

APPENDIX III

INTERNATIONAL WHALING COMMISSION CHAIRMAN'S REPORT OF THE EIGHTH MEETING: LONDON

1. The Commission held its Eighth Annual Meeting in London (10 Carlton House Terrace).

2. The First Plenary Session began on Monday, 16th July, 1956 at 10 a.m. when the Commissioners and their experts were welcomed by Mr. G. R. H. Nugent, Joint Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food. Mr. Nugent emphasized the importance of the task facing the Commission and spoke of the pride which they must feel at the progress which they had made to date. A full report of the Parliamentary Secretary's speech will be found in the verbatim report of the First Plenary Session (Eighth Meeting, Document XIII A).

3. Commissioners were present from Australia, Canada, Denmark, France, Iceland, Japan, Mexico, Netherlands, New Zealand, Norway, Panama, Sweden, Union of South Africa, U.S.S.R., United Kingdom and the United States of America. Most of the Commissioners were accompanied by experts and advisers. Brazil was not represented.

4. Representatives were also present, as observers, from Italy and Portugal, and from the Food and Agriculture Organisation of the United Nations, the Association of Whaling Companies and the International Council for the Exploration of the Sea.

5. At the outset of the First Plenary Session, the Commission approved, subject to what follows, the Agenda circulated on 1st May, 1956, but deleted the item circulated at the request of the Norwegian Commissioner with regard to the taking of humpback whales which formed the subject of a special circular dated 7th May, 1956. This item was deleted at the request of the Australian Commissioner on the grounds that the full sixty days' notice had not been given and that the Secretary had attempted an unauthorised interpretation of the Norwegian proposal. It was agreed, however, that any general discussion on humpbacks was not ruled out, provided no alteration of the schedule was involved.

6. It was also decided to delete Item 22 of the Agenda (Consideration of draft submitted by the United Nations International Law Commission), but on the proposal of the New Zealand Commissioner it was agreed that the correspondence which had reached the Commission should be circulated for information together with the relative reports (7th and 8th) to the extent to which they were available. Subsequently this matter was generally discussed by the Technical Committee and this is shown in paragraph 38 of the Technical Committee's Report (Document XI).

7. In compliance with the Rules of Procedure, the Commission was polled as to the membership of the Scientific and Technical Committees. The Scientific Committee was constituted as follows:-

Australia (Dr. Chittleborough), France (Dr. Budker), Japan (Dr. Omura), Netherlands (Dr. Slijper), New Zealand (Mr. Corner), Norway (Dr. Ruud), South Africa (Dr. Marchand), U.S.S.R. (Mr. Tverianovich), U.S.A. (Dr. Kellogg), U.K. (Dr. Mackintosh), these members to be accompanied by experts. Dr. Mackintosh was elected Chairman.

8. The Technical Committee was constituted as follows:—

Australia (Mr. Anderson), Canada (Mr. Fraser), Japan (Mr. Nara), Netherlands (Mr. Drost), Norway (Mr. Jahn), Panama (Mr. Aleman), S. Africa (Col. Goulding), U.S.S.R. (Captain Solyanik), U.S.A. (Mr. Taylor), U.K. (Mr. Wall), these members to be accompanied by experts. Mr. Wall was elected Chairman.

9. The Chairman nominated the following to serve on the Finance and Administration Committee:—

Norway (Mr. Jahn), U.S.A. (Dr. Kellogg), Denmark (Mr. Erichsen). Mr. Jahn was elected Chairman.

10. It was reported to the Commission that no definitive conclusion had been reached in the matter of the Protocol for the amendment of the International Whaling Convention, the object of which was to enable the Commission, by amendments to the Schedule, (i) to deal with the proposal originally put forward by Norway for the appointment on each factory ship of an independent observer paid by the Commission, (ii) to deal with the problem of the "refrigerated" ship and (iii) to deal with the employment of helicopters in connection with whale hunting. No action could therefore be taken.

11. Most of the items on the approved Agenda were referred to one or other, or all three of the Committees.

12. Arising out of the recommendations emanating from the Finance and Administration Committee:—

(a) The expenditure for the year 1955/56 as submitted by the Ministry of Agriculture, Fisheries and Food (Document I(a)) was approved. The expenditure amounted to £3,195 19s. 10d. as compared with the estimate of £3,500, a reduction on certain items having been achieved. The carry forward amounted to £1,089 15s. 8d.

(b) The Budget for 1956/57 as set out in Document I(b) was approved, the estimated expenditure being £2,935 involving a carry forward of £704, a much smaller figure than before. The expenditure included an allocation of £500 for whale marking, etc., against £1,000 allocated in the previous year.

(c) The question of the date of the Annual Meeting, usually held in the second half of July, was referred to all three Committees. In the light of their recommendations, the Commission decided at their second plenary meeting (the discussion being fully recorded in the verbatim report of that meeting) that the meeting should be held in future in the last half of June, the meeting for 1957 being fixed to begin in London, 24th June, 1957.

13. At the first Plenary meeting the Commission heard from Mr. Vangstein a review of the catch for the season 1955/56 (pelagic whaling) and for the season 1955 (land stations), the figures having already been circulated to Commissioners. Mr. Vangstein's remarks are fully recorded in the verbatim report to which reference should be made.

19 factory ships with 257 catchers were engaged in the 1955/56 Antarctic season and the total catch by floating factories in the Antarctic amounted to 2,134,012 barrels inclusive of sperm oil, there being 6 barrels to the ton. If the catch of land stations is included, the total is raised to 2,306,679 barrels inclusive of sperm oil.

14. A good many of the matters before the Commission concerned both the Technical and Scientific Committees so contact was maintained between the two Committees on these problems.

15. The Reports of both Committees were accepted by the Commission, the contents and conclusions being summarised as follows:-

(a) The Commission agreed with both the Technical and Scientific Committees that there were practical objections to attempting to provide for quotas for each species of baleen whales.

(b) As regards whale marking, some particulars were available as to the results of whale marking in the Antarctic season 1955/56. The total number of whales marked was calculated as 348. In the southern winter of 1955, 306 whales had been marked in the waters of Australia, New Zealand, Tonga, and other island regions. The Commission's thanks are due to the Whaling companies through whose help the Antarctic marking was made possible. The total number of marks recovered in the recent Antarctic season is, according to present information, 36. Among these, several were from 18 to 21 years old and some marks show movements of whales which are of special interest. In the North Pacific, the total recoveries up to date of Japanese marks amount to 72. Further information is expected later.

(c) Both Committees stressed the value of continued marking and mention was made of the former sanctuary area in the Antarctic and the desirability of marking calves. The U.S.S.R. representatives pressed for arrangements to be made for a marking vessel to be sent to the Antarctic with a view to a large number of whales being marked.

Both Committees pressed for the fullest marking operations in future. As already indicated in para. 12(b) above an allocation of £500 was made as a contribution towards marking next year.

The Commission endorsed the suggestion that the use of helicopters for marking, having been tested, might, with advantage, be put into practice.

(d) As regards the collection of wax plugs, both Committees recognised the scientific value of such a collection, but they felt that the practical experience of techniques in securing these plugs is limited. It appeared that the removal of these plugs tended to interfere with whaling operations when large numbers of whales were being caught in a comparatively short time. The Commission agreed that the collection of wax plugs should continue and that arrangements should be made to exchange information about techniques developed for collecting them. They also endorsed the Scientific Committee's suggestion that wax plugs, ovaries and baleen plates should, if possible, be collected when a mark is recovered from a whale.

(e) The U.S.S.R. in both Committees, expressed the view that the stock of grey whales in the North Pacific was increasing. At present, the capture of such whales is forbidden, but the U.S.S.R. wished to propose that they should be allowed to be taken in 1958 for the needs of the local population.

The Scientific Committee took the view that more information would be needed both on recent catches of grey whales for the use of aborigines and on the evidence for the supposed increase in the stock. The Commission agreed that this matter should be raised and discussed at the Ninth Meeting of the Commission.

(f) Regret was expressed that the prohibition to take blue whales in the North Pacific had not been upheld. A number of countries had registered their objection to the prohibition merely because certain initial objections had been made by Japan and the U.S.S.R.

In the view of Japan, the blue whales in the North Pacific had had a rest period of more than 15 years and it appeared that the stock had increased. Nevertheless the Japanese Government had taken steps in 1955 to limit the annual catch of blue whales to 70 only. They were also undertaking biological investigations into the conditions of blue whale stocks in the North Pacific. These had been started in 1952 and were still continuing, and the results will be published as available. If these results warranted the protection of blue whales by international regulations, the Japanese Government would be prepared to accept such regulations. On the Technical Committee, Canada supported the United States' view that there should be a thorough scientific investigation into the blue whale stocks in this area and that a decision should be postponed until 1957 when the results of such investigation might be available. The Scientific Committee felt that if prohibition of the blue whales in the North Pacific was impossible, the steps taken by Japan should be copied by other Governments. The Commission generally endorsed these views.

(g) The question of the advancing of the opening date for the baleen season in the Antarctic, which appeared on the Eighth Meeting Agenda at the request of Norway, was not proceeded with, as Norway withdrew its proposal.

(h) The question of the appointment of independent observers on factory ships to be paid for by the Commission, originally put forward by Norway which, for the reasons stated above, cannot become effective until the Protocol is signed, was discussed at length in the Technical Committee as shown in their Report.

(i) The Commission agreed that if the Scientific Sub-Committee was convened again, they should give further consideration to the question of extending the open season for humpback whaling.

(j) The Commission regretted that the Danish and Icelandic Governments were still unable to withdraw their objection to the prohibition of the taking of blue whales in the North Atlantic. At the First Plenary meeting the Danish representative said his Government were willing to withdraw their objection if Iceland did the same. It was obvious that the number of blue whales taken in this area is negligible. The Iceland Commissioner promised to bring the question again to the notice of his Government.

(k) The Commission decided that the Scientific Sub-Committee should be convened at the discretion of the Chairman of the Scientific Committee if he feels after appropriate consultation that it would be justified. In that event the Sub-Committee would as before consist of scientists drawn from the same countries as before.

(l) The Scientific Committee considered the Catch Statistics for 1955/56 and did not notice any significant change in the trends of the catches although they observed a slight increase in the proportion of immature whales, which they regarded as evidence of a change in the condition of the stock. The other observations of the Committee are fully set out in Paragraph 4 of their Report (Document X).

(m) As regards the distinction between lactating and milk-filled whales, the Scientific and Technical Committees' views will be found in their Reports.

It was agreed that no bonus should be paid to a gunner for a lactating whale.

(n) As regards Antarctic catch limits, the Scientific Committee endorsed the view of the Scientific Sub-Committee that the stock of fin whales was declining and called for substantial reductions (Dr. Slijper dissenting and the New Zealand Commissioner being absent), but did not indicate precisely the amount of the reduction. They unanimously considered that there should be no increase in the annual quota above 15,000 blue whale units (the New Zealand Commissioner being absent).

This matter is however dealt with fully later in this Report.

16. The Technical Committee set up a special Sub-Committee consisting of Mr. Leach, Mr. Moe, Capt. Solyanik, Dr. Kodaki, Mr. Drost and Mr. Crichton-Brown, to examine returns which had been received with regard to infractions. Mr. Leach was appointed Chairman.

(a) A return of infractions over a number of years showed that the percentage of undersized whales for the 1955/56 Antarctic season was lower than in previous years, but the number of lactating whales was higher than in the three preceding seasons.

(b) The number of whales lost in the 1955/56 season—238—was considerably less than in the previous season—338. This figure was, however, regarded as being still too high. One of the reasons put forward was that, with the shortening of the Antarctic whaling season, there was an inclination by companies to consider that time spent in searching for lost whales was unremunerative in comparison with the hunting of others.

(c) It was noted with some concern that 20 per cent of whales lost were from land stations in South Georgia, but it was understood that this might have been due to the distance to be covered in search of whales.

(d) The number of whales remaining in the sea for more than 33 hours during the 1955/56 Antarctic season—166—showed a slight increase over the preceding season. This was attributable to mechanical trouble experienced by one factory ship during bad weather in a period of heavy catching. It was noted that more than 50 whales in respect of which utilization was not complete were used as fenders.

17. The Infractions Sub-Committee also dealt with a number of other matters which are all set out in the Technical Committee's Report, Document XI, and among which may be mentioned in particular the experiments which have been conducted by the U.S.S.R. with fenders of porous rubber during the 1955/56 Antarctic Season.

The Commission accepted the recommendations emanating from this Sub-Committee which were as follows:—

(a) That to ensure uniformity in future summaries of infractions, all Contracting Governments should include buoy boats in the numbers of catchers shown on returns of infractions.

(b) That the information given on the summary of infractions should in future be amplified to show lactating whales, whales remaining in the sea for more than 33 hours and lost whales, as percentages of total catches. A column showing all the infractions as a percentage of the total catches should also be added to the summary.

(c) As it appeared that the undersized sperm whales taken by Norway and Panama in the 1955/56 Antarctic Season had in fact been taken on the way to the Antarctic, explanations of such infractions should in future be included in the summaries.

18. With regard to the question of "refrigerated" ships, the Commission noted that the Technical Committee considered the inclusion of these ships in the definition of factory ships, which the Commission had been advised was the case, was contrary to the spirit of the Convention, and decided to instruct the Secretary to seek legal advice as to whether this aspect of the matter necessitated an amendment of the Convention, or whether the matter could be dealt with merely by an amendment of the Schedule. When this opinion was available, the question of appropriate action could be considered at the Ninth Meeting.

19. As already indicated in paragraph 6 above, Item 22 of the Agenda which dealt with the Seventh report of the United Nations International Law Commission was deleted from the Agenda, but the question of the Eighth Report of the Law Commission was raised, and commented upon in the Report of the Technical Committee, under the item of other business.

20. Many of the deliberations of the Commission centred around the question of the fixing of the blue whale unit catch limit which it was essential to deal with as otherwise a number of countries for the coming season would not be governed by any limit at all. It was finally proposed that the matter should be dealt with by an amendment of the Schedule in the following terms:-

Paragraph 8(a):

Delete all words after "units" in the 4th line and substitute for them the following "in any one season, provided that in the season 1956/57 the number of baleen whales taken as aforesaid shall not exceed fourteen thousand five hundred blue whale units".

Paragraph 8(a) would then read as follows:

"(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 Governments shall not exceed fifteen thousand blue whale units *in any one season, provided that in the season 1956/57 the number of baleen whales taken as aforesaid shall not exceed fourteen thousand five hundred blue whale units.*"

The new words are in italics.

This amendment to paragraph 8(a) was moved in two parts: the first part dealing with the words "in any one season", the second part dealing with the addition of the proviso.

When this amendment was voted upon, there was unanimity among those voting as regards the first part, but there was a dissentient to the acceptance of the second part, the Netherlands Commissioner taking the view that there was not sufficient evidence to show that, on the basis of the present calculations, the the proposed reduction is necessary.

This amendment automatically involved a consequential amendment in paragraph 8(c) as follows:-

Paragraph 8(c):

Delete the words "in the season 1955/56 and 13,000 thereafter" in the sixth and seventh lines.

Between "13,500" in the sixth line and "notification" in the seventh line insert the words "(but 13,000 in the season 1956/57)".

Paragraph 8(c) would then read as follows:

"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 (but 13,000 in the season 1956/57) notification shall be given as aforesaid at the end of each day of data on the number of blue whale units taken."

21. The Commission considered the draft of the Seventh Annual Report (Agenda Item 21). The British Commissioner at the First Plenary raised the question as to whether this report might not with advantage be redrafted. The matter was referred to a small Sub-Committee consisting of Dr. Kellogg (Chairman), Mr. Wall and Mr. Corner, and the existing draft was gone through and considerably revised; it was subsequently accepted by the Commission subject to the usual editing. The Commission accepted also the Sub-Committee's recommendation that before the next meeting the Secretary should prepare a skeleton layout for a more informative report which would be considered by the Chairman, Vice-Chairman and Mr. Corner, and their recommendations circulated to all Commissioners so that, subject to any comments, the next report on the suggested lines could be drafted in time for the next meeting.

22. Before the meeting terminated on the 20th July, the Commission were favoured with a statement by Dr. Finn of F.A.O. which is fully recorded in the verbatim report, and the representative from I.C.E.S. also expressed his appreciation of having been invited to the Conference.

G. J. LIENESCH
(Chairman)

A. T. A. DONSON
(Secretary)

14th August, 1956.

APPENDIX IV

REPORT OF THE SCIENTIFIC SUB-COMMITTEE

1. The Scientific Sub-Committee set up at the Eighth Annual Meeting of the Commission held in London, met at 3 Whitehall Place, London S.W.1 on Tuesday, March 26th, 1957 at 10 a.m. and continued their deliberations during the three following days.

2. There were present Dr. Mackintosh in the Chair, accompanied by Dr. Laws (U.K.); Dr. Budker (France); Dr. Omura, accompanied by Mr. Ohkuchi (Japan); Prof. Slijper, Dr. Drion, and Mr. van Utrecht (Netherlands); Prof. Ruud (Norway). No representatives were present from the U.S.S.R. nor from Australia, but on behalf of the latter, a considerable memorandum on humpback whales was supplied for the information of the Sub-Committee. The Secretary of the Commission was in attendance.

3. The following papers were presented for the consideration of the Sub-Committee:-

(a) "An analysis of recent catches of Humpback Whales from the stocks in groups IV and V" (supplied by the Australian Government).