of State.

HARRY S. TRUMAN.

(Enclosures: (1) Report of the Secretary of State; (2) certified copy of whaling protocol signed October 5, 1945.)

DEPARTMENT OF STATE,
Washington, November 20, 1945.

The President,
The White House.

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a certified copy of a supplementary protocol concerning whaling signed at London on October 5, 1945, for the Governments of the United States of America, Canada, the United Kingdom of Great Britain and Northern Ireland, the Republic of Mexico, New Zealand, and Norway.

The purpose of the protocol herewith submitted is to bring into force, without awaiting the accession thereto of the Government of Eire, the protocol signed at London on February 7, 1944 (Senate Executive D, 78th Cong., 2d sess.), amending the international agreement for the regulation of whaling signed at London on June 8, 1937 (Treaty Series 933), as amended by the protocol signed at London on June 24, 1938 (Treaty Series 944).

As provided in paragraphs (i) and (ii) of article 7 of the aforementioned protocol of February 7, 1944, that protocol could not come into force until instruments of ratification thereof or accession thereto had been deposited on behalf of the Governments of the United Kingdom of Great Britain and Northern Ireland, the United States of America, Canada, Eire, Mexico, New Zealand, and Norway. Such instruments have been deposited for each of those Governments with the exception of the Government of Eire. The supplementary protocol of October 5, 1945, has therefore been signed with a view to bringing into force the protocol of February 7, 1944, at the earliest practicable date in order that it will be effective during the 1945-46 whaling season.

Respectfully submitted.

JAMES F. BYRNES.

(Enclosure: Supplementary protocol concerning whaling, signed October 5, 1945.)

SUPPLEMENTARY PROTOCOL

The Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, Canada, Mexico, New Zealand and Norway:

Having ratified or acceded to the Protocol signed in London on the 7th February, 1944, amending the International Agreement for the Regulation of Whaling, signed in London on the 8th June, 1937, as amended by the Protocol of the 24th June, 1938;

Considering that it is provided under Article 7 that the said Protocol of the 7th February, 1944, shall come into force as soon as ratification or accessions have been deposited on behalf of all the Governments referred to in paragraph (i) of that Article;

Considering further that ratifications or accessions have been deposited on behalf of all the said Governments with the exception of the Government of Eire; and

Desiring that the said Protocol shall be brought into force without awaiting the accession of the Government of Eire;

Have decided to conclude a Supplementary Protocol for this purpose and have agreed as follows:-

ARTICLE I.

Notwithstanding the provisions of paragraphs (i) and (ii) of Article 7 of the Protocol on the Regulation of Whaling, signed in London on the 7th February, 1944, the said Protocol shall, on the signature of the present Supplementary Protocol, be deemed to come into force with respect to States signing the present Protocol, except that the said Protocol shall come into force with respect to any State signing the present Protocol subject to ratification upon receipt of notice of ratification by the Government of the United Kingdom.

In witness whereof, the Undersigned, duly authorised by their respective Governments have signed the present Supplementary Protocol.

Done in London this 5th day of October, 1945, in a single copy which shall be deposited in the archives of the Government of the United Kingdom and of which certified copies shall be transmitted to all the signatory Governments.

For the Government of the United States of America:

JOHN G. WINANT.

Subject to ratification.

For the Government of Canada:

FREDERIC HUDD.

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

O. G. SARGENT.

For the Government of the Republic of Mexico:

ALFONSO DE ROSENZWEIG DÍAZ.

For the Government of New Zealand:

R. M. CAMPBELL.

For the Government of Norway:

ERIK COLBAN.

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SCAPIN - 1154

Inclosure f to paragraph 2

Text is included in pages 4 - 13 of the attached PROTOCOL AMENDING THE INTERNATIONAL AGREEMENT FOR THE REGULATION OF WHALING, Senate paper Executive I, 2d Session, 79th Congress.

Record copy of this Inclosure could not be located. December 1964.

Present Order

PROTOCOL AMENDING THE INTERNATIONAL AGREEMENT FOR THE REGULATION OF WHALING

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A CERTIFIED COPY OF A PROTOCOL SIGNED AT LONDON ON NOVEMBER 26, 1945, FOR THE UNITED STATES OF AMERICA AND OTHER COUNTRIES, AMENDING IN CERTAIN PARTICULARS THE INTERNATIONAL AGREEMENT FOR THE REGULATION OF WHALING, SIGNED AT LONDON ON JUNE 8, 1937, AS AMENDED BY THE PROTOCOL SIGNED AT LONDON ON JUNE 24, 1938.

JULY 19, 1946.—Protocol was read the first time, the injunction of secrecy was removed therefrom, and, together with the message, the accompanying report by its Secretary of State, and other documents, was referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate.

THE WHITE HOUSE, July 19, 1946.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of a protocol signed at London on November 26, 1945, for the United States of America, the Union of South Africa, the Commonwealth of Australia, Canada, Denmark, the Provisional Government of the French Republic, the United Mexican States, the Netherlands, New Zealand, Norway, and the United Kingdom of Great Britain and Northern Ireland, amending in certain particulars the international agreement for the regulation of whaling signed at London on June 8, 1937, as amended by the protocol signed at London on June 24, 1938.

I transmit also for the information of the Senate the report made to me by the Secretary of State regarding the protocol signed at London on November 26, 1945, with accompanying documents, namely, a certified copy of the final act of the International Whaling Conference at which that protocol was drafted and recommended,

and a copy of the report of the United States delegation to that Conference. The final act does not require ratification and is submitted only as explanatory of the amendments made to the whaling agreement of June 8, 1937, and the protocol of June 24, 1938.

HARRY S. TRUMAN.

(Enclosures: (1) Report of the Secretary of State, (2) certified copy of the protocol signed at London November 26, 1945, (3) certified copy of the final act of the International Whaling Conference held at London November 20, 21, 22, 23, and 26, 1945, (4) copy of the report of the United States delegation.)

DEPARTMENT OF STATE,
Washington, July 18, 1946.

THE PRESIDENT,
The White House:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a certified copy of a protocol signed at London on November 26, 1945, for the United States of America, the Union of South Africa, the Commonwealth of Australia, Canada, Denmark, the Provisional Government of the French Republic, the United Mexican States, the Netherlands, New Zealand, Norway, and the United Kingdom of Great Britain and Northern Ireland, amending in certain particulars the international agreement for the regulation of whaling signed at London on June 8, 1937 (Treaty Series 933), as amended by the protocol signed at London on June 24, 1938 (Treaty Series 944).

The provisions of the present protocol were drafted and recommended by the International Whaling Conference, held at London on November 20, 21, 22, 23, and 26, 1945. The object of that Conference was to consider whether special measures should be put into force for the 1946-47 whaling season. Because of the acute shortage of fats and oils and in view of the probability that the fats and oil situation would continue to be serious through 1947, it was agreed to relax for another year certain provisions of the above-mentioned whaling agreement of 1937, as amended. It was agreed also to carry over for the 1946-47 season, with revisions, regulations similar to those set forth in the protocol signed at London on February 7, 1944 (Senate Executive D, Seventy-eighth Congress, second session). Article 4 of the 1944 protocol provided for its termination after the first season in which whaling operations were resumed, which was the 1945-46 season.

For the information of the Senate, as explanatory of the amendments to the international agreement of 1937 for the regulation of whaling and the protocol of 1938, there is enclosed a certified copy of the final act of the 1945 Conference. The final act does not require ratification.

Article 1 of the present protocol amends article 7 of the 1937 agreement. It extends for the 1946-47 season the period during which factory ships or whale catchers attached thereto may be used to take or treat baleen whales in waters south of 40° south latitude from the

period December 8 to March 7 to the period December 8 to April 7. This is a continuation of the 4 months' season authorized in the 1944 protocol, with the exception that the starting date for the season is changed from November 24 to December 8, the date originally established by the 1937 agreement. The closing date is changed from March 24 to April 7 to compensate for the later opening of the season. The representatives at the Conference were of the view that whales taken prior to December 8 had not spent sufficient time in the Antarctic feeding grounds to accumulate the optimum amount of fat, and that many of the whales carrying young have left the Antarctic feeding grounds prior to this date. At the same time it was thought practicable to extend the season beyond March 24, because recent experience had given some indication that ice conditions were not as important a factor as had been thought in the past.

Article 2 is carried over in identical substance from article 1 (ii) of the 1944 protocol. It provides that each contracting government intending to operate a factory ship in the area defined by article 7 of the 1937 agreement will notify the British Government, which in turn will inform the other contracting governments of such notice.

Article 3 continues the prohibition relating to the taking of humpback whales in any waters south of 40° south latitude originally contained in article 1 of the 1938 protocol and reimposed by article 2 of the 1944 protocol. The purpose of this prohibition is to protect humpback whale stocks in certain areas from depletion.

Article 4 retains the provision of the 1944 protocol imposing a limit of 16,000 blue-whale units as the maximum catch of baleen whales in the 1946-47 season in the area defined by article 7 of the 1937 agreement. In addition, it provides machinery, which was not included in the 1944 protocol, to prevent the catch from exceeding the blue-whale-unit quota. Each contracting government undertakes to insure the submission of a weekly report to the International Bureau for Whaling Statistics on the number of blue-whale units caught by each of its factory ships. If it appears from this information that the annual limit of 16,000 blue-whale units will be attained before April 7, the above-mentioned Bureau shall be requested to determine an earlier closing date and notify each contracting government thereof at least 2 weeks in advance. The taking of baleen whales in the area referred to shall be illegal after the date so determined.

Article 5 relaxes, during the period May 1 to October 31, 1947, the provisions of article 3, paragraph 2, of the 1938 protocol on the operation of factory ships as land stations in territorial waters.

Article 6 defines the expressions and technical terms used in the present protocol.

Articles 7, 8, and 9 are formal in their character. They relate to ratification of the protocol, accession thereto, and its entry into force. Article 8 provides that the present protocol shall come into force in its entirety as soon as instruments of ratifications or notifications of accessions have been deposited on behalf of all the signatory governments. The deposit of ratifications, however, by at least three signatory governments will make binding on those governments and each other government which subsequently ratifies or accedes, those portions of the present protocol which do not provide for relaxation of restrictions contained in previous whaling agreements which are still in force. The ratification of or accession to the present protocol

will not be effective for any government not a party to the 1937 agreement and the 1938 protocol until such government becomes a party to that agreement and protocol.

For the further information of the Senate, a copy of the report of the delegation of the United States to the International Whaling Conference held at London November 20, 21, 22, 23, and 26, 1945, is furnished herewith.

Respectfully submitted,

JAMES F. BYRNES.

(Enclosures: (1) Certified copy of the protocol signed at London November 26, 1945; (2) certified copy of the final act of the International Whaling Conference held at London November 20, 21, 22, 23, and 26, 1945; (3) copy of the report of the United States delegation.)

PROTOCOL AMENDING THE INTERNATIONAL AGREEMENT FOR THE REGULATION OF WHALING

The Governments of the Union of South Africa, the Commonwealth of Australia, Canada, Denmark, France, Mexico, the Netherlands, New Zealand, Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

Desiring, in view of the fact that pelagic whaling operations in the area defined by Article 7 of the International Agreement for the Regulation of Whaling, signed at London on the 8th June, 1937 (hereinafter referred to as the Principal Agreement), as amended by the Protocol signed at London on the 24th June 1938 (hereinafter referred to as the Protocol of 1938), have been interrupted for a considerable period by the war, and in order to meet the emergency produced by post-war conditions without prejudice to the conservation of stocks of whales, to put into force by agreement such provisions as may be necessary in regard to pelagic whaling for the season 1946-47;

Have agreed as follows:—

ARTICLE 1.

Subject to the provisions of Article 3 of the present Protocol, the period fixed by Article 7 of the Principal Agreement, during which factory ships or whalecatchers attached thereto may be used for the purpose of taking or treating baleen whales, shall be extended for the season 1946-47 so as to cover the period from the 8th December to the 7th April inclusive.

ARTICLE 2.

Each contracting Government shall give notice to the Government of the United Kingdom when factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the area defined by Article 7 of the Principal Agreement. The Government of the United Kingdom will inform the other contracting Governments of all notices received under this paragraph and shall itself similarly give notice to the other contracting Governments if factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the said area.

ARTICLE 3.

The prohibition contained in Article 1 of the Protocol of 1938 relating to the taking of hump back whales in any waters south of 40° south latitude shall apply during the season of 1946-47.

ARTICLE 4.

(1) During the season of 1946-47 the number of baleen whales caught in the area defined by Article 7 of the Principal Agreement shall not exceed 16,000 blue whale units.

(2) For the purposes of paragraph 1 of this Article blue whale units shall be calculated on the basis that one blue whale equals —

- (a) Two fin whales or
- (b) Two and a half hump back whales or
- (c) Six sei whales.

(3) Each contracting Government undertakes to ensure that the International Bureau for Whaling Statistics shall be provided, within two days after the end of each calendar week, with data on the number of blue whale units caught by each factory ship under the jurisdiction of the said Government in the area defined by Article 7 of the Principal Agreement. The Government of the United Kingdom shall consult from time to time with the International Bureau for Whaling Statistics and if it should appear that the annual quota provided by paragraph (1) of this Article may be reached before the 7th April, the International Bureau for Whaling Statistics shall be requested to determine, on the basis of the data provided, the date on which the annual quota of blue whale units shall be deemed to have been reached and to notify each contracting Government of that date not less than two weeks in advance thereof. The taking of baleen whales shall be illegal after the date so determined.

ARTICLE 5.

The provisions of Article 3, paragraph (2), of the Protocol of 1938, regarding the operation of factory ships as land stations in the territorial waters of any contracting Government, shall not apply during the period from 1st May, 1947, to 31st October, 1947, inclusive.

ARTICLE 6.

(1) In the present Protocol the following expressions shall have the meanings assigned to them in Article 18 of the Principal Agreement: "factory ship," "whalecatcher," "land station," "baleen whale," "blue whale," "hump back whale," "fin whale."

(2) Sei whale means, for the purposes of this Protocol, any whale known by the name of *Balaenoptera borealis*, sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale, and shall be taken to include *Balaenoptera brydei*, Bryde's whale.

(3) The expression "land station" shall, for the purposes of Article 5 of the present Protocol, include a factory ship the movements and anchorage of which are confined to the territorial waters of any contracting Government.

ARTICLE 7.

(1) The present Protocol shall be ratified and the instruments of ratification deposited as soon as possible with the Government of the United Kingdom; and it shall be open to accession on behalf of any Government which is a party to the Principal Agreement and the Protocol of 1938 and has not signed the present Protocol.

(2) Accession shall be effected by notification addressed to the Government of the United Kingdom.

(3) The Government of the United Kingdom shall inform the Governments which are parties or signatories to the present Protocol of all ratifications of this Protocol or accessions thereto.

ARTICLE 8.

(1) The present Protocol shall come into force in its entirety when all the Governments referred to in the Preamble hereof shall have deposited their instruments of ratification or given notifications of accession.

(2) The provisions of this Article and Articles 2, 3, 4, 6 (1), 6 (2) and 7 of the present Protocol shall, when instruments of ratification have been deposited by at least three signatory Governments, become binding on those Governments and shall become binding on each other Government which subsequently ratifies or accedes, on the date of the deposit of its instrument of ratification or notification of its accession.

(3) The ratification of or accession to the present Protocol by a Government which is not a party to the Principal Agreement and the Protocol of 1938 shall not become effective until such Government becomes a party to that Agreement and Protocol of 1938.

ARTICLE 9.

The present Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of 14 days thereafter.

In witness whereof the undersigned plenipotentiaries being duly authorized to this end by their respective Governments have signed the present Protocol.

Done at London this 26th day of November, 1945, in a single copy which shall remain deposited in the archives of the Government of the United Kingdom, by whom certified copies will be transmitted to all the Governments referred to in the preamble.

For the Government of the Union of South Africa:

A. P. VAN DER POST.

For the Government of the Commonwealth of Australia:

J. S. DUNCAN.

For the Government of Canada:

VINCENT MASSEY.

For the Government of Denmark:

P. F. ERICHSEN.

For the Provisional Government of the French Republic:

NOËL HENRY.

For the Government of the United Mexican States:

ALFONSO DE ROSENZWEIG DIAZ.

For the Government of the Netherlands:

E. TEIXEIRA DE MATTOS.

For the Government of New Zealand:

R. M. CAMPBELL.

For the Government of Norway:

BERGER BERGERSEN.

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

A. T. A. DOBSON

J. E. DE WATTEVILLE

For the Government of the United States of America:

REMINGTON KELLOGG.

IRA N. GABRIELSON.

Certified a true copy.

FOREIGN OFFICE

LONDON

27 Dec 1945

D. A. BIGBY

*Acting Librarian and Keeper of the Papers for
the Secretary of State for Foreign Affairs*

INTERNATIONAL WHALING CONFERENCE, LONDON, NOVEMBER 1945

FINAL ACT.

An International Whaling Conference was opened in London on the 20th November, 1945, and continued on the 21st, 22nd and 23rd November, 1945.

The Governments of the countries mentioned below were represented as follows:

Union of South Africa:

Mr. A. P. van der Post.

Australia:

Mr. G. G. Setter.

Mr. V. C. Duffly.

Canada:

Mr. E. MacLeod.

Denmark:

M. P. F. Erichsen.

France:

M. Noël Henry.

M. A. Alloy.

M. A. Perier.

M. J. J. le Gall.

M. A. Anziani.

M. P. Budker.

Mexico:

Lieut.-Commander Alfredo.

Marques Ricaño (Observer).

Netherlands:

Dr. J. J. Oyevaar.

Dr. D. J. Van Dijk.

Dr. A. G. U. Hildebrandt.

Newfoundland:

Mr. J. L. Murphy (Observer).

New Zealand:

Mr. W. E. Pratt.

Norway:

Professor B. Bergersen.

M. V. Vose.

M. Knudtzen.

M. J. Melander.

M. Paulsen.

M. Winge Soerensen.

M. A. Birkeland.

United Kingdom:

Mr. A. T. A. Dobson.

Mr. P. D. H. Dunn.

Mr. J. Thomson.

Mr. J. E. de Watteville.

Mr. R. C. Cox.

Mr. J. E. S. Fawcett.

Dr. N. A. Mackintosh.

Mr. J. B. S. MacLeod.

Mr. R. H. Burt.

Mr. A. G. Blake.

United Kingdom—Continued

Mr. A. R. W. Harrison.
Captain H. K. Salvesen.

United States of America:

Dr. Remington Kellogg.
Dr. Ira N. Gabrielson.
Dr. Hilary J. Deason.

United States of America—Con.

Commander James D. Cralik.
Dr. Donald D. Kennedy.
Mr. Charles J. Bevans.
Dr. William E. S. Flory.
Mr. John M. Allison.
Miss Zelda Wolf.

Mr. A. T. A. Dobson (United Kingdom) was invited to preside over the Conference, and Mr. A. M. Lowe and Miss U. Borenus (United Kingdom), assisted by a member of the United States of America Delegation, acted as Secretaries.

The object of the Conference was to consider what special measures should be put in force by agreement in respect of the whaling season 1946/47. All the Governments represented at the Conference were parties or signatories to the International Agreement for the Regulation of Whaling signed at London on the 8th June 1937.

The Conference having heard a statement on behalf of the Minister of Food of the United Kingdom on the present position of world stocks of oils and fats, and the prospects in the near future, came to the conclusion that, so far as whaling is concerned, some special relaxation of the Agreement of 1937 and the Protocol of 1938 was desirable for the season 1946/47.

On the other hand the Conference was impressed with two main considerations. In the first place it was of vital importance to further the conservation of existing whale stocks, which prior to the war were already showing signs of depletion. Secondly, it was of equal importance that any temporary relaxation of the existing regulations should not serve to encourage countries that had not taken part in whaling operations before to enter the industry only to find that ultimately their expeditions might not prove financially profitable.

The Conference had the advantage of perusing a number of papers submitted by the various delegates, and in particular was grateful to the Norwegian Delegation for the very full statistical material relating to the whaling industry as a whole which was of inestimable value.

The Conference adopted at its final meeting the following resolutions:—

(i) "That it is desirable that a Protocol, in the terms of the Annex to this resolution, should be signed and brought into force as soon as possible; that the Government of the United Kingdom is requested to make early arrangements for the signature of this Protocol by duly accredited representatives; that as this Protocol makes certain temporary amendments to the Agreement of 1937, as amended by the Protocol of 1938, all Governments which are parties to those instruments should be invited either to sign the present Protocol or to accede thereto; that Governments which are signatories to the Agreement of 1937 and Protocol of 1938 but have not become parties thereto by ratification should be invited to ratify those instruments and to sign the annexed Protocol or to accede thereto; and that copies of this Final Act and the Annex thereto should be communicated to all such Governments which are not represented at the present Conference and to any other interested Governments."

(ii) "That the Governments parties or signatories to the 1937 Agreement take such measures as may be appropriate to facilitate

the exchange of scientific and other data on whales and whaling. The Conference likewise recommends the interchange of exports on whale biology and collaboration among those Governments on research and scientific studies pertaining to whales."

(iii) "That the regulations of the several Governments should provide that (1) the official measurements as required in Article 16 of the 1937 Agreement shall be taken by the inspector when the whale is at rest on deck or platform in accordance with the definition of 'length' in Article 18 of that Agreement, and (2) the other data required by Article 16 shall be verified by the inspector at the time of tally."

The Conference considered a proposal by the Delegation of the United States of America that the contracting Governments should prohibit the sale, loan or delivery of vessels, equipment or supplies designed especially for whaling operations, or known to be intended for such operations, to any Government or the national of any Government not a party or a signatory to the Whaling Agreement of 1937. The Conference, however, was unable, owing to uncertainty as to the necessary legislative powers in the various countries, to include these provisions in the Protocol, but recognizing the vital necessity for this prohibition adopted the following resolution:

(iv) "That the various Governments should take all practicable steps to prohibit the sale, loan or delivery of vessels, equipment or supplies designed especially for whaling operations, or known to be intended for such operations, to any Government or the nationals of any Government not a party or signatory to the Whaling Agreement of 1937."

The Conference also gave consideration to urgent representations by the Norwegian and United Kingdom representatives that as, owing to unforeseen circumstances, certain factory ships would be unable to reach the whaling grounds by the 24th November, 1945, they should be permitted to operate with a full complement of catchers for a continuous period of four months from the date in which they were able to commence operations.

The Conference recognised the vital importance of acquiring all the oil possible during the 1945/46 season, and considered that it would be highly detrimental to world oil supplies if the limited number of expeditions were unable to fish for the full four months owing to circumstances not only beyond their control, but due primarily to the aftermath of the war.

While unable to include any provision on this subject in the Protocol on account of the difficulty of obtaining the necessary ratifications in time for this provision to be effective, the Conference adopted the following resolutions:

(v) "That every effort should be made to overcome the legal difficulties and obtain special authority for the required extension of the 1945/46 season in the case of the particular factory ships which cannot reach the grounds by the opening date."

Done in London the twenty-sixth day of November, 1945, in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, and of which certified copies shall be transmitted to all the signatory Governments.

- For the Government of the Union of South Africa:
A. P. VAN DER POST.
- For the Government of the Commonwealth of Australia:
G. G. SETTER.
V. C. DUFFY.
- For the Government of Canada:
E. MACLEOD.
- For the Government of Denmark:
P. F. ERICKSEN.
- For the Provisional Government of the French Republic:
NOËL HENRY.
PAUL BUDKER.
ALLOY
A. ANZIANI.
A. PERIER.
- For the Government of the United Mexican States:
A. MARQUEZ R.
- For the Government of the Netherlands:
A. G. U. HILDEBRANDT.
- For the Government of Newfoundland:
J. L. MURPHY.
- For the Government of New Zealand:
W. E. PRATT.
- For the Government of Norway:
BIRGER BERGERSEN.
H. TH. KNUDTZON.
JOHAN NELANDER.
HARALD B. PAULSEN.
- For the Government of the United Kingdom of Great Britain and Northern Ireland:
A. T. A. DOBSON.
P. D. H. DUNN.
JOHN THOMSON.
J. E. DE WATTEVILLE.
R. C. COX.
J. E. S. FAWCETT.
N. A. MACKINTOSH.
STUART MACLEOD.
R. H. BURT.
A. G. BLAKE.
- For the Government of the United States of America:
REMINGTON KELLOGG.
IRA N. GABRIELSON.
DONALD KENNEDY.
JOHN M. ALLISON.
WILLIAM E. S. FLORY.
CHARLES I. BEVANS.
HILARY J. DEASON.
JAMES D. CRAIK.

A. M. LOWE.
U. BORENIUS.
Secretaries.

ANNEX TO RESOLUTION No. 1

DRAFT PROTOCOL

The Governments of the Union of South Africa, the Commonwealth of Australia, Canada, Denmark, France, Mexico, the Netherlands, New Zealand, Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America:

Desiring, in view of the fact that pelagic whaling operations in the area defined by Article 7 of the International Agreement for the Regulation of Whaling, signed at London on the 8th June, 1937 (hereinafter referred to as the Principal Agreement), as amended by the Protocol signed at London on the 24th June, 1938 (hereinafter referred to as the Protocol of 1938), have been interrupted for a considerable period by the war, and in order to meet the emergency produced by postwar conditions without prejudice to the conservation of stocks of whales, to put into force by agreement such provisions as may be necessary in regard to pelagic whaling for the season 1946/47.

Have agreed as follows:—

ARTICLE 1.

Subject to the provisions of Article 4 of the present Protocol, the period fixed by Article 7 of the Principal Agreement during which factory ships or whale catchers attached thereto may be used for the purpose of taking or treating baleen whales shall be extended for the season 1946/47 so as to cover the period from the 8th December to the 7th April inclusive.

ARTICLE 2.

Each contracting Government shall give notice to the Government of the United Kingdom when factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the area defined by Article 7 of the Principal Agreement. The Government of the United Kingdom will inform the other contracting Governments of all notices received under this paragraph and shall itself similarly give notice to the other contracting Governments if factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the said area.

ARTICLE 3.

The prohibition contained in Article 1 of the Protocol of 1938 relating to the taking of humpback whales in any water south of 40° south latitude shall apply during the season of 1946/47.

ARTICLE 4.

(1) During the season of 1946/47 the number of baleen whales caught in the area defined by Article 7 of the Principal Agreement shall not exceed 16,000 blue whale units.

(2) For the purposes of paragraph (1) of this Article blue whale units shall be calculated on the basis that one blue whale equals—

- (a) Two fin whales or
- (b) Two and a half humpback whales or
- (c) Six sei whales.

(3) Each contracting Government undertakes to ensure that the International Bureau for Whaling Statistics shall be provided, within two days after the end of each calendar week, with data on the number of blue whale units caught by each factory ship under the jurisdiction of the said Government in the area defined by Article 7 of the Principal Agreement. The Government of the United Kingdom shall consult from time to time with the International Bureau for Whaling Statistics and, if it should appear that the annual quota provided by paragraph (1) of this Article may be reached before 7th April, the International Bureau for Whaling Statistics shall be requested to determine, on the basis of the data provided, the date on which the annual quota of blue whale units shall be deemed to have been reached and to notify each contracting Government of that date not less than two weeks in advance thereof. The taking of baleen whales in the said area shall be illegal after the date so determined.

ARTICLE 5.

The provisions of Article 3, paragraph (2), of the Protocol of 1938, regarding the operation of factory ships as land stations in the territorial waters of any contracting Government, shall not apply during the period from 1st May, 1947, to 31st October, 1947, inclusive.

ARTICLE 6.

(1) In the present Protocol the following expressions shall have the meanings assigned to them in Article 18 of the Principal Agreement: "factory ship," "whale catcher," "land station," "baleen whale," "blue whale," "humpback whale," "fin whale."

(2) Sei whale means for the purposes of this Protocol, any whale known by the name of *Balaenoptera borealis*, sei whale, Rudolphi's rorqual, pollack whale, or coal-fish whale, and shall be taken to include *Balaenoptera brydei*, Bryde's whale.

(3) The expression "land station" shall, for the purposes of Article 5 of the present Protocol, include a factory ship the movements and anchorage of which are confined to the territorial waters of any contracting Government.

ARTICLE 7.

(1) The present Protocol shall be ratified and the instruments of ratification deposited as soon as possible with the Government of the United Kingdom; and it shall be open to accession on behalf of any Government which is a party to the Principal Agreement and the Protocol of 1938 and has not signed the present Protocol.

(2) Accession shall be effected by notification addressed to the Government of the United Kingdom.

(3) The Government of the United Kingdom shall inform the Governments which are parties or signatories to the present Protocol of all ratifications of this Protocol or accessions thereto.

ARTICLE 8.

(1) The present Protocol shall come into force in its entirety when all the Governments referred to in the Preamble hereof shall have deposited their instruments of ratification or given notifications of accession.

(2) The provisions of this Article and Articles 2, 3, 4, 6 (2), and 7 of the present Protocol shall, when instruments of ratification have been deposited by at least three signatory Governments, become binding on those Governments and shall become binding on each other Government which subsequently ratifies or accedes on the date of the deposit of its instrument of ratification or notification of its accession.

(3) The ratification of or accession to the present Protocol by a Government which is not a party to the Principal Agreement and the Protocol of 1938 shall not become effective until such Government becomes a party to that Agreement and the Protocol of 1938.

ARTICLE 9.

The present Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of 14 days thereafter.

In witness whereof the undersigned plenipotentiaries being duly authorized to this end by their respective Governments have signed the present Protocol.

Done at London this _____ day of November, 1945, in a single copy which shall remain deposited in the archives of the Government of the United Kingdom, by whom certified copies will be transmitted to all the Governments referred to in the preamble.

Certified a true copy.

FOREIGN OFFICE
LONDON
27 Dec 1945

D. A. BIGBY
*Acting Librarian and Keeper of the Papers for the Secretary
of State for Foreign Affairs*

REPORT OF THE DELEGATION OF THE UNITED STATES TO THE INTERNATIONAL WHALING CONFERENCE, HELD AT LONDON, NOVEMBER 20, 21, 22, 23, AND 26, 1945.

The Honorable, the SECRETARY OF STATE,
Washington, D. C.

SIR: The International Whaling Conference convened in London on November 20, 1945, under the chairmanship of Mr. A. T. A. Dolson, Fisheries Secretary, British Ministry of Agriculture and Fisheries. The business of the Conference was continued on November 21st, 22nd and 23rd and concluded on November 26th, 1945 with the signature of the Final Act of the Conference and of a Protocol.

The countries represented by official delegates were as follows: Union of South Africa, Australia, Canada, Denmark, France, Netherlands, New Zealand, Norway, United Kingdom of Great Britain and Northern Ireland, and the United States of America. Mexico and Newfoundland were represented by observers. A total of forty-five delegates, observers and technical assistants attended the meetings of the Conference.

The American Delegates were Dr. Remington Kellogg, of the Smithsonian Institution, Chairman of the Delegation of the United

States of America, and Dr. Ira N. Gabrielson, Director of the Fish and Wildlife Service, Department of the Interior. Technical advisers to the delegates were Donald D. Kennedy, Chief, International Resources Division, Department of State; John M. Allison, First Secretary, United States Embassy, London; William E. S. Flory, International Resources Division, Department of State, Secretary of the Delegation of the United States of America; Charles I. Bevans, Division of Research and Publication, Department of State; Dr. H. J. Deason, Fish and Wildlife Service, Department of the Interior; and Commander James D. Craik, United States Coast Guard.

All formal discussions took place in the eight plenary sessions. Secretarial work of the Conference was performed by personnel of the British Ministry of Agriculture and Fisheries. At the request of the Chairman for the Conference, Mr. Bevans (United States) assisted the Foreign Office representatives in the drafting of the Protocol and the Final Act.

The results of the Conference are embodied in: (1) A Final Act, consisting, among other items, of resolutions which are in the nature of recommendations to the participating governments. (2) A Protocol covering the 1946-47 whaling season, composed of nine articles amending the International Agreement for the Regulation of Whaling, signed at London on June 8, 1937, hereafter referred to below as the Principal Agreement, as amended by the Protocol signed at London on June 24, 1938.

The following brief description is confined to those Articles of the Protocol of November 23, 1935, referred to below as the present Protocol, which appear to require further explanation.

Article 1

Article 1 provides for the extension of the whaling season in waters south of latitude 40° south so as to permit factory ship operations for baleen whales, excepting humpback whales, during the period from 8th December to 7th April, both dates inclusive.

Article 7 of the Principal Agreement provides for a season extending from 8th December to the 7th March both dates inclusive. The desirability of extending the whaling season to permit four months operation, because of the acute fats and oils shortage and the probability that the reduced whaling fleet could not attain the Antarctic catch limit of 16,000 blue whale units within a three months season, had been recognized earlier in the Protocol signed at London on February 7, 1944. This Protocol of February 7, 1944 prescribed, for one season, the four months period from the 21st November to the 21st March both dates inclusive.

Because of the probability that the fats and oils situation will continue to be serious through 1947, it was agreed at the present Conference that pelagic whalers should be permitted to operate for a four months period during the 1946-47 season. The starting date for the season was changed to the 8th December, as established under the provisions of the Principal Agreement, because whales caught prior to that date would not have spent sufficient time in the Antarctic feeding grounds to accumulate the optimum amount of fat, and because many of the whales carrying young are believed to have left the Antarctic feeding grounds prior to this date.

March 24, established in the Protocol of 1944 as the terminating date, was changed to the 7th April in order to compensate for the late

opening of the season. It was originally thought that ice conditions would make whaling operations impracticable beyond the 24th March, but recent experience has pointed toward the feasibility of open sea whaling during the latter part of the season. Results of whaling in April may be sporadic because whales have begun to migrate to warmer water and operations in open water require more widespread hunting, but satisfactory catches can be expected.

Article 2

It was agreed that any party to the present Protocol intending to operate a factory ship in the area defined by Article 7 of the Principal Agreement would notify the British Government who in turn would inform the other contracting parties. This article is carried over in substance from the Protocol of February 7, 1944.

Article 3

The Conference reimposed the prohibition on the taking of humpback whales in waters south of 40° south latitude. It was emphasized that there was no definite information showing that stocks of this species had recovered and that there is some evidence that over-fishing may have been the cause for depleting Antarctic stocks of humpbacks in certain areas of Western Australia. This prohibition was originally contained in Article 1 of the Protocol of June 24, 1938, reimposed by Article 2 of the Protocol of February 7, 1944.

Article 4

This article provides for the retention of the catch limit of 16,000 blue whale units in the area defined by Article 7 of the Principal Agreement. It was suggested that increasing the limit to 20,000 blue whale units might be justified in view of the world scarcity of fats and oils. However, it was the view of the Conference that any relaxation of the catch limit of 16,000 units, as provided for in Article 3 of the Protocol of February 7, 1944, would jeopardize future conservation programs. Statistics covering a major portion of the decade prior to 1940 show that whale oil production had increased only ten per cent, while the number of factory ships and their accompanying catchers had been doubled. Between 1932 and 1938 the number of blue whales taken per catcher was reduced by more than two-thirds. The increased number of factory vessels, technical advancements and unrestrained killing are believed to have been primarily responsible for the rapid depletion of the Antarctic whale population.

Paragraph 3 of this article provides machinery to prevent the catch from exceeding the blue whale unit limit. The Protocol of February 7, 1944, provided for consultation with a view to assuring that the catch would not exceed the limit. However, provision for the establishment of specific machinery to implement the limitation has been included in the present Protocol. It is provided that the International Bureau of Whaling Statistics be provided with a weekly catch report for each factory ship of the contracting governments; if it should appear from this information that the annual limit will be attained prior to the 7th April, the International Bureau of Whaling Statistics shall be requested to designate an earlier closing of the season and to communicate this information to all contracting governments at least two weeks in advance of the effective date.

Article 5

It was necessary to relax the provisions of the Protocol of June 24, 1938, in order to permit factory vessels to operate as land stations within territorial waters. Article 3, paragraph 2 of the Protocol of June 24, 1938, limited the operation of factory ships in territorial waters to those which operated during 1937 and on condition that they be treated as land stations, that they be moored in territorial waters in one position during the season, and that they operate not more than six months out of each twelve months, such six months' operation to be continuous. The present Protocol suspends the restrictions, but provides in Article 6, paragraph 3, that the term "land station" is defined to include a factory ship whose movements and anchorage are confined to territorial waters.

Article 7

This Article relates to ratifications, accessions and notifications.

Article 8

Paragraph 1 requires that deposit of instruments of ratification or notification of accession by all signatory governments is necessary for the present Protocol to come into force in its entirety. However, paragraph 2 provides conditions whereby certain portions of the present Protocol, not constituting relaxations of restrictions contained in previous agreements which are still in effect, may be binding upon ratifying and acceding governments prior to entry into force of the entire Protocol.

Although, in light of present circumstances, the need for a limited temporary relaxation of whaling restrictions was quite generally accepted at the Conference, the spirit which has thus far guided the international whale-conservation program was in no way departed from.

Resolutions appearing in the Final Act include a number of provisions pertinent to the future of whaling. Because there was deemed to be insufficient time for all countries to overcome certain legal difficulties involved in time to permit the present Protocol to become effective at an early date, it was considered inadvisable to include these provisions as binding during the 1946-47 whaling season.

The need for some form of permanent Commission to perform on a continuing basis certain functions pertaining to the regulation of whaling was recognized and it was suggested that further study as to the composition and powers of such a commission should be made in order that some concrete action on this matter may be initiated at the next international whaling conference.

Respectfully yours,

REMINGTON KELLOGG
Remington Kellogg
IRA N. GABRIELSON
Ira N. Gabrielson

Delegates of the United States of America, International Conference on Whaling

SCAPIN - 1154

Inclosure g to paragraph 2

Text is in attached SUPPLEMENTARY PROTOCOL

Record copy of this Inclosure could not be located. December 1964.

SUPPLEMENTARY PROTOCOL.

THE Governments of Canada, Chile, Denmark, Mexico, the Netherlands, New Zealand, Norway, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the Union of South Africa

Desiring, in view of the serious effect which the war conditions and those arising in the immediately post-war period have had on the world supply of whale oil, which is principally obtained from pelagic whaling operations regulated by the International Agreement for the Regulation of Whaling signed at London on the 8th June, 1937 (hereinafter referred to as the Principal Agreement) as amended by the Protocols signed at London on the 24th June, 1938, and the 7th February, 1944, to put into force by agreement certain supplementary provisions in regard to pelagic whaling for the season 1945-46:

Have agreed as follows:

ARTICLE 1.

(1) Notwithstanding the provisions of Article 7 of the Principal Agreement as amended by Article 1 of the Protocol of the 7th February, 1944, but subject to the provisions of Article 3 of that Protocol, any factory ship which, through unforeseen circumstances, has been unable to reach the whaling grounds until after the 24th November, 1945, shall be permitted to continue whaling operations after the 24th March, 1946, for a period not exceeding two calendar months from that date, provided that in no case shall it operate for a total period in excess of four months, such period to be continuous.

(2) For this purpose a full complement of not more than ten whale catchers may be employed by each factory ship, regardless of the period which such catchers may have already spent on the whaling grounds.

ARTICLE 2.

The present Protocol shall come into force with respect to the Governments referred to in the preamble thereto on its signature on behalf of *all* the said Governments, except that the said Protocol shall come into force with respect to any Government signing subject to ratification upon receipt by the Government of the United Kingdom of notice of ratification.

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

Done in London, the 15th day of March, 1946, in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland and of which certified copies shall be transmitted to all the signatory Governments.

For the Government of Canada:

FREDERIC HUDD.

For the Government of Chile:

MANUEL BIANCHI.

For the Government of Denmark:

E. REVENTLOW.

For the Government of the United Mexican States:

ED. LUQUIN.

For the Government of the Netherlands:
A. BENTINCK.

For the Government of New Zealand:
R. M. SUNLEY.

For the Government of Norway:
ERIK COLBAN.

For the Government of the United Kingdom of Great Britain and
Northern Ireland:
A. T. A. DOBSON.

For the Government of the United States of America:
Subject to ratification.
W. J. GALLMAN.

For the Government of the Union of South Africa:
A. P. VAN DER POST.