

21. Any Other Business.
22. Resignation of Chairman.

APPENDIX III

CHAIRMAN'S REPORT OF THE TWELFTH MEETING

1. Date and Place

The Twelfth Meeting of the Commission was held from 20th June to 24th June, 1960, at 10 Carlton House Terrace, London, under the chairmanship of Mr. R. G. R. Wall (United Kingdom).

2. Delegates and Observers

Commissioners of Contracting Governments, together with their experts and advisers, were present from Argentina, Australia, Canada, Denmark, France, Iceland, Japan, New Zealand, South Africa, Sweden, the Union of Soviet Socialist Republics, the United States of America and the United Kingdom. Brazil, Mexico and Panama were not represented. Observers were present from the Food and Agriculture Organisation of the United Nations, the International Council for the Exploration of the Sea, Italy, the Netherlands, Norway and Portugal.

3. Adherence to the Convention of Argentina

Argentina had acceded to the Convention on 18th May, 1960, and a special welcome was extended by the Commission to her representative, Senor S. N. Martinez.

4. Adoption of Agenda

The Commission adopted the Agenda previously circulated by the Secretary subject, at the request of the Chairman, to the addition of an item "Resignation of Chairman".

5. Address of Welcome

Mr. Gilmour Leburn, Parliamentary Under-Secretary of State for Scotland in the United Kingdom Government, addressed the opening session of the Commission. He drew attention to the present world-wide recognition of the growing need for the conservation of marine resources. Two of the world's leading whaling nations—the Netherlands and Norway—had withdrawn from the International Whaling Commission as a result of failure outside the Convention to rationalise the fishing efforts of the countries participating in Antarctic pelagic whaling. Nevertheless discussions on the harmonisation of claims were continuing outside the Commission and their success was earnestly hoped for.

6. Condition of the Stocks

The Scientific Committee reported to the Commission on the condition of the whale stocks in the light of the most recent information.

The state of the stocks in the Antarctic gave the Committee great cause for concern and they expressed their views as follows:

(a) *Blue Whales*. There was disturbing evidence that the stock of blue whales was still declining from the low level to which it had fallen over the years and that its condition had become more serious. There were not thought to be grounds for hoping that the stock was becoming stabilised or that exploitation would be sustained at the present low levels. The Committee therefore considered that total protection for several years in the first instance was the only satisfactory measure for the protection and regeneration of the Antarctic blue whale stock.

(b) *Fin Whales*. The Committee were unanimously of the view that the fin

whale stock was declining. The catch of fin whales had further increased and an increase in catch from a declining stock was much to be deprecated.

(c) *Humpback Whales*. The available evidence showed that the Group IV stock, inhabiting Antarctic Area IV (70° East-130° East) and the waters off Western Australia, was in a serious state; and if catching were to be continued at the level of the past few years the decline would continue to disastrous levels. The Committee considered that the wisest course of action to secure regeneration would be to suspend the exploitation of the Group IV stock for two or three years.

With regard to the Group V population inhabiting Antarctic Area V (130° East-170° West) and the waters off Eastern Australia, New Zealand and the South West Pacific Islands, it was thought undesirable for there to be any increase in the present level of taxation.

(d) *Sei Whales*. The Committee noted that there had been a much larger catch of sei whales in the Antarctic in 1959/60 and felt that it was desirable to obtain full data on the catch of this species each year since sei whales might become a more important element in the total Antarctic catch.

(e) *Blue Whale Unit Limit*. While not attempting to predict the effect of any specific reduction in the total catch limit, the Committee considered that a reduction was necessary and that anything less than about 2,500 units would have little beneficial effect.

As to sperm whales, evidence was noted of the progressive reduction of the average length of animals taken in the Antarctic. While making no specific recommendation, the Committee felt that the fullest biological data were desirable.

As to the Pacific area, the Committee noted the increasing catches and the large numbers of sperm whales recorded as being at or just over the minimum length. Furthermore, the Committee understood that the factory expeditions operating in the Pacific might be increased in number or extend their catching range. They expressed the hope that any increase of whaling in the Pacific would be based on biological assessments of the condition of the stocks.

7. Pursuance of the Conservation Aims of the Convention

A memorandum presented by the United Kingdom Commissioner expressed the concern felt at the situation resulting from the withdrawal of the Netherlands and Norway from the International Whaling Convention and affirmed that, in the absence of two such important pelagic whaling countries, the conservation objectives of the Convention in the Antarctic could not be realised. For this reason all possible steps should be taken to facilitate the return of the Netherlands and Norway to the Convention.

It appeared that these two countries had left the Convention because they considered it wasteful and uneconomic for the five Antarctic pelagic whaling countries to engage in competitive catching against each other within the blue whale unit ceiling laid down, and it seemed to the United Kingdom that satisfactory conditions for exploiting the stocks would not be secured without agreement between the Antarctic whaling countries on arrangements for sharing the total catch. As the Antarctic catch limit had remained unchanged, the position of all the Antarctic pelagic whaling countries would be prejudiced if the Netherlands and Norway returned to the Convention before either national quotas had been agreed or some temporary adjustment had been made in the catch limit ceiling. The conclusion of renewed quota discussions would take time and the United Kingdom Commissioner proposed that the blue whale unit ceiling should be suspended for two seasons to enable a quota agreement to be reached and an international scheme of inspection to be established. The suspension of the ceiling could be made conditional upon the return of the Netherlands and Norway to the Convention within a short time, and to this end the other Antarc-

tic pelagic whaling countries might undertake to lodge objection to the suspension within the prescribed 90-day period unless the Netherlands and Norway rejoined. During the two-year period of suspension the Antarctic whaling countries should voluntarily limit their national catches by imposing quotas no greater than those adopted for the 1959/60 season.

With regard to the concern expressed by the Scientific Committee over the condition of the blue whale stock in the Antarctic, the United Kingdom Commissioner proposed that the catching season should be shortened by fourteen days, provided that the Netherlands and Norway would be willing to observe this regulation.

Finally the United Kingdom Commissioner proposed that a small committee of three scientists qualified in population dynamics or some other appropriate science should be appointed by the Commission to carry out an independent scientific assessment of the condition of the whale stocks in the Antarctic which would provide a scientific basis for the consideration of appropriate conservation measures by the Commission.

The following sections of this report records the action taken as a result of the Commissioner's consideration of the United Kingdom memorandum.

8. Scientific Appraisal of Antarctic Whale Stocks

The Scientific Committee gave special attention to this matter, and in the light of their recommendations and the United Kingdom suggestion for an independent assessment of the condition of the stocks by a group of scientists qualified in population dynamics or other appropriate science, the Commission agreed as follows. Firstly the *Ad Hoc* Scientific Committee was requested to carry out a detailed and specified programme to improve the collection and interpretation of data including the use of the latest methods of studying animal populations. Secondly it was decided to appoint three scientists in the field of population dynamics, and drawn from countries not engaged in pelagic whaling in the Antarctic, to assist in the assessment of the condition of the whale stocks there. They would be asked to report within one year of their appointment on the sustainable yield of these stocks in the light of the evidence available and on any conservation measures that would increase this sustainable yield. The three scientists were to be chosen by the Chairman in consultation with the Vice-Chairman of the Commission and the Chairman of the Scientific Committee. Finally in setting up this special group of scientists the Commission declared their intention to be that the Antarctic catch limit should be brought into line with the scientific findings not later than 31st July, 1964, having regard to the provisions of Article V(2) of the Convention.

The relevant resolution was proposed by the Canadian Commissioner, seconded by the South African Commissioner and adopted. The Japanese Commissioner gave support solely in principle as the resolution did not specifically require that the report of the three scientists qualified in population dynamics should go through the *Ad Hoc* Scientific Committee.

9. Antarctic Catch Limitation

To give time for the Antarctic pelagic whaling countries to reach agreement on the sharing of the permitted catch, and to support a request that the Netherlands and Norway should return to the Convention, the United Kingdom Commissioner proposed that the Antarctic blue whale unit limit should be suspended for the seasons 1960/61 and 1961/62. The proposal was received with some reluctance but was seconded by the South African Commissioner and carried by seven votes against two with four abstentions. In making this decision it was understood that should the Netherlands and Norway not rejoin the Convention the suspension would be revoked within the period prescribed for the lodging of objections by Contracting Governments.

Desiring to ensure that advantage was not taken of the suspension of the catch ceiling, the United States Commissioner proposed, and the South African Commissioner seconded, the following resolution:—

“In view of the action taken to suspend the limit on the Antarctic pelagic whale catch until the season 1962/63, the Commission resolves it to be of extreme importance that each of the countries engaged in pelagic whaling should limit the size of its national catch to a level in no event greater than that adopted for the season of 1959/60; and that the Secretary be instructed so to inform those Governments.”

This resolution was carried by a majority of eight against one, with four abstentions.

10. The Netherlands and Norway and the Convention

With the aim of bringing about the return to the Convention of these two countries the United Kingdom Commissioner proposed a resolution, which was seconded by the South African Commissioner and carried by a vote of ten for, none against and three abstentions, appealing to the Netherlands and Norway to rejoin the Convention in the interest of effective conservation action which should include an arrangement for the sharing of the total catch and the introduction of an international system of inspection.

11. The Blue Whale Season

The Commission were concerned at the continued long-term decline of the Antarctic blue whale stocks as shown by the further fall in the proportion of the catch of blue whales to the combined catch of blue whales and fin whales, by the continued fall in average length and by the increase to 50 per cent of the proportion of immature animals in the blue whale catch. An amendment proposed by the United Kingdom Commissioner substituted “February 14th” for “February 1st” in Paragraph 7(a) of the Schedule, thus reducing the open season for the taking of blue whales by a fortnight. This amendment was carried by a majority of eleven against none, with two abstentions.

12. Protection of Humpbacks

The decline in the catches of humpback whales by the shore stations off the east coast of Australia and the scientific evidence on the decline of the stock of Group IV humpbacks were the background for amendments of Paragraph 6 of the Schedule proposed by the Australian Commissioner and seconded by the South African Commissioner.

The first amendment was designed to close Area IV to humpback whaling for three years and the text was as follows:—

6(2)b. “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 the waters south of 40° South Latitude between 70° East Longitude and 130° East Longitude during the years, 1961, 1962 and 1963.”

The second amendment aimed to reduce the open season for humpback whaling in Area V from four to three days, the text being as follows:—

6(3)a. “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 the waters south of 40° South Latitude between 130° East Longitude and 170° West Longitude during the years 1961, 1962 and 1963, except for three days commencing 20th January in each year.”

The third amendment replaced the phrase “in any waters” in Paragraph 6(3)—renumbered as Paragraph 6(3)(b)—by “in any other waters”; the effect being to leave the four days’ open season for humpback whaling still in force within Areas I, III and VI (Area II having been closed for some years past).

The three amendments were voted upon separately and all were adopted by

majorities of eleven against one, with one abstention. The Japanese Commissioner opposed them on the grounds that they would make it harder for the Netherlands and Norway to return to the Convention; that if these countries remained outside and did not observe the new regulations this would be prejudicial to others which had remained members of the Convention; and finally that if the humpback was to be protected in the Antarctic it should also be protected in that part of its habitat which lay to the north and where it was exploited from land stations. With regard to the latter objection both the Australian and New Zealand Commissioners stated that control measures were in force in their countries and that the effect of these was to reduce catching power.

13. Observance of New Schedule Amendments by The Netherlands and Norway

The Commission were very conscious that the observance of these additional limitations on the taking of humpback and blue whales by the Antarctic pelagic whaling countries within the Convention and their non-observance by others would produce a regrettable and difficult situation. On a motion by the United States Commissioner, seconded by the South African Commissioner, it was therefore unanimously resolved:—

“That the Governments of Norway and the Netherlands be requested to observe the additional restrictions on the taking or killing of humpbacks in Antarctic Areas IV and V, as adopted by the Twelfth Meeting of the Commission”

and

“That the Governments of Norway and the Netherlands be requested to observe the alteration of the opening date for the taking and killing of blue whales from February 1st to February 14th as adopted by the Twelfth Meeting of the Commission”

and

“That the Commission instruct the Secretary to inform these Governments accordingly.”

14. Observer Scheme

With reference to the statement of the position which was before the Commission, the Commissioner for the Union of Soviet Socialist Republics stated that as long as two of the countries concerned, possessing one-half of the total number of pelagic whaling expeditions, remained outside the obligations of the Convention the setting up of any international system of control in the Antarctic would serve no useful purpose. The Soviet Government, however, confirmed its agreement to take part in any conference to discuss questions relating to the supervision of whaling on the high seas when all the countries engaged in Antarctic pelagic whaling were equally bound by the obligations of the 1946 Convention. The Commission noted this statement.

15. Meat for Local Consumption

An interpretation of the term “meat for local consumption” contained in Paragraph 9(a) and (b) of the Schedule had been adopted by the Commission at the Eleventh Meeting and subsequently circulated to Contracting Governments. The item was included in the agenda for the Twelfth Meeting because the Commissioner for the U.S.S.R. had replied that although the terms of the interpretation were acceptable to his Government the matter might usefully be discussed. At the present meeting the Commissioner for the U.S.S.R. intimated that he had no specific comment to make and that the Commission's interpretation remained acceptable to his Government.

16. The Humane Killing of Whales

The Commission considered the Report of the Expert Working Party set up as a result of the decision at the Eleventh Meeting to study the question of the

humane and expeditious killing of whales. It was noted that at the present time there was no conclusive evidence that the killing of whales by electrical means was more humane than the present method of the explosive harpoon and that the chief criterion was the speed of killing. There were no other methods likely to prove more humane. There was, however, a prospect of further progress towards the development of a satisfactory electric harpoon and the Commission agreed with the suggestion of the Working Party that to this end there should be consultation at a technical level between representatives of the United Kingdom and Norwegian industries. The United Kingdom Commissioner stated that the industry of his country was willing to take part in such consultations and the Secretary was instructed to ask those responsible for the Norwegian industry whether they would participate.

It was decided that copies of the Working Party's report should be sent to the various organisations that had been asking for information on the subject, but that an accompanying letter should point out to them that at the moment there was no conclusive evidence that electrical killing was more humane than the existing means. Finally the Commission considered that the Working Party should continue in existence and instructed the Secretary to convey their thanks to the members for their valuable work.

17. Implementing Legislation

In accepting the Technical Committee's Report the Commission noted that some countries had not sent in replies to the questionnaire on implementing legislation. The Commission therefore instructed the Secretary again to request the Contracting Governments who had not done so to send in replies or appropriate revisions of replies to the questionnaire on whaling administration and regulations which were originally circulated as appendices to the Third and Fourth Annual Reports. Governments that had joined the Convention since the original questionnaire was issued should also be asked to answer it. The attention of every member country should be drawn to the provisions of the Convention, the Schedule to which required corresponding domestic legislation. The Commission also instructed the Secretary to prepare an analysis of the information now available so that the position in the different countries could be readily compared.

18. Infractions

The Commission considered the following points made by the Infractions Sub-Committee of the Technical Committee and endorsed by that Committee:—

(a) It was not possible to make a comprehensive comparison of infractions with those of previous seasons, as only three Contracting Governments had submitted infraction reports in respect of the Antarctic area in time. The importance of these reports being in the hands of the Secretary well in advance of the Annual Meeting was emphasised.

(b) There appeared to be no marked change in the trend for Antarctic pelagic expeditions, the figures comparing favourably with those for the previous season. The increase in the percentage of undersized whales taken by the U.S.S.R. fleets was to a large extent due to the lack of experience among the gunners in the U.S.S.R.'s new expedition and to the shortage of sizable whales. It was also accepted that the increased percentage of lost whales recorded by the Japanese expeditions was due to very bad weather.

(c) Although the total number of infractions within the Antarctic attributed to pelagic expeditions was less than in the previous season, attention was drawn to the percentage of lost whales recorded at the land stations in South Georgia, which was high in relation to that in pelagic whaling.

(d) Outside the Antarctic it was notable that the percentage of total infractions increased progressively from 0.57 in 1955 to 1.52 in 1959. It was

therefore recommended that the attention of member countries should be drawn to their obligation to maintain regular and adequate inspection of land stations.

The Commission took note of (a), (b) and (c) and approved the recommendation in (d). The Technical Committee had suggested the desirability of seeking reports from the Netherlands and Norway. The Commission concurred and instructed the Secretary to invite reports from those countries.

19. *Finance*

The Commission considered the following observations and recommendations of the Finance Committee as set out in their report:—

(a) The provisional statement of income and expenditure for the financial year ending 31st May, 1960, was examined. The Commission's income during the year had been reduced by £400 as a result of the withdrawal of two countries from the Convention; and there had been an increase in the charges made for the services provided for the Commission. The estimate of expenditure at £3,662 exceeded income by £662. The Committee recommended approval of the provisional income and expenditure account and the balance sheet for the year ended 31st May, 1960, and the circulation of the final audited accounts to Contracting Governments as soon as they became available.

(b) The estimate for the financial year ending on 31st May, 1961, showed an estimated excess of expenditure over income of £345, reducing the estimated balance at the end of this year to £482. The estimated expenditure made no provision for special meetings or reduction in income due to delay in the payment of annual contributions. The Committee recommended acceptance of this estimate.

(c) The U.K. Comptroller and Auditor General had asked that the accounts circulated in the Annual Reports should be those bearing his certificate and not provisional statements of accounts. The certificated accounts for the year ending 31st May, 1959, were now presented and it appeared that those for the year ending 31st May, 1960, could be produced before the end of this year. In these circumstances it was suggested that both should appear in the Eleventh Report. Thereafter it would be expected that audited and certificated accounts for the relevant year would appear in each Annual Report. The Committee recommended this procedure for approval.

(d) In view of the financial position disclosed under (a) and (b) above and of the possibility of substantial but as yet unforeseen commitments for special meetings, the Committee recommended that the annual contribution of Contracting Governments should be increased by £50 from £200 to £250 as from the commencement of the financial year beginning 1st June, 1960.

The Commission approved the recommendations at (a) and (c). There was, however, much discussion of the estimates for the financial year ending 31st May, 1961, and of the proposed increase in the annual contribution.

Eventually it was decided to delete the sum allotted to whale marking (£500) from the estimates and to add £1,000 to allow for the expenses of the meetings of the specialist group of scientists mentioned in paragraph 8 above. This increased the estimated expenditure for the year to £4,045. To offset this expenditure it was then resolved to raise the contribution for that year from £200 to £250, producing £4,000 from 16 Contracting Governments. It was also decided that the financial state of the Commission and the amount of, and the method of levying the annual contribution should be specially reviewed at the next meeting.

20. *Whaling at Greenland*

The Danish Commissioner sought guidance on certain points affecting whaling off Greenland and the Commission gave their views as follows:—

(1) Small boats armed with small harpoons and used for the taking of minke whales would be whale catchers under Article II of the Convention and would therefore come under Article I(2).

(2) All whales were covered by the wording of the Convention, but individual species when named in the Schedule to the Convention were subject to specific conservation measures.

(3) Paragraphs 2, 3, 4 and 6 of the Schedule applied to all methods for the taking or killing or attempted taking or killing of whales.

21. Representation at Meetings of Other Organisations

The Commission had been invited by the International Council for the Exploration of the Sea to send an observer to the 48th Statutory Meeting of the Council to be held in Moscow from 19th to 28th September, 1960. Mr. M. N. Sukhorutchenko, Commissioner for the U.S.S.R., who expected to be present at this meeting as a Delegate of the Soviet Union, agreed at the Commission's invitation to act as their observer.

22. Constitution of Committees

The Committees were constituted as follows:—

Technical Committee: Australia, Canada, Denmark, Japan, New Zealand, South Africa, Union of Soviet Socialist Republics, United States of America and the United Kingdom. Mr. Clark (Canada) was elected Chairman. The Committee set up an Infractions Sub-Committee consisting of representatives of Australia, Japan, the Union of Soviet Socialist Republics, the United States and the United Kingdom.

Scientific Committee: Australia, Canada, France, Japan, New Zealand, Union of Soviet Socialist Republics, United States and the United Kingdom. Dr. Mackintosh (United Kingdom) was elected Chairman.

Finance Committee: The Chairman of the Commission nominated Monsieur P. Gribelin (France), Mr. K. Nishimura (Japan), Mr. J. V. Scott (New Zealand), Mr. M. N. Sukhorutchenko (Union of Soviet Socialist Republics), and Dr. A. R. Kellogg (United States). Mr. J. V. Scott (New Zealand) was elected Chairman.

23. Resignation of Chairman

At the start of the meeting, Mr. Wall announced that, as he had ceased to be responsible for whaling in the United Kingdom Administration, it had become inappropriate for him to remain United Kingdom Commissioner. The Rules of Procedure required the Chairman to be elected from among the Commissioners but did not explicitly make it a condition of office that he should continue to be a Commissioner. Nevertheless he felt it right and proper that he should ask the Commission to accept his resignation as Chairman as from the close of the present meeting.

As a consequence, towards the close of the meeting, Mr. George Clark (Canada), the Vice-Chairman, was unanimously elected Chairman for the next three years on the proposal of the United States Commissioner, seconded by the Commissioner for the Union of Soviet Socialist Republics. On the proposal of the Commissioner for the Union of Soviet Socialist Republics, seconded by the Commissioner for Denmark, Mr. B. C. Engholm (United Kingdom) was unanimously elected Vice-Chairman. The retiring Chairman was thanked for his services.

24. Place and Date of Next Meeting

The Finance Committee recommended, and the Commission agreed, that the Thirteenth Meeting should be held in London beginning on Monday, 19th June, 1961.

25. Press Release

The Commission approved the issue of a Press Release to be prepared by the Secretary in consultation with the Chairman.

R. G. R. WALL,
Chairman

AMENDMENTS TO THE SCHEDULE OF THE INTERNATIONAL WHALING CONVENTION MADE AT THE TWELFTH MEETING

- Paragraph 6(2)* Retain the text of the present paragraph 6(2) but call it 6(2)(a). Add a new sub-paragraph (b) "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 waters south of 40° South Latitude between 70° East Longitude and 130° East Longitude during 1961, 1962 and 1963".
- Paragraph 6(3)* Insert a new sub-paragraph (a) "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 the waters south of 40° South Latitude between 130° East Longitude and 170° West Longitude during 1961, 1962 and 1963 except for three days commencing 20th January in each year".
- Retain the text of the present sub-paragraph (3) but call it (3)(b) and insert between the words "any" and "water" in the second line the word "other".
- Paragraph 7(a)* Delete "1st February" and substitute "14th February".
- Paragraph 8(a)* Delete the words "in any one season" in the last line and substitute "in 1962/63 or in any subsequent season".

APPENDIX IV

REPORT OF *AD HOC* SCIENTIFIC COMMITTEE OF 13th-16th JUNE, 1961

I. INTRODUCTION

1. The *Ad Hoc* Scientific Committee assembled by the Chairman of the Commission in accordance with a decision made at the Eleventh Meeting met at the East Block, Ministry of Agriculture, Fisheries and Food, Whitehall Place, London, S.W.1., on Tuesday, 13th June, 1961, at 11 a.m. and continued for the following three days.

2. There were present Dr. Kesteven (Australia), Dr. Sprules (Canada), Dr. Budker (France), Dr. Omura (Japan), Dr. van Utrecht (Netherlands), Dr. Jonsgård (Norway), Mr. Rice (U.S.A.), Dr. Arseniev and Dr. Fedorov (U.S.S.R.) and Dr. Mackintosh, Dr. Laws, Dr. Crisp and Mr. Brown (U.K.). The Secretary of the Commission was also present. Dr. Mackintosh was elected Chairman. It was noted with regret that Prof. Ruud and Prof. Slijper were unable to be present.

II. EVIDENCE AVAILABLE TO THE COMMITTEE

Catch and Effort Statistics

3. The Committee had before them a provisional table of statistics of the catch taken in the Antarctic during the 1960/61 season. The Committee also had a copy of the report of Australian humpback catches in the 1960/61 whaling