



Treaty Series No. 70 (1946)

PROTOCOL

AMENDING THE INTERNATIONAL AGREEMENT
OF 8TH JUNE, 1937, AND THE PROTOCOL
OF 24TH JUNE, 1938, FOR THE

REGULATION OF WHALING

LONDON, 26TH NOVEMBER, 1945

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

LONDON
HIS MAJESTY'S STATIONERY OFFICE
ONE PENNY NET

Cmd. 7009

PROTOCOL AMENDING THE INTERNATIONAL AGREEMENT OF
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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⁽¹⁾ (hereinafter referred to as the Principal Agreement), as amended by the Protocol signed at London on the 24th June, 1938⁽²⁾ (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.

⁽¹⁾ Treaty Series No. 37 (1938), Cmd. 5757.

⁽²⁾ Treaty Series No. 18 (1939), Cmd. 5993.

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.

* See list of ratifications and accessions on page 5.

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 notification 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, becoming 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 authorised 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 :

BIRGER 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.

<i>Signatory States</i>	<i>Date of Deposit of Instrument of Ratification</i>
United Kingdom	29th March, 1946.
Australia	23rd July, 1946.
New Zealand	7th March, 1946.
Union of South Africa	11th December, 1946.
Denmark	10th April, 1946.
France	24th October, 1946.
Norway	4th April, 1946.
United States	30th August, 1946.
 <i>Acceding State</i>	 <i>Date of Accession</i>
U.S.S.R.	25th November, 1946.

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