

# TRACTATENBLAD

VAN HET

## KONINKRIJK DER NEDERLANDEN

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JAARGANG 1959 Nr. 156

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A. TITEL

*Verdrag tot regeling van de walvisvangst, met Reglement;  
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 gesloten Protocol tot wijziging van het Verdrag tot regeling van de walvisvangst, waarvan de tekst is geplaatst in *Trb.* 1957, 38; zie ook, laatstelijk, *Trb.* 1959, 157.

C. VERTALING

Zie *Stb.* I 534.

D. GOEDKEURING

Zie *Trb.* 1951, 26 en *Trb.* 1953, 13.

Bij Koninklijke boodschap van 4 juni 1959 (*Bijl. Hand.* II 1959 — 5506) werd aan de Tweede Kamer der Staten-Generaal een ontwerp van wet tot goedkeuring der opzegging van het Walvisverdrag aangeboden. De memorie van toelichting die het wetsontwerp vergezelt, is ondertekend door de Minister van Landbouw en Visserij V. G. M. MARIJNEN en de Minister van Buitenlandse Zaken a.i. J. DE QUAY.

E. BEKRACHTIGING

Zie *Trb.* 1951, 26.

F. TOETREDING

Zie *Trb.* 1951, 26 en 1953, 13.

G. INWERKINGTREDING

Zie *Trb.* 1951, 26.

I. OPZEGGING

In overeenstemming met artikel XI van het Verdrag werd het Verdrag opgezegd door:

Noorwegen .....	29 december 1958 <sup>1)</sup>
Nederland .....	31 december 1958 <sup>2)</sup>

De opzeggingen van het Verdrag zijn op 30 juni 1959 van kracht geworden.

Het Verdrag werd bovendien op 6 februari 1959 opgezegd door Japan, doch deze opzegging werd op 29 juni 1959 ingetrokken.

1) De Noorse kennisgeving ging vergezeld van de volgende verklaring:

„Should the negotiations for an agreement between the five nations engaged in pelagic whaling in the Antarctic on the national conduct of the whale fisheries have reached a satisfactory conclusion before that date [June 30, 1959], providing for the proportional allocation between them of the annual total catch under the Convention, the above notice of withdrawal will be cancelled.”.

2) De Nederlandse kennisgeving ging vergezeld van de volgende verklaring:

„The Netherlands Government only reluctantly proceeds to the unilateral denunciation of a convention and .... for this reason such a step is taken only in cases of extreme necessity. Consequently the Netherlands Government would leave nothing undone that could possibly contribute to a solution of the pending problems to the satisfaction of all parties before its withdrawal from the Convention becomes effective. If such a solution could be reached before the 30th of June 1959, the Netherlands Government would be glad to cancel the announced withdrawal and to observe its commitments under the Convention as before.”.

J. GEGEVENS

Zie *Trb.* 1951, 26, *Trb.* 1953, 13, *Trb.* 1954, 62 en *Trb.* 1956, 15.

De tekst van het met ingang van 8 november 1954 gewijzigde Reglement bij het Verdrag is overgelegd aan de Eerste en de Tweede Kamer der Staten-Generaal bij brieven van 27 maart 1956 (Bijl. *Hand.* II 1955/56 — 4298, nr. 1).

Het bij het Verdrag behorende Reglement is door de Internationale Walvisvaart Commissie, ingesteld op grond van artikel III van het Verdrag, in de zevende zitting van de Commissie te Moskou van 18—23 juli 1955, de achtste zitting te Londen van 16—20 juli 1956, de negende zitting te Londen van 24—28 juni 1957, en de

tiende zitting te 's-Gravenhage van 23—27 juni 1958 wederom gewijzigd.

De gewijzigde tekst, zoals die, behoudens de door voetnoten aangegeven uitzonderingen, op 6 oktober 1958 van kracht is geworden, luidt thans als volgt:

#### SCHEDULE TO THE INTERNATIONAL WHALING CONVENTION, 1946

*(As amended by the Commission at its first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth 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. (1) It is forbidden to kill or attempt to kill blue whales in the North Atlantic Ocean for a period of five years. <sup>1)</sup>

(2) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill 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 whaling 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;

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<sup>1)</sup> This paragraph was objected to within the prescribed period ending 7th November, 1954, by the Government of Iceland, and subsequently by that of Denmark. Neither objection was withdrawn and the paragraph came into force on 24th February, 1955, but is not binding on Iceland and Denmark. It ceases to operate as from 24th February, 1960.

- (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 whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude. [This article, as the result of the seventh meeting at Moscow, was rendered inoperative for a period of three years from 8th November, 1955, and as a result of the ninth meeting in London was rendered inoperative for a further period from 8th November, 1958, after which it will automatically become operative again on 8th November, 1959.]

6. (1) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period ending on 8th November, 1964.

(2) It is forbidden to kill or attempt to kill humpback whales in the waters south of 40° South Latitude between 0° Longitude and 60° West Longitude for a period ending on 8th November, 1964.

(3) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill humpback whales in any waters south of 40° South Latitude except on the 1st, 2nd, 3rd and 4th February in any year.

7. (a) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from 7th January to 7th April, following, both days inclusive; and no such whale catcher shall be used for the purpose of killing or attempting to kill blue whales before the 1st February in any year.

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

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

season may be declared for each factory ship and the whale catchers attached thereto.

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

Provided that:

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

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

8. (a) The number of baleen whales taken during the open season caught in waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed fifteen thousand blue-whale units in any one season, provided that in the season 1958/59<sup>2)</sup> the number of baleen whales taken as aforesaid shall not exceed fourteen thousand five hundred 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; provided that when the number of blue-whale units is

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<sup>2)</sup> The amendment of these dates at the tenth meeting of the Commission, which had the effect of maintaining the blue-whale unit limit for pelagic whaling in the Antarctic at 14,500 blue-whale units was objected to by the Governments of Norway, the Netherlands, the United Kingdom, Japan and the U.S.S.R. It came into force on 29th January, 1959, but is not binding on these countries.

deemed by the Bureau of International Whaling Statistics to have reached 13,500 (but 13,000 in the season 1958/59<sup>3</sup>) notification shall be given as aforesaid at the end of each day of data on the number of blue-whale units taken.

(d) If it appears that the maximum catch of whales permitted by sub-paragraph (a) of this paragraph may be reached before 7th April of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of whales 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 killing or attempting to kill 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)<sup>4</sup> 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 57 feet (17.4 metres) in length for delivery to factory ships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) for delivery to factory ships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15.2 metres) may be taken for delivery to land stations in the Northern Hemisphere provided in each case that the meat of

<sup>3</sup>) The amendment of these dates at the tenth meeting of the Commission, which had the effect of maintaining the blue-whale unit limit for pelagic whaling in the Antarctic at 14,500 blue-whale units was objected to by the Governments of Norway, the Netherlands, the United Kingdom, Japan and the U.S.S.R. It came into force on 29th January, 1959, but is not binding on these countries.

<sup>4</sup>) Paragraph (e) which followed in earlier copies was deleted by the Commission at its fourth meeting in 1952 and the deletion became effective on 12th September, 1952. Original paragraph (f) consequently becomes paragraph (e).

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

(c) <sup>5)</sup> 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

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<sup>5)</sup> This sub-paragraph 10 (c) came into force as from 21st February, 1952, in respect of all Contracting Governments, except the Commonwealth of Australia, who lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this sub-paragraph are not therefore binding on the Commonwealth of Australia.

months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in sub-paragraph (b) of this paragraph; provided that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.

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

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

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



12. (a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of paragraphs 2, 4, 5, 6, 7, 8 or 10 of this Schedule.

(b) All other whales (except minke whales) taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

(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.

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

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

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

(1) The time when each whale is taken

(2) Its species, and

(3) Its marking effected pursuant to sub-paragraph (b) of this paragraph.

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

(1) Time of hauling up for treatment,

(2) Length, measured pursuant to sub-paragraph (d) of paragraph 9,

(3) Sex,

(4) If female, whether milk-filled or lactating,

(5) Length and sex of foetus, if present, and

(6) A full explanation of each infraction.

(e) A record similar to that described in sub-paragraph (d) of this paragraph shall be maintained by land stations, and all of the

information mentioned in the said sub-paragraph shall be entered therein as soon as available.

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 operating 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 operating 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° 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.<sup>6)</sup>

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

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

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

"dauhval" means any unclaimed dead whale found floating

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

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

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

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

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<sup>6)</sup> This paragraph 17 was inserted by the Commission at its first meeting in 1949, and came into force on 11th January, 1950, as regards all Contracting Governments except France, who therefore remain bound by the provisions of the original paragraph 17, which reads as follows:

17. Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

- (a) on the coast of Madagascar and its dependencies, and on the west coasts of French Africa;
- (b) on the west coast of Australia 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; and on the east coast of Australia, in Twofold Bay and Jervis Bay.

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

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

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

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

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

Uitgegeven de zesentwintigste oktober 1959.

De Minister van Buitenlandse Zaken,  
J. LUNS.