

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 1962 Nr. 93

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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, *Trb.* 1953, 13 en *Trb.* 1959, 156.

Artikel 1 van de Wet van 28 september 1960 tot goedkeuring van de opzegging van het Walvisverdrag (*Stb.* 409) luidt als volgt: „De op 31 december 1958 aan de Amerikaanse Regering medegedeelde opzegging door Nederland van het op 2 december 1946 te Washington ondertekende Verdrag tot regeling van de walvisvangst, met bijbehorend Reglement, waarvan tekst en vertaling zijn opgenomen in *Staatsblad* I 534, wordt goedgekeurd.”

Deze Wet is gecontrasigneerd door de Minister van Landbouw en Visserij V. G. M. MARIJNEN en de Minister van Buitenlandse Zaken a.i. J. DE QUAY. Zie voor de behandeling in de Staten-Generaal: *Bijl. Hand.* II 1959 en 1959/60 — 5506; *Hand.* II 1959/60 bladz. 4054—4055; *Bijl. Hand.* I 1960/61, nr. 1; *Hand.* I 1960/61 bladz. 3006—3008.

De wedertoetreding van het Koninkrijk der Nederlanden tot het onderhavige Verdrag (zie rubriek F hieronder) behoeft de goedkeuring van de Staten-Generaal ingevolge artikel 64, juncto artikel 62, lid 2, van de Grondwet.

#### E. BEKRACHTIGING

Zie *Trb.* 1951, 26. Behalve de aldaar genoemde Staten heeft nog de volgende Staat overeenkomstig artikel X, eerste lid, een akte van bekrachtiging nedergelegd:

Argentinië ..... 18 mei 1960

Onder het navolgend voorbehoud:

„Se deja expresa constancia de que si otra Parte Contratante, de acuerdo con los términos del artículo I, inciso 2 y artículo IX, inciso 1, 3 y 4, de la Convención referida; y el artículo 1º, punto b), del Reglamento adjunto a la misma, o disposiciones concordantes, extendiera la aplicación de la Convención o del Reglamento a territorios que pertenecen a la Soberanía de la República Argentina tales como las islas Malvinas, islas Georgias del Sud, islas Sandwich del Sud y el Sector Antártico Argentino, tal extensión en nada afectará sus derechos”.

Vertaling:

„Uitdrukkelijk wordt vastgesteld dat, wanneer een andere Verdragssluitende Partij, overeenkomstig de bepalingen van artikel I, lid 2, en artikel IX, leden 1, 3 en 4, van het onderhavige Verdrag en artikel 1, punt b van het daarbij gevoegde Reglement, of overeenkomstige bepalingen, de toepassing van het Verdrag of Reglement uitbreidt tot gebieden die vallen onder de souvereiniteit van de Argentijnse Republiek, zoals de Malvina-eilanden, de Zuidelijke Georgiaseilanden, de Zuidelijke Sandwicheilanden en de gebieden welke vallen binnen de Argentijnse Zuidpoolsector, zodanige uitbreiding op generlei wijze inbreuk zal maken op haar rechten”.

Naar aanleiding van bovenvermelde bekrachtiging deelde de Britse Ambassadeur in Washington op 12 augustus 1960 het volgende mede:

“The 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”.

Naar aanleiding van het Argentijnse voorbehoud deelde de Regering van de Verenigde Staten van Amerika op 14 september 1960 het volgende mede aan de Regering van Argentinië:

“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”.

Naar aanleiding van de Britse verklaring inzake het Argentijnse voorbehoud deed de Regering van de Verenigde Staten van Amerika op 6 oktober 1960 het volgende mede aan de Britse Regering:

"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".

#### F. TOETREDING

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

De volgende Staten zijn nog overeenkomstig artikel X, lid 2, tot het Verdrag toegetreden:

Noorwegen <sup>1)</sup> .....	23 september 1960
het Koninkrijk der Nederlanden (voor	
Nederland) .....	4 mei 1962

<sup>1)</sup> De Noorse kennisgeving ging vergezeld van de volgende verklaring:

"The continued adherence of the Norwegian Government to the Convention is dependent upon the following conditions being fulfilled:

1. That the Government of the Netherlands adheres to the Convention.

2. That the Government of the Union of Soviet Socialist Republics maintains its pledge of November 1958 to limit the catch of the Soviet expeditions share of the total quota established by the International Whaling Commission to 20 per cent annually for a 7 year period.

3. That an agreement is reached within a reasonable time on the division of the remaining 80 per cent of the total quota between Norway, Japan, the Netherlands and the United Kingdom".

#### G. INWERKINGTREDING

Zie *Trb.* 1951, 26.

Wat het Koninkrijk der Nederlanden betreft, zijn de bepalingen van het Verdrag ingevolge artikel X, lid 4, op 4 mei 1962 voor Nederland opnieuw in werking getreden.

#### I. OPZEGGING

Zie *Trb.* 1959, 156.

Het Verdrag werd op 29 december 1961 opgezegd voor Noorwegen, doch deze opzegging is op 6 juni 1962 ingetrokken.

J. GEGEVENS

Zie *Trb.* 1951, 26; *Trb.* 1953, 13; *Trb.* 1954, 62; *Trb.* 1956, 15 en *Trb.* 1959, 156.

Overeenkomstig artikel 116 van het Reglement van Orde van de Tweede Kamer van de Staten-Generaal zijn op 21 september 1960 vragen gesteld in verband met toetreding tot het onderhavige Verdrag. Deze vragen zijn op 26 september 1960 door de Minister van Landbouw en Visserij schriftelijk beantwoord (Aanhangsel *Hand.* II 1960/61, nr. 3007).

Overeenkomstig artikel 116 van het Reglement van Orde van de Tweede Kamer van de Staten-Generaal zijn op 27 april 1961 vragen gesteld betreffende de verdeling van de quota bij de walvisvangst in het Zuidpoolgebied. Deze vragen zijn op 16 mei 1961 door de Minister van Landbouw en Visserij, mede namens de Minister van Buitenlandse Zaken, schriftelijk beantwoord (Aanhangsel *Hand.* II 1960/61, nr. 3061).

In *Stb.* 410 is geplaatst de Wet van 28 september 1960, houdende nieuwe regelen betreffende de uitoefening van de Walvisvangst (Wet op de Walvisvangst 1960).

In *Stb.* 440 is geplaatst het Koninklijk besluit van 21 oktober 1960, houdende vaststelling van het tijdstip, waarop de Wet op de Walvisvangst 1960 in werking treedt.

In *Stcrt.* 1960, 223 (blz. 7) is geplaatst een beschikking van de Minister van Justitie dd. 9 november 1960 betreffende ambtenaren belast met opsporing van overtredingen van de Wet op de Walvisvangst 1960.

De tekst van het in *Trb.* 1959, 156 geplaatste Reglement bij het Verdrag is op de 13e zitting van de Internationale Commissie voor de Walvisvaart, gehouden te Londen van 19-23 juni 1961, wederom gewijzigd.

De gewijzigde tekst zoals die — behoudens de door voetnoten aangegeven uitzonderingen — sinds 27 september 1961 van kracht is, luidt als volgt:

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

*(As amended by the Commission at its thirteenth and all preceding 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; 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.

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 blue whales in the North Atlantic Ocean for five years ending on 24th February, 1965<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 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;

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<sup>1)</sup> This paragraph was objected to within the prescribed period ending 4th October, 1959, by the Government of Iceland. The objection was not withdrawn and the paragraph became operative from 3rd January, 1960, in respect of all contracting Governments except Iceland.

- (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 westwards 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, and again as a result of the eleventh meeting in London was rendered inoperative for a period of three years from 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. Notwithstanding this close season the taking of 10 humpback whales per year is permitted in Greenland waters provided that whale catchers of less than 50 gross register tonnage are used for this purpose.

(2) (a) 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.

(b) 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 waters south of 40° South Latitude between 70° East Longitude and 130° East Longitude during 1961, 1962 and 1963<sup>1)</sup>.

(3) (a) 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 the waters south of 40° South Latitude between 130° East Longitude and 170° West Longitude during 1961, 1962 and 1963 except for three days commencing the 20th January in each year<sup>1)</sup>.

(b) 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 other waters south of 40° South Latitude except for four days commencing the 20th January in any year.

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<sup>1)</sup> The amendments to paragraphs 6 (2), 6 (3), and 7 (a) were objected to within the prescribed period by the Governments of Japan, Norway, the United Kingdom and the U.S.S.R. Paragraphs 6 (2) (b) and 6 (3) (a) came into force on 25th January, 1961, and paragraph 7 (a) on 26th January, 1961, but are not binding on these countries.

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 12th December 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 14th February in any year<sup>1</sup>).

(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. Notwithstanding this paragraph one continuous open season not to exceed eight months may be implemented so far as Greenland is concerned.

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

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<sup>1</sup>) Zie noot op blz. 6.

Governments shall not exceed fifteen thousand blue-whale units in 1962—63 or in any subsequent season<sup>1</sup>).

(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 deemed by the Bureau of International Whaling Statistics to have reached 13,500 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>2</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, except in the North-

<sup>1</sup>) The amendment to this paragraph was objected to within the prescribed period by the Governments of Japan and the U.S.S.R. The amendment came into force on 23rd January, 1961, but is not binding on these countries.

<sup>2</sup>) Paragraph 8 (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).



east Pacific area for a period of three years starting 1st April, 1962, 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 that, except in the North-east Pacific area for a period of three years starting 1st April, 1962, in each case the meat of such whales is to be used for local consumption as human or animal food.

(c) It is forbidden to take or kill any sperm whales below 38 feet (11.6 metres) in length, except that sperm whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations.

(d) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e.g., 76 feet 6 inches precisely shall be logged as 77 feet.

10. (a) It is forbidden to use a 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>1)</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 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

<sup>1)</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.

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. 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.

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 of whale catchers, including separate totals for surface vessels and aircraft and specifying, in the case of surface vessels, the average length and horse power of 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° 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 coast of French Africa
  - (3) On the coast of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to North-west Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany.
  - (4) On the Pacific coast of the United States of America between 35° North Latitude and 49° North Latitude <sup>1</sup>).

<sup>1</sup> Paragraph 17 (a), (b) and (c) (1) to (3) 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 North-west 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.

Paragraph 17 (c) (4) was inserted by the Commission at its eleventh meeting in 1959 and came into force on 5th October, 1959, as regards all Contracting Governments.

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 hunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale

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

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

“sei whale” (*Balaenoptera borealis*) means any whale known by the name of sei whale, Ruldophi’s rorqual, pollack whale or coal-fish 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.

Op 6 juni 1962 zijn te Londen twee Quoteringsregelingen inzake de Walvisvangst in het Zuidpoolgebied ondertekend namens vijf, onderscheidenlijk vier van de partijen bij het onderhavige Verdrag. De tekst van de regelingen volgt hieronder.

Deze regelingen behoeven de goedkeuring van de Staten-Generaal ingevolge artikel 60, lid 2, der Grondwet, alvorens voor Nederland te kunnen worden aanvaard. De regelingen zullen ingevolge artikel 7, onderscheidenlijk artikel 5, in werking treden op de dag waarop ieder der ondertekenende Regeringen bericht van aanvaarding aan de Britse Regering zal hebben gezonden.

### **Arrangements for the regulation of Antarctic Pelagic Whaling**

The Governments of Japan, the Kingdom of the Netherlands, the Kingdom of Norway, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland, being Parties to the International Convention for the Regulation of Whaling, signed at Washington on December 2, 1946 (hereinafter referred to as "the Convention");

Have agreed upon the following Arrangements:

#### **Article 1**

For the purposes of the present Arrangements the term "season" shall mean the season during which the taking of baleen whales is permitted under paragraph 7 (a) of the Schedule to the Convention.

#### **Article 2**

The present Arrangements shall be operative until the end of the 1965-66 season.

#### **Article 3**

The total annual catch authorised under the Convention shall be divided among the countries of the Contracting Governments in the following quotas:

Japan .....	33%
Netherlands .....	6%
Norway .....	32%
Union of Soviet Socialist Republics ....	20%
United Kingdom .....	9%

These quotas are not transferable except as provided in Article 5 hereof and in Articles 3 and 4 of the Supplementary Arrangements signed at London on this day's date.

#### **Article 4**

None of the Contracting Governments shall permit any increase in the number of factory ships under its jurisdiction operating in the

Antarctic except by purchase from the country of another Contracting Government of factory ships engaged at the time of purchase in Antarctic pelagic whaling, save that the Government of the Union of Soviet Socialist Republics may permit one additional factory ship to be added to the fleet operating during the 1960-61 whaling season.

#### Article 5

(1) None of the factory ships under the jurisdiction of any of the Contracting Governments shall be transferred to the jurisdiction of another Government which is a party to the Convention, unless a part of the quota of the transferor Government is allocated to the transferee Government and the latter agrees to accept the obligations of the present Arrangements, or unless the transferee country gives a satisfactory guarantee that the factory ship will not be used as such in Antarctic pelagic whaling during the period of the present Arrangements.

(2) The part of the quota of the transferor country to be allocated shall be settled between the two Governments concerned, provided that no such allocation shall result in any country with only one factory ship having a quota exceeding 6% of the total annual catch authorised under the Convention. The part of the quota allocated shall be notified by the two Governments concerned to the Government of the United Kingdom of Great Britain and Northern Ireland, which shall notify the other signatory Governments.

#### Article 6

If a factory ship under the jurisdiction of a Government which is not a party to the present Arrangements should engage in Antarctic pelagic whaling otherwise than as a result of a transfer as provided under Article 5 above, and that Government is or becomes a Party to the Convention, the present Arrangements shall be terminated.

#### Article 7

The present Arrangements shall enter into force on the date on which all the signatory Governments shall have notified their acceptance to the Government of the United Kingdom of Great Britain and Northern Ireland.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed the present Arrangements.

DONE at London the 6th day of June, 1962 in the English language in a single copy which shall be deposited in the archives of



the Government of the United Kingdom of Great Britain and Northern Ireland. The Government of the United Kingdom shall transmit certified copies thereof to all other signatory Governments.

For the Government of Japan:

(Sd.) KATSUMI OHNO

For the Government of the Kingdom of the Netherlands:

(Sd.) C. W. BOETZELAER

*on behalf of the European part of the Kingdom*

For the Government of the Kingdom of Norway:

(Sd.) E. ULSTEIN

For the Government of the Union of Soviet Socialist Republics:

(Sd.) A. SOLDATOV

For the Government of the United Kingdom of Great Britain and Northern Ireland:

(Sd.) DUNDEE

## **Supplementary Arrangements for the Regulation of Antarctic Pelagic Whaling**

The Governments of Japan, the Kingdom of the Netherlands, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland, having agreed upon the Arrangements for the Regulation of Antarctic Pelagic Whaling signed at London on this day's date (hereinafter referred to as "the Main Arrangements");

Have agreed upon the following Supplementary Arrangements:

### Article 1

For the purposes of the present Supplementary Arrangements

- (a) the term "blue whale unit" shall have the meaning given to it in paragraphs 8 and 18 of the Schedule to the International Convention for the Regulation of Whaling, 1946 (hereinafter referred to as "the Convention");
- (b) the term "season" shall mean the season during which the taking of baleen whales is permitted under paragraph 7(a) of the Schedule to the Convention;
- (c) the term "due date" shall mean in relation to any season the date on which 80% of the season shall have elapsed.

### Article 2

The present Supplementary Arrangements shall be operative during the period of operation of the Main Arrangements and shall be terminated by the termination of the Main Arrangements.

### Article 3

(1) An additional number of blue whale units shall be allowed to the Kingdom of the Netherlands in accordance with the following provisions:

If by the due date in any season the Kingdom of the Netherlands shall have caught

- (a) not less than 75% of their quota under the Main Arrangement but less than 80%, the number of additional blue whale units for that season shall be 45;
- (b) not less than 80% but less than 85% of their quota, the number of additional units for that season shall be 60;
- (c) not less than 85% of their quota, the number of additional units for that season shall be 70.

(2) The number of additional units, if any, to be allowed to the Kingdom of the Netherlands in respect of each season shall be determined by the Bureau of International Whaling Statistics, and the

Bureau shall inform the Contracting Governments of their determination. The Contracting Governments shall furnish the Bureau with such information as the Bureau may require, additional to that required to be provided pursuant to Article VII of the Convention, for the purposes of these provisions.

(3) Any additional units allowed to the Kingdom of the Netherlands under the present Supplementary Arrangements shall not be transferable to any other country.

#### Article 4

The Governments of Japan, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland shall reduce the catches made by their countries within their permitted quotas under the Main Arrangements by the number of blue whale units allowed to the Kingdom of the Netherlands under Article 3 of the present Supplementary Arrangements. The number of blue whale units to be contributed to the Kingdom of the Netherlands by each of the three Governments mentioned above shall be determined by agreement between the three Governments.

#### Article 5

The present Supplementary Arrangements shall enter into force on the date on which all the Governments shall have notified their acceptance to the Government of the United Kingdom of Great Britain and Northern Ireland.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed the present Supplementary Arrangements.

DONE at London the 6th day of June, 1962 in the English language in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland. The Government of the United Kingdom shall transmit certified copies thereof to all other signatory Governments.

For the Government of Japan:

(Sd.) KATSUMI OHNO

For the Government of the Kingdom of the Netherlands:

(Sd.) C. W. BOETZELAER

*on behalf of the European part of the Kingdom*

For the Government of the Kingdom of Norway:

(Sd.) E. ULSTEIN

For the Government of the United Kingdom of Great Britain and  
Northern Ireland:

(Sd.) DUNDEE

Uitgegeven de *twintigste* september 1962.

*De Minister van Buitenlandse Zaken,*

J. LUNS.