

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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**JAARGANG 2008 Nr. 63**

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A. TITEL

*Verdrag tot regeling van de walvisvangst;  
Washington, 2 december 1946*

B. TEKST

De tekst van Verdrag en Reglement is bekendgemaakt bij Koninklijk Besluit van 1 december 1948 in *Stb.* I 534.

De tekst is gewijzigd bij het op 19 november 1956 te Washington totstandgekomen Protocol, waarvan de tekst is geplaatst in *Trb.* 1957, 38.

De tekst van het Reglement zoals dat sinds 10 november 1981 luidde, is afgedrukt in rubriek J van *Trb.* 1982, 90. Voor de wijzigingen van het Reglement van juli 1982 zie rubriek J van *Trb.* 1983, 148, voor de wijzigingen van juli 1983 en van juni 1984 zie rubriek J van *Trb.* 1985, 44, voor de wijzigingen van juli 1985 zie rubriek J van *Trb.* 1986, 71, voor de wijzigingen van juni 1986 zie rubriek J van *Trb.* 1987, 70, voor de wijzigingen van juni 1987 zie rubriek J van *Trb.* 1988, 36 en voor de wijzigingen van mei/juni 1988, van juni 1989, van juli 1990, van mei 1991, van juni/juli 1992, van mei 1993 en van mei 1994 zie rubriek J van *Trb.* 1995, 247.

De tekst van het Reglement is laatstelijk gewijzigd tijdens de 59ste zitting van de Internationale Walvisvaart Commissie in mei 2007. Het Reglement, zoals gewijzigd, luidt per 20 september 2007 als volgt:

**International Convention for the Regulation of Whaling, 1946**

**SCHEDULE**

**As amended by the Commission at the 59th Annual Meeting,  
Anchorage, Alaska, 28-31 May 2007**

*I. INTERPRETATION*

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

A. Baleen whales

“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 musculus*) means any whale known as blue whale, Sibbald’s rorqual, or sulphur bottom, and including pygmy blue whale.

“bowhead whale” (*Balaena mysticetus*) means any whale known as bowhead, Arctic right whale, great polar whale, Greenland right whale, Greenland whale.

“Bryde’s whale” (*Balaenoptera edeni*, *B. brydei*) means any whale known as Bryde’s whale.

“fin whale” (*Balaenoptera physalus*) means any whale known as common finback, common rorqual, fin whale, herring whale, or true fin whale.

“gray whale” (*Eschrichtius robustus*) means any whale known as gray whale, California gray, devil fish, hard head, mussel digger, gray back, or rip sack.

“humpback whale” (*Megaptera novaeangliae*) means any whale known as bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale.

“minke whale” (*Balaenoptera acutorostrata*, *B. bonaerensis*) means any whale known as lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp headed finner.

“pygmy right whale” (*Caperea marginata*) means any whale known as southern pygmy right whale or pygmy right whale.

“right whale” (*Eubalaena glacialis*, *E. australis*) means any whale known as Atlantic right whale, Arctic right whale, Biscayan right whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, or southern right whale.

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

B. Toothed whales

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

“beaked whale” means any whale belonging to the genus *Mesoplodon*, or any whale known as Cuvier’s beaked whale (*Ziphius cavi-*

*rostris*), or Shepherd's beaked whale (*Tasmacetus shepherdi*).

"bottlenose whale" means any whale known as Baird's beaked whale (*Berardius bairdii*), Arnoux's whale (*Berardius arnuxii*), southern bottlenose whale (*Hyperoodon planifrons*), or northern bottlenose whale (*Hyperoodon ampullatus*).

"killer whale" (*Orcinus orca*) means any whale known as killer whale or orca.

"pilot whale" means any whale known as long-finned pilot whale (*Globicephala melaena*) or short-finned pilot whale (*G. macrorhynchus*).

"sperm whale" (*Physeter macrocephalus*) means any whale known as sperm whale, spermacet whale, cachalot or pot whale.

#### C. General

"strike" means to penetrate with a weapon used for whaling.

"land" means to retrieve to a factory ship, land station, or other place where a whale can be treated.

"take" means to flag, buoy or make fast to a whale catcher.

"lose" means to either strike or take but not to land.

"dauhval" means any unclaimed dead whale found floating.

"lactating whale" means a) with respect to baleen whales – a female which has any milk present in a mammary gland, b) with respect to sperm whales – a female which has milk present in a mammary gland the maximum thickness (depth) of which is 10cm or more. This measurement shall be at the mid ventral point of the mammary gland perpendicular to the body axis, and shall be logged to the nearest centimetre; that is to say, any gland between 9.5cm and 10.5cm shall be logged as 10cm. The measurement of any gland which falls on an exact 0.5 centimetre shall be logged at the next 0.5 centimetre, e.g. 10.5cm shall be logged as 11.0cm. However, notwithstanding these criteria, a whale shall not be considered a lactating whale if scientific (histological or other biological) evidence is presented to the appropriate national authority establishing that the whale could not at that point in its physical cycle have had a calf dependent on it for milk.

"small-type whaling" means catching operations using powered vessels with mounted harpoon guns hunting exclusively for minke, bottlenose, beaked, pilot or killer whales.

## II. SEASONS

### *Factory Ship Operations*

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 and d of this paragraph, and paragraph 5.

c) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, an open season or seasons 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:

1) a separate open season may be declared for each factory ship and the whale catchers attached thereto;

2) 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.

3. 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 16 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.

#### *Land Station Operations*

4. 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, 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 subparagraph 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.

#### *Other Operations*

5. 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 nine months may be implemented so far as Greenland is concerned.

*III. CAPTURE*

6. The killing for commercial purposes of whales, except minke whales using the cold grenade harpoon shall be forbidden from the beginning of the 1980/81 pelagic and 1981 coastal seasons. The killing for commercial purposes of minke whales using the cold grenade harpoon shall be forbidden from the beginning of the 1982/83 pelagic and the 1983 coastal seasons.<sup>1)</sup>

7. a) In accordance with Article V(1)(c) of the Convention, commercial whaling, whether by pelagic operations or from land stations, is prohibited in a region designated as the Indian Ocean Sanctuary. This comprises the waters of the Northern Hemisphere from the coast of Africa to 100°E, including the Red and Arabian Seas and the Gulf of Oman; and the waters of the Southern Hemisphere in the sector from 20°E to 130°E, with the Southern boundary set at 55°S. This prohibition applies irrespective of such catch limits for baleen or toothed whales as may from time to time be determined by the Commission. This prohibition shall be reviewed by the Commission at its Annual Meeting in 2002.

b) In accordance with Article V(1)(c) of the Convention, commercial whaling, whether by pelagic operations or from land stations, is prohibited in a region designated as the Southern Ocean Sanctuary. This Sanctuary comprises the waters of the Southern Hemisphere southwards of the following line: starting from 40 degrees S, 50 degrees W; thence due east to 20 degrees E; thence due south to 55 degrees S; thence due east to 130 degrees E; thence due north to 40 degrees S; thence due east to 130 degrees W; thence due south to 60 degrees S; thence due east to 50 degrees W; thence due north to the point of beginning. This prohibition applies irrespective of the conservation status of baleen and toothed whale stocks in this Sanctuary, as may from time to time be determined by the Commission. However, this prohibition shall be reviewed ten years after its initial adoption and at succeeding ten year intervals, and could be revised at such

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<sup>1)</sup> The Governments of Brazil, Iceland, Japan, Norway and the Union of Soviet Socialist Republics lodged objections to the second sentence of paragraph 6 within the prescribed period. For all other Contracting Governments this sentence came into force on 8 March 1982. Norway withdrew its objection on 9 July 1985 and Brazil on 8 January 1992. Iceland withdrew from the Convention with effect from 30 June 1992. The objections of Japan and the Russian Federation not having been withdrawn, this sentence is not binding upon these governments.

times by the Commission. Nothing in this sub-paragraph is intended to prejudice the special legal and political status of Antarctica.<sup>2)</sup>

*Area Limits for Factory Ships*

8. 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°N, except that from 150°E eastwards as far as 140°W, the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66°N and 72°N;
- b) in the Atlantic Ocean and its dependent waters north of 40°S;
- c) in the Pacific Ocean and its dependent waters east of 150°W between 40°S and 35°N;
- d) in the Pacific Ocean and its dependent waters west of 150°W between 40°S and 20°N;
- e) in the Indian Ocean and its dependent waters north of 40°S.

*Classification of Areas and Divisions*

9. a) *Classification of Areas*

Areas relating to Southern Hemisphere baleen whales except Bryde's whales are those waters between the ice-edge and the Equator and between the meridians of longitude listed in Table 1.

b) *Classification of Divisions*

Divisions relating to Southern Hemisphere sperm whales are those waters between the ice-edge and the Equator and between the meridians of longitude listed in Table 3.

c) *Geographical boundaries in the North Atlantic*

The geographical boundaries for the fin, minke and sei whale stocks in the North Atlantic are:

**FIN WHALE STOCKS**

**NOVA SCOTIA**

South and West of a line through:

47°N 54°W, 46°N 54°30'W,

46°N 42°W, 20°N 42°W.

**NEWFOUNDLAND-LABRADOR**

West of a line through:

75°N 73°30'W, 69°N 59°W, 61°N 59°W

52°20'N 42°W, 46°N 42°W and

North of a line through:

46°N 42°W, 46°N 54°30'W, 47°N 54°W.

<sup>2)</sup> The Government of Japan lodged an objection within the prescribed period to paragraph 7(b) to the extent that it applies to the Antarctic minke whale stocks. The Government of the Russian Federation also lodged an objection to paragraph 7b) within the prescribed period but withdrew it on 26 October 1994.

For all Contracting Governments except Japan paragraph 7b) came into force on 6 December 1994.

**WEST GREENLAND**

East of a line through:

75°N 73°30'W, 69°N 59°W,

61°N 59°W, 52°20'N 42°W,

and West of a line through

52°20'N 42°W, 59°N 42°W,

59°N 44°W, Kap Farvel.

**EAST GREENLAND-ICELAND**

East of a line through:

Kap Farvel (South Greenland),

59°N 44°W, 59°N 42°W, 20°N 42°W

and West of a line through:

20°N 18°W, 60°N 18°W, 68°N 3°E,

74°N 3°E, and South of 74°N.

**NORTH NORWAY**

North and East of a line through:

74°N 22°W, 74°N 3°E, 68°N 3°E,

67°N 0°, 67°N 14°E.

**WEST NORWAY-FAROE ISLANDS**

South of a line through:

67°N 14°E, 67°N 0°, 60°N 18°W, and

North of a line through:

61°N 16°W, 61°N 0°, Thyborøn (Western entrance to Limfjorden,

Denmark).

**SPAIN-PORTUGAL-BRITISH ISLES**

South of a line through:

Thyborøn (Denmark), 61°N 0°, 61°N 16°W,

and East of a line through:

63°N 11°W, 60°N 18°W, 22°N 18°W.

**MINKE WHALE STOCKS****CANADIAN EAST COAST**

West of a line through:

75°N 73°30'W, 69°N 59°W, 61°N 59°W,

52°20'N 42°W, 20°N 42°W.

**CENTRAL**

East of a line through:

Kap Farvel (South Greenland),

59°N 44°W, 59°N 42°W, 20°N 42°W,

and West of a line through:

20°N 18°W, 60°N 18°W, 68°N 3°E,

74°N 3°E, and South of 74°N.

**WEST GREENLAND**

East of a line through:

75°N 73°30'W, 69°N 59°W, 61°N 59°W

52°20'N 42°W, and

West of a line through:

52°20'N 42°W, 59°N 42°W,



59°N 44°W, Kap Farvel.

**NORTHEASTERN**

East of a line through:

20°N 18°W, 60°N 18°W, 68°N 3°E, 74°N 3°E,

and North of a line through:

74°N 3°E, 74°N 22°W.

**SEI WHALE STOCKS**

**NOVA SCOTIA**

South and West of a line through:

47°N 54°W, 46°N 54°30'W, 46°N 42°W,

20°N 42°W.

**ICELAND-DENMARK STRAIT**

East of a line through:

Kap Farvel (South Greenland),

59°N 44°W, 59°N 42°W, 20°N 42°W,

and West of a line through:

20°N 18°W, 60°N 18°W, 68°N 3°E,

74°N 3°E, and South of 74°N.

**EASTERN**

East of a line through:

20°N 18°W, 60°N 18°W, 68°N 3°E, 74°N 3°E,

and North of a line through:

74°N 3°E, 74°N 22°W.

d) *Geographical boundaries in the North Pacific*

The geographical boundaries for the sperm, Bryde's and minke whale stocks in the North Pacific are:

**SPERM WHALE STOCKS**

**WESTERN DIVISION**

West of a line from the ice-edge south along the 180° meridian of longitude to 180°, 50°N, then east along the 50°N parallel of latitude to 160°W, 50°N, then south along the 160°W meridian of longitude to 160°W, 40°N, then east along the 40°N parallel of latitude to 150°W, 40°N, then south along the 150°W meridian of longitude to the Equator.

**EASTERN DIVISION**

East of the line described above.

**BRYDE'S WHALE STOCKS**

**EAST CHINA SEA**

West of the Ryukyu Island chain.

**EASTERN**

East of 160°W (excluding the Peruvian stock area).

**WESTERN**

West of 160°W (excluding the East China Sea stock area).

**MINKE WHALE STOCKS****SEA OF JAPAN-YELLOW SEA- EAST CHINA SEA**

West of a line through the Philippine Islands, Taiwan, Ryukyu Islands, Kyushu, Honshu, Hokkaido and Sakhalin Island, north of the Equator.

**OKHOTSK SEA-WEST PACIFIC**

East of the Sea of Japan-Yellow Sea- East China Sea stock and west of 180°, north of the Equator.

**REMAINDER**

East of the Okhotsk Sea-West Pacific stock, north of the Equator.

e) *Geographical boundaries for Bryde's whale stocks in the Southern Hemisphere*

**SOUTHERN INDIAN OCEAN**

20°E to 130°E,

South of the Equator.

**SOLOMON ISLANDS**

150°E to 170°E,

20°S to the Equator.

**PERUVIAN**

110°W to the South American coast,

10°S to 10°N.

**EASTERN SOUTH PACIFIC**

150°W to 70°W,

South of the Equator (excluding the Peruvian stock area),

**WESTERN SOUTH PACIFIC**

130°E to 150°W,

South of the Equator (excluding the Solomon Islands stock area).

**SOUTH ATLANTIC**

70°W to 20°E,

South of the Equator (excluding the South African inshore stock area).

**SOUTH AFRICAN INSHORE**

South African coast west of 27°E and out to the 200 metre isobath.

*Classification of Stocks*

10. All stocks of whales shall be classified in one of three categories according to the advice of the Scientific Committee as follows:

a) A Sustained Management Stock (SMS) is a stock which is not more than 10 per cent of Maximum Sustainable Yield (hereinafter referred to as MSY) stock level below MSY stock level, and not more than 20 per cent above that level; MSY being determined on the basis of the number of whales.

When a stock has remained at a stable level for a considerable period under a regime of approximately constant catches, it shall be classified as a Sustained Management Stock in the absence of any posi-

tive evidence that it should be otherwise classified.

Commercial whaling shall be permitted on Sustained Management Stocks according to the advice of the Scientific Committee. These stocks are listed in Tables 1, 2 and 3 of this Schedule.

For stocks at or above the MSY stock level, the permitted catch shall not exceed 90 per cent of the MSY. For stocks between the MSY stock level and 10 per cent below that level, the permitted catch shall not exceed the number of whales obtained by taking 90 per cent of the MSY and reducing that number by 10 per cent for every 1 per cent by which the stock falls short of the MSY stock level.

b) An Initial Management Stock (IMS) is a stock more than 20 per cent of MSY stock level above MSY stock level. Commercial whaling shall be permitted on Initial Management Stocks according to the advice of the Scientific Committee as to measures necessary to bring the stocks to the MSY stock level and then optimum level in an efficient manner and without risk of reducing them below this level. The permitted catch for such stocks will not be more than 90 per cent of MSY as far as this is known, or, where it will be more appropriate, catching effort shall be limited to that which will take 90 per cent of MSY in a stock at MSY stock level.

In the absence of any positive evidence that a continuing higher percentage will not reduce the stock below the MSY stock level no more than 5 per cent of the estimated initial exploitable stock shall be taken in any one year. Exploitation should not commence until an estimate of stock size has been obtained which is satisfactory in the view of the Scientific Committee. Stocks classified as Initial Management Stock are listed in Tables 1, 2 and 3 of this Schedule.

c) A Protection Stock (PS) is a stock which is below 10 per cent of MSY stock level below MSY stock level.

There shall be no commercial whaling on Protection Stocks. Stocks so classified are listed in Tables 1, 2 and 3 of this Schedule.

d) Notwithstanding the other provisions of paragraph 10 there shall be a moratorium on the taking, killing or treating of whales, except minke whales, by factory ships or whale catchers attached to factory ships. This moratorium applies to sperm whales, killer whales and baleen whales, except minke whales.

e) Notwithstanding the other provisions of paragraph 10, catch limits for the killing for commercial purposes of whales from all stocks for the 1986 coastal and the 1985/86 pelagic seasons and thereafter shall be zero. This provision will be kept under review, based upon the best scientific advice, and by 1990 at the latest the Commission will undertake a comprehensive assessment of the effects of this

decision on whale stocks and consider modification of this provision and the establishment of other catch limits.<sup>3)</sup>

*Baleen Whale Catch Limits*

11. The number of baleen whales taken in the Southern Hemisphere in the 2007/2008 pelagic season and the 2008 coastal season shall not exceed the limits shown in Tables 1 and 2.

12. The number of baleen whales taken in the North Pacific Ocean and dependent waters in 2008 and in the North Atlantic Ocean in 2008 shall not exceed the limits shown in Tables 1 and 2.

13. a) Notwithstanding the provisions of paragraph 10, catch limits for aboriginal subsistence whaling to satisfy aboriginal subsistence need for the 1984 whaling season and each whaling season thereafter shall be established in accordance with the following principles:

1) For stocks at or above MSY level, aboriginal subsistence catches shall be permitted so long as total removals do not exceed 90 per cent of MSY.

2) For stocks below the MSY level but above a certain minimum level, aboriginal subsistence catches shall be permitted so long as they are set at levels which will allow whale stocks to move to the MSY level.<sup>4)</sup>

3) The above provisions will be kept under review, based upon the best scientific advice, and by 1990 at the latest the Commission will undertake a comprehensive assessment of the effects of these provisions on whale stocks and consider modification.

4) For aboriginal whaling conducted under subparagraphs b)1), b)2), and b)3) of this paragraph, it is forbidden to strike, take or kill calves or any whale accompanied by a calf. For aboriginal whaling conducted under subparagraphs b)4) of this paragraph, it is forbidden to strike, take or kill suckling calves or female whales accompanied by calves.

<sup>3)</sup> The Governments of Japan, Norway, Peru and the Union of Soviet Socialist Republics lodged objection to paragraph 10(e) within the prescribed period. For all other Contracting Governments this paragraph came into force on 3 February 1983. Peru withdrew its objection on 22 July 1983.

The Government of Japan withdrew its objections with effect from 1 May 1987 with respect to commercial pelagic whaling; from 1 October 1987 with respect to commercial coastal whaling for minke and Bryde's whales; and from 1 April 1988 with respect to commercial coastal sperm whaling. The objections of Norway and the Russian Federation not having been withdrawn, the paragraph is not binding upon these Governments.

<sup>4)</sup> The Commission, on advice of the Scientific Committee, shall establish as far as possible a) a minimum stock level for each stock below which whales shall not be taken, and b) a rate of increase towards the MSY level for each stock. The Scientific Committee shall advise on a minimum stock level and on a range of rates of increase towards the MSY level under different catch regimes.

5) All aboriginal whaling shall be conducted under national legislation that accords with this paragraph.

b) Catch limits for aboriginal subsistence whaling are as follows:

1) The taking of bowhead whales from the Bering-Chukchi-Beaufort Seas stock by aborigines is permitted, but only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines and further provided that:

(i) For the years 2008, 2009, 2010, 2011 and 2012, the number of bowhead whales landed shall not exceed 280. For each of these years the number of bowhead whales struck shall not exceed 67, except that any unused portion of a strike quota from any year (including 15 unused strikes from the 2003-2007 quota) shall be carried forward and added to the strike quotas of any subsequent years, provided that no more than 15 strikes shall be added to the strike quota for any one year.

(ii) This provision shall be reviewed annually by the Commission in light of the advice of the Scientific Committee.

2) The taking of gray whales from the Eastern stock in the North Pacific is permitted, but only by aborigines or a Contracting Government on behalf of aborigines, and then only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

(i) For the years 2008, 2009, 2010, 2011 and 2012, the number of gray whales taken in accordance with this subparagraph shall not exceed 620, provided that the number of gray whales taken in any one of the years 2008, 2009, 2010, 2011 and 2012 shall not exceed 140.

(ii) This provision shall be reviewed annually by the Commission in light of the advice of the Scientific Committee.

3) The taking by aborigines of minke whales from the West Greenland and Central stocks and fin whales from the West Greenland stock and bowhead whales from the West Greenland feeding aggregation is permitted and then only when the meat and products are to be used exclusively for local consumption.

(i) The number of fin whales struck from the West Greenland stock in accordance with this sub-paragraph shall not exceed 19 in each of the years 2008, 2009, 2010, 2011 and 2012.

(ii) The number of minke whales struck from the Central stock in accordance with this sub-paragraph shall not exceed 12 in each of the years 2008, 2009, 2010, 2011 and 2012, except that any unused portion of the quota for each year shall be carried forward from that year and

added to the quota of any subsequent years, provided that no more than 3 shall be added to the quota for any one year.

- (iii) The number of minke whales struck from the West Greenland stock shall not exceed 200 in each of the years 2008, 2009, 2010, 2011 and 2012, except that any unused portion of the quota for each year shall be carried forward from that year and added to the strike quota of any of the subsequent years, provided that no more than 15 strikes shall be added to the strike quota for any one year. This provision will be reviewed annually by the Commission, according to the findings and recommendations by the Scientific Committee, which shall be binding.
- (iv) The number of bowhead whales struck off West Greenland in accordance with this sub-paragraph shall not exceed 2 in each of the years 2008, 2009, 2010, 2011 and 2012, except that any unused portion of the quota for each year shall be carried forward from that year and added to the quota of any subsequent years, provided that no more than 2 shall be added to the quota for any one year. Furthermore, the quota for each year shall only become operative when the Commission has received advice from the Scientific Committee that the strikes are unlikely to endanger the stock.

4) For the seasons 2008-2012 the number of humpback whales to be taken by the Bequians of St. Vincent and The Grenadines shall not exceed 20. The meat and products of such whales are to be used exclusively for local consumption in St. Vincent and The Grenadines.

14. It is forbidden to take or kill suckling calves or female whales accompanied by calves.

*Baleen Whale Size Limits*

15. a) It is forbidden to take or kill any sei or Bryde's whales below 40 feet (12.2 metres) in length except that sei and Bryde's whales of not less than 35 feet (10.7 metres) 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 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 in the Southern Hemisphere for delivery to land stations and fin whales of not less than 50 feet (15.2 metres) may be taken in the Northern Hemisphere for delivery to land stations, provided that, in each case the meat of such whales is to be used for local consumption as human or animal food.

*Sperm Whale Catch Limits*

16. Catch limits for sperm whales of both sexes shall be set at zero in the Southern Hemisphere for the 1981/82 pelagic season and 1982 coastal seasons and following seasons, and at zero in the Northern Hemisphere for the 1982 and following coastal seasons; except that the catch limits for the 1982 coastal season and following seasons in the Western Division of the North Pacific shall remain undetermined and subject to decision by the Commission following special or annual meetings of the Scientific Committee. These limits shall remain in force until such time as the Commission, on the basis of the scientific information which will be reviewed annually, decides otherwise in accordance with the procedures followed at that time by the Commission.

17. It is forbidden to take or kill suckling calves or female whales accompanied by calves.

*Sperm Whale Size Limits*

18. a) 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).

b) It is forbidden to take or kill any sperm whale over 45 feet (13.7 metres) in length in the Southern Hemisphere north of 40° South Latitude during the months of October to January inclusive.

c) It is forbidden to take or kill any sperm whale over 45 feet (13.7 metres) in length in the North Pacific Ocean and dependent water south of 40° North Latitude during the months of March to June inclusive.

*IV. TREATMENT*

19. a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales which are classified as Protection Stocks in paragraph 10 or are taken in contravention of paragraphs 2, 3, 4, 5, 6, 7, 8, 11, 12, 14, 16 and 17 of this Schedule, whether or not taken by whale catchers under the jurisdiction of a Contracting Government.

b) All other whales taken, except minke whales, 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 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.

20. 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

21. 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.

22. 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 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 lactating whales.

23. 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 metre. 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 as 10.3 metres.

#### *VI. INFORMATION REQUIRED*

24. 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 paragraph 20(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 23
- 3) sex
- 4) if female, whether 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.

d) A record similar to that described in sub-paragraph (b) of this paragraph shall be maintained by "small-type whaling" operations conducted from shore or by pelagic fleets, and all of this information mentioned in the said sub-paragraph shall be entered therein as soon as available.

25. a) All Contracting Governments shall report to the Commission for all whale catchers operating in conjunction with factory ships and land stations the following information:

- 1) methods used to kill each whale, other than a harpoon, and in particular compressed air
- 2) number of whales struck but lost.

b) A record similar to that described in sub-paragraph a) of this paragraph shall be maintained by vessels engaged in "small-type

whaling” operations and by native peoples taking species listed in paragraph 1, and all the information mentioned in the said subparagraph shall be entered therein as soon as available, and forwarded by Contracting Governments to the Commission.

26. 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 baleen whales by species 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 Secretary to the International Whaling Commission 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 7 April of any year, the Secretary to the International Whaling Commission 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.

27. Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and catcher ships of the following 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, land station or “small-type whaling” operations 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.

28. a) Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and catcher ships of the following statistical information:

- 1) the name and gross tonnage of each factory ship,
- 2) 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) the gross tonnage, horsepower, length and other characteristics of each; vessels used only as tow boats should be specified.

3) 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.

b) The information required under paragraph a)2)iii) should also be recorded together with the following information, in the log book format shown in Appendix A, and forwarded to the Commission:

- 1) where possible the time spent each day on different components of the catching operation,
- 2) any modifications of the measures in paragraphs a)2)i)-iii) or b)1) or data from other suitable indicators of fishing effort for "small-type whaling" operations.

29. a) Where possible all factory ships and land stations shall collect from each whale taken and report on:

- 1) both ovaries or the combined weight of both testes,
- 2) at least one ear plug, or one tooth (preferably first mandibular).

b) Where possible similar collections to those described in subparagraph a) of this paragraph shall be undertaken and reported by "small-type whaling" operations conducted from shore or by pelagic fleets.

c) All specimens collected under sub-paragraphs a) and b) shall be properly labelled with platform or other identification number of the whale and be appropriately preserved.

d) Contracting Governments shall arrange for the analysis as soon as possible of the tissue samples and specimens collected under subparagraphs a) and b) and report to the Commission on the results of such analyses.

30. A Contracting Government shall provide the Secretary to the International Whaling Commission with proposed scientific permits before they are issued and in sufficient time to allow the Scientific Committee to review and comment on them. The proposed permits should specify:

- a) objectives of the research;
- b) number, sex, size and stock of the animals to be taken;

- c) opportunities for participation in the research by scientists of other nations; and
- d) possible effect on conservation of stock.

Proposed permits shall be reviewed and commented on by the Scientific Committee at Annual Meetings when possible. When permits would be granted prior to the next Annual Meeting, the Secretary shall send the proposed permits to members of the Scientific Committee by mail for their comment and review. Preliminary results of any research resulting from the permits should be made available at the next Annual Meeting of the Scientific Committee.

31. 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.

INTERNATIONAL CONVENTION FOR THE REGULATION OF  
WHALING, 1946, SCHEDULE APPENDIX A

TITLE PAGE

(one logbook per catcher per season)

Catcher name ..... Year built .....

Attached to expedition/land station .....

Season .....

Overall length ..... Wooden/steel hull .....

Gross tonnage .....

Type of engine ..... H.P. ....

Maximum speed ..... Average searching speed .....

Asdic set, make and model no. ....

Date of installation .....

Make and size of cannon .....

Type of first harpoon used ..... explosive/electric/non-explosive

Type of killer harpoon used .....

Length and type of forerunner .....

Type of whaleline .....

Height of barrel above sea level .....

Speedboat used, Yes/No

Name of Captain .....

Number of years experience .....

Name of gunner .....

Number of years experience .....

Number of crew .....

INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING, 1946

DAILY RECORD SHEET

TABLE 1

Date ..... Catcher name .....

Sheet No. ....

Searching: Time started (or resumed) searching .....

\*Time whales seen or reported to catcher .....

Whale species .....

Number seen and no. of groups .....

Position found .....

Name of catcher that found whales .....

Chasing: Time started chasing (or confirmed whales) .....

Time whale shot or chasing discontinued .....

Asdic used (Yes/No) .....

Handling: Time whale flagged or alongside for towing .....

Serial No. of catch .....

Towing: Time started picking up .....

Time finished picking up or started towing .....

Date and time delivered to factory .....

Resting: Time stopped (for drifting or resting) .....

Time finished drifting/resting .....

Time ceased operations .....

WEATHER CONDITIONS

Total searching time.....			Wind	
Total chasing time .....			force and	
A) with asdic .....	Time	Sea state	direction	Visibility
B) without asdic .....	.....	.....	.....	.....
Total handling time .....				
Total towing time .....	.....	.....	.....	.....
Total resting time .....	.....	.....	.....	.....
Other time .....	.....	.....	.....	.....
(e.g. bunkering, in port) .....	.....	.....	.....	.....

Whales Seen (No. and No. of schools)

Blue.....	Bryde's .....
Fin.....	Minke .....
Humpback.....	Sperm .....
Right.....	Others (specify) .....
Sei.....	.....
Signed.....	.....

\*Time whales reported to catcher means the time when the catcher is told of the position of a school and starts to move towards it to chase it.

SCHEDULE APPENDIX A

SCHOOLING REPORT

TABLE 2

To be completed by pelagic expedition or coastal station for each sperm whale school chased. A separate form to be used each day.

Name of expedition or coastal station .....

Date ..... Noon position of factory ship .....

Time School Found .....

Total Number of Whales in School .....

Number of Takeable Whales in School .....

Number of Whales Caught from School by each Catcher .....

Name of Catcher .....

Name of Catcher .....

Name of Catcher .....

Name of Catcher .....

Total Number Caught from School .....

Remarks:

Explanatory Notes

A. Fill in one column for each school chased with number of whales caught by each catcher taking part in the chase; if catchers chase the school but do not catch from it, enter 0; for catchers in fleet which do not chase that school enter X.

B. A school on this form means a group of whales which are sufficiently close together that a catcher having completed handling one whale can start chasing another whale almost immediately without spending time searching. A solitary whale should be entered as a school of 1 whale.

C. A takeable whale is a whale of a size or kind which the catchers would take if possible. It does not necessarily include all whales above legal size, e.g. if catchers are concentrating on large whales only these would be counted as takeable.

D. Information about catchers from other expeditions or companies operating on the same school should be recorded under Remarks.

## C. VERTALING

Zie *Stb.* I 534.

## D. PARLEMENT

Zie *Trb.* 1951, 26, *Trb.* 1953, 13, rubriek D en J van *Trb.* 1959, 156, rubriek D van *Trb.* 1962, 93, rubriek D en J van *Trb.* 1963, 55, rubriek D van *Trb.* 1964, 116, *Trb.* 1970, 17, *Trb.* 1977, 102 en *Trb.* 1982, 30 en rubriek J van *Trb.* 1982, 90, *Trb.* 1983, 148, *Trb.* 1985, 44, *Trb.* 1986, 71, *Trb.* 1987, 70, *Trb.* 1988, 36 en *Trb.* 1995, 247.

De wijzigingen van het Reglement behoefden ingevolge artikel 7, onderdeel f van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

## E. PARTIJGEGEVENS

Zie rubriek E en F van *Trb.* 1962, 93.

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Antigua en Barbuda		21-07-82	T	21-07-82		
Argentinië	02-12-46	18-05-60	R	18-05-60		
Australië	02-12-46	01-12-47	R	10-11-48		
België		14-07-04	T	14-07-04		
Belize		17-06-03	T	17-06-03		
Benin		26-04-02	T	26-04-02		
Brazilië		04-01-74	T	04-01-74		
Cambodja		01-06-06	T	01-06-06		
Canada	02-12-46	25-02-49	R	25-02-49	24-06-81	30-06-82
Chili	02-12-46	06-07-79	R	06-07-79		
China		24-09-80	T	24-09-80		
Costa Rica		24-07-81	T	24-07-81		
Cyprus		26-02-07	T	26-02-07		
Denemarken	02-12-46	23-05-50	R	23-05-50		
Dominica		18-06-92	T	18-06-92		



Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Duitsland		02-07-82	T	02-07-82		
Ecuador		10-05-07	T	10-05-07		
Egypte		18-09-81	T	18-09-81	29-11-88	30-06-89
Filippijnen, de		10-08-81	T	10-08-81	03-12-87	30-06-88
Finland		23-02-83	T	23-02-83		
Frankrijk	02-12-46	03-12-48	R	03-12-48		
Gabon		08-05-02	T	08-05-02		
Gambia		17-05-05	T	17-05-05		
Grenada		07-04-93	T	07-04-93		
Griekenland		16-05-07	T	16-05-07		
Guatemala		16-05-06	T	16-05-06		
Guinee		21-06-00	T	21-06-00		
Guinee-Bissau		29-05-07	T	29-05-07		
Hongarije		01-06-04	T	01-06-04		
Ierland		02-01-85	T	02-01-85		
IJsland		10-10-02	T	10-10-02		
India		09-03-81	T	09-03-81		
Israël		07-06-06	T	07-06-06		
Italië		12-02-98	R	12-02-98		
Ivoorkust		08-07-04	T	08-07-04		
Jamaica		15-07-81	T	15-07-81	02-09-83	30-06-84
Japan		21-04-51	T	21-04-51		
Kameroen		14-06-05	T	14-06-05		
Kenia		02-12-81	T	02-12-81		
Kiribati		28-12-04	T	28-12-04		
Kroatië		10-01-07	T	10-01-07		
Laos		22-05-07	T	22-05-07		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Luxemburg		10-06-05	T	10-06-05		
Mali		17-08-04	T	17-08-04		
Marokko		12-02-01	T	12-02-01		
Marshall- eilanden, de		01-06-06	T	01-06-06		
Mauritanië		23-12-03	T	23-12-03		
Mauritius		17-06-83	T	17-06-83	27-08-87	30-06-88
Mexico		30-06-49	T	30-06-49		
Monaco		15-03-82	T	15-03-82		
Mongolië		16-05-02	T	16-05-02		
Nauru		15-06-05	T	15-06-05		
<b>Nederlanden, het Koninkrijk der</b> – Nederland – Ned. Antillen – Aruba		14-06-77 16-02-82 –	T T VG	14-06-77 16-02-82 01-01-86		
Nicaragua		05-06-03	T	05-06-03		
Nieuw-Zeeland		15-06-76	T	15-06-76		
Noorwegen		23-09-60	T	23-09-60		
Oman		15-07-80	T	15-07-80		
Oostenrijk		20-05-94	T	20-05-94		
Palau		08-05-02	T	08-05-02		
Panama		12-06-01	T	12-06-01		
Peru		18-06-79	T	18-06-79		
Portugal		14-05-02	T	14-05-02		
Russische Fede- ratie	02-12-46	11-09-48	R	10-11-48		
Salomons- eilanden		10-05-93	T	10-05-93		
San Marino		16-04-02	T	16-04-02		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Senegal		15-07-82	T	15-07-82		
Seychellen, de		19-03-79	T	19-03-79	03-06-94	30-06-95
Sint Kitts en Nevis		24-06-92	T	24-06-92		
Sint Lucia		29-06-81	T	29-06-81		
Sint Vincent en de Grenadines		22-07-81	T	22-07-81		
Slovenië		20-09-06	T	20-09-06		
Slowakije		22-03-05	T	22-03-05		
Spanje		06-07-79	T	06-07-79		
Suriname		14-07-04	T	14-07-04		
Togo		15-06-05	T	15-06-05		
Tsjechië		24-01-05	T	24-01-05		
Tuvalu		30-06-04	T	30-06-04		
Uruguay		27-09-07	T	27-09-07		
Venezuela		11-07-91	T	11-07-91	18-02-98	30-06-99
Verenigd Koninkrijk, het	02-12-46	17-06-47	R	10-11-48		
Verenigde Staten van Amerika, de	02-12-46	18-07-47	R	10-11-48		
Zuid-Afrika	02-12-46	05-05-48	R	10-11-48		
Zuid-Korea		29-12-78	T	29-12-78		
Zweden		15-06-79	T	15-06-79		
Zwitserland		29-05-80	T	29-05-80		

\* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrchtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

### Verklaringen, voorbehouden en bezwaren

Argentinië, 18 mei 1960

Se deja expresa constancia de que si otra Parte Contratante, de acuerdo con los términos del artículo I, inciso 2 y el artículo IX, inciso 1,3 Y 4,

de la Convencion referida; y el articulo 1º, punto b), del Reglamento adjunto a la misma, o disposiciones concordantes, extendiera la aplicacion de la Convencion o del Reglamento a territorios que pertenecen a la Soberania de la Republica Argentina tales como las islas Malvinas, islas Georgias del Sud, islas Sandwich del Sud y el Sector Antartico Argentino, tal extension en nada afectara sus derechos.

Bezwaar door Verenigd Koninkrijk, het, 12 augustus 1960

The [Argentine] instrument contained a statement, designated as a reservation, which refers to the Falkland Islands under the incorrect designation "Islas Malvinas" and to alleged Argentine sovereignty over these islands and the Falkland Islands Dependencies, including South Georgia and the South Sandwich Islands.

Her Majesty's Ambassador has been instructed to request the United States Government to inform all Contracting Governments that the Falkland Islands and the Falkland Islands Dependencies are, and remain, under the sovereignty of Her Majesty; and that Her Majesty's Government do not admit the claim of the Argentine Government to sovereignty over any part of these territories.

Bezwaar door Verenigde Staten van Amerika, de, 14 september 1960

My Government wishes to point out, as it has on previous occasions, that it does not recognize any of the claims of sovereignty which have been asserted over territory in Antarctica and that it reserves all of the rights of the United States of America with respect to the area.

Chili, 6 juli 1979

Ratification by Chile includes the reservation that none of the provisions of the Convention could affect or restrict the sovereign rights of Chile in its Maritime Zone of 200 miles.

China, 24 september 1980

The Chinese Government declares illegal and null and void the recognition of and application to accede to the above Convention by the Taiwan authorities in the name of China.

IJsland, 10 oktober 2002

Iceland adheres to the aforesaid Convention and Protocol with a reservation with respect to paragraph 10 (e) of the Schedule attached to the Convention.

Notwithstanding this [reservation], the Government of Iceland will not authorize whaling for commercial purposes by Icelandic vessels before 2006 and, thereafter, will not authorize such whaling while progress is

being made in negotiations within the International Whaling Commission on the Revised Management Scheme. This does not apply, however, in case of the so-called moratorium on whaling for commercial purposes, contained in paragraph 10 (e) of the Schedule, not being lifted within reasonable time after the completion of the Revised Management Scheme.

Under no circumstances will whaling for commercial purposes be authorized in Iceland without a sound scientific basis and an effective management and enforcement scheme.

Bezwaar door Argentinië, 6 februari 2003

The Government of the Argentine Republic formally objects to the reservation made by the Government of Iceland with respect to paragraph 10 (e) of the Schedule attached to the Convention.

Bezwaar door Australië, 5 februari 2003

Australia considers that the reservation is prohibited, as it is incompatible with the object and purpose of the Convention. This does not preclude the entry into force of the Convention between Australia and Iceland.

The position of Australia in this regard is without prejudice to any future decision by the International Whaling Commission on Iceland's status with regard to the Convention.

Bezwaar door Brazilië, 5 februari 2003

The Brazilian Embassy would like to state the Brazilian government's opposition to such reservation by the government of Iceland.

Bezwaar door Chili, 23 mei 2003

The Government of Chile would like to express its objection with respect to the ... reservation, declaring that it constitutes an untimely presentation of an amendment to the Schedule or Annex of the Convention approved by the International Whaling Commission in 1986, which is inadmissible.

Bezwaar door Duitsland, 3 februari 2002

The Government of the Federal Republic of Germany considers that the moratorium on commercial whaling laid down in Paragraph 10 (e) of the Schedule to the Convention is a fundamental and longstanding aspect of the regime for management of whaling. The moratorium therefore is an essential part of the Convention.

The Government of the Federal Republic of Germany is thus of the view that the reservation related to the moratorium raises doubts as to the full commitment of the Republic of Iceland to the object and purpose of the Convention.

The Government of the Federal Republic of Germany therefore objects to the reservation made by the Republic of Iceland. This objection does not preclude the entry into force of the Convention between the Federal Republic of Germany and the Republic of Iceland.

Bezwaar door Finland, 30 mei 2003

By note dated May 15, 2003, and received on May 30, 2003, the Government of Finland objected to the reservation contained in Iceland's instrument of adherence deposited on October 10, 2002.

Bezwaar door Frankrijk, 7 januari 2003

La France note que l'instrument d'adhésion islandais contient une réserve relative à l'article 10, §e de l'annexe à la convention. Comme elle l'a annoncé au cours de l'intersession de la Commission Baleinière Internationale à Cambridge, le 14 octobre 2002, la France émet une objection formelle à cette réserve.

Bezwaar door Italië, 5 februari 2003

The Government of Italy wishes to formally register its objection to a reservation that is not acceptable to Italy. In this regard, the position of Italy is that Iceland, because of its reservation, may not be regarded as a party to the Convention nor a member of the IWC.

Bezwaar door Mexico, 14 februari 2003

The Government of Mexico wishes to formally register its objection to the reservation formulated by Iceland. In this regard, because of its reservation, Iceland will not be regarded as a party to the Convention, nor as a member of the International Whaling Commission (IWC), insofar as Mexico is concerned.

Bezwaar door Monaco, 24 maart 2003

Le Gouvernement Princier estime que le paragraphe 10 (e) de l'Annexe est un des éléments fondamentaux d'application de la Convention sur la Commission Baleinière Internationaleet, qu'à ce titre, la Principauté de Monaco s'oppose à la réserve émise par l'Islande.

Bezwaar door **Nederlanden, het Koninkrijk der**, 26 februari 2003

The Government of the Kingdom of the Netherlands notes that paragraph 10 (e) to which Iceland has entered a reservation relates to the moratorium on commercial whaling which the Government of the Kingdom of the Netherlands considers to be a fundamental and longstanding aspect of the regime for management of whaling and one which the majority of IWC members

supported when the measure was adopted in 1982. The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservation made by the Government of Iceland to the International Convention for the Regulation of Whaling. This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Iceland.

Bezwaar door Nieuw-Zeeland, 23 maart 2003

It is the view of the Government of New Zealand that the reservation is not permitted by the Convention. Further, the Government of New Zealand considers that the reservation is incompatible with the object and purpose of the Convention and is without legal effect. Accordingly, New Zealand does not accept the Convention as being in force between New Zealand and Iceland.

Bezwaar door Peru, 11 maart 2003

The Embassy of Peru to the United States of America notes that the instrument [of adherence by Iceland] contains a reservation with respect to paragraph 10 (e) of the Schedule attached to the Convention, reservation that the Government of Peru objects.

Bezwaar door Portugal, 16 juni 2003

When paragraph 10 (e) of the schedule was adopted (1982), Iceland was a party to the Whaling Convention and did not present any objection to it, as it could have done within the 90-day deadline and under the procedures set forth in Art. V. paragraph 3, of the Convention.

Portugal considers that the reservation is not compatible with the object and purpose of the Whaling Convention and therefore objects to the reservation made by the Government of the Republic of Iceland with respect to paragraph 10 (e) of the Schedule attached to the Convention.

Nevertheless, it is our understanding that the remainder of the Convention may [enter] into force between Iceland and Portugal.

Bezwaar door San Marino, 17 maart 2003

The Government of the Republic of San Marino formally objects to the reservation made by the Government of Iceland, since it believes that paragraph 10 (e) is a fundamental element to the application of the Convention.

Bezwaar door Spanje, 6 maart 2003

The Government of the Kingdom of Spain considers that the reservation is not compatible with the object and purpose of the Convention, and therefore objects to the reservation made by the Government of the Republic of Iceland with respect to paragraph 10 (e) of the Schedule attached to the Convention.

The objection shall not preclude the entry into force of the Convention between Iceland and Spain.

Bezwaar door Verenigd Koninkrijk, het, 16 december 2002

The Government of the United Kingdom objects to the reservation made by the Government of the Republic of Iceland with respect to paragraph 10 (e) of the Schedule attached to the Convention.

Bezwaar door Verenigde Staten van Amerika, de, 27 mei 2003

The United States of America, in its capacity as a party to the Convention, objects to the reservation contained in the instrument of adherence by Iceland. This objection shall not preclude the entry into force of the Convention as between the United States and Iceland.

Bezwaar door Zweden, 27 november 2002

The Government of Sweden is of the view that the reservation to paragraph 10 (e) of the Schedule attached to the Convention may raise serious doubts as to the commitment of the Republic of Iceland to the object and purpose of the Convention.

The Government of Sweden therefore objects to the aforesaid reservation by the Government of the Republic of Iceland. This objection shall not preclude the entry into force of the Convention between Iceland and Sweden. The Convention enters into force in its entirety without Iceland benefiting from its reservation.

IJsland, 4 juni 2003

The ... Note [from the Embassy of Sweden received on November 27, 2002] states that the objection by the Government of Sweden shall not preclude the entry into force of the Convention between Iceland and Sweden. However, the Note also contains the following conclusion: "The Convention enters into force in its entirety without Iceland benefiting from its reservation."

This conclusion is without foundation in international law. According to Article 21, paragraph 3, of the Vienna Convention on the Law of Treaties, which reflects customary international law, "[w]hen a State objecting to a reservation has not opposed the entry into force of the treaty between itself and the reserving State, the provisions to which the reservation relates do not apply as between the two States to the extent of the reservation."

Accordingly, the International Convention for the Regulation of Whaling is in force between Iceland and Sweden with the exception of paragraph 10 (e) of the Schedule attached to the Convention, to which the reservation of Iceland relates.



Noorwegen, 26 maart 2003

The position of the Norwegian Government is that the competent body of the International Whaling Commission (IWC) has already made a decision with regard to Iceland's adherence to the IWC, with binding effect for all IWC Parties, and in accordance with the principle of Art. 20 Para. 3 of the Vienna Convention on the Law of Treaties of 23 May 1969. The decision of the 5th Special Meeting of the IWC on 14 October 2002 to accept Iceland's adherence obliges all IWC Members to fully recognize Iceland as a Member of the IWC with such reservations as have been made, and Norway will consider any and all objections to this decision to be without legal consequence.

The Government of Norway undertakes to act in accordance with the said decision, and will oppose attempts to question its legitimacy.

Peru, 18 juni 1979

This [ratification] cannot be interpreted as detrimental to or restrictive of the sovereignty and jurisdiction which Peru exercises up to a limit of two hundred miles off its coast.

Bezwaar door Duitsland, 27 mei 1983

By a note dated May 27, 1983, from the Ambassador of the Federal Republic of Germany, a formal objection was placed on record to the statement made by Peru on June 18, 1979, on ratifying the Convention.

Bezwaar door Verenigd Koninkrijk, het, 1 maart 1984

The Government of the United Kingdom of Great Britain and Northern Ireland considers that the claim by the Government of Peru that Peru exercises unrestricted sovereignty and jurisdiction to a limit of two hundred miles off its coasts has no validity under international law.

Verenigd Koninkrijk, het, 12 augustus 1960

Her Majesty's Ambassador has been instructed to request the United States Government to inform all Contracting Governments that the Falkland Islands and the Falkland Islands Dependencies are, and remain, under the sovereignty of Her Majesty; and that Her Majesty's Government do not admit the claim of the Argentine Government to sovereignty over any part of these territories.

Bezwaar door Verenigde Staten van Amerika, de, 6 oktober 1960

In as much as it is understood that the Government of the United Kingdom considers the "Falkland Islands Dependencies" to include a portion of Antarctica, the Secretary of State wishes to point out, as has been done by his Government on previous occasions, that the Government of the United States of America does not recognize any of the claims of sovereignty which have been

asserted over territory in Antarctica and that it reserves all of the rights of the United States of America with respect to the area.

#### G. INWERKINGTREDING

Zie *Trb.* 1951, 26, *Trb.* 1962, 93, rubriek J van *Trb.* 1966, 181, rubriek D van *Trb.* 1970, 17, *Trb.* 1977, 102, *Trb.* 1982, 30, rubriek J van *Trb.* 1983, 148, *Trb.* 1985, 44, rubriek D en J van *Trb.* 1986, 71, rubriek J van *Trb.* 1987,70, *Trb.* 1988, 36 en *Trb.* 1995, 247.

De tekst van het Reglement, zoals hierboven in rubriek B opgenomen, geldt van 20 september 2007 voor alle partijen.

Wat betreft het Koninkrijk der Nederlanden, geldt het gewijzigde Reglement voor het gehele Koninkrijk.

#### J. VERWIJZINGEN

Zie laatstelijk *Trb.* 1995, 247.

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat het gewijzigde Reglement zal zijn bekendgemaakt in Nederland, de Nederlandse Antillen en Aruba op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *tiende* april 2008.

*De Minister van Buitenlandse Zaken,*

M. J. M. VERHAGEN