

15. Is an Annual Meeting necessary? (*Fifth Meeting, Document VI*).

16. Any other Business.

17. Date and Place of Next Meeting.

(NOTE:— The Commission may wish this matter to be referred to the Finance and Administration Committee for recommendations.)

APPENDIX III

CHAIRMAN'S REPORT OF THE FIFTH ANNUAL MEETING

1. The Commission held its fifth meeting in London at the offices of the Ministry of Agriculture and Fisheries, 3, Whitehall Place. The first Plenary Session was held on Monday, June 22nd, 1953, at 10 a.m. when the Commissioners with their Experts and Advisers, and various observers were welcomed by Mr. G. R. H. Nugent, M.P., Joint Parliamentary Secretary to the Ministry of Agriculture and Fisheries. He expressed his gratification at again having an opportunity of meeting the Commission and wished all assembled success in their great task to conserve the whale stocks.

The final Plenary Session was held on 26th June, 1953.

2. Commissioners were present from Australia, Brazil, Canada, Denmark, France, Iceland, Japan, Netherlands, New Zealand, Norway, Panama, Sweden, Union of South Africa, U.S.S.R., U.K., and U.S.A. Mexico was not represented.

Representatives were also present, all as observers, from Argentine, Italy, and Peru and from the Food and Agriculture Organisation of the United Nations, from the International Council for the Exploration of the Sea, and from the Association of Whaling Companies, all of whom were welcomed by the Chairman at the opening session.

3. At the outset of the First Plenary Session, the Commission approved the Agenda, and the Commission was then polled as to whether any Contracting Government desired to have representation on either of the two Standing Committees, where they had not before had representation, or whether they wished to vary their existing representation.

4. As a result the Scientific Committee was constituted as follows:—

Australia (Mr. Cummins), Brazil (an observer), Canada (Mr. Clark), Denmark (Mr. Erichsen), France (Dr. Budker), Japan (Dr. Omura), Netherlands (Dr. Slijper), Norway (Prof. Bergersen), S. Africa (Dr. Marchand), U.K. (Dr. Mackintosh), U.S.A. (Dr. Kellogg), U.S.S.R. (Mr. Tverianovich), with the addition of Experts. At the first meeting of this Committee held after the first Plenary Session Dr. Mackintosh (U.K.) was elected Chairman.

5. The Technical Committee was constituted as follows:—

Australia (Mr. Patterson), Canada (Mr. Clark), France (Mr. Martin), Japan (Mr. Hori), Netherlands (Mr. Drost), Norway (Mr. Knudtzon), S. Africa (Col. Goulding), U.K. (Mr. Wall), U.S.A. (Mr. Kask), U.S.S.R. (Capt. Solyanik), with the addition of Experts. At the first meeting of the Committee held after the First Plenary Session, Mr. Clark (Canada) was elected Chairman.

6. With regard to the Finance and Administration Committee, the Chairman after considering the constitution of the Committee during the past four years, nominated the following to serve for the year 1953-54. Mr. Wall (U.K.), Dr. Budker (France), Dr. Marchand (S. Africa). At the first meeting of this Committee held after the First Plenary Session, Mr. Wall (U.K.) was elected Chairman.

7. A large number of items on the Commission's main agenda were referred for study to the three standing Committees and the reports of these Committees (after a joint meeting of the Scientific and Technical Committees had been held) came up in due course at subsequent Plenary Sessions.

8. As regards the Finance and Administration Committee's recommendations, the following decisions were taken by the Commission.

(a) The Commission's expenditure, etc., for the past year 1952-53 as set out and approved by the Finance Division of the Ministry of Agriculture and Fisheries in *Document I* was approved subject to one amendment. The Commission, having heard the circumstances in which Panama ratified the 1946 Convention, were content with the contention that they were not liable for the 1949-50 contribution which has hitherto been recorded as outstanding, and approved its cancellation. This decision involved a consequential modification of the figures for expenditure and this is incorporated in a revised edition of *Document I (A)*. The net expenditure for 1952-53 was £2,635, but the Commission took note of the fact that two contributions were still outstanding, which it was hoped would be speedily paid.

(b) With regard to the question of the holding of meetings annually, the Commission endorsed the view of the Committee that in the present position of whale stock conservation, it would be unwise to alter for the present the practice of holding a Commission meeting annually.

(c) As regards the budget for 1953-54 (*Document I (B)*) which includes the cost of the Fifth Meeting (1953), the Commission accepted the figures set out in the Document named, which were calculated mainly on the basis of the figures (already approved) in *Document I*. The decision regarding Panama (referred to at (a) above) again involves consequential amendments which have been incorporated in a revised *Document I (B)*. The net cost of the Commission for 1953-54 is estimated at £2,890.

(d) The Commission decided on the Committee's recommendation that the sum to be requested from each Contracting Government in respect of the years 1953-54 should be £150, the same as in the previous year.

(e) As regards the date of the Annual Meeting, the Commission, after considering the views of the Committee, agreed that, having regard *inter alia* to the obligations resting on the Bureau of International Whaling Statistics, the meeting should in future be held a little later in the year, say the latter half of July. The Commission decided that the 1954 meeting should open on Monday, 19th July, 1954.

(f) As regards the place of the Annual Meeting the Commission on being polled were in favour of Tokyo, nine voting in favour, and four abstaining. Four countries were not represented.

9. The Commission approved the draft of the Fourth Annual Report (covering the year 1952-53) as submitted by the Secretary, subject to the insertion of certain figures which were not available prior to the fifth meeting. The Commission took note that the Report would be accompanied by the normal Appendices including the Chairman's Report as resolved at previous meetings of the Commission.

10. The Commission had before them, in the usual form, the detailed figures supplied by the Bureau of International Whaling Statistics, relating to the Whaling season of 1952 (Land Stations) and 1952-53 (Pelagic Season). The Commission expressed their appreciation of the elucidating commentary which Mr. Vangstein (Norway) made in this connection.

11. As regards the pelagic season, there were 16 expeditions with 232 whale catchers, and the total production of oil amounted to 1,994,760 barrels. The land stations produced another 119,865 barrels, making a grand total of 2,114,625 barrels, inclusive of 120,457 barrels of sperm oil. This output represented a decrease of 362,773 barrels on the previous year.

Outside the Antarctic in the year 1952, the output was 427,715 as compared with 656,462 barrels in 1951 and at six barrels to the ton represented 109,404 tons.

The Commission noted that pelagic whaling in the Antarctic was stopped at midnight on 16th March, 1953, by which time 14,855 blue whale units had been taken, or 1,145 less than the authorised limit of 16,000. The catching of humpbacks was permitted on the first three days in February, 1953, (the Bureau of International Whaling Statistics having power in their discretion to allocate three further days later in the season if the 1,250 limit was not reached). The Bureau actually allocated three extra days, namely 16th, 17th and 18th February, as only 440 humpbacks had been taken in the first three days. Another 509 humpbacks were taken in those three extra days making a total of 949 in all.

12. The report of the Technical Committee who held a joint meeting with the Scientific Committee, was received and considered by the Commission.

Arising out of the Technical Committee's report, the Commission decided as follows:—

(a) The Commission having considered item 9 on the Agenda (Supply of equipment etc.), are of opinion that the provision of the Agreement and protocols referred to in the preamble to the International Whaling Convention of 1946 are superseded by the said Convention of 1946 and the Schedule attached thereto, and that the obligations under the said Agreement and Protocols are no longer binding. Nine voted in favour 2 against and 3 abstained.

(b) The Commission received the views of the Committee (who had set up a sub-committee consisting of Mr. Kask (U.S.A.) Chairman, Mr. Drost (Netherlands), Mr. Moe (Norway) and Mr. Leach (U.K.) to advise them on the subject of Infractions. The Committee reported that, although some of the percentages of infractions seemed rather high, particularly in the case of blue whales, there was a distinct improvement in 1952-53 as compared with the previous year.

(c) Arising out of this, the Commission instructed the Secretary to amend the infraction form by the inclusion of a space to show the percentage of undersized whales to the total catch of baleen whales.

(d) The Commission by a unanimous vote, resolved on the acceptance of the following drafting amendments to the Schedule:—

(i) Paragraph 4 shall read as follows, the words in bold type being new:—

4. 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:—

(ii) Paragraph 5 shall read as follows, the words in bold type being new:—

5. It is forbidden to use a **whale catcher attached to a factory ship** for the purpose of **killing or attempting to kill** baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude.

(iii) Paragraph 6. The first two and a half lines of this paragraph shall read as follows, the words in bold type being new:—

6. It is forbidden to use a **whale catcher attached to a factory ship** for the purpose of **killing or attempting to kill** humpback whales in any waters south of 40° South Latitude :

(iv) Paragraph 7 (a) shall read as follows, the words in bold type being new:—

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 2nd January, to 7th April, following, both days inclusive.

(v) Paragraph 7 (b) shall read as follows, the words in bold type being new:—

7 (b) 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.**

(vi) Paragraph 7 (c) shall be deleted and the following new sub-paragraph shall be inserted in lieu:—

7 (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 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.

(vii) Paragraph 7 (d). The following new sub-paragraph shall be inserted, as sub-paragraph 7 (d).

7 (d) 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.

(viii) paragraph 10 (a) shall read as follows, the words in bold type being new:--

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-paragraph (b) (c) and (d) of this paragraph.

(ix) Paragraph 10 (b). The first six lines of this sub-paragraph shall read as follows, the words in bold type being new: -

10 (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 ;

(x) Paragraph 10 (c). The first six lines of this sub-paragraph shall read as follows, with the words in bold type being new:

10 (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 consecutive 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.

(xi) Paragraph 10 (d). The first five and a half lines shall read as follows, the words in bold type being new:--

10 (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 consecutive 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) ;

(xii) Paragraph 10 (e) shall be deleted and sub-paragraph 10 (f) shall be renumbered 10 (e) ;

(xiii) Paragraph 12. A new sub-paragraph 12 (a) shall be inserted as follows, existing sub-paragraphs 12 (a) and 12 (b) being renumbered 12 (b) and 12 (c) respectively :

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.**

(xiv) In Paragraph 12 (b) as renumbered insert the word " other " after the opening word " All ".

(xv) Paragraph 18 at end the following new sentence shall be added : -

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

This involves a consequential amendment, the figure (1) being inserted after 18.

(e) After considering the report of the Committee on the subject of the Special Drafting Committee's report on the re-arrangement of the Schedule the Commission unanimously resolved as follows:—

(i) "That the Schedule to the International Convention for the Regulation of Whaling, 1946, as re-arranged by the Special Drafting Committee, with a Table of Contents and cross headings, with such amended cross references as have been rendered necessary by the re-numbering of the paragraphs; and with such amendments as may have come into force as the result of the Commission's decisions at its Fifth Meeting be adopted and with such further consequential amendments as the Drafting Committee may think desirable to secure absolute uniformity".

(ii) "That, in order to give effect to the above resolution, it is important that the Special Drafting Committee should meet again to deal with the further consequential amendments".

In this connection, it was made clear to the Commissioners that action under this Resolution would fall to be taken under Article VI of that Convention. Each Contracting Government would be requested to indicate its assent, otherwise the rearranged Schedule could not come into operation.

(f) With regard to the amendments proposed in item 6 (ii) of the agenda, the Commission resolved that

Paragraph 8 (c) of the Schedule should be amended to read as follows, the new words being in bold type:—

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 14,000, notification shall be given as aforesaid at the end of each day of data on the number of blue whale units taken.**

The Committee understands that the Commission will write to the Bureau of International Whaling Statistics requesting them to notify daily (a) the Master of each factory ship, (b) the whaling companies and (c) the Contracting Governments of the total catch reported in accordance with the words in bold type.

Paragraph 8 (d) of the Schedule, be amended to read as follows, the new words being in bold type:—

If it appears that the maximum catch of whales permitted by subparagraph (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 have been 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.

13. Certain other matters dealt with by both the Technical and the Scientific Committees will be dealt with in the succeeding paragraphs.

14. The Commission received the Report of the Scientific Committee and took the following decisions:--

(a) The Commission agreed that it was most important that research be energetically pursued on the biology of the stocks of Humpback whales. They would like especially to commend that valuable research in progress by Australian, French and Japanese organisations, and hope that such researches will be continued by these and any other countries concerned with this species.

(b) The Commission decided by 9 votes to 2 (with two abstentions) to accept the following paragraph from the Scientific Committee's Report:--

"They endorse the recommendation of the Special Subcommittee as to the voluntary limitation of catches of Humpbacks at land stations, and suggest that limitation might apply not only to particular areas but also to particular periods. They attach much importance to the voluntary limitation of these catches, and understand that the suspending of whaling in French West Africa is contemplated, just as whaling in the waters of Madagascar was recently suspended".

(c) As regards Item 6 (i) (a) of the Agenda the Commission (as recommended by the Scientific and Technical Committees) resolved as follows:--

Paragraph 6 of the Schedule, delete the proviso and insert the following:--

"Provided that in any pelagic whaling season for baleen whales the killing of humpback whales shall be permitted on the 1st, 2nd, 3rd and 4th February."

(d) As regards item 6 (i) (b) on the agenda the proposed new paragraph 5 (2) of the Schedule, the Commission resolved (by 10 votes, 4 abstentions) that this amendment should not be accepted.

(e) As regards item 6 (i) (c) on the agenda (as recommended by the Scientific Committee and the Technical Committee), the Commission resolved as follows:--

Paragraph 7 (a) of the Schedule, at end add:--Provided that no blue whales shall be taken before 16th January in any year.

(f) As regards item 6 (i) (d) of the Agenda (as recommended by the Scientific Committee and the Technical Committee), the Commission resolved as follows:--

In Paragraph 8 (a) of the Schedule, line 4, for "sixteen thousand" read "fifteen thousand five hundred".

Both resolutions (d) and (e) were unanimous and there were no abstentions.

(g) The Commission noted that no change was recommended in the minimum length of humpbacks.

(h) The Commission unanimously approved the setting up of a Subcommittee of the Scientific Committee consisting of representatives of Australia, France, the Netherlands, Japan, Norway, U.S.S.R., and U.K., for the following purposes the Subcommittee to be convened at Stockholm in 1954 by Prof. Bergersen.

(i) To examine and report upon the progress of research on the stocks of Humpback whales, to study the catches of pelagic factories and land

stations, and to make such recommendations as they consider desirable to the Scientific Committee ;

(ii) To examine the catch figures of Blue and Fin whales in the Antarctic in relation to the measures for conservation which have been recommended, and similarly to report to the Scientific Committee ;

(iii) To consider the increased catches of Sperm Whales in certain areas in recent years and to report thereon ; and

(iv) To deal with any other matters which may be referred to it.

(i) The Commission took note of the Committee's comments on whale marking and noted the various directions in which the all important task of whale marking was being conducted in various areas by various countries namely Australia, New Zealand, Norway, U.K. (National Institute of Oceanography), France, U.S.S.R., Canada, and Japan.

The Commission also took note of plans for the supply of a powerful whale catcher on a co-operative basis to carry out whale marking in the Antarctic in the season of 1953-54, in which Norway was prepared to participate. Pending settlement of the basis on which such a catcher could be supplied, the Commission expressed no view on the memorandum circulated by the U.K. Delegation.

The Commission noted the Committee's observations on the possibilities of using radio-active isotopes in whale marking, and a magnetised cobalt alloy. They also noted that Professor Ruud has a new experimental design for a mark.

(j) The Commission took note of the various progress reports submitted by Netherlands, Norway and Japan, and the report from Canada on the taking of whales for scientific purposes. They also noted the following :--

(i) The statistical information supplied by Canada relating to whales taken off the west coast of North America.

In this connection Canada (Mr. Clark) addressed the Commission at length and warned them that Canada might have to bring up again the advisability of prohibiting the use of factory ships in this area.

(ii) A paper headed Australian Humpback Whales 1952.

(iii) A note from Australia entitled "Aerial Observations on Humpback Wales", and

(iv) Excerpts from reports of the Canadian Research Board of Canada.

(v) It was also understood that U.S.S.R. was submitting a report.

(k) Finally the Commission noted that research in the U.K. was continuing as before and that special observations on the Californian Whale are being undertaken in the United States.

The Japanese Commissioner reported that a number of Japanese reports were on the way, and the Secretary promised to circulate these as soon as they arrived.

15. The Commission unanimously resolved that a further appeal should be addressed to the non participating countries to ratify or adhere to the 1946 Convention, especially in view of the fact that as long as those countries remain outside the Convention, the objects of the Convention, as regards conservation are prejudiced". It was of course understood that the procedure in this matter would be through the State Department.

16. Under "other business" on the agenda the U.K. Commissioner brought forward the question of using Helicopters and other aircraft in searching for whales. He suggested that this matter should be explored before the next meeting, in case such craft were employed in the killing of whales.

17. The final Plenary Session was held on Friday June 26th when the Commission expressed its appreciation.

(i) of the work done in particular by Professor Bergersen and Scientific Members of the Commission and Mr. Vangstein.

(ii) also of the Ministry of Agriculture and Fisheries and all the members of its staff who had so signally assisted the Secretary in expediting the work of the fifth meeting.

Signed on behalf of the Commission :

REMINGTON KELLOGG,
Chairman.

29th June, 1953.

APPENDIX IV

Schedule to the International Whaling Convention 1946 as rearranged and approved by the Commission at its Fifth Meeting, London, 1953

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I. INTERPRETATION

(1) The following expressions have the meaning respectively assigned to them, (18) 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,

"dauhvai" 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, razor-back 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.

Note.—The marginal figures relate to the Schedule at present in force.