



Treaty Series No. 73 (1975)

# Schedule

## to the International Whaling Convention, 1946

Revised to include the Amendments adopted at the  
Twenty-fifth and Twenty-sixth Meetings of the  
International Whaling Commission

[In continuation of Treaty Series No. 27 (1973), Cmnd. 5232]

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by the Secretary of State for Foreign and Commonwealth Affairs  
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**SCHEDULE**  
**TO THE INTERNATIONAL WHALING CONVENTION, 1946**

The Schedule printed on the following pages contains the amendments made by the International Whaling Commission at its Twenty-fifth and Twenty-sixth meetings held in London in 1973 and 1974 respectively.

The amendments made at the 25th meeting became binding on all Contracting Governments on 2 January 1974, and those made at the 26th meeting on 2 October 1974.

The amendments made at the 26th meeting are shown in bold type.

**SCHEDULE**  
**TO THE INTERNATIONAL WHALING CONVENTION, 1946<sup>(1)</sup>**

**(Revised to include the Amendments adopted at the Twenty-fifth and  
Twenty-sixth Meetings of the International Whaling Commission)**

**I. INTERPRETATION**

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

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

“blue whale” (*Balaenoptera* or *Sibbaldus musculus*) means any whale known by the name of blue whale, Sibbald’s rorqual, or sulphur bottom.

“Bryde’s whale” (*Balaenoptera edeni* or *brydei*) means any whale known by the name of “Bryde’s whale”.

“dauhval” means any unclaimed dead whale found floating.

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

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

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

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

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

“sei whale” (*Balaenoptera borealis*) means any whale known by the name of sei whale, Rudolphi’s rorqual, pollack whale, or coalfish whale.

“sperm whale” (*Physeter catodon*) means any whale known by the name of sperm whale, permacet whale, cachalot or pot whale.

“toothed whale” means any whale which has teeth in the jaws.

“whales taken” means whales that have been killed and either flagged or made fast to catchers.

“lost whale” means any whale that has been taken but not delivered to the factory ship or land station.

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<sup>(1)</sup> Treaty Series No. 5 (1949), Cmd. 7604.

## II. SEASONS

2. (a) It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating baleen whales except minke whales, in any waters south of 40° South Latitude, except during the period from 12th December to 7th April following, both days inclusive.

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

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

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

- (i) a separate open season may be declared for each factory ship and the whale catchers attached thereto;
- (ii) the open season need not necessarily include the whole or any part of the period declared for other baleen whales, pursuant to sub-paragraph (a) of this paragraph.

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

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

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

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

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

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

(e) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of paragraph 10 of this Schedule.

4. It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, except minke whales, in any other area except the North Pacific Ocean and its dependent waters north of the Equator for the same purpose within a period of one year from the termination of that season; provided that catch limits in the North Pacific Ocean and dependent waters are established as provided in paragraphs 12 and 13 of this Schedule and provided that this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

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\* Note.—This sub-paragraph 3 (c) came into force as from 21st February, 1952, in respect of all Contracting Governments, except the Commonwealth of Australia, who lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this sub-paragraph are not therefore binding on the Commonwealth of Australia.

### III. CAPTURE

#### Prohibitions and areas

5. It is forbidden to kill or attempt to kill blue whales.
6. It is forbidden to kill or attempt to kill humpback whales. Notwithstanding this prohibition the taking of 10 humpback whales not below 35 feet (10·7 metres) in length, per year is permitted in Greenland waters provided that whale catchers of less than 50 gross register tonnage are used for this purpose.
7. It is forbidden to take or kill gray whales or right whales, except by aborigines or a Contracting Government on behalf of aborigines and only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.
8. It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.
9. It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating baleen whales, except minke whales, in any of the following areas:
  - (a) in the waters north of 66° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;
  - (b) in the Atlantic Ocean and its dependent waters north of 40° South Latitude;
  - (c) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;
  - (d) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;
  - (e) in the Indian Ocean and its dependent waters north of 40° South Latitude.
- 10.—(a) A factory ship which operates solely within territorial waters in one of the areas specified in sub-paragraph (c) of this paragraph, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.
  - (b) Such factory ships shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in sub-paragraph (c) of this paragraph or south of 40° South Latitude.
  - (c) The areas referred to in sub-paragraphs (a) and (b) are:
    - (1) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to North-west Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany.
    - (2) On the Pacific coast of the United States of America between 35° North Latitude and 49° North Latitude.

## Catch and size limits

11. \*The number of baleen whales taken during the open season in waters south of 40° South Latitude by factory ships or whale catchers attached thereto under the jurisdiction of the Contracting Governments shall not exceed 1,000 fin whales, 4,000 sei and Bryde's whales combined and 7,000 minke whales in 1974-75. The taking of fin whales shall cease not later than 30th June 1976. The total catches taken in any of the areas I to VI shall not exceed the limits shown below. However, in no circumstances shall the sum of the area catches exceed the total quotas.

		Fin	Sei & Bryde's	Minke
Areas I & II	120°W-0°	475	1,275	3,300
Areas III & IV	0°-130°E	416	1,503	4,140
Areas V & VI	130°E-120°W	300	1,664	1,060

Further provided that in areas II & III the catch of sei & Bryde's whales does not exceed 810 and 495 respectively. From 1975-76 the quotas will be divided into six areas or such other divisions based on the advice tendered by the Scientific Committee.

12. The number of fin whales taken in the North Pacific Ocean and dependent waters excluding the catch in the East China Sea shall not exceed 300 in 1975.

13. The number of sei and Bryde's whales combined taken in the North Pacific Ocean and dependent waters shall not exceed 2,000 whales in 1975.

14. The number of sperm whales taken in the North Pacific Ocean and dependent waters shall not exceed 6,000 male and 4,000 female sperm whales in 1975.

15. The number of sperm whales taken in the Southern Hemisphere in the 1974-75 pelagic season and the 1975 coastal season shall not exceed 8,000 males and 5,000 females. The total catches in any of the Areas I to VI shall not exceed the limits shown below. However, in no circumstances shall the sum of the area catches exceed the total quotas.

		Male	Female
Areas II & III	60°W-70°E	2,548	2,563
Areas IV & V	70°E-170°W	2,730	2,188
Areas VI & I	170°W-60°W	3,822	1,500

16.—(a) It is forbidden to take or kill any sei or Bryde's whales below 40 feet (12.2 metres) except that sei and Bryde's whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations, provided that, the meat of such whales is to be used for local consumption as human or animal food.

\* Note.—The sentence relating to cessation of the taking of the fin whales after 30th June 1976 is not binding on Japan, that country having objected to this provision within the prescribed period.

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

(c) It is forbidden to take or kill any sperm whales below 30 feet (9·2 metres) in length except in the North Atlantic Ocean where it is forbidden to take or kill any sperm whales below 35 feet (10·7 metres).

#### IV. TREATMENT

17—(a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of paragraphs 2, 3, 5, 6, 7, 9, 11 to 15 of this Schedule.

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

(c) Complete treatment of the carcasses of “dauhval” and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

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

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

#### V. SUPERVISION AND CONTROL

19.—(a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection provided that at least one such inspector shall be maintained on each catcher functioning as a factory ship. These inspectors shall be



appointed and paid by the Government having jurisdiction over the factory ship; provided that inspectors need not be appointed to ships which, apart from the storage of products, are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

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

(c) There shall be received such observers as the member countries may arrange to place on factory ships and land stations or groups of land stations of other member countries. The observers shall be appointed by the Commission acting through its Secretary and paid by the Government nominating them.

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

21. Whales must be measured when at rest on deck or platform after the hauling out wire and grasping device have been released, by means of a tape-measure made of a non-stretching material. The zero end of the tape-measure shall be attached to a spike or stable device to be positioned on the deck or platform abreast of one end of the whale. Alternatively the spike may be stuck into the tail fluke abreast of the apex of the notch. The tape-measure shall be held taut in a straight line parallel to the deck and the whale's body, and other than in exceptional circumstances along the whale's back, and read abreast of the other end of the whale. The ends of the whale for measurement purposes shall be the tip of the upper jaw or, in sperm whales, the most forward part of the head and the apex of the notch between the tail flukes.

Measurements shall be logged to the nearest foot or 0.1 metres. That is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. Similarly any whale between 10.15 metres and 10.25 metres shall be logged as 10.2 metres, and any whale between 10.25 metres and 10.35 metres shall be logged as 10.3 metres. The measurement of any whale which falls on an exact half foot or 0.05 metre shall be logged at the next half foot or 0.05 metre, e.g. 76 feet 6 inches precisely shall be logged as 77 feet and 10.25 metres precisely shall be logged at 10.3 metres.

## VI. INFORMATION REQUIRED

22.—(a) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

- (1) The time when each whale is taken
- (2) Its species, and
- (3) Its marking effected pursuant to sub-paragraph 18 (b).

(b) The information specified in sub-paragraph (a) of this paragraph shall be entered immediately by a factory ship in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

- (1) Time of hauling up for treatment
- (2) Length, measured pursuant to paragraph 21
- (3) Sex
- (4) If female, whether milk-filled or lactating
- (5) Length and sex of foetus, if present, and
- (6) A full explanation of each infraction.

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

23.—(a) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of fin, sei, Bryde's and minke whales taken in any waters south of 40° South Latitude by all factory ships or whale catchers attached thereto under the jurisdiction of each Contracting Government, provided that when the number of each of these species taken is deemed by the Bureau of International Whaling Statistics to have reached 85 per cent of whatever total catch limit is imposed by the Commission notification shall be given as aforesaid at the end of each day of data on the number of each of these species taken.

(b) If it appears that the maximum catches of whales permitted by paragraph 11 may be reached before 7th April of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of each of these species shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The taking or attempting to take baleen whales, so notified, by factory ships or whale catchers attached thereto shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

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

24. Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (a) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (b) as to the aggregate amounts of oil of each grade and quantities of meal, fertiliser (guano), and other products derived from them, together with (c) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the

whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in (a) and (c) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration of whales.

In communicating this information there shall be specified:

- (a) the name and gross tonnage of each factory ship.
- (b) **For each catcher ship attached to a factory ship or land station**
  - (i) **the dates on which each is commissioned and ceases whaling for the season**
  - (ii) **the number of days on which each is at sea on the whaling grounds each season**
  - (iii) **where possible the total number of hours spent each day searching for, chasing and catching whales, but not including time spent picking up or towing**
  - (iv) **the gross tonnage, horsepower and length of each and the list of those equipped with asdic; vessels used only as tow boats should be specified.**
- (c) A list of the land stations which were in operation during the period concerned, **and the number of miles searched per day by aircraft, if any.**

25. A Contracting Government shall transmit to the Commission copies of all its official laws and regulations relating to whales and whaling and changes in such laws and regulations.

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