



Treaty Series No. 63 (1952)

Further Amendments to the Schedule
to the International Whaling Convention
signed at Washington on
2nd December, 1946

adopted at the Second, Third and Fourth
Meetings of the International Whaling Commission

Oslo, July 1950

Cape Town, July 1951

London, June 1952

[In continuation of "Treaty Series No. 20 (1950)," Cmd. 7918]

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**FURTHER AMENDMENTS TO THE SCHEDULE TO THE
INTERNATIONAL WHALING CONVENTION SIGNED AT
WASHINGTON ON 2nd DECEMBER, 1946, ADOPTED AT
THE SECOND, THIRD AND FOURTH MEETINGS OF THE
INTERNATIONAL WHALING COMMISSION**

Oslo, July 1950

Cape Town, July 1951

London, June 1952

**Amendments as made at the Second Meeting of the International Whaling
Commission at Oslo in July 1950**

At its second meeting, held in Oslo in July 1950, the International Whaling Commission, by resolution, made the following amendments⁽¹⁾ to the Schedule to the International Whaling Convention signed in Washington on 2nd December, 1946⁽²⁾:—

(a) Paragraph 6 of the Schedule shall read as follows:—

“6. 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; provided that, in the pelagic whaling season 1950–51, a maximum of 1,250 humpback whales may be taken in these waters commencing on February 1st.”

(b) Paragraph 8 (c) of the Schedule shall read as follows:—

“(c) Notification shall be given in accordance with Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government; and in addition notification of data on the number of humpback whales taken in pursuance of paragraph 6 shall be given at the end of each day.”

(c) Paragraph 8 (d) shall read as follows:—

“(d) If it should appear that the maximum catch of whales permitted by sub-paragraph (a) of this paragraph may be reached before 7th April, of any year, the Commission, or such other body as the Commission may designate, shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify each Contracting Government of that date not less than two weeks in advance thereof. The taking of baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.”

(d) Existing paragraph 8 (e) shall be redesignated as paragraph 8 (f) and a new sub-paragraph (e) shall be inserted as follows:—

“(e) On the basis of data on number of humpback whales taken in accordance with the provisions of paragraph 6 and reported in accordance with sub-paragraph 8 (c), the Commission, or such other body

⁽¹⁾ These amendments came into force on 1st November, 1950, in accordance with Article V of the Convention.

⁽²⁾ “Treaty Series No. 5 (1949),” Cmd. 7604.

as the Commission may designate, shall determine the date on which the maximum catch of humpback whales shall be deemed to have been reached and shall notify each factory ship and each Contracting Government four days in advance thereof. The taking of humpback whales in all waters south of 40° South Latitude shall be illegal after midnight of the date so determined."

List of the Amendments⁽³⁾ to the Schedule to the Convention made by the International Whaling Commission at their Third Meeting held at Cape Town in July 1951

(1) Paragraph 6

The words "for baleen whales 1952" shall be substituted for the figures "1950-51." The whole paragraph will therefore read:—

"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; provided that in the pelagic whaling season for baleen whales 1952 a maximum of 1,250 humpback whales may be taken in these waters commencing on February 1st."

(2) Paragraph 7

In sub-paragraph (a) the words "2nd January" shall be substituted for the words "22nd December."

The whole sub-paragraph will therefore read:—

"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 2nd January to 7th April following, both days inclusive."

(3) Paragraph 7 (continued)

The present sub-paragraph (b) shall be redesignated sub-paragraph (c) and a new sub-paragraph (b) shall be inserted as follows:—

"(b) 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 treating of sperm whales by factory ships may be permitted; provided that a separate open season may be declared for each factory ship."

(4) Paragraph 8

In sub-paragraph (c) after the words "in pursuance of paragraph 6," there shall be inserted the words "including nil returns on days when no humpback whales are taken."

In sub-paragraph (e) of the same paragraph the words "three days" shall be substituted for the existing words "four days" in the sixth line.

⁽³⁾ All these amendments with the exception of 10 (c) came into operation as from 18th November, 1951, in accordance with Article V of the Convention. Amendments in paragraph 10 (c) became effective on 20th February, 1952.

(5) Paragraph 9

The first sub-paragraph shall be cancelled, and the following sub-paragraphs containing some new matter shall be substituted:—

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

Blue whales, 70 feet (21·3 metres)

Sei whales, 40 feet (12·2 metres)

Humpback whales, 35 feet (10·7 metres)

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

(b) It is forbidden to take or kill any fin whales below 60 feet (18·3 metres) in length for delivery to factory ships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16·8 metres) for delivery to factory ships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16·8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15·2 metres) may be taken for delivery to land stations in the Northern Hemisphere, provided in each case that the meat of such whales is to be used for local consumption as human or animal food.

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

The existing second sub-paragraph of paragraph 9 beginning “Whales must be measured” shall be numbered (d).

(6) Paragraph 10

This shall read as follows, new matter in existing sub-paragraphs being underlined, and sub-paragraphs (c) and (d) being new:—

“10 (a) It is forbidden to use a land station under the jurisdiction of a Contracting Government, and whale catchers attached to such land station, for the taking or treating of 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 treating of baleen (excluding minke) whales 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 a Contracting Government, provided that a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(c) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or treating of sperm whales

shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales as provided for in sub-paragraph (b) above; 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 all whale catchers one open season not to exceed six continuous months in any period of twelve months during which the taking or treating of minke whales shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in sub-paragraph (b) above); 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.

(e) Notwithstanding the provisions of sub-paragraphs (a), (b), (c) and (d) of this paragraph, the treatment of whales which have been taken during an open season may be completed after the end of such open season.

(f) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article 11 of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of paragraph 17 of this Schedule."

(7) Paragraph 12

In sub-paragraph (a), after the opening words "all whales" shall be inserted the words "(except minke whales)."

(8) Paragraph 13

This shall be omitted and the following new paragraph 13 shall be substituted, new matter being underlined:—

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

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

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

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

(d) The information reported by radio pursuant to sub-paragraph (c) of this paragraph shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling

inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

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

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

(9) Paragraph 18

This paragraph shall be omitted and the following new revised clause 18 shall be substituted for it:—

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

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

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

'dauhval' means any unclaimed dead whale found floating,

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

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

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

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

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

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

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

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

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Amendments^(*) made by the International Whaling Commission at their Fourth Annual Meeting in London, June 1952, to the Schedule to the International Convention for the Regulation of Whaling 1946

(1) Paragraph 6 will read as follows, the underlined words being new:—

“6. 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; provided that in the pelagic whaling season for baleen whales 1953 the taking of humpback whales shall be permitted on the 1st, 2nd and 3rd February and, if the number of humpback whales taken on those three days is less than 1,250, the International Bureau of Whaling Statistics shall in their discretion specify one or more days later in the season on which further humpback whales may be taken, so as to bring the total up to a maximum of 1,250.”

(2) Paragraph 8 (c) will read as follows, the underlined words being new:—

“8 (c) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government; and in addition notification of data on the number of humpback whales taken in pursuance of paragraph 6, including nil returns on days when no humpback whales are taken, shall be given at the end of each day on which the taking of humpback whales is permitted.”

(3) Paragraph 8 (e) is deleted.

(*) These amendments came into effect on 12th September, 1952.

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