

XIII. *Whaling Laws and Regulations.* (Third Meeting. Document V.) Report by Technical Sub-Committee.

XIV. *Recommendations to Contracting Governments under Article VI of the 1946 Convention.*

XV. *Position as regards adherence of (a) Panama (b) Chile (c) any other countries.*

XVI. *The following matters insofar as they may not already have been disposed of under other items of the agenda e.g. X.*

(a) Further protection of sperm whales, either by restriction on capture on tropical calving grounds or by an annual close season.

(b) Minimum length of baleen whales, especially in relation to average length at sexual maturity.

(c) Bringing of minke whales under proper control of the Commission.

XVII. *Election of Chairman and Vice Chairman for the three years beginning 1st June, 1952, to come into office on that date.*

XVIII. *Any other business.*

XIX. *Date and Place of next meeting (fourth).*

APPENDIX III

CHAIRMAN'S REPORT OF THE THIRD ANNUAL MEETING

(1) By invitation of the Government of the Union of South Africa, the Commission held its Third Annual Meeting in Parliament Buildings, Cape Town. The first Plenary Session was held on Monday afternoon, 23rd July, 1951, when the Commission was welcomed by the Hon., the Minister of Economic Affairs (Mr. Eric H. Louw). The final plenary session was held on Friday, 27th July, 1951.

(2) The Sub-committee of Scientists and the Technical Sub-committee held preliminary meetings on July 20th, 21st and the morning of 23rd July.

(3) Commissioners were present from *Australia, Canada, France, Japan, Netherlands, Norway, Panama, Sweden, Union of South Africa, U.K., U.S.A. and U.S.S.R.* Denmark was represented by an Observer, but *Brazil, Iceland, Mexico and New Zealand* were not represented at this meeting.

Representatives were also present from *Argentina, Italy and Peru*, from the Food and Agriculture Organisation of the United Nations as usual and from the International Council for the Exploration of the Sea, as observers.

(4) The Commission approved its agenda and at its first Plenary Session, by an unanimous vote of the Commissioners present, *RESOLVED* that Rule XVIII of the Rules of Procedure should be amended by cancelling the first two paragraphs and substituting the following paragraphs therefor:—

“The Commission shall establish a Scientific Committee, a Technical Committee and a Finance and Administration Committee. At each meeting of the Commission, the Chairman shall poll the Commissioners to determine if they desire representation on the Scientific and the Technical Committee and the Commissioners shall designate their members. The Finance and Administration Committee shall consist of three Commissioners appointed by the Chairman. The Chairman

may constitute such ad hoc Committees as may be necessary from time to time. Each Committee shall elect its Chairman. The Secretary shall furnish appropriate secretarial services to each Committee.

"The Scientific Committee shall review the current scientific and statistical information with respect to whales and whaling, shall review current scientific research programmes of Governments, other international organisations or of private organisations, shall consider such additional matters as may be referred to it by the Commission or by the Chairman of the Commission, and shall submit reports and recommendations to the Commission.

"The Technical Committee shall review and consider the laws and regulations of various Governments, the annual reports on infractions submitted by Governments, questions involving the time, manner and intensity of whaling operations, and such additional matters as may be referred to it by the Commission or by the Chairman of the Commission, and shall submit reports and recommendations to the Commission".

(5) In pursuance of this decision, the following members were nominated by their respective countries :—

(a) *Scientific Committee*

Canada (Mr. Clark), Norway (Professor Bergersen), France (Dr. Budker), U.K. (Dr. Mackintosh), Japan (Dr. Omura), U.S.A. (Dr. Kellogg), Netherlands (Dr. Lienesch), U.S.S.R. (Mr. Tverianovich).

The Committee subsequently elected Dr. Mackintosh (U.K.) Chairman.

(b) *Technical Committee*

Australia (Mr. Patterson), Union of S. Africa (Dr. Von Bonde), France (Mr. Martin), U.K. (Mr. Johns), Netherlands (Mr. de Waal), U.S.A. (Dr. Deason), Norway (Mr. Knudtzon), U.S.S.R. (Mr. Boyev).

Subsequently Canada nominated Mr. Clark to the Committee.

The Committee elected Dr. Von Bonde (South Africa) Chairman.

(c) The Commissioners constituting the Finance and Administration Committee were appointed by the Chairman as follows :—

Dr. Lienesch (Netherlands), Mr. Clark (Canada), Professor Bergersen (Norway).

The Committee elected Dr. Lienesch (Netherlands), Chairman.

(6) The statement of the expenditure of the Commission during the year ending 31st May, 1951, as settled by the English Ministry of Agriculture and Fisheries, and the proposed expenditure for the following year (1951-52) were referred to the Finance and Administration Committee and in the light of their recommendations, the Commission approved the expenditure statement but considered that the liability of Panama should remain. The carry forward is, therefore, £1,197, and the cost of the Commission for the second year ending 31st May, 1951, works out at £1,546 6s. 1d. But for the fact that Norway generously defrayed the cost of reporting the 1950 Annual meeting at Oslo, this sum would have been larger.

The Commission approved the proposed expenditure for the year ending 31st May, 1952, at £3,322, the reason for the increase being due partly to the extra expense of meeting away from London, but mainly because the Commission felt it wise to provide for the possibility of the 1952 meeting

being held earlier next year in which case the cost might fall wholly or partly within the financial year 1951-52. The Contingencies fund was fixed at £300. In spite of the increased expenditure contemplated, the Commission RESOLVED that the contribution to be paid by Contracting Governments for 1951-52 should be reduced from £150 to £125.

(7) The Commission approved the draft submitted to them of their Second Report subject to such verbal alterations as might be approved by the Chairman.

As regards the Appendices, however, the Commission decided that the questionnaire dealing with legislation and regulations in force in the countries of the Contracting Governments (proposed as Appendix IV) should not be included until all the replies were received and a complete tabular summary made available.

The Commission also decided that the sample sheet of the model log book (proposed Appendix VI) should be deferred until further consideration (as recommended by the Technical Committee—see later) had been given to it.

(8) The Commission confirmed that the intention of Paragraph 10 of the Schedule was that whale catchers attached to land stations could subsequently engage in pelagic whaling.

(9) The Commission had before them, in the usual form, the detailed figures in respect of the whaling season of 1950-51. They noted that the number of pelagic expeditions had been 19, accompanied by 241 catchers, and that, in spite of the stopping of whaling on 9th March (instead of the 7th April) the 16,000 limit had been exceeded by 413; while the 1,250 humpback limit had been exceeded by 380 although every effort had been made to stop the operations in time. Mr. Patterson (Australia) registered on behalf of his Government a protest to this exceeding of the humpback limit. It was noted that the catch in 1950-51 inclusive of that of land stations amounted to 2,305,187 barrels as against 2,166,505 in the previous year. Upon the recommendation of the Scientific Committee the Commission RESOLVED that in all the circumstances no change should be made in the 16,000 blue whale unit limit.

(10) The Commission received two reports from the Scientific Committee and one report from the Technical Committee, both of which, as indicated above, had begun their meetings before the Commission held its first plenary session. The two Committees also held one joint meeting. Their recommendations were of two kinds, (a) those in favour of amending the Schedule and (b) those of a general character.

(11) On the recommendation of one or other of the Committees, the Commission RESOLVED that they would amend the following paragraphs of the Schedule. *Paragraph 6, Paragraph 7, Paragraph 8, Paragraph 9, Paragraph 10, Paragraph 12, Paragraph 13, and Paragraph 18.* The precise amendments made by the Commission are, for convenience, set out in detail in the Appendix to this report.

(12) With regard to the other recommendations of the *Scientific Committee*, the Commission took the following action:—

(a) *Humpback Operations*

The Commission noted that the Portuguese whaling operations at St. Thomé affected the same stock of humpback whales as the French operations at Gaboon, and that consequently this competitive whaling constituted a threat to the local humpback stock.

(b) *Minke Whales*

The Commission accepted the view of the Committee that no minimum length should be instituted for minke whales.

(c) *By-products*

The Commission RESOLVED that, with a view to encouraging the production of by-products, these should be shown in the statistics issued by the Bureau of International Whaling Statistics.

(d) *Sanctuaries and Humpbacks*

The Commission noted that the Scientific Committee proposed to carry on informal contacts, both as regards humpback whales as well as sanctuaries, with a view to some concrete proposals being placed on the agenda for the Fourth Meeting. In this connection Mr. Clark (Canada) gave notice that his Government might wish to submit a proposal, for inclusion in the agenda for the Fourth Meeting of the Commission, to provide for a sanctuary in the north-east sector of the Pacific by an amendment of Paragraph 4 (a) of the Schedule.

(e) *Progress Reports*

The Commission RESOLVED that Contracting Governments be circularised with a view to their supplying every year a progress report as regards research on whales, such report to reach the office in time to be circulated to Commissioners at the next Annual Meeting, and to include if possible a list of papers published during the period covered by the report.

(f) *Scientific Reports*

The Commission also decided that Contracting Governments should at the same time be reminded of the importance of supplying the Commission with copies of all obtainable reports on whales and whaling, with a view to building up a whaling library at the Commission's office.

(g) *Research*

Finally, the Commission decided, upon representations made by the Japanese Commissioner that the Scientific Committee be asked to formulate a recommendation on the need for research, to be forwarded by the Secretary to all Contracting Governments.

(13) With regard to the other recommendations of the *Technical Committee*, the Commission took the following action:—

(a) *Laws and Regulations*

As replies to the questionnaire with regard to the laws and regulations in force in various countries had been received from seven countries only, the Commission RESOLVED

(i) That the Secretary be instructed to send reminders to the Government of all those participating countries which have not replied; to pursue the matter with them; and to prepare and circulate, three months before the next meeting, a tabular summary of all replies for consideration at that meeting.

(ii) That the Secretary be instructed to draw the attention of all participating countries to the provision of paragraph 15 of the

Schedule to the Convention that changes in laws and regulations relating to whales and whaling should be transmitted to the Commission.

(b) Infractions

As the returns as regards infractions had not been received from all Contracting Governments, the Commission RESOLVED

- (i) That the Secretary be instructed to write to each participating country which has not made a full return, drawing attention to Article IX (4) of the Convention and asking for a return as soon as possible.
- (ii) That the form of return be amended to accord with the new Norwegian form by:
 - (a) omitting from the first column of paragraph 4 the printed names of the kinds of whales (which will then be written in when the form is completed) and,
 - (b) inserting, at the foot of page 3, spaces to show the total catch of each kind of whale to which the Schedule applies.
- (iii) That the heading of paragraph 5 be amended to read "Report in detail concerning each instance where complete utilization was not effected, including whales which have been taken and subsequently lost, dauhval and whales used as fenders.
- (iv) That the form so amended be printed and supplies of copies be circulated to participating countries as soon as possible.
- (v) That in future the summary prepared by the Secretary should show in tabular form as far as possible:
 - (a) the sizes and percentages of undersized whales of each kind for each pelagic expedition and each land station separately,
 - (b) separate figures for lactating whales,
 - (c) whether bonus was paid to gunners and/or crews in each country,
 - (d) any other information of special interest.
- (vi) That the Secretary be instructed to prepare a further summary for 1950 and the 1950-1951 pelagic season, when the outstanding returns are received (or as at 28th February, 1952) on the lines indicated in (v) above, for consideration at the next meeting of the Commission.

(c) Log Books

As the Log Book sheets already circulated required further examination, the Commission RESOLVED

That the Secretary be instructed to convene a meeting of representatives of Netherlands, Norway and the United Kingdom to prepare revised drafts for circulation as early as possible, and consideration by the Technical Committee at the next meeting of the Commission.

(d) Definition of "Whales taken"

In view of the ambiguity of the word "taking", the Commission RESOLVED

That there be placed on the agenda for the fourth meeting of the Commission a proposal to include in the Schedule a definition of "whales taken" in the following or similar terms:

"A whale shall be considered to have been taken when it has been killed and either flagged or made fast to the catcher".

(e) *Statistical Records*

In view of the failure of some countries to submit statistical returns in pursuance of paragraph 16 of the Schedule, the Commission RESOLVED

That the Secretary communicate with those Governments that have failed to comply with the requirements of paragraph 16 of the Schedule, or have complied with its provisions only in part, reminding them of their obligations and requesting transmittal of reports that are missing, and reports on future operations of all factory ships and land stations.

(f) *Weather Reports from Whaling Ships*

The Commission RESOLVED

That Commissioners be asked to undertake to insure the submission of daily weather reports by Antarctic expeditions during future seasons.

(14) The Commission RESOLVED that in view of the date of the Fourth Meeting (see later) the concluding date for submitting the report on Infractions should be altered from *30th June to 15th May*.

(15) The Commission resolved that, in spite of the decision taken at the Second Meeting at Oslo in 1950, non-ratifying and non-adhering countries should be invited to attend the Fourth Meeting of the Commission, if they so desired, as observers.

(16) The Commission took note of the assurances given by Mr. Lecca (Peru) and Mr. Dumont (Argentina) that they would advise their respective Governments to adhere to and to ratify the 1946 Convention. Dr. Baretta (Italy) explained that he had received no instructions to that end.

(17) The Commission approved a "hand out" for issue to the Press.

(18) The Commission RESOLVED with two dissentients and one reservation to postpone the election of a new Chairman and a new Vice Chairman until the Fourth Meeting (1952) when it will be taken at the beginning of the Agenda.

(19) The Commission RESOLVED that the Fourth Meeting of the Commission should be held in London beginning 3rd June, the Committees to meet earlier.

Signed on behalf of the Commission:

BIRGER BERGERSEN,
Chairman.

31st July, 1951.

Certified to be a true copy of the original:

A. J. TAIT,
for *Secretary*,
International Whaling Commission.

11th August, 1951.

(Here follows a list of the amendments to the Schedule to the International Whaling Convention 1946, made at the Third Meeting. For convenience this is printed separately as Appendix IV.)