

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1953 No. 13

Overgelegd aan de Staten-Generaal door de Minister
van Buitenlandse Zaken

A. TITEL

*Verdrag tot regeling van de walvisvangst, met bijbehorend Reglement;
Washington, 2 December 1946.*

B. TEKST

De tekst is bij Koninklijk besluit van 1 December 1948 bekend
gemaakt in *Stb.* No. I 534.

C. VERTALING

Zie *Stb.* No. I 534.

D. GOEDKEURING

Zie *Trbl.* 1951 No. 26 en:
Bijl. Hand. II 48/49, 1012; Hand. II 48/49, bl. 104—105;
Bijl. Hand. I 48/49, 1012; Hand. I 48/49, bl. 25.

E. BEKRACHTIGING

Zie *Trbl.* 1951 No. 26.

F. TOETREDING

Zie *Trbl.* 1951 No. 26. Tot het Verdrag is ook toegetreden:
Japan 21 April 1951.

G. INWERKINGTREDING

Zie *Trbl.* 1951 No. 26.

J. GEGEVENS

Zie *Trbl.* 1951 No. 26, alsook de Wet van 5 April 1951 (*Stb.* 98) tot regeling van de walvisvangst, en het Koninklijk besluit van 28 December 1951 (*Stb.* 605), houdende bepaling van de datum waarop de wet op de walvisvangst in werking treedt (zijnde 1 Januari 1952).

Het bij dit Verdrag behorende Reglement is door de Internationale Walvisvaart Commissie, ingesteld op grond van artikel III van het Verdrag, tot nu toe vier maal gewijzigd, en wel:

1. te Londen, Mei/Juni 1949, t.a.v. § 10 en § 17; in werking getreden 11 October 1949, resp. 11 Januari 1950;

2. te Oslo, Juli 1950, t.a.v. §§ 6, 7a, 8c, d en e; in werking getreden 1 November 1950;

3. te Kaapstad, Juli 1951, t.a.v. §§ 6, 7a en b, 8c en e, 9, 10, 12a, 13 en 18; in werking getreden 18 November 1951, met uitzondering van § 10c welke 20 Februari 1952 in werking trad;

4. te Londen, Juli 1952, t.a.v. §§ 6 en 8c; in werking getreden 12 September 1952.

De gewijzigde tekst luidt thans als volgt:

SCHEDULE

(attached to the Convention 1946, as since that time amended by the International Whaling Commission at London in 1949, at Oslo in 1950, at Cape Town in 1951 and at London in 1952).

1. (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship.

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

2. It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

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

4. 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:

(a) in the waters north of 66° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the

taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(b) in the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(c) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(d) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(e) in the Indian Ocean and its dependent waters north of 40° South Latitude.

5. It is forbidden to use a 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.

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.

7. (a) 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.

(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.

(c) Notwithstanding the above prohibition of treatment during a closed season, the treatment of whales which have been taken during the open season may be completed after the end of the open season.

8 (a) The number of baleen whales taken during the open season caught in any waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed sixteen thousand blue-whale units.

(b) For the purposes of sub-paragraph (a) of this paragraph, blue-whale units shall be calculated on the basis that one blue whale equals

(1) two fin whales or

(2) two and a half humpback whales or

(3) six sei whales.

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

(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.

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

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

Blue whales 70 feet (21.3 metres)

Sei whales 40 feet (12.2 metres)

Humpback whales 35 feet (10.7 metres)

except that blue whales of not less than 65 feet (19.8 metres) and sei whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations, provided that 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 and 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 station 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.

(d) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes.

Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e.g. 76 feet 6 inches precisely, shall be logged as 77 feet.

10. (a) It is forbidden to use a 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 subparagraphs (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 1000 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 subparagraph (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 1000 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 subparagraph (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 1000 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 subparagraphs (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 II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of paragraph 17 of this Schedule.

11. It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season.

12. (a) All 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.

(b) 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 a bad condition.

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

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

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

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

(d) The information reported by radio pursuant to sub-paragraph (c) of this paragraph shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

- (1) time of hauling up for treatment,
- (2) length, measured pursuant to sub-paragraph (c) 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 subparagraph (d) of this paragraph shall be maintained by land stations, and all of the information mentioned in the said subparagraph shall be entered therein as soon as available.

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

15. Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

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

time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales.

In communicating this information there shall be specified

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

17. (a) A factory ship which operates solely within territorial waters in one of the areas specified in sub-paragraph (c) of this paragraph, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

(b) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in sub-paragraph (c) of this paragraph or south of 40 degrees South latitude.

(c) The areas referred to in sub-paragraphs (a) and (b) are:

- (1) On the coast of Madagascar and its dependencies;
- (2) On the west coasts of French Africa;
- (3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to Northwest-Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany.

18. The following expressions have the meaning 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, rip sack,

'humpback whale' (*Megaptera nodosa or novaengliae*) 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-ahead 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, bow-head, 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, cachalet, or pot whale,

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

Uitgegeven de *zeven en twintigste* Januari 1953.

De Minister van Buitenlandse Zaken,

J. W. BEYEN.