

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1951 No. 26

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 afgedrukt in *Staatsblad* No. I 534.

C. VERTALING

De vertaling in het Nederlands is afgedrukt in *Staatsblad* No. I 534.

D. GOEDKEURING

Artikel 1 van de Wet van 29 October 1948 (*Staatsblad* No. I 460) luidt: „Het Verdrag tot regeling van de walvisvangst met bijbehorend reglement, hetwelk vanwege Ons op 2 December 1946 te Washington is ondertekend en in afdruk nevens deze wet is gevoegd, wordt voor het Rijk in Europa goedgekeurd”. Deze Wet is gecontrasigneerd door de Minister van Landbouw, Visserij en Voedselvoorziening MANS-HOLT, de Minister van Buitenlandse Zaken STIKKER en de Minister van Justitie WIJERS.

E. BEKRACHTIGING

Het Verdrag is bekrachtigd door de navolgende Staten:

Groot-Britannië en Noord-Ierland	17 Juni 1947
de Verenigde Staten van Amerika	18 Juli 1947
Australië	1 December 1947
Noorwegen	3 Maart 1948
de Unie van Zuid-Afrika	5 Mei 1948
de Sowjet-Unie	11 September 1948
Nederland (Rijk in Europa)	10 November 1948
Frankrijk	3 December 1948
Canada	25 Februari 1949
Nieuw-Zeeland	2 Augustus 1949
Brazilië	9 Mei 1950
Denemarken	23 Mei 1950

F. TOETREDING

Tot het Verdrag zijn toegetreden:

IJsland	10 Maart 1947
Panama	30 September 1948
Zweden	28 Januari 1949
Mexico	30 Juni 1949

G. INWERKINGTREDING

Het Verdrag is 10 November 1948 in werking getreden ingevolge artikel X, lid 4.

J. GEGEVENS

Het bij dit Verdrag behorende Reglement is door de Internationale Walvis Commissie, ingesteld krachtens artikel III van het Verdrag, tweemaal gewijzigd op grond van de bepalingen van artikel V. De wijzigingen, aangebracht in de te Londen in 1949 gehouden eerste bijeenkomst van deze Commissie, zijn in de hieronder volgende tekst van het Reglement cursief gedrukt. Deze wijzigingen zijn voor de Verdragssluitende Partijen in werking getreden op 11 October 1949, met uitzondering van de nieuwe paragraaf 17, die, behalve voor Frankrijk, in werking trad op 11 Januari 1950. De wijzigingen, aangebracht in de te Londen in 1950 gehouden tweede bijeenkomst van genoemde Commissie, zijn in de hieronder volgende tekst onderlijnd. Deze wijzigingen zijn voor de Verdragssluitende Partijen in werking getreden op 1 November 1950, met dien verstande, dat Frankrijk gebonden blijft door de oorspronkelijke redactie van paragraaf 17.

De gewijzigde tekst luidt als volgt:

SCHEDULE

(As amended by the Commission at its first and second meetings and subsequently brought into force)

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 westward 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 1950-51 a maximum of 1,250 humpback whales may be taken in these waters commencing on February 1.

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 22nd December, to 7th April, following, both days inclusive.

(b) 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 shall be given at the end of each day.

(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) 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 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.

(f) 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. It is forbidden to take or kill any blue, fin, sei, humpback, or sperm whales below the following lengths:—

- | | |
|---------------------------|-----------------------|
| (a) Blue whales | 70 feet (21.3 metres) |
| (b) Fin whales | 55 feet (16.8 metres) |
| (c) Sei whales | 40 feet (12.2 metres) |
| (d) Humpback whales | 35 feet (10.7 metres) |
| (e) Sperm whales | 35 feet (10.7 metres) |

except that blue whales of not less than 65 feet (19.8 metres), fin whales of not less than 50 feet (15.2 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.

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 purpose of taking or treating baleen whales except as permitted by the Contracting Government in accordance with subparagraph (b) 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*

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 whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen whales under the jurisdiction of the same Contracting Government.

(c) Notwithstanding the prohibition in sub-paragraph (a) 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.

(d) 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 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 bad condition.

13. 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) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is taken up on to the deck of the factory ship for treatment. All whale catchers engaged in taking whales must report by radio to the factory ship the time when each whale is caught.

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 coasts 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 meanings respectively assigned to them, that is to say:—

“Baleen whale” means any whale other than a toothed whale;

“Blue whale” means any whale known by the name of blue whale, Sibbald’s rorqual, or sulphur bottom;

“Fin whale” means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razor back, or true fin whale;

“Shei whale” means any whale known by the name of *Balœoptera borealis*, sei whale, Rudolphi’s rorqual, pollack whale, or coalfish whale, and shall be taken to include *Balœoptera brydei* Bryde’s whale;

“Gray whale” means any whale known by the name of gray whale, Carlifornia gray, devil fish, hard head, mussel digger, gray back, rip sack;

“Humpback whale” means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale;

“Right whale” means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland light 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;

“Sperm whale” means any whale known by the name of sperm whale, spermacet whale, cachalot, or pot whale;

“Dauhval” means any unclaimed dead whale found floating.

Uitgegeven de *dertigste* Maart 1951.

De Minister van Buitenlandse Zaken,
STIKKER.