

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1977 Nr. 64

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 tot stand gekomen Protocol tot wijziging van het Verdrag, waarvan de tekst is geplaatst in *Trb.* 1957, 38; zie ook, laatstelijk, *Trb.* 1959, 157. De gewijzigde tekst van het Reglement is opnieuw afgedrukt in rubriek J hieronder.

C. VERTALING

Zie *Stb.* I 534.

D. PARLEMENT

Zie *Trb.* 1951, 26, *Trb.* 1953, 13, *Trb.* 1959, 156, *Trb.* 1962, 93, *Trb.* 1963, 55, *Trb.* 1964, 116 en *Trb.* 1970, 17.

E. BEKRACHTIGING

Zie *Trb.* 1951, 26 en *Trb.* 1962, 93.

F. TOETREDING

Zie *Trb.* 1951, 26, *Trb.* 1953, 13 en *Trb.* 1962, 93.

De volgende Staten zijn nog in overeenstemming met artikel X, tweede lid, tot het Verdrag toegetreden:

Brazilië	4 januari 1974
Nieuw-Zeeland	15 juni 1976

G. INWERKINGTREDING

Zie *Trb.* 1951, 26 *Trb.* 1962, 93, *Trb.* 1966, 181 en *Trb.* 1970, 17.

De bepalingen van het Verdrag waren in overeenstemming met artikel XI per 30 juni 1969 voor Nieuw-Zeeland buiten werking getreden. Zij zijn ingevolgd artikel X, vierde lid, opnieuw in werking getreden voor Brazilië op 4 januari 1974 en voor Nieuw-Zeeland op 15 juni 1976.

I. OPZEGGING

Zie *Trb.* 1959, 156, *Trb.* 1962, 93, *Trb.* 1966, 181 en *Trb.* 1970, 17.

Het Verdrag werd in overeenstemming met artikel XI bij nota van 1 oktober 1968 opgezegd door Nieuw-Zeeland.

J. GEGEVENS

Zie *Trb.* 1951, 26, *Trb.* 1953, 13, *Trb.* 1954, 62, *Trb.* 1956, 15, *Trb.* 1959, 156, *Trb.* 1962, 93 en 133, *Trb.* 1963, 55, *Trb.* 1964, 116, *Trb.* 1966, 181 en *Trb.* 1968, 64.

De tekst van het Reglement bij het Verdrag is laatstelijk gewijzigd op de 28e zitting van de Internationale Walviscommissie, gehouden te Londen van 21 tot 25 juni 1976.

De gewijzigde tekst zoals die sinds 1 oktober 1976 van kracht is, luidt als volgt:

Schedule to the International Whaling Convention, 1946

I. INTERPRETATION

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.

“Bryde’s whale” (*Balaenoptera edeni or brydei*) means any whale known by the name of “Bryde’s whale”.

- “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.
- “right whale” (*Balaena mysticetus*, *Eubalaena glacialis*, *E. australis*, etc.; *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, pygmy right whale, Southern pygmy right whale, or Southern right whale.
- “sei whale” (*Balaenoptera borealis*) means any whale known by the name of sei whale, Rudolphi’s rorqual, pollack whale, or coalfish whale.
- “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.
- “lost whale” means any whale that has been taken but not delivered to the factory ship or land station.
- “whales taken” means whales that have been killed and either flagged or made fast to catchers.
- “lactating whale” means (a) with respect to baleen whales – a female which has any milk present in a mammary gland, (b) with respect to sperm whales – a female which has milk present in a mammary gland the maximum thickness (depth) of which is 10 cm or more. This measurement shall be at the mid ventral point of the mammary gland perpendicular to the body axis, and shall be logged to the nearest centimetre; that is to say, any gland between 9.5 cm and 10.5 cm shall be logged as 10 cm. The measurement of any gland which falls on an exact 0.5 centimetre shall be logged at the next 0.5 centimetre, eg 10.5 cm shall be logged as 11.0 cm.

However, notwithstanding these criteria, a whale shall not be considered a lactating whale if scientific (histological or other biological)

evidence is presented to the appropriate national authority establishing that the whale could not at that point in its physical cycle have had a calf dependent on it for milk.

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

II. SEASONS

2. (a) It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating baleen whales except minke whales, in any waters south of 40° South Latitude, except during the period from 12th December to 7th April following, both days inclusive.

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

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

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

- (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.

3. (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 Governments in accordance with sub-paragraphs (b), (c) and (d) of this paragraph.

(b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen whales, except minke whales, by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government; provided that a separate open season may be declared for any land station used for the taking or treating of baleen whales, except minke whales, which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen whales, except minke whales, under the jurisdiction of the same Contracting Government.

(c) *Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, provided that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.

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

Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly

**Note.* - This sub-paragraph 3(c) came into force as from 21 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.

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 10 of this Schedule.

4. It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, except minke whales, in any other area except the North Pacific Ocean and its dependent waters north of the Equator for the same purpose within a period of one year from the termination of that season; provided that catch limits in the North Pacific Ocean and dependent waters are established as provided in paragraph 12 of this Schedule and provided that this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

III. CAPTURE

Classification of Areas and Divisions

5. In paragraphs 6 and 11, areas in the Southern Hemisphere are those waters between the ice edge and 40° South Latitude and lying between the following parallels of longitude, except that for sei and Bryde's whales combined and minke whales they shall extend to the equator:

Area I	120° W	—	60° W
Area II	60° W	—	0°
Area III	0°	—	70° E
Area IV	70° E	—	130° E
Area V	130° E	—	170° W
Area VI	170° W	—	120° W

In paragraphs 6 and 14, divisions relating to the catch limits for Southern Hemisphere sperm whales are those waters lying between the ice edge and the equator and between the following parallels of longitude:

Division 1	60° W	—	30° W
Division 2	30° W	—	20° E

Division 3	20° E	-	60° E
Division 4	60° E	-	90° E
Division 5	90° E	-	130° E
Division 6	130° E	-	160° E
Division 7	160° E	-	170° W
Division 8	170° W	-	100° W
Division 9	100° W	-	60° W

Classification of Stocks

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

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

When a stock has remained at a stable level for a considerable period under a regime of approximately constant catches, it shall be classified as Sustained Management Stock in the absence of any positive evidence that it should be otherwise classified.

Commercial whaling shall be permitted on Sustained Management Stocks according to the advice of the Scientific Committee.

For the 1976/77 pelagic season and the 1977 coastal season in the Southern Hemisphere and for the 1977 season in all other areas for stocks between the MSY stock level and 10 per cent below that level, the permitted catch shall not exceed the number of whales obtained by taking 90 per cent of the MSY and reducing that number by 10 per cent for every 1 per cent by which the stock falls short of the MYS stock level. For stocks at or above the MSY stock level, the permitted catch shall not exceed 90 per cent of the MSY.

The following stocks are classified as Sustained Management Stocks for the 1976/77 pelagic season and the 1977 coastal season in the Southern Hemisphere and for the 1977 season in all other areas:

Fin Whales	- North Atlantic (East Greenland-Iceland Stock)
Sei Whales	- Southern Hemisphere Areas I, II, IV, V, VI
Minke Whales	- North Pacific (Western Stock)
Minke Whales	- North Atlantic (North American Coast, East Greenland and East Atlantic Stocks)
Sperm Whales-Males	- Southern Hemisphere Divisions 3 and 5
Sperm Whales-Females	- Southern Hemisphere Divisions 2, 3, 6 and 7
Sperm Whales	- North Atlantic

The following stocks are provisionally listed as Sustained Management Stocks for 1977, pending the accumulation of sufficient information for classification:

- | | |
|--------------|--|
| Fin Whales | - North Atlantic (North Norway, Spain-Portugal-British Isles Stocks) |
| Sei Whales | - North Atlantic (Iceland-Denmark Strait Stock) |
| Minke Whales | - North Atlantic (West Greenland Stock) |

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

In the absence of any positive evidence that a continuing higher percentage will not reduce the stock below the MSY stock level no more than 5 per cent of the estimated initial exploitable stock shall be taken in any one year. Exploitation should not commence until an estimate of stock size has been obtained which is satisfactory in the view of the Scientific Committee.

The following stocks are classified as Initial Management Stocks for the 1976/77 pelagic season and the 1977 coastal season in the Southern Hemisphere and for the 1977 season in all other areas:

- | | |
|----------------------|--|
| Fin Whales | - North Atlantic (Newfoundland-Labrador Stock) |
| Bryde's Whales | - Southern Hemisphere all Areas |
| Bryde's Whales | - North Pacific |
| Minke Whales | - Southern Hemisphere all Areas |
| Minke Whales | - North Pacific (except the Western Stock) |
| Sperm Whales-Males | - Southern Hemisphere Divisions 1, 2, 4, 6 and 8 |
| Sperm Whales-Females | - Southern Hemisphere Divisions 1, 5 and 8 |
| Sperm Whales-Males | - North Pacific |
| Sperm Whales-Females | - North Pacific |

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

There shall be no commercial whaling on species or stocks whilst they are classified as Protection Stocks. The following stocks are clas-

sified as Protection Stocks for the 1976/77 pelagic season and the 1977 coastal season in the Southern Hemisphere and for the 1977 season in all other areas:

Blue Whales	- All Oceans
Humpback Whales	- All Oceans
Right Whales	- All Oceans
Gray Whales	- All Oceans
Fin Whales	- Southern Hemisphere all Areas
Fin Whales	- North Pacific
Fin Whales	- North Atlantic (West Norway-Faroe and Nova Scotia Stocks)
Sei Whales	- Southern Hemisphere Area III
Sei Whales	- North Pacific
Sei Whales	- North Atlantic (Nova Scotia Stock)
Sperm Whales-Males	- Southern Hemisphere Divisions 7 and 9
Sperm Whales-Females	- Southern Hemisphere Divisions 4 and 9

7. Notwithstanding the provisions of paragraph 6 the taking of 10 humpback whales not below 35 feet (10.7 metres) in length, per year is permitted in Greenland waters provided that whale catchers of less than 50 gross register tonnage are used for this purpose, and the taking of gray or right whales by aborigines or a Contracting Government on behalf of aborigines is permitted but only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

8. It is forbidden to take or kill sucking calves or female whales accompanied by calves.

Area limits for Factory Ships

9. It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating baleen whales, except minke whales, in any of the following areas:

(a) In the waters north of 66° 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.

10. (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 coasts 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

(2) On the Pacific coast of the United States of America between 35° North Latitude and 49° North Latitude.

Catch and size limits

11. The number of baleen whales taken during the open season in the Southern Hemisphere by factory ships, land stations or whale catchers attached thereto under the jurisdiction of the Contracting Governments shall not exceed 1,863 sei whales and 8,900 minke whales and 0 Bryde's whales (pending a satisfactory estimate of stock size), in the 1976/77 pelagic season and the 1977 coastal season. The total catches taken in any of the Areas I to VI shall not exceed the limits shown below. However, in no circumstances shall the sum of the Area catches exceed the total quotas for each species:

	Sei Whales	Minke Whales
Area I	388	1,062
Area II	113	2,041
Area III	0	3,003
Area IV	383	1,600
Area V	626	1,524
Area VI	539	402

12. The number of whales taken in the North Pacific Ocean and dependent waters in 1977 shall not exceed the following limits:

Sperm Whales - Males	4,320
Sperm Whales - Females	2,880

Bryde's Whales	1,000
Minke Whales (Western stock)	541
Minke Whales (remainder of the North Pacific)	0 Pending a satisfactory estimate of stock size

13. The number of whales taken in the North Atlantic Ocean in 1977 shall not exceed the following limits:

Fin Whales - Newfoundland Stock	90
Fin Whales - North Norway Stock	61
Minke Whales - North American Stock	48
Minke Whales - West Greenland Stock	325
Minke Whales - East Greenland Stock	320
Minke Whales - East Atlantic Stock	1,790
Sei Whales - Iceland-Denmark Strait Stock	132
Sperm Whales	685

The total catch of fin whales from the East Greenland-Iceland Stock shall not exceed 1,524 in the six years 1977 to 1982 inclusive, and the total catch in any one year shall not exceed 304.

14. The number of sperm whales taken in the Southern Hemisphere in the 1976/77 pelagic season and the 1977 coastal season shall not exceed 3,894 males and 897 females. The total catch in any of the Divisions 1 to 9 shall not exceed the limits shown below. However, in no circumstances shall the sum of the Division catches exceed total quotas.

Division 1	316	73
Division 2	840	194
Division 3	783	224
Division 4	590	0
Division 5	559	128
Division 6	287	66
Division 7	0	94
Division 8	909	209
Division 9	0	0

15. (a) It is forbidden to take or kill any sei or Bryde's whales below 40 feet (12.2 metres) except that sei and Bryde's 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 in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) in the Northern Hemisphere; except that fin whales of not less than 55

feet (16.8 metres) may be taken 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 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 30 feet (9.2 metres) in length except in the North Atlantic Ocean where it is forbidden to take or kill any sperm whales below 35 feet (10.7 metres).

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

IV. TREATMENT

16. (a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not taken by whale catchers under the jurisdiction of a Contracting Government) which are classified as Protection Stocks in paragraph 6 or are taken by whale catchers under the jurisdiction of a Contracting Government in contravention of paragraphs 2, 3, 9, 11, 12, 13 and 14 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.

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

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

V. SUPERVISION AND CONTROL

18. (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection provided that at least one such inspector shall be maintained on each catcher functioning as a factory ship. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship; provided that inspectors need not be appointed to ships which, apart from the storage of products, are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

(c) There shall be received such observers as the member countries may arrange to place on factory ships and land stations or groups of land stations of other member countries. The observers shall be appointed by the Commission acting through its Secretary and paid by the Government nominating them.

19. 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 lactating whales.

20. Whales must be measured when at rest on deck or platform after the hauling out wire and grasping device have been released, by means of a tape-measure made of a non-stretching material. The zero end of the tape-measure shall be attached to a spike or stable device to be positioned on the deck or platform abreast of one end of the whale. Alternatively the spike may be stuck into the tail fluke abreast of the apex of the notch. The tape-measure shall be held taut in a straight line parallel to the deck and the whale's body, and other than in exceptional circumstances along the whale's back, and read abreast of the other end of the whale. The ends of the whale for measurement purposes shall be the tip of the upper jaw or, in sperm whales, the most forward part of the head and the apex of the notch between the tail flukes.

Measurements shall be logged to the nearest foot or 0.1 metres. That is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. Similarly, any whale between 10.15 metres and 10.25 metres shall be logged as 10.2 metres, and any whale between 10.25 metres and 10.35 metres shall

be logged as 10.3 metres. The measurement of any whale which falls on an exact half foot or 0.05 metre shall be logged at the next half foot or 0.05 metre, e.g. 76 feet 6 inches precisely shall be logged as 77 feet and 10.25 metres precisely shall be logged as 10.3 metres.

VI. INFORMATION REQUIRED

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

- (1) The time when each whale is taken
- (2) Its species, and
- (3) Its marking effected pursuant to sub-paragraph 17 (b).

(b) The information specified in sub-paragraph (a) of this paragraph shall be entered immediately by a factory ship in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

- (1) Time of hauling up for treatment
- (2) Length, measured pursuant to paragraph 20
- (3) Sex
- (4) If female, whether lactating
- (5) Length and sex of foetus, if present, and
- (6) A full explanation of each infraction.

(c) A record similar to that described in sub-paragraph (b) of this paragraph shall be maintained by land stations, and all of the information mentioned in the said sub-paragraph shall be entered therein as soon as available.

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

22. (a) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of fin, sei, Bryde's and minke whales taken in any waters south of 40° South Latitude by all factory ships or whale catchers attached thereto under the jurisdiction of each Contracting Government, provided that when the number of each of these species taken is deemed by the Bureau of International Whaling Statistics to have reached 85 per cent of whatever total catch limit is imposed by the Commission notification shall be given as aforesaid at the end of each day of data on the number of each of these species taken.

(b) If it appears that the maximum catches of whales permitted by paragraph 11 may be reached before 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 each of these species shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The taking or attempting to take baleen whales, so notified, by factory ships or whale catchers attached thereto shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

(c) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

23. 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, fertiliser (guano), and other products derived from them, together with (c) particulars with respect to each whale treated in the factory ship, land station or "small-type whaling" operations as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in (a) and (c) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration of whales.

In communicating this information there shall be specified:

- (a) The name and gross tonnage of each factory ship
- (b) For each catcher ship attached to a factory ship or land station
 - (i) the dates on which each is commissioned and ceases whaling for the season
 - (ii) the number of days on which each is at sea on the whaling grounds each season
 - (iii) where possible the total number of hours spent each day searching for, chasing and catching whales, but not including time spent picking up or towing
 - (iv) the gross tonnage, horsepower and length of each and the list of those equipped with asdic; vessels used only as tow boats should be specified.

- (v) Any modifications of the above measures or data from other suitable indicators of fishing effort for "small-type whaling" operations.
- (c) A list of the land stations which were in operation during the period concerned, and the number of miles searched per day by aircraft, if any.

24. A Contracting Government shall transmit to the Commission copies of all its official laws and regulations relating to whales and whaling and changes in such laws and regulations.

Uitgegeven de vijftiengste april 1977.

De Minister van Buitenlandse Zaken,
M. VAN DER STOEL.