

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 1964 Nr. 48

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A. TITEL

*Overeenkomst inzake internationale inspectie voor fabrieksschepen  
betrokken bij de walvisvangst in het Zuidpoolgebied;  
Londen, 28 oktober 1963*

B. TEKST

**Agreement concerning an international observer scheme for factory  
ships engaged in pelagic whaling in the Antarctic**

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") and to the Arrangements for the Regulations of Antarctic Pelagic Whaling, signed at London on June 6, 1962;

Proceeding from the mutual concern of the Antarctic pelagic whaling countries for the conservation of whale stocks, for the maintenance of the proper productivity of pelagic whaling and the ensuring of its being carried out rationally;

Have agreed on the following scheme for International Observers on board factory ships engaged in pelagic whaling in the Antarctic pursuant to Article V of the Convention and paragraph 1 (a) of the Schedule to the Convention:

**Article 1**

*Appointment of Observers*

Observers shall be appointed by the International Whaling Commission to expeditions engaged in pelagic whaling in the Antarctic

under the flags of member countries. These observers shall be responsible to the Commission and shall be appointed in accordance with the following provisions.

- (a) Each Government party to this scheme has the right in any season in which an expedition under its flag is operating in Antarctic pelagic whaling to nominate to the Commission not more than one observer of its nationality in respect of each foreign expedition, and shall nominate at least as many observers as it has expeditions operating under its flag.
- (b) From the observers so nominated the Commission shall appoint one to each and every expedition engaged in Antarctic pelagic whaling, so that the number of each nationality is equal to the number of that country's expeditions.
- (c) The remaining observers shall be appointed to such expeditions as the nominating Government may require, provided that not more than one observer of any nationality shall be appointed to any expedition.
- (d) The Commission shall inform all Governments party to this scheme of all appointments made under sub-paragraphs (b) and (c) of this Article.

## Article 2

### *Rights and Functions of Observers*

(1) The observers shall have the status of a senior officer, and shall be entitled to subsistence and accommodation accordingly. They are not invested with any administrative power in regard to the activities of the expeditions to which they are appointed, and shall have no authority to interfere in any way with those activities. They shall neither seek nor receive instructions from any authority other than the Commission. They shall be given the necessary facilities for carrying out their duties, including the use of radio for open communication.

(2) An observer shall be enabled to observe freely the operations of the expedition to which he is appointed, so that he may verify the observance of the provisions of the Convention and the Schedule in regard to the taking of whales and their rational utilisation. In particular the observer shall be given facilities to ascertain the species, size, sex and number of whales taken.

(3) All reports required to be made, and all records and data required to be kept or supplied in accordance with the Schedule, shall be made freely and immediately available to observers for examination, and they shall be given all necessary explanations as regards such reports, records and data.

(4) The master, manager or senior officers of any of the vessels forming part of the expedition, or the national inspectors, shall

supply any information that is necessary for the discharge of the observer's functions.

(5) An observer shall draw up a report covering any infractions of the provisions of the Convention and the Schedule which have taken place during the season, and shall submit it both to the master or manager and to the senior national inspector for information and such explanations or comments as they may wish to make. Any such explanations and comments shall be attached to the observer's report, which shall be transmitted to the Secretariat of the Commission.

(6) Any infraction not due to excusable error shall be brought in writing to the immediate notice both of the master or manager and of the senior national inspector by an observer, who shall, if he deems it sufficiently serious, at once inform the Secretariat of the Commission of the said infraction together with the explanation or comments of the master or manager and the senior national inspector.

#### Article 3

##### *Finance*

(1) Each observer shall be appointed for one Antarctic whaling season at a time and shall receive from the Commission a remuneration of £ 750 for any one season. The nominating Government may pay the observer an additional remuneration if it deems fit.

(2) The observer may be required to pay the factory ship to which he has been appointed not more than 15 shillings per day for subsistence, and the Government nominating him may repay any such charge to the observer.

(3) The Government nominating an observer shall defray his travel expenses between his own country and the port of embarkation/disembarkation.

(4) The Government appointing an interpreter in accordance with paragraph (1) of Article 4 below shall bear the cost of his salary and all other expenses, including subsistence, the charge for which shall not exceed 15 shillings per day.

(5) The Governments nominating observers shall arrange through their Commissioners for the advance of the remuneration due to the observers under paragraph (1) above. After each season each nominating Government shall transmit to the Secretary to the Commission an itemized statement covering such payments. The Secretary to the Commission shall include the expenses of administering the scheme and shall divide the total sum of expenses among the Governments party to this scheme under whose flags expeditions in that season took part in Antarctic pelagic whaling as to one-half in proportion to their quotas under the Arrangements for the Regulation of Antarctic Pelagic Whaling signed at London on June 6, 1962, and as

to the other half in proportion to the number of expeditions operating in Antarctic pelagic whaling under each country's flag in that season. In the event that any Government in any season has no expedition operating in Antarctic pelagic whaling under its flag it shall not bear any expenses other than a share of the administrative expenses which the Secretary to the Commission certifies have been incurred for that season. This share shall be proportionate to the number of Governments party to this scheme.

#### Article 4

##### *Language*

(1) Any observer who does not know the language of the flag country of the expedition to which he is appointed, or the English language, may be accompanied by an interpreter who shall be of the same nationality.

(2) Where an observer does not speak the language of the expedition to which he is appointed but speaks English or is accompanied by an English-speaking interpreter, then the expedition is required to provide at least one English-speaking person on the factory ship.

#### Article 5

##### *Entry into Force*

(1) The present Agreement 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.

(2) The Government of the United Kingdom of Great Britain and Northern Ireland shall inform all other signatory Governments of the receipt of each such acceptance.

#### Article 6

##### *Duration*

The present Agreement shall remain in force for the duration of the Arrangements for the Regulations of Antarctic Pelagic Whaling, signed at London on the 6th of June, 1962.

In witness whereof the undersigned, being duly authorised thereto by their respective Governments, have signed the present Agreement.

Done at London the 28th day of October, 1963 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. VAN BOETZELAER

For the Government of the Kingdom of Norway:

(sd.) ARNE SKAUG

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.) PETER THOMAS

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D. GOEDKEURING

De Overeenkomst behoeft de goedkeuring der Staten-Generaal ingevolge artikel 62, lid 2, van de Grondwet.

E. BEKRACHTIGING

De Regeringen van de volgende Staten hebben in overeenstemming met artikel 5, eerste lid, van de Overeenkomst een kennisgeving van aanvaarding gericht tot de Britse Regering:

Japan .....	28 oktober 1963
het Koninkrijk der Nederlanden (voor Nederland) .....	28 oktober 1963
Noorwegen .....	28 oktober 1963
het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland .....	20 december 1963

G. INWERKINGTREDING

De bepalingen van de Overeenkomst zullen overeenkomstig artikel 5, eerste lid, in werking treden op de dag waarop alle ondertekenende Regeringen een kennisgeving van aanvaarding hebben gericht tot de Regering van het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland.

Wat het Koninkrijk der Nederlanden betreft, zal de Overeenkomst alleen voor Nederland gelden.

J. GEGEVENS

Van het op 2 december 1946 te Washington gesloten Verdrag tot regeling van de walvisvangst, met Reglement, naar welke akten wordt verwezen in de preambule en elders in de onderhavige Overeenkomst, zijn tekst en vertaling geplaatst in *Stb.* I 534; zie ook, laatstelijk, *Trb.* 1962, 133. De tekst is gewijzigd bij een op 19 november 1956 te Washington gesloten Protocol. Tekst en vertaling van dit Protocol zijn geplaatst in *Trb.* 1957, 38; zie ook, laatstelijk *Trb.* 1959, 157. Bij het Verdrag van 1946 is opgericht de Internationale Walviscommissie, welke wordt genoemd in artikel 1 en elders in de onderhavige Overeenkomst.

Van de beide op 6 juni 1962 te Londen ondertekende quoteringsregelingen inzake de walvisvangst in het Zuidpoolgebied, genoemd in de preambule en elders in de onderhavige Overeenkomst, is de tekst geplaatst in rubriek J van *Trb.* 1962, 93.

Uitgegeven de vijftiende april 1964.

De Minister van Buitenlandse Zaken a.i.,

V. G. M. MARIJNEN.